LEXINGTON CITY SCHOOLS

POLICY MANUAL

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Lexington City Schools utilizes the policy services of the Virginia School Board Association (VSBA) for the development and maintenance of school board policy (1992)

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LEXINGTON CITY PUBLIC SCHOOLS
LEXINGTON, VIRGINIA

SCHOOL BOARD POLICY MANUAL

INTRODUCTION

This manual contains the policies of the Lexington City School Board.

Policy development in a modern, forward-looking school system is a dynamic, ongoing process. New problems, issues, and needs give rise to the continuing need to develop new policies or to revise existing ones.

Each person holding a copy of this manual is to make a diligent effort to keep it up to date as new policies are distributed by the superintendent's office of the Lexington City Schools.

How to Use This Manual

The Lexington City Schools operate according to policies established by the Lexington City School Board. The board, which represents the state and local community, develops policies after careful deliberation, and the school administration implements these policies through specific regulations and procedures. The board then evaluates the effects of its policies and makes revisions as necessary.

In the interests of harmony, efficiency, uniformity of interpretation, coordination of effort, and in fairness to all concerned, the Board makes this manual available to all who are affected by its policies. An electronic version will be maintained on the division website. Copies will be maintained in the Principal's office at each school and the School Board/Superintendent's office.

Please Note: All copies of this policy manual are the property of the Lexington City Schools.

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How the Manual is Organized

The manual is organized according to the classification system developed by the Educational Policies Services of the National School Boards Association. The system provides an efficient means of coding, filing, and finding policies, regulations, and other documents.

There are 12 major classifications, each bearing an alphabetical code:

A -- FOUNDATIONS AND BASIC COMMITMENTS

B -- SCHOOL BOARD GOVERNANCE AND OPERATIONS

C -- GENERAL SCHOOL ADMINISTRATION

D -- FISCAL MANAGEMENT

E -- SUPPORT SERVICES

F -- FACILITIES DEVELOPMENT

G -- PERSONNEL

H -- NEGOTIATIONS

I -- INSTRUCTIONAL PROGRAM

J -- STUDENTS

K -- SCHOOL-COMMUNITY RELATIONS

L -- EDUCATION AGENCY RELATIONS

Sub-classification under each heading is based on logical sequence and alphabetical subcoding. Each of the 12 major classifications is tabbed. Following the tab page is a table of contents for that section.

How to Find a Policy

Consider where the policy would be filed among the 12 major classifications. Turn to the tab and table of contents for that section and glance down the listing until you find the term that most closely fits the topic that you are seeking. Use the code letters given for the term to locate the sheet which will appear in alphabetical order by code within the particular section. (All pages of the manual are coded in the upper right-hand corner.)

What if you can't find the policy that you are seeking?

If the policy that you are seeking is not included, look for a synonymous, more general, or more specific policy appropriate to the topic.

What if you can't find the policy and there is no such policy?

This probably means that the school system has not written policy in the particular area. However, if you are still interested in the particular area, please contact the superintendent who will explain the administration's interpretation of that particular area.

Dates

Wherever possible the original date of adoption/approval appears immediately following the policy.

Legal reference

Pertinent legal references are given to advise the reader where in Virginia law he/she may find certain statutes that relate to a policy. References direct the reader to Title 22.1 of the Code of Virginia, the bylaws and regulations of the Board of Education of the Commonwealth of Virginia (referred to in this manual as "Regulations of the Virginia Board of Education"), and to some other federal laws and regulations.

About Board Policies

Generally, the role of a board is to set policy and the role of the administration is to execute it. The basic distinction as set forth by the National School Boards Association is as follows:

Policies are principles adopted by a School Board to chart a course of action. They tell what is to be done and may also include why and how much. They are broad enough to indicate a line of action to be taken tby the administration in dealing with day to day activities. They are narrow enough to give the administration clear guidance. Policies are binding.

Regulations are the detailed directions developed by the administration to put policy into practice. They are the administrative procedures. Superintendents may promulgate regulations without prior School Board approval unless board action is required by law or unless the Board has specifically asked that certain types of regulations be given prior Board approval. The Board shall be kept informed of all regulations issued by the administration. Regulations are binding.

Guidelines: set forth best practice and procedures for implementing policy

The administration develops guidelines unless board action is required by law or unless the Board has specifically asked that certain types of guidelines be given prior Board approval. Guidelines are not binding, they are discretionary.
These distinctions are serviceable most of the time. They reflect sound theory of government and administration. But the real world does not always conform. For example, often the state and federal governments require School Boards to make detailed rules; and many regulations are established by law or by the Virginia Board of Education. Additionally, the public may demand that a School Board itself, not the administration, establish the specific rules and procedures in certain sensitive areas. Thus, the separation of policies and administrative regulations in this manual follows several rules of thumb in addition to "basic theory" as follows:

1. All edicts of the Virginia Board of Education are considered mandated Board policy;

2. When the School Board has written regulations required by law or in particularly sensitive areas and has incorporated them in policy, the entire statement is to be considered Board policy; and

3. When the School Board has adopted rules (bylaws) concerning its own operations (for example, how to conduct meetings), these statements concerning operations of the Board appear as Board policy.

As long as the administration operates within the guidelines of policy adopted by a School Board, it may issue regulations without prior Board approval unless Board action is required by law or unless the Board has specifically asked that certain types of regulations be given prior Board approval. The Board, of course, is kept informed of all school system regulations issued by the administration, and all are subject to Board review. Also, in the absence of policy thought necessary, it is the Superintendent's responsibility to recommend policy to the School Board.

Is the manual complete?

No. The manual contains all the current written policies of the School Board. But there is a continual need to adopt new policies, and revise old ones. Additionally, state and

federa laws and agency regulations change. No matter how well conceived and well developed, a policy manual can never be 100% complete and 100% up-to-date. Policy development is a continuing process.

Order of Precedence

School Board policies and regulations must be read and interpreted in the light of the federal and Virginia statutes and regulations. Wherever inconsistencies of interpretation arise, federal and Virginia law and regulations prevail.

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It is the hope of the School Board that this collection of policies will make a greater harmony and efficiency possible in all areas of school operations. This will enable the Board to devote more time to its primary duty - the development of long-range policies and planning for the future of the school system.

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JHCD	Administering Medicines to Students
CA	Administration Goals
BFE/CHD	Administration in Policy Absence
JOB	Administration of Surveys and Questionnaires
JECA	Admission of Homeless Children
JECB-A	Admission of Nonpublic Students for Part-Time Enrollment
JECB	Admission of Non-Resident Students
IGE	Adult Education
IGBI	Advanced Placement Classes and Special Programs
KJ	Advertising in the Schools
BCF	Advisory Committees to the School Board
BDDC	Agenda Preparation and Dissemination
IGBH	Alternative School Programs
IGAK	Alternatives to Animal Dissection
DB	Annual Budget
CBB	Appointment and Term of Superintendent
EDC	Authorized Use of School-Owned Facilities and Materials
IEC	Bill of Rights of the Constitution of the United States
JHCCA	Blood Borne Contagious or Infectious Diseases
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BBBC	Board Member Oath of Office
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EC	Buildings and Grounds Management
BDCA	Calling and Certification of Closed Meetings
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IGAI	Character Education
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GAE	Child Abuse and Neglect Reporting
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POLICY #	POLICY TITLE
JCJ	Classroom Assignments for Twins
BDC	Closed Meetings/Executive Sessions
IJD	College and Career Readiness
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EBCBA	Electronic Room Partitions
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GCCB	Employment of Family Members
FECBA	Energy Efficient Construction
IGBF	English Learners
JEB	Entrance Age/Admissions of Persons Not of School Age
JHCD-E	Epinephrine Policy-Recognition & Treatment of Anaphylaxis in the School Setting
JB	Equal Educational Opportunities
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GCN	Evaluation of Professional Staff

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AFA	Evaluation of School Board Operational Procedures
GDN	Evaluation of Support Staff
CBG	Evaluation of the Superintendent
JEG	Exclusions and Exemptions from School Attendance
BDC	Executive Sessions/Closed Meetings
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EBAB-R	Exposure Control Plan
FB	Facilities Planning
GCBE	Family and Medical Leave
IGAH	Family Life Education
IICA	Field Trips
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EBCB	Fire Drills (Safety Drills)
EBBA	First Aid/CPR Certified Personnel
EFD	Food Sanitation Program
EF	Food Service Management
EFB	Food Services
JL	Fundraising and Solicitations
DGD	Funds for Instructional Materials and Office Supplies
JFCE	Gang Activity or Association
KH	Gifts from the Public
IKF	Graduations Requirements, Standards of Learning and
IJ	Guidance and Counseling Program
JHCAA-E	Guidelines for School Attendance for Students with Human Immunodeficiency Virus
IGAE/IGAF	Health Education/Physical Education
LBD	Home Instruction
IKB	Homework
JHDA	Human Research
JHCB	Immunization of Students
IIAE	Innovative or Experimental Programs
IICA	Field Trips
IA	Instructional Goals and Objectives
IIA	Instructional Materials
EI	Insurance Management
KBE	Internet Privacy

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GBEF/JHCL	Lactation Support
GCBEA	Leave Without Pay
IKFA	Locally Awarded Verified Credit
DA	Management of Funds
KBC	Media Relations
GCBEB	Military Leave and Benefits
BDDG	Minutes
IE	Moment of Silence
FFA	Naming School Facilities
IEB	National Motto
AC	Nondiscrimination
DO	Non-Locally Funded Programs
GCQA	Non-School Employment by Staff Members
IAA	Notification of Learning Objectives
BDDA	Notification of Board Meetings
BBBC	Oath of Office
BDB	Officers of the Board
IGBG	Off-Site Instruction and Virtual Courses
IGBGA	Online Courses and Virtual School Programs
BDDC	Order of Business
IKA	Parental Assistance with Instruction
IGBC	Parent and Family Engagement
KP	Parental Rights and Responsibilities
GCE	Part-Time and Substitute Professional Staff Employment
DK	Payment Procedures
DL	Payroll Procedures/Pay Day Schedules
GA	Personnel Policies Goals
GBL	Personnel Records
EBBB	Personnel Training - Viral Infections
DJB	Petty Cash Funds
IGAF	Physical Education
JHCA	Physical Examinations of Students
FE	Playground Equipment
IEA	Pledge of Allegiance
BFC	Policy Adoption

POLICY #	POLICY TITLE
CH	Policy Implementation
EBAB	Possible Exposure to Viral Infections
GC	Professional Staff
GCI	Professional Staff Assignments and Transfers
GCB	Professional Staff Contracts
GCL	Professional Staff Development
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GCG	Professional Staff Probationary Term and Continuing Contract
GCJ	Professional Staff Time Schedules
IGBB	Programs for Gifted Students
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JFCL	Prosecution of Juveniles as Adults (Notification Regarding)
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KLB	Public Complaints about Learning Resources
KGB	Public Conduct on School Property
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KB	Public Information Program
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DJ	Purchasing
DJA	Purchasing Authority
DJF	Purchasing Procedures
CBA	Qualifications and Duties of Superintendent
BBBA	Qualifications of School Board Members
BDDD	Quorum
JHCE	Recommendation of Medication by School Personnel
KBA-F2	Record of Inspection and/or Delivery of Copies
GCPA	Reduction in Professional Staff Work Force
BDA	Regular Board Meetings
JBA	Section 504 Nondiscrimination Policy and Complaint Procedures
JOD	Release of Student Data/Records
LI	Relations with Educational Accreditation Agencies
KNAJ	Relations with Law Enforcement Authorities
LB	Relations with Other Schools and School Divisions
KMA	Relations with Parent Organizations
INDC	Religion in the Schools
IGBE	Remedial Instruction
IKG	Remediation Recovery Program
GB-F	Report of Discrimination
CLA	Reporting Acts of Violence and Substance Abuse

POLICY #	POLICY TITLE
JFHA-F/GBA-F	Report of Harassment
EBAA	Reporting of Hazards
EBAB	Reporting of Possible Exposure to Viral Infections
DIA	Reporting Per Pupil Costs
KNB	Reports of Missing Children
EGAA	Reproduction of Copyrighted Materials
KLB-E	Request for Reconsideration of Learning Resources
KBA	Requests for Public Records
KBA-F1	Request for Public Records
GCPB	Resignation of Staff Members
JM	Restraint and Seclusion of Students
IKH	Retaking SOL Assessments
FG	Retirement of Facilities
GDPC	Retirement of Support Staff Members
GBR	Retirement Savings Program
GBO	Retirment: Virginia Retirement System
BDDE	Rules of Order
DLB	Salary Deductions
DGC	School Activity Funds
JEC	School Admission
JC	School Attendance Areas
BCG	School Attorney
BCC	School Board Clerk
BCE	School Board Committees
BB	School Board Legal Status
BHD	School Board Member Compensation and Benefits
BBFA	School Board Members: Conflict of Interests and Disclosure of Economic Interests
BHB	School Board Member In-Service Activities
BHE	School Board Member Liability Insurance
BCB	School Board Officers
BCA	School Board Organizational Meeting
BBA	School Board Powers and Duties
CF	School Building Administration
GDQ	School Bus Drivers
EEAC	School Bus Safety Program
EEAB	School Bus Scheduling and Routing
EBCD	School Closings
KA	School-Community Relations Goals
EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
IC/ID	School Day/School Year

POLICY #	POLICY TITLE
CM	School Division Annual Report
AE	School Division Goals and Objectives
AA	School Division Legal Status
CMA	School Division Quality Profiles
GAH	School Employee Conflict of Interest
IIBD	School Libraries/Media Centers
JRCS	School Service Providers' Use of Student Personal Information
IICB/IICC	School Volunteers
IC/ID	School Year/School Day
KA	School-Community Relations Goals
JFG	Searches and Seizure
KKA	Service Animals
CBE	Severance Benefits
KN	Sex Offender and Crimes Against Minors Registry Information
JFHA/GBA & ACB	Sexual Harassment
GCBD-R	Sick Leave and Accident-VRS Hybrid Plan Member
DJ	Small Purchasing
GAD	Social Medica: Access to Employee Social Media Accounts
BDB	Special Board Meetings
EEAD	Special Use of School Buses
JFCB	Sportsmanship, Ethics and Integrity
GBC (Option2)	Staff Compensation Procedures
GBC-E2	Staff Compensation: Notice of How Employees Who Work Less Than 12 Months Are to be Paid
GBM	Staff Complaints and Grievances
GCBC	Staff Fringe Benefits
GBI	Staff Gifts and Solicitations
GBE	Staff Health
GBN	Staff Hiring Procedures
GCBD	Staff Leaves and Absences
GBG	Staff Participation in Political Activities
GCQB	Staff Research and Publishing
GCBA	Staff Salary Schedules
GAA	Staff Time Schedules
GBEB	Staff Weapons in School
JED	Student Absences/Excuses/Dismissals
JJAC	Student-Athlete Concussions
JFH	Student Complaints and Grievances
JFC	Student Conduct
JFCC	Student Conduct on School Buses
JGD/JGE	Student Expulsion/Suspension
JN	Student Fees, Fines, and Charges
JHC	Student Health Services and Requirements

POLICY #	POLICY TITLE
JFB	Student Involvement in Decision making
IGDA	Student Organizations
JP	Student Publications
JO	Student Records
JGD/JGE	Student Suspension/Expulsion
JOA	Student Transcripts
EEA	Student Transportation Services
JHCF	Student Wellness
JFCI	Substance Abuse – Student Assistance Program
JHH	Suicide Prevention
CBD	Superintendent's Compensation and Benefits
IIAB	Supplementary Materials Selection and Adoption
GCBB	Supplementary Pay
EA	Support Services
GD	Support Staff
GDI	Support Staff Assignments and Transfers
GDB	Support Staff Employment Status
GBMA	Support Staff Grievances
GDG	Support Staff Probationary Period
GDJ	Support Staff Time Schedules
JGDA	Suspension of Disabled Students
GCPF	Suspension of Staff Members
INB	Teaching about Controversial Issues
IGAG	Teaching about Drugs, Alcohol, and Tobacco
IL	Testing Programs
IIAA	Textbook Selection, Adoption and Purchase
GBLA	Third Party Complaints Against Employees
EBB	Threat Assessment Teams
JFCH/GBEC/KGC	Tobacco Products and Nicotine Vapor Products
JCB	Transfers By Students in Persistently Dangerous Schools
JCA	Transfers By Student Victims of Crime
GCL-R	Tuition Support
GCQAB	Tutoring for Pay
BBE	Unexpired Term Fulfillment
ECAB	Vandalism
DJG	Vendor Relations
IKF	The Virginia Assessment Program and Graduation Requirements
GBO	Virginia Retirement System

POLICY #	POLICY TITLE
KK	Visitors to the Schools
GBR	Voluntary Retirement Savings Program
BDDF	Voting Method
JFCD	Weapons in Schools
JFCJ	Written Notification of Violation of School Policies by Students in Alternative Education Programs

SECTION A: Foundations and Basic Commitments

AA	School Division Legal Status
AC	Nondiscrimination
ACB	Sexual Harassment
AD	Educational Philosophy
AE	School Division Goals and Objectives
AF	Comprehensive Plan
AFA	Evaluation of School Board Operational Procedures

SCHOOL DIVISION LEGAL STATUS

The Constitution of Virginia provides that the General Assembly establish a system of free public elementary and secondary schools for all children of school age throughout the state, and seek to ensure that an educational program of high quality is established and continually maintained. The General Assembly requires that such an educational system be maintained and administered by the Board of Education, the Superintendent of Public Instruction, division superintendents and school boards. The Board of Education divides the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the standards of quality and will periodically review the adequacy of existing school divisions for this purpose. The supervision of schools in Lexington City school division is vested in Lexington City School Board
.

Adopted: July 2004
Revised: February 2013
February 2014
February 2018

Legal Refs.: Constitution of Virginia, article VIII, §§ 1, 5, 7.

Code of Virginia, 1950, as amended, §§ 22.1-2, 22.1-28

Cross Ref.: BB School Board Legal Status
BBAA Board Member Authority

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NONDISCRIMINATION

The Lexington City School Board is committed to nondiscrimination with regard to sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law. This commitment prevails in all of its policies and practices concerning staff, students, educational programs and services, and individuals and entities with whom the Board does business

Adopted: July 2004
Revised : May 2013
February 2018
June 10, 2020
June 9, 2021

Legal Refs.: 20 U.S.C. §§ 1681-1688.
29 U.S.C. § 794.
42 U.S.C. §§ 2000d-2000d-7, 2000e-2000e-17, 2000ff-1.

34 C.F.R. 106.9.

Constitution of Virginia, article I, section 11.

Code of Virginia, 1950, as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3, 22.1-295.2.

Cross Refs.:	GB	Equal Employment Opportunity/Nondiscrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	JB	Equal Educational Opportunities/Nondiscrimination

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SEXUAL HARASSMENT

It is the policy of the Lexington City School Board to maintain a working and learning environment for all its employees and students which provides for fair and equitable treatment, including freedom from sexual harassment. It is prohibited for any employee or student, male or female, to harass another employee or student by making unwelcome sexual advances or requests for sexual favors, or engaging in other verbal or physical conduct of a sexual nature when (1) submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting the employee or student;, (2) such conduct creates an intimidating, hostile or offensive working or learning environment; or (3) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs.

Any employee or student who believes that he or she has been subjected to sexual harassment should file a written complaint of the alleged act immediately to the Title IX compliance officer. The written complaint should state in detail the basis for the complaint, the names of the persons involved, and the dates of any specific incidents. A thorough confidential investigation of all reported incidents to determine the nature and extent of any alleged sexual harassment will be undertaken immediately. If the complaint is against the Title IX compliance officer, the complaint shall be filed with the superintendent. If the complaint is against the superintendent, the complaint shall be filed with the chairman of the school board. The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts in the matter. A written report shall be filed at the conclusion of any investigation of sexual harassment regardless of the outcome of that investigation.

Any administrator, teacher or other employee or student who is found after appropriate investigation to have engaged in sexual harassment of another employee or student will be subject to disciplinary action appropriate to the offense from a warning up to expulsion or discharge.

Any individual filing a sexual harassment complaint is assured that he/she will be free from any retaliation from filing such a complaint. Retaliators will be subject to discipline up to and including expulsion or discharge.

Adopted: May 1994

Legal Refs.: Civil Rights Act of 1964, as amended, 42 U.S.C. Secs. 2000e-z, 29 C.F.R. 1604.11 (1987); Executive Order 11246, 1965, as amended by Executive Orders 11375 and 12086; Equal Employment Opportunity Act of 1972; Education Amendments of 1972, Title IX 45 CFR, Parts 81, 86

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EDUCATIONAL PHILOSOPHY

Lexington City School Board is committed to providing equal opportunity for every student to achieve intellectual, social, emotional and physical growth and to ensuring that each student be equipped to communicate effectively with other people, to be competent both in the work place and in higher education and to feel confident of the ability to make creative and constructive decisions.

Lexington City School Board:

- provides the necessary trained and dedicated leadership, qualified personnel, equipment and materials to assure an appropriate education for every student
- treats all members of the school community equitably and with respect
- allocates and uses assets fairly and efficiently

Adopted:
Revised: July 14, 2003
July 14, 2004
May 2013
February 2018
June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-23.2, 22.1-78.

Cross Refs.:	AC	Nondiscrimination
	GA	Personnel Policies Goals
	GB	Equal Employment Opportunity/Nondiscrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	IGBC	Parent and Family Engagement
	JB	Equal Education Opportunities/Nondiscrimination

SCHOOL DIVISION GOALS AND OBJECTIVES

Generally

The school division is committed to excellence in education, equality of educational opportunity, and the recognition of each student's individuality. Inasmuch as students differ in their rate of physical, mental, emotional and social growth and vary in their needs and abilities, learning opportunities are provided that are consistent with personal development and potential. Programs emphasize diagnostic and prescriptive instruction, allowing an individual approach to each student's learning style and educational needs.

The educational program introduces each student to a variety of interest and subject areas that offer exposure to the range of opportunities available in later years. These experiences produce the basis for further education and future employment. As students demonstrate increased maturity, they may assume more responsibility for the decisions regarding their education.

The school environment should be responsive and conducive to learning. The physical environment facilitates and enhances the learning experiences available to each student. A responsive environment includes competent, dedicated teachers using a variety of techniques and a classroom atmosphere where students can function and develop according to their abilities. Safety, physical comfort, and appearance also are vital environmental components.

Standards of Quality and Objectives

The school board accepts the overall goals of public education as expressed by the Standards of Quality legislated by the Virginia General Assembly and implemented by State Board of Education regulations.

The school board reports its compliance with the Standards of Quality to the Board of Education annually. The report of compliance is submitted to the Board of Education by the chairman of the board and the superintendent.

Standards of Quality--Programs and Services

The school board commits itself to providing programs and services as stated in the Standards of Quality to the extent funding thereof is provided by the General Assembly.

Adopted: September 12, 2005
Revised: February 2014
April 2019
June 9, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-23.3, 22.1-253.13:1, 22.1-253.13:8.

COMPREHENSIVE PLAN

The Lexington City School Board adopts a division wide comprehensive, unified, long-range plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan is developed with staff and community involvement and includes, or is consistent with, all other division wide plans required by state and federal laws and regulations. The school board reviews the plan biennially and adopts any necessary revisions. Prior to the adoption of the plan or revisions thereto, the School Board posts the plan or revisions on the division's Internet website if practicable and makes a hard copy of the plan or revisions available for public inspection and copying and conducts at least one public hearing to solicit public comment on the plan or revisions.

The division wide comprehensive plan includes

(i) the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at risk students, then maintaining high levels of student achievement;

(ii) an assessment of the extent to which these objectives are being achieved;

(iii) a forecast of enrollment changes;

(iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations;

(v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions;

(vi) a plan for implementing such regional programs and services when appropriate;

(vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the division's career and technical education programs, consistent with or as a part of the comprehensive technology plan for Virginia adopted by the Board of Education;

(viii) an assessment of the needs of the school division and evidence of community Participation, including parental participation, in the development of the plan;

(ix) any corrective action plan required pursuant to Va. Code § 22.1-253.13-3; and

(x) a plan for parent and family involvement to include building successful school and parent relationships that will be developed with staff and community involvement, including participation by parents.

The School Board presents a report to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide comprehensive plan have been met during the previous two school years.

Each school prepares a comprehensive, unified, long-range plan, which the School Board considers in the development of the divisionwide comprehensive plan.

Adopted: July 12, 2004
Revised: September 12, 2005
February 2014
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, Sections 22.1-253.13:6 and 22.1-253.13:7

EVALUATION OF SCHOOL BOARD OPERATIONAL PROCEDURES

The school board reviews its performance annually to ensure its proper discharge of responsibilities to the community. Evaluation is based on a positive approach, identifying the strengths of the School Board and opportunities for improvement.

The following elements are included in the self-evaluation process:

1. School board members are involved in the development of an evaluation instrument and procedure.

2. The school board evaluation instrument is completed by individual Board members and submitted to the School Board Chairman, or the Chairman's designee, for compilation.

3. The school board meets, with all members present, to review and discuss the composite results.

4. Each conclusion is supported by objective evidence.

Based on discussion of the results, the School Board develops both short- and long-range goals and objectives to ensure continued proficiency in its areas of excellence, to strengthen weak areas, and to improve the efficiency of the Board.

Adopted: July 12, 2004
Revised: February 2014
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, Sec. 22.1-78

Cross Refs.: AE School Division Goals and Objectives
AF Comprehenisve Plan
BBA School Board Powers and Duties

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SECTION B: School Board Governance and Operations

BB	School Board Legal Status
BBA	School Board Powers and Duties
BBAA	Board Member Authority
BBB	School Board Selection
BBBA	Qualifications of School Board Members
BBBC	Board Member Oath of Office
BBD	Board Member Removal from Office
BBE	Unexpired Term Fulfillment
BBFA	Conflict of Interests and Disclosure of Economic Interests
BCA	Board Organizational Meeting
BCB	School Board Officers
BCC	School Board Clerk
BCE	School Board Committees
BCEA	Disciplinary Committee
BCF	Advisory Committees to the School Board
BCG	School Attorney
BDA	Regular Board Meetings
BDB	Special Board Meetings

SECTION B: School Board Governance and Operations (Continued)

BDC	Closed Meetings
BDCA	Calling and Certification of Closed Meetings
BDD	Electronic Participation in Meetings from Remote Locations
BDDA	Notification of Board Meetings
BDDC	Agenda Preparation and Dissemination
BDDD	Quorum
BDDE	Rules of Order
BDDF	Voting Method
BDDG	Minutes
BDDH *(Also KD)*	Public Participation at Board Meetings
BF	Board Policy Manual
BFC	Policy Adoption
BFE *(Also CHD)*	Administration in Policy Absence
BG *(Also GBD)*	Board-Staff Communications
BHB	Board Member In-service Activities
BHD	Board Member Compensation and Benefits
BHE	Board Member Liability Insurance

SCHOOL BOARD LEGAL STATUS

The School Board of Lexington City derives its authority from the Constitution of Virginia, the Code of Virginia, and the regulations of the State Board of Education.

The Lexington City School Board members are officers of the Commonwealth.

The Lexington City School Board governs the school division.

The School Board is a corporate body whose official title is Lexington City School Board.

Adopted:
Revised: February 2013

Legal Refs.: Constitution of Virginia, article VIII, § 7.

Code of Virginia, 1950, as amended, §§ 22.1-2, 22.1-28, 22.1-31, 22.1-71.

Cross Ref.: AA School Division Legal Status
BBAA Board Member Authority

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SCHOOL BOARD POWERS AND DUTIES

The School Board:

- adopts policy to provide for the day-to-day supervision of schools;
- sees that the school laws are properly explained, enforced and observed;
- secures, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and takes care that they are conducted according to law and with the utmost efficiency;
- cares for, manages and controls the property of the school division and provides for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
- provides for the consolidation of schools or redistricting of school boundaries or adopts pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
- insofar as not inconsistent with state statutes and regulations of the ~~State~~ Board of Education, operates and maintains the public schools in the school division and determines the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
- performs such other duties as are prescribed by the Board of Education or are imposed by law;
- obtains public comment through a public hearing not less than ten days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of fifteen percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the School Board at which the proposed action is taken if the public hearing is held before the action is taken;
- surveys, at least annually, the school division to identify critical shortages of teachers and administrative personnel by subject matter, and school bus drivers and reports such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System or requests the

superintendent to conduct such survey and submit such report to the School Board, the Superintendent of Public Instruction, and the Virginia Retirement System; and

- ensures that the public schools within the school division are registered with the Department of State Police to receive electronic notice of the registration or reregistration of any sex offender within the school division pursuant to Va. Code § 9.1-914.

Adopted: September 11, 2006
Revised: February 2014
June 10, 2020
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70.3, 22.1-78, 22.1-79.

Cross Refs.: AF Comprehensive Plan
CBA Qualifications and Duties for the Superintendent
KN Sex Offender and Crimes Against Minors Registry Information

BOARD MEMBER AUTHORITY

The Lexington City School Board is a body corporate, and in its corporate capacity is vested with all the powers and charged with all the duties, obligations, and responsibilities imposed upon school boards by law and may sue, be sued, contract, be contracted with, and purchase, take, hold, lease and convey school property, both real and personal. School Board members shall have no authority or duties except such as may be assigned to them by the School Board as a whole.

Adopted:
Revised: February 2013

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-71.

Cross Ref.:	AA	School Division Legal Status
	BB	School Board Legal Status

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SCHOOL BOARD SELECTION

The school board of the Lexington City School Division shall be selected as provided by law.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, Sections 15.1-609, 15.1-644, 15.1708, 15.1-770, 22.1-34 through 22,1-57.5, 24.2-223

Cross Refs.: BBBA Board Member Qualifications/Oath of Office

QUALIFICATIONS OF SCHOOL BOARD MEMBERS

At the time of appointment or election to office, each member of the School Board must be a qualified voter and bona fide resident of the school division and district, if any, which the member represents and meet any other criteria set forth in state law. If a board member ceases to be a resident of the school division or that district which the member represents, the member's position on the School Board shall be deemed vacant.

No employee of the School Board may serve on the Board.

Adopted:
Revised: March 6, 2012
March 10, 2021

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-29, 22.1-30, 22.1-57.3.

Cross Ref.: BBE Unexpired Term Fulfillment

File: BBBC
(Option 2 – Appointed Boards)

BOARD MEMBER OATH OF OFFICE

All new school board members qualify by taking the oath prescribed for officers of the Commonwealth before entering upon the duties of office. Failure to take the oath of office within the time allowed by law renders the office vacant.

Adopted: July 14, 2003
Revised: June 21, 2011
May 2015

Legal Ref.: Code of Virginia, 1950, as amended, 15.2-1524, 22.1-31, 49-1, 49-3.

BOARD MEMBER REMOVAL FROM OFFICE

Any school board member may be removed from office in accordance with the provisions of Sections 24.2-230 through 24.2-238 of the Code of Virginia.

Adopted: 5/07/07

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Legal Refs.: Code of Virginia, 1950, as amended, Sections 24.2-230 through 24.2-237

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:
Revised: February 2015
June 2017

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-2802,15.2-410, 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.

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CONFLICT OF INTERESTS AND DISCLOSURE OF ECONOMIC INTERESTS

A. Purpose

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

B. Areas of Regulation

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

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

C. Definitions

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

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

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

Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or

commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

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

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

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

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

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

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket, coupon or other admission or pass unless the ticket, coupon, admission or pass is used; honorary degrees; any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution or program's financial aid standards and procedures applicable to the general public; a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945 et seq.; any gift related to the private profession, occupation or volunteer service of the School Board member or employee or of a member of the School Board member’s or employee’s immediate family; food or beverages consumed while attending an event at which the School Board member or employee is performing official duties related to his public service; food and beverages received at or registration or attendance fees waived for any event at which the School Board member or employee is a featured speaker, presenter or

lecturer; unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento or similar item that is given in recognition of public, civic, charitable or professional service; a devise or inheritance; travel disclosed pursuant to the Campaign Finance Disclosure Act (VA Code § 24.2-945 et seq.); travel paid for or provided by the government of the United States, any of its territories or any state or any political subdivision of such state; travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; gifts with a value of less than $20; attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or donee's spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, step-sister, the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the School Board member or employee knows or has reason to know is (a) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the School Board. For purposes of this definition, "person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

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

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

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

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

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

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

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

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

- 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 except as authorized below. This prohibition does not apply to 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 the superintendent or any member of the Board; 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. Notwithstanding the rules stated in Subsection D.1. above, the School Board may employ or pay, and the superintendent may recommend for employment, any family member of a School Board member provided that
   - the member certifies that he had no involvement with the hiring decision; and
   - the superintendent certifies to the remaining members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the Board had any involvement with the hiring decision.

3. Notwithstanding the rules stated above, the School Board may employ or pay any family member of the superintendent provided that
   - the superintenden certifies that he had no involvement with the hiring decision; and
   - the assistant superintendent certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision

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

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

1. Prohibited Conduct

No member or employee of the Board, shall

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

2. Prohibited Gifts

For purposes of this subsection:

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

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

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

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

- a gift of food and beverages, entertainment or the cost of admission with a value in excess of $100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the Statement of Economic Interests;

- a gift from a foreign dignitary with a value exceeding $100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as

having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed;

- certain gifts with a value in excess of $100 from a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board if such gift was provided to such School Board member or employee or a member of the immediate family of the School Board member or employee on the basis of a personal friendship. A lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board may be a personal friend of such School Board member or employee or the immediate family of the School Board member or employee. In determining whether a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in Va. Code §§ 2.2-3117 or 30-111; and

- gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of $100 that is paid for or provided by a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board when the School Board member or employee has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to Va. Code § 30-356.1. Such gifts shall be reported on the Statement of Economic Interests.

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

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

3. Awards to Employees for Exceptional Service

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

F. Prohibited Conduct Regarding Contracts

1. No School Board member or employee shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the Board.

2. Exceptions - The above prohibition is not applicable to:
   - a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board
   - an employee's own contract of employment
   - contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public
   - a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract
   - the sale, lease or exchange of real property between a School Board member or employee and the School Board, provided the Board member or employee does not participate in any way as a Board member or

employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the School Board or superintendent

- the publication of official notices
- contracts between the School Board and an officer or employee of the School Board when the total of such contracts between the School Board and the officer or employee of the School Board or a business controlled by the officer or employee does not exceed $5,000 per year or such amount exceeds $5,000 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[1]
- 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 $5,000 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

[1] This provision applies only to school boards in towns and cities with a population of less than 10,000.

- 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-subsidiary 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.F 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.H;

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.I; 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

1. School Board members[2] file, as a condition of assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to Va. Code § 2.2-3117 and thereafter file such statement annually on or before February 1. The disclosure forms are filed and maintained as public records for five years in the office of the clerk of the School Board.

2. School Board members and employees required to file the Statement of Economic Interests who fail to file such form within the time period prescribed shall be assessed a civil penalty of $250. The clerk of the School Board shall notify the attorney for the Commonwealth for the locality of any School Board member's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The clerk shall notify

[2] This provision applies to school board members in counties, cities and towns with populations in excess of 3,500.

the attorney for the Commonwealth within 30 days of the deadline for filing.

3. Any Board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate and such disclosure shall be reflected in the School Board's public records in the division superintendent's office for a period of five (5) years.

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

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

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

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

I. Release of Disclosure Forms

A clerk of the School Board who releases any disclosure form shall redact from the form any residential address, personal telephone number, email address, or signature contained on such form.

J. Deadlines and Coverage Periods for Disclosure Forms

A School Board member or employee required to file an annual disclosure on or before February 1 shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31.

A School Board member or employee required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed; however, any School Board member or employee who assumes office or a position of employment in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

When the deadline for filing any disclosure falls on a Saturday, Sunday or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday or legal holiday.

K. Advisory Opinions

School Board members or employees subject to the Act may seek written opinions regarding the Act from the local Commonwealth's attorney; the local city attorney; or the Council. Good faith reliance on any such written opinion of the Commonwealth Attorney or a formal opinion or written

informal advice of the Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. If the School Board member or employee relies on the opinion of the attorney for the Commonwealth in a prosecution for a knowing violation of the Act, the written opinion of the attorney for the Commonwealth shall be a public record and shall be released upon request. An opinion of the city attorney may be introduced at trial as evidence that the School Board member or employee did not knowingly violate the Act.

Adopted: May 18, 2009
Revised: June 21, 2011
February 2015
February 2017
June 2017
May 2018
May 2019
June 10, 2020

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115, 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132 and 30-356.

Cross Ref.:	CBCA	Disclosure Statement Required of Superintendent
	GAH	School Employee Conflict of Interests
	GCCB	Employment of Family Members

SCHOOL BOARD ORGANIZATIONAL MEETING

The Lexington City School Board holds an organizational meeting annually.

At that meeting the Board

- establishes its regular meeting schedule for the following year,
- elects one of its members as chair,
- approves a designee of the superintendent to attend meetings of the School Board in case of the superintendent's absence or inability to attend, and
- appoints, on the recommendation of the superintendent, a clerk of the School Board.

Upon election, the chair immediately assumes office and presides over the remainder of the meeting.

In addition, the Board

- may elect one of its members as vice-chair and
- may appoint a deputy clerk.

The vice-chair and deputy clerk, if any, are empowered to act in all matters in case of the absence or inability to act of the chair or clerk, respectively, or as otherwise provided by the Board.

The terms of the chair, clerk, vice-chair and deputy clerk are one year.

The Board's annual organizational meeting is held in July.

Adopted:
Revised: February 2013
June 9, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76.

Cross Ref.: BCB School Board Officials

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SCHOOL BOARD OFFICERS

The officers of the School Board are a chairman and vice-chairman. The chairman and the vice-chairman are elected annually at the organizational meeting of the School Board.

School Board Chairman

The duties of the chairman are to preside at all meetings of the School Board, to perform such other duties as may be prescribed by law or by action of the School Board, and to sign all legal documents approved by the School Board.

The chairman, as a member of the School Board, has a vote on all matters before the School Board which come to a vote, but does not have an additional vote as chairman in case of a tie.

Vice-Chairman

The vice-chairman, if present, shall preside in the absence of the chairman, and is empowered to act in all matters in case of the absence or inability of the chairman to act or as provided by resolution of the School Board. If neither the chairman or vice-chairman is present, a majority of Board members present, if they constitute a quorum, shall elect one from among themselves to chair the meeting.

Adopted:
Revised: February 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76.

Cross Ref.: BCA School Board Organizational Meeting

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SCHOOL BOARD CLERK

On recommendation of the Superintendent, a clerk is and a deputy clerk may be appointed annually at the organizational meeting of the School Board.

The clerk and deputy clerk, if any, are each bonded in an amount no less than ten thousand dollars ($10,000), and the School Board pays the premiums for each bond. The clerk and deputy clerk, if any, discharge under the general direction of the superintendent all duties as required by law and such other duties as may be required by the School Board or the Board of Education.

Clerk of the Board

The Clerk of the Board is the official designated to handle funds, their receipt in the office of the school board, their deposit with the local treasurer, and their disbursement at the direction of the school board.

The Clerk shall:

1. Keep in a bound volume a permanent record of all the meetings and proceedings of the school board including all bids submitted on any building, material, supplies, work, or project to be let to contract by the school board.
2. Keep an accurate record of all receipts and disbursements of the school board and a record of his own official acts and keep on file vouchers, contracts, and other official papers.
3. Have immediate charge of the business affairs of the school board and verify all statements for payment, after audit, under the direction of the superintendent of schools, see that all accounts of the school board are kept accurately, and make such reports as are required by law.
4. Be custodian of the official seal of the board.
5. Be present at all school board meetings unless otherwise directed.
6. Prepare such reports and perform such duties as are or may be prescribed by statutes, by regulations of the State Board, by the local board, and by the superintendent of schools.
7. Sign all legal documents.

Deputy Clerk

The Deputy Clerk shall be empowered to act in all matters in case of the absence or inability to act on the part of the Clerk, or otherwise as provided by resolution of the school board and under the direction of the superintendent.

Adopted: 5/18/09
Revised: 6/21/11
May 2015
Legal Refs.: Code of Virginia, 1950, as amended, Sections 22.1-76, 22.1-77

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SCHOOL BOARD COMMITTEES

There shall be no standing committees of the Lexington City School Board.

Special committees may be appointed by the chairman or created by School Board action. These committees shall be appointed or created for a specific purpose and shall expire upon completion of the assigned task unless School Board action authorizes temporary continuance of such committees.

Adopted:
Revised: July 14, 2003
February 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-277.06.

Cross Refs.:	BCEA	Disciplinary Committee
	BDA	Regular School Board Meetings
	BDB	Special School Board Meetings
	BDC	Closed Meetings
	GB	Equal Employment Opportunity/Nondiscrimination

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DISCIPLINARY COMMITTEE

A Disciplinary Committee composed of at least three school board members presides over all cases of student suspensions of more than 10 days and expulsions within the Lexington City School Division. The decision of the Committee, if unanimous, is the final decision of the school board. If the Committee's decision is not unanimous, the pupil or pupil's parent may appeal the decision to the school board. Such appeal shall be decided by the school board within 30 days.

The Disciplinary Committee follows the procedures set forth in Policy JGD/JGE Student Suspension/Expulsion.

Membership on the Disciplinary Committee is determined by the school board.

Adopted: September 12, 2005
Revised: February 2014
April 2019

Legal Refs.: Code of Virginia, §§ 22.1-277.05, 22.1-277.06.

Cross Refs.:	BEC	School Board Committees
	JEC	School Admission
	JGD/JGE	Student Suspensions/Expulsions

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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 (NA). These committees serve without compensation for one-year terms.

In addition, the School Board establishes the following advisory bodies: Gifted Advisory.

Adopted: September 12, 2005
Revised: June 16, 2010
March 14, 2011
May 2012
May 2013
February 2015
March 11, 2020

Legal Refs.: 20 U.S.C. §§ 5964, 6318.

Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-18.1, 22.1-86, 22.1-214, 22.1-227, 22.1-275.1.

8 VAC 20-40-60.

8 VAC 20-81-230.

8 VAC 20-120-50.

Cross Ref.:		
	BCE	School Board Committees
	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

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SCHOOL ATTORNEY

The School Board may retain an attorney for legal counsel and services. The attorney, upon request by the School Board, may attend meetings of the Board and its committees.

Adopted:
Revised: May 2015

Legal Ref.: Code of Virginia, 1950, as amended, Section 22.1-82

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 electronic 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 the proposed agenda and 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.

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Adopted:
Revised: June 16, 2010
February 2015
June 2017
July 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 2.2-3708.2, 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

SPECIAL SCHOOL BOARD MEETINGS

The School Board holds special and continued meetings when necessary. Special meetings are held when called by the chairman or when requested by two or more members.[1] Special meetings may be called provided each member is duly notified, or a reasonable attempt has been made to notify each member.

Business that does not come within the purposes set forth in the call of the meeting is not transacted at any special meeting of the School Board unless the members present unanimously agree to consider additional items of business.

Notice, reasonable under the circumstances, of special or continued meetings is given contemporaneously with the notice provided to members of the School Board.

Adopted:
Revised: March 6, 2012
June 2017

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

Cross Refs.:	KC	Community Involvement in Decision Making
	BCA	Board Organizational Meetings
	BDDA	Notification of School Board Meetings
	BDDG	Minutes

[1] *Virginia law does not specify who may call a special meeting. Instead, it specifies that each school board shall specify its own procedure for calling and holding such meetings. Thus, if your Board prefers to specify a different method by which special meetings can be called, it may do so.*

CLOSED MEETINGS

A. Closed meetings may be held by the School Board or any committee[1] thereof only in accordance with Virginia law, for purposes including the following:

1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the School Board. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the School Board. The School Board may not, however, discuss the compensation of Board members in closed session.[2]

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student in the Lexington City school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents or guardians so request in writing and such request is submitted to the presiding officer of the School Board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the School Board would be adversely affected.

1Committee" includes subcommittees and other entities, however designated, of the School Board created to perform delegated functions of the Board or to advise the Board. It does not exclude any such committee, subcommittee or entity because it has private sector or citizen members.

[2]This sentence applies only to elected school boards; appointed boards should not include this sentence in their policies.

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7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the School Board. For purposes of this subsection, “probable litigation” means litigation which has been specifically threatened or on which the School Board or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. The closure of a meeting is not permitted merely because an attorney representing the School Board is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by such counsel. The closure of a meeting is not permitted merely because an attorney representing the School Board is in attendance or is consulted on a matter.

9. Discussion or consideration of honorary degrees or special awards.

10. Discussion or consideration of tests or examinations or other information used, administered or prepared by a public body and subject to the exclusion in subdivision 4 of Va. Code § 2.2-3705.1.

11. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the School Board in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the School Board or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

12. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of Va. Code § 2.2-3705.5.

13. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 3 or 4 of Va. Code § 2.2-3705.2 where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system or software program; or discussion of reports or plans related

to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

14. Discussion or consideration of information subject to the exclusion in subdivision 11 of Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by the School Board or any independent review panel appointed to review information and advise the School Board concerning such information.

15. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the School Board.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the School Board, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

C. The School Board or any committee thereof may permit nonmembers to attend a closed meeting of the Board or committee if such persons are deemed necessary or if their presence will reasonably aid the Board or committee in its consideration of a topic which is a subject of the meeting.

D. School Board members may attend closed meetings held by any committee or subcommittee of the Board, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise the Board. School Board members shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of Va. Code § 2.2-3707, the minutes of the committee or other entity shall include the identity of the School Board members who attended the closed meeting.

Adopted: September 12, 2005
Revised: February 2013
May 2015
May 2016
June 2017

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3711, 2.2-3712.

Cross Ref.:	BCE	School Board Committees
	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDDA	Notification of School Board Meetings

CALLING AND CERTIFICATION OF CLOSED MEETINGS

A. No closed meetings are held by the School Board or any committee thereof unless the School Board or committee has taken an affirmative recorded vote in an open meeting approving a motion which (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in Va. Code § 2.2-3711.A or other provision of law and (iii) cites the applicable exemption or exemptions from open meeting requirements provided in the Virginia Freedom of Information Act (FOIA) or other provision of law. The matters contained in such motion are set forth in detail in the minutes of the open meeting. A general reference to the provisions of FOIA or authorized exemptions from open meeting requirements, or the subject matter of the closed meeting is not sufficient to satisfy the requirements for holding a closed meeting.

B. The School Board, or committee thereof, in holding a closed meeting, restricts its discussion during the closed meeting only to those purposes specifically exempted under FOIA and identified in the motion required in Section A, above.

C. At the conclusion of any closed meeting, the School Board or committee thereof immediately reconvenes in an open meeting and takes a roll call or other recorded vote to be included in the minutes, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting. Any member of the Board or committee who believes that there was a departure from the requirements of (i) and (ii) above, so states prior to the vote, indicating the substance of the departure that, in the member's judgment, has taken place. The statement is recorded in the minutes of the meeting.

D. Failure of the certification required by Section C, above, to receive the affirmative vote of a majority of the members present during a meeting does not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with these provisions. The recorded vote and any statement made in connection therewith, upon proper authentication, constitutes evidence in any proceeding brought to enforce FOIA.

E. Except as specifically authorized by law, in no event may the School Board or committee thereof take action on matters discussed in any closed meeting, except at an open meeting for which notice was given pursuant to Va. Code § 2.2-3707.

F. The School Board is subject to a civil penalty of up to $1,000 if a court finds that the Board voted to certify a closed meeting in accordance with Section C above and such certification was not in accordance with FOIA.

Adopted:
Revised: July 14, 2003
February 2013
June 2017
May 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.1-3701, 2.2-3712 and 2.2-3714.

Cross Refs.:	BCE	School Board Committees
	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDC	Closed Meetings
	BDDA	Notification of School Board Meetings

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ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, or as otherwise permitted by law, the School Board does not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled. This policy is applied strictly and uniformly, without exception, to the entire membership of the School Board and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

For purposes of this policy, “electronic communication” means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

I. Quorum Physically Assembled

A. The School Board may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if 1) on or before the day of a meeting, a member of the School Board notifies the chair that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, a family member’s medical condition that requires the member to provide care for such family member, thereby preventing the member’s physical attendance, or that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; and 2) the School Board approves the member’s participation by a majority vote of the members present at the primary or central meeting location.

Participation by a School Board member by electronic communication means due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

B. If participation by a School Board member through electronic communication means is approved pursuant to subsection A above, the School Board records in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved due to a temporary or permanent disability or other medical condition, the School Board also includes in its minutes the fact that the

member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved due to a personal matter, the School Board also includes in its minutes the specific nature of the personal matter cited by the member.

If a School Board member's participation from a remote location due to a personal matter is disapproved, such disapproval is recorded in the minutes with specificity.

C. A School Board member may participate in a meeting by electronic means pursuant to subsections A and B above only when:

- a quorum of the School Board is physically assembled at one primary or central meeting location; and
- the School Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

II. Quorum Not Physically Assembled

The School Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, or the locality in which the School Board is located has declared a local state of emergency pursuant to Va. Code § 44-146.21, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to provide for the continuity of operations of the School Board or the discharge of its lawful purposes, duties, and responsibilities.

If it holds a meeting pursuant to this section, the School Board

- gives public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the School Board;
- makes arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the School Board; and
- provides the public with the opportunity to comment at those meetings when public comment is customarily received.

For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held are stated in the minutes of the meeting.

Adopted: May 2013
Revised: February 2014
June 2014
November 2015
June 2017
July 2018
June 10, 2020
June 9, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3701, 2.2-3707, 2.2-3708.2, 2.2-3710.

Acts 2020, c. 1283.

Cross Ref.: BDDG Minutes

NOTIFICATION OF SCHOOL BOARD MEETINGS

Regular Meetings

The School Board and any committees[1] thereof shall give notice of the date, time, and location of their regular meetings by posting such notice on its website, placing a notice in a prominent public location at which notices are regularly posted and in the office of the clerk of the School Board at least three working days prior to the meeting. In addition, the School Board and any committees thereof shall publish notice of their meetings by electronic means whenever feasible. At least one copy of the proposed agenda and all agenda packets and other nonexempt materials furnished to members of the School Board and any committees thereof shall be made available for public inspection at the same time the documents are furnished to members of the School Board or committee.

Special Meetings

Notice, reasonable under the circumstance, of special, emergency or continued meetings shall be given contemporaneously with the notice provided to members of the School Board or committee.

Notification of Closed Meetings Held Solely for the Purpose of Interviewing Candidates for the Position of Superintendent

The notice provisions described above do not apply to closed meetings of the Board held solely for the purpose of interviewing candidates for the position of superintendent. Prior to any such closed meeting the School Board shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within fifteen days thereafter.

Direct Notification

Notice of all School Board meetings and committee meetings shall be furnished directly to any person who requests such information. Requests to be notified of all meetings should be made at least once a year in writing and include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. Unless the person making the request objects, the school division may provide electronic notice of all meetings in response to such requests.

1Committee" includes subcommittees and other entities, however designated, of the School Board created to perform delegated functions of the Board or to advise the Board. It does not exclude any such committee, subcommittee or entity because it has private sector or citizen members.

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Adopted: May 18, 2009
Revised: February 2013
June 2017

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 2.2-3712.

Cross Refs.:	BCE	School Board Committees
	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDA	Regular School Board Meetings
	BDB	Special School Board Meetings

AGENDA PREPARATION AND DISSEMINATION

The preparation of the proposed agenda is the responsibility of the School Board chair with the assistance of the superintendent. Any member of the School Board may submit items for inclusion on the proposed agenda.

A copy of the proposed agenda and all agenda packets and materials is made available for inspection by the public at the same time such documents are furnished to the School Board members unless the materials are exempt under the Virginia Freedom of Information Act.

Adopted: May 7, 2007
Revised: February 2014
June 2017
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 22.1-78.

Cross Ref.:	BDA	Regular School Board Meetings
	BDB	Special School Board Meetings
	BDDA	Notification of School Board Meetings

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QUORUM

At any meeting of the Lexington City School Board, a majority of the Board constitutes a quorum.

Adopted:
Revised: May 2015

Legal Ref.: Code of Virginia, 1950, as amended, Sec. 22.1-73

RULES OF ORDER

The Lexington City School Board establishes rules of order and may adopt bylaws, policies and regulations. The Lexington City School Board shall observe Roberts' Rules of Order, except as otherwise provided by these policies or by law.

Adopted:
Revised: June 21, 2011
May 2015

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

VOTING METHOD

Each School Board member's vote on every decision is recorded in the minutes of the meeting. The minutes of the meeting also reflect the method and result of all votes. No votes are taken by secret or written ballot.

In any case in which there is a tie vote of the School Board when all members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there is a tie vote on any question after complying with this procedure or in any case in which there is a tie vote when all the members of the School Board are present, the clerk shall record the vote and immediately notify the tie breaker, if any, to vote as provided in the Code of Virginia § 22.1-75. If no tie breaker has been appointed or elected as authorized by state law, any tie vote shall defeat the motion, resolution or issue voted upon.

Adopted: September 11, 2006
Revised: February 2014
October 2014
May 2019

Legal Refs.: Code of Virginia, 1950, as amended, Sections 2.2-3710, 22.1-57.3, 22.1-75.

Cross Refs.: BDD Electronic Participation in Meetings from Remote Locations
BDDG Minutes

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MINUTES

Minutes are recorded at all open meetings, approved by the school board in regular session, signed by the clerk and chairman of the board, and kept and stored in accordance with the provisions of the Code of Virginia.

Draft minutes and all other records of open meetings, including audio or audio/visual records, are public records open pursuant to the Virginia Freedom of Information Act as described in Policy KBA Requests for Public Records and Regulation KBA-R Requests for Public Records.

Minutes may be taken during closed meetings of the school board, but are not required. Such minutes are not subject to mandatory public disclosure.

Minutes are not required to be taken at deliberations of study commissions or study committees, or any other committees or subcommittees appointed by the school board except where the membership of any such commission, committee or subcommittee includes a majority of the school board.

Minutes are in writing and include, but are not limited to

- the date, time, and location of the meeting;
- the members of the school board recorded as present and absent;
- a summary of the discussion on matters proposed, deliberated or decided; and
- a record of any votes taken.

Adopted:
Revised: June 2017
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3707, 2.2-3712, 22.1-74.

Cross Refs.:	BDC	Closed Meetings
	BDD	Electronic Participation in Meetings from Remote Locations
	KBA	Requests for Public Records
	KBA-R	Requests for Public Records

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PUBLIC PARTICIPATION AT SCHOOL BOARD MEETINGS

Members of the community are invited and encouraged to attend meetings of the Lexington City School Board to observe its deliberations. Any member of the community may address the Board on matters related to the Lexington City public schools at any regular meeting as follows:

Guidelines for Addressing the School Board for an In-Person Meeting

Although it is requested that prior notification be given to the Superintendent by individuals wishing to address the Board, public comments are welcomed during the Communications section of the Board's agenda if these guidelines are followed:

1. Stand and state your name
2. Address your comments to the Board as whole
3. Be brief (up to 2 minutes), state your position and provide facts
4. Provide written statements and/or supporting materials to the Clerk for distribution to the Board and the Superintendent
5. Debate is prohibited

The Board will try to hear everyone who wishes to speak on a subject, but sometimes discussion may need to be limited due to time constraints. If you represent a group, you may wish to identify other members of your group who are in attendance. Meetings of the Board are formal proceedings and are recorded on audio tape.

Guidelines for Addressing the School Board during a ZOOM Webinar Meeting

Requests by any individuals wishing to offer public comment to the School Board during a regular scheduled digital meeting must be submitted to the Board Clerk via email or phone by 5:00 pm the day of the School Board meeting. These guidelines must be followed:

1. If pre-registered to provide oral public comment, use the Raise Hand feature in Zoom to be acknowledged and unmuted when your name is called
2. Please state your name and address your comments to the Board as a whole
3. Be brief (up to 2 minutes), state your position, and provide facts
4. Provide written statements and/or supporting materials to the Clerk for distribution to the Board and the Superintendent
5. Debate is prohibited, and the meeting is being recorded

The Board will try to hear everyone who wishes to speak on a subject, but sometimes discussion may need to be limited due to time constraints.Up to 2 minutes will be permitted for oral public comment. Written public comment, up to 250 words in length, may be submitted to the Clerk to be read aloud at the Board

meeting. If you represent a group, you may wish to identify other members of your group who are in attendance. Meetings of the Board are formal proceedings and are recorded on audio tape.

Persons wishing to address the School Board are requested to contact the superintendent, the School Board chair, or their designee for placement on the agenda.

The chair is responsible for the orderly conduct of the meeting and rules on such matters as the appropriateness of the subject being presented and length of time for such presentation. Upon recognition by the chair, the speaker shall address the chair and if, at the conclusion of the speaker's remarks, any member of the School Board desires further information, the member addresses the speaker only with the permission of the chair. No one is allowed to make additional presentations until everyone who wishes to speak has an opportunity to make an initial presentation.

Adopted:
Revised: February 2014
May 2016
March 10, 2021

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:7.

Cross Ref.: BDDE Rules of Order

BOARD POLICY MANUAL

The School Board is guided by written policies that are readily accessible to the Board, division employees, students, parents, and citizens. All division policies will be reviewed at least every five years and revised as needed.

A current copy of all division policies and regulations approved by the School Board are posted on the division's website and are available to employees and the public. Printed copies of the policies and regulations are available as needed to citizens who do not have online access. The superintendent shall ensure that an annual announcement is made at the beginning of the school year and, for parents of students who enroll later in the academic year, at the time of enrollment, advising the public regarding the availability of the policies and regulations.

Adopted: July 12, 2004
Revised: June 21, 2011
May 2013

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

Cross Ref.:	BFC	Policy Adoption
	CH	Policy Implementation

POLICY ADOPTION

It is the responsibility of the School Board to adopt policies for governing the school division. The power to enact policy cannot be delegated to an employee or agent such as the superintendent or a single member of the School Board.

Policy is a basic statement of the intent of the School Board which creates rights and responsibilities for the conduct of the school division's business. Being of a dynamic nature, policies are subject to revision by the School Board.

Regulation is the manner or method of implementation of policy by the superintendent and staff, subject to change as conditions and/or circumstances may dictate.

Policies shall be developed and presented to the Board evidencing the consideration given to the views of the division's community. The final authority for adoption rests solely with the School Board.

When a proposed action of the School Board, initiated either by Board member or administration, affects existing School Board policies, the existing policy and regulation, if any, shall be referenced so that the effect of the new action will be clear.

Unless otherwise provided, when policies are adopted, altered or replaced, the new or revised policy shall become effective upon adoption.

All regulations for implementation of the policies shall be developed by or through the superintendent. They shall be presented to the School Board as information items, unless the School Board informs the Superintendent that it wants to act on a specified regulation.

Where changes in policy and/or regulations are made, these shall be prepared and distributed to all concerned for insertion into the policy and/or regulations manuals so that action of the School Board may be implemented as soon as possible.

Adopted: May 2013

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:7.
Underwood v. Henry County School Board, 245 Va. 127, 427 S.E.2d 330, (1993).

Cross Refs.:	BF	Board Policy Manual
	BFE/CHD	Administration in Policy Absence
	CH	Policy Implementation

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ADMINISTRATION IN POLICY ABSENCE

In cases where action must be taken by the school division and the School Board has provided no guidelines for administrative action, the superintendent has the power to act, but the superintendent's decisions are subject to review by the School Board at its next regular meeting. It is the duty of the superintendent to inform the School Board promptly of such action and of the need for policy.

Adopted:
Revised: 6/21/11
May 2015

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

File: BG
(Also GBD)

BOARD-STAFF COMMUNICATIONS

The Lexington City School Board supports and encourages two-way communication between the board and employees. The superintendent is the official representative of the school board in its relations and communications with its employees.

Employees are encouraged to communicate their ideas and concerns in an orderly and constructive manner to the school board and/or the superintendent or superintendent's designee.

The school board desires to develop and maintain the best possible working relationship with the employees of the school division. The school board welcomes the viewpoints of employees, and allows time at its meetings for employees to be heard.

The school board does not discriminate against any employee because of membership in an employee organization, or participation in any lawful activities of the organization.

Adopted: May 9, 1994
Revised: July 12, 2004
May 12, 2008
February 2014
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

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SCHOOL BOARD MEMBER IN-SERVICE ACTIVITIES

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

School Board members will participate annually in high-quality professional development activities at the state, local or national levels on governance, including, but not limited to, personnel, policies and practices; the evaluation of personnel; curriculum and instruction; use of data in planning and decision making; and current issues in education.

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

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

1. Participation in school board conferences, workshops and conventions conducted by the Virginia and the National School Boards Association.

2. Division-sponsored training sessions for School Board members.

3. Subscriptions to publications addressed to the concerns of school board members.

Adopted: July 12, 2004
Revised: May 12, 2008
May 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:5

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SCHOOL BOARD MEMBER COMPENSATION AND BENEFITS

Each member of the Lexington City School Board receives an annual salary as provided by law.

Actual expenses incident to performance of official duties by a school board member may be reimbursed on presentation of an expense voucher with receipts attached. Compensation is paid for mileage incurred for attendance at meetings of the school board and in conducting other official business of the school board.

Adopted:
Revised: July 14, 2003
May 12, 2008
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, Sections 15.2-1414.1 et seq., 22.1-32, 22.1-55, 22.1-78, 22.1-85.

Cross Ref.: BHE School Board Member Liability Insurance

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SCHOOL BOARD MEMBER LIABILITY INSURANCE

The Lexington City School Board provides liability insurance, or self-insurance, for its members while performing functions or services for the school division to cover the costs and expenses incident to liability, including those for settlement, suit or satisfaction of judgment, arising from their conduct in discharging their duties or in performing functions or services for the school division.

Adopted: May 12, 2008
Revised: April 2019

Legal Refs.: Code of Virginia, 1950, as amended, Sec. 22.1-84

Cross Refs.: BHD Board Member Compensation and Benefits
EI Insurance Management

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SECTION C: General School Administration

CA	Administration Goals
CBA	Qualifications and Duties for the Superintendent
CBB	Appointment and Term of Superintendent
CBCA	Disclosure Statement Required of Superintendent
CBD	Superintendent's Compensation and Benefits
CBG	Evaluation of the Superintendent
CF	School Building Administration
CH	Policy Implementation
CHD *(Also BFE)*	Administration in Policy Absence
CLA	Reporting Acts of Violence and Substance Abuse
CM	School Division Annual Report
CMA	Quality Profiles

ADMINISTRATION GOALS

The Lexington City School Board places the primary responsibility and authority for the administration of the school division in the superintendent. The superintendent is responsible for the direction, leadership, and coordination of students and staff in their efforts to reach educational goals adopted by the School Board.

The School Board expects the division superintendent to provide leadership in:

1. Decision-making.

2. Communication.

3. Planning, organizing, implementing, and evaluating educational programs.

4. Developing and maintaining close working relationships and channels of communication within the school system and community.

Adopted:
Revised: 3/06/12

Legal Refs.: Code of Virginia, 1950, as amended, Secs. 22.1-253.13:7, 22.1-70, 22.1-78

Cross Refs.: CBA Qualifications and Duties of the Superintendent
CBG Evaluation of the Superintendent

QUALIFICATIONS AND DUTIES FOR THE SUPERINTENDENT

QUALIFICATIONS

The superintendent meets or exceeds the requirements set by the Board of Education.

The superintendent annually participates in high-quality professional development activities at the local, state, or national levels, on topics including the Standards of Quality, Board of Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.

MAJOR DUTIES

As chief executive officer of the school board, the superintendent

- attends school board meetings,
- implements school board policies and ensures that they are posted on the division's website,
- reports to the school board about the status of programs, personnel and operations of the school division,
- recommends actions to the school board,
- facilitates communication between the school board and school personnel,
- assists the chairman in developing agenda of meetings of the school board, and
- develops regulations as directed by the school board.

As the educational leader of the school division, the superintendent

- supervises the principals and assistant superintendents,
- oversees planning and evaluation of curriculum and instruction,
- develops for approval by the school board procedures for adopting textbooks and other instructional materials,
- visits schools on a regular basis, and
- maintains a current knowledge of developments in curriculum and instruction.

The superintendent enforces school laws and regulations, including by

- observing directions and regulations prescribed by the Superintendent of Public Instruction or Board of Education,
- reporting information to the Superintendent of Public Instruction as required,

- promptly distributing all reports, forms, laws and regulations received from the Superintendent of Public Instruction,
- enforcing school laws, regulations and decisions of the Superintendent of Public Instruction and of the Board of Education, and
- developing and maintaining procedures, guidelines and regulations 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 procedures, regulations and guidelines are presented to the school board for approval and, when approved, placed in the school board policy manual. The administrative procedures, guidelines and regulations are communicated to the staff and made available for their information.

The superintendent oversees staff personnel management, including by

- organizing recruitment of personnel,
- reassigning personnel in accordance with school board policy,
- administering personnel policies and programs,
- upon request of the School Board, surveying the school division at least annually to identify critical shortages of teachers and administrative personnel by subject matter and school bus drivers and reporting such critical shortages to the School Board, the Superintendent of Public Instruction, and the Virginia Retirement System;
- supervising evaluation of personnel, and
- providing for maintenance of up-to-date job descriptions for all personnel.

The superintendent oversees facility management, including by

- preparing long- and short-range plans for facilities and sites,
- providing for the maintenance of school property and safety of personnel and property,
- inspecting, or providing for the inspection of, school property on a regular basis,
- overseeing the utilization of school property,
- monitoring any construction, renovation and demolition of school facilities,
- representing the school division before local or state agencies which control building requirements or provide financing for buildings, and
- closing public school buildings which appear to be unfit for occupancy.

The superintendent oversees financial management by

- preparing the budget for school board approval,
- ensuring that expenditures are within the limits approved by the school board,
- reporting to the school board on the financial condition of the division,
- establishing procedures for procurement of equipment and supplies, and
- ensuring that an accurate record of all receipts and disbursements of school funds is kept.

The superintendent directs community relations activities, including by

- articulating educational programs and needs to the community,
- responding to concerns expressed in the community,
- maintaining contact with the news media,
- participating in community affairs, and
- involving the community in planning and problem solving for the school division.

The superintendent oversees pupil personnel services by

- monitoring pupil personnel services,
- providing for an adequate pupil record system,
- implementing policies and programs relating to behavior and discipline of pupils,
- maintaining programs for the health and safety of pupils, and
- facilitating communication between the school division and community agencies.

Adopted:
Revised: June 21, 2011
February 2015
April 2019
June 10, 2020
June 9, 2021

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

Code of Virginia, 1950, as amended, §§ 22.1-58, 22.1-59, 22.1-68, 22.1-69, 22.1-70.3. 22.1-79, 22.1-136; 22.1-253.13:5, 22.1-253.13:7.

8 VAC 20-23-50.
8 VAC 20-23-630.

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.

Cross Refs.: BBA School Board Powers and Duties

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.

Except as provided below, 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 timely efforts to make an appointment and containing a status report with a timeline for making the appointment prior to the 180-day deadline. On request, the School Board will be granted up to an additional 180 days within which to appoint a superintendent.

If the School Board does not appoint a superintendent within 180 days of a vacancy, or request additional time within which to make the appointment, it will immediately notify the Virginia Board of Education, in writing, of its failure to make an appointment. If there has been no extension, 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: September 11, 2006
Revised: June 16, 2010
February 2015
May 2018

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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

DISCLOSURE STATEMENT REQUIRED OF SUPERINTENDENT

The division superintendent, as a condition to assuming employment, files a disclosure statement of his or her personal interests and other information as is required on the form prescribed by the Virginia Conflict of Interest and Ethics Advisory Council pursuant to Code of Virginia § 2.2-3117. The disclosure statement is filed on or before the day the superintendent assumes employment for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the superintendent assumes employment. However, if the superintendent assumes employment in January, the superintendent files a disclosure form on or before February 1 for the preceding year complete through December 31. Completed forms are filed and maintained as public records for five years in the office of the clerk of the Lexington City School Board. After the initial disclosure, the division superintendent must file this statement annually on or before February 1.

Adopted: May 7, 2007
Revised: February 2017
June 2017

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3115, 2.2-3117, 2.2-3118.2.

SUPERINTENDENT'S CONTRACT, COMPENSATION AND BENEFITS

The superintendent's contract sets forth the superintendent's compensation and benefit package. The superintendent's contract is available to the public pursuant to the Virginia Freedom of Information Act.

The School Board shall not renegotiate a superintendent's contract during the period following the election or appointment of new members and the date such members are qualified and assume office.

When the superintendent's contract is being renegotiated, each member of the School Board will be notified at least 30 days in advance of any meeting at which a vote is planned on the renegotiated contract unless the members agree unanimously to take the vote without the 30 days notice. Each member's vote on the renegotiated contract will be recorded in the minutes of the meeting.

Adopted:
Revised: July 14, 2003
February 2013
February 2018

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3705.1, 22.1-60.

Cross Ref.: CBB Appointment and Term of the Superintendent

EVALUATION OF THE SUPERINTENDENT

It is the responsibility of the School Board to maintain and improve the quality of administration and instruction. One of the primary methods used in carrying out this responsibility is to work with the superintendent in improving the superintendent's effectiveness.

Annually, the superintendent provides the School Board with a work plan designed to implement the goals set for the division by the School Board. The School Board evaluates the superintendent annually. The School Board develops the instrument to evaluate the superintendent after consulting the uniform performance standards and criteria developed by the Board of Education and the superintendent. The superintendent's evaluations include student academic progress as a significant component and an overall summative rating. Evaluations include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Informal evaluations may also take place as the Board deems appropriate, provided that specific criteria for such appraisals be communicated to the superintendent.

Each Board member is involved in assessing the superintendent's job performance on a continuing basis and by completing the annual evaluation instrument. Upon conclusion of the annual performance appraisal, the evaluation is reviewed with the superintendent by the Board or its designees.

Adopted: July 12, 2004
Revised: June 21, 2011
May 2013
February 2018
June 9, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-60.1, 22.1-253.13:5.

Guidelines for Uniform Performance Standards and Evaluation Criteria for Superintendents (Virginia Board of Education, as revised on November 13, 2019).

Cross Ref.: CBA Qualifications and Duties for the Superintendent

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SCHOOL BUILDING ADMINISTRATION

The Lexington City School Board, upon recommendation of the superintendent, employs principals and assistant principals who hold licenses as prescribed by the Board of Education.

A principal provides instructional leadership in, is responsible for the administration of and supervises the operation and management of the school or schools and property to which he has been assigned, in accordance with the rules and regulations of the School Board and under the supervision of the superintendent.

A principal may submit recommendations to the superintendent for the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to his supervision.

Adopted:
Revised: February 2013
May 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-293

Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals, Virginia Board of Education

Cross Refs.:	EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
	DGC	School Activity Funds
	DGD	Funds for Instructional Materials and Office Supplies
	GCN	Evaluation of Professional Staff

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POLICY IMPLEMENTATION

Development of Regulations

The School Board authorizes the superintendent to create and update regulations necessary to carry out the policies adopted by the Board. If Board action is required by law or the Board asks that certain regulations or types of regulations be approved by the Board, the superintendent will present those regulations to the Board for action. The superintendent makes all regulations available to School Board members, employees and the public and sees that the regulations are placed in the School Board Policy Manual or are kept with the Policy Manual.

Dissemination of Policies and Regulations

Administrators and supervisors are responsible for informing staff members of all newly adopted or revised policies and regulations.

Adopted: May 7, 2007
Revised: May 2013
June 9, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-23.3, 22.1-78.

Cross Ref.: BF Board Policy Manual
BFC Policy Adoption

File: CHD
(Also BFE)

ADMINISTRATION IN POLICY ABSENCE

In cases where action must be taken by the school division and the School Board has provided no guidelines for administrative action, the superintendent has the power to act, but the superintendent's decisions are subject to review by the School Board at its next regular meeting. It is the duty of the superintendent to inform the School Board promptly of such action and of the need for policy.

Adopted:
Revised: 6/21/11
May 2015

Legal Refs.: Code of Virginia, 1950, as amended, Secs. 22.1-70, 22.1-78

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, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property or at a school-sponsored activity;

(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 that may constitute a felony 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 whether the incident has been reported to local law enforcement pursuant to this policy and, if the incident is so reported, 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.

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:
Revised: July 14, 2003
July 12, 2004
September 12, 2005
September 11, 2006
May 7, 2007
March 14, 2011
June 21, 2011
February 2015
February 2016
May 2018
June 10, 2020

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.

SCHOOL DIVISION ANNUAL REPORT

The School Board, with the assistance of the superintendent, makes a report on or before September 15 of each year covering the work of the schools for the year ending June 30 to the Board of Education on forms supplied by the Superintendent of Public Instruction.

Adopted:
Revised: May 2015

Legal Ref.: Code of Virginia, 1950, as amended, Section 22.1- 81

QUALITY PROFILES

I. Division Information

The Lexington City School Board annually prepares and disseminates information on the school division and each school within the division. The information is concise. presented in an understandable and uniform format, and, to the extent practicable, presented in a language that parents can understand. The information is accessible to the public and shows how students in the division achieved on the state's student academic assessments compared to students in the state as a whole and how students at individual schools achieved compared to students in the division and in the state.

II. School Quality Profiles

The Lexington City School Board ensures that every school in the division annually provides parents and the community a School Quality Profile in a manner prescribed by the Board of Education. The School Quality Profile includes designated information for the most recent three-year period. The School Quality Profile includes information designated by the Board of Education to include indicators of the following: accountability, assessments, enrollment and demographics, college and career readiness, finance, learning environment, and teacher quality. Specific indicators include:

- Virginia Assessment Program results by percentage of participation and proficiency and disaggregated by student reporting groups;
- accreditation status;
- attendance and absenteeism for students;
- information related to school safety to include incidents of crime and violence; and
- information related to qualifications and educational attainment of the teaching staff.

In addition, School Quality Profiles for secondary schools include the following:

- Advanced Placement (AP) information to include percentage of students who take AP courses and percentage of students who take AP tests

- International Baccalaureate (IB) ~~or~~ and Cambridge course information to include percentage of students who are enrolled in IB or Cambridge programs and percentage of students who receive IB or Cambridge Diplomas
- college-level course information to include percentage of students who take college-level courses including dual enrollment courses
- number and percentage of (i) graduates by diploma type as prescribed by the Board of Education, (ii) certificates awarded to the senior class including high school equivalency preparation program credentials approved by the Board of Education, and (iii) students who do not complete high school
- number and percentage of dropouts
- the number of Board-approved industry certifications obtained
- the number of state licensure examinations passed
- the number of national occupational competency assessments passed
- the number of Armed Services Vocational Aptitude Battery assessments passed
- the number of Virginia workplace readiness skills assessments passed
- the number of career and technical education completers who graduated. A "career and technical education completer" is a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program

Adopted: July 12, 2004
Revised: June 16, 2010
August 2010
October 2013
June 2014
July 2018

Legal Refs.: 20 U.S.C. § 6311.

34 C.F.R. 200.11.

Code of Virginia, 1950, as amended, §§ 22.1-253.13:3, 22.1-253.13:4.

8 VAC 20-131-270.

SECTION D: Fiscal Management

DA	Management of Funds
DB	Annual Budget
DG	Custody and Disbursement of School Funds
DGC	School Activity Funds
DGD	Funds for Instructional Materials and Office Supplies
DI	Financial Accounting and Reporting
DIA	Reporting Per Pupil Costs
DJ	Small Purchasing
DJA	Purchasing Authority
DJB	Petty Cash Funds
DJF	Purchasing Procedures
DJG	Vendor Relations
DK	Payment Procedures
DL	Payroll Procedures/Payday Schedules
DLB	Salary Deductions
DLC	Expense Reimbursements
DM	Cash in School Buildings
DN	Disposal of Surplus Items
DO	Non-Locally Funded Programs

MANAGEMENT OF FUNDS

The superintendent or superintendent's designee is responsible for administering the division budget in accordance with Board policies and applicable state and federal regulations and laws. The superintendent or superintendent's designee uses appropriate fiscal planning and management methods, modeled after the best accepted business practices and directed toward the educational goals of the division.

If the appropriating body appropriates funds to the School Board by total, amount (also referred to as lump sums), funds may be transferred by the School Board from one major classification to another. If funds are appropriated to the School Board by major classifications, no funds are expended by the School Board except in accordance with such classifications without the consent of the appropriating body.

The superintendent may be authorized by the School Board to make line item transfers within a major classification.

The School Board manages and controls the funds made available to it for the public schools and incurs costs and expenses.

Adopted: May 12, 2008
Revised: February 2014
May 2018

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-89, 22.1-94, 22.1-115.

Cross Refs.:	DB	Annual Budget
	DG	Custody and Disbursement of School Funds
	DI	Financial Accounting and Reporting
	DJ	Small Purchasing
	DJA	Purchasing Authority
	DJF	Purchasing Procedures
	DK	Payment Procedures
	DL	Payroll Procedures

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ANNUAL BUDGET

The annual school budget is the financial outline of the division's education program. It presents a proposed plan of expenditures and the expected means of financing those expenditures. After adoption, it provides the primary means of managing expenditures.

The fiscal year begins on the first day of July and ends on the thirtieth day of the following June.

The superintendent prepares, with the approval of the School Board, and submits to the appropriating body, an estimate of the amount of money needed during the next fiscal year for the support of the public schools of the school division. The estimate sets up the amount of money needed for each major classification prescribed by the Board of Education and such other headings or items as may be necessary.

The superintendent or superintendent’s designee prepares a budget calendar identifying all deadlines for the annual budgetary process. The calendar includes at least one work session for reviewing the budget and at least one public hearing on the budget. Notice of the time and place for the public hearing is published at least ten days in advance, in a newspaper having general circulation within the school division.

Upon approval of the school division’s budget by the appropriating body, the school division publishes the approved budget in line item form, including the estimated required local match, on its website and the document is also made available in hard copy as needed to citizens for inspection.

Adopted: May 12, 2008
Revised: August 10, 2009
June 21, 2011
May 2015
March 11, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 15.2-2500,22.1-91, 22.1-92, 22.1-93.

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CUSTODY AND DISBURSEMENT OF SCHOOL FUNDS

All School Board funds except (1) money generated by school activities, and classified "school activity fund accounts," (2) petty cash funds, and (3) accounts established for the purchase of instructional materials and office supplies, are deposited with the Lexington City treasurer, who is in charge of the receipts, custody and disbursement of School Board funds and 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 Lexington City treasurer, Lexington, Virginia 24450.

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

Adopted: May 12, 2008
Revised: June 16, 2010
February 2015

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

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

SCHOOL ACTIVITY FUNDS

All funds derived from extracurricular school activities, including, but not limited to, entertainment, athletic contests, facilities fees, club dues, vending machine proceeds that are not deposited in the school nutrition program account, and from any and all activities of the school involving personnel, students or property are considered school activity funds.

Each school keeps an accurate record of all receipts and disbursements of school activity funds so that a clear and concise statement of the condition of each fund may be determined at all times. It is the duty of each principal to see that such records are maintained in accordance with regulations of the Virginia Board of Education and the Lexington City School Board. The principal or principal's designee performs the duties of school finance officer. The school finance officer is bonded, and the school board prescribes rules governing such bonds for employees who are responsible for school activity funds.

School activity funds are audited at least once a year by a duly qualified accountant or accounting firm approved by the school board. A copy of the audit report is filed in the superintendent's office. Monthly reports of such funds are prepared and filed in the principal's office and annual reports are filed in the office of the principal or division superintendent. The cost of such audits are a proper charge against the school activity funds.

Adopted: May 12, 2008
Revised: June 16, 2010
October 2014
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-17.

8 VAC 20-240-10.
8 VAC 20-240-20.
8 VAC 20-240-40.

Cross Refs.: DG Custody and Disbursement of School Funds
DM Cash in School Buildings

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FUNDS FOR INSTRUCTIONAL MATERIALS AND OFFICE SUPPLIES

The School Board may, by resolution and subject to the approval of the appropriating body, establish accounts in each of its departments and schools committed solely for the purchase of instructional materials and office supplies. The School Board may authorize the transfer of a percentage of the funds budgeted for a school or division department, not to exceed thirty-five percent (35%) of the allocation, into the account.

The account shall be managed by the principal of the school or head of the division department who shall file a monthly accounting of the funds with the Superintendent. No additional funds shall be transferred into any such account unless the monthly accounting has been filed. The funds in the account may be disbursed for payment of obligations by issuing a negotiable check signed by the principal or head of the division department, and a second person designated by the School Board. At the close of the fiscal year, all funds remaining in the accounts shall be returned to the School Board simultaneously with a full accounting of the disbursements. All such accounts shall be subject to an annual audit as prescribed by Va. Code § 15.2-2511 and to relevant provisions of the Virginia Public Procurement Act.

Adopted: May 12, 2008
Revised: February 2014

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-122.1

Cross Refs.:
- DG Custody and Disbursement of School Funds
- DJA Purchasing Authority
- DJB Petty Cash Funds
- DJF Purchasing Procedures
- DJG Vendor Relations
- DK Payment Procedures

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FINANCIAL ACCOUNTING AND REPORTING

The superintendent or superintendent's designee is responsible for implementing a modern system of accounting for all school funds as established by the Board of Education and the Auditor of Public Accounts.

The Lexington City School Board receives monthly statements of the funds available for school purposes.

At least once each year the school board submits a report of all its expenditures to the appropriating body. Such report is also be made available to the public either on the school division website or in hard copy at the central school division office, on a template prescribed by the Board of Education.

Adopted: May 12, 2008

Revised: August 10, 2009
November 2015
March 11, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-90, 22.1-115.

Cross Refs.:	CBA	Qualifications and Duties for the Superintendent
	DA	Management of Funds
	DB	Annual Budget
	DG	Custody and Disbursement of School Funds
	DGC	School Activity Funds
	DGD	Funds for Instructional Materials and Office Supplies
	DJB	Petty Cash Funds
	EF	Food Service Management

REPORTING PER PUPIL COSTS

Upon preparing the estimate of the amount of money deemed to be needed during the next fiscal year for the support of the schools, the superintendent also prepares and distributes, within a reasonable time as prescribed by the Board of Education, notification of the estimated average per pupil cost for public education in the school division for the coming school year in accordance with the budget estimates provided to the appropriating body. The notification includes actual per pupil state and local education expenditures for the previous school year. The notice may also include federal funds expended for public education in the school division.

The notice is made available in a form provided by the Department of Education and published on the school division's website or in hard copy upon request.

Adopted: July 12, 2004
Revised: June 21, 2011
May 2012
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, § ~~22.1-92(A).~~ 22.1-92.

Cross Ref.: DB Annual Budget

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SMALL PURCHASING

Pursuant to written procedures not requiring competitive sealed bids or competitive negotiation, the School Board may enter into single or term contracts for goods and services other than professional services and nontransportation related construction if the aggregate or the sum of all phases is not expected to exceed $200,000 and transportation-related construction if the aggregate or sum of all phases is not expected to exceed $25,000. However, such small purchase procedures shall provide for competition wherever practicable. Such small purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed $ 80,000. Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

Adopted: July 12, 2004
Revised: August 10, 2009
June 21, 2011
May 2012
May 2013
May 2015
May 2016
May 2018
June 10, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-4303, 22.1-68, 22.1-78.

Cross Ref.: DJF Purchasing Procedures

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PURCHASING AUTHORITY

The Superintendent will serve as the purchasing agent for the board. In this capacity, the Superintendent will purchase or contract for all supplies, materials, equipment, and contractual services required by the school division subject to federal and state laws and regulations and School Board policies. All purchases made by the school division will be in accordance with the Virginia Public Procurement Act.

All personnel in the division who desire to purchase equipment and supplies will follow the established procurement procedures within their departments or schools for the issuance of a requisition or purchase order. All purchase orders must be forwarded to the Superintendent or Superintendent's designee for approval and processing.

Individuals whose work requires frequent small purchases, will be authorized to make spot purchases of supplies and equipment. Spot purchases will be limited to $100.00 per item, unless the supplies or equipment are for an emergency. When the items exceed $100.00, the Superintendent will issue a purchase order number prior to purchasing the item.

Internal Controls
The Superintendent, or Superintendent's designee, establishes appropriate procedures for internal accounting controls.

Purchasing and Contracting
Lexington City Schools encourages full and open competition whenever practicable among potential contractors and suppliers by competitive bidding practices; to centralize purchasing and contracting within the school division to realize the economies resulting therefrom; and to seek maximum educational value for every dollar expended.

Adopted: May 12, 2008
Revised: February 2014

Legal Refs.: Code of Virginia, 1950, as amended, Sections 2.2-4300 et seq..; 22.1-68, 22.1-70, and 22.1-78.

Cross Ref.:
- DGC School Activity Funds
- DGD Funds for Instructional Materials and Office Supplies
- DJ Small Purchasing
- DJB Petty Cash Funds
- DJF Purchasing Procedures

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PETTY CASH FUNDS

The school board may by resolution establish one or more petty cash funds for the payment of properly itemized bills for materials, services, or supplies furnished to the school division under conditions calling for immediate payment to the vendor upon delivery. Such funds shall not exceed $2,000 each.

If it establishes any petty cash funds, the school board will appoint an agent or other person authorized only to approve payment of claims arising from commitments made pursuant to provisions of law from such petty cash funds. Any agent or person into whose hands any such fund is placed may pay such claims therefrom without necessity of prior receipt and audit of the claims by the School Board and without approval and issuance of the warrant of the school board.

The clerk of the school board shall report payments from petty cash funds to the school board or to any appointed agent of the school board for approval and reimbursement promptly after any claim has been paid.

A bond in the amount of $4,000.00 will be required for each person distributing petty cash funds, but no additional bond shall be required of any person already bonded in the required amount.

Adopted: March 13, 2000
Revised: May 12, 2008
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-123.

Cross Ref.: DJF Purchasing Procedures

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PURCHASING PROCEDURES

All procurements made by the school division are in accordance with the Virginia Public Procurement Act.

Certification Regarding Certain Offenses

As a condition of awarding a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities, the School Board requires the contractor to provide certification of whether any individual who will provide such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02; any offense involving the sexual molestation, physical or sexual abuse or rape of a child, or any crime of moral turpitude.

This requirement does not apply to a contractor or employees of the contractor providing services to the school division in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or employees of the contractor will have no direct contact with students.

Award of Contracts When Individuals Who Will Provide Services Have Been Convicted of Certain Crimes

The School Board will not award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child.

The School Board may award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, the Governor has restored the individual's civil rights.

Unauthorized Aliens

The School Board provides in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in Virginia, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Discrimination by Contractor Prohibited

The School Board includes the following provisions in every contract of more than $10,000:

1. During the performance of this contract, the contractor agrees as follows:

    a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

    b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

    c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

2. The contractor will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over $10,000, so that the provisions will be binding upon each subcontractor or vendor.

Adopted: May 9, 2006
Revised: August 25, 2008
May 18, 2009
March 14, 2011
November 2015
June 10, 2020
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-4311, 2.2-4311.1, 22.1-296.1.

Cross Refs.:	GCDA	Effect of Criminal Conviction
	IGBGA	Online Courses and Virtual School Programs
	KN	Sex Offender and Crimes Against Minors Registry Information

PURCHASING PROCEDURES

A. All procurement made by the school division will be in accordance with school board policy, these regulations, and the Virginia Public Procurement Act.

B. Unless otherwise authorized by law or otherwise provided in these regulations, all public contracts with non-governmental contractors for the purchase or lease of goods or for the purchase of services, insurance, or construction will be awarded after competitive sealed bidding or competitive negotiation as provided below.

1. Professional services shall be procured by competitive negotiation.

2. Upon a determination made in advance by the school board and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, for a specific procurement of goods, services, insurance, or construction, then that specific procurement may be made by competitive negotiation. The writing shall document the basis for this determination.

3. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination.

4. A contract for the purchase or lease of goods or for the purchase of services, insurance, or construction which is not expected to exceed $15,000.00 is not required to be let in accordance with competitive sealed bids or competitive negotiation, but will provide for competition wherever practicable and be let in accordance with these regulations.

C. The following contracts may be let without competition

1. Purchase of goods or services which are performed or produced by persons, or in schools or workshops, under the supervision of the Virginia Department for the Visually Handicapped; or which are performed or produced by non-profit sheltered workshops serving the disabled.

2. Contracts for legal services, expert witnesses, and other services associated with litigation or regulatory proceedings without competitive sealed bidding or competitive negotiation, provided that the pertinent provisions of state law remain applicable.

3. Extension of the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

4. Contracts for insurance if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance by use of competitive principles and provided that the public body has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The writing shall document the basis for this determination.

D. All purchases of and contracts for supplies, materials, equipment, or contractual services, other than emergency services, estimated not to exceed $15,000.00, shall be made in the open market and legal advertisement for these bids are not required. The purchasing agent shall obtain at least three quotations of price (telephone quotations are permissible). These quotations will be reduced to writing. However, when three or more companies, regularly engaged in the production and sale of a particular supply, material, or equipment, are diligently solicited for quotations, and one or more for good and sound reasons does not provide a quotation, the purchasing agent is authorized to negotiate with a firm that can furnish the required item.

E. When safety and/or emergencies are prime factors or equipment is required to match or replace existing equipment, the requirement for three quotations in the $1,500.00 to $15,000.00 range is waived. This applies only to cases where bidding either formal or informal is impracticable due to time constraints or the nature of the equipment, at which time the purchasing agent would be required to furnish a sole source justification and attach the same to the purchase order.

F. Before a bid is considered for award, the bidder may be requested by the purchasing agent to submit a statement regarding previous experience in performing comparable work, business and/or technical organization, financial resources, and plant available to be used in performing the work or in supplying materials, supplies, and equipment.

G. A contractor may be debarred from contracting with the board for the following reasons:

1. default on quotations;
2. fraud;
3. violation of anti-trust laws;
4. unsatisfactory performance for a public bid;
5. failure to perform;
6. violation of the Virginia Public Procurement Act; and
7. debarment by the Commonwealth of Virginia or any of its agencies.

The purchasing agent shall determine if a contractor is debarred and the length of the debarment. The purchasing agent will notify the contractor in writing of his determination. Such notice shall state the reasons for the debarment. The right of a contractor to contest the determination is governed by state law. A contractor who is debarred will be disqualified from receiving invitations for bids or requests for proposals and from receiving awards of contracts.

H. The board, through its purchasing agent, will consider small and minority businesses in all phases of procurement. Minority person means a person who is a citizen or lawful permanent resident of the United States, and who is Black, Hispanic, Asian American, American Indian, Alaskan Native, or a member of other groups or other individuals found to be economically and socially disadvantaged by the Small Business Administration.

(continued)

I. Should a bidder desire to submit a complaint or request, an explanation with regard to the meaning or interpretation of the invitation for bids or request for proposal, the complaint or the request for explanation shall be submitted in writing to the purchasing agent in sufficient time to allow a reply to reach the bidder prior to the date for submission of bids. Explanations will be in the form of an amendment to the invitation for bids or request for proposal and will be furnished all prospective bidders. Bidders must acknowledge receipt of all amendments with their bids.

J. Unless canceled or rejected, a responsive sealed bid from the lowest responsible bidder shall be accepted as submitted, except that if the bid from the lowest responsible bidder exceeds available funds, the school board may, at its discretion, select such items or item as it deems appropriate to obtain a contract price within available funds. Items to be considered for negotiating purposes are: time, methods, change in quality and type without compromising the intended end product, all in the best interest of the school board. The procedures and conditions for such negotiations shall be summarized in the invitation to bid as follows:

1. The purchasing agent will notify the lowest responsible bidder that his bid exceeds the funds available and request a conference to negotiate the price downward.

2. The low bidder confirms the negotiated price to the purchasing agent.

3. If within the funds allocated and the end product is not compromised, a purchase order is issued based on negotiations.

4. If negotiations do not come within funds available, the bidder shall be notified and additional funds shall be solicited.

5. Should additional funds not be available, specifications may be changed to reflect lower costs and re-advertising for bids initiated.

(continued)

K. A bidder may withdraw a bid from consideration if the price bid was substantially lower than other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetical error or an unintentional omission which can be clearly shown by objective evidence drawn from inspection of the original work papers, documents, and materials used in the preparation of the bid sought to be withdrawn. This bidder shall give notice in writing of the claim of right to withdraw the bid within two business days after the conclusion of the bid opening procedure.

1. No bid may be withdrawn under this paragraph when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent (5%).

2. If a bid is withdrawn under the authority of this paragraph, the lowest remaining bid shall be deemed to be the low bid.

3. No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

4. If the bidder is not allowed to withdraw the bid under this paragraph, the purchasing agent shall notify the bidder of the decision in writing and such notice shall state the reasons for the decision.

L. The School board shall treat each contract for capital construction on an individual basis in deciding as to whether a performance bond and a payment bond in the sum of the contract amount shall be furnished by the contractor.

M. Contractual claims, whether for money or other relief, shall be submitted in writing to the purchasing agent within sixty (60) days after final payment; however, written notice of the contractor's intent to file such claim must be submitted to the purchasing agent at the time of occurrence. The purchasing agent shall render a decision in writing to the contractor within thirty (30) days after receipt of the claim.

N. For the purposes of the Board's Purchasing Policies, the following definitions apply:

1. "Responsible bidder" or "offeror" shall mean a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance, and who has been pre-qualified, if required.

2. "Responsive bidder" shall mean a person who has submitted a bid which conforms in all material respects to the Invitation to Bid.

O. Each school within the division may enter into contracts (providing caps and gowns, photographs, class rings, yearbooks, and graduation announcements for purchase or rental by students, parents, faculty or other persons using non-public, or non-appropriated public money) through the use of competitive negotiation as provided in these regulations.

Issued: June 3, 1996

Legal Refs.: Small Business Act, Section 8a, as amended, 15 U.S.C. 637a
Code of Virginia, 1950, as amended, Sec. 2.1-117, et seq.: Secs. 11-37 through 11-61

VENDOR RELATIONS

Access to School Premises

No vendor agent, or sales representative enters the schools to advertise or sell goods or services to employees or students except as provided herein. Anyone found soliciting goods or services to students or employees in the schools or on school property during school hours without authorization is subject to legal action.

Vendors are not permitted to make appointments with individual School Board employees without the permission of the principal, ~~or~~ the superintendent or the superintendent's designee. No vendor is permitted to sell, arrange demonstrations of products or services or take orders for goods or services without prior authorization from the principal, or superintendent or the superintendent's designee.

This does not prevent authorized representatives of firms regularly supplying goods and services to the school division from having access to the schools in the course of their routine business duties.

Prohibition on Solicitation or Acceptance of Gifts

No employee with responsibility for a procurement transaction may request, accept, or agree to accept from a bidder, offeror, contractor or subcontractor anything of more than minimal value unless consideration of substantially equal or greater value is exchanged.

Disclosure of Subsequent Employment

No employee or former employee with official responsibility for procurement transactions may accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the end of employment by the school division unless the employee or former employee provides written notification to the division prior to commencement of employment by that bidder, offeror or contractor.

Adopted: May 9, 2006
Revised: May 2012
June 2017

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-4370, 2.2-4371, 22.1-78, 22.1-293.
Cross Ref.: GAH School Employee Conflict of Interests

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PAYMENT PROCEDURES

School Board

The School Board examines all claims against it, except those to be paid from petty cash funds or funds for the purchase of instructional materials and office supplies, and when approved, orders or authorizes payment thereof. A record of such approval and order or authorization is made in the minutes of the School Board. Payment of each claim shall be ordered or authorized by a warrant drawn on the Treasurer or other office charged by law with the responsibility for the receipt, custody and disbursement of the funds of the School Board. The face of the warrant shall state the purpose or service for which such payment is drawn and the date of the order entered or authority granted by the School Board.

The warrant shall be signed by the Chairman or Vice-Chairman, and counter-signed by the Clerk or Deputy Clerk, made payable to the person or persons, firm or corporation entitled to receive such payment and recorded in the form and manner prescribed by the Board of Education.

Fiscal Agent

The School Board may, by resolution, appoint an agent and deputy agent to examine and approve claims against it. A record of such approval and order or authorization shall be made and kept with the records of the School Board. Payment of each such claim so examined and approved by such agent or his deputy shall be ordered or authorized by a warrant drawn on the treasurer or other office charged by law with the responsibility for the receipt, custody, and disbursement of the funds made available to the School Board. The warrant shall be signed by such agent or his deputy and countersigned by the Clerk or Deputy Clerk of the School Board.

However, (1) when the agent is the Superintendent, who also occupies the position of School Board Clerk, a countersignature form the chairman or vice-chairman is required and (2) when the deputy agent and the Deputy Clerk is one and the same person, the warrant must be countersigned by either the Clerk or the agent of the School Board.

Each warrant shall be payable to the person or persons, firm or corporation entitled to receive payment. The face of the warrant shall state the purpose or service for which such payment is made and also that such warrant is drawn pursuant to authority delegated to such agent or his deputy by the School Board on the specified date.

Any such agent or deputy agent must furnish a corporate surety bond. The School Board shall set the amount of such bond or bonds and the premium therefore shall be paid out of funds made available to the School Board.

Adopted: May 12, 2008
Revised: February 2014

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-122, 22.1-122.1, 22.1-123
Cross Refs.: DG Custody and Disbursement of School Funds
DJB Petty Cash Funds

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PAYROLL PROCEDURES

All salaries and supplements paid to all employees are paid in accordance with the schedule approved by the School Board. If the School Board sets the school calendar so that the first day students are required to attend occurs prior to August 15, the Board shall establish a payment schedule to ensure that all contract personnel are compensated for time worked within the first month of employment. The school division maintains records that accurately reflect the compensation and related benefits of each employee.

Professional employees will be paid in 24 installments. Direct deposits for all contracted personnel will be distributed on the 15th day and the last business day of the month. Checks for the last pay period of December will be issued at the close of the school for the winter break.

Time sheets for persons not under contract, such as substitute personnel, will be delivered to the payroll office on the 15th and the last business day of the month.

If any scheduled payday falls on a Saturday or Sunday, direct deposits will be made and time sheets will be due on the preceding Friday.

The School Board Office should be notified in writing of any changes in name, marital status, address, and termination of employment. In cases of change in name and/or marital status, new tax forms must also be submitted.

Adopted: September 12, 2005
Revised: July 11, 2005
May 12, 2008
May 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.

Cross Refs.:	DK	Payment Procedures
	DLB	Salary Deductions
	IC/ID	School Year/School Day

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SALARY DEDUCTIONS

Federal and state taxes are automatically deducted from each employee's pay based on the most recent withholding statement provided by the employee. In the absence of a withholding statement, deductions will be made based on federal and/or state tax laws and regulations.

A list of all voluntary deductions available to employees is published annually and provided to all employees. Any additional voluntary deduction requests must be recommended by the superintendent and approved by the school board.

Adopted:
Revised: April 2019

Legal Refs.: Code of Virginia, 1950, as amended, Secs. 22.1-78, 22.1-296.

EXPENSE REIMBURSEMENTS

The School Board encourages attendance and participation of school personnel in professional development activities in order to improve work skills and to maintain high morale.

Requests for reimbursement from School Board funds will be honored only for activities approved in advance by the superintendent or superintendent's designee and for which a statement of travel, with supporting documents, is submitted at the conclusion of the trip.

Adopted: May 12, 2008
Revised: May 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:5, 22.1-296.

Cross Ref.: GCL Professional Staff Development

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CASH IN SCHOOL BUILDINGS

Teachers and other school personnel who come into possession of cash in connection with school activities will not leave the money unattended. As soon as is possible, and no later than the end of the school day, personnel in possession of cash shall turn it over to the principal's office for safe-keeping and proper accounting.

Adopted: May 12, 2008
Revised: June 16, 2010
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-68, 22.1-78.

Cross Ref.: DGC School Activity Funds

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DISPOSAL OF SURPLUS ITEMS

The school division shall apply trade-in allowances on equipment to be replaced against the purchase cost of the new equipment whenever possible.

The School division may dispose of equipment having no trade-in value by informal bid, auction or pre-priced sale as appropriate to the public. If items are valued in excess of $500.00, formal authorization for negotiated sale or for putting the items to bid will be obtained from the board.

The bidder or purchaser shall certify whether he/she is not an officer or employee of the division or a member of the immediate family of an officer or employee. Officers and employees of the school division, and members of their immediate families, may purchase surplus property from the school division only if the property is being sold at uniform prices available to the public or if the goods are sold for less than $500.00.

In reasonable attempts through the bidding or direct sales process to dispose of the items, the superintendent is authorized to arrange for their disposal.

Obsolete educational technology hardware and software that is being replaced pursuant to Va. Code § 22.1-199.1(B)(4) may be donated to other school divisions, to students, as provided in Board of Education guidelines, and to preschool programs in the Commonwealth.

Adopted:
Revised: July 14, 2003
September 11, 2006
August 2010
March 11, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3108, 2.2-3109, 2.2-3110, 22.1-68, 22.1-78, 22.1-129, 22.1-199.1.

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NON-LOCALLY FUNDED PROGRAMS

In order to further the goals and objectives of the school division, the school board may seek sources of revenue to supplement the funds provided through local, state and federal funding.

To promote efficiency in developing proposals and making application for specially funded programs, the superintendent may establish ~~standard~~ procedures for the preparation of proposals and their review. The superintendent shall ensure that none of the conditions of acceptance is in conflict with the policies of the board, the objectives of the division, or state or federal law.

The superintendent or superintendent's designee may submit proposals or applications for grants prior to approval by the school board. No such application or proposal shall be binding on the board without its approval.

Adopted: May 12, 2008
Revised: June 2014
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79, 22.1-88.

Cross Ref.:
- AE School Division Goals and Objectives
- KH Public Gifts to the Schools
- KQ Commercial, Promotional and Corporate Sponsorships and Partnerships

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SECTION E: Support Services

EA	Support Services
EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
EBAA	Reporting of Hazards
EBAB	Reporting of Possible Exposure to Viral Infections
EBAB-R	Exposure Control Plan
EBB	Threat Assessment Teams
EBBA	Emergency First Aid, CPR and AED Certified Personnel
EBBB	Personnel Training - Viral Infections
EBCB	Safety Drills
EBCBA	Electronic Room Partitions
EBCD	Emergency Closings
EC	Buildings and Grounds Management and Maintenance
ECA	Inventory and Reporting of Loss or Damage
ECAA	Risk Management Return to Work (RTW) Statement
ECAB	Vandalism
ECAB-R	Bomb Threats
EDC	Authorized Use of School-Owned Facilities and Materials
EEA	Student Transportation Services

SECTION E: Support Services
(continued)

EEAB	School Bus Scheduling and Routing
EEAC	School Bus Safety Program
EEAD	Special Use of School Buses
EF	Food Service Management
EFB	Food Services
EFD	Food Sanitation Program
EGAA	Reproduction and Use of Copyrighted Materials
EI	Insurance Management
ET	Educational Technology Foundation and Public School Foundations (Optional)

SUPPORT SERVICES

The non-instructional operations of the school division are an important component of the educational process and support the instructional program.

The Lexington City School Board provides support services necessary for the efficient and cost-effective operation of its schools.

Adopted: August 10, 2009
Revised: May 2013
February 2018

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79, 22.1-253.13:2.

Cross Refs.: EC Buildings and Grounds Management and Maintenance

SCHOOL CRISIS, EMERGENCY MANAGEMENT, AND MEDICAL EMERGENCY RESPONSE PLAN

Each school develops a written school crisis, emergency management and medical emergency response plan as defined below. The School Board includes the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. The School Board, the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the regional emergency medical services council, and the emergency management official of the locality, or their designees, annually review each school's plan. The Department of Education and the Virginia Center for School and Campus Safety will provide technical assistance to the school division in the development of the plans. In developing these plans, schools may consult the model school crisis, emergency management, and medical emergency response plan developed by the Board of Education and the Virginia Center for School and Campus Safety.

The School Board designates the Principal of Lylburn Downing Middle School and the Principal of H. Waddell Elementary School as emergency managers.

Each school annually conducts school safety audits as defined below. The results of such school safety audits are made public within 90 days of completion. The School Board may withhold or limit the release of any security plans, walk-through checklists and specific vulnerability assessment components as provided in the Virginia Freedom of Information Act, Va. Code § 2.2-3705.2. The completed walk-through checklist will be made available upon request to the chief law-enforcement officer of the locality or that officer's designee. Each school maintains a copy of the school's safety audit, which may exclude such security plans, walk-through checklists and vulnerability assessment components, within the office of the school principal and makes a copy of such report available for review upon written request.

Each school submits a copy of its school safety audit to the superintendent. The superintendent collates and submits all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

The superintendent establishes a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards and judicial and public safety personnel. The school safety audit committee reviews the completed school safety

audits and submits any plans, as needed, for improving school safety to the superintendent for submission to the School Board.

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel or facilities. The plan includes a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in Va. Code § 19.2-11.01, as well as current contact information for both.

"School safety audit" means a written assessment of the safety conditions in each public school to (1) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (2) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses include recommendations for structural adjustments, changes in school safety procedures and revisions to the School Board's standards for student conduct.

Each school has contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first aid.

In addition, the school administration ensures that the school has:

- written procedures to follow in emergencies such as fire, injury, illness, allergic reactions and violent or threatening behavior. The procedures include Policy JHCD Administering Medicine to Students. The plan is outlined in the student handbook and discussed with staff and students during the first week of each school year;
- space for the proper care of students who become ill;
- a written procedure, in accordance with guidelines established by the School Board, for responding to violent, disruptive or illegal activities by students on school property or during a school sponsored activity; and

- written procedures to follow for the safe evacuation of persons with special physical, medical or language needs who may need assistance to exit a facility.

Adopted: September 11, 2006
Revised: August 10, 2009
May 2012
May 2013
June 2014
February 2018
May 2019
June 10, 2020

Legal Refs: Code of Virginia, 1950, as amended, §§ 2.2-3705.2, 22.1-279.8.

Acts 2006, c. 164.

8 VAC 20-131-260.

Cross Refs.:

CLA	Reporting Acts of Violence and Substance Abuse
EBAA	Reporting of Hazards
EBBA	Emergency First Aid, CPR and AED Certified Personnel
EBCB	Safety Drills
EEAB	School Bus Scheduling and Routing
GBEB	Staff Weapons in School
JFC	Student Conduct
JFCD	Weapons in School
JFCE	Gang Activity or Association
JHCD	Administering Medicines to Students
JHH	Suicide Prevention
JM	Restraint and Seclusion of Students
JO	Student Records
KK	School Visitors

REPORTING OF HAZARDS

Any employee who discovers a dangerous condition should report the condition immediately to the employee's supervisor, the Superintendent, or the Superintendent's designee.

The superintendent shall name a designee to evaluate and label toxicity of all art materials used in the division in accordance with criteria established by the Virginia Department of Education. All materials which meet the criteria as toxic shall be so labeled. Such materials are not used in Kindergarten through grade 5.

Adopted: August 10, 2009
Revised: February 2014

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-274.1.

8 VAC 20-530-10 et seq.

POSSIBLE EXPOSURE TO VIRAL INFECTIONS

Upon notification by a School Board employee who believes the employee has been involved in a possible exposure-prone incident which may have exposed the employee to the blood or body fluids of a student, the superintendent shall contact the local health director who, upon immediate investigation of the incident, shall determine if a potentially harmful exposure has occurred and make recommendations based upon all information available to the health director regarding how the employee can reduce any risks from such exposure.

The superintendent shall share these recommendations with the School Board employee.

The superintendent and the School Board employee shall not divulge any information provided by the local health director regarding the student involved except as described below. The information provided by the local health director is subject to any applicable confidentiality requirements set forth in Va. Code § 32.1-35.

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

If the person whose blood specimen is sought for testing is a minor, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or city where the School Board has its principal office, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this policy.

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

Except if the person to be tested is a minor, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person identified by this policy who was potentially exposed to the human immunodeficiency virus or the hepatitis B or C viruses in the manner described by this policy, or the employer of such person, may petition, on a form to be provided by the Office of the Executive Secretary of the Supreme Court of Virginia, the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the School Board has its principal office, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this policy. A copy of the petition, which shall specify the date and location of the hearing, shall be provided to the person whose specimen is sought. At any hearing before the court, the person whose specimen is sought or the person's counsel may appear. The court may be advised by the State Health Commissioner or the Commissioner's designee prior to entering any testing order. If the general district court determines that there is probable cause to believe that a person identified by this policy has been exposed in the manner prescribed by this policy, the court shall issue an order requiring the person whose bodily fluids were involved in the exposure to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this policy. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

Adopted:
Revised: July 14, 2003
February 2014
May 2015
March 11, 2020

Legal Ref:	Code of Virginia, 1950 as amended, §§ 22.1-271.3, 32.1-45.1.	
Cross Refs:	EBBB	Personnel Training-Viral Infections
	GBE	Staff Health
	JHCC	Communicable Diseases
	JHCCA	Blood-Borne Contagious or Infectious Diseases

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LEXINGTON CITY SCHOOLS
300 Diamond Street
Lexington, Virginia 24450

Occupational Exposure to Bloodborne Pathogens

EXPOSURE CONTROL PLAN

Effective Date
November 2, 1992

Revised
August 1, 1994

Revised
May 31, 2012

I. INTRODUCTION

This Exposure Control Plan has been established by the Lexington City Schools in order to minimize and to prevent, when possible, the exposure of our employees to disease-causing microorganisms transmitted through human blood and to comply with applicable OSHA/VOSH Bloodborne Pathogen Standards. All employees who are exposed to blood and other potentially infectious materials as a part of their job duties are included in this program. This plan shall be reviewed at least annually and updated as necessary by the **School Superintendent and the School Nurse.** Copies of this plan are available for review in the school nurse's office, in each teacher's handbook and are available on line.

II. EXPOSURE DETERMINATION

All job categories in which it is reasonable to anticipate that an employee will have skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials (listed below) will be included in this Exposure Control Plan. Exposure determination is made without regard to the use of personal protective equipment

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Other Potentially Infectious Materials (OPIM)

Body Fluids

- Any body fluid visibly contaminated with blood.
- All body fluids in situations where it is difficult or impossible to differentiate between body fluids.

Other Materials

- Any unfixed tissue or organ (other than intact skin) from a human living or dead.

EMPLOYEES INCLUDED IN PLAN

LIST A

ALL EMPLOYEES ARE EXPOSED

All employees in job categories listed here are included in the plan.

- School Nurse
- Person designated by School Principal as responsible for rendering first aid

LIST B

SOME EMPLOYEES ARE EXPOSED

Job classifications in which some employees may have occupational exposure are included on this list. Since not all the employees in these categories are expected to incur exposure to blood or other potentially infectious materials, the tasks or procedures that would cause these employees to have occupational exposure are also listed. The job classifications and associated tasks for these categories are as follows:

Job Classification	Tasks/Procedures
Cafeteria Manager	Response to Accidents/Emergencies
Custodian	Response to Accidents/Emergencies
Multiple Handicapped Teacher/ Teaching Assistant	Tending to Pupil Physical Needs; Response to Accidents/Emergencies
Lower School Teachers	Response to Accidents/Emergencies
P.E. Teachers	Response to Accidents/Emergencies

Employees who are not listed above but who believe that they are at risk for occupational exposure to blood or other potentially infectious materials on a routine basis may request through the **School Nurse** that the Hepatitis B Vaccination be made available to such employee and that such employee be covered by this Exposure Control Plan. Such request should be made in writing and provide a description of such risk.

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III. METHODS OF COMPLIANCE

Universal Precautions

All blood or other potentially infectious materials (as described in Section II. Exposure Determination) shall be handled as if contaminated by a bloodborne pathogen. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

Engineering and Work Practices Controls shall be used to eliminate or minimize employee exposure. Except in emergency situations, employees are discouraged from performing tasks which would result in exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

Controls will be maintained or replaced on a regular schedule. The principal will review the effectiveness of the controls on a quarterly basis.

Handwashing and other General Hygiene Measures

Handwashing is a primary infection control measure which is protective of both the employee and the source individual. Appropriate handwashing must be diligently practiced. Employees shall wash hands thoroughly using soap and water whenever hands become contaminated and as soon as possible after removing gloves or other personal protective equipment. When other skin areas or mucous membranes come in contact with blood or other potentially infectious materials, the skin shall be washed with soap and water, and the mucous membranes shall be flushed with water as soon as possible.

Handwashing facilities are contained in all of the restrooms. Antiseptic towelettes will be provided for use where handwashing facilities are not immediately available and are also available in the nurse's office, in the Infection Control Kits, and with the second individual responsible to render first aid in each school. If the employee uses this alternative, hands shall be washed with soap and water as soon as possible.

Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of exposure to blood or other potentially infectious materials.

Employees shall use practices to minimize splashing, spraying, spattering, and generation of droplets during procedures involving blood or other potentially infectious materials.

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Sharps Management

The sharps container is located in either the main office or the nurse's office.

Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed. Shearing or breaking of contaminated needles is prohibited.

Contaminated disposable sharps shall be discarded, as soon as possible after use, in the disposable sharps containers. Contaminated broken glass is also to be placed in disposable sharps containers.

Overfilling of the sharps container creates a hazard when needles protrude from openings. Nearly full containers must be promptly disposed of and replaced.

The school nurse is responsible for maintaining the sharps container.

Personal Protective Equipment

General Guidelines

All personal protective equipment will be provided, repaired, cleaned, and disposed of by the school at no cost to employees. Employees shall wear personal protective equipment when doing procedures in which exposure to the skin, eyes, mouth, or other mucous membranes is anticipated.

Gloves, gowns, face shields, masks, eye protection, mouthpieces, and pocket masks are available.

The articles to be worn will depend on the expected exposure. The clothing which is provided and the procedures requiring personal protective equipment are listed in Appendix A.

If a garment is penetrated by blood or other potentially infectious material, the garment shall be removed as soon as possible and placed in a designated container for laundering or disposal. All personal protective equipment shall be removed before leaving the work area; it shall be placed in assigned containers for storage, washing, decontamination or disposal. Employees are expected to put contaminated garments and other personal protective equipment in the containers provided in the nurse's office upon leaving the work area.

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Protection for Hands

Gloves shall be worn in the following situations:

- When it can be reasonably anticipated that hands will contact blood or other potentially infectious materials, mucous membranes, and non-intact skin;
- When performing vascular access procedures, including but not limited to, blood glucose monitoring;
- When handling or touching contaminated items or surfaces.

Additional procedures in which gloves are required are listed in Appendix A.

Disposable Gloves

- Replace as soon as feasible when gloves are contaminated, torn, punctured, or when their ability to function as a barrier is compromised
- Do not was or decontaminate single use gloves for re-use.

Utility Gloves

- Decontaminate for re-use if the gloves are in good condition.
- Discard when gloves are cracked, peeling, torn, punctured or show other signs of deterioration (whenever their ability to act as a barrier is compromised).

Protection for Eyes/Nose/Mouth

Employees shall wear masks in combination with eye protection devices (goggles or glasses with solid side shields) or chin-length face shields whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated. Situations which would require such protection are listed in Appendix A. Masks and eye protection devices are also available in the nurse's office and are contained in the Infection Control Kits stored in the nurse's office and with the second individual responsible for rendering first aid in each school.

Protection for the Body

Appendix A lists situations which require the use of protective equipment and the type of equipment is designated.

Housekeeping

The workplace will be maintained in a clean and sanitary condition. A written housekeeping procedure guide which gives the appropriate methods and frequency of

decontamination based upon the location within the facility, the type of surface to be cleaned, type of soil present, and the tasks or procedures being performed must be followed and is attached as Appendix B. The Housekeeping/Cleaning Guidelines are located in the nurse's office and/or custodial office.

Equipment and Environmental and Working Surfaces

All contaminated work surfaces are required to be cleaned with appropriate disinfectant:

- After completing procedures;
- Immediately or as soon as feasible when overtly contaminated or after any spill of blood or OPIM;
- At the end of the school/business day, if the surface may have become contaminated since the last cleaning.

Remove and replace protective coverings (e.g., plastic wrap, aluminum foil, etc.) over equipment and environmental surfaces as soon as feasible when overtly contaminated or at the end of the work shift if they may have become contaminated.

Regularly inspect/decontaminate all reusable bins, pails, cans, and similar receptacles which may become contaminated with blood or OPIM. If these articles become visibly contaminated, they should be decontaminated immediately or as soon as feasible. The custodian is responsible for inspection/decontamination on a weekly basis.

Special Sharps Precautions

Clean up broken glass which may be contaminated using mechanical means such as a brush and dustpan, tongs, or forceps. **Picking up broken glass directly with the hands is strictly prohibited.**

Reusable containers are not to be opened, emptied, or cleaned manually or in a any other manner which will expose employees to the risk of percutaneous injury (puncture wounds). **Reaching by hand into a container which stores reusable contaminated sharps is strictly prohibited.**

Regulated Waste

Includes:

- Liquid or semi-liquid blood or other potentially infectious materials;
- Contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state of compressed;
- Items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling;
- Contaminated sharps;
- Pathological and microbiological wastes containing blood or other potentially infectious materials.

Waste Containers

Any of the substances listed above must be placed in containers which are closable and constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping.

In this facility, containers will be the color red. If a label is used, it must be fluorescent orange or orange-red with the biohazard warning and symbol in a contrasting color. The label must be either an integral part of the container or attached as close as is feasible to the container by string, wire, adhesive, or other method that prevents its loss or unintentional removal. Regulated waste that has been decontaminated need not be labeled or color-coded.

Containers must be closed prior to moving/removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping. If the outside of container becomes contaminated, it is to be placed in a second container which must have the same characteristics as the initial container as discussed above.

Waste containers are to be disposed of in accordance with the Virginia Department of Waste Management's Infectious Waste Regulations.

Laundry

Employees who handle contaminated laundry are to wear protective gloves and other appropriate personal protective equipment.

Contaminated laundry shall be handled as little as possible with a minimum of agitation. Do not sort/rinse laundry in location of use. Place in container/bag where it was used. Wet contaminated laundry which may soak through or cause leakage from bag or container will be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

Bags/containers in the color red will be used.

Contaminated laundry is shipped off-site to a second facility. The bags or containers must be labeled with biohazard label or color-coded in red. The University Cleaners, 534 E Nelson Street, Lexington, Virginia will be used.

Communication of Hazards to Employees

Employees will be informed of hazards through a system of labeling or color-coding, as well as a training program which is discussed in Section VI of this written plan.

Labels shall be fluorescent orange or orange-red with lettering or symbols in a contrasting color. The label is either to be an integral part of the container or affixed as close as feasible to the container by a method which prevents loss or unintentional removal of the label. The label shall have the biohazard symbol and the text BIOHAZARD.

Red bags or containers may be substituted for the warning label.

The labels/color-coding described here are not required when regulated waste has been decontaminated.

IV. HEPATITIS B VACCINATION POLICY

General Statement of Policy

All employees who have been identified as having exposure to bloodborne pathogens (see II. Exposure Determination) will be offered the Hepatitis B vaccination series at no cost to them. In addition, these employees will be offered post-exposure evaluation and follow-up at no cost should they experience an exposure incident on the job.

The Hepatitis B vaccination series shall also be made available within 24 hours to all unvaccinated employees who, while on the job or at a school sponsored activity, render first aid assistance in any situation involving the presence of blood or OPIM **regardless** of whether a specific exposure incident as defined has occurred (hereafter referred to as a first incident).

All medical evaluations and procedures including the Hepatitis B vaccination series, whether prophylactic or post-exposure, will be made available to the employee at a reasonable time and place. This medical care will be performed by or under the supervision of a licensed physician, physician's assistant, or nurse practitioner. The vaccination series for eligible employees will be administered by the Lexington Health department and will be according to the most current recommendations of the U.S. Public Health service. A copy of the Bloodborne Pathogens Standard will be provided to the healthcare professional responsible for the employee's Hepatitis B vaccination.

All laboratory tests will be conducted by an accredited laboratory at no cost to the employee. The Stonewall Jackson Hospital laboratory will be used.

Hepatitis B Vaccination

The vaccination is a series of three (3) injections. The second injection is given one month from the initial injection. The final dose is given six months from the initial dose. At this time, a routine booster dose is not recommended, but if the U.S. Public Health Service at

some future date recommends a booster, it will also be made available to exposed employees at no cost.

The vaccination will be made available to employees after they have attended training on bloodborne pathogens and within ten (10) working days of initial assignment to a job category with exposure. The vaccination series will not be made available to employees who have previously received the complete Hepatitis B vaccination series; to any employee who has immunity as demonstrated through antibody testing; or to any employee for whom the vaccine is medically contraindicated.

Employees covered by this plan or any exposed employee who chooses not to take the Hepatitis B vaccination will be required to sign a declination statement in the form attached as Appendix C. For those employees choosing to receive the Hepatitis B vaccination, a Hepatitis Vaccine Record in the form attached as Appendix D must be completed and returned to the School Board Office.

V. PROCEDURES FOR EVALUATION AND FOLLOW-UP EXPOSURE INCIDENTS

An **exposure incident** is a specific eye, mouth, other mucous membrane,
non-intact skin or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.

Employees who experience an **exposure incident** or **ANY** first aid incident involving the presence of blood or OPIM regardless of whether a specific exposure incident as defined has occurred, must immediately, but no later than the end of the work shift in which the incident occurred, report the incident to the school principal/supervisor. When an employee reports an **exposure incident**, or it is determined that an **exposure incident** has occurred, he/she will immediately be offered a confidential medical evaluation at Stonewall Jackson ER and follow-up including the following elements:

- Documentation of the routes(s) of exposure and the circumstances under which the exposure incident occurred. An Exposure Incident Investigation Form in the form attached as Appendix E and the Post-Exposure Evaluation and Follow-Up Checklist in the form attached as Appendix G shall be completed for each exposure incident.
- Identification and documentation of the source individual unless identification is infeasible.

If the infectivity status of the source is unknown, the individual's blood will be tested as soon as feasible after consent is obtained (Appendix F). If the source individual's blood is available, and the individual's consent is not required by law or the appropriate consent is obtained, the blood shall be tested and the results documented. The exposed employee will be informed of the results of the source individual's testing.

The exposed employee's blood shall be collected as soon as feasible after consent is obtained and tested for HBV and HIV serological status. If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of eth exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

The exposed employee will be offered post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service. The exposed employee will be offered counseling and medical evaluation of any reported illnesses.

The following information will be provided to the healthcare professional evaluating an employee after an exposure:

- A copy of 1910.1030 Bloodborne Pathogens standard;
- A description of the exposed employee's duties as they relate to the exposure incident;
- The documentation of the route(s) of exposure and circumstances under which exposure occurred;
- Results of the source individual's blood testing, if available;
- All medical records relevant to the appropriate treatment of the employee including vaccination status.

The employee will be provided with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation. The written opinion will include the following information:

- The results of the evaluation;
- Information about any medical conditions resulting from exposure to blood or other potentially infections materials which require further evaluation or treatment

NOTE: All other findings shall remain confidential and shall not be included in the written report

VI. EMPLOYEE TRAINING

Employees will be trained regarding bloodborne pathogens at the time of initial assignment to tasks where exposure may occur and annually, during work hours. Additional training will be provided whenever there are changes in tasks or procedures which affect employees' occupational exposure; this training will be limited to the new exposure situation.

The training approach will be tailored to the educational level, literacy, and language of the employees. The training plan will include an opportunity for employees to have their questions answered by the trainer. The school superintendent is responsible for arranging and/or conducting training.

The following content will be included:

1. Explanation of the Bloodborne Pathogens Standard;
2. General explanation of the epidemiology, modes of transmission and symptoms of bloodborne diseases;
3. explanation of this exposure control plan and how it will be implemented;
4. procedures which may expose employees to blood or other potentially infectious materials;
5. control methods that will be used at this facility to prevent/reduce the risk of exposure to blood or other potentially infectious materials;
6. explanation of the basis for selection of personal protective equipment;
7. information on the Hepatitis B vaccination program including the benefits and safety of vaccination;
8. information on procedures to use in an emergency involving blood or other potentially infectious materials;
9. what procedures to follow if an exposure incident occurs;
10. explanation of post-exposure evaluation and follow-up procedures;
11. an explanation of warning labels and/or color coding.

VII. RECORD KEEPING PROCEDURES

First Aid Incident and Exposure Report

An incident report (Appendix E) shall be filled out for each first aid incident where first aid assistance was rendered involving the presence of blood or OPIM **regardless of whether an actual exposure incident as defined** has occurred. The First Aid Incident Report must include the name of the first aid provider who rendered assistance, regardless of whether personal protective equipment was used and also must describe the incident including the date, time, and a determination as to whether or not an **exposure incident** as defined has occurred. This completed report shall be forwarded to the School Nurse's Office.

Medical Record Keeping

A medical record will be established and maintained for each employee with exposure. The record shall be maintained for the duration of employment plus thirty (30) years in accordance with the 29 CFR 1910.20. Records shall be maintained in the School Board Office by the Clerk of the School Board.

The record shall include the following:

- Name and social security number of the employee;

- A copy of the employee's Hepatitis B vaccination status with dates of Hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination;
- A copy of examination results, medical testing, and any follow-up procedures;
- A copy of the healthcare professional's written opinion;
- A copy of all incident and exposure documentation required to be completed pursuant to this Exposure Control Plan

Confidentiality of Medical Records

Employee medical records will be kept confidential. The contents will not be disclosed or reported to any person within or outside the workplace without the employee's express written consent, except as required by law or regulation. Employee medical records required under 29 CFR 1910.1030 shall be provided upon request for examination and copying to the subject employee and to the Commissioner of the Virginia Department of Labor and Industry in accordance with 29 CFR 1910.1030.

Training Records

Training records shall be maintained for three (3) years from date on which the training occurred. The School Nurse is responsible for maintaining training records. The following information shall be included (Appendix H):

- Dates of training sessions;
- Contents or a summary of the training sessions;
- Names and qualifications of trainer (s); and
- Names and job titles of all persons attending.

Training records shall be provided upon request for examination and copying to employees, to employee representatives, and to the Commissioner of the Virginia Department of Labor and Industry in accordance with 29 CFR 1910.1030.

This Exposure Control Plan was prepared by: Clyde E. King, Acting Superintendent
Date Prepared and Adopted: November 2, 1992
Reviewed by: Dan Lyons, Superintendent and Beth Jewell, School Nurse
Review date: May 31, 2012

THE LEXINGTON CITY SCHOOL SYSTEM'S EXPOSURE CONTROL PLAN WAS PREPARED BY CLYDE E. KING, ACTING SUPERINTENDENT, AND ADOPTED BY THE LEXINGTON CITY SCHOOL BOARD ON NOVEMBER 2, 1992.

APPENDIX A

Table 4. Examples of Recommended Personal Protective Equipment for Worker Protection Against HIV and HBV Transmission1 in Prehospital2 Settings

Task or Activity	Disposable Gloves	Gown	Mask (3)	Protective Eyewear
Bleeding control with spurting blood	Yes	Yes	Yes	Yes
Bleeding control with minimal bleeding	Yes	No	No	No
Emergency childbirth likely	Yes	Yes	Yes, if splashing	Yes, if splashing is
Blood drawing	At certain Times (4)	No	No	No
Starting an intravenous (IV) line	Yes	No	No	No
Endotracheal intubation, splashing Esophageal obturator use	Yes	No	No, unless splashing is likely	No, unless is likely
Oral/nasal suctioning, splashing manually cleaning airway	Yes (5)	No	No, unless splashing is likely	No, unless is likely
Handling and cleaning instruments with microbial contamination	Yes	No, unless soiling is likely	No	No
Measuring blood pressure	No	No	No	No
Measuring temperature	No	No	No	No
Giving an injection	No	No	No	No

1The examples provided in this table are based on application of universal precautions. Universal precautions are intended to supplement rather than replace recommendations for routine infection control, such as handwashing and using gloves to prevent gross microbial contamination of hands (e.g., contact with urine or feces).
2Defined as setting where delivery of emergency health care takes place away from a hospital or other health-care facility.
3Refers to protective masks to prevent exposure of mucous membranes to blood or other potentially contaminated body fluids. The use of resuscitation devices, some of which are also referred to as "masks," is earlier. on page 2.3.
4For clarification see Appendix A.
5While not clearly necessary to prevent HIV or HBV transmission unless blood is present, gloves are recommended to prevent transmission of other agents (e.g., Herpes simplex).

http://wonder.cdc.gov/wonder/prevguid/p0000114/p0000114.asp#Table_4

APPENDIX B

HOUSEKEEPING/CLEANING GUIDELINES

EQUIPMENT/AREA	SCHEDULED CLEANING (DAY/TIME)	CLEANERS AND DISINFECTANTS USED	SPECIAL INSTRUCTIONS
Blood/Other Potentially Infectious Materials	As necessary	10% Bleach Solution or Appropriate Disinfectant	See special instructions below
Vomit	As necessary	10% Bleach Solution or Appropriate Disinfectant	See special instructions below
Feces	As necessary	10% Bleach Solution or Appropriate Disinfectant	See special instructions below
Urine	As necessary	10% Bleach Solution or Appropriate Disinfectant	See special instructions below
Contaminated Sharps/Glassware, etc	As necessary	Clean with disinfectant or dispose of in specified sharps container	See special instructions below

SPECIAL INSTRUCTIONS:

- Cover small areas with paper towels or fluid-control solidifier and spray 10% bleach solution. Soak towels thoroughly. Allow to air dry if possible. Using protective gloves, remove towels with waste or solidifier and place in a plastic bag. Seal the plastic bag and place in regular trash. Larger areas may need to be flushed with disinfectant.
- Remove contaminated sharps/glass with tongs or dust pan and broom. Place in sharps container in clinic. Follow by cleaning are in appropriate manner.
- School equipment contaminated with blood or body fluids must be disinfected with an appropriate disinfectant that is safe for use on machinery.
- Cleaning equipment must be disinfected after each procedure or spill.
- Wash hand immediately after removing gloves. Utility gloves and cleaning equipment may be disinfected by thoroughly washing with liquid Lysol or bleach solution. Disposable gloves may not be used more than one time.

Personal Protective Equipment should always include utility gloves. For large spills and splatters, moisture-resistant gowns, facial masks and eye goggles may be necessary. These supplies will be available in the Infection Control Kits in the nurse's office and in designated areas in your building. All contaminated garments and other personal protective equipment must be placed in the containers provided in the nurse's office upon leaving the work area.

THESE GUIDELINES HAVE BEEN PROVIDED IN AN EFFORT TO PROTECT YOU FROM CONTAMINATION BY BLOODBORN PATHOGENS. PLEASE FOLLOW THEM.

APPENDIX C

LEXINGTON CITY PUBLIC SCHOOLS
HEPATITIS B
VACCINATION DECLINATION FORM

Date: _____

Employee Name: _____

Employee Social Security Number: _____

I understand that due to my occupational exposure to blood or other potential infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potential infectious materials and I want to be vaccinated with Hepatitis B Vaccine, I can receive the vaccination series at no charge to me.

_____ _____
Employee Signature Date

_____ _____
Witness Signature Date

Return completed form to the School Nurse's Office
Copy to be provided to employee

APPENDIX D

LEXINGTON CITY PUBLIC SCHOOLS
HEPATITIS VACCINE RECORD

I, _____, want to receive the Hepatitis B vaccine. The signs, symptoms and possible outcomes of acquiring the Hepatitis B virus have been explained to me. I understand the vaccine is administered by injection in the arm. I also understand the side effects of the injection are minimal (possible discomfort at injection site, headache and/or malaise). This vaccine is provided to me free of charge.

_____
Signature

_____
Social Security Number

_____
Job Title

VACCINE ADMINISTERED:

Dose #1 _____ _____ _____
Amount, Site, Route Date Administered By

Dose #2 _____ _____ _____
Amount, Site, Route Date Administered By

Dose #3 _____ _____ _____
Amount, Site, Route Date Administered By

COMMENTS:

Please return the completed form to School Board Office, Employee Records
HepVac11/01

APPENDIX E

LEXINGTON CITY SCHOOLS
EXPOSURE INCIDENT REPORT

Employee: _____ Date of Report: _____
Social Security Number: _____
Date of Incident: _____ Time of Incident: _____
Location: _____

Potentially Infectious Material Involved:

Type (Blood or other body fluid)	Source
_____	_____
_____	_____

Route of Exposure: _____

Circumstances (work being performed, etc.) _____

How incident was caused (accident, equipment malfunction, etc.): _____
_____

Personal protective equipment being used at time of incident (gloves, mask, eye protection, etc.): _____

Actions taken (decontamination, clean-up, reporting, etc.): _____
_____

Recommendations for avoiding repetition: _____

Hepatitis B Vaccine Status

_____
Individual completing form

_____
Title

Return completed form to the School Nurse Office
COPY TO BE PROVIDED TO EMPLOYEE TO TAKE TO HEALTHCARE PROFESSIONAL

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APPENDIX F

LEXINGTON CITY SCHOOLS

TESTING FOR EXPOSURE TO BLOODBORNE PATHOGENS

This is to verify that _____ was involved in an
(source individual)

exposure to Bloodborne Pathogens on _____
(date)

at _____
(location)

_____ _____
(Individual completing form) (date)

Stonewall Jackson Hospital is authorized to perform the necessary blood testing and is to bill Lexington City Schools. Please contact Lexington City Schools at 540-463-7146, if necessary, or if further information is needed.

Copy to be provided to parent/guardian of student involved to take to Stonewall Jackson Hospital

APPENDIX G

LEXINGTON CITY SCHOOLS
POST-EXPOSURE EVALUATION AND FOLLOW-UP CHECKLIST

Employee: _____ Work location: _____
Social Security Number: _____

The following steps must be taken, and information transmitted, in the case of an employee's exposure to blood or other potentially infectious body fluids. Please initial each entry made on the checklist

ACTIVITY	**COMPLETION DATE**
Source individual identified: _____ Name	_____
Consent has been obtained for blood testing of source individual ____ Yes ____ No	_____
Completion of Exposure Incident Form Route of Exposure: _____ Circumstances of exposure incident	_____
Copy of Exposure Incident Form provided to employee to present to Stonewall Jackson Hospital	_____
Exposed employee's blood collected and tested	_____
Documentation forwarded to Stonewall Jackson Hospital Completed Exposure Incident Form	_____
Received written opinion of healthcare provider	_____
Healthcare Professional/Medical Facility has provided follow-up Appropriate to testing results	_____

Completed checklist and copies of all documentation regarding incident to be maintained at Lexington City School Nurse Office

APPENDIX H

LEXINGTON CITY PUBLIC SCHOOLS
TRAINING ROSTER

Training Topic: OSHA Standards Regarding Bloodborne Pathogens and Other Potentially Infectious Materials

Name of Trainer: _____ Date: _____

Summary of content: 1. Explanation of bloodborne pathogens; the epidemiology, transmission and symptoms of specific diseases. 2. Implementation of our exposure control plan; control methods; personal protective equipment; the Hepatitis B vaccine program. 3. Dealing with emergencies in the work place. 4. Post exposure follow-up. 5. Warning labels and color coding. 6. The need for the employee to function in such a way as to protect himself/herself against potentially infectious situations.

Employee Name	**Position/Job Title**

LEXINGTON CITY PUBLIC SCHOOLS
TRAINING ROSTER

Training Topic: OSHA Standards Regarding Bloodborne Pathogens and Other Potentially Infectious Materials

Date: _____

Employee Name (Please Print)	**Position/Job Title**

THREAT ASSESSMENT TEAMS

The superintendent establishes a threat assessment team for each school. Teams may serve one or more schools as determined by the superintendent. The teams assess and intervene with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School and Campus Safety including procedures for referrals to community services boards or health care providers for evaluation or treatment when appropriate.

Each team includes persons with expertise in counseling, instruction, school administration and law enforcement. Each team

- provides guidance to students, faculty and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school or self;
- identifies members of the school community to whom threatening behavior should be reported; and
- implements policies adopted by the School Board.

A principal who has received information that a juvenile is a suspect in or has been charged with certain violations of law pursuant to Va. Code § 16.1-301 may provide such information to a threat assessment team. No member of a threat assessment team may disclose any such information or use such information for any purpose other than evaluating threats to students and school personnel.

Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team immediately reports its determination to the superintendent or superintendent’s designee. The superintendent or superintendent’s designee immediately attempts to notify the student's parent or legal guardian. Nothing in this policy precludes school division personnel from acting immediately to address an imminent threat.

Upon a preliminary determination by the threat assessment team that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in Va. Code §§ 19.2-389 and 19.2-389.1, and health records, as provided in Va. Code § 32.1-127.1:03. No member of a threat assessment team redisclosures any criminal history record information or health information obtained pursuant to this policy or otherwise uses any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

Each threat assessment team collects and reports to the Virginia Center for School and Campus Safety (the Center) quantitative data on its activities using the case management tool developed by the Center.

The superintendent may establish a committee to oversee the threat assessment teams or may assign the oversight of the teams to an existing committee. If such a committee is established, it will include individuals with expertise in human resources, education, school administration, mental health and law enforcement.

Adopted: May 2013
Revised: June 2014
May 2016
May 2019

Legal Refs.: Code of Virginia, 1950, as amended, §§ 16.1-301, 22.1-79.4.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	EB	School Crisis, Emergency Management and Medical Emergency Response Plan
	JFC	Student Conduct
	JFCD	Weapons in School
	JFCI	Substance Abuse-Student Assistance Program
	JGD/JGE	Student Suspension/Expulsion
	JDGA	Disciplining Students with Disabilities
	JFCE	Gang Activity or Association
	JFCC	Student Conduct on School Buses
	JHH	Suicide Prevention
	JM	Restraint and Seclusion of Students
	JO	Student Records
	KNAJ	Relations with Law Enforcement Authorities

EMERGENCY FIRST AID, CPR AND AED CERTIFIED PERSONNEL

In school buildings with an instructional and administrative staff of ten or more, there shall be at least three employees who have current certification or training in emergency first aid, cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). If one or more students diagnosed as having diabetes attend such school, there shall be at least two employees who have been trained in the administration of insulin and glucagon.

In school buildings with an instructional and administrative staff of fewer than ten, there shall be at least two employees who have current certification or training in emergency first aid, CPR and the use of an AED. If one or more students diagnosed as having diabetes attend such school, there shall be at least one employee who has been trained in the administration of insulin and glucagon.

When a registered nurse, nurse practitioner, physician or physician assistant is present, no employee who is not a registered nurse, nurse practitioner, physician or physician assistant shall assist with the administration of insulin or administer glucagon. Prescriber authorization and parental consent shall be obtained for any employee who is not a registered nurse, nurse practitioner, physician or physician assistant to assist with the administration of insulin and administer glucagon.

Adopted:
Revised: May 18, 2009
May 2012
May 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-274, 22.1-274.4.

Cross Ref.: EB School Crisis, Emergency Management, and Medical Emergency Response Plan
JHCD Administering Medicines to Students

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PERSONNEL TRAINING-VIRAL INFECTIONS

All school personnel having direct contact with students shall receive appropriate training in the etiology, prevention, transmission modes, and effects of blood-borne pathogens, specifically, hepatitis B and human immunodeficiency viruses or any other infections that are the subject of regulations promulgated by the Safety and Health Codes Board of the Virginia Occupational Safety and Health Program within the Department of Labor and Industry.

Adopted:
Revised: June 2017

Legal Ref: Code of Virginia, § 22.1-271.3.

Cross Refs:	EBAB	Reporting of Possible Exposure to Viral Infections
	JHCC	Communicable Diseases
	JHCCA	Blood-Borne Contagious or Infectious Diseases

SAFETY DRILLS

Fire Drills

Each school holds a fire drill at least twice during the first 20 school days of each session. Each school holds at least two additional fire drills during the remainder of the school session. Evacuation routes for students are posted in each room. No fire drills are conducted during periods of mandatory testing required by the Board of Education.

Lock-Down Drills

Each school has a lock-down drill at least once during the first 20 school days of each school session. Each school holds at least one additional lock-down drill after the first 60 days of the school session. Each school provides the parents of enrolled students with at least 24 hours' notice before the school conducts any lock-down drill. Such notice is not required to include the exact date and time of the lock-down drill.

Pre-kindergarten and kindergarten students are exempt from mandatory participation in lock-down drills during the first 60 days of the school session. The superintendent develops procedures to implement such exemption. Each pre-kindergarten and kindergarten students participates in each lock-down drill after the first 60 days of each school session.

School Bus Emergency Drills

Each school having school buses holds a drill in leaving school buses under emergency circumstances at least once during the first ninety calendar days of each school session and more often if necessary.

Tornado Drills

There is at least one tornado drill every school year in every school.

Emergency Situations

In addition to the drills mentioned above, the School Board provides training to each student and employee at least once each school year on safety procedures in the event of an emergency situation on school property.

Adopted: September 11, 2006
Revised: May 2013
May 2016
February 2018
May 2019
June 10, 2020
June 9, 2021

Legal Refs.: Code of Virginia, §§ 22.1-137, 22.1-137.1, 22.1-137.2, 22.1-137.3, 22.1-184.

Acts 2006, c. 164.

8 VAC 20-131-260.

Cross Refs.: EB School Crisis, Emergency Management and Medical Emergency Response Plan

ELECTRONIC ROOM PARTITIONS

No school employee opens or closes an electronic room partition in any school building unless

i. no student is present in such building,

ii. (a) no student is present in the room or area in which such partition is located and
   (b) such room or area is locked or otherwise inaccessible to students, or

iii. such partition includes a safety sensor that automatically stops the partition when a body passes between the leading edge and a wall, an opposing partition, or the stacking area.

Any annual safety review or exercise for school employees includes information and demonstrations, as appropriate, regarding the provisions of the previous paragraph.

Adopted: June 19, 2019

Legal Refs.: Code of Virginia, § 22.1-138.

Cross Refs.: EBCB Safety Drills

SCHOOL CLOSINGS

The superintendent or superintendent's designee may order the closing, the delay in opening or the early dismissal of any or all schools in order to protect the safety and welfare of the students and staff.

Unless employees are notified that their work schedule is changed because of adverse weather or emergency conditions, it is expected that all employees will work according to the terms of their contract and division policy.

During adverse weather or emergency conditions, employees follow guidelines from the superintendent related to work schedules. The guidelines may be reviewed by the school board.

Adopted: August 10, 2009
Revised: April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-98.

Cross Ref.: GAA Staff Time Schedules

BUILDINGS AND GROUNDS MANAGEMENT AND MAINTENANCE

The superintendent has the general responsibility for the care, custody, and safekeeping of all school property. The principal of each school is responsible for the operation, supervision, care and maintenance of the school plant.

Each school maintains records of regular safety, health and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections is determined by the School Board in consultation with the local health and fire departments. In addition, the school administration equips all exit doors with panic hardware as required by the Uniform Statewide Building Code.

The school division maintains documentation of any pesticide application that includes the target pest, the formulation applied and the specific location of the application.

Adopted: August 10, 2009
Revised: June 16, 2010
June 2014
February 2018
March 11, 2020

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79, 22.1-132.2, 22.1-293.

8 VAC 20-131-260.

Cross Refs.:	CF	School Building Administration
	EA	Support Services
	EB	School Crisis, Emergency Management and Medical Emergency Response Plan
	EBCB	Safety Drills
	FE	Playground Equipment
	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	KF	Distribution of Information/Materials
	KG	Community Use of School Facilities
	KGB	Public Conduct on School Property
	KJ	Advertising in the Schools
	KL	Public Complaints
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

INVENTORY AND REPORTING OF LOSS OR DAMAGE

I. Inventories

The superintendent is responsible for implementing a system of inventory of school property to identify items for the purpose of insurance and to control the loss of property.

The inventory shall include, but not be limited to the following: buildings, movable equipment, vehicles and all other items of significant value. Each school shall keep a complete inventory of all equipment, listing make, source, date of purchase, model, serial number, and other identifying data.

II. Reporting Losses

All loss of or damage to school property shall be promptly reported to the superintendent or superintendent's designee.

Adopted: August 10, 2009
Revised: February 2014
April 2019

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

Cross Refs.:	EC	Buildings and Grounds Management and Maintenance
	ECAB	Vandalism
	EI	Insurance Management

RISK MANAGEMENT

Lexington City School's Office of the Superintendent/Risk Management provides a broad range of services dedicated to support the school's mission, at the same time protecting its employees and its material assets from damage or loss.

PURPOSE:

The purpose of the risk management program is to administer all policies and practices that are designed to reduce or eliminate losses experienced by Lexington City Schools.

The office of the Superintendent/Risk Management shall:

1. Administer the school's insurance programs.
2. Utilize loss prevention and loss reduction techniques to eliminate or minimize the losses.
3. Investigate and handle claims in an expeditious manner. The office coordinates the activities of the school's claims administrator and monitors claims payments.
4. Provide training and written procedures and guidelines to the schools' administrators of risk management programs.

PROCEDURES:

Risk management is not limited to health and safety matters. It is an on-going process that utilizes the following steps to effectively manage risks:

1. **Identification of Risk:** The first step in the risk management process is the identification of potential sources of loss by conducting systematic evaluations of the exposure to risks and/or retentions as they relate to those risks and the examination of possible events that could occur by negligence, oversight or accident.
2. **Evaluation of Risk:** Upon examination of an event or activity, etc., determine the seriousness of the exposure and ways to mitigate the risk.
3. **Selection of Best Management Technique**: After determination and evaluation of a risk is made, a risk management technique or combination of techniques is selected to minimize the frequency or severity of possible loss. These techniques may include risk transfer by the purchase of insurance, risk avoidance, loss prevention, loss reduction, training, etc.
4. **Implementation of Best Risk Management Technique**: Once the best risk management technique has been selected, the Risk Manager, in conjunction with the school administrators, will ensure the technique is properly implemented.

RESPONSIBILITIES:

The Office of the Superintendent/Risk Management is responsible for the development and implementation of proactive programs, strategies and measures that will minimize incidents, losses and costs. It will educate the school administrators about insurance and risk management issues.

School administrators are also responsible for ensuring that faculty and staff employees are provided with the necessary training and information to enable them to act accordingly to minimize the adverse effect of loss to the school.

All school staff and faculty share in the responsibility to manage risk within the confines of the school's mission and to conduct their programs and activities in a manner that does not impose an unreasonable risk of injury or loss.

Reporting and Review:
The Claims Administrator will provide the Risk Manager with an annual program review and weekly updates as to status of claims.

Adopted: December 6, 2004

RETURN-TO-WORK (RTW) STATEMENT

An effective workers' compensation program includes many parts, all of which are important. This statement addresses the Lexington City Schools' deliberate, organized effort to return injured employees to productive employment as early as possible, compatible with good medical practices.

A strong return to work effort yields several benefits including:

- Maintenance of an experienced workforce;
- Reductions in claims costs; and
- Improved employee relations

Lexington City Schools' responsibility is the prevention of occupational injury and illness. Despite our best efforts, injuries and illnesses do sometimes occur. It then becomes our responsibility to mitigate the impact of the injury or illness on both the employee and the locality.

EMPLOYER'S ROLE IN RETURN TO WORK PLANNING

One of the critical success factors for an effective RTW program is consistent, active support by visible employer leadership. Employers must recognize that a well-designed and clearly defined RTW program must be communicated to employees at all levels of the organization.

- Express concern for your employees.
- Be fair. Accept injury report as credible.
- Monitor how you adjusters handle your claims.

PRE-INJURY

- Designate someone at RTW coordinator.
- Develop sound, useable and functional job descriptions.
- Establish clear parameters for RTW program: goals, time line, review dates, personnel roles, etc.
- Carefully select medical providers as program participants.
- Integrate RTW information with claims management function.
- Maintain a strong safety ethic in the workplace.

INJURY

- Respond quickly and responsibly to reports of injury or illness.
- Facilitate access to medical care for injured/ill employee
- Initiate all necessary paperwork for proper tracking of medical and claims issues surrounding injury/illness.

POST-INJURY

- Discuss RTW program with injured/ill employee.
- Maintain frequent, positive contact with injured/ill employee.
- Facilitate rehabilitation efforts to extent necessary.
- Continue to monitor claims management processes.
- Accommodate modified duty positions when feasible.
- Maintain regular dialogue with medical providers.
- Investigate accident in effort to prevent future similar accidents.

EMPLOYEE'S ROLE IN RETURN TO WORK PLANNING

It is the employee injury which triggers all aspects of the RTW sequence. The employee, therefore, has the responsibility to be aware of RTW policies and procedures and to report injuries in a timely fashion. The injured employee must also become an active participant in his or her own medical treatment. Cooperation with employer representatives and medical providers, and a focus on reaching maximal functional recovery are also important.

PRE-INJURY

- Maintain a strong safety ethic in the workplace.
- Notify employer of health & safety risks when detected.
- Be familiar with accident reporting mechanisms.

INJURY

- Prompt reporting of incident to designated employer representative.
- Select medical care facility for evaluation and treatment.
- Comply with treatment.
- Communicate treatment and work disposition with employer representative.
- Conform to Virginia Workers' Compensation Act requirements.

POST-INJURY

- Perform only work tasks outline by physician and/or physical therapist.
- Observe safe work practices.
- Alert employer representative, nurse, physician or therapist if acute pain or discomfort is experienced.
- Maintain regular attendance at worksite.

VANDALISM

The school board urges staff, students and the public to cooperate in the reduction of vandalism by reporting incidents of vandalism and the name of any person(s) believed to be responsible.

The school board may institute action and recover from the parents or either of them of any minor living with such parents or either of them up to $2,500 for damages suffered by reason of the willful or malicious destruction of, or damage to, public property by such minor.

In addition, a student who damages or destroys public property is subject to whatever disciplinary action is deemed necessary and advisable by the school principal.

Adopted: July 12, 2004
Revised: August 10, 2009
February 2014
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§8.01-43, 22.1-78, 22.1-253.13:7.B.3.

Cross Refs.: ECA Inventory and Reporting of Loss or Damage
IIBEA/GAB Acceptable Computer System Use

BOMB THREATS

I. Purpose

To establish procedures for handling bomb threats.

II. Procedures

The following procedures shall be followed whenever a telephoned bomb threat is received at a Lexington City public school.

WARNING: **Because detonating devices are activated by radio waves, use of two-way radios should be avoided within 300 feet of the building or suspected location of the explosive device**.

A. Person Receiving the Call:

1. Have someone else also listen to the call if possible.

2. Take notes for the police investigation. Record caller's exact words.

3. Attempt to determine the caller's gender, accent or other distinguishing speech characteristics.

4. Listen for background noises that may help in identifying the location of the caller.

5. Ask caller for the following information:

   a. Time of detonation.
   b. Location of the explosive device.
   c. Type of explosive device.
   d. Physical appearance of the device.
   e. Reason device was placed in school.
   f. Caller's name.

6. If your phone is direct service, attempt to identify the number from which the person is calling by the following procedure when the caller hangs up (this procedure will not work on some telephone systems):

   a. Hang up. Immediately pick up the same phone and push the * (star)

button followed by the numbers 5 and 7, and then hang up the phone. This will flag the calling number at the telephone exchange. Note the exact time this is done. The police will retrieve the information later.

b. When police arrive, inform the investigating police officer that you completed the above procedure and give him or her the number of the phone you received the call on and the time you preformed the procedure.

7. Notify the principal or designee, the police department on 911, the area office, and school security of the threat.

B. Principal or Designee

1. Ensure proper notifications are made.

2. Decide if the building will be evacuated. This decision should be made based on all available information. The police will offer guidance, but the decision is the responsibility of the school official.

3. If evacuation is necessary, conduct evacuation using fire drill procedures; any requirement for prior notification to school security may be omitted. Students should be evacuated to a location at least 300 feet from the building.

4. If events warrant, request a building search. The search should be supervised by police, but school personnel should provide any assistance requested.

AUTHORIZED USE OF SCHOOL-OWNED FACILITIES AND MATERIALS

To ensure the security and efficient use of school property, the superintendent shall develop regulations governing the use of all school owned property. The regulations shall address the use of school division facilities, supplies, materials and equipment by employees and outside organizations.

Employees are prohibited from utilizing school property for personal use or gain.

Adopted: August 10, 2009
Revised: February 2014
June 2014
April 2019
March 11, 2020

Legal Ref.: Code of Virginia, §§ 22.1-70, 22.1-131, 22.1-132, 22.1-132.01.

Cross Refs.:	DN	Disposal of Surplus Items
	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	IIBEA/GAB	Acceptable Computer System Use
	KF	Distribution of Information/Materials
	KG	Community Use of School Facilities
	KGA	Sales and Solicitations in Schools

STUDENT TRANSPORTATION SERVICES

The School Board provides for the transportation of students as required by state and federal laws and regulations.

The superintendent collaborates with the local social services agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged and funded for the duration of time in foster care. The procedures ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with 42 U.S. C. § 675(4)(A) and ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their school of origin, the school division will provide transportation to the school of origin if the local social services agency agrees to reimburse the local school division for the cost of such transportation, the school division agrees to pay for the cost of such transportation or the school division and the local social services agency agree to share the cost of such transportation.

Students may be suspended from using school transportation services for violations of the Student Code of Conduct or when the student endangers the health, safety or welfare of other riders. In such cases the parent or guardian is responsible for transporting the student to school.

Adopted: August 10, 2009
Revised: May 2013
February 2014
February 2017
June 2017

Legal Ref.: 20 U.S.C. § 6312.
Code of Virginia, §§ 22.1-78, 22.1-176, 22.1-221, 22.1-254.

Cross Refs.:	EEAB	School Bus Scheduling and Routing
	EEAC	School Bus Safety Program
	IICA	Field Trips
	JCA	Transfer Requests by Student Victims of Crime
	JEC-R	School Admission
	JECA	Admission of Homeless Children
	JECB (Opt. 1)	Admission of Nonpublic Students for Part-Time Enrollment
	JEG	Exclusions and Exemptions from School Attendance
	JFCC	Student Conduct on School Buses
	LC-E	Charter School Application Addendum

© VSBA

SCHOOL BUS SCHEDULING AND ROUTING

The operation of school buses is scheduled to maximize safety and efficiency.

School bus routes, school sites and safety of students at designated school bus stops are reviewed at least once each year and as changes occur. Routes are reviewed for safety hazards, fuel conservation and to assure the most efficient use of buses. School administrators evaluate the safety of pupils at bus stops periodically and, at the request of the School Board, report the results annually to the School Board.

A written vehicular and pedestrian traffic control plan for each school is reviewed annually for safety hazards. All new school site plans include provisions that promote vehicular and pedestrian safety.

Adopted: June 12, 2017
Revised: February 2018

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

8 VAC 20-70-150.

8 VAC 20-70-160.

Cross Ref.: EB School Crisis, Emergency Management, and Medical Emergency Response Plan

SCHOOL BUS SAFETY PROGRAM

All buses and other vehicles owned and operated by the school division are inspected for safety in accordance with the regulations prescribed by the Department of Education.

All accidents, regardless of the amount of damage involved, are reported to the transportation supervisor.

Crashes involving school buses resulting in property damage of $1,500 or more or personal injury are reported to the Virginia Department of Education at least once per month. The superintendent or superintendent's designee notifies the Virginia Department of Education of any school bus crash involving serious injuries, requiring professional medical treatment, or death within the next working day after the crash.

No person uses any wireless telecommunications device, whether handheld or otherwise, while driving a school bus, except in case of an emergency, or when the vehicle is lawfully parked and for the purposes of dispatching. Nothing in this policy prohibits the use of two-way radio devices or wireless telecommunications devices that are used hands free to allow live communication between the driver and school or public safety officials.

Adopted: June 12, 2017

Legal Refs.: Code of Virginia, 1950, as amended, § 46.2-919.1.

8 VAC 20-70-130.

8 VAC 20-70-140.

SPECIAL USE OF SCHOOL BUSES

The use of school buses for purposes other than transporting children to school for the regular school hours is permitted with prior approval of the superintendent and in accordance with regulations pertaining to field trips.

Adopted:

_____

_____

Legal Refs.: Code of Virginia, 1950, as amended, Sections 22.1-176; 22.1-182.

Cross Ref.: IICA Field Trips

FOOD SERVICE MANAGEMENT

The superintendent is authorized to develop and implement an efficient and effective food services system for the students and employees of the school division. From time to time the superintendent shall report to the school board on the financial status of the division's food service operations.

Adopted: August 10, 2009
Revised: February 2014
April 2019
March 11, 2020

Legal Refs.: 42 U.S.C. § 1751 et seq.

Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-89.1, 22.1-115.

Cross Refs.:

DI	Financial Accounting and Reporting
EFB	Food Services
JHCF	Student Wellness

FOOD SERVICES

Generally

Employees of Lexington City School Board do not require a student who cannot pay for a meal at school or who owes a school meal debt to throw away or discard a meal after it has been served to the student, do chores or other work to pay for such meals, or wear a wristband or hand stamp.

The School Board does not file lawsuits against a student or the student's parent because the student cannot pay for a meal at school or owes a school debt.

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

Competitive foods, as defined herein, comply with state and federal requirements.

The Lexington City School Board may solicit and receive any donation or other funds for the purpose of eliminating or offsetting any school meal debt at any time and will use any such funds solely for such purpose.

Free and Reduced Price Food Services

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

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

If the School Board collects information to determine eligibility for participation in the National School Breakfast Program or the National School Lunch Program, it posts prominently on its website a web-based application for student participation in such program and provides a paper-based application.

Employees of Lexington City School Board do not physically segregate, overtly identify, or otherwise discriminate against any child eligible for free or reduced price meals.

Definitions

“Competitive food” means all food and beverages other than meals reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the school campus during the school day. Competitive foods meet the nutrient guidelines established by the Board of Education, including the guidelines for calories, fat, sugar and sodium.

"Excess food" means any remaining unexpired, unopened, and unconsumed food intended to be served as part of a reimbursable meal that was unable to be utilized for a current or future meal provision after a school has served breakfast and lunch to students during a school day.

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

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

Unpaid Meal Charges

Students who do not have money on account or in hand to cover the cost of a meal at the time of service may be permitted to charge the meal. Students may charge no more than $20.00 to their accounts.

A student carrying a negative balance of $20.00 or more is not permitted to charge any additional amounts. A student who is not permitted to charge any additional amounts is permitted to buy a meal if the student has cash on hand. Reasonable efforts are used to avoid calling attention to a student’s inability to pay.

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

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

The superintendent or superintendent’s designee ensures that federal child nutrition funds are not used to offset the cost of unpaid meals and that the child nutrition

program is reimbursed for bad debt. In order to accomplish those goals, the following procedures are followed:

- At least one written notice is provided prior to the student being denied reimbursable meals for exceeding the division's charge limit.
- If payment of the negative balance is not received within 30 working days of the maximum charge limit being reached, the debt will be turned over to the superintendent or superintendent's designee for collection. If the debt is not paid within 30 days of notice being given, it is considered bad debt for the purposes of federal law concerning unpaid meal charges.

Recordkeeping

The Lexington City School Board is responsible for maintaining records that document compliance with this policy. Those records include documentation used to assess the nutritional profile of food items and determine whether a food item is an allowable competitive food, such as recipes, nutrition labels and/or product specifications for the competitive food available for sale to students.

The School Board is also responsible for

- maintaining records documenting compliance with the competitive food nutrition standards for food available for sale in areas that are outside of the control of the school nutrition programs operations,
- ensuring any organization or school activity designated as responsible for food service at the various venues in the school, other than the school nutrition programs, maintains records documenting compliance with the competitive food nutrition standards,
- maintaining records each school year documenting the number of exempt fundraisers, if any, conducted at each school within the division, and
- designating an individual at the division or school level to monitor and ensure compliance with this policy in all areas that are outside the control of the school nutrition programs operation. The designee may not be a school nutrition personnel.

Adopted: August 10, 2009
Revised: October 2014
February 2017
May 2019
March 11, 2020
June 10, 2020
June 9, 2021

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

7 C.F.R. §§ 210.9, 210.11, 220.20, 245.5, 245.8.

U.S. Department of Agriculture, SP 23-2017 Unpaid Meal Charges: Guidance and Q&A, March 23, 2017.

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

Code of Virginia, 1950, as amended, ~~§~~ §§ 22.1-79.7, 22.1-207.2:2, 22.1-207.3, 22.1-207.4, 63.2-1509.

8 VAC 20-740-10.

8 VAC 20-740-30.

8 VAC 20-740-35.

8 VAC 20-740-40.

Cross Refs:	GAE	Child Abuse and Neglect Reporting
	JHCF	Student Wellness
	KH	Public Gifts to the Schools

FOOD SANITATION PROGRAM

The personnel and the facilities used for food services in the school division are subject to state laws regulating restaurants and other food establishments. School dining facilities are also governed by regulations promulgated by the State Board of Health.

Adopted: May 7, 2007
Revised: August 10, 2009
April 2019
March 11, 2020

Legal Refs.: Code of Virginia, 1950, as amended, § 35.1-1.

12 VAC 5-421-10 et seq.

Cross Refs: EF Food Service Management
EFB Food Services

REPRODUCTION AND USE OF COPYRIGHTED MATERIALS

The reproduction and use of copyrighted materials, including computer software, electronic materials, video tapes, compact discs, laser discs and other non-print materials, are controlled by federal law. In general, copyright owners have the exclusive right to use, reproduce and modify their materials. Federal law does provide limited exceptions to this general rule which permit the reproduction and use of copyrighted materials in some circumstances. The superintendent is responsible for promoting an understanding of the applicable law among staff members and students.

The Lexington City School Board encourages its staff and students to enrich the educational experience by making proper use of supplementary materials. However, each staff member and student is responsible for complying with copyright law and with any regulations or procedures developed by the superintendent. Any employee or student who is uncertain as to whether reproducing or using copyrighted materials complies with the division procedures or is permissible under law should contact the Superintendent who will provide clarification and assist staff members and students in obtaining proper authorization to copy or use protected material when such authorization is required.

At no time is it necessary for a staff member to violate copyright laws in order to properly perform the staff member's duties. At no time is it necessary for a student to violate copyright laws in order to complete any assigned work. For staff members, violation of copyright laws or division requirements may result in discipline up to and including termination of employment. For students, violation of copyright laws or division requirements may result in discipline up to and including suspension or expulsion.

Adopted:
Revised: February 2014
June 9, 2021

Legal Ref: 17 U.S.C § 101 et seq.

Cross Ref: GAB/IIBEA Acceptable Computer System Use
GCPD Professional Staff Discipline

REPRODUCTION OF COPYRIGHTED MATERIALS

INTERPRETATION FOR EDUCATORS IN LEXINGTON CITY SCHOOLS

INTRODUCTION

Teachers and administrators in Lexington City Schools desire to provide students with access to quality materials at the lowest cost possible. The copyright law does provide fair use limits for educators who need to use copyrighted works. This document represents the interpretation of the Copyright Law for Lexington City Schools (classified as nonprofit educational institutions). The best option is to plan in advance and to receive written permission from publishers to use copyrighted material. In seeking such permission the request should include:

1. title, author(s) or editor(s), edition number
2. exact amount (pages) of material to be used, preferably including a photocopy of the material involved
3. number of copies to be made
4. description of how material will be used, for what purpose and/or course and frequency of use if for more than one occasion
5. type of duplication (photocopy, ditto, etc.)

PHOTOCOPYING

Single Copy:
Teachers preparing to teach a class may make or request to have made a single copy of:

- a book chapter
- an article from a newspaper or periodical
- a short story, essay, or short poem
- a chart, graph, diagram, cartoon, drawing, or picture from book, periodical, or newspaper.

Multiple Copies:
Teachers desiring to duplicate a copy of a work for EACH student must:

- include a notice of copyright with each copy AND meet these three tests:

1. BREVITY TEST:

For POETRY; a copy of a poem if less than 250 words and if printed on no more than two pages or, no more than 250 words if from a longer

For PROSE; any complete story, essay or article under 2,500 words OR excerpts of not more than 1,000 words or 10% of the work; for SPECIAL, SHORTER WORKS, so designated because they contain illustrations (eg. children's stories) may not be copied in their entirety even though they contain less than 2,500 words. Educators may NOT copy more than two published pages containing no more than 10% of the text.

For ILLUSTRATIONS; no more than one chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue.

2. SPONTANEITY TEST:
"Inspiration and decision to use the work" must occur so soon prior to classroom use that it would not be feasible for the teacher to write for and receive permission to duplicate the material. The teacher must request the copying and not as directed by an administrator.

3. CUMULATIVE EFFECT TEST:
Copies of the material must be for only one course in the school in which copies are made;

No more than one short poem, article, story, essay or two excerpts may be copied from the same author;

No more than three copies from the same collective work or periodical during one class term.

There must not be more than nine instances of such multiple copying for one course during one class term.

Prohibited Copying
Some uses are prohibited regardless of the otherwise permissible copying.

- Educators may not create through photocopying their own anthologies, compilations or collective works whether brought together in one collection or reproduced and used separately.
- Copying must NOT substitute for the purchase of books, periodicals, or reprints. THIS ESPECIALLY APPLIES TO THE DUPLICATION OF "CONSUMABLE" MATERIALS SUCH AS WORKBOOKS, TEST BOOKLETS, AND STANDARDIZED TESTS WHICH MAY NOT BE DUPLICATED.
- The teacher must not duplicate the same item from one term to another.

MUSIC (See also: Audio Visual Materials - Audio Disc, Cassettes, Tape Recordings)

Permissible Copying

- Educators are permitted to make copies of music in an emergency defined as "replace purchased copies which for any reason are not available for an IMMINENT performance "AS LONG AS replacement copies are purchased later").
- For academic purposes other than performances, a teacher or researcher may duplicate a single copy of an "entire performable unit (section, movement, aria, etc.)" if that unit is unavailable except in a larger work and if it is out of print, as confirmed by the copyright proprietor. For other nonperformance educational purposes, multiple copies of no more than 10% of the whole work may be made as long as the excerpt does not comprise a performable unit. This multiple copying should not exceed one copy per student.
- Printed copies of purchased music may be edited or simplified EXCEPT alterations or addition of lyrics.
- A single copy of a sound recording of copyrighted music may be made for use in "constructing aural exercises or examinations"--THIS APPLIES TO THE COPYRIGHT OF THE MUSIC ITSELF AND NOT TO ANY COPYRIGHT THAT MAY EXIST IN THE SOUND RECORDING.
- A single copy of a recording of performance(s) by students is permissible for evaluation or rehearsal purpose and may be retained by the teacher or educational institution.

Prohibited Copying

- "To create or replace or substitute for anthologies, compilations or collective works."
- Copying from works intended to be "consumable" such as workbooks, exercises, standardized tests and answer sheets.
- For performance except as above.

PHOTOCOPYING BY LIBRARY MEDIA STAFF

Copying is to take place ONLY at the specific request of users or other libraries.

Under Section 108 of the Copyrights Act library employees are permitted to make a SINGLE copy of a work as long as the library receives no financial gain, and affixes notice of copyright on all duplicated works.

In addition to the above requirements, the library media center may make copies only under the following conditions:

- It may duplicate in facsimile form a published, copyrighted work that is damaged, deteriorating, lost or stolen if a reasonable effort determines no possibility for replacement.
- Recordings are to be shown to students no more than twice during the 10-day period. . . the second time for instructional reinforcement only.
- After the 10-day period the recordings may be viewed only by teachers.
- If several teachers request videotaping of the same program, duplicate copies are permitted. (ALL copies are subject to the same restrictions as the original).
- Off-air recordings may not be physically or electronically altered or combined with others to form anthologies, but do not have to be shown in their entirety.
- All copies of the recordings must include the copyright notice on the broadcast program as recorded.
- Schools may not build library collections of videotapes of television programs.

FROM PUBLIC BROADCASTING SERVICES

Four public broadcasting services drew up a joint policy statement that allows schools specific videotaping privileges for their production: Public Broadcasting Service, Public Television Library, Great Plains National Instructional Television Library, Agency for Instructional Television. Educators may record broadcasts from these agencies on the following conditions:

- Recordings may be made only by students, faculty or staff members in accredited, nonprofit education institutions.
- May be used only for instruction or educationally related activities in a classroom, laboratory, or auditorium.
- May be used only in the school for which they were made.
- The recordings may be used "only during the seven day period of local ETV and other educational broadcast licensed by the distribution agency, and will be erased or destroyed immediately at the end of the period..."

ALL REQUESTS FOR TAPING MUST COME DIRECTLY FROM TEACHERS AND MUST BE SHOWN ONLY TO STUDENTS AND FACULTY FOR INSTRUCTIONAL PURPOSES.

TELEVISION BROADCASTS TAPED BY TEACHERS

At this time there is no specific court ruling or legislation directly addressing this particular activity. The 1984 U.S. Supreme Court Sony decision affirmed the right of individuals to use videocassette recordings in their homes. This right was upheld primarily on the basis of "private, noncommercial time-shifting in the home." The majority did not address the use of privately taped programs for public performances or for educational purposes.

VIDEOCASSETTE PROGRAMS RENTED, PURCHASED OR TAPED AT HOME BY TEACHERS

- Programs must relate to specific objectives in the classroom program of studies and/or SOL's.
- Programs may NOT be used for recreational or entertainment purposes.
- Programs purchased by the school or teacher and marked "For Home Use Only" may be used in the classroom if directly related to the instructional goals.
- Programs rented by the teacher and marked "For Home Use Only" may not be used in the classroom UNLESS the merchant provides a WRITTEN and SIGNED release form giving permission for classroom use.
- Teachers may not tape a program at home from either a broadcast or cable transmission for use in the classroom. Refer to the two sections above for allowable taping from commercial and cable transmission.
- Use of programs from direct broadcast must be approved by the principal, division level curriculum specialists or department chairperson.

PENALTIES FOR INFRINGEMENT OF COPYRIGHT

- EDUCATORS, EDUCATION INSTITUTIONS, AND SCHOOL DIVISIONS MAY BE SUED IF THEY VIOLATE OR INFRINGE THE RIGHTS OF COPYRIGHT.
- The legal or insurance protection of Lexington City Schools will not be extended to employees who knowingly violate copyright laws.
- The copyright law specifies a normal penalty of from $250 to $10,000 in statutory damages for each violation, but the penalty can be as much as $100,000 for a willful violation. Even if a defendant is judged not to be in violation of the law, court costs and attorneys' fees must be borne by the individual and/or organization charged with the copyright infringement.
- Educators should be aware that criminal charges of copyright violation can be brought. Those found guilty of "willfully infringing a copyright for private or commercial financial gain, could be fined up to $100,000 or imprisoned for up to one year or both."

INSURANCE MANAGEMENT

The School Board maintains such insurance on school property, including vehicles, as it deems necessary or as is required by law. The School Board may provide liability insurance, or may provide self-insurance, for certain or all of its officers and employees and for student teachers and other persons performing functions or services for any school in the school division, regardless of whether payment is made for such functions or services. Such insurance, including workers' compensation and all property and casualty insurance, is placed with insurance companies authorized to do business in Virginia or provided by insurance pools, groups, or self-insured programs authorized by the state Bureau of Insurance.

Adopted: July 12, 2004
Revised: February 2014
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, §§ 15.2-2703, 15.2-2704, 15.2-2705, 22.1-84, 22.1-188 through 22.1-198.

EDUCATIONAL TECHNOLOGY FOUNDATIONS & PUBLIC SCHOOL FOUNDATIONS

The school board may establish educational technology foundations for the express purpose of implementing a public/private partnership to expand access to and improve the quality of educational technology in the division. The school board may also establish public school foundations for the express purpose of implementing a public/private partnership to implement public school improvement projects approved by the school board. Such foundations may be established directly by the school board or by the school board and other organizations or persons, on behalf of the school board by a third party, or through a contract with a corporation as defined by Va. Code § 2.2-212.2:2. The foundations may be established as a cooperative regional effort with other school boards.

I. Requirements

Upon establishing or contracting with a corporation, whether or not other organizations, school boards, or persons are involved, the school board shall:

- Review and approve the articles of incorporation and bylaws
- Establish a system of accounting to protect public funds
- Establish agreement that, upon dissolution of the corporation, any assets remaining after payment of just debts shall be transferred to and become the property of the school board or, if a regional effort, the procedure by which the property may be divided among the school boards
- Require, in any instance in which the school board advances, contributes or loans funds to the corporation, that such contract shall provide for the posting of a bond with surety by the officers of the corporation conditioned to protect the rights of the school board
- Establish terms for the allocation of any profits or revenues between the school board and the corporation
- Take such other steps as may be necessary to comply with applicable law

II. Funding

The school board may (i) advance, contribute or loan funds to such foundations, and (ii) establish an escrow fund for the purpose of funding various educational technology projects.

III. Procurement

In making purchases through its public school foundation or purchasing educational technology through its educational technology foundation, the school board is exempt from the Virginia Public Procurement Act, except, relative to such purchases, the school board shall comply with the provisions of Va. Code §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

Adopted: July 12, 2004
Revised: August 10, 2009
February 2014
April 2019

Legal Ref: Code of Virginia, §§ 2.2-4311, 2.2-4343, 2.2-4367 through 2.2-4377, 22.1-212.2:2.

Cross Refs.:	JRCA	School Providers' Use of Personal Information
	KA	Goals for School-Community Relations
	KH	Public Gifts to the Schools
	KM	Relations with Community Organizations
	KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

SECTION F: Facilities Development

FB	Facilities Planning
FE	Playground Equipment
FEA	Educational Specifications
FECBA	Energy Efficient Construction
FECBB	Accommodations for the Disabled
FEG	Construction Planning
FF	Public Dedication of New Facilities
FFA	Naming School Facilities
FG	Retirement of Facilities

FACILITIES PLANNING

The School Board provides for the erecting, furnishing, equipping, and maintenance of all school facilities.

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 receiving input concerning facilities utilization, development and closure from the community.

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

Adopted:
Revised: February 2015
March 11, 2020

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

Cross Ref.:	AF	Comprehensive Plan
	BCF	Advisory Committees to the School Board
	FEA	Educational Facilities Specifications
	FECBA	Energy Efficient Construction
	FEG	Construction Planning

PLAYGROUND EQUIPMENT

When any playground equipment is installed on School Board property the Board assumes ownership of that equipment unless specifically stated otherwise by agreement. For this reason the maintenance of the playground equipment installed by a School or Community Group is the responsibility of the School Board.

Once equipment is installed on School Board property, the principal of the school has the responsibility to inspect the equipment on a regular basis, and the authority, to order its repair or removal from the school property. The principal may also restrict or deny the use of such equipment until such time as, in his or her opinion, it is restored to a safe condition.

Consideration should be given to designing the outdoor learning environment to support classroom learning.

Adopted:
Revised: 4/05/10
October 2014

Legal Refs.: Code of Virginia, 1950, as amended, sections 22.1-78, 22.1-79, 22.1-293.

Guidelines for School Facilities in Virgina's Public Schools (Virginia Department of Education, September 2013)

EDUCATIONAL FACILITIES SPECIFICATIONS

To ensure that all new and remodeled facilities are designed to best implement the educational program, the superintendent provides for the development of detailed educational specifications to apply to the design and construction of new buildings. Educational specifications include detailed descriptions of:

- All the activities that are expected to take place in the building;
- The curriculum to be housed in the building;
- Specific architectural characteristics desired; and
- The facilities needed, their equipment requirements, and their relationship to other facility elements.

When educational specifications are prepared, an introductory section is included containing a brief description of the community and the educational philosophy of the division. Consultants may be used in the development of educational specifications when deemed necessary by the superintendent and approved by the School Board.

The School Board consults with the local building official and the state or local fire marshal to develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code.

Adopted:
Revised: 4/05/10
April 2019
May 2019

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-79, 22.1-138.

Cross Refs.:	AF	Comprehensive Plan
	FB	Facilities Planning
	FECBA	Energy-Conserving Construction
	FECBB	Accommodations for the Disabled
	FEG	Construction Planning

ENERGY EFFICIENT CONSTRUCTION

Efficient use of energy in construction and operation of school division buildings is a high priority. To the extent permitted by the Public Procurement Act, a proposed project which contains the most energy-efficient plans within an acceptable budget will have priority. Energy efficiency will be considered in the architectural evaluation.

A continuous study of energy use shall be maintained by the administration for future planning in new construction.

Adopted:
Revised: 4/05/10

Legal Refs.: Code of Virginia, 1950, as amended, sections 22.1-70, 22.1-78

Cross Refs.: DJF Purchasing Procedures
FEA Educational Facilities Specifications

ACCOMMODATIONS FOR THE DISABLED

Plans for new buildings and renovations or alterations of existing buildings will offer such design and accommodations as to make the newly constructed buildings and renovated or altered areas accessible to disabled persons as required by law.

Adopted:
Revised: 4/05/10

Legal Refs.: 29 U.S.C. § 794

42 U.S.C. §§ 12182, 12183

Cross Ref.: AC Nondiscrimination

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;
- 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; and
- have been reviewed by an individual or entity with professional expertise in building security and crime prevention through building design.

The superintendent's approval, architect's or engineer's statement, all reviewers' comments, and a copy of the final plans and specifications are submitted to the Superintendent of Public Instruction.

Adopted:
Revised: April 5, 2010
June 16, 2010
February 2015
May 2019

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

Cross Ref: FEA Educational Facilities Specifications

PUBLIC DEDICATION OF NEW FACILITIES

The School Board may have a public dedication ceremony following completion of major building projects.

Adopted: July 12, 2004
Revised: October 2014

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

Cross Ref.: FFA Naming School Facilities

NAMING SCHOOL FACILITIES

It is the responsibility of the Lexington City 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: July 12, 2004
Revised: October 2014
February 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

RETIREMENT OF FACILITIES

School division buildings may become unsuitable for their present use, but may be used to benefit the school division or public in other ways. The superintendent reviews division schools and facilities on a continuting basis. The superintendent may recommend to the School Board that a particular school or school facility should be retired or its use changed. In determining whether a facility is to be retired, the School Board may consider the following factors, among others:

1. The adaptability of the building for continued use for its present purpose;

2. The suitability of the site of the building;

3. The maintenance and upkeep costs of the building;

4. The historic value of the building to the community.

The School Board shall invite the viewpoints of community residents and staff in making its decision to retire a school building.

If the School Board determines to close a facility, it will first consider other uses that the school division might make of the building prior to considering relinquishing possession of the building.

Adopted:
Revised: 4/05/10
October 2014

Legal Ref.: Code of Virginia, 1950, as amended, sections 22.1-79, 22.1-129, 22.1-135, 22.1-136.

Cross Ref.: KG Community Use of School Facilities

SECTION G: PERSONNEL

GA	Personnel Policies Goals
GAA	Staff Time Schedules
GAB *(Also IIBEA)*	Acceptable Computer System Use
GAB-R *(Also IIBEA-R)*	Technology Use Guidelines
GAD	Access to Employee Social Medica Accounts
GAE	Child Abuse and Neglect Reporting
GAH	School Employee Conflict of Interests
GB	Equal Employment Opportunity/Non-Discrimination
GBA *(Also JFHA)*	Prohibition Against Harassment and Retaliation
GBB	Prohibition of Abusive Work Environments
GBD *(Also BG)*	Board-Staff Communications
GBE	Staff Health
GBEA	Unlawful Manufacture, Distribution, Dispensing, Possession or Use of a Controlled Substance
GBEA-E	Notice to Employees: Unlawful Manufacture, Distribution, Dispensing, Possession or Use of a Controlled Substance
GBEB	Staff Weapons in School
GBEC *(Also JFCH and KGC)*	Tobacco Products and Nicotine Vapor Products

SECTION G: PERSONNEL

GBEF/JHCL	Lactation Support
GBG	Staff Participation in Political Activities
GBI	Staff Gifts and Solicitations
GBL	Personnel Records
GBLA	Third Party Complaints Against Employees
GBLA-E	Third Party Complaint Form
GBM	Professional Staff Grievances
GBM-R	Procedure for Adjusting Grievances
GBMA	Support Staff Grievances
GBN	Staff Hiring Procedures
GBO	Virginia Retirement System
GBR	Voluntary Retirement Savings Program
GC	Professional Staff
GCB	Professional Staff Contracts
GCBA	Staff Salary Schedules
GCBB	Supplementary Pay
GCBC	Staff Fringe Benefits

SECTION G: PERSONNEL

GCBD	Staff Leaves and Absences
GCBD-R	Sick Leave and Accident-VRS Hybrid Plan Member
GCBE	Family and Medical Leave (with Attachments)
GCBEA	Leave Without Pay
GCBEB	Military Leave and Benefits
GCCB	Employment of Family Members
GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
GCE	Part-Time and Substitute Professional Staff Employment
GCG	Professional Staff Probationary Term and Continuing Contract
GCI	Professional Staff Assignments and Transfers
GCI-R	Teacher Transfer Request (Administrative Guidelines)
GCJ	Professional Staff Time Schedules
GCL	Professional Staff Development
GCL-R	Tuition Support
GCN	Evaluation of Professional Staff
GCPA	Reduction in Professional Staff Work Force
GCPB	Resignation of Staff Members
GCPC	Employee Retirement

SECTION G: PERSONNEL

GCPCA	Volunteer Early Retirement Plan
GCPD	Professional Staff Members: Contract Status and Discipline
GCPD-A	Suspension
GCPD-R	Non-Renewal and Dismissal of Certified Personnel
GCPF	Suspension of Staff Members
GCQA	Non-school Employment By Staff Members
GCQAB	Tutoring for Pay
GCQB	Staff Research and Publishing
GCQC	Vehicle Policy
GD	Support Staff
GDB	Support Staff Employment Status
GDG	Support Staff Probationary Period
GDI	Support Staff Assignments and Transfers
GDJ	Support Staff Time Schedules
GDN	Evaluation of Support Staff
GDPC	Retirement of Support Staff Members
GDPD-R	Dismissal of Support Staff Members
GDQ	School Bus Drivers
GEA/JOH	Acceptance of Electronic Signatures and Records

PERSONNEL POLICIES GOALS

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

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

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

Adopted: May 9, 1994
Revised: July, 1996
September 11, 2006
April 5, 2010
May 2013
February 2017
May 2018
May 2019

Legal Ref.: 20 U.S.C. § 7926.

Code of Virginia, 1950, as amended, §§ 22.1-79.8, 22.1-295.

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

STAFF TIME SCHEDULES

Work Schedules

The workday for full-time licensed and professional staff is a minimum of seven hours and thirty minutes and continues until professional responsibilities to the students and school division are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum. Elementary school classroom teachers are provided at least an average of thirty minutes per day during the students' school week as planning time. Each full-time middle and secondary classroom teacher is provided one planning period per day, or the equivalent, as defined by the Board of Education, unencumbered of any teaching or supervisory duties. If a middle or secondary school classroom teacher teaches more than the standard load of students or class periods per week, as defined by the Board of Education, an appropriate contractual arrangement and compensation is provided.

Work schedules for other employees are defined by the superintendent or superintendent's designee consistent with the Fair Labor Standards Act and the provisions of this policy.

Workweek Defined

For purposes of compliance with the Fair Labor Standards Act, the workweek for employees of Lexington City School Board is 12:00 a.m. Saturday until 11:59 p.m. Friday.

Overtime

Working hours for all employees not classified as exempt under the Fair Labor Standards Act, including secretaries, bus drivers, cafeteria, janitorial and maintenance personnel, conform to federal and state regulations. The superintendent ensures that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors make every effort to avoid circumstances which require non-exempt employees to work more than 40 hours each week. The Lexington City School Board discourages overtime work by non-exempt employees. A non-exempt employee will not work overtime without the express approval of the employee's supervisor. All overtime work must be expressly approved in writing by the superintendent or superintendent's designee. All supervisory personnel must monitor overtime on a weekly basis and report such time to the superintendent or superintendent's designee. Principals and supervisors monitor employees' work, ensure that overtime provisions of this policy and the Fair Labor Standards Act are followed and ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete time sheets of

actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer reviews work records of employees on a regular basis to make an assessment of overtime use.

Non-exempt employees whose workweek is less than 40 hours are paid at the regular rate of pay for time worked up to 40 hours. Such employees are provided overtime pay as provided above for working more than 40 hours in a workweek.

Attendance Expectations

All employees are expected to be present during all work hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Adopted: January 12, 2004
Revised: August 10, 2009
February 2014
April 2019
June 9, 2021

Legal Refs.: 29 U.S.C. 29 U.S.C. §§ 203, 207

29 C.F.R § 516.1 et seq.

Code of Virginia, 1950, as amended, §§ 22.1-253.13:2, 22.1-253.13:3, 22.1-291.1, 40.1-29.2.

8 VAC 20-131-240.

Cross Ref.: IC/ID School Year/School Day

ACCEPTABLE COMPUTER SYSTEM USE

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

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

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

The superintendent is responsible for establishing Technology Use Guidelines, containing the appropriate uses, ethics and protocols for use of the computer system. The superintendent is also responsible for reviewing and updating, as necessary, the Guidelines at least every two years. It is the user's responsibility to know and follow this policy and the Technology Use Guidelines.

The Guidelines include:

(1) a prohibition against use of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;

(2) provisions, including the selection and operation of a technology protection measure for the division's computers having internet access to filter or block internet access through such computers, that seek to prevent access to:
   a. child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
   b. obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and
   c. material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;

(3) provisions establishing that the technology protection measure is enforced during any use of the division's computers;

(4) provisions establishing that all usage of the computer system may be monitored;

(5) provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;

(6) provisions designed to prevent unauthorized online access by minors, including "hacking" and other unlawful online activities;

(7) provisions requiring every user to protect the security of information necessary to access the computer system, such as usernames and passwords, and prohibiting the sharing of passwords;

(8) provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and

(9) a component of internet safety for students that is integrated in the division's instructional program.

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

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

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

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

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

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

The School Board review and amends, if necessary, this policy every two years.

Adopted: September 12, 2005
Revised: September 11, 2006
August 10, 2009
June 16, 2010
May 2013
April 2019
May 2019
June 9, 2021

Legal Refs: 18 U.S.C. §§ 1460, 2256.

47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2, and 22.1-78.

Cross Refs.:	EGAA	Reproduction and Use of Copyrighted Materials
	GBA/JHFA	Prohibition Against Harassment and Retaliation
	GCPD	Professional Staff Discipline
	GCQB	Staff Research and Publishing
	JFC	Student Conduct

File: GAB-R
(Also IIBEA-R)

TECHNOLOGY USE GUIDELINES

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

Computer System Use-Terms and Conditions:

1. **Acceptable Use.** Access to the division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the division or (2) for legitimate school business.

2. **Privilege.** The use of the division's computer system is a privilege, not a right.

3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
   - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
   - sending, receiving, viewing or downloading illegal material via the c computer system.
   - unauthorized downloading of software.
   - using the computer system for private financial or commercial purposes.
   - wastefully using resources, such as file space.
   - gaining unauthorized access to resources or entities.
   - posting material created by another without his or her consent.
   - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
   - using the computer system while access privileges are suspended or revoked.
   - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
   - intimidating, harassing, bullying, or coercing others.
   - threatening illegal or immoral acts.

4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
   - be polite.
   - users shall not forge, intercept or interfere with electronic mail messages.
   - use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
   - users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
   - users shall respect the computer system's resource limits.
   - users shall not post chain letters or download large files.
   - users shall not use the computer system to disrupt others.
   - users shall not modify or delete data owned by others.

5. **Liability.** The school board makes no warranties for the computer system it provides. The school board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the school board for any losses, costs, or damages incurred by the school board relating to or arising out of any violation of these procedures.

6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.

7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.

8. **Charges.** The school division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.

9. **Electronic Mail.** The school division's electronic mail system is owned and controlled by the school division. The school division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the school division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

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

Adopted: September 12, 2005
August 10, 2009
May 2013
April 2019
May 2019

Legal Refs: 18 U.S.C. §§ 1460, 2256.
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2 and 22.1-78.

Cross Refs:	GAB/IIBEA	Acceptable Computer System Use
	GCPD	Professional Staff Discipline
	JFC	Student Conduct

ACCESS TO EMPLOYEE SOCIAL MEDIA ACCOUNTS

The Lexington City School Board does not require current or prospective employees to disclose the username or password to the employee's personal social media accounts or to add an employee, supervisor or administrator to the list of contacts associated with the employee's personal social media account.

If the School Board or a School Board employee inadvertently receives an employee's username and password to, or other login information associated with, the employee's personal social media account through the use of an electronic device provided to the employee by the School Board or a program that monitors the School Board's network, the Board will not be liable for having the information but will not use the information to gain access to the employee's social media account.

This policy does not prohibit the School Board and its agents from viewing information about a current or prospective employee that is publicly available.

This policy does not prohibit the School Board from requesting an employee to disclose the employee's username and password for the purpose of accessing a personal social media account if the employee's social media account activity is reasonably believed to be relevant to a formal investigation or related proceeding by the Board of allegations of an employee's violation of federal, state or local laws or regulations or of the Board's written policies. If the Board exercises its rights under this paragraph, the employee's username and password will only be used for the purpose of the formal investigation or a related proceeding.

Adopted: June 8, 2015

Legal Ref.: Code of Virginia, 1950, as amended, § 40.1-28.7:5.

Cross Ref.: GAB/IIBEA Acceptable Computer System Use

© VSBA

CHILD ABUSE AND NEGLECT REPORTING

Reporting Requirement

Every employee of Lexington City School Board who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq. shall immediately report the matter to

- the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- to the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

Notice of Reporting Requirement

The School Board posts in each school a notice that

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

Complaints of Abuse and Neglect

The School Board and the local department of social services have adopted a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student. The interagency agreement is based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services. The School Board reports substantial modifications of the agreement to the Board of Education.

Adopted: June 2014
Revised: May 2015
May 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7, 22.1-291.3, 63.2-1509, 63.2-1511.

Cross Refs.:	EFB	Food Services
	JFHA/GBA	Prohibition Against Harassment and Retaliation
	GA	Personnel Policies Goals
	GBLA	Third Party Complaints Against Employees

SCHOOL EMPLOYEE CONFLICT OF INTERESTS

A. Purpose

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

B. Compliance

School board employees are required to read and be familiar with the Act. The superintendent provides employees with information regarding how to access the Act and how to contact the Ethics Council. Following is a link to the Act: http://law.lis.virginia.gov/vacodepopularnames/state-and-local-government-conflict-of-interests-act. The Ethics Council may be reached at (804) 786-3591.

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

C. Areas of Regulation

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

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

- a personal interest in a contract;
- a personal interest in a transaction;
- business opportunities tied to official acts;
- misuse of confidential information; or
- receipt or solicitation of certain gifts.

Examples of prohibited conduct include:

- soliciting or accepting money or other thing of value for services performed within the scope of the employee's official duties, except for the employee's compensation, expenses or other remuneration paid by the division;

- using for the employee's own economic benefit or that of another party, confidential information that the employee has acquired by reason of the employee's public position and which is not available to the public;

- accepting any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the employee in the performance of the employee's official duties;

- accepting any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of the employee's official duties;

- entering into contracts with the school division under certain circumstances;

- accepting a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor; and

- accepting gifts from sources on a basis so frequent as to raise an appearance of the use of the employee's position for private gain.

D. Awards to Employees for Exceptional Service

The Act does not prohibit or apply to the acceptance by a teacher or other employee of Lexington City 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.

E. Advisory Opinions

Employees may seek written opinions regarding application of the Act from the local Commonwealth's Attorney, the local City attorney or the Ethics Council. Good faith reliance on a written opinion of the Commonwealth's Attorney or a formal opinion or

written informal advice of the Ethics Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a knowing violation of the Act provided the opinion or advice was made after a full disclosure of the facts. If the employee relies on written informal advice given by the Ethics Council in a prosecution for a knowing violation of the Act, the record of the request and the written informal advice given shall be a public record and released upon request. An opinion of the local City attorney may be introduced at trial as evidence that the employee did not knowingly violate the Act.

Adopted: March 13, 2017
Revised: June 2017

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3121, 2.2-3124 and 30-356.

Cross Ref.:

BBFA	Conflict of Interests and Disclosure Requirements
CBCA	Disclosure Statement Required of Superintendent
DJG	Vendor Relations
GCCB	Employment of Family Members
GCQA	Nonschool Employment by Staff Members
KGA	Sales and Solicitations in Schools
KJ	Advertising in the Schools

EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION

I. Policy Statement

The Lexington City School Board is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention and other personnel actions affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of race, color, creed, religion, national origin, ancestry, political affiliation, sex, sexual orientation, gender, gender identity, age, pregnancy, childbirth or related medical conditions, marital status, military status, genetic information or disability is prohibited. Personnel decisions are based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation.

The statement, “Lexington City School Board is an equal opportunity employer,” is placed on all employment application forms.

II. Notice of Policy/Prevention

This policy is (1) posted in prominent areas of each school division building, (2) included in employee handbooks and (3) provided to any employee or candidate for employment upon request. Training to prevent prohibited discrimination is included in employee in-service training.

III. Complaint Procedure

A. File Report

Any person who believes he has not received equal employment opportunities should report the alleged discrimination to one of the Compliance Officers designated in this policy. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the Compliance Officers designated in this policy.

The reporting party should use the form, Report of Discrimination, GB-F, to make complaints of discrimination. However, oral reports and other written reports will

also be accepted. The complaint must be filed with one of the Compliance Officers designated in this policy. Any complaint that involves the Compliance Officer shall be reported to the superintendent.

The complaint and the identity of the complainant and the person or persons allegedly responsible for the discrimination will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. A complainant who wishes to remain anonymous will be advised that anonymity may limit the school division's ability to fully respond to the complaint.

B. Investigation

Upon receipt of a report of alleged discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer will acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the complainant and the superintendent. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the superintendent will be notified of the reason for the extended investigation and the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the complainant, the person(s) alleged to have violated the policy and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the person(s) responsible for the alleged discrimination. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the investigation.

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

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint alleges the superintendent has violated this policy, then the report shall be sent to the School Board. The report

shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

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

C. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or superintendent's designee shall issue a written decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken.

If the complaint alleges that the superintendent has violated this policy, the School Board's standing Equal Employment Opportunity/Nondiscrimination Committee shall make the decision and determine what action should be taken. If the School Board does not have such a standing committee, at its next scheduled meeting it shall appoint a committee consisting of three of its members to handle the matter. The committee shall issue a written decision within 14 calendar days of the time the School Board receives the Compliance Officer's report or the time a committee is appointed, if there is no standing committee. The written decision shall state (1) whether this policy was violated and (2) what action, if any, should be taken.

The written decision must be mailed to or personally delivered to the complainant within 5 calendar days of the issuance of the decision. If the superintendent, superintendent's designee or committee concludes that prohibited discrimination occurred, the Lexington City School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including dismissal.

D. Appeal

If the superintendent, superintendent's designee or committee determines that no prohibited discrimination occurred, the person who was allegedly subjected to discrimination may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent, or with a member of the committee which issued the written decision, who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the superintendent,

superintendent's designee or the committee, whichever issued the written decision, and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to the complainant.

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

E. Compliance Officer and Alternate Compliance Officer

The School Board designates a Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this Policy. The name and contact information for the Compliance Officer is posted on the Division's website at all times. The Compliance Officer may be contacted at **jwhite@lexedu.org**. Complaints of discrimination may also be made to the Alternate Compliance Officer at **mcamden@lexedu.org**

The Compliance Officer

- receives reports or complaints of discrimination;
- conducts or oversees the investigation of any alleged discrimination;
- assesses the training needs of the school division in connection with this policy;
- arranges necessary training to achieve compliance with this policy; and
- ensures that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal employment opportunity and has the authority to protect the alleged victim and others during the investigation.

IV. Retaliation

Retaliation against employees who report discrimination or participate in the related proceedings is prohibited. The school division takes appropriate action against any employee who retaliates against another employee or candidate for employment who reports alleged discrimination or participates in related proceedings. The Compliance Officer informs persons who make complaints, who are the subject of complaints and who participate in investigations of how to report any subsequent problems.

V. Right to Alternative Complaint Procedure

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

VI. Prevention and Notice of Policy

Training to prevent discrimination is included in employee orientations and in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to school personnel and (2) included in employee handbooks. All employees are notified annually of the names and contact information of the Compliance Officers.

VII. False Charges

Employees who knowingly make false charges of discrimination are subject to disciplinary action.

Adopted: September 12, 2005
Revised: October 2012
May 2015
February 2019
June 10, 2020
June 9, 2021

Legal Refs.: 20 U.S.C. § 1681 et seq.
29 U.S.C. § 701
42 U.S.C. §§ 6101 et seq., 200e-et seq., and 12101 et seq.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 2.2-3905.1, 22.1-23.3, 22.1-295.2, 22.1-306

Cross Refs.:

AC	Nondiscrimination
AD	Educational Philosophy
BCE	School Board Committees
GB-F	Report of Discrimination
GBA/JFHA	Prohibition Against Harassment and Retaliation
GBM	Professional Staff Grievances
GBMA	Support Staff Grievances
GCPD	Professional Staff Discipline
JB	Equal Educational Opportunities/Nondiscrimination
KKA	Service Animals in Public Schools

REPORT OF DISCRIMINATION

Name of Complainant: _____

For Employees, Position: _____

For Applicants, Position Applied For: _____

Address, Phone Number _____
and Email Address: _____
_____

Date(s) of Alleged Discrimination: _____

Name(s) of person(s) you believe discriminated against you or others: _____
_____

Please describe in detail the incident(s) of alleged discrimination, including where and when the incident(s) occurred. Please name any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

_____
Signature of Complainant Date

Complaint Received By: _____
Compliance Officer Date

Adopted: May 18, 2009
Revised: October 2012

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PROHIBITION AGAINST HARASSMENT AND RETALIATION

I. Policy Statement

The Lexington City School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists, hereinafter referred to as protected group status, at school or any school sponsored activity.

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

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

The school division

- promptly investigates all complaints, written or verbal, of harassment based on protected group status at school or any school sponsored activity;
- promptly takes appropriate action to stop any harassment;
- takes appropriate action against any student or school personnel who violates this policy; and
- takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

II. Definitions

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

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

Prohibited Conduct

Harassment Based on Sex

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

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

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic comments about an individual's body
- sexual jokes, notes, stories, drawings, gestures or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexual objects, pictures, cartoons or posters
- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

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

- an employee of the School Board conditioning the provision of an aid, benefit, or service of the School Board on an individual's participation in unwelcome sexual conduct;

- unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School Board's education program or activity; or

- "sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

Harassment Based on Race, National Origin, Disability or Religion

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

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

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

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

Additional Prohibited Behavior

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

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

"Title IX Coordinator" means the person designated by the School Board to coordinate its efforts to comply with its responsibilities under this policy and Title IX. The Title IX Coordinator may be contacted at jwhite@lexedu.org

III. Complaint Procedures

1. Report

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

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

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

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

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

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

2. Investigation by Compliance Officer

1. Generally

The Compliance Officer

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

2. Compliance Officer Formal Procedure

Upon receiving a referral of a complaint of alleged prohibited~~,~~ harassment from the Title IX Coordinator, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after referral of the complaint to the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the person allegedly harassed and the alleged harasser shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the person allegedly harassed, the alleged harasser and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will

consider witnesses and evidence from both the alleged harasser and the person allegedly harassed. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the person allegedly harassed and others pending the completion of the investigation.

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

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

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

3. Action by Superintendent

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

4. Appeal

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

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

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

A. Compliance Officer Informal Procedure

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

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

B. Sexual Harassment Prohibited by Title IX

Definitions

"Actual knowledge" means notice of sexual harassment prohibited by Title IX or allegations of sexual harassment prohibited by Title IX to the Title IX Coordinator or any

official of the school division who has authority to institute corrective measures or to any employee of an elementary or secondary school.

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

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

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

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

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

Title IX Grievance Process

Generally

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

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

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

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

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

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

Nothing herein precludes a respondent from being removed from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of

sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

Nothing herein precludes a non-student employee respondent from being placed on administrative leave during the pendency of a grievance process.

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies are designed to restore or preserve equal access to the School Board's education program or activity.

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

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

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

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

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

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

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

Notice of allegations

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

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

The written notice

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

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

Dismissal of formal complaints

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

- would not constitute sexual harassment prohibited by Title IX even if proved,

- did not occur in the School Board's education program or activity, or
- did not occur against a person in the United States.

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

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

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

Investigation of formal complaint

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

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

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

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

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

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

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

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

Determination regarding responsibility

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

The written determination must include

- identification of the allegations potentially constituting sexual harassment prohibited by Title IX;

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

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

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

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

Appeals

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

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

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

As to all appeals, the Title IX Coordinator

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

The appeal decision-maker

- gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- reviews the evidence gathered by the investigator, the investigator's report, and the decision-maker's written decision;
- issues a written decision describing the result of the appeal and the rationale for the result; and
- provides the written decision simultaneously to both parties and the Title IX Coordinator.

Timelines

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

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

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

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

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

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

Informal Resolution Process

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

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

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

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

Parties cannot be required to participate in an informal resolution process.

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

Recordkeeping

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

- each investigation of allegations of sexual harassment prohibited by Title IX including any determination regarding responsibility and any audio or

audiovisual recording or transcript, if any, required under the Title IX regulations, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to School Board's education program or activity;

- any appeal and the result therefrom;
- any informal resolution and the result therefrom; and
- all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

These materials will also be made available on the School Board's website.

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

IV. Retaliation

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

V. Right to Alternative Complaint Procedure

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

VI. Prevention and Notice of Policy

Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

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

VII. False Charges

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

Adopted:	May 2002
Revised:	June 21, 2011
	October 2012
	May 2015
	February 2019
	June 10, 2020
	September 9, 2020
	June 9, 2021

Legal Refs:	20 U.S.C. §§ 1681-1688.	
	29 U.S.C. § 794.	
	42 U.S.C. §§ 2000d-2000d-7.	
	42 U.S.C. §§ 2000e-2000e-17.	
	42 U.S.C. § 2000ff-1.	
	34 C.F.R. 106.2, 106.8,106.9, 106,30, 106.44, 106.45, 106.71.	
	Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2.3902, 22.1-23.3, 22.1-295.2.	
Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	GAB/IIBEA	Acceptable Computer System Use
	GB	Equal Employment Opportunity/Nondiscrimination
	GBA-F/JFHA-F	Report of Harassment
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	JB	Equal Educational Opportunities/Nondiscrimination
	JFC	Student Conduct
	GCPD	Professional Staff Discipline
	GAE	Child Abuse and Neglect Reporting
	KKA	Service Animals in Public Schools

REPORT OF HARASSMENT

Name of Complainant: _____

For Students, School Attending: _____

For Employees, Position: _____

Address, Phone Number: _____
And Email Address _____
_____

Date(s) of Alleged Incident(s) of Harassment: _____

Name of person(s) you believe harassed you or others: _____
_____

If the alleged harassment was toward another, please identify that person: _____

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge:

_____
Signature of Complainant Date

Complaint Received By: _____
(Principal or Compliance Officer) Date

Adopted: May 18, 2009
Revised: October 2012

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PROHIBTION OF ABUSIVE WORK ENVIRONMENTS

Generally

The Lexington City School Board prohibits abusive work environments in the school division.

Any School Board employee who contributes to an abusive work environment is appropriately disciplined.

Retaliation or reprisal against School Board employees who make allegations of abusive work environments or assist in the investigation of allegations of abusive work environments is prohibited.

Definitions

As used in this policy,

"Abusive conduct" means conduct of a School Board employee in the workplace that a reasonable person would find hostile and that is severe enough to cause physical harm or psychological harm to another School Board employee based on a determination in which the following factors are considered: the severity, nature, and frequency of the conduct and, when applicable, the continuation of the conduct after a School Board employee requests that it cease or demonstrates outward signs of physical harm or psychological harm in the face of the conduct. "Abusive conduct" includes verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; the gratuitous sabotage or undermining of another School Board employee's work performance; attempts to exploit another School Board employee's known psychological or physical vulnerability; or repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, or epithets. "Abusive conduct" does not include (i) a single act, unless it is especially severe, or (ii) conduct that the School Board proves with clear and convincing evidence is necessary for the furtherance of its legitimate and lawful interests.

"Abusive work environment" means a workplace in the school division in which abusive conduct occurs.

"Physical harm" means a material impairment of a School Board employee's physical health or bodily integrity, as documented by a licensed physician or another licensed health care provider.

"Psychological harm" means a material impairment of a School Board employee's mental health, as documented by a licensed psychologist, psychiatrist, or psychotherapist or another licensed mental health care provider.

Adopted: June 13, 2018
Revised: June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-291.4.

STAFF COMPENSATION PROCEDURES

Employees are paid in accordance with the Lexington city School Division pay schedule. Employees who work less than 12 months are given a copy of the document entitled “Written Notice of How Employees Who Work Less Than 12 Months are to be Paid.”

Adopted: May 18, 2009
Revised: April 2019

NOTICE OF HOW EMPLOYEES WHO WORK LESS THAN 12 MONTHS ARE TO BE PAID

This notifies the employee that the Lexington City School division requires him or her to be paid over 12 months regardless of the fact that he or she will actually work over a shorter time period. Specifically the employee will receive:

24 equal semi-monthly payments of a dollar amount agreed to by the employee and the Lexington City School Board.

In the event that a separation from service occurs before the end of the 12-month payment period, the employee will be entitled to a payment for the amount actually earned from the beginning of the 12-month pay period until the date of separation from service which has not yet been paid. This additional payment will be included in the employee's final paycheck. For this purpose, "separation from service" has the same meaning as that term is defined in section 1.409A-1(h) of the Treasury Regulations.

File: GBD
(Also BG)

BOARD-STAFF COMMUNICATIONS

The Lexington City School Board supports and encourages two-way communication between the board and employees. The superintendent is the official representative of the school board in its relations and communications with its employees.

Employees are encouraged to communicate their ideas and concerns in an orderly and constructive manner to the school board and/or the superintendent or superintendent's designee.

The school board desires to develop and maintain the best possible working relationship with the employees of the school division. The school board welcomes the viewpoints of employees, and allows time at its meetings for employees to be heard.

The school board does not discriminate against any employee because of membership in an employee organization, or participation in any lawful activities of the organization.

Adopted: May 9, 1994
Revised: July 12, 2004
May 12, 2008
February 2014
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

STAFF HEALTH

As a condition of employment every new employee of the School Board including teachers, cafeteria workers, janitors and bus drivers, shall submit a certificate signed by a licensed physician, physician assistant, nurse practitioner or registered nurse stating the employee appears free of communicable tuberculosis. Volunteers may be required to provide such a certificate.

After consulting with the local health director, the School Board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

Adopted: May 9, 1994

Revised: July 14, 2003
September 12, 2005
September 11, 2006
June 21, 2011
November 2015
March 11, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-300, 54.1-2952.2, 54.1-2957.02.

Cross Ref.:	EBAB	Possible Exposure to Viral Infections
	EBBB	Personnel Training—Viral Infections
	GDQ	School Bus Drivers
	JHCC	Communicable Diseases
	JHCCA	Blood-Borne Contagious or Infectious Diseases

UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF A CONTROLLED SUBSTANCE

Generally

The Lexington City School Board is committed to maintaining a Drug-Free Workplace.

Prohibited Conduct

Employees may not unlawfully manufacture, distribute, dispense, possess or use a controlled substance on school property, at any school activity or on any school-sponsored trip. It is a condition of employment that each employee of the Lexington City School Board will not engage in such prohibited conduct and will notify the Lexington City School Board of any criminal drug conviction for a violation occurring on school property, at any school activity or on any school-sponsored trip no later than 5 days after such conviction. An employee who is convicted of criminal drug activity for a violation occurring on school property, at any school activity or on any school-sponsored trip will be subject to appropriate discipline, up to and including termination, or required to satisfactorily participate in a drug abuse assistance or rehabilitation program.

Discipline

Within 30 days of receiving notice from a School Board employee as described above, the superintendent and School Board will take appropriate personnel action up to and including dismissal of any employee found to have engaged in prohibited conduct listed above or require satisfactory participation in a drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.

Distribution of Policy

All employees are given a copy of this policy.

Drug-Free Awareness Program

The Lexington City School Board shall establish a drug-free awareness program to inform its employees about the dangers of drug abuse in the workplace, the Board's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs and the penalties that may be imposed upon employees for violations of laws and policies regarding drug abuse.

Adopted:
Revised: March 14, 2011
June 2014
March 11, 2020

Legal Refs.: 41 U.S.C. §§ 8103, 8104.
Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.: GCPD Professional Staff Discipline
GDQ School Bus Drivers

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NOTICE TO EMPLOYEES

RE: UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF A CONTROLLED SUBSTANCE

The Lexington City School Board is committed to maintaining a Drug Free workplace.

A. Violations

(1) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance (including alcohol or anabolic steroids) by any employee on school property, at any school activity, or on any school-sponsored student trip is prohibited.

(2) Any employee convicted of any criminal drug statute for a violation occurring under the circumstances described in A(1) shall notify the superintendent within five (5) days after such conviction.

Compliance with the above provisions is a condition of employment.

B. Disciplinary Action

(1) The Superintendent and school board will take appropriate personnel action up to and including dismissal of any employee found in violation of paragraphs A(1) and A(2), above.

(2) Such actions of the Superintendent and school board may begin immediately, and in no instance will such actions be delayed more than 30 days.

_____

_____

Legal Refs.: Drug-Free Workplace Act of 1988 (P.L. 100-690)

STAFF WEAPONS IN SCHOOL

No one may possess or use any firearm or any weapon, as defined in Policy JFCD Weapons in School, on school property (including school vehicles), on that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place or on any school bus without authorization of the superintendent or superintendent's designee. The superintendent or superintendent's designee is permitted to give authority to possess a firearm on school property only to persons expressly authorized by statute to possess a firearm on school property.

Violation of this policy by an employee will result in appropriate personnel action up to and including dismissal.

Illegal conduct will be reported to law enforcement officials.

Adopted:

Revised: June 21, 2011
May 2015
June 2017
June 10, 2020

Legal Refs: Code of Virginia, 1950, as amended, §§ 18.2-308.1, 22.1-78, 22.1-279.3:1, 22.1-280.2:1, 22.1-280.2:4.

8 VAC 20-560-10.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	JFCD	Weapons in School
	KGB	Public Conduct on School Property

File: GBEC
(Also JFCH and KGC)

TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

The Lexington City School Board recognizes the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-sponsored events is detrimental to the health and safety of students, staff and visitors.

The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for students, employees, and visitors on the school campus.

For the purposes of this policy, “tobacco product” is defined to include cigarettes, cigars, blunts, bidis, chewing tobacco, snuff, electronic smoking devices, and any other products containing nicotine, as well as any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine.
“Tobacco use” includes smoking, chewing, dipping, electronic smoking device use, or any other use of tobacco products.

GENERALLY

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, by students, staff, contractors, and visitors, on a school bus, on school property, or at an on-site or off-site school-sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

TOBACCO USE PROHIBITED
No persons are permitted to use or distribute any tobacco product at any time, including non-school hours (24/7), in school property, on school premises, at school-sponsored activities away from school grounds including:

- in any building, structure, or vehicle owned, leased, or contracted by the division, both on- and off-site
- in any property surrounding buildings and structures, athletic grounds, parking lots, or any other outdoor property owned, leased, or contracted by the division, both on- and off-site

In addition, no student shall be permitted to possess a tobacco product under the circumstances described above – including while on school property, on school premises, at school-sponsored activities away from school grounds, or at any other time that students are under the authority of school personnel.

COMMUNICATION
Appropriate signage will be posted in buildings and on school property in a manner and location that adequately informs students, staff and visitors of the policy, including at entrances to school buildings and athletic events.

ENFORCEMENT FOR STUDENTS

Progressive disciplinary action will be used, beginning with supportive options to promote positive student outcomes such as tobacco education or referral to counseling, parent conferences and school or community service. Disciplinary penalties for students may include, but are not limited to , suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy.

Referrals to resources to help students overcome tobacco addictions shall be provided to those who are found to be in violation of this policy.

ENFORCEMENT FOR STAFF AND VISITORS
Consequences for employees who violate the tobacco policy will be in accordance with personnel policies. Referrals to resources to help staff overcome tobacco addictions shall be provided to those who are found to be in violation of this policy.

Visitors using tobacco products will be asked to refrain or leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing, if the person refuses to leave. Forfeiture of any fee charged for admission will be enforced for visitors violating this policy.

REPORTING
All division employees are expected to cooperate in the enforcement of this policy. Student and staff violations shall be reported to administrative personnel.

TOBACCO PREVENTION EDUCATION
The administration may consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

DEFINITIONS
“Nicotine vapor product” means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

Adopted:	July 14, 2003	
Revised:	May 12, 2008	
	August 10, 2009	
	June 2014	
	May 2019	
	July 2019	
Legal Refs.:	20 U.S.C. §§ 6083, 7183.	
	Code of Virginia, 1950, as amended, §§ 18.2-371.2, 22.1-79.5, 22.1-279.6.	
Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	KG	Community Use of School Facilities
	KGB	Public Conduct on School Property

LACTATION SUPPORT

The Superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the Lexington City School Board or enrolled as a student in the division may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view.

Adopted: June 2014

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.6.

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Lexington City School Board recognizes the right of its employees to engage in political activity.

The Board also recognizes that school time and school property should not be used for partisan political purposes. Thus, when engaging in political activities, an employee may not

- use the employee's position within the school division to further a political cause;
- engage in any activity supporting or opposing a candidate or political party while on duty, while on school property during school hours, or while representing the school division;
- suggest in any manner that the school division or any component of it supports or opposes a candidate for election to any office; or
- use any school division property to engage in any activity supporting or opposing a candidate for public office or a political party.

These restrictions are not intended to limit the rights of school division employees to support or oppose any political candidate or party on their own time. They are intended to minimize distractions from instruction, to assure that no public funds are used to support any candidate for public office, and to assure that the public is not given the false impression that the school division supports or opposes any political candidate or party. School division employees who engage in political activities on their own time must make it clear that their views and actions represent their individual positions and do not represent the views of the school division.

Adopted: May 9, 1994
Revised: March 6, 2012
March 10, 2021

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

STAFF GIFTS AND SOLICITATIONS

Exchange of gifts between students and/or parents and staff is discouraged.

No school division employee solicits money, property, goods or services for personal use or use by staff or students during school hours on school property without written authorization from the superintendent or superintendent's designee.

Adopted: May 9, 1994.
Revised: May 9, 2006
April 2019

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

Cross Refs.:		
	JL	Fund Raising and Solicitation
	KGA	Sales and Solicitations in Schools
	KMA	Relations with Parent Organizations
	KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

PERSONNEL RECORDS

Present and past employees have access to their personnel information maintained by the Lexington City School Division.

If information relative to employment is requested by banks or other establishments or individuals, written permission from the employee to release such information is required, except to comply with a judicial order, a lawfully issued subpoena, the Virginia Freedom of Information Act (Va. Code § 2.2-3700 et seq.), or other law or court order. The employee will be notified of the request for records.

The superintendent or superintendent's designee is responsible for maintaining a system of personnel records for all employees of the School Board. Personnel files of all School Board employees may be produced and maintained in digital or paper format.

Teacher performance indicators, or other data collected by or for the Department of Education or the School Board or made available to and able to be used to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, is confidential but may be disclosed, in a form that does not personally identify any student or other teacher, (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this policy prohibits the release of or limits the availability of nonidentifying, aggregate teacher performance indicators or other data.

Adopted: May 9, 1994

Revised: July 12, 2004
September 11, 2006
May 2013
October 2013
November 2015
May 2016
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3705.1, 2.2-3800 et seq., 22.1-295.1.

Cross Ref.:		
	CBA	Qualifications and Duties for the Superintendent
	GA	Personnel Policies Goals
	GBLA	Third Party Complaints Against Employees

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THIRD-PARTY COMPLAINTS AGAINST EMPLOYEES

Any parent or guardian of a student enrolled in the Lexington City Public Schools or any resident of Lexington City may file a complaint regarding an employee of the Lexington City School Board. Such complaint should be filed with the superintendent or superintendent's designee. If the complaint involves allegations that an employee of the Lexington City School Board has abused or neglected a child in the course of his employment, the complaint will be investigated in accordance with Va. Code §§ 63.2-1503, 63.2-1505 and 63.2-1516.1.

Information determined to be unfounded after a reasonable administrative review is not maintained in any employee personnel file, but may be retained in a separate sealed file by the administration if such information alleges civil or criminal offenses. Any dispute over such unfounded information, exclusive of opinions retained in the personnel file, or in a separate sealed file, notwithstanding the provisions of the Government Data Collection and Dissemination Practices Act, Va. Code §§ 2.2-3800 et seq., is settled through the employee grievance procedure as provided in Va. Code §§ 22.1-306 and 22.1-308 through 22.1-314.

Individuals lodging a complaint are notified in writing that the complaint has been received and is being investigated.

The complaint should be filed as soon as possible after the alleged incident, usually within 15 school days, and will be processed promptly, usually within 15 days.

Adopted: May 9, 1994

Revised: September 11, 2006
May 2013
February 2014
April 2019
March 11, 2020

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3800 et seq., 22.1-70, 22.1-78, 22.1-295.1.

Cross Refs.:
- GB Equal Employment Opportunity/Nondiscrimination
- GBA/JFHA Prohibition Against Harassment and Retaliation
- GBL Personnel Records
- GBM Professional Staff Grievances
- GBMA Support Staff Grievances
- JB Equal Educational Opportunities/Nondiscrimination
- GAE Child Abuse and Neglect Reporting
- JB Equal Educational Opportunities/Nondiscrimination

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THIRD PARTY COMPLAINT FORM

Employee subject to complaint _____

Work location/position _____

Nature of Complaint: (Give specific times, dates and locations)_____

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Date complaint filed Person placing complaint

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PROFESSIONAL STAFF GRIEVANCES

The Lexington City School Board adopts the most recent version of **Procedure for Adjusting Grievances** promulgated by the Virginia Board of Education based on current statutory provisions.

Adopted: May 9, 1994

Revised: May 2002
May 9, 2006
October 2013
February 2017

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.C.8, and 22.1-306 et seq.

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

PROCEDURE FOR ADJUSTING GRIEVANCES

8VAC20-90-10. Definitions.

Part I. Definitions

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

"Business day" means any day that the relevant school board office is open.

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever the last day for performing an act required by this procedure falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher within the term of such teacher's contract.

"Grievance" means, for the purpose of Part II (8VAC20-90-20 et seq.), a complaint or a dispute by a teacher relating to his employment, including but not necessarily limited to the application or interpretation of personnel policies, rules and regulations, ordinances, and statutes; acts of reprisal against a teacher for filing or processing a grievance, or participating as a witness in any step, meeting, or hearing related to a grievance; or complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. "Grievance" means, for the purposes of Part III (8VAC20-90-60 et seq.), a complaint or a dispute involving a teacher relating to his employment involving dismissal. The term "grievance" shall not include a complaint or dispute by a teacher relating to the establishment and revision of wages or salaries, position classifications or general benefits; suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations; failure to promote; discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment in or abolition of a particular subject, or insufficient funding; hiring, transfer, assignment and retention of teachers within the school division; suspension from duties; the methods, means and personnel by which the school division's operations are to be carried on; or

coaching or extracurricular activity sponsorship. While these management rights are reserved to the school board, failure to apply, where applicable, these rules, regulations, policies, or procedures as written or established by the school board is grievable.

"Hearing officer" means an impartial hearing officer from outside the school division who possesses some knowledge and expertise in public education and education law and who is capable of presiding over an administrative hearing.

"Personnel file" means, for the purposes of Part III (8VAC20-90-60 et seq.), any and all memoranda, entries or other documents included in the teacher's file as maintained in the central school administration office or in any file regarding the teacher maintained within a school in which the teacher serves.

"Teacher" or "teachers" means, for the purposes of Part II (8VAC20-90-20 et seq.), all employees of the school division involved in classroom instruction and all other full-time employees of the school division except those employees classified as supervising employees. "Teacher" means, for the purposes of Part III (8VAC20-90-60 et seq.), all regularly licensed professional public school personnel employed by any school division under a written contract as provided by § 22.1-302 of the Code of Virginia as a teacher or as an assistant principal, principal, or supervisor as provided by § 22.1-294 of the Code of Virginia.

"Shall file," "shall respond in writing," or "shall serve written notice" means the document is either delivered personally or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure to the grievant or office of the proper school board representative.

"Supervisory employee" means any person having authority in the interest of the board (i) to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; and (ii) to direct other employees; or (iii) to adjust the grievance of other employees; or (iv) to recommend any action set forth in clause (i), (ii), or (iii) above; provided that the authority to act as set forth in clause (i), (ii), (iii), or (iv) requires the exercise of independent judgment and is not merely routine and clerical in nature.

"Written grievance appeal" means a written or typed statement describing the event or action complained of, the date of the event or action complained of, and a concise description of those policies, rules, regulations, or statutes upon which the teacher bases his claim. The grievant shall specify what he expects to obtain through use of the grievance procedure. A written grievance

appeal shall be on forms prescribed by the Board of Education and supplied by the local school board.

8VAC20-90-20. Purpose of Part II of This Grievance Procedure.

Part II. Grievance Procedure

The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning the application, interpretation, or violation of any of the provisions of local school board policies, rules and regulations as they affect the work of teachers, other than dismissals. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any teacher to discuss any matter of concern with any member of the school administration, nor should the procedure be construed to restrict any teacher's right to seek, or the school division administration's right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit a school board's exclusive final authority over the management and operation of the school division.

8VAC20-90-30. Grievance Procedure.

Recognizing that grievances should begin and should be settled promptly, a grievance must be initiated within 15 business days following either the event giving rise to the grievance, or within 15 business days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

1. Step 1 -- Informal. The first step shall be an informal conference between the teacher and his immediate supervisor (which may be the principal). The teacher shall state the nature of the grievance, and the immediate supervisor shall attempt to adjust the grievance. It is mandatory that the teacher present the grievance informally prior to proceeding to Step 2.

2. Step 2 -- Principal. If for any reason the grievance is not resolved informally in Step 1 to the satisfaction of the teacher, the teacher must perfect his grievance by filing a written grievance appeal on the required form within 15 business days following the event giving rise to the grievance, or within 15 business days following the time when the employee knew or reasonably should have known of its occurrence, specifying on the form the specific relief expected. Regardless of the outcome of Step 1, if a written grievance appeal is not, without just cause, filed within the specified time, the grievance will be barred.

A meeting shall be held between the principal (or his designee or both) and the teacher (or his designee or both) within five business days of the receipt by the principal of the written grievance. At such meeting the teacher or other party involved, or both, shall be entitled to present appropriate witnesses and to be accompanied by a representative other than an attorney. The principal (or his designee or both) shall respond in writing within five business days following such meeting.

The principal may forward to the teacher within five days from the receipt of the written grievance a written request for more specific information regarding the grievance. The teacher shall file an answer thereto within 10 business days, and the meeting must then be held within five business days thereafter.

3. Step 3 -- Superintendent. If the grievance is not settled to the teacher's satisfaction in Step 2, the teacher can proceed to Step 3 by filing a written notice of appeal with the superintendent, accompanied by the original written grievance appeal form within five business days after receipt of the Step 2 answer (or the due date of such answer). A meeting shall then be held between the superintendent (or his designee or both) and the teacher (or his designee or both) at a mutually agreeable time within five business days. The superintendent or designee may make a written request for more specific information from the teacher, but only if such information was not requested in Step 2. The teacher shall file an answer to such request within 10 business days, and the meeting shall be held within five business days of the date on which the answer was received. At such meeting both the superintendent and the teacher shall be entitled to present witnesses and to be accompanied by a representative who may be an attorney. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the superintendent without violating the provisions of § 54.1-3904 of the Code of Virginia. If no settlement can be reached in said meeting, the superintendent (or his designee) shall respond in writing within five business days following such meeting. If the grievance is not resolved to the satisfaction of the teacher in Step 3, the teacher may request a decision by the school board pursuant to Step 4.

4. Step 4 -- Decision by the school board.

a. If a teacher elects to request a decision by the school board as provided for in Step 3, he must notify the superintendent in writing of the intention to make the request of the board within five business days after receipt of the answer as required in Step 3 or the due date thereof. Upon receipt of such notice, the board may hold a hearing on the grievance, may elect to have the

hearing conducted by a hearing officer appointed by the school board consistent with the procedures in § 22.1-311 of the Code of Virginia, or may make its determination on the basis of the written evidence presented by the teacher and the recommendation of the superintendent.

b. In any case in which the school board elects to hold a hearing or elects to have a hearing officer conduct the hearing, the hearing shall be set within 30 days of the school board's receipt of the notice required by subdivision 4 a of this section (Step 4a), and the teacher must be given at least 15 days' written notice of the date, time, and place of the hearing.

The teacher and the division superintendent may be represented by legal counsel or other representatives. The hearing shall be private, unless the teacher requests a public hearing. The school board or the hearing officer, as the case may be, shall establish the rules for the conduct of the hearing. Such rules shall include the opportunity for the teacher and the division superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by the school board or the hearing officer.

In the case of a hearing conducted by the school board, the school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the superintendent shall be excluded from any executive session of the school board that has as its purpose reaching a decision on the grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative, and the superintendent, may join the school board in executive session to assist in the writing of the decision.

A stenographic record or tape recording of the hearing shall be taken. However, the recording may be dispensed with entirely by mutual consent of the parties. If the recording is not dispensed with, the two parties shall share the cost of the recording equally, and if either party requests a transcript, that party shall bear the expense of its preparation.

c. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing officer shall be based exclusively upon the evidence presented at the hearing. Upon the hearing officer's own motion or upon application by either party to the grievance, the hearing officer may reopen the hearing for the purpose of hearing after-discovered evidence upon a finding of good cause by the hearing officer at any time before his recommendation is due. The hearing officer

shall transmit his written recommendation and a record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing.

d. In the event of a hearing by a hearing officer, the school board may make its decision upon the record or recording of such hearing or the school board may elect to conduct a further hearing to receive additional evidence. The school board must hold such further hearing as soon as practicable and must give written notice of the time and place of such further hearing to the division superintendent and the teacher within 10 business days after the board received the record or recording of the initial hearing. The notice must specify each matter to be inquired into by the school board. The school board shall determine the procedure to be followed at such further hearing.

e. In the event of a hearing before the school board, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after the hearing. The decision of the school board shall be reached after considering the evidence and information presented at the school board hearing.

f. In the event of a hearing before a hearing officer followed by a further hearing by the school board, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after such further hearing. The decision of the school board shall be reached after considering the record or recording of the initial hearing, the recommendations of the hearing officer, and the evidence and information presented at the further hearing before the school board.

g. In the event of a hearing before a hearing officer in cases in which no further hearing is conducted by the school board, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after receiving the record or recording of the hearing. The decision of the school board shall be reached after considering the record or recording of the hearing and the recommendations of the hearing officer.

h. The school board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel.

8VAC20-90-40. Grievability.

A. Initial determination of grievability. Decisions regarding whether a matter is grievable shall be made by the school board at the request of the division administration or grievant and such decision shall be made within 10 business days of such request. The school board shall reach its decision only after allowing the division administration and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be at the discretion of the school board. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any hearing by the board or a hearing officer, or the right to such determination shall be deemed to have been waived. Failure of the school board to make such a determination within such a prescribed 10-business-day period shall entitle the grievant to advance to the next step as if the matter were grievable.

B. Appeal of determination on grievability. Decisions of the school board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.

1. Proceedings for a review of the decision of the school board shall be instituted by filing a notice of appeal with the school board within 10 business days after the date of the decision and giving a copy thereof to all other parties.

2. Within 10 business days thereafter, the school board shall transmit to the clerk of the court to which the appeal is taken, a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the school board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court may, on motion of the grievant, issue a writ of certiorari requiring the school board to transmit the records on or before a certain date.

3. Within 10 business days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the school board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court may, in its discretion, receive such other evidence as the ends of justice require.

4. The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered not later than 15 days from the date of the conclusion of the court's hearing.

8VAC20-90-50. Time Limitations.

A. The right of any party to proceed at any step of this Part II grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this procedure.

B. The failure of the teacher to comply with all substantial procedural requirements including initiation of the grievance and notice of appeal to the next step in the procedure, shall eliminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.

C. The failure of the school board or any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his option, to advance to the next step in the procedure or, at the final step, to a decision in his favor.

D. The determination as to whether the substantial procedural requirements of this Part II of the Procedure for Adjusting Grievances have been complied with shall be made by the school board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievant to proceed to its next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

8VAC20-90-60. Dispute Resolution.

Part III. Procedure for Dismissals

This Part III of the Procedure for Adjusting Grievances adopted by the Board of Education in accordance with the statutory mandate of Article 3 (§ 22.1-306 et seq.) of Chapter 15 of Title 22.1 of the Code of Virginia and the Standards of Quality for school divisions, Chapter 13.1 (§ 22.1-253.13:1 et seq.) of Title 22.1 of the Code of Virginia, is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal of any teacher.

8VAC20-90-70. Procedure for Dismissals.

A. Notice to teacher of recommendation for dismissal.

1. In the event a division superintendent determines to recommend dismissal of any teacher, written notice shall be sent to the teacher on forms prescribed by the Board of Education notifying him of the proposed dismissal and informing the teacher that within 10 business days after receiving the notice, the teacher may request a hearing before the school board or, at the option of the school board, a hearing officer appointed by the school board, as provided in § 22.1-311 of the Code of Virginia.

2. During such 10-business-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed, or acted upon by the school board except as provided for herein.

3. At the request of the teacher, the superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § 22.1-311 or 22.1-312 of the Code of Virginia, the division superintendent shall provide, within 10 days of the request, the teacher, or his representative, with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal. Within 10 days of the request of the division superintendent, the teacher, or his representative, shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later that may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

4. Upon a timely request for a hearing, the school board or, at the school board's option, a hearing officer appointed by the school board shall set a hearing within 15 days of the request and the teacher shall be given at least five days' written notice of the time and the place of the hearing.

B. Procedure for hearing.

1. The hearing shall be conducted by the school board or, at the school board's option, a hearing officer appointed by the school board. The teacher and the division superintendent may be represented by legal counsel or other representatives. The hearing shall be private, unless the teacher requests a public hearing. The school board or hearing officer, as the case may be, shall establish the rules for the conduct of the hearing, and such rules shall include the opportunity for the teacher and the division superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses, and the right of all parties to cross-examine the witnesses. Witnesses may be questioned by the school board or hearing officer.

2. The parties shall produce such additional evidence as the school board or hearing officer may deem necessary to an understanding and determination of the dispute. The school board or hearing officer shall determine the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the school board or hearing officer and of the parties.

3. Exhibits offered by the teacher or the division superintendent may be received in evidence by the school board or hearing officer and, when so received, shall be marked and made a part of the record.

4. A stenographic record or tape recording of the proceedings shall be taken. The two parties shall share the cost of the recording equally. The record or recording of the proceedings shall be preserved for a period of six months. If the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the transcription.

5. The teacher shall bear his own expenses. The school board shall bear the expenses of the division superintendent and the hearing officer.

6. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

7. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing officer shall be based exclusively upon the evidence presented at the hearing. Upon the hearing officer's own motion or upon application by the teacher or the division superintendent, the hearing officer may reopen the hearing for the purpose of hearing after-discovered evidence upon a finding of good cause by the hearing officer at any time before his recommendation is due. The hearing officer shall transmit his written recommendation and a record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing.

8. In the event of a hearing by a hearing officer, the school board may make its decision upon the record or recording of such hearing or the school board may elect to conduct a further hearing to receive additional evidence. The school board must hold such further hearing as soon as practicable and must give written notice of the time and place of such further hearing to the division superintendent and the teacher within 10 business days after the board received the record or recording of the initial hearing. The notice must specify each matter to be inquired into by the school board. The school board shall determine the procedure to be followed at such further hearing.

C. School board determination.

1. In the event of a hearing before the school board, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after the hearing. The decision of the school board shall be reached after considering the evidence and information presented at the school board hearing.

2. In the event of a hearing before a hearing officer followed by a further hearing by the school board pursuant to subdivision B 8 of this section, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after such further hearing. The decision of the school board shall be reached after considering the record or recording of the initial hearing, the recommendations of the hearing officer, and the evidence and information presented at the further hearing before the school board.

3. In the event of a hearing before a hearing officer in cases in which no further hearing is conducted by the school board, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after receiving the record or recording of the hearing. The decision of the school board shall be reached after considering the record or recording of the hearing and the recommendations of the hearing officer.

4. The school board may dismiss or suspend a teacher upon a majority vote of a quorum of the school board. The school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings; the grievant; the grievant's attorney or representative; and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the superintendent shall be excluded from any executive session of the school board that has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

8VAC20-90-80. Time Limitations.

The right of any party to proceed at any step of the grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this grievance procedure.

1. The failure of the grievant to comply with all substantial procedural requirements shall terminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.

2. The failure of the school board or of any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his option, to advance to the next step in the procedure or, at the final step, to a decision in his favor.

3. The determination as to whether the substantial procedural requirements of this Part III of the Procedure for Adjusting Grievances have been complied with shall be made by the school board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievance to proceed to its next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

Lexington City Public Schools

STATEMENT OF GRIEVANCE

STEP 2 – TO BE PRESENTED TO PRINCIPAL

Name of grievant:	Date filed:
School/department of assignment:	Subject area or grade:
Immediate superior and/or principal:	Grievant's representative:

Policy, procedure, regulation, ordinance, statute being grieved:

Date you knew or reasonably should have known of its occurrence:

Statement of grievance:

Specific relief requested:

_____	_____
Grievant's Signature	Representative's Signature
_____	_____
Grievant's Name	Representative's Name
_____	_____
Date	Date

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Lexington City Public Schools

PRINCIPAL'S DECISION

STEP 2 – DECISION TO BE PRESENTED TO GRIEVANT

Name of grievant:	Date grievance received:

Decision of principal or designee:

_____ I lack the authority to grant the relief requested.

_____ _____
Signature of prinicipal or designee Date

_____
Name of principal or designee

Is the above decision acceptable to grievant? _____ Yes _____ No

_____I hereby appeal this decision to Step 3, Superintendent.

_____
Grievant's Signature

_____
Grievant's Name

_____
Date

Lexington City Public Schools

SUPERINTENDENT'S DECISION

STEP 3 – DECISION TO BE PRESENTED TO GRIEVANT

Name of grievant:	Date appeal received:

Decision of superintendent or designee:

_____ _____
Signature of superintendent or designee Date

_____
Name of superintendent or designee

Is the above decision acceptable to grievant? _____ Yes _____ No

_____I hereby appeal this decision to Step 4, School Board.

_____
Grievant's Signature

_____
Grievant's Name

_____
Date

Lexington City Public Schools

REQUEST FOR HEARING

_____
Name of Teacher

I hereby request that I be afforded a hearing on the Superintendent's recommendation for my dismissal before the School Board or, at the School Board's option, a hearing before a Hearing Officer to be appointed by the School Board.

_____	_____
Teacher's Signature	Representative's Signature
_____	_____
Teacher's Name	Representative's Name
_____	_____
Date	Date

Lexington City Public Schools

NOTICE OF PROPOSED DISMISSAL

Date: _____

_____ _____

Name of Teacher School/Department of Assignment

The Division Superintendent will recommend to the School Board that you be dismissed from your position as:

_____

(Position)

At your request, reasons for this recommendation will be provided to you in writing or in a personal interview.

You have ten business days from receipt of this form to request, in writing, a hearing before the School Board or, at the option of the School Board, a hearing before a Hearing Officer. A copy of the Request for Hearing Form is attached.

_____

Division Superintendent's Signature

_____

Division Superintendent's Name

_____

Date

SUPPORT STAFF GRIEVANCES

The Lexington City School Board adopts the following procedure in accordance with § 22.1-79(6) of the Code of Virginia, as amended. Nothing in this procedure is intended to create, nor shall it be construed as creating, a property right in employment, nor shall this procedure be interpreted to limit in any way whatsoever the School Board's exclusive final authority over the employment and supervision of its personnel.

The following words and terms are defined as indicated when used in this procedure, unless the context clearly indicates otherwise.

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday or legal holiday, the period of time for taking action under this procedure shall be extended to the next day that is not a Saturday, Sunday or legal holiday. "Working days" means those days that the Lexington City School Board office is open for business.

"Dismissal" means the termination of employment of any covered employee with or without cause during the term of such employee's employment.

"Employee" or "employees" means all full-time employees of the Lexington City School Board who have completed the required probationary period except the division superintendent and those employees covered under the provisions of Articles 2 and 3 of Chapter 15 of Title 22.1 of the Code of Virginia, as amended. "Employee" does not mean a part-time or temporary employee.

"Grievance" means a complaint or dispute involving the dismissal or other disciplinary action of an employee. A dismissal, reassignment or other action pursuant to a Reduction in Force (RIF) is not a disciplinary action and is not grievable. Employee evaluations are not disciplinary actions and are not grievable. "Grievance" does not mean a complaint or dispute regarding the suspension of an employee. The procedure for the suspension of employees is set forth in Policy GCPF Suspension of Staff Members.

Procedure

1. Written notice of the proposed action, along with a statement of the reasons for the action, shall be given to the employee by the employee's building administrator/department head. Upon receipt of the recommendation, the employee is required to meet with a Human Resources administrator. During this meeting the employee receives a copy of this policy as notice of the employee's grievance rights. The employee may file a written request for a hearing with the superintendent within ten (10) working days of receiving the written notice. The failure to file such a request within the prescribed time will constitute a waiver of the right to a hearing and the proposed action will become final without a hearing

or further notice.

2. Upon receiving a timely written request, the superintendent shall select an external hearing officer to hear the grievance. The hearing officer will be selected from a list approved by the School Board. The hearing officer will hold a hearing within fifteen (15) working days of receipt of the employee's request. Notice of the hearing shall be given orally or in writing to the employee at least five (5) working days before the hearing. The employee and the school division will share the cost of the hearing officer and the cost of recording the hearing equally.

3. The employee and the employee's supervisor may be represented by legal counsel or a lay advocate at the hearing, but not both. The division may also be represented by legal counsel at the hearing. The hearing will be private and the hearing officer will have full discretion over the conduct of the hearing. However, the employee and the division may make opening statements, may present all material and relevant evidence, including the testimony of witnesses, and may cross examine witnesses. Witnesses may be questioned by the hearing officer.

4. The hearing officer shall give the employee a written decision within ten (10) working days after the completion of the hearing. The decision shall be based on the evidence relevant to the issues produced at the hearing in the presence of each party.

5. The employee may appeal the decision to the School Board by providing written notice of appeal to the superintendent within five (5) working days of receiving the decision of the hearing officer. Upon timely appeal, the School Board shall decide the appeal on the written record and render its decision within thirty (30) days of the appeal.

Adopted: May 9, 1994
Revised: August 10, 2009
May 2013
May 2016
June 10, 2020

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79(6), 22.1-311, 22.1-313.
Cross Refs.: GCPF Suspension of Staff Members
GDG Support Staff Probation

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STAFF HIRING PROCEDURES

It is the desire of the Lexington City 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.

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 Lexington City Public Schools shall be made in writing on forms provided by the Human Resources Office.

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:
Revised: 4/05/10
February 2015
March 11, 2020

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

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

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VIRGINIA RETIREMENT SYSTEM

All eligible employees must be members of the Virginia Retirement System. Employee retirement benefits are governed by the rules and regulations established by the Virginia Retirement System.

Adopted: May 18, 2009

Revised: May 2012

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 51.1-135.

Cross Ref.: GBR Voluntary Retirement Savings Program

VOLUNTARY RETIREMENT SAVINGS PROGRAM

The Lexington City School Division offers its employees the opportunity to participate in a defined contribution retirement plan, also known as a tax sheltered annuity or 403(b) program. This program will be maintained and operated pursuant to a written plan.

The written plan containa all the material terms and conditions for eligibility, benefits, applicable limitations, the contracts available under the plan, and the time and form under which benefit distributions may be made.

The written plan also addresses any optional features, including hardship withdrawal distributions, loans, plan-to-plan or annuity contract to annuity contract transfers, and acceptance of rollovers to the plan, which are included in the Division's program.

The written plan may

- allocate responsibility for administrative functions, including functions to comply with the requirements of 26 U.S.C. § 403(b) and other tax requirements

- assign such responsibilities to parties other than the school division, but not to participants (unless the administration of the plan is a substantial portion of the duties of the participant)

- incorporate by reference other documents which thereupon become part of the written plan.

- address termination of the program

Every employee of the school division is notified annually about the program.

Adopted: May 12, 2008
Revised: May 2012
May 2015

Legal Refs.: 26 U.S.C.§403(B)
26 CFR 1.403(b) - 1 et seq.
Code of Virginia, 1950, as amended, §§ 51.1-603, 51.1-603.1.

Cross Ref.: GBO Virginia Retirement System

PROFESSIONAL STAFF

No teacher is regularly employed by the School Board or paid from public funds unless such teacher

- holds a license or provisional license issued by the Board of Education,
- holds a three-year license to teach high school career and technical education courses in specified subject areas or
- is hired to teach in a trade and industrial education program and for whom the teacher licensure requirements have been waived by the Virginia Department of Education.

If a teacher employed under a provisional license is activated or deployed for military service within a school year (July 1 - June 30), an additional year will be added to the teacher's provisional license for each school year or portion thereof during which the teacher is activated or deployed. The additional year shall be granted the year following the return of the teacher from deployment or activation.

The superintendent may request that the Board of Education extend the three-year provisional license of a teacher for at least one year but no more than two additional years. The request must be accompanied by the superintendent's recommendation for such extension and satisfactory performance evaluations for the teacher for each year of the original three-year license.

The Board of Education prescribes, by regulation, the requirements for the licensure for teachers and other school personnel required to hold a license. On recommendation of the superintendent, the School Board may waive applicable licensing requirements as specified Va. Code § 22.1-298.1 for any individual the School Board seeks to employ as a career and technical education teacher who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education.

Adopted: May 9, 1994.
Revised: April 5, 2010
May 2015
May 2016
June 2017
May 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-298.1, 22.1-299, 22.1- 299.5 and 22.1-299.6.

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PROFESSIONAL STAFF CONTRACTS

The School Board enters into written contracts with teachers, principals, assistant principals, and supervisors as defined in 8 VAC 20-441-10 before such employees assume their duties except as noted below. Contracts are in the form permitted by the Board of Education, with special covenants added by the School Board as appropriate. Contracts are signed in duplicate, with a copy furnished to each party.

Written contracts are not required with persons who are temporarily employed. A temporarily employed teacher, is 1) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or 2) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

Coaching contracts and contracts for extracurricular activity sponsorship assignments where a monetary supplement is paid are separate from the employee's primary contract. Such contracts are in a form permitted by the Board of Education. Termination of the separate contract does not constitute cause for the termination of the primary contract.

For purposes of this policy, "extracurricular activity sponsorship" means an assignment for which a monetary supplement is received, requiring responsibility for any student organizations, clubs, or groups such as service clubs, academic clubs and teams, cheerleading squads, student publication and literary groups, and visual and performing arts organizations except those that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

Adopted:	September 11, 2006
Revised:	June 16, 2010
	May 2012
	May 2013
	February 2018
Legal Refs.:	Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-302.
	8 VAC 20-441-10.
	8 VAC 20-441-40.

Cross Ref.:	GCBB	Supplementary Pay
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCE	Part-Time and Substitute Professional Staff Employment
	GCG	Professional Staff Probationary Term and Continuing Contract
	GCPB	Resignation of Staff Members
	GCPD	Professional Staff Discipline
	GCPF	Suspension of Staff Members

STAFF SALARY SCHEDULES

The School Board establishes and approves salaries for all school employees

Adopted: May 9, 1994.
Revised: March 6, 2021
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-313

SUPPLEMENTARY PAY

The Lexington City School Board approves all athletic coaching and other extracurricular activity sponsorships for which supplemental pay is provided. The Board establishes the amount of compensation for employees who coach or supervise such activities.

A separate contract in a form permitted by the Board of Education is executed by the School Board with an employee who receives supplemental pay for any athletic coaching assignment or extracurricular activity sponsorship assignment. All such contracts require a party intending to terminate the contract to give reasonable notice to the other party before termination thereof becomes effective.

For purposes of this policy, "extracurricular activity sponsorship" means an assignment requiring responsibility for any student organizations, clubs, or groups, such as service clubs, academic clubs and teams, cheerleading squads, student publication and literary groups, and visual and performing arts organizations except those activities that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

Adopted: May 9, 1994
Revised: March 6, 2013
May 2013
February 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-302 and 22.1-313.

Cross Ref.: GCB Professional Staff Contracts

STAFF BENEFITS

The Lexington City School Board recognizes the need for benefits in order to promote the employment and retention of high quality personnel and effectively serve the educational needs of students. Accordingly, benefits are provided as established by the Board.

Adopted:
Revised: May 2012
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-85.

8 VAC 20-460-10.

Cross Ref.: GCBD Staff Leaves and Absences
GBO Virginia Retirement System

STAFF LEAVES AND ABSENCES

All employee leaves and absences are subject to school division policy and regulations. The superintendent shall establish any regulations necessary for the application of the division's policies regarding leaves and absences.

The Lexington City School Board recognizes the importance of a sound and inclusive leave policy for the promotion of physical and mental health of its employees and for maintaining good morale.

Personnel employed on a regular salaried basis may request or be placed on leave of absence for temporary medical disability if the school board determines, after consultation with a physician who has performed a thorough medical examination, that the employee's condition interferes with the performance of regular duties. The physician performing the examination shall be employed by the school board to perform such services; or the employee's physician, upon approval of the personnel office, may perform such examination. Such employee has the right to present testimony and/or information relevant to the employee's fitness to continue the performance of regular duties. The maximum length of a leave of absence for temporary disability shall in no event be more than 150 days.

All leaves, whether paid or unpaid, shall preserve the right of tenure, retirement, annual leave with pay, salary increments, and other benefits provided by law for those employees who return from leave within the agreed time.

The following categories of leaves shall be recognized by the Lexington City School Board as applicable to Lexington City Public School System personnel who are employed on a regular full-time salaried basis.

PERSONAL BUSINESS LEAVE

All full-time salaried employees who qualify for the Virginia Retirement System shall submit a written record of intended absence to their principal or to their immediate supervisor at least forty-eight (48) hours prior to the expected absence. No specific reason for such personal leave shall be required or solicited. In case of emergency, the appropriate school official shall be notified prior to the start of the duty day to be taken off. The rules regarding personal leave shall be as follows:

1. Notification of personal leave shall be made in writing on the appropriate form.
2. Leave on in-service days or immediately before or after a holiday or vacation may be requested, for reason, from the Superintendent of schools.
3. A maximum of four (4) days per contract year for personal leave may be granted. Personal leave may be taken in minimum increments of one-half day (one half of hours worked per day).
4. No more than one instructional staff member or ten percent of a staff of an administrative unit, whichever is greater, may take personal leave at any one time. Approval will be made by priority of time of receipt of application.

5. This personal leave shall not be cumulative. However, unused personal leave will be transferred to accumulated sick leave at the end of the fiscal year.

6. "Immediate Supervisor" is defined for the following personnel:

Employee	Immediate Supervisor
Teachers, school secretaries, cafeteria employees and custodians----------	School Principal
Principals, Asst. Principals, Central Office personnel-----	Division Superintendent

ANNUAL LEAVE

Ten (10) and eleven (11) month professional staff employees of the Lexington City School Board are not granted annual leave. Ten (10) and eleven (11) month support staff employees of the Lexington City School Board are not granted annual leave unless approved by the school board as a part of the compensation package.

All full-time employees of the Lexington City School Board shall earn leave in accordance with the following schedule. An employee will earn leave on a monthly basis. In order to assure that employees use their annual leave benefits and avoid personnel problems due to overwork and stress, the Board has established a maximum balance of annual leave that an employee may carry from one fiscal year to another. The cap also permits a limit for the Board's financilay liability for annual leave earned but not taken when an employee leaves the service of the Board.

ANNUAL LEAVE SCHEDULE

YEARS OF SERVICE	DAYS EARNED PER MONTH	DAYS EARNED PER YEAR	ACCUMULATION LIMIT
1-5	**1**	**12**	**12**
6-10	**1.25**	**15**	**24**
11-	**1.5**	**18**	**36**

No employee may take leave that has not been earned. Leave will be accumulated at the end of each month beginning with July 31st and continuing through June 30th of the fiscal year. In order to accumulate annual leave the employee must be in paid status for at least twenty days of the month.

Employees are responsible for knowing the amount of accrued leave to which they are entitled and that they earned.

In order to prevent loss of leave time, the Superintendent or his designee shall review the accumulated leave balances on May 1 to determine which employees are likely to lose accumulated leave if not taken by the end of the fiscal year. Every effort shall be made to assist the employee in scheduling this leave.

Any employee who has annual leave in excess of the established limit at this time will lose the leave, without compensation, or may request that such excess be converted to sick leave. The Superintendent may, where the employee has tried, but been unable to use excess leave, grant additional time to use such leave.

Upon separation or retirement, a full-time employee shall be paid for all accrued annual leave up to the maximum accumulation limit. In the event of death of the employee, the employee's estate will be paid for the maximum accumulated annual leave.

A written application will be made by an employee to his immediate supervisor and annual leave will be scheduled and approved prior to the beginning of leave for an individual. Annual leave cannot be taken in less than one-half (1/2) day increments.

HOLIDAYS

All 10- and 11-month full-time employees of the Lexington City School Board are granted holidays in accordance with the adopted school calendar.

All full-time 12-month employees of the Lexington City School Board shall be granted the following holidays:

Independence Day (1 day)
Labor Day (1 day)
Thanksgiving Holiday (2 days)
Winter Break (5 days)
Spring Break (2 days)
Martin Luther King Day (1 Day)

When any of the above holidays falls on Saturday or Sunday, the Superintendent may designate other days, preceding or following the holiday, as the holiday for the full-time 12-month employees.

If an official school day is scheduled by board authority for any of the holidays, all full-time 12-month employees shall report for duty as usual. In such cases, the Superintendent will schedule a replacement holiday so that no less than twelve (12) holidays will be given to all full-time 12-month employees during the school year. Additional holidays may be granted by the Superintendent, at the discretion of the board.

SICKNESS AND ACCIDENT

The Lexington City School Division operates under the regulations governing the State Sick Leave Plan for Teachers (Revised - Effective September 1, 1980) as supplemented by school board policies.

The following provisions apply to all full-time, salaried teachers, administrators, central office staff, maintenance and custodial personnel, clerical workers, and teacher aides:

A. Ten (10), eleven (11), and twelve (12) month employees may earn a maximum of eight (8), nine (9), and ten (10) days respectively for each yearly contractual period. Such leave, if not used, will be cumulative.

B. Earnings for less than a full year shall be at the rate of one day per month or major fraction thereof. This provision applies to those employees who do not begin work at the start of the contracted period and to those who do not complete the full contracted period.

C. Employees shall be permitted to anticipate sick leave earnings for the current contract year. Should the recipient of advanced sick leave terminate employment with the school system prior to earning the amount of sick leave used, the recipient will have the advanced days deducted from the salary.

D. An employee cannot claim any portion of earned leave unless he has actually reported for duty in accordance with the terms of his contract. However, if an employee is unable, because of accident or illness, to begin work in accordance with the terms of his contract, such employee may use accumulated leave to his credit not to exceed such balances as of June 30 of the immediately preceding school year.

E. A maximum of four (4) days per contract year of such leave may be used for necessary appointments with physicians or dentists.

F. Such leave must be taken in minimum of one-half day increments.

G. The principal or Superintendent shall have the authority to require reasonable proof of illness when he deems it necessary.

Sick leave shall be allowed for personal illness, including quarantine, injury, pregnancy, temporary physical or mental incapacity, or illness in the immediate family requiring the attendance of the employee for not more than four (4) days in any one case. (The term "immediate family" of an employee shall be regarded to include mother, father, foster parents, adoptive parents, stepmother, stepfather, grandparents, grandchildren, wife, husband, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any other relative living in the household of the employee.

Employees covered under this policy may transfer from one school system to another in Virginia and likewise transfer any such accumulated leave if the school board of the system to which the transfer is made signifies its willingness to accept such transfer.

The School Board of Lexington City accepts the transfer of accumulated sick leave from other school systems in Virginia for professional instructional, administrative and supervisory personnel only.

An employee will be presumed to have left public school employment if he accepts employment other than in the public school system of Virginia, or is unable to be employed in the public schools of Virginia for a period of three (3) consecutive years because of illness or physical disability or family responsibility. An employee who leaves employment in the public schools to enter the armed services does not forfeit accumulated earnings unless he fails to return to pubic school employment immediately upon discharge from an original tour of duty in the armed services. However, current earnings cannot be allowed for the period while in the service.

Unused sick leave will be paid to employees upon termination of employment from the Lexington City Public School System. Payment will not exceed a total of $4,000 and will be computed at a rate of twenty ($20.00) dollars per accrued day (with a maximum of 200 days). To be eligible, an employee must have completed a minimum of five years uninterrupted service including the year of termination. Such service shall have been in a sick leave earning position in the Lexington City Public School System. Payment of unused sick leave will not be made to any employee who terminates employment prior to completion of the school year.

Leave is granted to all employees for injury sustained on the job under the above terms and in accordance with provisions of the Worker's Compensation Act.

Provisions of the policy are effective September 13, 1993, and are not retroactive.

FUNERAL LEAVE

Employees may be absent without loss of pay and without sick leave deduction in the case of a mother, father, husband, wife, brother, sister, or child for a period not to exceed three (3) days per occurrence. Additional days and all other funerals shall be charged to sick leave.

FEDERAL AND STATE JURY DUTY

Employees called for jury duty may be absent without loss of pay subject to verification of actual days served (verification to be provided by the Clerk of Court). Any compensation received form the Court must be turned in to the School Division

MANDATORY COURT APPEARANCE

Employees subpoenaed as court witnesses in relation to employment with the Lexington City Public Schools may be absent without loss of pay provided that a copy of the subpoena shall be transmitted to the payroll office.

EXTENDED LEAVE

Extended leave may be granted to tenured teachers, administrators, and instructional supervisors, without pay (life and hospitalization insurance may be maintained during extended leave if the full premiums for these coverages are paid to the division by the employee), for professional full time study (minimum of 24 semester hours), foreign teaching assignments or exchange teaching, serious illness of a member of employee's immediate family, and service in teacher corps, VISTA, the Peace Corps, or other activities approved by the Superintendent. Applications for extended leave shall be made to the Superintendent on a form provided by the school board prior to March 1 for the succeeding school year. Response to an application will be made as soon as possible or prior to April 15th by the Superintendent. Extended leave shall be for a period of one year. A second consecutive year may be granted by the Superintendent with approval of the school board. An employee shall be responsible for verification of activity requiring extension of leave for a second year.

Request for reinstatement following extended leave shall be filed in the Superintendent's office on or before March 1 for the ensuing school year.

A teacher returning from extended leave will not be guaranteed his former assignment but will be placed in a comparable position in his field of endorsement for the next school year.

REQUIRED MILITARY RESERVE DUTY POLICY

An employee who is a member of an officially recognized military reserve unit shall be entitled to fifteen (15) calendar days of military leave for training purposes during any contract period.

Any twelve (12) month employee is eligible to receive military leave with pay* for field training or active duty. Employees who coincide their military time off with their vacation time off shall not be entitled to receive make-up pay in addition to their regular vacation pay.

Less than twelve (12) month employees are not eligible to receive military leave with pay except when the required period of duty can be scheduled only during the contract period. Then, leave, not to exceed fifteen (15) days in any contract period, may be granted with pay.

Personnel are expected to make every effort to schedule military leave at times when the schools are not in session.

Application procedure: Application for military leave for training purposes shall be made in advance, immediately upon receipt by the employee of official notice to report from the appropriate military authorities. A copy of the official orders must accompany the application for leave, which must be approved by the appropriate official and the Superintendent. When possible, military leave for employees on a less-than-twelve-month contract shall be arranged during non-duty periods. The Superintendent may request a change in military orders when it

seems to be in the best interest of the school system.

Pay status during leave: The pay status of the employee on military leave for training purposes shall be leave with pay. The employee shall suffer no loss of accumulated leave and/or vacation time.

Leave without pay: The Superintendent or his designee may grant military leave without pay to any employee who is ordered to active duty in the military of the United States. Except in times of national emergency or war, the maximum period of time allowed for military leave without pay will be two years, approved one year at a time.

An employee who returns from military leave will have the advantage of any step increases which would have been due if the employee had remained continuously in the service of the school system. The employee will also have prior sick leave credit restored.

*__Note__: Military pay is defined as any form of remuneration other than travel pay received from any branch of the Armed Forces which increases income including but not limited to base pay, longevity, subsistence, flight, hazard or overseas pay.

Adopted: December 13, 1999..
Revised: September 11, 2006
August 25, 2008
March 6, 2012

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

Cross Refs.:	GCBE	Family and Medical Leave
	GCBEA	Leave Without Pay
	GCBEB	Military Leave and Benefits
	GCQA	Nonschool Employment by Staff Members

SICK LEAVE AND ACCIDENT - VRS HYBRID PLAN MEMBER (REGULATION)

The Lexington City School division operates under the regulations governing the state sick leave plan for teachers as supplemented by school board policies. **This regulation applies ONLY to VRS HYBRID PLAN employees, including teachers and other full-time, salaried employees.** Paid sick leave is not available for part-time, temporary, or substitute employees in any category.

Sick leave is available to be used to cover absences due to illness or non-work related accidents which are not covered under either the short-term disability program or long-term disability program as required by the Code of Virginia. Sick leave may be used in situations involving short-term disability leave in order to provide up to 100% of salary replacement. However, restrictions apply and one full day of sick leave must be used in exchange for any portion of salary replacement to bring the short-term benefit to 100% of salary replacement.

The following provisions apply to all full-time, salaried Central Office staff, maintenance and custodial personnel, clerical workers, and teacher aides hired after January 1, 2014 (or Plan1/Plan2 employees who converted to the VRS HYBRID RETIREMENT PLAN by April 30, 2014):

A. Ten (10), Eleven (11), and Twelve (12) month employees may earn a maximum of ten (10), eleven (11), and twelve (12) days respectively for each yearly contractual period. Such leave, if not used, may accumulate to a 45 day limit.

B. Earnings for less than a full year shall be at the rate of one day per month or major fraction thereof. This provision applies to those employees who do not begin work at the start of the contracted period and to those who do not complete the full contracted period.

C. Employees shall be permitted to anticipate sick leave earnings for the current contract year. Should the recipient of advanced sick leave terminate employment with the school system prior to earning the amount of sick leave used, the recipient will have the advanced days deducted from the salary.

D. An employee cannot claim any portion of earned sick leave unless he has actually reported for duty in accordance with the terms of his contract. However, if an employee is unable, because of accident or illness, to begin work in accordance with the terms of his contract, such employee may use accumulated leave to his credit not to exceed such balances as of JUNE 30 of the immediately preceding school year.

E. Sick leave must be taken in minimum of one-half (1/2) day increments.

F. The Principal or Superintendent shall have the authority to require reasonable proof of illness when deemed necessary or for consecutive absences of three days or more.

Sick leave shall be allowed for personal illness, including quarantine, injury, pregnancy, temporary physical or mental incapacity, illness, or death in the IMMEDIATE family requiring the attendance of the employee. (The term "IMMEDIATE" family of an employee shall be regarded to include Mother, Father, Foster Parents, Adoptive Child, Wife, Husband, Children, Brother, Sister, Father-In-Law, Mother-In-Law, Brother-in-Law, Sister-In-Law, Son-In-Law, Daughter-in-Law, Adoptive Parents, Step-Mother, Step-Father, Grandchildren, Grandparents, and any other relative living in the house of the employee).

The School Board of Lexington City accepts the transfer of accumulated sick leave from other school systems in Virginia for professional instructional, administrative and supervisory personnel only. Up to 30 days of accumulated sick leave may be transferred.

Accumulated sick leave will be forfeited for employees leaving public school employment. An employee will be presumed to have left public school employment if he accepts employment other than in the public school system of Virginia, or is unable to be employed in the public schools of Virginia for a period of more than three (3) consecutive years because of illness or physical disability or family responsibility. An employee who leaves employment in the public schools to enter the armed services does not forfeit accumulated earnings unless he fails to return to public school employment immediately upon discharge from an original tour of duty in the armed services. However, current earnings cannot be allowed for the period while in the service.

Unused sick leave will be paid only to employees upon retirement from employment from the Lexington City School Public School system. Payment will be computed at a rate set by the Board, excluding coaches-sponsors supplements, in effect at the time of termination. To be eligible, an employee must have completed a minimum of five (5) years uninterrupted service including the year of termination. Such service shall have been in a sick leave earning position in the Lexington City Public School system. Payment will be made only for days earned as a Lexington City School employee.

Leave is granted to all employees for injury sustained on the job under the above terms and in accordance with provisions of the Worker's Compensation Act.

Provisions of the policy are not retroactive.

Adopted: May 10, 2014

Cross Refs:	GCBD	Staff Leaves and Absences
	GCBE	Family and Medical Leave

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FAMILY AND MEDICAL LEAVE

Generally

The Lexington City School Board recognizes its obligation to provide its eligible employees with unpaid leave pursuant to the Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601 et seq. This policy describes the benefits available to eligible employees under the Act.

Definitions

Covered active duty: The term covered "active duty" means

- in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

Covered servicemember: The term "covered servicemember" means

- a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Eligible employee: To be eligible for leave under this policy the employee must have at least twelve (12) months of service with the school division and have worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., in the twelve (12) months preceding the commencement of the leave. Full-time teachers are deemed to meet the 1250 hour test.

Instructional employee: Employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting such as teachers, athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, or auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

Next of kin: The term "next of kin" used with respect to an individual, means the nearest blood relative of that individual other than the covered servicemember's spouse, parent, son, or

daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as the covered servicemember's nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members are considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual is deemed to be the covered servicemember's only next of kin.

Outpatient status: The term "outpatient status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to

(A) a military medical treatment facility as an outpatient; or

(B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Serious health condition: A serious health condition is an illness, injury, impairment or condition that involves inpatient care or continuing treatment by a health care provider.

Serious injury or illness: The term "serious injury or illness," in the case of

- a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
- a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period described in 29 U.S.C. § 2611(15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Year: A rolling 12-month period measured backward from the date an employee uses FMLA leave.

Leave

Any eligible employee is entitled to leave for a combined total of twelve (12) weeks per year for the following situations:

1. The birth and care of a newborn child;
2. The adoption or foster placement of a child;
3. To care for an employee's spouse, parent, or child with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the essential functions of the employee's job; and
5. Because of any qualifying exigency as defined in Department of Labor regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to a total of 26 workweeks of leave per year to care for the servicemember. Leave under this paragraph is available only during a single year. During that year the employee is entitled to a combined total of 26 workweeks of leave under this policy.

To the extent that an employee is entitled to compensated leave under other policies, such paid leave shall be substituted for unpaid FMLA leave. Otherwise, family and medical leave is unpaid. When paid leave is available, the employee must satisfy any procedural requirements of the division's paid leave policy.

Employees on FMLA leave must report their status and intention regarding returning to work to the school division at least every four weeks.

Notice to Employees of Their Rights under the FMLA

Posting and General Notice

The school division posts, in conspicuous places, on the premises of the school division where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor. Attachment 1 may be used as the notice.

A copy of Attachment 1 is also given to each employee by including it in the employee handbook or similar document or by distributing it to each new employee upon hiring.

Eligibility Notice

When an employee requests FMLA leave, or the division has knowledge that an employee's leave may be for an FMLA-qualifying reason, the division should notify the employee of the employee's eligibility to take FMLA leave within five business days. The Eligibility Notice

should state whether the employee is eligible for FMLA leave. If the employee is not eligible for FMLA leave, the Notice must state at least one reason why the employee is not eligible (such as, for example, the number of months the employee has worked for the division.) This notification may be accomplished by providing the employee a copy of Attachment 4.

Notice of Rights and Responsibilities

The division provides written notice detailing the specific expectations and obligations of the employee and explaining the consequences of the failure to meet those obligations each time the employee is given an Eligibility Notice. This Notice includes, as appropriate:

- that the leave may be designated and counted against the employee's annual FMLA leave entitlement and the 12-month period for FMLA entitlement;
- any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status, and the consequences of failing to provide certification;
- that the division substitutes paid leave for unpaid leave and any conditions related to the substitution and the employee's right to take unpaid FMLA leave if the employee does not meet the conditions for paid leave;
- any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis;
- the employee's rights to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave; and
- the employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA leave if the employee fails to return to work after FMLA leave.

The Notice of Rights and Responsibilities should be accompanied by any required certification form.

The Notice of Rights and Responsibilities also includes notice that employees on FMLA leave must report their status and intention regarding returning to work to the division at least every four weeks.

If the information provided by the Notice of Rights and Responsibilities changes, the division will, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

Designation Notice

When the division has enough information to determine whether the leave is being taken for a FMLA-qualifying reason, the division should give the employee written notice whether the leave will be designated and will be counted as FMLA leave within five business days. If the division

determines that the leave will not be designated as FMLA-qualifying, the division must inform the employee of that determination. The division will also notify the employee that paid leave must be substituted for unpaid FMLA leave or that paid leave taken under an existing leave plan be counted as FMLA leave at the time of designating the FMLA leave.

If the division will require the employee to present a fitness-for-duty certification to be restored to employment after taking leave for a continuous period of time, the division will provide notice of the requirement with the Designation Notice. If the division will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the division so indicates in the Designation Notice and includes a list of the essential functions of the employee's position.

If the division has reasonable safety concerns regarding the ability of an employee who is returning to work after intermittent or reduced leave schedule to perform the employee's duties based on the serious health condition for which the employee took leave, it may require the employee to submit a fitness for duty certification unless one has been submitted within the past 30 days.

If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

If the information provided by the division to the employee in the Designation Notice changes, the division will provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The division notifies the employee of the amount of leave counted against the employee's FMLA leave entitlement. If the amount of leave needed is known at the time the employer designates the leave as FMLA-qualifying, the division notifies the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the Designation Notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement, then the division provides notice of the amount of leave counted against the employee's FMLA leave entitlement upon request by the employee but no more often than once in a 30-day period and only if leave was taken in that period.

The division's decision to designate leave as FMLA-qualifying is based only on information received from the employee or the employee's spokesperson. If the division does not have sufficient information about the reason for an employee's use of leave, the division will inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the division has knowledge that the leave is being taken for a FMLA-qualifying reason, the division provides the employee the notice described in this subsection.

An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the division to determine whether the leave is FMLA-qualifying. If the employee fails to explain the reasons, leave may be denied.

Leave for the Birth, Adoption or Foster Placement of a Child

The employee's entitlement to leave for a birth, adoption or foster placement of a child expires at the end of the twelve month period beginning on the date of the birth, adoption or foster placement. Leave taken for the birth, adoption or foster placement of a child may be taken intermittently or on a reduced leave schedule if the superintendent or superintendent's designee agrees to such an arrangement.

If the necessity for leave for the birth, adoption or foster placement of a child is foreseeable based on an expected birth or placement, the employee shall provide the school division with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable. The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and of the anticipated timing and duration of the leave.

Leave Because of a Serious Health Condition of Employee

Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided below.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

(1) make a reasonable effort to schedule the treatment so as not to disrupt unduly

(2) the operations of the division; and provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and of the anticipated timing and duration of the leave.

The School Board may require that a request for leave because of the employee's own serious health condition be supported by a certification issued by a health care provider of the employee. The division may use Form WH-380-E (Attachment 2) for this certification. The division should request that the employee furnish certification when the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave begins. The division may request certification at a later date if it later has reason to question the appropriateness of the leave or its duration. The employee must

provide a complete and sufficient certification within 15 calendar days after the division's request. When the division requests certification, it advises the employee of the anticipated consequences of the employee's failure to provide adequate certification.

Certification will be sufficient if it states -

(1) the name, address, telephone number and fax number of the health care provider and the type of medical practice/specialization;

(2) the approximate date on which the serious health condition commenced and its probable duration;

(3) a statement or description of appropriate medical facts regarding the employee's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and

(4) information sufficient to establish that the employee is unable to perform the essential functions of the employee's position, the nature of any other work restrictions, and the likely duration of such inability.

If an employee requests leave on an intermittent or reduced leave schedule for planned medical treatment of the employee's serious health condition, the certification shall include information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates on which such treatment is expected to be given and the duration of such treatment and any period of recovery.

If an employee requests leave on an intermittent or reduced leave schedule because of the employee's own serious health condition that may result in unforeseeable episodes of incapacity, the certification shall include information sufficient to establish the medical necessity for the intermittent leave or leave on a reduced leave schedule, and an estimate of the frequency and duration of the episodes of incapacity.

If the employee submits a complete and sufficient certification signed by the health care provider, the division may not request additional information from the health care provider. However, the division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such contact, the division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee's direct supervisor may not contact the employee's health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning information

certified. The opinion of the third health care provider will be binding on both the school division and the employee.

Leave Because of a Serious Health Condition of a Child, Spouse, or Parent of Employee
Family and medical leave is provided when the employee is needed to care for the employee's spouse, child or parent with a serious health condition, as defined above. Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided below.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

(1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
(2) provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The School Board may require that a request for leave to care for an employee's spouse, parent, or child with a serious health condition be supported by a certification issued by a health care provider of the family member in need of care. The division may use Form WH-380-F (Attachment 3) for this medical certification. The division should ask the employee to furnish certification when the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave begins. The division may request certification at some later date if it has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification within 15 calendar days after the division's request. When the division requests certification, it advises the employee of the anticipated consequences of the employee's failure to provide adequate certification.

Certification will be sufficient if it states -

(1) the name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;
(2) the approximate date on which the serious health condition commenced and its probable duration;
(3) a statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
(4) information sufficient to establish that the family member is in need of care and an estimate of the frequency and duration of the leave required to care for the family member.

If an employee requests leave on an intermittent or reduced leave schedule for planned medical treatment of a family member's serious health condition, the certification shall include information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and the duration of such treatments and any periods of recovery.

If an employee requests leave on an intermittent reduced leave schedule in order to care for a family member with a serious health condition, the certification shall include a statement that the employee's intermittent leave or leave on a reduced leave schedule is medically necessary for the care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

If the employee submits a complete and sufficient certification signed by the health care provider, the division may not request additional information from the health care provider. However, the division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such contact, the division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee's direct supervisor may not contact the employee's health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning information certified. The opinion of the third health care provider will be binding on both the school division and the employee.

Leave to Care for a Covered Servicemember

If the necessity for leave is foreseeable based on planned medical treatment for a serious injury or illness of a covered service member, the employee shall

(1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and

(2) provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The School Board may require that a request for leave to care for a covered service member with a serious injury or illness be supported by a certification issued by a health care provider of the covered serviceperson. The certification may be completed by any health care provider listed in 29 C.F.R. 825.310(a). The employee shall provide, in a timely manner, a copy of such certification to the school division.

Certification will be sufficient if it states

(1) the name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following: a United States Department of Defense (DOD) health care provider, a United States Department of Veterans Affairs (VA) health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized health care provider or a health care provider as defined in 29 C.F.R. 825.125;

(2) whether the covered servicemember's injury or illness was incurred in the line of duty on active duty;

(3) the approximate date on which the serious health condition or serious injury or illness commenced or was aggravated and its probable duration;

(4) a statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and

(5) information sufficient to establish that the covered servicemember is in need of care and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time.

If an employee requests FMLA leave on an intermittent or reduced leave schedule for planned medical treatment appointments for the covered servicemenber, the certification must state that there is a medical necessity for the covered servicemember to have such periodic care and must contain an estimate of the treatment schedule of such appointments.

If an employee requests FMLA leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment, the certification must contain a statement that there is a medical necessity for the covered servicemember to have such periodic care, and must contain an estimate of the frequency and duration of the periodic care.

In addition to the information listed above, the division may also request that the certification set

forth the information on Form WH-385 (Attachment 7.)

In lieu of Form WH-385, the division accepts invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at the servicemember's bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, the employee may take leave to care for the covered
servicemember in a continuous block of time or on an intermittent basis.

The information on the certification must relate only to the serious injury or illness for which the current need for leave exists. The division may seek authentication or clarification of the certification, ITO, or ITA but may not seek second or third opinions. The division may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The division also accepts as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Leave Related to a Qualifying Exigency arising from Covered Active Duty or a Call to Covered Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to covered active duty is foreseeable, the employee shall give such notice to the school division as is reasonable and practicable. The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member, the division may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service. A copy of new active duty orders or other documentation issued by the military shall be provided to the division if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member.

A request for leave because of a qualifying exigency must be supported by

1) a statement or description signed by the employee of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave;
2) the approximate date on which the qualifying exigency commenced or will commence;

3) the beginning and ending dates of absence if the employee requests leave because of a qualifying exigency for a single, continuous period of time;
4) an estimate of the frequency and duration of the qualifying exigency if the employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis;
5) if the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting and a brief description of the purpose of the meeting; and
6) if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

The division may use Form WH-384 (Attachment 6) for this certification.

Rules for Intermittent and Reduced Schedule Leave
When permitted by the FMLA, intermittent and reduced schedule leave may be used until the aggregate amount of such leave equals twelve weeks or 26 weeks if the leave is taken to care for a covered servicemember in the employee's rolling year. However, when the employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment the school division may temporarily transfer the employee to an available alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced schedule leave.

When an eligible employee employed principally in an instructional capacity requests leave to care for a family member with a serious health condition, leave because of the employee's own serious health condition, or leave to care for a covered service member and the leave is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the school division may require the employee to elect either

1) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
2) to transfer temporarily to an available alternative position offered by the school division for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular employment position.

The school division may require an employee to make such an election when the employee has

1) made a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division, subject to the approval of the health care provider; and
2) has provided the division with not less than 30 days' notice before the date the

leave is to begin, of the employee's intention to take leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

Rules for Husband and Wife Employed by the Lexington City School Division
A husband and wife who are both eligible for family and medical leave and are employed by the school division shall be granted family and medical leave only for a combined total of twelve weeks per year when the leave is taken for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition.

A husband and wife who are both eligible for family and medical leave and are employed by the the school division shall be granted family and medical leave only for a combined total of 26 workweeks per year if the leave

(1) is taken to care for a covered servicemember; or
(2) is taken as a combination of leave to care for a covered servicemember and leave for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition. However, if the leave taken by the husband and wife includes leave for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition, the leave for that reason shall be limited to 12 workweeks per year.

Benefits During Family and Medical Leave
Employees on family and medical leave shall receive the group health insurance plan coverage on the same conditions as coverage would have been provided if the employee had been working during the period of leave. Other benefits are provided according to school division policy for paid or unpaid leave, whichever applies.

If the employee fails to return to work when the period of leave to which the employee is entitled expires for any reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave, or other circumstances beyond the employee's control, the school division may recover the premium it paid for maintaining the employee's coverage during the period of unpaid leave in accordance with federal law.

Return to Work
An employee on family and medical leave shall provide the division at least two work days' notice of the intent to return to work. The employee shall be returned to the same or equivalent position at the end of the family and medical leave unless the division shows that the employee would not otherwise have been employed at the time reinstatement is requested.

The following return to work provisions apply to instructional employees:

1. If an instructional employee begins family and medical leave more than five (5) weeks before the end of an academic term, the employee may be required to continue taking leave until the end of the term if the leave is at least three (3) weeks in duration and the return to work would occur during the last three (3) weeks of the academic term.
2. If an instructional employee begins family and medical leave a) because of the birth, adoption, or foster care placement of a son or daughter of the employee, b) to care for a family member with a serious health condition, or c) to care for a covered service member during the five (5) week period before the end of an academic term, the employee may be required to continue taking leave until the end of the academic term if the leave is longer than two (2) weeks in duration and the return to work would occur during the last two (2) weeks of the academic term.
3. If an instructional employee begins family and medical leave a) because of the birth, adoption, or foster care placement of a son or daughter of the employee, b) to care for a family member with a serious health condition, or c) to care for a covered service member during the three (3) week period before the end of an academic term, the employee may be required to continue taking leave until the end of an academic term if the leave is longer than five (5) working days in duration.

If an instructional employee is required to continue leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be counted against the family and medical leave entitlement. However, the division must continue the group health insurance coverage under the same conditions as if the employee were working.

Outside Employment

An employee who is on family and medical leave may not engage in employment for any other employer or self-employment while on leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline which may include termination from employment.

Adopted: October 8, 2001
Revised: July 12, 2004
May 12, 2008
May 18, 2009
April 5, 2010
October 2013
February 2016
March 10, 2021
Legal Ref.: 29 U.S.C. §§ 207, 2611, 2612, 2613, 2614, 2618, 2619.
29 CFR 825.110, 825.115, 825.122, 825.124, 825.125, 825.200, 825.203, 825.207, 825.300,825.301,825.302, 825.303, 825.305, 825.306, 825.307, 825.309, 825.310, 825.311, 825.312, 825.600, 825.602, 825.603, 825.604,825.800.

Cross Refs.:	GCBD	Staff Leaves and Absences
	GCBEA	Leave without Pay
	GCQA	Nonschool Employment by Staff Members

ATTACHMENTS

Attachment 1 **Employee Rights and Responsibilities Under the Family and Medical Leave Act** (WHD Publication 1420) (Revised April 2016)
Please note: a copy of this poster can be downloaded from
http://www.dol.gov/whd/regs/compliance/posters/fmla.htm

Attachment 2 **Certification of Health Care Provider for Employee's Serious Health Condition Under the Family and Medical Leave Act** (Form WH-380-E) (Revised June 2020)
Please note: a copy of the certification form can be downloaded from
http://www.dol.gov/whd/forms/WH-380-E.pdf

Attachment 3 **Certification of Health Care Provider for Family Member's Serious Health Condition Under the Family and Medical Leave Act** (Form WH-380-F) (Revised June 2020)
Please note: a copy of this form may be downloaded from
http://www.dol.gov/whd/forms/WH-380-F.pdf

Attachment 4 **Notice of Eligibility and Rights & Responsibilities Under the Family and Medical Leave Act** (Form WH-381) (Revised June 2020)
Please note: a copy of this form may be downloaded from
http://www.dol.gov/whd/forms/WH-381.pdf

Attachment 5 **Designation Notice Under the Family and Medical Leave Act** (Form WH-382) (Revised June 2020)
Please note: a copy of this form may be downloaded from
http://www.dol.gov/whd/forms/WH-382.pdf

Attachment 6 **Certification for Military Family Leave for Qualifying Exigency under the Family and Medical Leave Act** (Form WH-384) (Revised June 2020)
Please note: a copy of this form may be downloaded from
http://www.dol.gov/whd/forms/WH-384.pdf

Attachment 7 **Certification for Serious Injury or Illness of Current Servicemember for Military Caregiver Leave under the Family and Medical Leave Act** (Form WH-385) (Revised June 2020)
Please note: a copy of this form may be downloaded from
http://www.dol.gov/whd/forms/WH-385.pdf

Attachment 8 **Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (Family and Medical Leave Act)** (Form WH-385-V (revised May 2015)
Please note: a copy of this form may be downloaded from
http://www.dol.gov/whd/forms/wh385V.pdf

LEAVE WITHOUT PAY

Employee's Debilitating or Life-Threatening Illness or Injury

A leave of absence, without pay, may be granted to employees of the school division who have a debilitating or life-threatening illness or injury and who are not eligible for Family and Medical Leave as described in Policy GCBE Family and Medical Leave because they have not worked for the division for 12 months or have not worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

Employees with a debilitating or life-threatening illness who are entitled to leave under this policy may take up to thirty (30)[3] days unpaid leave during their first year of employment with the school division. Leave may be taken only in full-day increments. Leave may be taken only when the employee has no other leave (such as sick leave) available.

Employees must submit medical documentation of their need for leave. Whenever possible, documentation must be provided prior to leave being taken.

Approval must be obtained prior to leave being taken.

All rights under this policy expire at the end of the employee's first year of service.

Other Work During Leave

Employees who are on unpaid leave pursuant to this policy or any other policy, except those on leave pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (see Policy GCBEB Military Leave and Benefits), may not engage in work for which they receive pay or any other type of remuneration without the prior written approval of the superintendent.

Adopted: September 12, 2005
Revised: February 2014
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.

Cross Refs.:	GCBD	Staff Leaves and Absences
	GCBE	Family and Medical Leave
	GCBEB	Military Leave and Benefits
	GCQA	Nonschool Employment by Staff Members

[3] The number of days of unpaid leave is up to the School Board.

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MILITARY LEAVE AND BENEFITS

LEAVE

All employees of Lexington City 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 to 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 receive up to 15 days paid leave per federally funded tour of duty. When possible, military leave for employees on less that a 12 month contract should 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, receives paid leave.

In addition, full-time employees of the Lexington City School Division whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component requires the employee's absence from employment receive supplemental pay in the amount of ____$0___if the employee's military compensations 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.

HEALTH BENEFITS

If the employee desires, the employee and the employee's dependents may continue to participate in the divisions' group health plan for up to 24 months while the employee is on military leave. The employee must notify the Clerk of the School Board if the employee 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 payment of the full premium of the plan.

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 is allowed, but not required, to make up the employee's 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. It the employee's retirement plan is contributory and the employee does not make up the employee's contributions, the employee will not receive the employer match or the accrued benefit attributable to the employee's 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.

RE-EMPLOYMENT

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 the employee

- 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, the employee 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 laws.

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: May 9, 2006
Revised: June 16, 2010
February 2015
March 11, 2020

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

A. 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 except as authorized. 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 the superintendent.

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 superintendent or to the inception of such relationship.

B. Notwithstanding the rules stated in Section A above, the School Board may employ or pay, and the superintendent may recommend for employment, any family member of a School Board member provided that

- the member certifies that he had no involvement with the hiring decision; and

- the superintendent certifies to the remaining members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the Board had any involvement with the hiring decision.

C. Notwithstanding the rules stated in Section A above, the School Board may employ or pay any family member of the superintendent provided that

- the superintendent certifies that he had no involvement with the hiring decision; and
- the assistant superintendent certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and

the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision.

D. 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.

E. 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: May 18, 2009
Revised: June 21, 2011
February 2015
June 2017
May 2018
July 2018
May 2019

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

EFFECT OF CRIMINAL CONVICTION OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT

Generally

The Board does not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are determined to be unsuited for service by reason of criminal conviction or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

I. APPLICANTS FOR EMPLOYMENT

A. Criminal Convictions

As a condition of employment for all of its employees, whether full-time or part-time, permanent, or temporary, the Lexington City School Board requires on its application for employment certification of whether the applicant has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; or any crime of moral turpitude.

The School Board does not employ any individual who has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code §19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child.

The School Board may employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual's civil rights have been restored by the Governor.

The Lexington City School Board also requires on its application for employment, as a condition of employment requiring direct contact with students, whether full-time or part-time, permanent, or temporary, certification that the applicant has not been the subject of a founded case of child abuse and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with the Lexingtoni City School Board shall submit to fingerprinting and provide personal descriptive information. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation~~s~~ for the purpose of obtaining criminal history record information on applicants who are offered or accept employment.

To conserve the costs of conducting criminal history record checks to applicants and school boards, upon the written request of the applicant, Lexington City School Board shall inform another school board with which reciprocity has been established and to which the applicant also has applied for employment of the results of the criminal history record information conducted within the previous ninety days that it obtained concerning the applicant. Criminal history record information pertaining to an applicant for employment by a school board shall be exchanged only between school boards in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect. Reciprocity agreements shall provide for the apportionment of the costs of the fingerprinting or criminal records check between the applicant and Lexington City School Board as provided by statute.

If an applicant is denied employment because of information appearing on the applicant's criminal history record, the School Board provides a copy of the information provided by the Central Criminal Records Exchange to the applicant.

B. Founded Complaints of Child Abuse or Neglect

The School Board requires, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. The School Board ensures that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, the School Board requires as a condition of employment that such applicant provide written consent and the necessary personal information for the School Board to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The School Board shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall

maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards for use by local school boards. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the School Board. From such funds as may be available for this purpose, however, the School Board may pay for the search.

If the information obtained pursuant to the preceding paragraph indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment, or the employment shall be rescinded.

If an applicant is denied employment because of information appearing on the applicant's record in the registry, the School Board provides a copy of the information obtained from the registry to the applicant. The information provided to the School Board by the Department of Social Services is confidential and is not disseminated by the School Board.

II. EMPLOYEE CHARGES AND CONVICTIONS

A. Criminal Proceedings

An employee who is charged by summons, warrant, indictment, or information with the commission of a felony or a misdemeanor specified in Va. Code § 22.1-315 may be suspended in accordance with Policy GCPF Suspension of Staff Members.

If a current employee is suspended or dismissed because of information appearing on the employee's criminal history record, the School Board provides a copy of the information provided by the Central Criminal Records Exchange to the employee.

The superintendent shall inform the School Board of any notification of arrest of a school board employee received pursuant to Virginia Code §19.2-83.1. The School Board shall require such employee, whether full-time or part-time, permanent, or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee. The contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§22.1-307 and 22.1-315 of the Code of Virginia.

B. Founded Complaints of Child Abuse or Neglect

Any employee of Lexington City School Board will be dismissed if he or she is or becomes the subject of a founded complaint of child abuse and neglect and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach.

III. COURT ORDERED PROBATION

For purposes of this policy, a court's placing an individual on probation pursuant to Va. Code § 18.2-251 is treated as a conviction and as a finding of guilt.

IV. COSTS OF FINGERPRINTING, CRIMINAL RECORD AND ABUSE AND NEGLECT CHECKS

The School Board pays for the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy.

Adopted: September 11, 2006
Revised: May 7, 2007
August 10, 2009
May 2012
May 2018
July 2018
May 2019
June 10, 2020
June 9, 2021

Legal Ref.: Code of Virginia, as amended, §§ 18.2-251,19.2-83.1, 19.2-389, 22.1-78, 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 22.1-315, 63.2-1515.

Cross Refs.: GCPF Suspension of Staff Members
GCPD Professional Staff Discipline

EFFECT OF CRIMINAL CONVICTION

The following paragraph will be added to all applications for employment with the Lexington City Public Schools:

> "I hereby authorize the Office of Personnel to conduct work history, personal reference or police record inquiries, and waive the right to hold liable those persons for providing any requested information. It is understood that such information is to be absolutely privileged, confidential, and used only in determining my qualifications for employment and assignment."

If an applicant for employment with the Lexington City Public Schools should refuse to permit a criminal history record search, that applicant will be removed from further employment consideration.

Once employment candidates have been interviewed, they will complete two copies of the attached Criminal History Record Request. The Office of Personnel will deliver such requests to the Lexington City Police Department to conduct the search for any criminal history record. Once a criminal record has been reviewed and an administrative determination made concerning employment suitability, the record will be destroyed. If a criminal record is obtained that would prohibit employment under Lexington City Public School Board policy, the applicant will be so informed and his application for employment removed from consideration.

Issued:

PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

Substitute Teachers

Substitute teachers shall:

- be at least 18 years old;
- possess good moral character;
- hold a high school diploma or have passed a high school equivalency examination approved by the Board of Education

The Lexington City School Board shall seek to employ substitute teachers, especially those engaged as long-term substitutes, who exceed these requirements.

A substitute teacher, as used in this section, is (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

Homebound Teachers

Homebound teachers will be employed on a part-time, hourly basis. They will be selected from the active file of applicants in the School Board Office or from the approved substitute teacher list and shall hold a valid teaching certificate.

Part-Time Teachers

An employee working less than 180 days or less than six (6) hours per day or who is restricted to temporary or interim employment is considered part-time.

Part-time teachers shall meet the certification requirements and requirements of the State Board of Education.

Summer School Teachers

Summer school teachers shall meet all certification requirements

Interns

Arrangements for the utilization of interns in the Lexington City School System should be initiated through the Superintendent.

Student Teachers

The school division will accept student teachers only from accredited institutions. All student teachers shall meet the same health requirements as all other personnel. The Superintendent shall have the responsibility for the assignment and placement of student teachers in the school system.

Student teachers shall not be used as substitute teachers.

Adopted: May 9, 1994.
Revised: July 14, 2003
June 16, 2010
May 2012
June 2014

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-302.

Cross Ref.:
GCB Professional Staff Contracts
GCPD Professional Staff Discipline
GCDF Suspension of Staff Members

PROFESSIONAL STAFF PROBATIONARY TERM AND CONTINUING CONTRACT

Teachers

Probationary Term

A probationary term of service of three years in Lexington City School Division is required before a teacher is issued a continuing contract. A mentor teacher is provided to every first year probationary teacher to assist him or her in achieving excellence in instruction. Probationary teachers with prior successful teaching experience may be exempt from this requirement with approval from the superintendent. Probationary teachers are evaluated at least annually in accordance with policy GCN Evaluation of Professional Staff. A teacher in the first year of the probationary period is evaluated informally at least once during the first semester of the school year. The superintendent considers such evaluations as one factor in making recommendations to the School Board regarding the nonrenewal of such teacher's contract.

In order to achieve continuing contract status, every teacher must successfully complete training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Lexington City School Board provides said training at no cost to teachers it employs. If such training is not offered in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

Once a continuing contract status has been attained in a school division in this state, another probationary period need not be served unless such probationary period, not to exceed two years, is made a part of the contract of employment. If a teacher separates from service and returns to teaching service in Virginia public schools by the beginning of the third year, the person shall be required to begin a new probationary period, not to exceed two years, if made part of the contract.

If a teacher who has not achieved continuing contract status receives notice of re-employment, he must accept or reject in writing within 15 calendar days of receipt of the notice. Unless a conference with the superintendent is requested as specified in the Code of Virginia, or in the case of reduction in force, written notice of nonrenewal of the probationary contract must be given by the Board on or before June 15 of each year. If the teacher requests a conference with the superintendent, then written notice of non-renewal by the School Board must be given within thirty days after the superintendent notifies the teacher of his intention with respect to the recommendation.

Continuing Contract

Teachers employed after completing the probationary period are entitled to continuing contracts during good behavior and competent service. Written notice of noncontinuation of the contract by either party must be given by June 15 of each year; otherwise the contract continues in effect for the ensuing year.

The School Board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.

Furthermore, nothing in the continuing contract shall be construed to authorize the School Board to contract for any financial obligation beyond the period for which funds have been made available.

As soon after June 15 as the school budget is approved by the appropriating body, the School Board furnishes each teacher a statement confirming continuation of employment, setting forth assignment and salary.

Within two weeks of the approval of the school budget by the appropriating body, but no later than July 1, the School Board will notify any teacher who may be subject to a reduction in force due to a decrease in the School Board's budget as approved by the appropriating body.

Principals, Assistant Principals, and Supervisors

A person employed as a principal, assistant principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve a probationary term of three years in such position in the same school division before acquiring continuing contract status as a principal, assistant principal or supervisor.

Continuing contract status acquired by a principal, assistant principal or supervisor shall not be construed (i) as prohibiting the School Board from reassigning such principal, assistant principal or supervisor to a teaching position if notice of reassignment is given by the School Board by June 15 of any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as principal, assistant principal or supervisor in the case of any such reassignment to a teaching position. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the superintendent, the superintendent's designee or the School Board. Before recommending such reassignment, the superintendent shall consider, among other things, the performance evaluations for such principal, assistant principal or supervisor. The principal, assistant principal or supervisor shall elect whether such meeting shall be with the superintendent, the superintendent's

designee or the School Board. The School Board, superintendent or superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the School Board.

The intent of this section is to provide an opportunity for a principal, assistant principal or supervisor to discuss the reasons for such salary reduction and reassignment with the superintendent, the superintendent’s designee or the School Board, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause for the salary reduction and reassignment of a principal, assistant principal or supervisor.

As used in this policy, "Supervisor" means a person who holds an instructional supervisory position as specified in the regulations of the Board of Education and who is required to hold a license as prescribed by the Board of Education.

Adopted:
Revised: July 14, 2003
June 21, 2011
May 2012
May 2013
June 2013
May 2016
June 2016
May 2018
June 10, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-294, 22.1-303, 22.1-304.

Cross Refs.:	GBM	Professional Staff Grievances
	GCB	Professional Staff Contracts
	GCE	Part-Time and Substitute Professional Staff Employment
	GCN	Evaluation of Professional Staff
	GCPA	Reduction in Professional Staff Work Force
	GCPB	Resignation of Staff Members
	GCPD	Professional Staff Discipline
	GCPF	Suspension of Staff Members

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Principals and other supervisory personnel may submit recommendations to the superintendent for the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to their supervision.

Upon recommendation of the superintendent, the Lexington City School Board shall place all employees within the various schools and facilities located in the school division. The superintendent has the authority to assign such employees to their respective positions within the school or facility wherein they have been placed by the School Board.

The superintendent may also reassign any such employee for that school year to any school or facility within such division, provided no change or reassignment during a school year shall affect the salary of such employee for that school year. However, no one will be employed in or reassigned to a situation where a family member, as defined in Policy GCCB Employment of Family Members, is directly responsible for that employee's supervision.

Any employee seeking a transfer of assignment to another work location for the next school year must make a request in writing to the superintendent or the superintendent's designee, with copies to the current supervisor, not later than April 1. This type of request, if granted, will be considered a voluntary transfer. A change of assignment within an immediate work station is the responsibility of the immediate supervisor.

Adopted: May 9, 1994
Revised: May 12, 2008
May 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-293, 22.1-295, 22.1-297.

Cross Ref: GCCB Employment of Family Members

TEACHER TRANSFER REQUEST
Administrative Guidelines

Only teaching personnel with continuing contract status may request voluntary transfer. Voluntary teaching transfer is defined as a teacher moving from one school to another within his or her current areas of teaching endorsements. The term "teacher" refers to any employee who holds a valid Virginia teaching certificate and is placed on the teacher salary scale.

Conditions

The following conditions will apply to voluntary teacher transfer requests:

1. Teachers requesting voluntary transfer will be guaranteed an interview with the principal of the school to which they have requested transfer. Such interviews will be held before the end of the current school year. These interviews are guaranteed even though vacancies may not exist or be anticipated.

2. No voluntary transfer action will be taken after the last teacher workday of the current school year except as acted upon by the Superintendent.

3. Transfer requests can be submitted only by teaching personnel with continuing status.

4. All transfer requests shall be submitted and considered on an annual basis and acted upon between April 15 and the last teacher workday of the current year.

5. A teacher who has requested a transfer may call the School Board Office to make inquiry about posted positions and to confirm if the vacancy occurred at a school where he/she had been interviewed.

6. Vacancy announcements will continue to be posted in all schools and in the central office. The term "vacancy announcement" refers only to teaching positions as defined above.

7. During the transfer process, principals of the schools involved shall communicate for purposes of discussing the transfer request. Instructional Supervisors/ Coordinators or other appropriate personnel may be involved in decisions concerning the transfer.

8. A teacher can request a transfer for any reason and receive a guaranteed interview. The reason for transfer may be listed on the transfer form; however, the teacher is not required to give a reason.

9. Transfers within an individual school are the responsibility of the principal and are not affected by the voluntary teacher transfer policy.

10. When a vacancy occurs, the teacher transfer will be granted or denied based on the interviews and on other factors such as training, experience, length of service in Lexington City, evaluations, certification, administrative needs, recommendation and/or other extenuating or unusual circumstances. Specific written reason(s) for denial of transfer shall be given to the applicant.

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11. The transfer procedure will be applicable to grievance under the State Grievance Procedure.

Procedure

The procedure for applying for a voluntary transfer is:

1. Teachers requesting transfer should submit annually the teacher transfer request form, available from the School Board Office. The completed form will be returned to the School Board Office on or before April 15.

2. After the April 15 deadline, under unusual circumstances, transfer requests may be submitted on the teacher transfer request form for the Superintendent's consideration.

3. Following April 15, the School Board Office will contact teachers and principals to notify them to arrange interviews. Teachers will be responsible for setting up interviews with the principals involved.

4. All interviews will be conducted between April 15 and the last day of the current school year.

5. Upon completion of all interviews, but no longer than one week following the close of school, principals will submit transfer recommendations on the prescribed form to the School Board Office. Upon receipt of principals' recommendations, transfer requests will be acted upon (approved or disapproved) between April 15 and the last teacher workday of the current year.

6. If the transfer is denied, specific written reason(s) will be given to the applicant no later than June 30.

7. Once a teacher has been voluntarily transferred to the individual school of his/her choice, such assignment shall remain in effect for a period of not less than two years unless earlier transfer is directed by the Administration.

Adopted: May 9, 1994.

PROFESSIONAL STAFF TIME SCHEDULES

School Board Administrative Office Personnel Workday

Personnel assigned to teach any part of the school day in a school shall be on duty for the hours established for teachers in that school or, if assigned to teach in more than one school, the maximum time schedule of the schools served (See Teachers Regular Workday).

Non-teaching personnel employed in the School Board Administrative Office shall be on duty eight hours each official work day between 8:00 a.m. and 4:30 p.m. with a lunch period of not less than sixty minutes as well as that time necessary to perform duties to carry out the responsibilities of their positions that must be performed at times other than during office hours.

Principals and Assistant Principals Regular Workday

Principals and Assistant Principals shall be in their buildings and/or pursuing their duties each official work day and shall remain as long after the teachers leave as their duties require. It shall also be understood that additional time may be required of principals and assistant principals to insure the orderly and efficient operation of their schools.

Teachers Regular Workday

Teachers shall report for duty each morning at least fifteen minutes before their assigned duties begin or earlier if requested by the principal. Each teacher shall be on duty at least thirty minutes after school is dismissed unless assigned duties, scheduled meetings, or extenuating circumstances require an earlier or later departure. While it is anticipated that the employee shall be at the school for a minimum of seven and one-half (7-1/2) hours per day on days set forth in the official calendar requiring teachers to report for duty, subject to calendar changes approved by the school board, the employee shall be required to do so by the principal, Superintendent, or school board. Reduction in time requirements will be made at the discretion of the Superintendent or school board.

Teachers Professional Non-Teaching Workday

A professional non-teaching workday is defined as a minimum of seven and one-half (7-1/2) hours, including thirty (30) minutes for lunch. Professional non-teaching workdays begin at 8:00 a.m. and end at 3:30 p.m. Exceptions to these hours of work may be granted for just cause by the Superintendent.

Adopted: May 9, 1994
Revised: May 2016

PROFESSIONAL STAFF DEVELOPMENT

The Lexington City School Board provides a program of high-quality professional development

(i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers and administrators to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels;
(ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education;
(iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula;
(iv) for administrative personnel designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; and
(v) designed to educate School Board employees about bullying as defined in Va. Code § 22.1-276.01 and the need to create a bully-free environment.

In addition, the Board provides teachers and principals with high-quality professional development programs each year in

(i) instructional content;
(ii) the preparation of tests and other assessment measures;
(iii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives;
(iv) instruction and remediation techniques in English, mathematics, science and history and social science;
(v) interpreting test data for instructional purposes;
(vi) technology applications to implement the Standards of Learning; and
(vii) effective classroom management.

All instructional personnel are required to participate each year in professional development programs.

Each teacher, as well as instructional personnel, school counselors and school nurses, employed on a full-time basis, are required to complete a mental health awareness training or similar program.

The Board annually reviews its professional development program for quality, effectiveness, participation by instructional personnel and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

Adopted: July 12, 2004
Revised: September 12, 2005
May 2013
February 2018
June 10, 2020
June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-23.3, 22.1-253.13:5, 22.1-276.01, 22.1-291.4 and 22.1-298.6.

**Va. Code § 22.1-298.6 requires school boards to require that full-time teachers "and other relevant personnel, as determined by the school board", to complete the training. Each school board should identify the staff members, in addition to teachers, that it will require to receive the training..*

File: GCL-R
Local Policy

TUITION SUPPORT

IT IS THE INTENT OF THE LEXINGTON CITY SCHOOLS TO SUPPORT, TO THE DEGREE FUNDS ALLOW, EMPLOYEES' PURSUIT OF POST-GRADUATE DEGREES IN THOSE FIELDS THAT WILL BE MUTUALLY BENEFICIAL TO THE INDIVIDUAL AND TO THE SCHOOL SYSTEM.

ON JULY FIRST OF EACH YEAR, THE SUPERINTENDENT WILL DETERMINE IF FUNDS ARE AVAILABLE FOR TUITION SUPPORT AND DETERMINE THE DEGREE OF SUPPORT THAT THE DIVISION WILL CONTRIBUTE.

THE FOLLOWING CONDITIONS WILL APPLY TO INDIVIDUALS WHO RECEIVE FINANCIAL SUPPORT FROM LEXINGTON CITY SCHOOLS:

- AN EMPLOYEE MUST BE IN AN APPROVED PROGRAM OF STUDIES OF AN ACCREDITED INSTITUTION OF HIGHER LEARNING LEADING TO A POST-GRADUATE DEGREE. DOCUMENTATION OF ACCEPTANCE IN A PROGRAM MUST BE ON FILE IN THE SCHOOL BOARD OFFICE.

- CONSIDERATION FOR TUITION SUPPORT MAY OCCUR IN CASES WHERE CLASSES, GRADUATE OR UNDERGRADUATE ARE ENCOURAGED BY THE SCHOOL DIVISION BUT ARE NOT PART OF AN APPROVED PROGRAM.

- AN EMPLOYEE MUST PAY UP-FRONT 100% OF THE COST OF THEIR CLASS. UPON SUCCESSFUL COMPLETION OF THE CLASS, THE EMPLOYEE SHOULD SUBMIT TO THE SUPERINTENDENT PROOF OF PAYMENT AND A COURSE GRADE. THE SCHOOL SYSTEM WILL REIMBURSE THE EMPLOYEE AT THE RATE ESTABLISHED FOR THAT YEAR ON THE FIRST OCCURRING SUPPLEMENTAL PAYROLL.

- REIMBURSEMENT FOR TUITION WILL BE MADE BASED ON RATES CHARGED BY COLLEGES AND UNIVERSITIES OF THE COMMONWEALTH OF VIRGINIA. REIMBURSEMENT WILL BE MADE AT THE RATE OF UP TO $300 PER CREDIT HOUR. (EXAMPLES: IF TUITION FOR A THREE-CREDIT HOUR CLASS TOTALS $1,500, REIMBURSEMENT WOULD BE $900; IF TUTION FOR A THREE-CREDIT HOUR CLASS TOTALS $700, REIMBURSEMENT WOULD $700.)

- EMPLOYEES WHO ACCEPT TUITION REIMBURSEMENT ARE EXPECTED TO WORK NO LESS THAN TWO FULL CONTRACT YEARS AFTER THE YEAR OF THEIR FINAL REIMBURSEMENT.

- SHOULD AN EMPLOYEE TERMINATE THEIR EMPLOYMENT WITH LEXINGTON CITY SCHOOLS BEFORE TWO FULL CONTRACT YEARS PAST THE YEAR OF THEIR LAST TUITION REIMBURSEMENT SUCH EMPLOYEE WILL BE OBLIGATED TO REIMBURSE LEXINGTON CITY SCHOOLS FOR TUITION REIMBURSEMENT PAID TO THE EMPLOYEE.

- IF AN EMPLOYEE'S SEVERANCE WITH LEXINGTON CITY SCHOOLS IS A RESULT OF EXTENUATING CIRCUMSTANCES, AND THE EMPLOYEE HAS RECEIVED TUITION REIMBURSEMENT, THE EMPLOYEE MAY REQUEST A WAIVER OR MODIFICATION OF THE TERMS OF THIS POLICY BY THE SUPERINTENDENT. A CHANGE OF EMPLOYMENT STATUS BY EITHER THE EMPLOYEE OR THEIR SPOUSE IS NOT AUTOMATICALLY AN EXTENUATING CIRCUMSTANCE.

ADOPTED: 5/8/19

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EVALUATION OF PROFESSIONAL STAFF

Every employee of the Lexington City School Board staff is evaluated on a regular basis at least as frequently as required by law.

The superintendent assures that cooperatively developed procedures for professional staff evaluations are implemented throughout the division and included in the division's policy manual. The results of the evaluation are in writing, dated and signed by the evaluator and the person being evaluated, with one copy going to the central office personnel file and one copy to the person being evaluated.

The primary purposes of evaluation are:

- to optimize student learning and growth;
- to contribute to the successful achievement of the goals and objectives of the division's educational plan;
- to improve the quality of instruction by ensuring accountability for classroom performance and teacher effectiveness;
- to provide a basis for leadership improvement through productive performance appraisal and professional growth;
- to implement a performance evaluation system that promotes a positive working environment and continuous communication between the employee and the evaluator that promotes continuous professional growth, leadership effectiveness, improvement of overall job performance and improved student outcomes; and
- to promote self-growth, instructional effectiveness, and improvement of overall professional performance.

Teacher, principal, and superintendent evaluations are consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations include student academic progress as a significant component and an overall summative rating. Teacher evaluations include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations include an evaluation of cultural competency.

Any teacher whose evaluation indicates deficiencies in managing student conduct may be required to attend professional development activities designed to improve classroom management and discipline skills.

Adopted:
Revised: March 14, 2011
May 2012
May 2013
February 2018
June 10, 2020
June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-294, 22.1-295, 22.1-303, 22.1-253.13:5, 22.1-253.13:7 and 22.1-276.2.

Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers (Virginia Board of Education as approved March 18, 2021).

Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals (Virginia Board of Education as effective January 10, 2020).

Cross Ref.: CBG Evaluation of the Superintendent
GCG Professional Staff Probationary Term and Continuing Contract

REDUCTION IN PROFESSIONAL STAFF WORK FORCE

A decrease in enrollment, abolition of particular subjects, a decrease in the School Board's budget as approved by the appropriating body, a consolidation of schools, the phasing out of programs, departments or grade levels and other conditions may cause a reduction in the number of staff needed in a building, program or department or in the entire school division.

General reduction in total personnel and redistribution of personnel within designated programs is done in accordance with Reduction in Force (RIF) Guidelines established by the superintendent and reviewed and approved by the School Board. The Guidelines will not provide for reductions to be made solely on the basis of seniority; they will include consideration of the performance evaluations of the teachers potentially affected by the reduction in workforce.

LEXINGTON CITY SCHOOLS' REDUCTION IN FORCE (RIF) GUIDELINES

The Lexington City School Board shall, in its discretion, determine when and if a reduction in professional staff work force (RIF) is necessary. For purposes of this policy, "professional staff" or "professional employee" shall mean those persons employed on a full-time basis and who hold a license as a teacher, an administrator, and/or supervisor, as defined by the State Board of Education under its rules and regulations.

A RIF may be required and implemented because of any one or more of the following conditions affecting school division operations: a decrease in enrollment; insufficient student program demand; abolition of particular subjects; lack of sufficient funding by the appropriating body; declining revenues; a budget reduction or adjustment resulting in decreased or insufficient funds; the consolidation of schools; the phasing out of programs, departments or grade levels; expiration of special grants; and other conditions that may cause a reduction in the number of staff needed in a building, program or department, or in the entire school division.

The School Board may reduce the number of teachers/administrators under this policy, whether or not such employees have attained continuing contract status. In implementing a RIF, the School Board shall treat all teachers/administrators as though they have not attained continuing contract status.

In the event a RIF is necessary with respect to professional staff, the Superintendent shall develop a proposal and make a recommendation to the School Board to carry out such RIF in the manner deemed to be in the best interests of the division. Any proposed RIF shall be approved by the School Board.

A. Order of Reduction

1. Program and/or Position Elimination

If the School Board determines, upon recommendation of the Superintendent, that a reduction is necessary and would be best accomplished through program elimination or reduction and/or the elimination or reduction of specific positions (either because the

duties of the job shall be eliminated or combined with the duties of some other position(s)), then reduction shall occur by program and/or by specific positions and professional employees employed in such program and/or specific positions shall be reduced.

A. Reduction by Endorsement Areas on a Division-Wide Basis

If the School Board determines, upon recommendation of the Superintendent, that either a further reduction is necessary after eliminating one or more programs or one or more specific positions, or that a reduction is not best accomplished through program elimination or specific position elimination, then reduction shall occur division-wide in endorsement area. In developing a RIF plan division-wide by endorsement area, the Superintendent shall make reduction recommendations by applying the following criteria to all professional employees in an endorsement area in no particular order:

a. The licensure or other qualifications of the employee and the corresponding curricular or other needs of the school division;

b. The employee's current and previous performance evaluations;

c. The employee's contribution to the total school program;

d. Program or class demand based on enrollment history; and

e. The employee's seniority.

In developing a proposed RIF plan by endorsement area division-wide, the Superintendent will take into account the above-identified factors to develop a plan that is in the best interests of the school division. No single factor shall be determinative. If the Superintendent determines that two or more employees under consideration for reduction are equal after application of the above-identified criteria, then and only then shall seniority be the determining factor. For purposes of this policy, "seniority" shall be defined in the following order of priority:

1. Total length of continuous service in an endorsement area as a professional employee with the Lexington City Public Schools. For purposes of this provision, "continuous service" shall be defined as the period of continuous, uninterrupted service from the date the employee assumed employment duties in his/her current position in the endorsement area required for that position. While time off for approved leaves of absences in excess of twelve (12) weeks shall not count toward total length of accumulated service, such leaves shall not be considered as an interruption of continuous service;

2. Total length of accumulated service in an endorsement area as a professional employee with Lexington City Public Schools. While an employee may be credited with service time in multiple endorsement areas, service credit will be earned only for actual service rendered in a given endorsement area;

3. Total years of service as a professional employee in the Commonwealth of Virginia; and

For purposes of determining "seniority," for those professional employees who began employment with Lexington City Public Schools at the beginning of a school year, service shall be determined to have commenced on the date students first returned to school to begin the school year in which the professional employee was hired.
For professional employees who began employment on a date after students first returned to school to begin the school year, service shall be determined to have commenced on the date the professional employee first reported to work. This determination of commencement
date of service shall be applied to the determination of both continuous service and accumulated service.

B. Recall and Reemployment

Professional employees released as the result of a reduction in force shall be eligible for recall and reemployment as set forth in this paragraph. Released professional employees shall be offered reemployment as vacancies occur in positions for which the released professional employee is qualified. When a vacancy occurs, the most senior released professional employee will be recalled first. No new professional employee shall be employed in a vacant position until all properly certified and endorsed professional employees released from employment have been provided with the opportunity of filling the available positions through recall. Pursuant to the provisions of this paragraph, a professional employee shall have the right to be offered a position by recall letter for a period of twelve (12) months from the date of the professional employee's release. Such recall letter shall be sent by certified mail. It shall be the responsibility of the professional employee to keep the Human Resources Department informed of the employee's current address. A professional employee's eligibility for recall shall automatically terminate at the end of the twelve (12) month recall period. Eligibility for recall shall also terminate if he or she:

a. Fails to respond affirmatively in writing within ten (10) calendar days after the mailing of a recall letter offering him or her a position;

b. Otherwise indicates in writing that he or she no longer wishes to be considered for recall; or

c. Fails to maintain certification/license requirements.

Professional employees employed in a program funded through special grants or other special sources of funding shall have recall rights to vacancies in the program from which they were released because of a reduction in force. Additionally, such professional employees would also be eligible for recall to a vacancy in the program or area in which he or she was actively assigned prior to serving in the funded position, provided his or her certification is still valid.

Professional employees subject to a reduction in force who are no longer eligible for recall, as provided for in this policy, but who wish to be considered for employment with Lexington City Public Schools in the future must reapply for a vacancy in the school division.

C. Notification

Professional employees subject to a reduction in force, under this policy, shall be notified at the earliest possible date. This will normally be by April 15 unless inadequate funding or decrease in enrollment after that date requires further adjustment.

If the School Board becomes aware of inadequate funding after April 15, within two weeks of the approval of the school budget by the appropriating body, but no later than June 1, the School Board shall notify all professional staff subject to a reduction in force due to decrease in the School Board's budget as approved by the appropriating body.

Adopted: May 18, 2009
Revised: May 2013
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304.

Cross Ref.: GCG Professional Staff Probationary Term and Continuing Contract

RESIGNATION OF STAFF MEMBERS

The superintendent is authorized to approve resignations of employees. Any resignation must be in writing.

A teacher may resign after June 15 of any school year with the approval of the superintendent. The teacher shall request release from contract at least two weeks in advance of the intended date of resignation. Such request shall be in writing and state the cause of the resignation. The teacher may, within one week, withdraw a request to resign. Upon the expiration of the one week period, the superintendent shall notify the School Board of the decision to accept or reject the resignation. The School Board, within two weeks, may reverse the decision of the superintendent. In the event that the Board or the superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

Other employees who wish to terminate their employment must give notice at least ten school days prior to their desired separation date. Notice should be given to the employee's immediate supervisor, who will inform the superintendent. The superintendent will inform the School Board of the resignation at its next regular meeting.

Adopted: May 9, 1994.
Revised: March 6, 2012
May 2012
February 2018

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-304.

Cross Refs.: GCPD Professional Staff Discipline
GDB Support Staff Employment Status

EMPLOYEE RETIREMENT

Retirement shall be at the discretion of the employee. Teachers and administrators employed by the Lexington City School Board who qualify are eligible for the benefits of the Virginia Retirement System.

Adopted: May 9, 1994.

Legal Ref.: Age Discrimination in Employment Act, P.L. 95-256 (1987)

VOLUNTEER EARLY RETIREMENT PLAN
EARLY RETIREMENT OPTION PROGRAM

Eligibility

Any person employed by the Lexington City School Board as of the effective date of this policy and who is a member of the Virginia Retirement System (VRS) is eligible to retire under the Early Retirement Option Program (EROP) at any time after age 50, provided he/she has completed ten (10) years of service in VRS and ten (10) years of service in the Lexington City School Systems, and (2) he/she files for VRS retirement. Early retirement will be initiated only by the employee. A certified employee must complete the contractual obligations of their last contracted year of full-time employment, to be eligible to participate in the EROP.

Benefits

Each employee electing retirement will be eligible to receive a healthcare credit that is no higher than the division contributions for a single employee at the time of retirement.

Persons electing early retirement may continue in the program until the earlier of the following:

1. the death of the employee,
2. receipt by the retired employee of payment twelve (12) years of service in the EROP, or
3. the initiation of the end of the EROP agreement by the employee.

Application

Application must be submitted by March 31st of the year prior to entering the plan. The School Board, on the recommendation of the Superintendent, must approve all those who will participate in the EROP.

Duration

The Lexington City School Board must take action to implement the EROP at their February Board Meeting.

This program will take effect on July 1, 2004.

Approved: February 3, 2003
Revised: August 9, 2004
February 7, 2005

PROFESSIONAL STAFF DISCIPLINE

A. Probation and Dismissal

Teachers may be dismissed for incompetency, immorality, non-compliance with school laws and regulations, disability in accordance with State and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause.

A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to Va. Code § 63.2-1505, and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the School Board to recommend that the Board of Education revoke such person's license to teach.

In those instances when licensed personnel are dismissed or resign due to a conviction of any felony; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; any offense involving drugs; or due to having become the subject of a founded case of child abuse or neglect, the School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

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

Administrative regulations shall be developed for the dismissal or placing on probation of continuing contract teachers and probationary teachers during the school year.

No teacher shall be dismissed or placed on probation solely on the basis of the teachers' refusal to submit to a polygraph examination requested by the School Board.

B. Suspension

Employees of Lexington City School Board may be suspended as provided in Policy GCPF Suspension of Staff Members.

C. Failure to Perform Nonemergency Health-Related Services

With the exception of school administrative personnel and employees who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or

dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

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

D. Effect of Probation Pursuant to Va. Code §18.2-251

For purposes of this policy, a court's placing an individual on probation pursuant to Va. Code § 18.2-251 shall be treated as a conviction and as a finding of guilt.

Adopted: May 9, 1994
Revised: May 2012
May 2013
June 2017
June 10, 2020

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-251, 22.1-274, 22.1-296.2, 22.1-307, 22.1-313, 22.1-315.

Cross Refs.:	GBM	Professional Staff Grievances
	GCE	Part-Time and Substitute Staff Employment
	GCG	Professional Staff Probationary Term and Continuing Contract
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCPF	Suspension of Staff Members
	JHC	Student Health Services
	JHCD	Administering Medicines to Students

SUSPENSION

Section 22.1-315. Grounds and procedure for suspension. --

A. A teacher may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened or when the teacher has been charged by summons, warrant, indictment or information with the commission of a felony, a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child. Except when a teacher is suspended because of being charged by summons, warrant, indictment or information with the commission of a felony or a crime of moral turpitude, a division superintendent or appropriate central office designee shall not suspend a teacher for longer than sixty days and shall not suspend a teacher for a period in excess of five days unless such teacher is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with Sections 22.1-311 and 22.1-313. Any teacher so suspended shall continue to receive his or her then applicable salary unless and until the school board, after a hearing, determines otherwise. No teacher shall be suspended solely on the basis of the teachers' refusal to submit to a polygraph examination requested by the school board.

B. Any teacher suspended because of being charged by summons, warrant, information or indictment with a felony, a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child may be suspended with or without pay. In the event a teacher is suspended without pay, an amount equal to the teacher's salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child or upon the dismissal or nolle prosequi of the charge, such teacher shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the teacher during the period of suspension, but in no event shall such payment exceed one year's salary.

C. In the event a teacher is found guilty by an appropriate court of a felony, a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the school board.

D. No teacher shall have his or her insurance benefits suspended or terminated because of such suspension in accordance with this section.

E. Nothing in this section shall be construed to limit the authority of a school board to dismiss or place on probation a teacher pursuant to Article 3 (Section 22.1-306 et seq.) of this chapter. (Code 1950, Sections 22-72, 22-97, 22-217.8:1; 1954, cc. 289, 291; 1956, Ex. Sess., c. 60; 1959, Ex. Sess., c. 79, Section 1; 1966, c. 691; 1968, c. 501; 1970, c. 71; 1971, Ex. Sess., c. 161; 1972, c. 511; 1975, cc. 308, 328; 1978, c. 430; 1979, c. 298; 1980, c. 559; 1987, c. 328.)

The 1987 amendment, deleted "or" preceding "a crime of moral turpitude" in the first sentence of subsection A, in the first sentence of subsection B, and in subsection C, and inserted "or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child" at the end of the first sentence of subsection A, in the first and third sentences of subsection B, and in subsection C.

NON-RENEWAL AND DISMISSAL OF CERTIFICATED PERSONNEL

In instances where the school principal cannot recommend a probationary contract teacher for contract renewal, after having accumulated sufficient evidence of both continued performance and attempts to provide assistance or opportunities for improvement, the principal shall notify the teacher in writing that he cannot recommend said teacher for reappointment. A copy of the notification to the teacher, along with a written notification including valid reasons for the teacher not being recommended for reappointment, addressed to the Superintendent, shall be submitted by the principal to the Superintendent no later than March 1 of the school year.

The Superintendent, after considering the status of the teacher, may decide to recommend to the Lexington City School Board that the teacher not be reappointed. In the event that such a recommendation is deemed necessary, the Superintendent shall notify the teacher in writing by March 15 of the school year that he intends to make such a recommendation to the Lexington City School Board. If the teacher takes no action in response to this written notification within five working days after receipt of the notice from the Superintendent, the Superintendent may proceed with the recommendation, and the written notification of non- renewal of the contract must be given to the teacher by the school board on or before April 15 of the school year.

A probationary contract teacher, within five working days after receiving notification from the Superintendent indicating his intention to recommend non-renewal of the contract to the school board, may request in writing that he be provided with reasons for the recommendation. The teacher shall then be orally given the reasons by the Superintendent or his designee, along with any supporting documentation. This conference shall take place within three days after receipt of the request from the teacher. Within ten days after receiving such reasons, the teacher may request, by notification in writing to the Superintendent, a conference before the Superintendent. Upon such request, the Superintendent shall set a date for the conference, which shall be within thirty days of the request and shall give the teacher at least fifteen days' notice of the time and place of the conference. The conference shall be provided in accordance with the provisions of Sec. 22.1-305, Code of Virginia. Following the conference, the Superintendent shall, within ten days notify the teacher in writing of his intention with respect to the recommendation. The school board must then act on the recommendation and render the final decision.

<u>Dismissal of Continuing Contract Teachers</u>

In the event a Superintendent determines to recommend dismissal of any teacher or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher notifying him of the proposed dismissal or placing on probation and informing him that within 15 days after receiving the notice the teacher may request a hearing before the school board or

before a fact-finding panel. During such 15-day period and thereafter until a hearing is held in accordance with provisions set forth in Sec. 22.1-310 through 22.1-314 of the Code of Virginia, if one is requested by the teacher, the merits of the recommendation of the Superintendent shall not be considered, discussed or acted upon by the school board except as provided under the above-referenced Code sections. At the request of the teacher, the Superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview.

In the event a teacher requests a hearing, the Superintendent shall provide, within ten days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within ten days of the request of the Superintendent, the teacher or his representative shall provide the Superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The cost of copying such documents shall be paid by the requesting party.

Issued:

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Legal Refs.: Code of Virginia, 1950, as amended,

Secs. 22.1-305, 22.1-309, 22.1-310,

22.1-314, 22.1-307, 22.1-315

SUSPENSION OF STAFF MEMBERS

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

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

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

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

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

If an employee is suspended because of information appearing on the employee's criminal history record, the School Board provides a copy of the information obtained from the Central Criminal Records Exchange to the employee.

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

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

Adopted: May 2012
Revised: May 2016
February 2017
June 9, 2021

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

Cross Refs.

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

NONSCHOOL EMPLOYMENT BY STAFF MEMBERS

Employees may, during the hours not required of them to fulfill their responsibilities to Lexington City School Board, engage in other employment as long as such employment does not detract from or interfere with their employment by Lexington City School Board.

An employee who is on leave from Lexington City School Board, in a paid or unpaid status, may not be employed by the School Board or any other employer in any capacity during the period of leave except with the prior written authorization of the superintendent or superintendent's designee.

The School Board does not endorse, support, or assume liability for any activity conducted by School Board employees in which division students or employees participate which is not sponsored by the School Board.

Adopted: May 9, 1994
Revised: March 6, 2012
Mach 10, 2021

Legal Ref.: 29 C.F.R. 825.216(e).

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

Cross Refs.:	BBFA	Conflict of Interests and Disclosure or Economic Interests
	GAA	Staff Time Schedules
	GAH	School Employee Conflict of Interests
	GCBE	Family and Medical Leave
	GCBEA	Leave Without Pay
	GCBEB	Military Leave and Benefits
	GCQAB	Tutoring for Pay
	GCQB	Staff Research and Publishing
	IICA	Field Trips

TUTORING FOR PAY

Staff members may not be paid by anyone other than the Lexington City School Board for tutoring students enrolled in a class under their direction.

Adopted: May 9, 1994.
Revised: March 6, 2012
May 2012
March 10, 2021

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

Cross Ref.: GCQA Nonschool Employment by Staff Members

STAFF RESEARCH AND PUBLISHING

The Lexington City School Board encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of division operations. The School Board is the author of works produced by its employees within the scope of their employment and retains all rights to such works unless those rights are expressly waived or assigned to the employee who produced the work.

Any such assignment of rights will be accomplished in accordance with regulations promulgated by the superintendent. The regulations will provide that the work will remain available for the use of the School Board at no charge.

Employees who develop materials, including instructional materials and computer programs, outside the scope of their employment that have a connection to or are related to the division shall inform the superintendent in writing of their intent to develop such materials prior to commencing work.

Adopted: May 9, 1994
Revised: March 6, 2012
February 2014

Legal Ref.: 17 U.S.C. §§ 101, 102, and 201.

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

Cross Refs.: EGAA Reproduction and Use of Copyrighted Materials
GCQA Nonschool Employment by Staff Members

File: GCQC
Local Policy

LEXINGTON CITY SCHOOLS VEHICLE POLICY

Purpose: To establish guidelines for which a school vehicle may be used, when a rental car will be provided and to promote safe and responsible driving practices.

Responsibility: The Superintendent must approve all users of school vehicles, authorization for reimbursement and authorization for a rental vehicle.

POLICY:

Mileage Reimbursement: Employees approved to use their personal vehicles for school business will be reimbursed at the state approved rate of reimbursement.

Rental Vehicles: Employees traveling in excess of 180 miles may be authorized to use a rental vehicle, if available.

- All documentation and receipts for gas must be turned in to the Central Office on the first business day after returning the vehicle.
- No smoking in a rental vehicle.

School Vehicles: Employees using a school vehicle must submit a photocopy of their driver's license to the School Board Office.

- Employees must notify the Superintendent if their driver's license has been suspended or revoked.
- Employees may not permit any unauthorized person to drive the vehicle.
- Transporting unauthorized passengers is prohibited.
- Vehicle must be operated in accordance with all applicable rules and laws.
- All accidents, thefts or damages must be reported to the appropriate law enforcement agency and the Superintendent.
- Remove keys and lock vehicle when not in use.
- No smoking in a school vehicle.
- All trash and personal items must be removed before returning the vehicle.

Fuel: Receipts should be submitted to the Central Office.

Emergency Information: In the event of an emergency please call the School Board Office at (540) 463-7146.

Approved: September 11, 2006
Revised: May 2019

SUPPORT STAFF

Support staff personnel are those employees who need not hold a license issued by the Virginia Board of Education in order to obtain their positions. This category includes, but is not limited to, non-licensed administrative, clerical, maintenance, transportation, food services, and paraprofessional positions

Adopted: May 9, 1994.
Revised: March 6, 2012
May 2012

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

Cross Refs.:		
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCPB	Resignation of Staff Members
	GCPF	Suspension of Staff Members
	GDB	Support Staff Employment Status

SUPPORT STAFF EMPLOYMENT STATUS

Support staff are not issued written contracts unless such contracts are required by law.

The school division employs three types of support staff:

- Temporary employees who are hired for short-term needs on a daily basis. These employees do not receive benefits and are paid only for hours worked.
- Probationary employees who are fully qualified new employees assigned to authorized positions. These employees are eligible for salary increases and receive benefits.
- Regular employees who have successfully completed the prescribed probationary period. Regular employees receive all employment benefits available under School Board policy.

The employment of support personnel may be terminated with fifteen calendar days' notice. Support personnel may also be subject to immediate dismissal for just cause.

Support personnel who are removed from employment for just cause shall be ineligible thereafter for employment by Lexington City School Board.

Employees of Lexington City School Board may be suspended as provided in Policy GCPF Suspension of Staff Members.

Adopted: May 9, 1994.
Revised: March 6, 2012
May 2012
May 2016

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

Cross Ref.:		
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GDG	Support Staff Probationary Period
	GBMA	Support Staff Grievances
	GCPF	Suspension of Staff Members

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SUPPORT STAFF PROBATIONARY PERIOD

The probationary period for all support staff positions is one-hundred eighty (180) days or six (6) months.

Employees who have successfully completed the probationary period for one position will serve another probationary period if they move to another position.

Adopted: May 9, 1994
Revised: September 12, 2005
June 16, 2010
March 6, 2012
May 2012
May 2016

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79~~.6~~.

Cross Ref.:

	GBMA	Support Staff Grievances
	GD	Support Staff
	GDB	Support Staff Employment Status

SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

Support staff shall be assigned to positions for which their qualifications best meet the needs of the school division's operations.

Support staff personnel may requeset a transfer request a transfer to a position within their area of competence and for which they are qualified. Classified/support staff personnel may be transferred to positions for which their qualifications best meet the needs of the school division.

Adopted: May 9, 1994.
Revised: April 5, 2010
May 2012

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

Cross Ref.:		
	GA	Personnel Policies Goals
	GD	Support Staff
	GDB	Support Staff Employment Status
	GDG	Support Staff Probationary Period

SUPPORT STAFF TIME SCHEDULES

School Board Administrative Office Personnel Workday

Support staff personnel employed in the School Board Administrative Office shall be on duty eight hours each official work day between 8:00 a.m. and 4:30 p.m. with a lunch period of not less than sixty minutes. Exceptions for employees to set regular hours beginning prior to 8:00 a.m. or ending after 4:30 p.m. may be authorized by the Superintendent to accommodate custodial services, mail delivery, telephone services, and/or similar special services.

Secretarial and Clerical Staff Regular Workday

Secretarial and clerical staff shall work an eight hour day, excluding lunch, with daily beginning and ending times set by the principal/administrator in accordance with individual building needs and bus schedules. There will be a required lunch break during which time the secretary must be away from the desk and duties and may leave the school building. Secretaries are entitled to a one-hour lunch period but may elect one-half hour.

Other Support Staff Regular Workday

Custodial, cafeteria and aides shall be on duty each official work day for the hours established by the Superintendent or his designee and based on the salary-wage schedules adopted by the Lexington City School Board. Principals of each school shall be responsible for the supervision of the hours worked and for coordinating beginning, ending, and lunch time schedules with appropriate supervisory personnel.

Issued:
Revised: May 2016

EVALUATION OF SUPPORT STAFF

Every employee of the Lexington City School Board is evaluated on a regular basis.

The superintendent ensures that cooperatively developed procedures for support staff evaluations are implemented within the division. The results of the evaluation shall be in writing, dated and signed by the evaluator and the person being evaluated, with one copy going to the central office personnel file and one copy to the employee.

The primary purposes of evaluation and assistance are:

- to optimize student learning and growth;
- to contribute to the successful achievement of the goals and objectives of the division's educational plan;
- to provide a basis for leadership improvement through productive performance appraisal and professional growth;
- to implement a performance evaluation system that promotes a positive working environment and continuous communication between the employee and the evaluator that promotes continuous professional growth, leadership effectiveness, improvement of overall job performance and improved student outcomes; and
- to promote self-growth, instructional effectiveness, and improvement of overall professional performance.

Adopted: May 9, 1994.
Revised: July 14, 2003
May 2012
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-313, 22.1-253.13:7.

Cross Ref.:	CBG	Evaluation of the Superintendent
	GCN	Evaluation of the Professional Staff
	GD	Support Staff
	GDB	Support Staff Employment Status
	GDG	Support Staff Probationary Period
	GCPF	Suspension of Staff Members

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RETIREMENT OF SUPPORT STAFF MEMBERS

Retirement shall be at the discretion of the employee. Employees of the Lexington City School Board who qualify are eligible for the benefits of the Virginia Retirement System. (Age Discrimination in Employment Act, P.L. 95-256, as amended January 1, 1987).

Adopted: May 9, 1994.

DISMISSAL OF SUPPORT STAFF MEMBERS

Reasons for Suspension, Demotion or Dismissal

The division may reprimand, suspend, demote or dismiss a classified employee for reasonable cause including, but not limited to, the following:

1. Absence without notification;
2. Excessive absence or tardiness;
3. Abuse of illness leave privileges:
4. Discourteous, offensive or abusive conduct or language toward other employees, students or the public;
5. Unethical or obscene actions, gestures or statements toward other employees, students or any other person while on division property, during working hours, or at any time and place to the extent the conduct may adversely affect the operations of the division or the employee's fitness to perform his or her duties;
6. Dishonesty;
7. Possessing, using, transmitting, addiction to or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, chemical, controlled substance or intoxicant of any kind not prescribed by a physician, while on duty or while on division property at any time as an employee;
8. Falsifying any information supplied to the school division including, but not limited to, information supplied on application forms, employment records or any other school division records;
9. Incompetency or inefficiency in the performance of duties including, but not limited to, failure to follow or carry out instructions or failure to perform a job assignment in a satisfactory manner;
10. Insubordination including, but not limited to, refusal to promptly perform assigned work;
11. Failure to possess a valid driver's license when it is a requirement of the position;
12. Failure to follow division policies, safety regulations, procedures or practices or failure to report conditions or situations which could be injurious to personnel or equipment;
13. Provoking, instigating or participating in a fight or scuffle on division property or while on duty;
14. Temporary or permanent removal, use or possession of division property without proper authorization;
15. Conduct by an employee at any time or in any place which may adversely affect the health, safety or welfare of students or personnel, the operation of the division or the employee's fitness to perform his or her duties.

Issued:

SCHOOL BUS DRIVERS

Eligibility for Employment

Any applicant for employment operating a school bus transporting pupils must

a. have a physical examination of a scope prescribed by the Board of Education and furnish a form prescribed by the Board of Education showing the results of such examination

b. furnish a statement or copy of records from the Department of Motor Vehicles showing that the applicant, within the preceding five years, has not been convicted of a charge of driving under the influence of alcohol or drugs, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to Va. Code § 18.2-271.1 or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to Va. Code § 46.2-498

c. furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character

d. exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339

e. have reached the age of 18 on the first day of the school year

f. submit to testing for alcohol and controlled substances as required by state and federal law and regulation

Persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for employment as a school bus driver.

Persons hired as school bus drivers must annually furnish the documents listed in (a) and (b) above prior to the anniversary date of their employment as a condition of continued employment as a school bus operator.

The Lexington City School Board requires proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition of employment to operate a school bus transporting pupils.

The Lexington City School Board does not employ drivers subject to controlled substances and alcohol testing required by federal law without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse (the Clearinghouse) to obtain information about the driver. Drivers must give specific consent for the query.

No driver is permitted to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test; or that an employer has reported actual knowledge that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance in violation of federal regulations, except where a query of the Clearinghouse demonstrated that the driver has successfully completed the substance abuse professional (SAP) evaluation, referral, and education/treatment process required by federal regulation; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP

The School Board also conducts a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing required by federal law and regulation to determine whether information exists in the Clearinghouse about these employees.

Drug and Alcohol Testing

Drivers are subject to drug and alcohol testing as required by state and federal law. Any driver who refuses to submit to a test shall not perform or continue to perform safety-sensitive functions. The division administers alcohol and controlled substance tests in accordance with federal laws and regulations.

Prohibited conduct

Drivers are prohibited from alcohol possession and/or use on the job, use during the four hours before performing safety-sensitive functions, having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and use during eight hours following an accident or until after undergoing a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver’s medical history and has advised the driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

Notification

The superintendent or superintendent's designee is responsible for providing educational materials to drivers that explain the requirements of federal regulations and the divisions' policies and procedures with regard to meeting those requirements. The superintendent or superintendent's designee ensures that a copy of the materials is distributed to each driver prior to the start of testing and to each driver subsequently hired or transferred into a position requiring driving a commercial vehicle. Those materials contain at least the following information

- the identity of the person designated by the school division to answer driver questions about the materials;
- the categories of drivers subject to this policy;
- sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance;
- specific information concerning driver conduct that is prohibited;
- the circumstances under which a driver will be tested for alcohol and/or controlled substances, including post-accident testing;
- the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions;
- the requirement that a driver submit to alcohol and controlled substances tests;
- an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- the consequences for drivers found to have violated federal law or regulations, including the requirement that the driver be immediately removed from safety-sensitive functions;
- the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; and
- the requirement that the following personal information be reported to the Clearinghouse: a verified positive, adulterated, or substituted drug test result; an alcohol confirmation test with a concentration of 0.04 or higher; a refusal to submit to required tests; an employer's report of actual knowledge of on duty alcohol use, pre-duty alcohol use, post-accident alcohol use, and controlled substance use; a SAP report of the successful completion of the return-to-duty process; a negative return-to-duty test; and an employer's report of completion of follow-up testing.

Each driver must sign a statement certifying that the driver has received a copy of the above materials and the division maintains this signed copy.

Before performing each alcohol or controlled substances test, the division notifies the driver that the test is required by federal law or regulation.

Consequences of prohibited conduct

A driver who has engaged in conduct prohibited by federal regulation or for whom testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, is removed immediately from safety-sensitive functions. Before a driver is~~,~~ returned to the performance of safety-sensitive functions, if at all, the driver shall undergo an evaluation by a substance abuse professional, as defined by 49 C.F.R. § 40.281, comply with any required rehabilitation and undergo a return-to-duty test with negative drug test results and/or an alcohol test with an alcohol concentration of less than 0.02.

Record retention

The division maintains records in compliance with ~~the~~ federal regulations in a secure location with controlled access. With the driver's consent, the division may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver is entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

Adopted: June 12, 2017
Revised: February 2018
March 11, 2020

Legal Refs.: 49 U.S.C. § 31136.

49 C.F.R. §§ 382.105, 382.113, 382.201, 382.205, 382.207, 382.213, 382.217, 382.301, 382.303, 382.401, 382.405, 382.601, 382.605.

Code of Virginia, 1950, as amended, §§ 22.1-178, 46.2-339, 46.2-340.

Cross Ref.: GBEA Unlawful Manufacture, Distribution, Dispensing, Possession or Use of a Controlled Substance

ACCEPTANCE OF ELECTRONIC SIGNATURES AND RECORDS

Policy Statement

Electronic or digital signatures can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, and signed. The Lexington City School Board adopts the following policy with respect to the use of electronic records and signatures in connection with its communications with parents, guardians, or other persons having control over a child enrolled in this division.

Definitions

“Attribution” – An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

“Electronic Signature”- An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Electronic Record” – Any record created, generated, sent, communicated, received or stored by electronic means.

Applicability

This policy applies to parents, guardians, and other persons having control or charge of a child enrolled in the division; and also to individuals affiliated with the division, whether paid or unpaid, including but not limited to teachers, administrators, staff, students, affiliates, and volunteers.

Electronic Records

Electronic records created or received by the division shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The division shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the division may be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and the Lexington City School Board agrees to accept or send such communication electronically; and
2. If a signature is required on the record or communication by any statute, rule or other applicable law or School Board policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or policy that requires records to be signed in non-electronic form. The issuance and/or acceptance of an electronic signature by the School Board may be permitted in accordance with the provisions of this policy and all applicable state and federal law. If permitted, such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by the individual's name and title;

2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;

3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed;

4. The electronic signature conforms to all other provisions of this policy.

Acceptance, Use and Issuance of Electronic Records and Signatures

The School Board shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. Such system should include security procedures whereby the School Board can (a) verify the attribution of a signature to a specific individual, (b) detect changes or errors in the information contained in a record submitted electronically, (c) protect and prevent access, alteration, manipulation or use by an unauthorized person, and (d) provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.

The School Board shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.

The School Board shall maintain a secure hard copy log of the PIN/password or actual signature of any individual authorized to provide an electronic signature in connection with School Board business.

The School Board may receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.

Adopted: June 2014
Revised: May 2015
June 9, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79.3, 59.1-479 et seq.

Cross Ref.: JO Student Records

SECTION I: Instruction

IA	Instructional Goals and Objectives
IAA	Notification of Learning Objectives
IB	Academic Freedom
IC/ID	School Year/ School Day
IE	Moment of Silence
IEA	Pledge of Allegiance
IEB	National Motto
IEC	Bill of Rights of the Constitution of the United States
IF	Curriculum Development
IFD	Curriculum Adoption
IGAC	Teaching About Religion
IGAD	Career and Technical Education
IGAE/IGAF	Health Education/Physical Education
IGAG	Teaching about Drugs, Alcohol, and Tobacco
IGAH	Family Life Education (FLE)
IGAI	Character Education
IGAK	Alternatives to Animal Dissection
IGBA	Programs for Students With Disabilities
IGBB	Programs for Gifted Students
IGBC	Parent and Family Engagement

SECTION I: Instruction
(Continued)

IGBE	Remedial and Summer Instruction Program
IGBF	English Learners
IGBG	Off-Site Instruction and Virtual Courses
IGBGA	Online Courses and Virtual School Programs
IGBH	Alternative School Programs
IGBI	Advanced Placement Classes and Special Programs
IGDA	Student Organizations - Secondary Schools
IGDA-R	Student Organizations - Middle School
IGE	Adult Education
IHB	Class Size
IIA	Instructional Materials
IIAA	Textbook Selection, Adoption and Purchase
IIAB	Supplementary Materials Selection and Adoption
IIAE	Innovative or Experimental Programs
IIBD	School Libraries/Media Centers
IIBEA *(Also GAB)*	Acceptable Computer System Use
IIBEA-R *(Also GAB-R)*	Technology Use Guidelines

IICA	Field Trips
IICA-E	Field Trips - Private Vehicle Owner/Operator Assurances
IICB/IICC	Community Resource Persons/School Volunteers
IJ	Guidance and Counseling Programs
IJD	College and Career Readiness
IKA	Parental Assistance With Instruction
IKB	Homework
IKD	Student Promotion and Retention
IKEB	Acceleration
IKF	The Virginia Assessment Program and Graduation Requirements
IKFA	Locally Awarded Verified Credits
IKG	Remediation Recovery Program
IKH	Retaking SOL Assessments
IL	Testing Programs
INB	Teaching about Controversial Issues
INC	Public Comments About the Curriculum or Instructional Materials
INDC	Religion in the Schools

INSTRUCTIONAL GOALS AND OBJECTIVES

The Lexington City School Board develops and implements a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning established by the Board of Education and that meets or exceeds the requirements of the Board of Education. The program of instruction emphasizes reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

The School Board also implements:

1. programs in grades kindergarten through three that emphasize evelopmentally appropriate learning to enhance success

2. programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school; such programs shall include components that are research-based

3. career and technical education programs incorporated into the kindergarten through grade 12 curricula

4. educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to Va. Code § 22.1-200.03

5. early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law

6. early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs

7. educational alternatives for students whose needs are not met in programs prescribed elsewhere in the Standards of Learning

8. adult education programs for individuals functioning below the high school

completion level

9. a plan to make achievements for students who are educationally at risk a divisionwide priority that includes procedures for measuring the progress of such students

10. an agreement for postsecondary degree attainment with a community college in Virginia specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma; such agreement specifies the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher

11. a plan to notify students and their parents of the availability of dual enrollment and Advanced Placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program, and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs and experiences; and the availability of financial assistance to low-income and needy students to take the Advanced Placement and International Baccalaureate examinations; this plan includes notification to students and parents of the agreement with a community college in Virginia to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma

12. identification of students with limited English proficiency and enrollment of such students in appropriate instructional ~~programs~~ programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language

13. early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students

14. incorporation of art, music, and physical education as a part of the instructional program at the elementary school level

15. a program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the

regular school year; such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, ~~or~~ (iii) recess, or (iv) other programs and physical activities deemed appropriate by the School Board

16. a program of student services for grades kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development

17. the collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program

18. a program of instruction in each government course in the school division on all information and concepts in the civics portion of the U.S. Naturalization test

Timely written notification is provided to the parents of any student who:

- undergoes literacy and Response to Intervention screening and services;
- does not meet the benchmark on any assessment used to determine at-risk learners in preschool through grade 12, which notification includes all such assessment scores and subscores and any intervention plan that results from such assessment scores or subscores; or
- receives reading intervention services. Parents of each student who receives reading intervention services are notified before the services begin.

Adopted: May 9, 1994
Revised: February 2013
May 2016
June 2017
May 2018
June 10, 2020
June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-23.3,22.1-215.2, 22.1-253.13:1.

Cross Refs.:	IGAD	Career and Technical Education
	IGBE	Remedial and Summer Instructional Program
	IGBI	Advanced Placement Classes and Special Programs
	JHCF	Student Wellness

NOTIFICATION OF LEARNING OBJECTIVES

I. Annual Notice

At the beginning of each school year, each school within the Lexington City School Division provides to its students' parents or guardians information on the availability of and source for receiving:

- the learning objectives developed in accordance with the Standards of Accreditation to be achieved at their child's grade level, or, in high school, a copy of the syllabus for each of their child's courses;
- the Standards of Learning (SOLs) applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing;
- an annual notice to students in all grade levels of all requirements for Board of Education-approved diplomas; and
- the board's policies on promotion, retention and remediation.

The superintendent certifies to the Department of Education that the notice required by this policy has been given.

II. Notice of Credits Needed for Graduation and of the Right to a Free Public Education

A. The school board notifies the parents of rising eleventh and twelfth grade students of
   - the requirements for graduation pursuant to the standards for accreditation and
   - the requirements that have yet to be completed by the individual student.

B. The school board notifies the parent of students with disabilities who have an Individualized Education Program (IEP) and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Va. Code § 22.1-213 et seq.

C. The school board notifies the parent of students who fail to graduate or who fail to achieve graduation requirements as provided in the Standards of Accreditation and who have not reached 20 years of age on or before August 1st of the school year of the right to a free public education. If the student who does not graduate or complete such requirements is a student for whom English is a second language, the school board notifies the parent of the student's opportunity for a free public education in accordance with Va. Code § 22.1-5.

Adopted: July 12, 2004
Revised: May 9, 2006
May 2012
May 2016
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-253.13:4.

8 VAC 20-131-270.

Cross Refs.:

	IGBC	Parental Involvement
	IKF	The Virginia Assessment Program and Graduation Requirements

ACADEMIC FREEDOM

The school board seeks to educate young people in the democratic tradition, to foster a recognition of individual freedom and social responsibility, and to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Freedom of individual conscience, association, and expression are encouraged and fairness in procedures is observed both to safeguard the legitimate interests of the schools and to exhibit by appropriate examples the basic objectives of a democratic society as set forth in the Constitutions of the United States and the Commonwealth of Virginia.

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Such home and classroom work is evaluated by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school.

Adopted: May 9, 1994
Revised: April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-203.3.

Cross Ref.: IKB Homework
INDC Religion in the Schools

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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.

Students are provided a minimum of 680 hours of instructional time in elementary school, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and a minimum of 375 hours of instructional time in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science.

Unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness may be included in the calculation of total instructional time or teaching hours for elementary school, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours.

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 or in an unscheduled remote learning day for a school or schools in the 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.

If severe weather conditions or other emergency situations result in the closing of any school in the school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services that are consistent with guidelines established by the Department of Education to ensure the equitable provision of such services.

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 or severe weather conditions or other emergency

situations 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.

The Board of Education waives the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor pursuant to Va. Code § 44-146.17 for up to five teaching days. If the School Board desires such a waiver, it notifies the Board of Education and provides evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the superintendent and chair of the School Board that every reasonable effort for making up lost teaching days or teaching hours was exhausted. After receiving such notification, the Board of Education grants the waiver and there is no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. Further, the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by the local appropriating body due to any reduction in the length of the term of any school or the schools in a school division permitted by such waiver.

School Calendar

The School Board establishes the division's calendar in accordance with state law. The School Board establishes 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 instructional hours excluding breaks for meals and recess. The standard school day for kindergarten is a minimum of three instructional 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, 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.

Joint or Regional Schools

School boards operating joint or regional high schools, including regional charter schools, offering a specialized curriculum leading to a high school diploma and a postsecondary credential, such as industry certification, career certificate, or degree may, by agreement, establish alternative schedules for the delivery of instruction. Those schedules may include alternatives to standard school day and year requirements, subject to the issuance of any necessary waivers by the Board of Education and relevant Board of Education regulations.

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: May 9, 1994
Revised: September 11, 2006
June 16, 2010
February 2015
May 2015
May 2018
May 2019
March 11, 2020
June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended §§ 22.1-26, 22.1-79.1, 22.1-98, 22.1-200.2.

Acts 2019, cc. 569, 570 and 637.

8 VAC 20-131-150.

8 VAC 20-131-200.

8 VAC 20-490-30.

Cross Ref.:	BCF	Advisory Committees to the School Board
	DL	Payroll Procedures
	GAA	Staff Time Schedules
	IKF	The Virginia Assessment Program and Graduation Requirements

MOMENT OF SILENCE

The Lexington City School Board recognizes that a moment of silence before each school day prepares students and staff for their respective work or school days. Therefore, each teacher shall observe a moment of silence at the beginning of the first class of each school day.

The teacher responsible for each class shall make sure that each student: (1) remains seated and silent and (2) does not disrupt or distract other students during the moment of silence. The moment may be used for any lawful silent activity, including personal reflection, prayer and meditation. Teachers shall not influence, in any way, students to pray or meditate or not to pray or meditate during the moment of silence.

Adopted: February 2013

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-203

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance, as established in 4 U.S.C. § 4, is recited daily in each classroom of the Lexington City school division.

During the recitation of the Pledge, students stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform.

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

Appropriate accommodations are made for students who are unable to comply with the procedures described herein due to disability.

Adopted: March 6, 2012
Revised: March 10, 2021

Legal Refs: 4 U.S.C. § 4.

Code of Virginia, 1950, as amended, § 22.1-202.

Cross Refs.: JFC Student Conduct

NATIONAL MOTTO

The statement "'In God We Trust,' the National Motto, enacted by Congress in 1956" is posted in a conspicuous place in each school for all students to read.

Adopted: June 2002
Revised: June 10, 2020

Legal Ref: Acts 2003, c. 902.

BILL OF RIGHTS OF THE CONSTITUTION OF THE UNITED STATES

The Bill of Rights of the Constitution of the United States shall be posted in a conspicuous place in each school for all students to read.

Adopted: July 14, 2003

Legal Ref.: Acts 2003, c. 902.

CURRICULUM DEVELOPMENT

The curriculum is a coherent and comprehensive plan for teaching and learning built upon a framework that promotes continuity and the cumulative acquisition and application of skills. The curriculum shall state clearly and specifically what students are expected to know and be able to do by grade level and course. Lexington City School Board curricula shall meet or exceed the requirements of the Code of Virginia and regulations of the Virginia Board of Education and, at a minimum, shall be aligned to the Standards of Learning.

Adopted: May 9, 1994
Revised: February 2013

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

Cross Ref.: AF Comprehensive Plan

CURRICULUM ADOPTION

The curriculum is defined as the total of all social and educative experiences that occur as a part of the school program. Elements that interact to modify the designed curriculum within the Lexington City Schools include developments in technology, social relationships, community interests and needs, and the individual characteristics of teacher and student.

The curriculum is designed to assist the students in achieving their potential. Values and purposes are developed as the school staff promotes the individual physical, mental, social, emotional, and moral development through daily interaction.

The curriculum will meet the requirements of the Code of Virginia and regulations of the State Board of Education.

Proposed curriculum and program changes will be submitted, in writing, to the Superintendent.

Adopted: May 9, 1994.

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Legal Refs.: Code of Virginia, 1950, as amended
Sections 22.1-199 through 22.1-253.13.6.

Cross Ref.: IIAA, Textbook Selection, Adoption and Purchase

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TEACHING ABOUT RELIGION

In accordance with the mandate of the Constitution of the United States prohibiting the establishment of religion it is the policy of this board that the Lexington City Schools will, at all times and in all ways, be neutral in matters of religion. This means that the Lexington City Schools:

- will assume no role or responsibility for the religious training of any student; and

- will in no way become involved in the religious belief, disbelief or doubt of any student.

This requirement of neutrality need not preclude nor hinder the Lexington City Schools in fulfilling their responsibility to educate students to be tolerant and respectful of religious diversity. The division also recognizes that one of its educational responsibilities is to advance the students' knowledge and appreciation of the role that religion has played in the social, cultural, and historical development of civilization.

Therefore, the division will approach religion from an objective, curriculum-related perspective, encouraging all students and staff members to be aware of the diversity of beliefs and respectful of each other's religious and/or non-religious views. In that spirit of respect, students and staff members should be excused from participating in activities that are contrary to their religious beliefs unless there are clear issues of compelling public interest that would prevent it.

Adopted: May 9, 1994.

TEACHING ABOUT RELIGION

Since religious institutions and diverse beliefs have been a force in shaping human experience, past and present, awareness of these significant forces is part of a complete education. It is essential that the teaching about--not of--religion be conducted in a factual, objective and respectful manner.

There, the practice of the Lexington City Schools will be to:

- emphasize that religious themes in the arts, literature, and history, both in curriculum and school activities, be only as extensive as necessary for a balanced and comprehensive study of these areas. The curriculum should address a diversity of religions, using materials reflecting secular educational values. Studies should never foster any particular religious tenets or demean any religious or non-religious beliefs;

- recognize the age and developmental difference of students and accommodate these variances in instructional approach;

- ensure that the expenditure of school time, money, and materials for this area of the curriculum be kept to a minimum;

- provide training for teachers in both the substantive content to be taught and in methods of teaching to ensure the transmission of accurate information, a sensitive approach, and consistency throughout the division;

- ensure that teachers preview any material presented in their classroom for compliance with these guidelines;

- provide a process for students to be excused from this instruction if their parents so desire. Students of appropriate maturity should be able to excuse themselves. A student who is excused should be given reasonable alternative accommodations and materials to work on that are of educational benefit. To the degree possible, alternative studies should deal with the subject of pluralism and diversity. The curriculum, however, should be such as to minimize the need for such requests;

- provide training for administrators and teachers with excusals and absences for religious reasons;

- provide an instructional atmosphere which would not require students to reveal their personal beliefs but which would allow them to express those beliefs of their own volition.

Since holiday recognition is an opportunity to expand learning opportunities about the diversity and variety of religious traditions, it will further be the practice of the Lexington City Schools to:

- ensure that recognition of religious holidays be a valid objective educational experience and comply with curriculum guidelines.

- ensure that classroom discussions and other activities concerning religious holidays are accurate in content, objectively presented to foster understanding and respect, and carefully limited so as to avoid the excessive or unproductive use of school time.

- ensure that religious holiday themes and symbols not be utilized as the instructional content in unrelated curriculum areas.

- prepare the division's calendar so as to minimize conflicts with religious holidays of all faiths. Examinations or important school events will not be scheduled on days when students may be absent for religious observances.

Issued: May 9, 1994.

CAREER AND TECHNICAL EDUCATION

The Lexington City School Board provides career and technical educational programs incorporated into the kindergarten through twelfth grade curricula that include

- knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
- career exploration opportunities in the middle school grades; and
- competency-based career and technical education programs which integrate academic outcomes, career guidance and job-seeking skills for all secondary students based on labor market needs and student interest. Career guidance includes counseling about available employment opportunities and placement services for students exiting school; and
- annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college or workforce center.

The School Board develops and implements a plan to ensure compliance with this Policy. This plan is developed with the input of area business and industry representatives and local comprehensive community colleges and is submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law.

The School Board may establish High School to Work Partnerships or delegate the authority to establish High School to Work Partnerships to the division's career and technical education administrator or the administrator’s designee, in collaboration with the school counselor office of each high school in the school division, and educate high school students about opportunities available through High School to Work Partnerships.

The School Board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, referred to as College and Career Access Pathways Partnerships, with comprehensive community colleges or other public institutions of higher education or educational institutions that offer a career and technical education curriculum. College and Career Access Pathways Partnerships specify

- the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma;
- the credit, credentials, certifications, or licenses available for such courses; and
- available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

Adopted: May 9, 1994
Revised : July 12, 2004
May 2012
June 2017
May 2018
May 2019

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-227.1, 22.1-253.13:1.

Cross Ref.: IJ Guidance and Counseling Program

HEALTH EDUCATION/PHYSICAL EDUCATION

Students receive health instruction and physical training as prescribed by the Board of Education and approved by the Board of Health.

Such health instruction

- incorporates standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being and human dignity, and
- may include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board of Education and approved by the Board of Health.

The Lexington City school division provides a program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of physical education classes, extracurricular athletics, recess or other programs and physical activities.

Adopted: May 9, 1994
Revised: June 16, 2010
February 2015
May 2018
April 2019

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

Cross Refs.:	IC/ID	School Year/School Day
	IGAG	Teaching About Drugs, Alcohol, and Tobacco
	JHCA	Physical Examinations of Students
	JHCF	Student Wellness
	JO	Student Records

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TEACHING ABOUT DRUGS, ALCOHOL AND TOBACCO

Lexington City Public Schools provides instruction concerning

- drugs and drug abuse,
- the public safety hazards and dangers of alcohol abuse, underage drinking, underage marijuana use, and drunk driving, and
- the health and safety risks of using tobacco products, nicotine vapor products, and alternative nicotine products

Adopted:
Revised: June 16, 2010
June 2014
May 2019
June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-79.5, § 22.1 206.

Cross Refs: GBEC/JFCH/KGC Tobacco Products and Nicotine Vapor Products

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FAMILY LIFE EDUCATION (FLE)

Generally

The Lexington City School Board provides Family Life Education (FLE) based on the FLE Standards of Learning (SOL) and curriculum guidelines developed by the Board of Education. The SOL objectives related to dating violence and the characteristics of abusive relationships are taught at least once in middle school and at least twice in high school. The high school FLE curriculum incorporates age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, including sexual harassment using electronic means, and sexual violence, human trafficking, and the law and meaning of consent. Such age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence may include instruction that increases student awareness of the fact that consent is required before sexual activity. The FLE curriculum offered in any school incorporates age-appropriate elements of effective and evidence-based programs on the importance of the personal privacy and personal boundaries of other individuals and tools for a student to use to ensure that he respects the personal privacy and personal boundaries of other individuals. The FLE curriculum incorporates age-appropriate elements of effective and evidence-based programs on the harmful physical and emotional effects of female genital mutilation; associated criminal penalties; and the rights of the victim, including any civil action pursuant to Va. Code § 8.01-42.5.

The FLE curriculum may incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation and child sexual abuse.

The School Board reviews its family life education curricula at least once every seven years, evaluates whether the curricula reflects contemporary community standards, and revises the curricula if necessary.

Right of Parental Review

A parent or guardian has the right to review the family life curricula, including all supplemental materials used in the program. A complete copy of all printed materials not subject to copyright protection and a description of all audio-visual materials is made available through any available parental portal and kept in the school library or office and made available for review to any parent or guardian during school office hours before and during the school year. The audio-visual materials are made available to parents for in-person review, upon request, on the same basis as printed materials are made available.

The School Board develops and distributes to the parents or guardians of students participating in the FLE program and posts for public viewing on the division's website a summary designed to assist them in understanding the program implemented in its school division and to encourage parental guidance and involvement in the instruction of the students. Such information reflects the curricula of the program as taught in the classroom. The following statement is included on the summary: "Parents and guardians have the right to review the family life education program offered by their school division, including written and audio-visual educational materials used in the program. Parents and guardians also have the right to excuse their child from all or part of family life education instruction."

Adopted: May 9, 1994
Revised: August 10, 2009
June 21, 2011
May 2015
May 2016
June 2017
May 2018
May 2019
June 10, 2020
March 10, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-207.1, 22.1-207.1:1, 22.1-207.2.

Cross Refs.:	BCF	Advisory Committees to the School Board
	IIA	Instructional Materials
	INB	Teaching About Controversial Issues
	KLB	Public Complaints About Learning Resources

CHARACTER EDUCATION

The Lexington City School Board provides, within its existing program or as a separate program, a character education program in its schools. The character education program may occur during the regular school year, during the summer in a youth development academy offered by the school division, or both. The purpose of the program is to foster civic virtues and personal character traits so as to improve the learning environment, promote student achievement, reduce disciplinary problems and develop civic-minded students of high character. The program is cooperatively developed with students, parents and the community. Specific character traits emphasized may include trustworthiness, respect, responsibility, fairness, caring and citizenship.

Character education is interwoven into the school procedures and environment so as to instruct primarily by example, illustration and participation, in such a way as to complement the Standards of Learning. Classroom instruction may also be used to supplement the program. The program also addresses the inappropriateness of bullying, as defined in Va. Code § 22.1-276.01. Parents have the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying program. Prior to the use of any such material, the parent of a child participating in such a program is provided written notice of the parent's right to review the material and the right to excuse the child from participating in the part of such program utilizing such material.

The character education program

- specifies those character traits to be taught, selecting from those which are common to diverse social, cultural and religious groups;
- is implemented at the elementary and secondary levels;
- provides for relevant professional development and adequate resources; and
- includes a method for program evaluation.

Character education is intended to educate students regarding those core civic values and virtues which are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. It shall not include indoctrination in any particular religious or political belief. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in Va. Code § 1-500, may be taught as representative of such civic values.

Adopted: September 12, 2005

Revised: May 9, 2006
May 2012
May 2016
April 2019
May 2019
June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-23.3, 22.1-207.2:1, 22.1-208.01.

Cross Refs.:	IKF	The Virginia Assessment Program and Graduation Requirements
	INB	Teaching About Controversial Issues
	INDC	Religion in the Schools

ALTERNATIVES TO ANIMAL DISSECTION

The Lexington City School Board provides one or more alternatives to animal dissection for students enrolled in classes that incorporate dissection exercises. The superintendent is responsible for implementing such alternatives. The superintendent considers the Virginia Board of Education Guidelines Alternatives to Animal Dissection in implementing the alternatives.

Adopted: September 12, 2005
Revised: April 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-200.01.

Virginia Board of Education Guidelines Alternatives to Animal Dissection (Attachment to Virginia Department of Education Superintendent's Memo #161 (Aug. 6, 2004)).

PROGRAMS FOR STUDENTS WITH DISABILITIES

Generally

The Lexington City School Board provides a free, appropriate public education for all children and youth with disabilities, ages 2 through 21, inclusive, who are residents of Lexington City Schools or who are not residents of Lexington City but are residents of Virginia and who are enrolled in a full-time virtual school program provided by the Board. To the maximum extent appropriate, students with disabilities are educated with children who are not disabled.

An Individualized Education Program (IEP) is developed and maintained for each child with a disability served by the Lexington City School Board. The program is developed in a meeting of the child's IEP team, which includes the child's teachers, parent(s), the student (when appropriate), a school division representative qualified to provide or supervise the provision of special education services, an individual who can interpret the instructional implications of evaluation results and other individuals at the discretion of the parents or school division in accordance with State and federal law and regulations. This IEP is reviewed at least annually.

The IEP includes areas specified by state and federal statutes and regulations.

Explanation of Procedural Safeguards

A copy of the procedural safeguards available to the parent(s) of a child with a disability is given to the parent(s). The procedural safeguards notice includes a full explanation of all the procedural safeguards available.

Child Find

The Lexington City School Board maintains an active and continuing child find program designed to identify, locate and evaluate those children residing in the division who are birth to 21 inclusive who are in need of special education and related services

The School Board provides all applicable procedural safeguards including written notice to the parents of the scheduled screening and, if the child fails the screening, the results of the screening, confidentiality and maintenance of the student's scholastic record.

Adopted: May 9, 1994
Revised: June 21, 2011
June 2014

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Legal Refs.: 20 U.S.C. § 1400 et seq.

29 U.S.C. § 701 et seq.

42 U.S.C. § 12101 et seq.

Code of Virginia, 1950, as amended, §§ 22.1-213, 22.1-215.

8 VAC 20-81-50.

8 VAC 20-81-80.

8 VAC 20-81-100.

8 VAC 20-81-110.

8 VAC 20-81-130.

8 VAC 20-81-170.

PROGRAMS FOR GIFTED STUDENTS

The Lexington City School Board shall approve a comprehensive plan for the education of gifted students that includes the components identified in Board of Education regulations. The plan for the education of gifted students shall be accessible through the division's website and the division will ensure that printed copies of the plan are available to citizens who do not have online access.

The school division has uniform procedures for screening, referring, identifying, and serving students in kindergarten through twelfth grade who are gifted in general intellectual or specific academic aptitude.

The school division will provide written notification to and seek written consent from parents and legal guardians to conduct any required assessment to determine a referred student's eligibility for the division's gifted education program, and provide services for an identified gifted student in the division's gifted education program.

The School Board may establish a local advisory committee composed of parents, school personnel, and other community members appointed by the School Board. The committee will reflect the ethnic and geographical composition of the school division. If established, the committee will annually review the division's plan for the education of gifted students, including revisions, and determine the extent to which the plan for the previous year was implemented. The findings of the annual program effectiveness and the recommendations of the committee will be submitted annually in writing to the division superintendent and the School Board.

Adopted: May 9, 1994
Revised: March 14, 2011
May 2012

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-18.1, 22.1-253.13:1.D.6.

8 VAC 20-40-40.

8 VAC 20-40-55.

8 VAC 20-40-60.

Cross Ref.: BCF Advisory Committees to the School Board
IKEB Acceleration

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PARENT AND FAMILY ENGAGEMENT

Generally

The Lexington City School Board recognizes that the education of each student is a responsibility shared by the school and the student's family. The Lexington City School Board endorses the parent and family engagement goals of Title I (20 U.S.C. § 6318) and encourages the regular participation by parents and family members of all children including those eligible for Title I and English learner programs in all aspects of those programs.

In keeping with these beliefs, the Lexington City School Board cultivates and supports active parent and family engagement in student learning. The Lexington City School Board:

- provides activities that educate parents regarding the intellectual and developmental needs of their children. These activities promote cooperation between the division and other agencies or school/community groups (such as parent-teacher groups, the Head Start program, the Reading First program, Early Reading First program, Even Start program, and Parents as Teachers program) to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development
- implements strategies to involve parents in the educational process, including:
    - keeping families informed of opportunities for involvement and encouraging participation in various programs
    - providing access to educational resources for parents and families to use with their children
    - keeping families informed of the objectives of division educational programs as well as of their child's participation and progress with these programs
- enables families to participate in the education of their children through a variety of roles. For example, family members may
    - provide input into division policies
    - volunteer time within the classroom and school program
- provides professional development opportunities for teachers and staff to enhance their understanding of effective parent involvement strategies
- performs regular evaluations of parent involvement at each school and in the division
- provides access, upon request, to any instructional material used as part of the educational curriculum
- if practicable, provide information in a language understandable to parents

In addition, for parents of students eligible for English learner programs, the School Board informs such parents of how they can be active participants in assisting their children

- to learn English;
- to achieve at high levels in core academic subjects; and
- to meet the same challenging academic content and student academic achievement standards as all children are expected to meet.

Parental Involvement in Title I Plan

The Lexington City School Board encourages parents of children eligible to participate in Title I, Part A, programs to participate in the development of the Board's Title I plan through attendance at Title I parent meetings and through contact with the Title I department.

Parental Involvement in School Review and Improvement

The Lexington City School Division encourages parents of children eligible to participate in Title I, Part A, and English learner programs to participate in the process of school review and, if applicable, the development of support and improvement plans under 20 U.S.C. § 6311(d)(1) and (2). Parents may participate by contacting the Principal at their child's school.

Division Responsibilities

The Lexington City School Division, and each school which receives Title I, Part A, funds:

- provides assistance to parents of children served by the school or division, as applicable, in understanding topics such as Virginia's challenging academic standards, state and local academic assessments and how to monitor a child's progress and work with educators to improve the achievement of their children
- provides materials and training to help parents work with their children to improve their children's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parental involvement
- educates teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs and build ties between parents and the school

- to the extent feasible and appropriate, coordinates and integrates parental involvement programs and activities with other federal, state and local programs, including public preschool, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children
- ensures that information related to school and parent programs, meetings and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand
- provides such other reasonable support for parental involvement activities as parents may request

The Lexington City School Division, and each school which receives Title I, Part A, funds, **MAY**:

- involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training
- provide necessary literacy training from Title I funds if the division has exhausted all other reasonably available sources of funding for such training
- pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions
- train parents to enhance the involvement of other parents
- arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators who work directly with participating children and parents who are unable to attend such conferences at school in order to maximize parental involvement and participation
- adopt and implement model approaches to improving parental involvement
- establish a divisionwide parent advisory council to provide advice on all matters related to parental involvement in programs supported by Title I
- develop appropriate roles for community-based organizations and businesses in parental involvement activities

School Parent and Family Engagement Policies

Each school served under Title I, Part A, jointly develops with and distributes to parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that describes the means for carrying out the following:

- convening an annual meeting, at a convenient time, to which all parents of participating children are invited and encouraged to attend, to inform parents of their school's participation in Title I, Part A, and to explain the requirements of Title I, Part A, and the rights of parents to be involved
- offering a flexible number of meetings, such as meetings in the morning or evening. Schools may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement
- involving parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of Title I, Part A, programs including the planning, review, and improvement of the school parent and family engagement policy and the joint development of the school wide program plan under 20 U.S.C. § 6314(b), except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children
- providing parents of participating children:
  - timely information about Title I, Part A, programs;
  - a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging state academic standards; and
  - if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and responding to any such suggestions as soon as practicably possible
- if the school wide program plan under 20 U.S.C. § 6314(b) is not satisfactory to the parents of participating children, submitting any parent comments on the plan when the school makes the plan available to the School Board

Parent and Family Involvement in Allocation of Funding

Parents and family members of children receiving services under Title I, Part A, are involved in the decisions regarding how funds provided under Title I, Part A, are allotted for parental involvement activities.

Policy Review

The School Board conducts, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of this policy in improving the academic quality of all schools served under Title I, Part A, including identifying

- barriers to greater participation by parents (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority background);
- the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
- strategies to support successful school and family interactions.

Adopted: May 9, 1994
Revised: July 14, 2003
May 7, 2007
February 2013
June 2017
June 9, 2021

Legal Refs.: 20 U.S.C. §§ 6312, 6318.

Code of Virginia, 1950, as amended, §§ 22.1-23.3, 22.1-78

Cross Refs.:	AD	Educational Philosophy
	BCF	Advisory Committees to the School Board
	IAA	Notification of Learning Objectives
	IKA	Parental Assistance with Instruction

REMEDIAL AND SUMMER INSTRUCTION PROGRAM

Generally

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

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

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

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

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

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

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

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

Summer School

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

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

Compulsory Attendance

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

Adopted: May 9, 1994
Revised: July 14, 2004
September 11, 2006
June 21, 2011
May 2012
May 2013
February 2018

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:1, 22.1-253.13:3, 22.1-254, 22.1-254.01.

8 VAC 20-131-120.

8 VAC 20-630-40.

Cross Refs.: BCF Advisory Committees To The School Board
IKG Remediation Recovery Program

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ENGLISH LEARNERS

Generally

The Lexington City School Board provides programs to improve the education of English learners by assisting the children to learn English and meet Virginia's challenging academic content and student academic achievement standards.

The School Board accepts and provides programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their 12th birthday, and who have not reached age 22 on or before August 1 of the school year. No tuition is charged such students, if state funding is provided for such programs.

Assessments

The School Board annually assesses the English proficiency of all English learners.

Notification of Programs for English Learners

The School Board, not later than 30 days after the beginning of the school year, informs a parent or the parents of an English learner identified for participation in, or participating in, a program for English learners, of

- the reasons for the identification of their child as an English learner and in need of placement in a language instruction education program;
- the child's level of English proficiency, how that level was assessed and the status of the child's academic achievement;
- the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;
- how the program in which their child is, or will be, participating will meet the educational strengths and needs of the child;
- how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
- the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program);
- in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- information pertaining to parental rights that includes written guidance

- detailing the right that parents have to have their child immediately removed from such program upon their request and the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
- assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the school division.

For a child who has not been identified as an English learner prior to the beginning of the school year but is identified as an English learner during the school year, the School Board provides the notice detailed above within 2 weeks of the child being placed in the program.

The information described above is provided to parents in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

Notification of Availability of Testing Accommodations

Each high school principal or principal's designee notifies each English learner of the availability of testing accommodations available for industry certifications, state licensure examinations, national occupational competency assessments, the Armed Services Vocational Aptitude Battery and the Virginia workplace readiness skills assessment prior to the student's participation in any such certification, examination, assessment, or battery.

Adopted: May 9, 1994.
Revised: July 12, 2004
June 21, 2011
June 2017
May 2019

Legal Ref.: 20 U.S.C. §§ 6311, 6312, 6825.

Code of Virginia, 1950, as amended, §§ 22.1-5, 22.1-253.13:4.

Cross Ref.: IA Instructional Goals and Objectives
IGBC Parent and Family Engagement

OFF-SITE INSTRUCTION AND VIRTUAL COURSES

Homebound Instruction

The School Board maintains a program of homebound instruction for students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician, physician assistant, nurse practitioner, or clinical psychologist.

Credit for the work is awarded when it is done under the supervision of a licensed teacher qualified in the relevant subject areas and employed by the School Board, and there is evidence that the instructional time requirements or alternative means of awarding credit adopted by the School Board have been met.

Virtual Courses

Students may enroll in and receive a standard and verified unit of credit for supervised virtual courses with prior approval of the principal. The superintendent is responsible for developing regulations governing this method of delivery of instruction that include the provisions of 8 VAC 20-131-110 and the administration of required Standards of Learning tests prescribed by 8 VAC 20-131-30. For courses offered for possible high school credit, standard units of credit are awarded for successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher qualified in the relevant subject areas. A verified unit of credit may be earned when the student has successfully completed the requirements specified in 8 VAC 20-131-110.

Adopted: May 9, 1994.
Revised: September 12, 2005
June 16, 2010
June 21, 2011
May 2013
May 2016
May 2018

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:3, 54.1-2952.2, 54.1-2957.02.

8 VAC 20-131-180.

Cross Ref.: IGBGA Online Courses and Virtual School Programs

IKFD Alternative Paths to Attaining Standard Units of Credit

ONLINE COURSES AND VIRTUAL SCHOOL PROGRAMS

The Lexington City School Board may enter into contracts, consistent with the criteria approved by the Board of Education, with approved private or nonprofit organizations to provide multidivision online courses and virtual school programs. Such contracts are exempt from the Virginia Public Procurement Act.

Information regarding online courses and programs that are available through the school division is posted on the division's website. The information includes the types of online courses and programs available to students through the division, when the division will pay course fees and other costs for nonresident students, and the granting of high school credit.

Any student enrolled in any online course or virtual program offered by the school division must be enrolled in a public school in Virginia as provided in Va. Code § 22.1-3.1. The student's parent or guardian must give written permission prior to the enrollment of the student in any full-time virtual program offered by the school division.

A student who resides in Lexington City school division is not charged tuition for enrolling in any online course or virtual program offered by the school division. However, tuition may be charged to students, except children with disabilities who are enrolled in the division's full-time virtual school program, who do not reside within the boundaries of the school division.

Teachers who deliver instruction to students through online courses or virtual school programs must be licensed by the Board of Education and are subject to the requirements of Policy GCDA Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect.

The administrator of a virtual school program must hold an advanced degree from a regionally accredited institution of higher education with educational and work experience in administering educational programs.

For purposes of this policy, the following definitions apply.

"Multidivision online provider" means (i) a private or nonprofit organization that enters into a contract with a local school board to provide online courses or programs through that school board to students who reside in Virginia both within and outside the geographical boundaries of that school division; (ii) a private or nonprofit organization that enters into contracts with multiple local school boards to provide online courses or programs to students in kindergarten through grade 12 through those school boards; or (iii) a local school board that provides online courses or programs to students who reside in Virginia but outside the geographical boundaries of that school division. However, "multidivision online provider" shall not include (a) a local school board's online learning program in which fewer than 10 percent of the students enrolled reside

outside the geographical boundaries of that school division; (b) multiple local school boards that establish joint online courses or programs in which fewer than 10 percent of the students enrolled reside outside the geographical boundaries of those school divisions; (c) local school boards that provide online learning courses or programs for their students through an arrangement with a public or private institution of higher education; or (d) local school boards providing online courses or programs through a private or nonprofit organization that has been approved as a multidivision online provider.

"Online course" means a course or grade-level subject instruction that (i) is delivered by a multidivision online provider primarily electronically using the Internet or other computer-based methods and (ii) is taught by a teacher primarily from a remote location, with student access to the teacher given synchronously, asynchronously, or both.

"Virtual school program" means a series of online courses with instructional content that (i) is delivered by a multidivision online provider primarily electronically using the Internet or other computer-based methods; (ii) is taught by a teacher primarily from a remote location, with student access to the teacher given synchronously, asynchronously, or both; (iii) is delivered as a part-time or full-time program; and (iv) has an online component with online lessons and tools for student and data management.

Adopted: June 16, 2010
May 2012
June 2014
May 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-212.24, 22.1-212.25, 22.1-212.26, 22.1-212.27, 22.1-215, 22.1-296.1, 22.1-296.2, and 22.1-296.4.

Cross Refs.:		
	DJF	Purchasing Procedures
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	IGBA	Programs for Students with Disabilities
	IGBG	Off-Site Instruction and Virtual Courses

ALTERNATIVE SCHOOL PROGRAMS

The Lexington City School Board establishes alternative educational programs within existing schools or at separate sites as needed. No person of school age meeting the residency requirements of Va. Code § 22.1-3 is charged tuition for enrollment in an alternative program offered as a regional or divisionwide initiative by the School Board.

Adopted: May 9, 1994.
Revised: March 6, 2012
March 10, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-5, 22.1-253.13:1.

ADVANCED PLACEMENT CLASSES AND SPECIAL PROGRAMS

Students and their parents are notified of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. Students and their parents are also notified of the program with a community college to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma. The superintendent promulgates regulations to implement this policy, which ensure the provision of timely and adequate notice to students and their parents.

Adopted:
Revised: May 2012
June 2017
May 2018

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

Cross Ref.: IGAD Career and Technical Education
LEB Advanced/Alternative Courses for Credit

STUDENT ORGANIZATIONS

Generally

Public school facilities are devoted primarily to instructional programs and school-sponsored activities. Curriculum-related student organizations are an extension of the regular school program. Their function is to enhance the participants' educational experience and supplement course materials. The activities of these organizations should bear a clear relationship to the regular curriculum.

Secondary school students may organize and conduct meetings of noncurriculum-related groups. Any secondary school which permits one or more noncurriculum-related student group to meet on school premises during noninstructional time will provide equal access to any students who wish to conduct a meeting without discrimination on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

Noncurriculum-related student groups may use school facilities provided that

- the group's meetings are voluntary and student-initiated;
- the group is not sponsored by the school, the government, or any government agent or employee;
- agents or employees of the school or government are present at religious meetings only in a nonparticipatory capacity;
- meetings do not materially and substantially interfere with the orderly conduct of educational activities at the school; and
- nonschool persons do not direct, conduct, control, or regularly attend activities of the group.

Meetings of Student Organizations

The principal of each school will determine the times and places which are available for the meetings of student organizations. The principal will also develop procedures for scheduling meetings of student organizations. Meeting times will be limited to non-instructional time.

Faculty Involvement

Curriculum-related student organizations must be sponsored and supervised by one or more school faculty members and approved by the principal. Faculty sponsors will participate in the supervision and direction of all activities of the organization and will attend all meetings and activities.

Noncurriculum-related student organizations do not have a faculty sponsor. However, a member of the school's staff shall attend every meeting or activity of such organizations in a nonparticipatory capacity for purposes of general supervision. The organization is responsible for assuring the presence of a staff member for its meetings.

No school employee will be compelled to attend a meeting of any student organization if the content of such meeting is contrary to the beliefs of that school employee.

Compliance with Law and Policy

Student organizations shall not engage in any activity which is contrary to law, division policy, or school rules; which disrupts or clearly threatens to disrupt the orderly operation of the school; or which would adversely affect the health, safety or welfare of any students or staff members. Failure to comply with these provisions shall be grounds for disciplinary action.

Adopted: May 9,1994
May 2012

Legal Refs.: 20 U.S.C. § 4071

Cross Refs.: KF Distribution of Information/Materials
KG Community Use of School Facilities

STUDENT ORGANIZATIONS (Middle School)

1. Any group seeking to meet on school premises during non-instructional time as a student organization shall submit a written application to the principal. Applications shall be made on Division approved forms only and shall include at least the following information:

   a. Name of the organization.

   b. Name(s) of the faculty sponsor(s) or matter(s).

   c. A general statement of the purposes of the organization.

   d. A description of the qualifications for membership, if any. If students' sex is a qualification, the description shall state the reasons therefore.

   e. A statement that the organizing students have read, understood and agree to comply with Division Policy IGDA and all applicable school guidelines and rules.

   f. Applications for curriculum-related student organizations shall include a statement of the relation of the organization to the regular school curriculum. This shall include specific reference to classes or other elements of the educational program which the organization is intended to supplement and a description of how the organization will serve as an extension of or adjunct to the curriculum; and a description of the function of the faculty advisor in the promotion, supervision and leadership of the organization.

2. The principal shall review the application and such other information as he or she considers appropriate and shall approve or disapprove of the organization within ten (10) school days after receipt of the application. The principal's decision shall specify whether or not the student organization is approved as a curriculum-related student organization. The principal's decision shall be in writing, and a copy shall be given to the applicant. If the application is disapproved, the principal shall state the reasons for disapproval in the decision.

3. The applicant may appeal the principal's decision to the Superintendent of Schools, or his designee, by written appeal submitted to the Superintendent within five (5) school days after receipt of the principal's decision. The written appeal shall state the reasons for the appeal and shall enclose copies of the application and the principal's decision. The Superintendent, or his designee, shall review the appeal and such other information as he or considers appropriate and give a written decision within ten (10) school days after receipt of the appeal.

4. The applicant may appeal the decision of the Superintendent, or his designee, to the Board of Education by written appeal submitted to the Secretary of the Board within five (5) school days after receipt of such decision. The written appeal shall state the reasons for the appeal and shall enclose a copy of the application, the appeal to the Superintendent and all prior decisions. The board shall review the appeal and such other information as it considers appropriate and shall notify the applicant of the date and time at which it will meet to render a decision. At the meeting, the board shall enter its order affirming or reversing the decision of the Superintendent. The decision of the board shall be final.

5. The principal may revoke approval of any student organization at any time upon his or her own initiative or on complaint by any student or staff member for good cause. Revocation may be appealed to the Superintendent, or his designee, and the board as provided hereinabove.

6. At any time, the Superintendent or the board may, on his or its own initiative, review the approval of any student organization and revoke the same for good cause. Any such action by the Superintendent may be appealed to the board as provided hereinabove.

Issued: May 9, 1994.

ADULT EDUCATION

Adult education programs are offered to those residents of the school division over the age of compulsory school attendance who are not enrolled in the regular public school program, including adult basic education, credit programs, cultural adult education, external diploma programs, general adult education, and high school equivalency programs, and who are functioning below the high school completion level. The School Board seeks to ensure that every ~~adult~~ individual participating in such a program has the opportunity to earn a high school diploma or pass a high school equivalency examination approved by the Board of Education. Such programs may be conducted solely by the School Board or through a collaborative arrangement between the School Board and other school boards or agencies. Credits and diplomas are awarded in accordance with regulations established by the Board of Education. Additional educational programs for individuals over the age of compulsory attendance also may be offered. Tuition and fees are established by the School Board.

Adopted:
Revised: February 2014
June 2014
May 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-210, 22.1-223, 22.1-225, 22.1-253.13:1, 22.1-253.13:4.

8 VAC 20-30-20.

Cross Refs.:

JEA	Compulsory Attendance
JEG	Exclusions and Exemptions from School Attendance
JN	Student Fines, Fees and Charges
IKF	The Virginia Assessment Program and Graduation Requirements

CLASS SIZE

The Lexington City School Board assigns licensed instructional personnel in a manner tht produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios:

> 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide will be assigned to the class;
>
> 24 to one in grades one, two, and three with no class being larger than 30 students;
>
> 25 to one in grades four through six with no class being larger than 35 students; and
>
> 24 to one in English classes grades six through 12.

After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this policy, the school division will notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. The notification shall state the reason that the class size exceeds the class size limit and describe the measures that the school division will take to reduce the class size to comply with this policy.

In addition, the Lexington City School Board assigns instructional personnel in a manner that produces schoolwide ratios of students in average daily membership to full-time equivalent teaching positions of 21 to one in middle schools and high schools.

When determining the assignment of instrucational and other licensed personnel for purposes of this policy, full-time students of approved virtual school programs are not included.

Adopted: May 9, 1994.
Revised: July 12, 2004
June 16, 2010
May 2016

Legal Ref.: Code of Virginia, 1950, as amended, Section 22.1-253.13:2.

INSTRUCTIONAL MATERIALS

The Lexington City School Board is responsible for the selection and use of instructional materials.

The superintendent or superintendent's designee creates and updates, as necessary, guidelines and procedures for the selection of instructional materials. The guidelines and procedures are designed to ensure that appropriate instructional materials are selected and provide an opportunity for the professional staff and community to participate and be informed on the selection and use of instructional materials.

Parents may inspect, on request, any instructional material used as part of their student's curriculum.

Adopted: May 9, 1994
Revised: February 2014
April 2019

Legal Refs.: 20 U.S.C. § 1232h.

Code of Virginia, 1950, as amended, § 22.1-16.

8 VAC 20-720-160.

Cross Ref.:	IGAH	Family Life Education
	IIAA	Textbook Adoption, Selection and Purchase
	IIAB	Supplementary Materials Selection and Adoption
	KLB	Public Complaints About Learning Resources
	INB	Teaching About Controversial Issues

TEXTBOOK SELECTION, ADOPTION, AND PURCHASE

Selection of Textbooks

The School Board may adopt textbooks, including print or electronic media, for student use that serve~~s~~ as the primary curriculum basis for a grade-level subject or course from the list of textbooks approved by the Board of Education. The School Board may also adopt books which are not on the state-adopted list in accordance with the Board of Education regulations.

In approving textbooks, the School Board

- Appoints evaluation committees to review and evaluated textbooks,
- Gives notice to parents that textbooks under consideration will be listed on the division's website and made available at designated locations for review by an interested citizens,
- Creates opportunities for persons reviewing such textbooks to present their comments and observations to the School Board,
- Creates procedures to ensure appropriate consideration of citizen comments and observations, and
- Establishes and makes known selection criteria

Textbooks Approved by the Board of Education

The Lexington City School Board may either enter into written term contracts or issue purchase orders with publishers of textbooks approved by the Board of Education. Such written contracts or purchase orders are exempt from the Virginia Public Procurement Act (Va. Code § 2.2-4300 et seq.) The contract price shall not exceed the lowest wholesale price at which the textbook or textbooks involved in the contract are currently bid under contract anywhere in the United States. If, subsequent to the date of any contract entered into by the School Board, the prices of textbooks named in the contract are reduced or the terms of the contract are made more favorable to purchase anywhere in the United States or a special or other edition of any book named in the contract is sold outside of Virginia at a lower price than contracted in Virginia, the publisher shall grant the same reduction or terms to the School Board and give the School Board the option of using such special or other edition adapted for use in Virginia and at the lowest price at which such special edition is sold elsewhere and the contract shall so state.

Contracts and purchase orders with publishers of textbooks approved by the Board of Education shall require the publisher to furnish an electronic file of the textbook in the National Instructional Materials Accessibility Standards (NIMAS) format that will then be deposited in the National Instructional Materials Access Center (NIMAC) from which accessible versions of the particular textbook may be produced for students with print disabilities, as defined in 20 U.S.C. § 1474. Publishers shall deliver the NIMAS file of the textbook on or before the date of delivery of the regular text version.

Contracts and purchase orders with publishers of textbooks approved by the Board of Education for use in grades 6-12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. The School Board may purchase an assortment of textbooks in any of the three forms listed above.

The School Board shall order directly from the respective publishers the textbooks needed to supply the public schools in the school division. The publishers shall ship the textbooks to the School Board. The purchase price of such textbooks shall be paid directly to the publishers by the School Board.

Locally-Approved Textbooks

In approving textbooks that have not been approved by the Board of Education, the School Board will also include a correlation of the content to the Virginia Standards of Learning in the content area and an analysis of strengths and weaknesses of the textbook in terms of instructional planning and support when the textbooks pertain to Virginia Standards of Learning subjects.

The publishers of such textbooks shall

- Provide the School Board with certification that the content of the textbook is accurate and
- Sign an agreement with the School Board to correct all factual and editing errors found at its own expense.

The purchase of textbooks other than those approved by the Board of Education is not exempt from the Virginia Public Procurement Act.

Adopted: May 9, 1994
Revised: June 16, 2010
February 2014
February 2016

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-238, 22.1-241.

8 VAC 20-720-170

Cross Refs.:	DJF	Purchasing Procedures
	IIA	Instructional Materials
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

SUPPLEMENTARY MATERIALS SELECTION AND ADOPTION

Materials used by students under the guidance of teachers to extend, expand, and supplement basal materials constitute an integral part of the instructional program. Supplemental materials are those items which are used to assist the teaching and learning process and include such items as magazines, newspapers, charts, pictures, certain workbooks, kits, videos, film strips, and games. Materials selected for supplemental use relate directly to the established objectives of the course or content area in which they are used.

The school board delegates the responsibility for the selection and use of supplemental materials to the individual schools. Teachers must carefully review materials prior to use and exercise a high degree of professional judgment in their selection and use of supplemental materials to ensure that the use of such materials serves to both support and complement the basic educational objectives within the specific subject areas and classrooms.

Adopted: May 9, 1994
Revised: February 2014
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-78.

8 VAC 20-720-160.

Cross Refs.:	IIA	Instructional Materials
	IIAA	Textbook Selection, Adoption and Purchase
	KLB	Public Complaints About Learning Resources
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

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INNOVATIVE OR EXPERMENTAL PROGRAMS

Experimental and innovative programs that are not consistent with accreditation standards or other regulations promulgated by the Board of Education are submitted to the Board of Education for approval prior to implementation.

Adopted: May 9, 1994
Revised: March 6, 2012
February 2018

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

8 VAC 20-131-420.

Cross Ref.: IKF The Virginia Assessment Program and Graduation Requirements

SCHOOL LIBRARIES/MEDIA CENTERS

Each school shall maintain an organized library media center as the resource center of the school and provide a unified program of media services and activities for students and teachers before, during and after school. The library media center shall contain hard copy, electronic technological resources, materials, and equipment that are sufficient to meet research, inquiry, and reading requirements of the instructional program and general student interest.

Each school provides a variety of materials, resources and equipment to support the instructional program

Adopted: May 9, 1994
Revised: February 2013
February 2018

Legal Ref.: 8 VAC 20-131-190

ACCEPTABLE COMPUTER SYSTEM USE

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

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

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

The superintendent is responsible for establishing Technology Use Guidelines, containing the appropriate uses, ethics and protocols for use of the computer system. The superintendent is also responsible for reviewing and updated, as necessary, the Guidelines at least every two years. It is the user's responsibility to know and follow this policy and the Technology Use Guidelines.

The Guidelines include:

(1) a prohibition against use by division employees and students of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;

(2) provisions, including the selection and operation of a technology protection measure for the division's computers having internet access to filter or block Internet access through such computers, that seek to prevent access to:

a. child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;

b. obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and

c. material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;

(3) provisions establishing that the technology protection measure is enforced during any use of the division's computers;

(4) provisions establishing that all usage of the computer system may be monitored;

(5) provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;

(6) provisions designed to prevent unauthorized online access by minors, including "hacking" and other unlawful online activities.;

(7) provisions requiring every user to protect the security of information necessary to access the computer system, such as usernames and passwords, and prohibiting the sharing of passwords;

(8) provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and

(9) a component of internet safety for students that is integrated in the division's instructional program.

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

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

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

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

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

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

The School Board reviews and amends, if necessary, this policy every two years.

Adopted: September 12, 2005
Revised: September 11, 2006
August 10, 2009
June 16, 2010
May 2013
April 2019
May 2019
June 9, 2021

Legal Refs: 18 U.S.C. §§ 1460, 2256.
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2, and 22.1-78.

Cross Refs.:	EGAA	Reproduction and Use of Copyrighted Materials
	GBA/JHFA	Prohibition Against Harassment and Retaliation
	GCPD	Professional Staff Discipline
	GCQB	Staff Research and Publishing
	IIBEA-R/GAB-R	Technology Use Guidelines
	JFC	Student Conduct

TECHNOLOGY USE GUIDELINES

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

Computer System Use-Terms and Conditions:

1. **Acceptable Use.** Access to the division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the division or (2) for legitimate school business.

2. **Privilege.** The use of the division's computer system is a privilege, not a right.

3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
   - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
   - sending, receiving, viewing or downloading illegal material via the computer system.
   - unauthorized downloading of software.
   - using the computer system for private financial or commercial purposes.
   - wastefully using resources, such as file space.
   - gaining unauthorized access to resources or entities.
   - posting material created by another without his or her consent.
   - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
   - using the computer system while access privileges are suspended or revoked.
   - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
   - intimidating, harassing, bullying, or coercing others.
   - threatening illegal or immoral acts.

4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
   - be polite.
   - users shall not forge, intercept or interfere with electronic mail messages.
   - use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
   - users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
   - users shall respect the computer system's resource limits.
   - users shall not post chain letters or download large files.
   - users shall not use the computer system to disrupt others.
   - users shall not modify or delete data owned by others.

5. **Liability.** The school board makes no warranties for the computer system it provides. The school board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the school board for any losses, costs, or damages incurred by the school board relating to or arising out of any violation of these procedures.

6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.

7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.

8. **Charges.** The school division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.

9. **Electronic Mail.** The school division's electronic mail system is owned and controlled by the school division. The school division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the school division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

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

Adopted: September 12, 2005
August 10, 2009
May 2013
April 2019
May 2019

Legal Refs: 18 U.S.C. §§ 1460, 2256.
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2 and 22.1-78.

Cross Refs:	GCPD	Professional Staff Discipline
	IIBEA/GAB	Acceptable Computer System Use
	JFC	Student Conduct

FIELD TRIPS

Field trips are off-campus instructional activities. Field trips can provide excellent educational experiences for students by enriching the curriculum and by making classroom learning experiences more meaningful. To be educationally beneficial, a field trip requires thoughtful selection, careful advance preparation, and opportunities to assimilate the experience during and after the trip. Teachers plan advance activities that prepare students for the trip and follow-up activities that assist students in summarizing, applying, and evaluating information learned on the trip.

The following factors should be considered in proposing and approving field trips:

- The value of the trip to the particular class
- The relationship of the field trip to a particular aspect of the curriculum
- The distance travelled
- The time away from the regular instructional program
- The availability of transportation

No student is denied the opportunity to participate in a field trip because of a lack of funds.

Trips are approved by the superintendent or superintendent's designee pursuant to regulations developed by the superintendent. Approval must be obtained before commitments are made to students, parents, or commercial establishments. The superintendent makes an annual report to the School Board on field trips taken.

Trips for activities governed by the Virginia High School League do not require approval on a trip-by-trip basis. Parental permission for such trips may be obtained for the entire athletic season or school year.

The Lexington City School Board does not endorse or accept responsibility for any privately sponsored trips for students or any student trips which are not part of the instructional program. Employees are not permitted to solicit students for such trips. Employees who are involved with such trips must emphasize to any interested student/parent that such trips are strictly private enterprises.

Adopted: May 9, 1994
Revised: March 6, 2012
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-176.
8 VAC 20-70-190.
8 VAC 20-720-80.

Cross Ref.:

JFCB	Sportsmanship, Ethics and Integrity
JL	Fund Raising and Solicitation
JN	Student Fees, Fines, and Charges

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FIELD TRIPS

General Planning Requirements

A. Educational field trips shall be permitted under the guidelines established by the Lexington School Board policy.

B. No student shall be denied participation in a school-sponsored field trip except when the principal has taken a specific action in the interest of student safety or student conduct.

C. With permission from the Superintendent, it may be requested that students pay a portion of the expenses associated with certain field trips (e.g., admission charges, charter bus fares, meals, etc.). No student will be denied the opportunity to participate because of inability to pay, however.

D. An educational field trip must be well-planned and provision must be made for the adequate supervision of students. It shall be the principal's responsibility to work with teachers to ensure that chaperones have been secured for each trip and to ensure that chaperones are instructed in standards of student conduct and rules of safety. Chaperones should be obtained to ensure a pupil to adult ratio as follows:

Grades NK-2 - One adult for every eight students
Grades 3-8 - One adult for every ten students

E. Written permission of the parent or guardian of each participating student shall be on file in the school's office.

Approval Procedure

A. Trips will be approved by the superintendent or designee pursuant to regulations developed by the superintendent. Approval must be obtained before commitments are made to students, parents or commercial establishments. Requests for field trips must be submitted at least two weeks in advance.

B. The School Board must approve all overnight trips. Requests for these field trips must be submitted six weeks in advance.

FIELD TRIPS

Transportation

The building principal will make arrangements for school bus transportation when appropriate. Commercial buses will be contracted when the principal determines that they are required for safety and comfort.

Funding for Academic Competition

A. Registration:
The Lexington City School Board will pay all registration fees for local, regional, or statewide academic competition.

B. Travel and Overnight Lodging
In the event the competitive event requires lodging, funding will be as follows:

The School Board will pay hotel accommodations for student participants and their chaperones (Three per room with one adult chaperone). Participants will pay for meals and transportation.

The School Board will pay for registration and accommodations for the school sponsor of the team or club. Additionally, the sponsor will receive per diem expenses in accordance with the current state allowance.

Subject to availability of funds, the School Board will pay registration and accommodations costs to national competition events for all students who are awarded first place rankings in state competition. Subject to funds available, the Board will pay registration and accommodations costs for chaperones at a ratio of one adult per three students.

Students who are found eligible for free or reduced price lunches may request full funding support for all travel, lodging and meals.

Approved: December 12, 2001
Revised: February 12, 2020

LEXINGTON CITY SCHOOLS
USE OF PRIVATE VEHICLE TO TRANSPORT STUDENTS

TEACHER/EMPLOYEE: _____

SCHOOL: _____

TRAVEL INFORMATION:

Destination: _____

Date of trip: _____

Time of Departure: _____Time of Return: _____

Number of students being transported: _____

☐ Copy of Driver's License (see attached)

☐ Copy of Driver's Insurance Card (see attached)

BY MY SIGNATURE BELOW, I ASSURE THAT THE VEHICLE WITH WHICH I AM PROVIDING TRANSPORTATION FOR LEXINGTON CITY PUBLIC SCHOOLS STUDENTS:

A. IS INSURED WITH AN IN-FORCE COMPREHENSIVE POLICY OFFERING LIABILITY INSURANCE COVERAGE OF $100,000 OR HIGHER FOR EACH OCCUPANT; AND,

B. MEETS ALL STATE AND FEDERAL MOTOR VEHICLE SAFETY STANDARDS.

PRINTED NAME OF VEHICLE OWNER/OPERATOR

_____

SIGNATURE OF VEHICLE OWNER/OPERATOR

_____

DATE _____

APPROVED BY: _____ DATE: _____

Issued: May 9, 1994
Revised: 2/27/2020

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COMMUNITY RESOURCE PERSONS/SCHOOL VOLUNTEERS

The Lexington City School Board supports and encourages the active participation of parents and members of the community in providing and extending educational opportunities for children. The involvement of parents, volunteers and others in the community who can serve as a resource to schools is a fundamentally important component of successful school programs. The administration of each school directs the activities of parents, volunteers and other community resources at the building level.

Adopted: May 9, 1994
Revised: February 2013
June 2017
March 10, 2021

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

8 VAC 20-131-270.

Cross Ref.:	AD	Educational Philosophy
	IGBC	Parent and Family Engagement
	KA	Goals for School-Community Relations
	KN	Sex Offender and Crimes Against Minors Registry Information
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

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GUIDANCE AND COUNSELING PROGRAM

School Guidance and Counseling Services

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

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

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

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

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

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

Parents are notified annually about the counseling programs which are available to their children. The notification will include the purpose and general description of the programs, information regarding ways parents may review materials to be used in guidance and counseling programs at their child's school and information about the procedures by which parents may limit their child's participation in such programs.

Employment Counseling and Placement Services

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

Employment Commission, the Department of Labor and Industry, local business and labor organizations and career schools.

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

Adopted: May 9, 1994
Revised: May 9, 2006
February 2014
February 2017
May 2018
June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-23.3, 22.1-130.1, 22.1-209.

8 VAC 20-620-10.

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

COLLEGE AND CAREER READINESS

Each middle and secondary school provides for the early identification and enrollment of students in a program with a range of educational and academic experiences related to college and career readiness in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and minority students to prepare for a career or postsecondary education.

Each elementary, middle, and secondary school provides for the identification by all students of personal interests and abilities to support planning for postsecondary opportunities and career preparation. Such support includes provision of information concerning exploration of career cluster areas in elementary schools, and course information and planning for college preparation programs, opportunities for educational and academic experiences in and outside the classroom, including internships and work-based learning, and the multiple pathways to college and career readiness in middle and high school.

Beginning in the elementary school years, students explore the different occupations associated with career clusters and select an area or areas of interest. Students begin the development of an academic and career plan portfolio (ACPP) in elementary grades to include information about interests, values such as dependability and responsibility, and skills supporting decisions about their future interests and goals. The information contained in the ACPP serves as the foundation for creating the Academic and Career Plan (ACP) in grade 7.

In middle school, students complete a locally selected career interest inventory and select a career pathway. To support development of the ACP, students complete at least one course in career investigation selected from the career and technical education state-approved list, or a school division-provided alternative means of delivering the career investigation course content, provided that the alternative is equivalent in content and academic rigor.

The School Board may require such courses in career investigation at the high school level as it deems appropriate, subject to approval by the Board of Education. The School Board may require such courses in career investigation at the elementary school level as it deems appropriate.

All schools continue development of a personal ACP with each seventh-grade student with completion by the end of the fall semester of the student's eighth-grade year. The components of the ACP include the student's program of study for high school graduation and a postsecondary career pathway based on the student's academic and career interests. In high school, a career-related learning experience is chosen by the student and documented in the ACP.

The ACP is developed in accordance with guidelines established by the Board of Education and signed by the student, student's parent or guardian, and school official or

officials designated by the principal. The ACP is included in the student's record and is reviewed and updated annually. Lists, as compiled annually by the Department of Education and provided to the School Board, of 1) the top 100 professions in Virginia by median pay and the education, training and skills required for each such profession and 2) the top 10 degree programs at institutions of higher education in Virginia by median pay of program graduates are included as part of each student's ACP.

Beginning in the middle school years, students are counseled on opportunities for beginning postsecondary education and opportunities for obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation as described in Policy LEB Advanced/Alternative Courses for Credit. Such opportunities include access to at least three Advanced Placement (AP), International Baccalaureate (IB), or Cambridge courses or three college-level courses for degree credit pursuant to 8 VAC 20-131-100. Students taking advantage of such opportunities are not denied participation in school activities for which they are otherwise eligible. Wherever possible, students are encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit (dual enrollment), under the following conditions:

a. Written approval of the high school principal prior to participation in dual enrollment must be obtained;

b. The college must accept the student for admission to the course or courses; and

c. The course or courses must be given by the college for degree credits (no remedial courses will be accepted).

Adopted: June 13, 2018
Revised: June 10, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:1, 22.1-253.13:3.

8 VAC 20-131-140.

Guidelines for Academic and Career Plans (Adopted by the Virginia Board of Education Sept 17, 2009).

Cross Ref.:	IGAD	Career and Technical Education
	IJ	Guidance and Counseling Program
	JO	Student Records
	LEB	Advanced/Alternative Courses for Credit

PARENTAL ASSISTANCE WITH INSTRUCTION

The Lexington City School Board encourages parents to provide instructional assistance to their children in the home. The school division may offer a voluntary training program to the parents of children in kindergarten through third grade to assist them in developing the skills necessary to provide effective instructional assistance to their children.

Adopted: May 9, 1994
Revised: July 14, 2004
February 2014

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.C.5.

Cross Ref.: IGBC Parent and Family Engagement
IKB Homework

HOMEWORK

Homework provides an essential communication link between the school and the home. One measure of a program or course is the quality of the work done at home by the student. A strong home-school partnership, with many lasting benefits for the individual student and the student's family, can be greatly enhanced by a sound program of homework. In addition, homework should be an important tool in developing independent thought, self-direction and self-discipline. It assists the student in developing good work habits and in the wise use of time.

Guidelines for homework include:

- Homework should be assigned after introduction and thorough explanation of the skills necessary to successfully complete the assignment.
- Homework should be assigned in such a manner that it will be clearly understood by all students.
- Homework should serve a valid purpose and be closely related to classroom activities.
- A student's access to resource materials should be considered when making assignments.
- Homework should be evaluated promptly and returned to the student. Appropriate rewards should be given to those students who successfully complete assigned work. Effort and competency should be recognized and rewarded.
- Teachers should seek to determine the cause if a student regularly fails to complete assigned work. Teachers should not avoid giving homework because they believe students will not do the work.
- Excessive homework, like the absence of homework, should be avoided.
- Homework should not be used for disciplinary purposes
- Teachers and administrators should take appropriate steps to communicate with parents regarding the division's homework policy and to solicit their support.

Adopted: May 9, 1994
Revised: February 2014

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

Cross Ref.:	IB	Academic Freedom
	IGBC	Parent and Family Engagement
	IKA	Parental Assistance with Instruction

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HOMEWORK

Guidelines for Parental Instructional Assistance

Parents should provide a good learning environment in the home.

- Ensure adequate study time.
- Provide an atmosphere free from disruptions.
- Supply necessary reference materials, such as a dictionary, encyclopedias, atlas and other materials.

Parents should encourage the student to keep a list of assignments in a notebook.

Parents should not do the homework assignment. **The work is intended to benefit the student**.

Parents should encourage and support students in accomplishing homework.

Parents of elementary school students may help by:

- Finding books and other research materials.
- Reading aloud spelling and vocabulary lists.
- Checking work for neatness and completeness.
- Providing books, magazines and other leisure reading materials.
- Asking the child to explain a chapter from the science or social studies book or other reading assignments.
- Reviewing notes for a test.
- Helping students allocate time for long-term assignments.
- Encouraging students to meet deadlines.
- Reading with or to the student.

Parents should show a positive interest in homework and in school. If problems arise, students should be encouraged to ask questions or parents should call the teacher at school. Parents should refrain from complaining to the student to avoid creating a negative attitude about the work, teacher and school.

Parents should be aware of signs that indicate study problems. For example, unclear writing, lips moving when reading, frustration with tasks, procrastination and weak organizational skills. Help can be given in these areas.

Parents should help students set appropriate priorities and learn to handle their time requirements between school work and extracurricular activities

Issued: May 9, 1994.

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STUDENT PROMOTION AND RETENTION

The Lexington City School Board holds the philosophy that every student is an individual with worth and dignity. In keeping with this philosophy, the Board directs that each decision regarding student promotion or retention be made on an individual basis with first consideration given to the emotional well being of the student in question and the instructional benefit to be gained by the student. Promotion is not considered a reward and retention is not considered a punishment.

Accordingly, the following are intended to assist in the decision-making process. Teachers and administrators are to consider these guidelines along with all other extenuating circumstances in making final decisions relative to the promotion or retention of individual pupils.

Elementary (Grade K-5)
Students should meet the following benchmarks by the end of the school year:

1) Kindergarten: complete Alphabet Knowledge and Early Letter Name Spelling (marking beginning and ending sounds and tracking with self-correction).
2) Grade 1: Instructional reading level (strong primer and early first grade reader).
3) Grade 2: Second grade reading level (strong second).
4) Grades 3-5: On grade level at the end of the year and ready for content and reading material at the next grade level.
5) Grades K-5: Students should demonstrate consistent achievement of grade level math objectives.

Additionally, any student in grades 3-5 who receives the grade of "F" for the year in any two of the major academic subjects (Math, Reading, Science, Social Studies) may be retained at the current grade level.

Middle School (Grades 6-8)
Students failing two (2) or more of the major academic subjects (English, Mathematics, History/Social Studies and Science) may be retained in their present grade level.

Revised: September 11, 2006.

Legal Ref.: 8 VAC 20-131-30.

Cross Ref.: IKEB Acceleration

ACCELERATION

The curriculum and schedule of elementary, middle and high schools provides flexibility in placing certain students in programs or subjects normally considered above their grade level. Scheduling eighth grade students into subjects above the normal grade level is done with counseling based on evidence of ability, past scholastic achievement and cooperation of the individual student and his parents or guardian.

When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit is counted toward meeting the standard units required for graduation provided the courses are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students below ninth grade level must meet the same requirements applicable to other students.

In any high school credit-bearing course taken in middle school, a parent may request that the grade be omitted from the student's transcript and the student not earn high school credit for the course. Such request shall be made in the format and by the deadline set forth in regulations developed by the superintendent.

Adopted: 5/09/94
Revised: 3/14/11
May 2015
May 2016
May 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78. 22.1-253.13:3.

8 VAC 20-131-50.

8 VAC 20-131-51.

8 VAC 20-131-90.

Cross Ref.:	IGBB	Programs for Gifted Students
	JO	Student Records
	JOA	Student Transcripts

THE VIRGINIA ASSESSMENT PROGRAM AND GRADUATION REQUIREMENTS

Generally

The Board of Education has established educational objectives known as the Standards of Learning (SOLs), which form the core of Virginia's educational program, and other education objectives, which together are designed to ensure the development of the skills that are necessary for success in school and in preparation for life in the years beyond.

The Lexington City School Board has developed and implemented a program of instruction that is aligned to the Standards of Learning and that meets or exceeds the requirements of the Board of Education. It awards diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as are prescribed by the School Board and approved by the Board of Education.

Lexingto City School Board awards diplomas and certificates in accordance with state laws and regulations. The requirements for a student to earn a diploma and graduate from high school are those in effect when the student enters ninth grade for the first time.

Virginia Assessment Program

In kindergarten through eighth grade, where the administration of Virginia Assessment Program tests are required by the Board of Education, each student is expected to take the tests following instruction. Students who are accelerated take the test aligned with the highest grade level, following instruction in the content. No student takes more than one test in any content area in each year, except in the case of expedited retakes as provided for in 8 VAC 20-131-30. Schools use the test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students.

Each student in middle and secondary school takes all applicable end-of-course SOL tests following course instruction. The superintendent certifies to the Department of Education that the division's policy for dropping courses ensures that students' course schedules are not changed to avoid end-of-course SOL tests. Students who achieve a passing score on an end-of-course SOL test will be awarded a verified unit of credit in that course in accordance with 8 VAC 20-131-110. Students may earn verified credits in any courses for which end-of-course SOL tests are available. Students are not required to take an end-of-course SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation unless such test is necessary in order for the school to meet federal accountability requirements. Middle and secondary schools may consider the student's end-of-course SOL test score in determining the student's final course grade.

Participation in the Virginia Assessment Program by students with disabilities is prescribed by provisions of their Individualized Education Program (IEP) or 504 Plan. All students with disabilities are assessed with appropriate accommodations and alternate assessments where necessary.

Any student identified as an English Learner (EL) participates in the Virginia Assessment Program. A school-based committee convenes and makes determinations regarding the participation level of EL students in the Virginia Assessment Program. In kindergarten through eighth grade, EL students may be granted a one-time exemption from SOL testing in the areas of writing, and history and social science.

Definitions

Authentic Performance Assessment

An "Authentic Performance Assessment" is a test that complies with guidelines adopted by the Board of Education that requires students to perform a task or create a product that is typically scored using a rubric.

Standard Unit of Credit

A "standard unit of credit" or "standard credit" is a credit awarded for a course in which the student successfully completes 140 clock hours of instruction and the requirements of the course. A standard unit of credit may be awarded based on a waiver of the 140 clock hour requirement as provided in Policy IKFD Alternative Paths to Attaining Standard Units of Credit.

Verified Unit of Credit

A "verified unit of credit" or "verified credit" is a credit awarded for a course in which a student earns a standard unit of credit and completes one of the following:

1. Achieves a passing score on a corresponding end-of-course SOL test.
2. Achieves a passing score on an additional test, as defined in 8 VAC 20-131-5, as a part of the Virginia Assessment Program.
3. Meets the criteria for the receipt of a locally awarded verified credit when the student has not passed a corresponding SOL test.
4. Meets the criteria for the receipt of a verified credit in history and social science by demonstrating mastery of the content of the associated course on an authentic performance assessment that complies with guidelines adopted by the Board of Education.
5. Meets the criteria for the receipt of a verified credit for English (writing) by demonstrating mastery of the content of the associated course on an authentic performance assessment that complies with guidelines adopted by the Board of Education.

Students may also earn verified credits by taking alternative tests to the SOL assessment. Such tests may only be those approved by the Virginia Board of Education, and the student may earn verified credits only by achieving that score established by the Board of Education.

Virginia Assessment Program

The "Virginia Assessment Program" is a system used to evaluate student achievement that includes SOL tests and additional tests that may be approved from time to time by the Board of Education.

Adopted: September 12, 2005
Revised: September 11, 2006
June 16, 2010
February 2013
February 2014
June 2014
February 2016
May 2016
February 2018
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:1, 22.1-253.13:4.

8 VAC 20-131-5.

8 VAC 20-131-30.

8 VAC 20-131-50.

8 VAC 20-131-51.

8 VAC 20-131-110.

Guidelines for Graduation Requirements; Local Alternative Paths to Standard Units of Credit (Virginia Board of Education Oct. 2015).

Cross Refs.:	IAA	Notification of Learning Objectives
	IKFA	Locally Awarded Verified Credits
	IKFD	Alternative Paths to Attaining Standard Units of Credit
	IKH	Retaking SOL Assessments

LOCALLY AWARDED VERIFIED CREDITS

Generally

The Lexington City School Board awards verified credits in accordance with Virginia law and Virginia Board of Education regulations.

To be eligible for locally awarded verified credits as credit accommodations, students with disabilities must meet all criteria established by Virginia law or regulation and eligibility for such credit accommodations must be established in the student's Individualized Education Program (IEP) or Section 504 plan.

Review Panels

The Lexington City School Board appoints review panels comprised of at least three educators to consider evidence of the student's achievement. Different panels may be appointed for individual schools or groups of schools.

The review panel reviews information which provides evidence of the student's achievement of adequate knowledge of the Standards of Learning content. The panel has discretion in determining the information it considers. That information may include, but is not limited to, results of classroom assessments, divisionwide exams, course grades and additional academic assignments (e.g. papers, projects, essays or written questions) as the panel deems appropriate.

Based on the evidence it reviews, the review panel may:

- award the verified credit;
- deny the verified credit;
- suggest participation in a remedial program and retesting; or
- make additional academic assignments prior to determining whether to award the verified credit.

The decision of the review panel is final.

Adopted: July 14, 2003
Revised: January 8, 2007
May 2013
October 2013
February 2014
November 2015
May 2016
May 2018
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-253.13:3.
8 VAC 20-131-110.

Revised Guidance Governing the Use of Locally-Awarded Verified Credits (Virginia Department of Education May 11, 2018) (attachment to Virginia Department of Education Superintendent's Memo No. 130-18 (May 11, 2018)).

REMEDIATION RECOVERY PROGRAM

The Lexington City School Board supports efforts to provide instructional support to those students who have demonstrated a need for such support by their failure to pass certain Standards of Learning (SOL) assessments. Therefore, in kindergarten through grade 12, students may participate in a remediation recovery program as established by the Board of Education in English (reading) or mathematics or both.

Adopted: October 5, 1992
Revised: May 9, 1994
May 10, 1995
July 12, 2004
February 2013
May 2018
March 11, 2020

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-253.13:3.

8 VAC 20-131-30.

Cross Refs.:	IKF	The Virginia Assessment Program and Graduation Requirements
	IKH	Retaking SOL Assessments
	IL	Testing Programs

RETAKING SOL ASSESSMENTS

Students in kindergarten through grade 8 are not required to retake Virginia Assessment Program tests unless they are retained in grade and have not previously passed the related tests or as otherwise permitted by the Board of Education. Students in high school are required to retake end-of-course SOL tests as determined by the Board of Education.

Adopted: July 12, 2004
Revised: February 2013
February 2016
May 2018
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-253.13:3.

8 VAC 20-131-30.

8 VAC 20-131-110.

Cross Refs.:	IKF	The Virginia Assessment Program and Graduation Requirements
	IKG	Remediation Recovery Program
	IL	Testing Programs

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-253.13:3.

8 VAC 20-131-30.

8 VAC 20-131-110.

Revisions to the Criteria for the Determination of Student Eligibility for Expedited Retakes of Standards of Learning (SOL) Tests, Virginia Board of Education, March 22, 2018.

Cross Refs.:	IKF	The Virginia Assessment Program and Graduation Requirements
	IKG	Remediation Recovery Program
	IL	Testing Programs

TESTING PROGRAMS

A program of standardized testing prescribed by the Virginia Department of Education is administered annually. Standardized tests are administered according to state and local directives.

In administering tests or other assessment instruments, School Board employees do not require any public school students being tested to disclose their race or ethnicity on such tests. School division personnel, however, may obtain such information from a student's permanent record and place the information on the test or assessment.

No student or his parent is required to disclose information related to the student's race or ethnicity unless (i) the student or his parent is given an option to designate "other" for the students race or ethnicity or (ii) such disclosure is required by federal law.

Adopted: May 9, 1994.
Revised: July 12, 2004
June 21, 2011
November 2015
May 2018
July 2018

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-4.2, 22.1-253.13:3.

TEACHING ABOUT CONTROVERSIAL ISSUES

The Lexington City School Board recognizes that preparation for effective citizenship is one of the major purposes of education. The preparation for effective citizenship includes the study of issues that are controversial. Such study is carried out in an atmosphere free from bias, prejudice, or coercion.

In teaching about controversial issues, teachers are expected to

- establish a learning environment where each student can study the issues within a curriculum that is appropriate to the student's knowledge and maturity; and
- provide instruction in an atmosphere that is free from bias, prejudice, or coercion.

Although the instructional program includes study of the political party system in the United States, the School Board does not endorse any political party or candidate.

Adopted: May 9, 1994
Revised: March 6, 2012
March 10, 2021

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

Cross Ref.: KF Distribution of Information/Materials
JOB Administration of Surveys and Questionnaires

PUBLIC COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS

The board will provide channels of communication for citizens to express their concern about the learning resources. Unless resolved at the school level, complaints will be referred to a subcommittee of the appropriate Division curriculum council.

The recommendations of the subcommittee will be submitted to the superintendent for a decision. A copy of this decision will be kept on file by the division. The superintendent will forward a copy of the decision to members of the board. Appeals to the above process for resolving citizen concerns about learning resources will be directed first to the superintendent and then to the board.

Adopted: May 9, 1994.

Cross Refs.: IIA, Instructional Materials, and subcodes
INB, Teaching About Controversial Issues

PUBLIC COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS

1. The staff member initially receiving a complaint about instructional materials will refer the complaint to the building administrator. The complainant will be informed of the particular place the questioned materials occupy in the educational program and their intended usefulness. The administrator may involve appropriate district personnel in the explanation of the materials selection procedure, criteria, and the qualifications of those persons selecting the materials.

2. In the event the person making an objection is not satisfied with the initial explanation, he/she may complete a reconsideration request form and file it with the Superintendent. All formal objections to instructional materials must be made on this form and filed by a parent, quardian, or patron of the school division. Within 10 business days, the Superintendent, or persons designated by the Superintendent, will file the form with the reconsideration committee for re-evaluation.

3. The Superintendent will consider the committee's recommendation and make a decision. The Superintendent's decision will be forwarded to the board. Upon review by the board, the Superintendent will notify the complainant by letter of the division's action.

4. If the complainant is not satisfied with the division's decision, he/she may request that the matter be placed on the agenda of the next regularly scheduled board meeting. The board will decide at that time whether it will conduct a hearing or abide by the original decision.

5. Questioned materials purchased through normal selection procedures will usually remain in use throughout the reconsideration process.

Adopted: May 9, 1994.

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RELIGION IN THE SCHOOLS

The Lexington City School Board is neutral in matters of religion. This means that the Lexington City Schools:

- assume no role or responsibility for the religious training of any student; and
- do not become involved in the religious belief, disbelief or doubt of any student.

This neutrality does not preclude or hinder the Lexington City School Division in fulfilling its responsibility to educate students to be tolerant and respectful of religious diversity. The division recognizes that one of its educational responsibilities is to advance students' knowledge and appreciation of the role that religion has played in the social, cultural, and historical development of civilization.

Therefore, the division approachs religion from an objective, curriculum-related perspective, encouraging all students and staff members to be aware of the diversity of beliefs and respectful of each other's religious and/or non-religious views. In that spirit of respect, students and staff members may be excused from participating in activities that are contrary to their religious beliefs .

The School Board may authorize, as an elective in grades nine through 12 with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and religious observances and rites of world religions.

Adopted: July 12, 2004
Revised: September 12, 2005
February 2014

Legal Refs.: U.S. Constitution amend. I
Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-202.1.

SECTION J: Students

JB	Equal Educational Opportunities/Nondiscrimination
JB-F	Report of Discrimination
JBA	Section 504 Nondiscrimination Policy and Complaint Procedures
JC	School Attendance Areas
JCA	Transfer Requests By Student Victims of Crime
JCB	Transfers by Student in Persistently Dangerous Schools
JCJ	Classroom Assignments for Twins
JEA	Compulsory Attendance
JEB	Entrance Age/Admissions of Persons Not of School Age
JEC	School Admission
JECA	Admission of Homeless Children
JECB	Admission of Non-Resident Students
JECB-A	Admission of Nonpublic Students for Part-Time Enrollment
JECB-R	Admission of Nonpublic Students for Part-Time Enrollment-General Procedures
JED	Student Absences/Excuses/Dismissals
JEG	Exclusions and Exemptions from School Attendance
JFB	Student Involvement in Decision making
JFC	Student Conduct

JFCB Sportsmanship, Ethics and Integrity

JFCC Student Conduct on School Buses

JFCD Weapons in School

JFCE Gang Activity or Association

JFCF Drugs in School

JFCH Tobacco Products and Nicotine Vapor Products
(Also GBEC and KGC)

JFCI Substance Abuse – Student Assistance Program

JFCJ Written Notification of Violation of School Policies by Students in Alternative Education Programs

JFCL Notification Regarding Prosecution of Juveniles as Adults

JFG Search and Seizure

JFG-E Acknowledgement Concerning the Use of Student Lockers

JFH Student Complaints and Grievances

JFHA Prohibition Against Harassment and Retaliation
(Also GBA)

JGA Corporal Punishment

JGD/JGE Student Suspension/Expulsion

JGDA Discipline of Students with Disabilities

JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

JHC Student Health Services and Requirements

SECTION J: Students
(continued)

JHCA	Physical Examinations of Students
JHCB	Student Immunizations
JHCC	Communicable Diseases
JHCCA	Blood Borne Contagious or Infectious Diseases
JHCCA-E	Guidelines for School Attendance for Students with Human Immunodeficiency Virus
JHCD	Administering Medicines to Students
JHCD-E	Epinephrine Policy – Recognition and Treatment of Anaphylaxis in the School Setting
JHCE	Recommendation of Medication by School Personnel
JHCF	Student Wellness
JHCL/GBEF	Lactation Support
JHDA	Human Research
GAE	Child Abuse and Neglect Reporting
JHH	Suicide Prevention
JJAC	Student-Athlete Concussions
JL	Fundraising and Solicitations
JM	Restraint and Seclusion of Students
JN	Student Fees, Fines, and Charges
JO	Student Records

-SECTION J: Students
(continued)

JOA	Student Transcripts
JOD	Release of Student Data/Records
JOH/GEA	Acceptance of Electronic Signatures and Records
JP	Student Publications
JRCA	School Service Providers' Use of Student Personal Information

EQUAL EDUCATIONAL OPPORTUNITIES/NONDISCRIMINATION

I. Policy Statement

Equal educational opportunities shall be available for all students, without regard to sex, sexual orientation, race, creed, color, national origin, gender, gender identity ethnicity, religion, disability, ancestry, marital or parental status or any other unlawful basis. Educational programs shall be designed to meet the varying needs of all students.

II. Complaint Procedure

A. File Report

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

The reporting party should use the form, Report of Discrimination, JB-F, to make complaints of discrimination. However, oral reports and other written reports shall also be accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately forward any report of alleged prohibited discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the superintendent.

The complaint, and identity of the complainant and of the person or persons allegedly responsible for the discrimination, will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint or as authorized by the complainant. A complainant who wishes to remain anonymous will be advised that such confidentiality may limit the school division's ability to fully respond to the complaint.

B. Investigation

Upon receipt of a report of alleged prohibited discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which should generally be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint, by giving written notice that the complaint has been received, to both the person complaining of discrimination and the person or persons allegedly responsible for the discrimination. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the person or persons allegedly responsible for the discrimination will be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

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

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

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

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

C. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the superintendent or designee determines that prohibited discrimination occurred, the Lexington City School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge.

D. Appeal

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

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

E. Compliance Officer and Alternate Compliance Officer

The School Board designates a Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this Policy. The name and contact information for the Compliance Officer is posted on the Division's website at all times. The Compliance Officer may be contacted at **jwhite@lexedu.org.** Complaints of discrimination may also be made to the Alternate Compliance Officer **mcamden@lexedu.org**

The Compliance Officer

- receives reports or complaints of discrimination;
- conducts or oversees the investigation of any alleged discrimination;
- assesses the training needs of the school division in connection with this policy;
- arranges necessary training to achieve compliance with this policy; and
- ensures that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity and has the authority to protect the alleged victim and others during the investigation.

III. Retaliation

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

IV. Right to Alternative Complaint Procedure

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

V. Prevention and Notice of Policy

Training to prevent discrimination should be included in employee and student orientations as well as employee in-service training.

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

VI. False Charges

Students or school personnel who knowingly make false charges of discrimination shall be subject to disciplinary action.

Adopted: May 1994
Revised: October 2012
February 2019
June 10, 2020
June 9, 2021

Legal Refs: 20 U.S.C. §§ 1681-1688.
29 U.S.C. §§ 794.
42 U.S.C. §§ 2000d through 2000d-7.

34 CFR 106.9.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3, 22.1-212.6:1.

Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	GB	Equal Employment Opportunity/Nondiscrimination
	JB-F	Report of Discrimination
	JBA	Section 504 Nondiscrimination Policy and Grievance Procedures
	JFHA/GBA	Prohibition Against Harassment and Retaliation

REPORT OF DISCRIMINATION

Name of Complainant: _____

Student's School and Class: _____

Address, Phone Number _____
and Email Address: _____
_____

Date(s) of Alleged Discrimination: _____

Name of person(s) you believe discriminated against you or others: _____
_____
_____

Please describe in detail the incident(s) of alleged discrimination, including where and when the incident(s) occurred. Please name any witnesses that may have information regarding the situation. Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

_____ _____
Signature of Complainant Date

Complaint Received By: _____ _____
Compliance Officer Date

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SECTION 504 NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURES

The Lexington City School Board does not discriminate against individuals on the basis of disability. The Lexington City School Board has established this policy as a way to provide prompt and impartial review of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. This policy provides an optional resolution procedure for a complainant. This procedure is not a prerequisite before a complainant may directly pursue any other remedy available under state or federal law. However, the policy of Lexington City School Board is for students, parents/guardians and employees to have the opportunity to make concerns known to the School Board and for the School Board to have the opportunity to respond to and resolve concerns as rapidly as practicable.

The goal of these procedures is to protect the substantive rights of interested persons, meet appropriate due process standards, assure School Board compliance with Section 504 of the Rehabilitation Act of 1973 and provide a prompt, equitable and impartial resolution of complaints alleging a violation of Section 504.

Any student or any parent or guardian of a student may be a complainant and may file a formal or informal grievance as provided below.

A. FORMAL PROCEDURE

1. Filing a Complaint

Any complainant should submit a complaint alleging discrimination as soon as possible to the Compliance Officer or to any other school or school division staff. The complaint shall be submitted within 45 school days of the alleged discrimination. Any employee who has knowledge of conduct which may constitute discrimination shall immediately report such conduct to the Compliance Officer, the employee's supervisor, or to any other school or school division staff. Any employee who receives a complaint under this policy shall immediately forward the complaint to the Compliance Officer.

The complainant should use the “Complaint of Discrimination” form (see end of this policy) to make a complaint of discrimination. However, oral complaints are also accepted. The complaint should be filed with the school principal, other school or school division staff, or the Compliance Officer. School or school division staff receiving a complaint of discrimination shall forward it to the school principal; who shall immediately forward the complaint of discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the superintendent. Any complaint that involves the superintendent shall be reported to the School Board Chair.

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

2. Investigation

Upon receipt of a report or complaint of discrimination, the Compliance Officer immediately authorizes or undertakes an investigation. The investigation may be conducted by school staff or a third party designated by the school division. The investigation shall be completed as soon as practicable, but not later than 15 school days after receipt of the complaint of alleged discrimination by the Compliance Officer unless the extension below is exercised. Within 3 school days of receiving the complaint, the Compliance Officer sends written notice that the complaint has been received to the complainant and the person or persons allegedly responsible for the discrimination.

Also upon receiving the complaint, the Compliance Officer determines whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 15 school days will be required to investigate the complaint, the Compliance Officer will notify the complainant and the person or persons allegedly responsible for the discrimination of the reasons for the extended investigation and of the date by which the investigation is projected to be concluded, which will be no longer than an additional 15 school days. The investigation may consist of personal interviews with the complainant, the person or persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The complainant and the person or persons allegedly responsible for the discrimination have the right to identify witnesses and other relevant information as well as rebut evidence presented by others. The school division takes necessary steps to protect the complainant and others pending the completion of the investigation.

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

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a

determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any. The Compliance Officer's written report, and all written notices sent pursuant to this policy are maintained and distributed in accordance with the Family Educational Rights and Privacy Act and Policy JO Student Records. The report shall be issued to the superintendent, the complainant and the accused person or persons allegedly responsible for the discrimination within 20 school days of receipt of the complaint, unless additional time was utilized for the investigation in which case the report shall be issued within 35 school days of receipt of the complaint.

3. Action by the Superintendent

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

4. Appeal

If the superintendent or designee determines that no discrimination occurred, the complainant may appeal this determination to the School Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the superintendent, who shall forward the Compliance Officer's report and any documentation or information deemed relevant by the Compliance Officer during the course of the investigation to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may require oral or written argument from the complainant, the person or persons allegedly responsible for the discrimination, the superintendent, and any other individual it deems appropriate. An extension of the 30 calendar day time limit may occur if necessary as determined by the School Board Chair up to an additional 10 calendar days. The decision of the School Board shall be in writing and shall be provided to the complainant and the person or persons allegedly responsible for the discrimination.

If the superintendent or superintendent's designee determines that discrimination occurred and discipline is imposed, the disciplined person (i.e. student or employee) may appeal the disciplinary sanction in accordance with existing School Board policies and regulations.

5. Compliance Officer

The School Board designates a Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this Policy. The name and contact information for the Compliance Officer is posted on the Division's website at all times. The Lexington City School Board has designated, as Compliance Officer:

Jason White
300 Diamond Street
Lexington, VA 24450
Tele: 540-463-7146
Email: jwhite@lexedu.org

The Lexington City School Board's Compliance Officer receives training and is knowledgeable about the requirements of Section 504 in order to impartially and equitably resolve complaints and ensure compliance with the law. In addition, the Compliance Officer:

- receives reports and complaints of discrimination,
- conducts or oversees the investigation of any alleged discrimination,
- assesses the training needs of the school division in connection with this policy and
- arranges necessary training to achieve compliance with this policy.

B. INFORMAL PROCEDURE

If the complainant and the person or persons allegedly responsible for the discrimination agree, the school principal, principal's designee or the Compliance Officer may arrange for them to resolve the complaint informally with the assistance of a counselor, teacher or other school or school division staff.

If the complainant and the person or persons allegedly responsible for the discrimination agree to attempt to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the above formal procedures.

If the complaint is resolved informally, the counselor, teacher or other school or school division staff shall notify the school principal of the resolution. The school principal shall notify the complainant, the person or persons allegedly responsible for the discrimination and the Compliance Officer in writing that the complaint has been resolved informally.

C. RETALIATION

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

D. FALSE CHARGES

Students, school staff or school division staff who make false charges of discrimination are subject to disciplinary action.

Adopted: May 2000
Revised: June 21, 2011
February 2016
February 2019
June 9, 2021

Legal Ref.: 29 U.S.C. § 794

34 C.F.R. § 104.7

Cross Ref:	GCPD	Professional Staff Discipline
	JB	Equal Educational Opportunities/Nondiscrimination
	JGD/JGE	Student Suspension/Expulsion
	JO	Student Records

COMPLAINT OF DISCRIMINATION

Name of Complainant: _____

Student's School and Class: _____

Address: _____

Email Address: _____ **Phone Number(s):** _____

Name(s) of Parent/Legal Guardian: _____

Address(es): _____

Email address(es): _____ **Phone Number(s):** _____

Dates of Alleged Discrimination: _____

Names of the <u>person or</u> persons you believe discriminated against you or others:

Please describe the disability that forms the basis of the complaint.

Please describe in detail the incidents of alleged discrimination, including where and when the incidents occurred. Please name any witnesses that may have information regarding the alleged discrimination. Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint.

Please identify any attempts you have made to discuss or resolve this issue with any school division staff, including the results of those discussions.

Please provide your suggestions about how the issue can be resolved.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

Signature of Complainant _____ **Date** _____

Complaint Received By: _____ _____
Compliance Officer **Date**

SCHOOL ATTENDANCE AREAS

School attendance areas for each school are established by the School Board. Students attend the school in the attendance area in which they reside and to which they are assigned, unless special permission is granted by the School Board.

Any student who resides on a military installation or in military housing within the division is permitted to enroll in any school in the division upon request of the student's parent if space in the school is available. The superintendent is responsible for establishing an application process which may include the following

- A process by which a parent or guardian indicates a school preference for purposes of his child attending a school in the division but outside of the attendance area in which the child resides
- A requirement that the parent or guardian provide transportation for the student attending a school outside the attendance zone in which the child resides
- A requirement that the student may be disqualified from attending a school outside the attendance area in which the child resides if he has been subject to specified disciplinary actions
- A prohibition on the recruitment of a student from one school to another by a school division employee
- A limitation on participation in certain athletic activities for a student who chooses to attend a school outside the attendance zone in which he resides
- A random, unbiased selection process in the event enrollment requests exceed the capacity of a school
- A provision that a student will be permitted to remain at the receiving school until the student has completed the highest grade level in that school
- A preference to a student
    - who resides in a location that has been subject to a change in school attendance area during the previous two years
    - who has a sibling attending the receiving school, or
    - whose parent or guardian is an employee of the receiving school

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

As used in this policy, "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, fort, or other activity under the jurisdiction of the Department of Defense, including any leased facility, that is located in whole or in

part within the Commonwealth. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

Adopted: July 12, 2004
Revised: May 2013
February 2014
May 2018

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-7.1, 22.1-7.2, 22.1-78, 22.1-79, 22.1-253.13:7.

Cross Refs: JCA Transfers by Student Victims of Crime
JCB Transfers by Students in Persistently Dangerous Schools

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 woundings, 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: July 12, 2004
Revised: May 2013
February 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 STUDENT 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: July 12, 2004
Revised: May 2013
February 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

CLASSROOM ASSIGNMENTS FOR TWINS

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

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

Adopted: August 10, 2009
Revised: May 2012
May 2015

Legal Ref.: Code of Virginia, as amended, § 22.1-79.3.

COMPULSORY ATTENDANCE

Every parent, guardian, or other person having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall cause such child to attend a public school or otherwise provide the child with an education in accordance with state law unless the child is exempt from the state's compulsory attendance requirement.

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

As used in this policy, "attend" includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.

The requirements of this policy apply to

(i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday, and

(ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in Va. Code §§ 22.1-253.13:1.C and 22.1-254.01.

The requirements of this policy do not apply to

(i) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan, and

(ii) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements.

Individual Student Alternative Education Plan

The School Board may allow the compulsory attendance requirements to be met pursuant to an individual student alternative education plan developed in conformity with guidelines prescribed by the Board of Education under the following conditions:

1. The student must be at least sixteen years of age

2. There shall be a meeting of the student, the student's parents, and the principal or principal's designee of the school in which the student is enrolled to develop the plan, which must include the following:
   - career guidance counseling
   - mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the School Board, with attendance reported to the principal or principal's designee
   - mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment
   - successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma
   - counseling on the economic impact of failing to complete high school; and
   - procedures for re-enrollment
3. A student for whom such an individual student alternative education plan has been granted but who fails to comply with the conditions of the plan shall be in violation of the compulsory attendance law, and the superintendent or attendance officer shall seek immediate compliance with such law.

Alternative Education Programs

The School Board may, in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and upon a finding that a school-age child has been

(i) charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person;
(ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of Va. Code § 16.1-260;
(iii) suspended pursuant to Va. Code § 22.1-277.05; or
(iv) expelled from school attendance pursuant to Va. Code §§ 22.1-277.06, 22.1-277.07, or subsection C of § 22.1-277, require a

student to attend an alternative education program as provided by Va. Code §§ 22.1-209.1:2 or 22.1-277.2:1.

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

Adopted: May 2002
Revised: June 21, 2011
May 2012
June 2014
May 2018

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-254.

Cross Ref.: JEG Exclusions and Exemptions from School Attendance
LBD Home Instruction

ENTRANCE AGE/ADMISSION OF PERSONS NOT OF SCHOOL AGE

A child who will reach his or her fifth birthday on or before September 30 of the school year and is otherwise eligible for enrollment in school as specified in Policy JEC School Admission and Regulation JEC-R School Admission may be enrolled in school. The superintendent disseminates information received from the Superintendent of Public Instruction concerning the ages when children are required or eligible to attend school. This information is disseminated to parents of such children upon or prior to enrollment of such children in the public schools of the division.

An individual who resides within the school division and is beyond school age (who has not reached his or her fifth birthday on or before September 30 of the school year or who has reached his or her 20th birthday on or before August 1st of the school year) may, at the discretion of the School Board, be admitted into the division schools. Such individuals may be charged tuition at the discretion of the School Board as provided in Policy JEC School Admission and Regulation JEC-R School Admission.

Adopted: May 9, 1994
Revised: September 11, 2006
May 2013
May 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-5, 22.1-199, 22.1-254.

Cross Refs.: JEC School Admission
JEC-R School Admission

SCHOOL ADMISSION

A person of school age (i.e., a person who will have reached his or her fifth birthday on or before September 30 of the school year and who has not reached 20 years of age on or before August 1st of the school year) is eligible for admission on a non-tuition basis if residing in the Lexington City School Division, or if eligible for admission under Policy JECA Admission of Homeless Children.

A person of school age is deemed to reside in the school division

- when the person is living with a natural parent, or a parent by legal adoption, in the Lexington City School Division;
- when, in accordance with the provisions of Va. Code § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 United States Code § 1044b by the custodial parent;
- when the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
- when the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either
  (i) the court-appointed guardian, or has legal custody of the person,
  (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Va. Code § 63.2-1200; or
  (iii) an adult relative providing temporary kinship care as that term is defined in Va. Code § 63.2-100. Both parents and the relative providing kinship care must submit signed, notarized affidavits
    (a) explaining why the parents are unable to care for the person,
    (b) detailing the kinship care arrangement, and
    (c) agreeing that the kinship care provider or a parent will notify the school within 30 days of when the kinship care arrangement ends.

  The parent must also provide a power of attorney authorizing the adult relative to make educational decisions regarding the person. A parent or the kinship care provider must also obtain written verification from the department of social services where the parent or parents live, and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. If the kinship care arrangement lasts more than one year, the school division must receive continued verification directly from both departments of social services that the parents are unable to care for the person and that

the kinship care arrangement serves a legitimate purpose other than school enrollment.

- when the person is living in the school division not solely for school purposes, as an emancipated minor;
- when all or any portion of the building in which the person resides (i) with another person as set forth in the first through fourth bullets above or (ii) as an emancipated minor as set forth in the fifth bullet above is taxable by the locality in which the school division is located; or
- when the person has been placed in a foster care placement within the school division by a local social services agency. The sending and receiving school divisions will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division. These provisions apply to any student who was in in foster care upon reaching 18 years of age and has not reached 22 years of age.

Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with Va. Code § 22.1-5 and pursuant to Lexington City School Board Regulation JEC-R School Admission.

Children of Persons on Active Military Duty

No child of a person on active military duty

- who is attending a school free of charge in accordance with this policy shall be charged tuition by the school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing. Such children shall be allowed to continue attending school in the school division and shall not be charged tuition for attending such school;
- who is attending a school free of charge in accordance with this policy shall be charged tuition upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and

- who is eligible to attend school free of charge in accordance with this policy shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. Students eligible to enroll in the school division in accordance with this policy because they are the children of military personnel on active military duty who will reside in the division may register, remotely or in-person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division at the same time and in the same manner as students who reside in the division. The assignment of the school such child will attend shall be determined by the school division.

Such children shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

ADDITIONAL ADMISSION REQUIREMENTS

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

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

C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.

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

E. Tuition rates are established each year in accordance with the provisions of Va. Code § 22.1-5.

F. Prior to admission to the Lexington City School Division, the parent, guardian, or other person having control or charge of the child shall provide, upon registration,

- a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and

- a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the superintendent and by any others to whom he disseminates it, separately from all other records concerning the student.

However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in

subsection G of § 16.1-260, the notice shall become a part of the student's disciplinary record.

When the child is registered as a result of a foster care placement, the information required under this subsection must be furnished by the local social services agency or licensed child-placing agency that made the placement.

G. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in Virginia or in another state or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in the Lexington City School Division regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his/her parent that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the superintendent or his/her designee; and the decision has been to exclude the student from attendance. The student or his parent may file a written petition for review with the School Board within 15 days of notice of the decision of the superintendent or his/her designee. If the School Board grants a review of the record, the decision of the superintendent or his/her designee may be altered.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, committee thereof, or superintendent or his designee, as the case may be, at the relevant hearing, the student may petition the School Board for readmission. If the petition for readmission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may petition the School Board for readmission.

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

In excluding any such expelled student from school attendance, the School Board may accept or reject any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-

277.06. The excluding School Board shall not impose additional conditions for readmission to school.

H. This policy does not preclude contractual arrangements between the Lexington City School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend Lexington City Public Schools.

I. Prior to admission, the student must document compliance with, or eligibility for exemption from, the physical examination and immunization requirements contained in Va. Code §§ 22.1-270, 22.1-271.2 and 32.1-46 and policies JHCA Physical Examinations of Students and JHCB Student Immunizations.

If the person enrolling a child who has been placed in foster care by a local social services agency is unable to produce a report of a comprehensive physical examination and/or proof of immunization, the student shall be immediately enrolled; however, the person enrolling the child shall provide a written statement that, to the best of his knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency shall obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

Adopted: May 9, 1994

Revised: May 1999
July 14, 2003
July 12, 2004
September 12, 2005
September 11, 2006
June 21, 2011
May 2012
May 2013
May 2015
May 2018
May 2019
June 10, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277.2, 22.1-287.02, 22.1-288.2, 32.1-46, 63.2-100, 63.2-900, and 63.2-1200.

2007 Va. Opin. AG 07-015.
1987-88 Va. Opin. AG 374.

Cross Refs.:

JEC-R	School Admission
JECA	Admission of Homeless Children
JHCA	Physical Examinations of Students
JHCB	Immunization of Students
JGD/JGE	Student Suspension/Expulsion

SCHOOL ADMISSION

No person is charged tuition for admission or enrollment in the Lexington City public schools, whether on a full-time or part-time basis, who is eligible for admission under Policies JEC School Admission or JECA Admission of Homeless Children. School officials do not inquire into the student's citizenship or B, C or D visa status in determining eligibility for tuition-free enrollment in the Lexington City public schools.

However, the school division may admit and charge tuition to a student who:

A. Is a resident of the school division but not of school age;

B. Is of school age and not a resident of Virginia but is temporarily living with a non-parent who resides within the school division;

C. Is of school age and resides beyond the boundaries of Virginia but near thereto in a state or the District of Columbia which grants equal attendance privileges to residents of the Commonwealth;

D. Is of school age and resides on a military or naval reservation located wholly or partly within the geographical boundaries of the school division, is not a domiciled resident of the Commonwealth of Virginia, and is a student for whom federal funds provided under Public Law 874 of 1950, commonly known as Impact Aid, fund less than 50 percent of the total per capita cost of education in Lexington City Public Schools exclusive of capital outlay and debt service; such students shall be eligible for interscholastic programs immediately upon enrollment, provided that such persons (i) satisfy all other requirements for eligibility and (ii) are dependents of a military service member required by the military to live on the military installation as evidenced by a statement on command letterhead signed by, or by direction of, the service member's commanding officer;

E. Is of school age and attending a school in the division pursuant to a foreign student exchange program approved by the School Board;

F. Is a resident of the Commonwealth but not of the school division, except as provided in Policy JEC School Admission;

G. Is of school age and was enrolled in a public school within the division as a domiciled resident of the Commonwealth, and has been required as a result of military or federal orders issued to their parents to relocate and reside on federal property in another state or the District of Columbia, where such state or the District of Columbia is contiguous to the school division; or

H. Is of school age and residing within the school division, and is enrolled in summer programs other than remediation required under Va. Code §

22.1-253:13.1, or is enrolled in local initiatives or programs not required by the Standards of Quality or the Standards of Accreditation.

Eligibility for consideration does not signify acceptance of the admission application of a student. Each application for admission will be considered on an individual basis. The residency of persons in the above categories who reside in housing or temporary shelter, or on property located in multiple jurisdictions, shall be determined in the manner set forth in Policy JEC School Admission.

Foreign students in an F-1 immigration status or who obtain F-1 student visas are not admitted in the division's elementary schools or publicly funded adult education programs. Such students may be admitted, for a period up to twelve months, in the division's secondary schools only if they pre-pay the full, unsubsidized per capita cost of the education.

Procedure for Admission

The following procedure is followed for application and review of applications for admission of students who are not eligible for tuition-free enrollment.

A parent or guardian of a student shall apply for admission on behalf of the student by completing the division application. The application form contains information and agreements including, but not limited to:

- the current legal residence of the child and the school division in which the child is currently enrolled, if any;
- the child's unique student identification number, if any;
- the basis for requesting admission;
- the specific building and grade level (elementary) or course offerings (secondary) in which the student desires to be enrolled if accepted by the division; and,
- the agreement that the student is subject to all policies and regulations of the school division, including Policy JFC Student Conduct and the Standards of Student Conduct.

Within 15 calendar days of receipt of the application, Lexington City Schools shall provide the applicant with written notification of the approval or denial of the application. If the student is to be admitted, the superintendent or superintendent's designee shall notify the division which the student previously attended, if any, and make necessary arrangements for the transfer of student records. The notification of admission shall state the period for which the student is accepted and the subsequent conditions which could cause the acceptance to be terminated.

If the application is denied, Lexington City Schools shall notify the parent or guardian of the right to have the decision reviewed by sending a written request to the superintendent or superintendent's designee within seven calendar days. Applications denied based upon the student's suspension, expulsion or withdrawal of admission shall be reviewed as provided in Policy JEC School Admission. For all other denials of admission, the superintendent or superintendent's designee shall respond in writing to the request for review within 10 calendar days.

Tuition Rate

The tuition rate is set by the superintendent for each academic year.

Transportation

Transportation is not furnished to nonresident students except in those cases where:

- agreements between divisions specify transportation services;
- federal or state legislation mandates the provision of transportation services; or
- transportation services can be provided at no cost to the division.

Adopted:
Revised : July 14, 2003
May 2013
May 2015
June 10, 2020

Legal Refs: 8 CFR 214.2.

Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-5 and 22.1-287.02.

1999 Va. Op. Atty. Gen. 105

Cross Refs.:	JEC	School Admission
	JECA	Admission of Homeless Children
	JFC	Student Conduct
	JO	Student Records

ADMISSION OF HOMELESS CHILDREN

The Lexington City School Board is committed to educating homeless children and youth. Homeless children and youth are not stigmatized or segregated on the basis of their status as homeless. The school division coordinates the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

The Lexington City School Division serves each homeless student according to the student's best interest and will

- continue the student's education in the school of origin for the duration of homelessness
  - if the student becomes homeless between academic years or during an academic year; or
  - for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- enroll the student in any public school that nonhomeless students who live in the attendance area in which the student is actually living are eligible to attend.

In determining the best interest of a homeless student, the Lexington City School Board

- presumes that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or (in the case of an unaccompanied youth) the youth;
- considers student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health and safety of homeless students, giving priority to the request of the student's parent or guardian or (in the case of an unaccompanied youth) the youth;
- if, after conducting the best interest determination based on consideration of the presumption and the student-centered factors above, the BLANK school division determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provides the student's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian or unaccompanied youth, including information regarding the right to appeal; and
- in the case of an unaccompanied youth, ensures that the division homeless liaison assists in placement or enrollment decisions, gives priority to the views

of such unaccompanied youth and provides notice to such youth of the right to appeal.

Enrollment

The school selected in accordance with this policy immediately enrolls the homeless student, even if the student

- is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency or other documentation; or
- has missed application or enrollment deadlines during any period of homelessness.

The enrolling school immediately contacts the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations or other required health records, the enrolling school immediately refers the parent or guardian of the student or, (in the case of an unaccompanied youth) the youth, to the division's homeless liaison, who assists in obtaining necessary immunizations or screenings, or immunization or other required health records.

If the documentation regarding the comprehensive physical examination required by Policy JHCA Physical Examinations of Students cannot be furnished for a homeless child or youth, and the person seeking to enroll the pupil furnishes to the school division an affidavit stating that the documentation cannot be provided because of the homelessness of the child or youth and also indicating that, to the best of his or her knowledge, such pupil is in good health and free from any communicable or contagious disease, the school division immediately refers the student to the division's homeless liaison who, as soon as practicable, assists in obtaining the necessary physical examination by the county or city health department or other clinic or physician's office and immediately admits the pupil to school.

The decision regarding placement is made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.

Enrollment Disputes

If a dispute arises over eligibility, or school selection or enrollment in a school

- the homeless student is immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

- the parent or guardian of the student or (in the case of an unaccompanied youth) the youth is provided with a written explanation of any decisions related to school selection or enrollment made by the school, the school division or the Virginia Department of Education, including the rights of the parent, guardian or student to appeal the decision;
- the student, parent or guardian is referred to the division's homeless liaison who carries out the appeal process as expeditiously as possible after receiving notice of the dispute; and
- in the case of an unaccompanied youth, the homeless liaison ensures that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute.

Appeal Process

Oral Complaint

In the event that an unaccompanied student or the parent or guardian of a student (hereinafter referred to as the Complainant) disagrees with a school's decision regarding the student's eligibility to attend the school, the Complainant shall orally present his position to the division's homeless liaison.

Written Complaint

If the disagreement is not resolved within five (5) school days, the Complainant may present a written complaint to the homeless liaison. The written complaint must include the following information: the date the complaint is given to the homeless liaison; a summary of the events surrounding the dispute; the name(s) of the school division personnel involved in the enrollment decision; and the result of the presentation of the oral complaint to the homeless liaison.

Within five (5) school days after receiving the written complaint, the homeless liaison will reach a decision regarding the contested enrollment and shall provide a written statement of that decision, including the reasons therefore, to the Complainant. The liaison will inform the Superintendent of the formal complaint and its resolution.

Appeal to Superintendent

If the Complainant is not satisfied with the written decision of the homeless liaison, the Complainant may appeal that decision to the Superintendent by filing a written appeal. The homeless liaison shall ensure that the Superintendent receives

copies of the written complaint and the response thereto. The Superintendent or designee shall schedule a conference with the Complainant to discuss the complaint. Within five (5) school days of receiving the written appeal, the Superintendent, or designee, shall provide a written decision to the Complainant including a statement of the reasons therefore.

Comparable Services

Each homeless student is provided services comparable to services offered to other students in the school attended by the homeless student including the following:

- transportation services;
- educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities and educational programs for English learners;
- programs in career and technical education;
- programs for gifted and talented students; and
- school nutrition programs.

Transportation

At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation is provided for a homeless student to and from the school of origin as follows:

- if the homeless child or youth continues to live in the area served by the division in which the school of origin is located, the child's or youth's t transportation to and from the school of origin is provided or arranged by the division in which the school of origin is located.
- if the homeless child's or youth's living arrangements in the area served by the division in which the school of origin is located terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another division, the division of origin and the division in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the divisions are unable to agree upon such method, the responsibility and costs for transportation are shared equally.

Definitions

The term “homeless student” means an individual who lacks a fixed, regular and adequate nighttime residence and includes:

1. children and youths, including unaccompanied youths who are not in the physical custody of their parents, who
   a. are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations or in transitional shelters; or are abandoned in hospitals;
   b. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
   c. are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and
2. migratory children who qualify as homeless for the purposes of this policy because the children are living in circumstances described above.

The term “migratory child” means a child who moved from one residence to another and from one school division to another in the preceding 36 months as a migratory agricultural worker or migratory fisher or with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

The term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian.

Adopted: May 9, 1994
Revised: July 14, 2003
July 12, 2004
February 2013
June 2017
May 2018

Legal Refs.: 20 U.S.C. § 6399
42 U.S.C. §§ 11302, 11431, 11432, 11433, 11434a.
Code of Virginia, 1950 as amended, §§ 22.1-3, 22.1-70, 22.1-78, 22.1-253.13:1, 22.1-270.

Cross Ref.: JEC School Admission
JHCA Physical Examinations of Students

ADMISSION OF NON-RESIDENT STUDENTS

The Lexington City School Board welcomes non-resident students. Acceptance will be based on consideration of, but not limited to, the following: building capacity (available space), program enrollment (including special programs), grade level enrollment, staffing, availability of any specific programs required by the student, and the student's discipline and attendance record.

The Board will consider the admission of non-resident students under the following stipulations:

1. Applications are to be made annually at a time designated by the Board. The Board will act on renewal applications at its regular May Meeting, and any new applications at its regular June meeting. Renewal applications received after May will be considered with initial applications at the Board's regular June meeting. Consideration of all applications received after these designated application periods will be considered and may, at the Board's discretion, be deferred until the beginning of the school year. Applications will be considered in the order received.

2. Application approval is at the sole discretion of the School Board.

3. Tuition will be charged for non-resident students and for any student not entitled to admission as a resident student. With the approval of the Division Superintendent, children of employees of the Lexington City School Board and children of employees of the City of Lexington, who are not residents of the City of Lexington, may attend Lexington City Schools tuition-free.

4. The Board will review this policy annually during its regular February meeting. At that time, the Board will set tuition rates and establish tuition payment schedules. Rate adjustments will reflect changes in the annual operating budget.

5. Enrollment in the Lexington City Schools will not be completed until official school records are received from the school(s) previously attended by the applicant. Should unrevealed information regarding student conduct and/or attendance become known at this point, the Superintendent shall have the authority to delay enrollment and recommend that the Board reconsider admission approval at the next regularly scheduled Board meeting.

6. In the event a student seeks admission during the school year, the Superintendent shall have the authority to make a temporary admission decision which will remain in effect until the Board meets at its next regularly scheduled meeting to consider the matter. A student who is temporarily approved for admission by the Superintendent must still meet all of the stipulations in this policy prior to enrollment.

Revised: October 9, 1995
April 8, 2002
March 8, 2004
August 9, 2004
September 12, 2005
February 12, 2020

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ADMISSION OF NONPUBLIC STUDENTS FOR PART-TIME ENROLLMENT

The Lexington City School Board acknowledges the provisions for equivalent instruction under Virginia law.

The parents of students attending private school or being home schooled pursuant to Va. Code § 22.1-254.1 who wish to enroll their students on a part-time basis in the Lexington City Schools for participation in academic and/or extracurricular/club activities shall, along with the students, comply with this policy.

Admission

The parents shall identify their children as private school or home school students who desire part-time enrollment in academic courses of study. Students admitted under this policy are designated as part-time students. At the time of applying for admission, students shall designate the academic course(s) in which they want to enroll and each extracurricular or club activity in which they wish to participate.

Enrollment

Students must enroll in at least one academic class (high school) or one instructional unit (elementary/middle school) more than the requested course(s) and for each extracurricular or club activity in which they choose to participate. If no activity participation is sought, the part-time student must enroll in a minimum of two classes. Students wishing to participate in an academic class shall have completed all prerequisite course work or the equivalent required of full-time public school students wishing to enroll in the course. If part-time enrollment causes total enrollment in a class or grade level to exceed the maximum allowed by state or local policy (*e.g.* resulting in the need to employ another teacher) admission will be denied.

Once enrolled, the student shall comply with behavioral, disciplinary, attendance and other rules applicable to all students, including rules governing the use of the division's computer systems. If a student fails to comply, the school may withhold credit and/or terminate the student's participation in addition to taking any disciplinary action that would be taken against a full-time student for similar conduct.

Activities

Students wishing to participate in a Virginia High School League (VHSL) governed extracurricular or club activity shall satisfy the same or equivalent criteria for such activities that full-time students must satisfy. Students admitted under this policy shall participate in any try-out or selection process required of full-time students.

Transportation

The parents of the children for whom part-time admission is sought are responsible for the transportation of the child to and from school, including any expenses incident thereto.

Academic Credit

Class ranking and grade-point-average are not computed for part-time students.

JROTC Membership for Homeschooled Students

Membership in Junior Reserve Officer Training (JROTC) units is open to homeschooled students as provided in Policy LBD Home Instruction.

Adopted: October 13, 1997
Revised: January 8, 2007
April 2019
March 11,2020

Legal Refs.: 10 U.S.C. § 2031.

Code of Virginia, as amended, §§ 22.1-78, 22.1-254.1; 22.1-253.13:2.

1973-74 Ops. Va. Att'y Gen. 305.

Cross Refs.:	JECA	School Admission
	JHCB	Student Immunizations
	IGDA	Extracurricular Activities
	IHB	Class Size
	IIBEA	Acceptable Computer System Use
	JFC	Student Conduct
	LBD	Home Instruction

ADMISSION OF NONPUBLIC STUDENTS FOR PART-TIME ENROLLMENT

General Procedures

1. Parents who seek part-time enrollment for non-public students are required to apply for admission or or before the first day of August prior to the beginning of each school year. Admissions applications must be made annually.

2. On the application, parents must identify the applicant as a private school or home-schooled student.

3. On the application the student must identify the instructional unit(s) and/or extracurricular activity(ies) in which they plan to participate. At least two instructional units and not more than two extracurricular or club activities selections are made from the following:

INSTRUCTIONAL UNITS (Select Two)	**EXTRA-CURRICULAR ACTIVITIES (Select no more than two)**
ART	BASKETBALL
BAND / MUSIC	VOLLEYBALL
HEALTH/PHYSICAL EDUCATION	CHEERLEADING
LANGUAGE ARTS	
HISTORY AND SOCIAL SCIENCES	
SCIENCE	
MATHEMATICS OR ALGEBRA I	
FOREIGN LANGUAGE	
ELECTIVES	

Approved: October 13, 1997
Revised: February 12, 2020

STUDENT ABSENCES/EXCUSES/DISMISSALS

I. Student Attendance Policy

Student attendance is a cooperative effort and the School Board involves parents and students in accepting the responsibility for good attendance.

Each parent/guardian or person having control or charge of a child within the compulsory attendance age is responsible for such child's regular and punctual attendance at school as required under provisions of the law.

Parents of students who are absent must inform the school of the reason for the absence no later than upon the student's return to school. Absences are excused for the following reasons:

- for middle and high school students, one school per school year to engage in a civic event
- funeral, illness (including mental health and substance abuse illnesses), injury, legal obligations, medical procedures, suspensions, religious observances, and military obligation.

The superintendent, by regulation, establishes procedures for appropriate interventions when a student engages in a pattern of absences for less than a full day, the explanation of which, if it were a full-day absence, would not be an excused absence.

The superintendent's regulations include procedures for excusing students who are absent by reason of observance of a religious holiday. Such regulations ensure that a student is not deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, which the student missed by reason of such absence, if the absence is verified in an acceptable manner.

Students shall attend school for a full day unless excused by the principal or principal's designee.

An attendance officer, or a division superintendent or the superintendent's designee when acting as an attendance officer pursuant to Va. Code § 22.1-258, may complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court pursuant to Va. Code § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in Va. Code § 16.1-228

Nothing in this policy shall be construed to limit in any way the authority of any attendance officer or the division superintendent to seek immediate compliance with the compulsory school attendance law.

II. Compulsory Attendance Procedures

Whenever a student fails to report to school on a regularly scheduled school day and no information has been received by school personnel that the student's parent is aware of and supports the absence, or the parent provides a reason for the absence that is unacceptable to the school administration, the school principal, principal's designee, attendance officer or other school personnel or volunteer notifies the parent by phone, email or other electronic means to obtain an explanation. School staff records the student's absence for each day as "excused" or "unexcused". Early intervention with the student and parent or parents takes place for repeated unexcused absences.

A. Upon Fifth Absence Without Parental Awareness and Support

If (1) a pupil fails to report to school for a total of five scheduled school days for the school year, and (2) there is no indication that the pupil's parent is aware of and supports the absence; and (3) a reasonable effort to notify the parent has failed, then the principal or principal's designee makes a reasonable effort to ensure that direct contact is made with the parent in person, through telephone conversation, or through the use of other communication devices to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or principal's designee, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

B. Upon Additional Absences Without Parental Awareness and Support

If the pupil is absent for more than one additional day after direct contact with the pupil's parent and school personnel have received no indication that the pupil's parent is aware of and supports the pupil's absence, the school principal or principal's designee shall schedule a conference with the pupil, the pupil's parent and school personnel. Such conference may include the attendance officer and other community service providers to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 10 school days after the tenth absence of the pupil, regardless of whether the student's parent approves of the conference. The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or principal's designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and pupil's parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in

need of supervision as defined in Va. Code § 16.1-228 or (ii) institute proceedings against the parent pursuant to Va. Code § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this policy. In the event that both parents have been awarded joint physical custody pursuant to Va. Code § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

III. Report for Suspension of Driver's License

In addition to any other actions taken pursuant to this policy, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

IV. Attendance Reporting

Student attendance is monitored and reported as required by state law and regulations. At the end of each school year, each public school principal reports to the superintendent the number of pupils by grade level for whom a conference was scheduled pursuant to Part II (B) above. The superintendent compiles this information and provides it annually to the Superintendent of Public Instruction.

V. Dismissal Precautions

Principals do not release a student during the school day to any person not authorized by the student's parent/guardian to assume responsibility for the pupil. Students are released only on request and authorization of parent or guardian. The superintendent establishes procedures for release of pupils who are not residing with or under the supervision of a parent/guardian. The burden of proof on the authority of the person to receive the student is on the requesting party. A formal check-out system is maintained in each school.

Adopted: May 9, 1994
Revised: July 12, 2004
August 10, 2009
June 16, 2010
May 2013
June 2017
May 2018
June 10, 2020
June 9, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-227.1, 22.1-254, 22.1-258, 22.1-260, 22.1-279.3, 46.2-323, 46.2-334.01, and 54.1-3900.

8 VAC 20-730-10.

8 VAC 20-730-20.

Cross Refs.:	IGAJ	Driver Education
	JFC	Student Conduct

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The School Board shall excuse from attendance at school:

1. Any student who, together with the student's parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school.

2. On the recommendation of the juvenile and domestic relations court of the city or county in which the student resides, and for such period of time as the court determines appropriate, any student who, together with the student's parents, is opposed to attendance at a school by reason of concern for the student's health as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

The School Board may excuse from attendance at school:

1. On recommendation of the principal and the superintendent and with the written consent of the parent or guardian, any student who the School Board determines, in accordance with regulations of the Board of Education, cannot benefit from education at school; or

2. On recommendation of the juvenile and domestic relations district court of the city or county in which the student resides, any student who, in the judgment of the court, cannot benefit from education at school.

Any request for exemption from attendance shall be presented annually in writing to the superintendent or superintendent's designee.

The compulsory education requirements do not apply to

- children suffering from contagious or infectious diseases;
- children whose immunizations against communicable diseases have not been completed;
- children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live; and
- children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live.

In addition, any child who will not have reached the child's sixth birthday on or before September 30 of each school year whose parent or guardian notifies the School Board that the parent does not wish the child to attend school until the following year because the child, in the

opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

Adopted: May 9, 1994.
Revised: July 14, 2003
September 11, 2006.
June 21, 2011
June 10, 2020

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-254.

Cross Refs.:	JEA	Compulsory Attendance
	JHCB	Immunization of Students
	JHCC	Communicable Diseases
	LBD	Home Instruction

STUDENT INVOLVEMENT IN DECISION MAKING

The school board recognizes the student body as a significant part of the community and in the decision making process.

Student input is important in the data collection process, and on relevant issues students' views will be sought and considered by the administration and the school board.

Adopted: May 9, 1994
Revised: February 2013

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

Cross Refs.: AE School Division Goals and Objectives

STUDENT CONDUCT

Generally

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

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

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

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

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

Parental Involvement and Responsibility

Each parent of a student enrolled in Lexington City Schools has a duty to assist in enforcing this policy, the Standards of Student Conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights. This policy, the Standards of Student Conduct, a notice of the requirements of Va. Code § 22.1-279.3, and a copy of the compulsory school attendance law is sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of this policy, the Standards of Student Conduct, the requirements of Va. Code § 22.1-279.3 and the compulsory school attendance law is also sent. Parents are notified that by signing the statement of receipt, they are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school maintains records of the signed statements.

The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or principal's designee to review this policy, the Standards of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law and to discuss improvement of the child's behavior, school attendance and educational progress.

The school principal may notify the parents of any student who violates a School Board policy, the Standards of Student Conduct, or the compulsory school attendance requirements when such violation 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; (4) that suspended students are able to access and complete graded work during and after the suspension; and (5) 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 as described in Policy CLA Reporting Acts of Violence and Substance Abuse.

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

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

Prevention, Intervention, and Treatment Activities and Programs

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

Prohibited Conduct

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

Bullying and Use of Electronic Means for Bullying

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

Gang Activity

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

Harassment

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

Hazing

Hazing is prohibited.

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

Intentional Injury of Others

Students are prohibited from intentionally injuring others.

Self-defense

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

Threats: Intimidation

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

Trespassing

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

Use and/or Possession of Alcohol, Tobacco Products, Nicotine Vapor Products, Anabolic Steroids, and Other Drugs

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

Students are prohibited from attempting to possess, use, consume, procure and/or purchase, any of the restricted substances listed below or what is represented by or to the student to be any of the restricted substances listed below or what the student believes is any of the restricted substances listed below.

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

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

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

Use of Profane or Obscene Language and Conduct

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

Vandalism

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

The School Board may recover damages sustained because of the willful or malicious destruction or, or damage to, public property pursuant to Policy ECAB Vandalism.

Adopted:	May 9, 1994
Revised:	July 12, 2004
	May 9, 2006
	June 21, 2011
	May 2013
	June 2014
	February 2015
	March 11, 2020
	December 9, 2020
	June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§16.1-260, 18.2-56,18.2-308.1, 18.2-308.7, 22.1-23.3, 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, 22.1-288.2.

Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension, Virginia Board of Education January 2019.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	EBB	Threat Assessment Teams
	ECAB	Vandalism
	IIBEA/GAB	Acceptable Computer System Use
	JFCE	Gang Activity or Association
	JFCF	Drugs in School
	JFG	Search and Seizure
	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

SPORTSMANSHIP, ETHICS AND INTEGRITY

The School Board recognizes the value of extracurricular activities in the educational process and the values that students develop when they have the opportunity to participate in an organized activity outside of the traditional classroom.

Participants and responsible adults involved in School Board approved extracurricular activities are expected to demonstrate the same level of responsibility and behavior at practice and competitions as is expected in the classroom. The School Board further encourages the development and promotion of sportsmanship, ethics and integrity in all phases of the educational process and in all segments of the community, including administrators, participants, adult supervisors, parents, fans, spirit groups and support/booster groups.

Adopted: May 2002
Revised: February 2013

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-208

Cross Ref.:	JFC	Student Conduct
	JFCC	Student Conduct on School Buses
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

STUDENT CONDUCT ON SCHOOL BUSES

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

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

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

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

Adopted: May 9, 1994
Revised: August 10, 2009
February 2017
March 11, 2020

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-176, 22.1-293.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	EEA	Student Transportation Services
	JFC	Student Conduct
	JFCD	Weapons in School
	JGD/JGE	Student Suspension/Expulsion
	JGDA	Disciplining Students with Disabilities
	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products

STUDENT CONDUCT ON SCHOOL BUSES

Transportation of Students

The Board of Education may furnish transportation to resident students enrolled in the schools of the division who satisfy the following requirements:

1. Reside within the attendance area of the school(s) served;

2. Reside beyond approved walking distances;

3. Are present at authorized points for student pick-up at the designated time; and

4. Comply with division standards and regulations in their conduct and behavior.

Student Conduct on School Buses

In the interest of the safety and welfare of school bus passengers, the Board of Education desires the Superintendent of schools and his designees to establish and enforce strict school bus discipline and safety regulations. Students who do not conform to all regulations and directives concerning discipline, safety and conduct or whose behavior could be detrimental to the safety or welfare of others or the safe operation of the bus may have their bus riding privileges suspended or revoked in accordance with this policy.

Procedural Guidelines

The following general procedural guidelines should be followed when administering this policy:

1. Initially bus drivers should try to resolve the discipline problem or violation of rules directly with the student(s) involved. Bus drivers will also attempt to confer with parents and request their cooperation in resolving the problem. These actions should be documented by the driver.

2. For problems not resolved by step 1 or in cases of more serious discipline or safety problems, a discipline referral may be made to the school principal or designee ("administrator"). In such cases, unless more severe sanctions appear warranted, the administrator will give the student a formal warning, notify the parents and provide the parents with a copy of the discipline referral.

3. If a problem occurs which results in a second discipline referral or, in the case of an initial discipline referral involving a serious discipline or safety problem, the following procedure shall apply:

a. The administrator will advise the student orally or in writing of the charges.
b. If the student denies the charges, the administrator will explain the evidence against the student and give the student an opportunity to present the student's side of the incident.
c. If, on the basis of this discussion, the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for five (5) school days.
d. The administrator shall immediately notify the parents of the suspension of bus riding privileges, the grounds for such suspension, the duration of such suspension and the time and place for the parents to meet with the administrator to review the suspension. Such meeting shall be held prior to reinstatement of the student's bus riding privileges. The parents shall also be provided with a copy of the discipline referral.

4. If a student, who has previously had bus riding privileges suspended during the current school year, receives another discipline referral, the administrator will follow the procedures in steps 3.a. through d. above with the following modifications:

a. If the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for ten (10) school days; and
b. The student's bus riding privileges will not be reinstated until a meeting with the parents and the administrator has taken place or until, in the discretion of the administrator, the parents have substantially agreed to review the suspension. The administrator may also reinstate such privileges where the parents cannot be contacted or if the parents repeatedly fail to appear for scheduled meetings.

5. If a student, who has twice previously during the current school year had bus riding privileges suspended, receives another discipline referral, the administrator will follow the procedures in steps 3.a. through d. above with the following modifications:

a. If the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for thirty (30) school days; and
b. The student's bus riding privileges will not be reinstated until a meeting with the student, the parents, the bus drive, the administrator and the Director of Transportation has taken place.

6. In cases of severe and/or continuing problems, the school principal may, after

following the steps in 3.a. through d. above, suspend privileges for an additional fifteen (15) days, during which time an informal hearing will be scheduled before the Superintendent of schools with the student, the parents and division officials for the purpose of considering the revocation of the student's bus riding privileges for the remainder of the current school year.

7. An appeal may be taken to the Board of Education from any decision of the Superintendent revoking a student's bus riding privileges.

8. These guidelines shall not preclude the school principal from eliminating any of the steps in the process, if in their judgment the misconduct by the student warrants more severe action.

This policy and applicable regulations shall not be limited in their application to bus riding privileges alone, but shall also extend to all division provided or supervised transportation. Disorderly conduct by students at bus stops shall be reported and acted upon in the same manner as misconduct on buses.

Nothing contained in this policy shall preclude the imposition of other disciplinary measures as appropriate, including suspension or expulsion from school, in accordance with other division policies and procedures.

Adopted: May 9, 1994.

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Cross Refs.: JFC, Student Conduct
JGD/JGE, Student Suspension/Expulsion

WEAPONS IN SCHOOL

I. Generally

Carrying, bringing, using or possessing any firearm, dangerous device, or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school principal or the superintendent or superintendent's designee is prohibited, and grounds for disciplinary action. The superintendent or superintendent's designee is permitted to give authority to possess a firearm on school property only to persons expressly authorized by statute to possess a firearm on school property.

Such weapons include, but are not limited to:

- any pistol, shotgun, stun weapon, revolver, or other firearm listed in Va. Code § 22.1-277.07, designed or intended to propel a projectile of any kind, including a rifle,
- unloaded firearms in closed containers,
- any air rifle or BB gun,
- toy guns and look-alike guns,
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor,
- slingshots,
- spring sticks,
- brass or metal knuckles, blackjacks,
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain,
- any disc, of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,
- explosives, and
- destructive devices as defined in Va. Code § 22.1-277.07, and
- other dangerous articles.

II. Expulsion for Possession of Firearms

A student who has possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1 or who has possessed a firearm or destructive device as defined in Va. Code § 22.1-277.07, or a firearm muffler or firearm silencer, or a pneumatic gun as defined in Va. Code § 15.2-915.4 on school property or at a school-sponsored activity may be expelled for at least one year in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate

guidelines for determining what constitutes special circumstances. The School Board authorizes the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. If it is determined by the superintendent or superintendent's designee that a disciplinary action other than expulsion is appropriate, such disciplinary action is taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

III. Students with Disabilities

A. Students with disabilities are subject to this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA Disciplining Students with Disabilities will be followed in addition to the regular disciplinary procedures.

B. Additional authority to remove a student with a disability from school for a weapons violation.

1. In addition to the authority granted in subsection A above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

2. For purposes of this forty-five (45) school day removal, the weapon must meet the following definition:

"a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length."

Adopted: May 2000
Revised: May 9, 2006
June 21, 2011
June 2014
May 2015
March 11, 2020
June 10, 2020

Legal Refs.: 18 U.S.C. § 930.

20 U.S.C. § 1415.

Code of Virginia, §§ 15.2-915.4,18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 22.1-277.07:1, 22.1-280.2:4.

8 VAC 20-81-10.

Cross Refs.:	GBEB	Staff Weapons in School
	JGD/JGE	Student Suspension/Expulsion
	JFC	Student Conduct
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

GANG ACTIVITY OR ASSOCIATION

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

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

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

- wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;

- committing any act, or using any speech, either verbal or non-verbal (such as gestures or handshakes) showing membership or affiliation in a gang;

- using any speech or committing any act in furtherance of the interests of any gang, including: (a) soliciting, hazing and initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school policy and inciting other students to act with physical violence;

- inappropriate congregating, bullying, cyberbullying, harassment, intimidation, degradation, disgrace and/or related activities which are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

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

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

Adopted: July 12, 2004
Revised: May 2013
May 2019
March 10, 2021

Legal Refs.: Code of Virginia, as amended, §§ 18.2-46.1, 22.1-70, 22.1-78, 22.1-79(2), 22.1-276.01, 22.1-279.6.

Cross Refs: IIBEA/GAB Acceptable Computer System Use
JFC Student Conduct

GANG ACTIVITY OR ASSOCIATION

The type of dress, apparel, activities, acts, behavior or manner of grooming displayed, reflected, or participated in by the student shall not:

- Lead school officials to reasonably believe that such behavior, apparel, activities, acts, or other attributes are gang related and would disrupt or interfere with the school environment or activity and/or educational objectives;
- Present a physical safety hazard to self, students, staff, and other employees;
- Create an atmosphere in which a student, staff, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence; or
- Imply gang membership or affiliation by written communication, marks, drawing, painting, design, emblem upon any school or personal property or on one's person.

If the student's behavior or other attribute is in violation of these provisions, the principal or designee will request the student to make the appropriate correction. If the student refuses, the parent/guardian may be notified and asked to make the necessary correction. The principal will take appropriate corrective and disciplinary action.

Students identified as being gang involved, influenced, or affiliated will be provided assistance, and/or programs which discourage gang involvement or affiliation, enhance self-esteem, encourage interest and participation in school or other positive activities and promote membership in authorized school organizations.

Training to provide increased awareness of the threat to the safety of students, staff, and school property which gang-related activity poses, shall be provided by security on an as-needed basis. Additional presentations will be made available to individual schools, staff or students at the request of the principal. Presentations will provide training in current identification symbols used by those involved in gang-related activity and will include things such as the identification of hand signals, apparel, jewelry, and/or any other pertinent gang-related information.

DRUGS IN SCHOOL

I. Generally

No person may manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance or imitation controlled substance while

- on the property, including building or grounds, of any public school;
- on public property or any property open to public use within 1,000 feet of the property, including building or grounds, of any public school;
- on any school bus; or
- at any designated school bus stop or any property open to public use within 1,000 feet of such school bus stop during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school sponsored activity.

A. Expulsion

A student who is determined to have brought a controlled substance or imitation controlled substance onto school property or to a school-sponsored activity may be expelled in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. In addition, the School Board authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Any disciplinary action imposed pursuant to such a review must be taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

B. Prevention and Intervention

Any student who violates this policy shall participate in the prevention and intervention activities identified in Lexington City school division's drug and violence prevention plan.

The School Board may require any student who is in possession of or under the influence of drugs at school or school-sponsored activities to: (1) undergo evaluation for drug abuse and (2) participate in a drug treatment program if recommended by the evaluator and if the student's parent consents.

C. Required Reporting to Parents and Local Law Enforcement

The Principal shall report a violation of this policy to parents and local law enforcement as required by Policy CLA Reporting Acts of Violence and Substance Abuse.

II. Students with Disabilities

A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA Disciplining Students with Disabilities will be followed in addition to the regular disciplinary procedures.

B. Additional authority to remove a student with a disability from school for a drug violation.

1. In addition to the authority granted in subsection A above, a student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

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

a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c).

b. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Adopted: May 2000
Revised: July 12, 2004
May 9, 2006
June 21, 2011
June 2014
February 2015
May 2019
June 9, 2021

Legal Refs: 20 U.S.C. § 1415

21 U.S.C. § 812.

Code of Virginia, 1950, as amended, §§ 18.2-247, 18.2-250, 18.2-250.1, 18.2-255.2, 22.1-277.08.

8 VAC 20-81-10.

Cross Refs:	CLA	Reporting Acts of Violence and Substance Abuse
	JGD/JGE	Student Suspension/Expulsion
	JFC	Student Conduct
	JGDA	Disciplining Students with Disabilities

File: JFCH
(Also GBEC and KGC)

TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

The Lexington City School Board recognizes the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-sponsored events is detrimental to the health and safety of students, staff and visitors.

The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for students, employees, and visitors on the school campus.

For the purposes of this policy, “tobacco product” is defined to include cigarettes, cigars, blunts, bidis, chewing tobacco, snuff, electronic smoking devices, and any other products containing nicotine, as well as any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine.
“Tobacco use” includes smoking, chewing, dipping, electronic smoking device use, or any other use of tobacco products.

GENERALLY

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, by students, staff, contractors, and visitors, on a school bus, on school property, or at an on-site or off-site school-sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

TOBACCO USE PROHIBITED

No persons are permitted to use or distribute any tobacco product at any time, including non-school hours (24/7), in school property, on school premises, at school-sponsored activities away from school grounds including:

- in any building, structure, or vehicle owned, leased, or contracted by the division, both on- and off-site
- in any property surrounding buildings and structures, athletic grounds, parking lots, or any other outdoor property owned, leased, or contracted by the division, both on- and off-site

In addition, no student shall be permitted to possess a tobacco product under the circumstances described above – including while on school property, on school premises, at school-sponsored activities away from school grounds, or at any other time that students are under the authority of school personnel.

COMMUNICATION

Appropriate signage will be posted in buildings and on school property in a manner and location that adequately informs students, staff and visitors of the policy, including at entrances to school buildings and athletic events.

ENFORCEMENT FOR STUDENTS

Progressive disciplinary action will be used, beginning with supportive options to promote positive student outcomes such as tobacco education or referral to counseling, parent conferences and school or community service. Disciplinary penalties for students may include, but are not limited to , suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy.

Referrals to resources to help students overcome tobacco addictions shall be provided to those who are found to be in violation of this policy.

ENFORCEMENT FOR STAFF AND VISITORS

Consequences for employees who violate the tobacco policy will be in accordance with personnel policies. Referrals to resources to help staff overcome tobacco addictions shall be provided to those who are found to be in violation of this policy.

Visitors using tobacco products will be asked to refrain or leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing, if the person refuses to leave. Forfeiture of any fee charged for admission will be enforced for visitors violating this policy.

REPORTING
All division employees are expected to cooperate in the enforcement of this policy. Student and staff violations shall be reported to administrative personnel.

TOBACCO PREVENTION EDUCATION
The administration may consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

DEFINITIONS
“Nicotine vapor product” means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

Adopted:	July 14, 2003	
Revised:	May 12, 2008	
	August 10, 2009	
	June 2014	
	May 2019	
	July 2019	
Legal Refs.:	20 U.S.C. §§ 6083, 7183.	
	Code of Virginia, 1950, as amended, §§ 18.2-371.2, 22.1-79.5, 22.1-279.6.	
Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	KG	Community Use of School Facilities
	KGB	Public Conduct on School Property

SUBSTANCE ABUSE - STUDENT ASSISTANCE PROGRAM

The primary responsibility for helping students who are involved with substance abuse lies with the students and their parents. Nevertheless, the School Board strives to provide a supportive school environment for students involved with substance use or abuse.

The School Board supports substance abuse programs which vary according to individual needs. Included among these are programs for persons who desire more information, and for those who need help with intervention activities and programs.

The School Board supports efforts to help students during the school day as well as to reinforce programs provided by other sources. To that end, individual school substance abuse programs may provide group experiences, individual counseling and other programs.

Students are prohibited from possessing, using, or distributing restricted substances in accordance with Policy JFC Student Conduct.

Adopted: February 2013
March 11, 2020

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 16.1-305.1.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	IGAG	Teaching about Drugs, Alcohol and Tobacco
	JFC	Student Conduct
	JFCF	Drugs in School
	JGD/JGE	Student Suspension/Expulsion
	GAE	Child Abuse and Neglect Reporting
	JO	Student Records

WRITTEN NOTIFICATION OF VIOLATION OF SCHOOL POLICIES BY STUDENTS IN ALTERNATIVE EDUCATION PROGRAMS

The School Board requires written notification of an offense to the parent, guardian or other person having charge or control of a pupil in an alternative education program as described in Va. Code § 22.1-209.1:2 when

- a pupil commits an offense in violation of School Board policies and school officials determine the offense was committed without the willful intent to violate such policies, or
- the offense did not endanger the health and safety of the individual or other persons.

The notification shall be made no later than two school days following the incident. The School Board requires the principal of the school the child attends, or other appropriate school personnel, to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

Adopted: May 7, 2007
Revised: February 2014

Legal Ref: Code of Virginia, 1950, as amended, § 22.1-209.1:2(D)

NOTIFICATION REGARDING PROSECUTION OF JUVENILES AS ADULTS

The Lexington City School Board annually provides information developed by the Office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes.

Adopted: May 2012
March 10, 2021

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-279.4.

SEARCH AND SEIZURE

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

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

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

PERSONAL SEARCHES

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

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

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

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

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

A pat down search of a student may only be conducted if a school administrator has established a high level of reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. If a pat down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present.

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

LOCKER AND DESK SEARCHES

Student lockers and desks are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant.

AUTOMOBILE SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation, or that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobile. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant.

COMPUTER SEARCHES

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

CONSENT SEARCHES

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

SEIZURE OF ILLEGAL MATERIALS

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

Adopted: May 9, 1994.

Revised: July 12, 2004
October 2014
May 2019

Legal Refs.: New Jersey v. T.L.O., 469 U.S. 325 (1985).

U.S. Const. amend IV.

Va. Const. art.I, § 10.

Code of Virginia, 1950, as amended, §§ 22.1-279.7, 22.1-280.2:3.

Virginia School Search Resource Guide (Virginia Department of Education Oct. 2000).

Cross Ref.:	CLA	Reporting Acts of Violence and Substance Abuse
	EGAA	Reproduction and Use of Copyrighted Materials
	GAB/IIBEA	Acceptable Computer System Use
	JFC	Student Conduct
	JFCD	Weapons in School
	JFCF	Drugs in School
	KNAJ	Relations with Law Enforcement Authorities

ACKNOWLEDGMENT CONCERNING THE USE OF STUDENT LOCKERS

I acknowledge and understand that:

1. Student lockers are the property of the school system;

2. Student lockers remain at all times under the control of the school system;

3. I am expected to assume full responsibility for my school locker; and

4. The school system retains the right to inspect student lockers for any reason at any time without notice, without student consent, and without a search warrant.

_____
Student

_____
Date

_____
Locker Number

STUDENT COMPLAINTS AND GRIEVANCES
Title IX Complaint Procedure for Students

I. PURPOSE

The board hereby establishes procedures for resolving complaints arising from alleged violations of Title IX of the Education Amendments of 1972 (PL 92-318) as amended (PL 93-568 and PL 94-482).

II. GENERAL

A. The Superintendent shall designate at least one employee to coordinate the efforts of the Lexington City Schools to comply with and carry out its responsibilities for implementing the law, including investigation of any complaint of alleged noncompliance with the law or accompanying regulations.

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

C. Complaints about discrimination on the basis of sex in the treatment of students may be made by students, their parents, employees of the school system, or other citizens of Lexington City acting on behalf of students. (Any such person shall be hereafter referred to as "the complainant.")

D. Procedures for making and resolving such complaints shall follow those outlined this regulation. The complainant may appeal a decision made at any level. The complainant also has the right not to appeal.

E. The Title IX specialist has the responsibility for pressing a complaint:

- When the original complainant has decided not to appeal a decision made at any level but, in the judgment of the Title IX specialist, a probable violation of the law continues to exist

- When the complaint reveals a need for review of policies or programs with implications for the whole school system

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

G. If, in the judgment of the Title IX specialist, the recommendations and responses still leave the school system in a questionable position regarding noncompliance with the law, the Title IX specialist shall advise the Superintendent and suggest measures necessary to achieve compliance. Further action is then the responsibility of the Superintendent.

H. Any person with a complaint concerning an alleged violation of Title IX may file that complaint directly with the Office of Civil Rights (OCR), United States Department of Education. However, in reviewing that complaint, OCR investigators may examine to what degree the procedures approved by the school system for resolving the problem were used and, on the basis of that examination, then determine the need for OCR to intervene in the matter.

III. PROCEDURE

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

2. Appeal to Superintendent--The principal's decision on a complaint may be appealed by the student or his or her parent to the Superintendent within two school days following receipt of the principal's decision.

   The parent's written appeal shall state precisely the reasons for dissatisfaction with the principal's decision and shall be limited to the matter under appeal. Upon receipt of an appeal from a parent, the Superintendent or his designee shall promptly review the complaint and inform the parent in writing of his decision. The Superintendent may at his discretion include a meeting with the principal and the parent as part of his review of the parent's appeal. The decision of the Superintendent shall be final.

Adopted: May 9, 1994.

Legal Ref.: Title IX of the Education Amendments of 1972 (PL 92-318) as amended (PL 93-568 and PL 94-482)

PROHIBITION AGAINST HARASSMENT AND RETALIATION

VIII. Policy Statement

The Lexington City School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists, hereinafter referred to as protected group status, at school or any school sponsored activity.

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

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

The school division

- promptly investigates all complaints, written or verbal, of harassment based on protected group status at school or any school sponsored activity;
- promptly takes appropriate action to stop any harassment;
- takes appropriate action against any student or school personnel who violates this policy; and
- takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

IX. Definitions

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

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

Prohibited Conduct

Harassment Based on Sex

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

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

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic comments about an individual's body
- sexual jokes, notes, stories, drawings, gestures or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexual objects, pictures, cartoons or posters
- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

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

- an employee of the School Board conditioning the provision of an aid, benefit, or service of the School Board on an individual's participation in unwelcome sexual conduct;

- unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School Board's education program or activity; or

- "sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

Harassment Based on Race, National Origin, Disability or Religion

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

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

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

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

Additional Prohibited Behavior

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

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

"Title IX Coordinator" means the person designated by the School Board to coordinate its efforts to comply with its responsibilities under this policy and Title IX. The Title IX Coordinator may be contacted at jwhite@lexedu.org

X. Complaint Procedures

3. Report

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

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

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

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

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

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

4. Investigation by Compliance Officer

5. Generally

The Compliance Officer

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

6. Compliance Officer Formal Procedure

Upon receiving a referral of a complaint of alleged prohibited~~,~~ harassment from the Title IX Coordinator, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after referral of the complaint to the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the person allegedly harassed and the alleged harasser shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the person allegedly harassed, the alleged harasser and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will

consider witnesses and evidence from both the alleged harasser and the person allegedly harassed. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the person allegedly harassed and others pending the completion of the investigation.

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

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

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

7. Action by Superintendent

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

8. Appeal

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

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

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

C. Compliance Officer Informal Procedure

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

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

D. Sexual Harassment Prohibited by Title IX

Definitions

"Actual knowledge" means notice of sexual harassment prohibited by Title IX or allegations of sexual harassment prohibited by Title IX to the Title IX Coordinator or any

official of the school division who has authority to institute corrective measures or to any employee of an elementary or secondary school.

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

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

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

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

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

Title IX Grievance Process

Generally

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

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

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

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

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

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

Nothing herein precludes a respondent from being removed from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of

sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

Nothing herein precludes a non-student employee respondent from being placed on administrative leave during the pendency of a grievance process.

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies are designed to restore or preserve equal access to the School Board's education program or activity.

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

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

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

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

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

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

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

Notice of allegations

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

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

The written notice

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

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

Dismissal of formal complaints

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

- would not constitute sexual harassment prohibited by Title IX even if proved,

- did not occur in the School Board's education program or activity, or
- did not occur against a person in the United States.

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

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

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

Investigation of formal complaint

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

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

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

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

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

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

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

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

Determination regarding responsibility

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

The written determination must include

- identification of the allegations potentially constituting sexual harassment prohibited by Title IX;
-

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

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

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

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

Appeals

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

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

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

As to all appeals, the Title IX Coordinator

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

The appeal decision-maker

- gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- reviews the evidence gathered by the investigator, the investigator's report, and the decision-maker's written decision;
- issues a written decision describing the result of the appeal and the rationale for the result; and
- provides the written decision simultaneously to both parties and the Title IX Coordinator.

Timelines

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

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

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

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

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

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

Informal Resolution Process

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

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

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

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

Parties cannot be required to participate in an informal resolution process.

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

Recordkeeping

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

- each investigation of allegations of sexual harassment prohibited by Title IX including any determination regarding responsibility and any audio or

audiovisual recording or transcript, if any, required under the Title IX regulations, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to School Board's education program or activity;

- any appeal and the result therefrom;
- any informal resolution and the result therefrom; and
- all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

These materials will also be made available on the School Board's website.

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

XI. Retaliation

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

XII. Right to Alternative Complaint Procedure

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

XIII. Prevention and Notice of Policy

Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

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

XIV. False Charges

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

Adopted:	May 2002
Revised:	June 21, 2011
	October 2012
	May 2015
	February 2019
	June 10, 2020
	September 9, 2020
	June 9, 2021

Legal Refs:	20 U.S.C. §§ 1681-1688.
	29 U.S.C. § 794.
	42 U.S.C. §§ 2000d-2000d-7.
	42 U.S.C. §§ 2000e-2000e-17.
	42 U.S.C. § 2000ff-1.
	34 C.F.R. 106.2, 106.8,106.9, 106,30, 106.44, 106.45, 106.71.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2.3902, 22.1-23.3, 22.1-295.2

Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	GAB/IIBEA	Acceptable Computer System Use
	GB	Equal Employment Opportunity/Nondiscrimination
	GBA-F/JFHA-F	Report of Harassment
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	JB	Equal Educational Opportunities/Nondiscrimination
	JFC	Student Conduct
	GCPD	Professional Staff Discipline
	GAE	Child Abuse and Neglect Reporting
	KKA	Service Animals in Public Schools

REPORT OF HARASSMENT

Name of Complainant: _____

For Students, School Attending: _____

For Employees, Position: _____

Address, Phone Number: _____
And Email Address _____
_____

Date(s) of Alleged Incident(s) of Harassment: _____

Name of person(s) you believe harassed you or others: _____
_____

If the alleged harassment was toward another, please identify that person: _____

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge:

_____
Signature of Complainant Date

Complaint Received By: _____
(Principal or Compliance Officer) Date

Adopted: May 18, 2009
Revised: October 2012

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CORPORAL PUNISHMENT

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.

Revised: March 6, 2012

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-279.1,

Cross Ref.: JM Restraint and Seclusion of Students

STUDENT SUSPENSION/EXPULSION

I. DEFINITIONS

As used in this Policy,

"Alternative education program" includes night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

"Destructive device" means (1) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

"Disruptive behavior" means a violation of school board policies or the Standards of Student Conduct issued by the superintendent pursuant to Policy JFC Student Conduct that interrupts or obstructs the learning environment.

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

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

"Firearm" means (1) any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. "Firearm" does not include any pneumatic gun as defined in this Policy.

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days.

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

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

"School property" means any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.

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

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

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy.

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

Any student for whom the superintendent has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 may be suspended or expelled from school attendance.

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy.

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

III. SHORT-TERM SUSPENSIONS

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts and opportunity to present his version shall be given as soon as is practical thereafter.

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

The decision of the superintendent or superintendent's designee may be appealed to the School Board.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days includes notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the

suspension. The costs of any community-based educational program or alternative education program or educational option, which is not a part of the educational program offered by the school division, are borne by the parent of the student.

IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for 11 to 45 school days after written notice is provided to the pupil and the pupil's parent of the proposed action and the reasons therefore and of the right to a hearing before the School Board

The written notice of a suspension for 11 to 45 school days includes notification of the length of the suspension and provides information concerning the availability of community-based educational, alternative education or intervention programs. Such notice also states that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension is borne by the parent of the student.

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

Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the School Board for the term of such suspension.

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and the pupil's parent of the proposed action and the reasons therefor and of the right to a hearing before the School Board. The School Board confirms or disapproves of the proposed expulsion regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and the pupil's parent includes notification of the length of the expulsion and provides information to the parent of the student concerning the availability of community-based educational, training and intervention

programs. The notice also states whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during the expulsion is borne by the parent of the student.

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

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

Such students may apply and reapply for readmission to school in accordance with the following schedule: Any initial petition for readmission will be reviewed by the School Board or the superintendent, and, if granted, enable the student to resume school attendance one calendar year from the date of the expulsion. If the superintendent denies such petition, the student may petition the School Board for review of such denial.

B. Conduct Giving Rise to Expulsion

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

- the nature and seriousness of the conduct;
- the degree of danger to the school community;
- the student's disciplinary history, including the seriousness and number of previous infractions;
- the appropriateness and availability of an alternative education placement or program;
- the student's age and grade level;
- the results of any mental health, substance abuse or special education assessments;
- the student's attendance and academic records; and
    - other appropriate matters.

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

Firearms, Destructive Devices and Pneumatic Guns

The School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator or the School Board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board authorizes the superintendent or superintendent’s designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this section do not apply to students who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted to use school premises.

Drug Offenses

The School Board shall expel from school attendance any student whom the School Board has determined to have brought a controlled substance or imitation controlled substance as those terms are defined in Va. Code § 18.2-247 onto school property or to a school-sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. In addition, the School Board authorizes the superintendent or the superintendent’s designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Hearing

The procedure for the School Board hearing is as follows:

- The School Board determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is private unless otherwise specified by the School Board.
- The School Board may ask for opening statements from the principal or ~~his~~ principal's representative and the student or student's parent(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.
- The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, the student's parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.
- The parties shall produce such additional evidence as the School Board may deem necessary. The School Board is the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the School Board and, when so received, are marked and made part of the record.
- The School Board may, by majority vote, uphold, reject or alter the recommendations.
- The School Board transmits its decision, including the reasons therefor, to the student, the student's parent(s), the principal and superintendent.

VI. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been

- charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol, or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G;
- found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G;
- found to have committed a serious offense or repeated offenses in violation of School Board policies;
- suspended pursuant to Va. Code § 22.1-277.05; or
- expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection C of Va. Code § 22.1-277,

to attend an alternative education program.

The School Board may require such student to attend such programs regardless of where the conduct occurred.

The School Board may require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

The School Board authorizes the superintendent or superintendent's designee to require students to attend an alternative education program consistent with the provisions of the previous paragraph after (i) written notice to the student and the student's parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or the student's parent to participate in a hearing to be conducted by the superintendent or the superintendent's designee regarding such placement. If the student or parent wants to participate in a hearing regarding the placement, the student or parent must notify the superintendent or superintendent's designee within 5 days of receiving the written notice of the student's assignment to the alternative education program. The decision of the superintendent or superintendent's designee regarding such alternative education placement is final unless altered by the Board upon written petition by the student or student's parent for a review of the record by the School Board. Such petition must be

received by the superintendent or superintendent's designee within 5 days after receiving written notice of the decision after the hearing.

A principal or principal's designee may impose a short-term suspension, pursuant to Va. Code § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code § 16.1-260.G, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

As used in this section, "charged" means that a petition or warrant has been filed or is pending against a pupil.

VII. REPORTING

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

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

(8) the arrest of any student for an incident occurring on a school bus, on school property or at a school sponsored activity, including the charge therefor; and
(9) any illegal possession of weapons, alcohol, drugs or tobacco products.

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

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

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

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

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

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

constitute a felony offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy.

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

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

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

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

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

In excluding any such expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The School Board shall not impose additional conditions for readmission to school.

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

If the parent fails to comply with this policy or Policy JEC School Admission, the School Board may ask the Juvenile and Domestic Relations Court to proceed against

the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board or superintendent or superintendent's designee, as the case may be at the relevant hearing, the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.

The School Board may permit students excluded pursuant to this section to attend an alternative education program provided by the School Board for the term of such exclusion.

IX. DISCIPLINING STUDENTS WITH DISABILITIES

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

Adopted: May 2002

Revised: July 12, 2004
September 12, 2005
September 11, 2006
January 8, 2007
June 21, 2011
May 2013
June 2014
February 2015
February 2016
May 2018
July 2018
March 11, 2020
June 10, 2020
June 9, 2021

Legal Refs.: 20 U.S.C. § 7961.

Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119, 18.2-308.1, 18.2-308.7, 18.2-308.2:2, 22.1-200.1, 22.1-254, 22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.3:1.
8 VAC 20-560-10.

Cross Refs.:	IGBH	Alternative School Programs
	JEC	School Admission
	JFC	Student Conduct
	JFCD	Weapons in School
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
	KG	Community Use of School Facilities

DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities, who violate the student code of conduct, or engage in conduct for which they may be disciplined, will be disciplined in accordance with this policy. Additionally, the regular disciplinary procedures must be followed. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability as a result of discipline.

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

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

(1) the removal is for more than 10 consecutive school days at a time; or
(2) Pattern analysis: there is a series of removals during the school year, each of which is for 10 days or less and they cumulate to more than 10 days in a school year and constitute a pattern because of:
  (a) the length of each removal,
  (b) the proximity of the removals to each other,
  (c) the total time the student is removed, and
  (d) the child's behavior is substantially similar to the child's behavior in the series of removals for previous incidents in the school year.
  (e) The pattern analysis determination is made and documented by the administration.

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

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

II. Short-Term Suspensions

A short-term suspension is a suspension of 10 consecutive days or less at a time.

School authorities may remove a student with a disability from his or her current educational setting for 10 school days cumulative in a school year to the extent that such removals would be applied to students without disabilities and for additional short-term suspensions during the school year provided no pattern exists. Short term suspensions which constitute a pattern will be handled through long term removal procedures.

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

III. Functional Behavior Assessments and Behavior Intervention Plans

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

- conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or,
- if the student already has a FBA and a BIP in place, review and modify the BIP, as necessary to address the behavior.

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

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

IV. Educational Services While Disciplined

For the first 10 days of removal in a school year, the School Board is not required to provide educational services to the student with a disability if services are not provided to students without disabilities who have been similarly removed.

After the first 10 days of removal in a school year, the School Board shall provide educational services to the student during the period of removal. The services must enable the student to:

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

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

V. Manifestation Determination Review

When a disciplinary action is proposed that will result in a disciplinary change of placement, an MDR shall be conducted within 10 school days after the date on which the decision to take disciplinary action is made. This review shall be conducted by the Manifestation Team which consists of a local educational agency representative, the parent(s) and relevant members of the IEP team (as determined by the parent and the school division).

The Manifestation Team may determine that the behavior of the student was not a manifestation of such child's disability only if the Team:

1) considers all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parents; and
2) determines that:
   (a) the conduct in question was not caused by, or did not have a direct and substantial relationship to, the student's disability; and
   (b) the conduct in question was not the direct result of the school division's failure to implement the IEP.

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

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

A parent may request an expedited due process hearing if the parent disagrees with the determination that the behavior was not a manifestation of the student's disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. During any appeal, the student will remain in the interim alternative education setting unless reversed by decision of the hearing officer; provided, however, the student may still serve the balance of any applicable forty-five school day removal. The placement may also be changed through the IEP process with the consent of the parent.

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

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

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

Students with disabilities 1) who carry or possess a weapon to or at school or on school premises, or to or at a school function under the jurisdiction of a state or local educational agency; 2) who knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or 3) who inflict serious bodily injury upon another person at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency may be disciplined pursuant to Policies JFCD Weapons in School, JFCF Drugs in School or JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury and may be placed in an interim alternative educational setting for up to forty-five school days. These options are available even if a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

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

Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student must also receive, as appropriate, a FBA,

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

IX. Change of Placement by Hearing Officer

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

X. Placement During Appeals

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

XI. Students Not Yet Identified as Disabled

Students for whom the parents assert there is a disability but who have not yet been identified as disabled may be subjected to the same measures applied to students without disabilities if the school division did not have knowledge of the disability before the behavior that precipitated the disciplinary action occurred. A school division will be found to have knowledge of the student's disability if, before the behavior that precipitated the disciplinary action occurred, one of the following occurred:

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

A school division would not be found to have knowledge of a student's disability if:

(1) the parents refused to allow an evaluation of the student or refused special education services; or

(2) the student was evaluated and found not eligible for special education services.

If a request for an initial evaluation is made during the period ~~such~~ a student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parents, then the student must be provided special education and related services, although in another setting. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities which placement can include suspension or expulsion without services.

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

Students who are identified as disabled solely under Section 504 of the Rehabilitation Act, and who are currently engaging in the illegal use of drugs or alcohol, may be disciplined for violating the division's alcohol and drug policies to the same extent as non-disabled students. The student is not entitled to a due process hearing under special education procedures in this circumstance but does retain the protections afforded to regular education students.

XIII. Reporting of Crimes

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

Adopted: May 2000
Revised: July 12, 2004
May 9, 2006
June 21, 2011
June 2017
June 9, 2021

Legal Refs.: 20 U.S.C. § 1415.
29 U.S.C. § 705.

34 C.F.R. 300.530-300.536.

Code of Virginia, 1950, as amended, § 22.1-279.6.

8 VAC 20-81-160.

Cross Ref.:	JFC	Student Code of Conduct
	JFCD	Weapons in School
	JFCF	Drugs in School
	JGD/JGE	Student Suspensions/Expulsions
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

DISCIPLINE OF STUDENTS WITH DISABILITIES FOR INFLICTION OF SERIOUS BODILY INJURY

A student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. If no manifestation is found, the student may be discipline to the extent that a student without disabilities would be disciplined.

In addition, the applicable procedures of Policies JGDA and JGD/JGE will be followed.

The term serious bodily injury has the same meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18 of the United States Code.

Adopted: May 8, 2006

Legal Refs.: 18 U.S.C. § 1365(h)(3).
20 U.S.C. § 1415(k)(1)(G)(iii).

Cross Refs.:		
	JFCD	Weapons in School
	JFCF	Drugs in School
	JGD/JGE	Student Suspension/Expulsion
	JGDA	Disciplining Students with Disabilities

STUDENT HEALTH SERVICES

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

Issued: May 9, 1994
Revised: May 2012
February 2017

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

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

PHYSICAL EXAMINATIONS OF STUDENTS

No pupil is admitted for the first time to any public kindergarten or elementary school in Lexington City School Division unless such pupil furnishes, prior to admission,

- a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed within the 12 months prior to the date such pupil first enters such public kindergarten or elementary school; or

- records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.

If the pupil is a homeless child or youth as defined in Va. Code § 22.1-3, and for that reason cannot furnish the required report or records, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating and also indicating that, to the best of his knowledge, such pupil is in good health and free from any communicable or contagious disease, the school division immediately refers the student to the division's homeless liaison, who, as soon as practicable, assists in obtaining the necessary physical examination by the local health department or other clinic or physician's office and immediately admits the pupil to school.

The health care provider making a report of a physical examination shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as handicapped.

Physical examination reports are placed in the child's health record at the school and made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.

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

The health departments of the counties and cities of the Commonwealth conduct such required physical examinations for medically indigent children, upon request, without charge and may provide such examinations to others on such uniform basis as the departments establish.

Parents/guardians of students entering school shall complete a health information form as required by state law. Such forms shall be returned within 15 days of receipt unless reasonable extensions have been granted by the superintendent or superintendent's designee. Upon failure of the parent to complete such form within the extended time, the superintendent may send the parent written notice of the date he intends to exclude the child from school; however, no child who is a homeless child or youth as defined in subdivision 6 of Va. Code § 22.1-3 shall be excluded from school for such failure to complete such form.

Adopted: May 9, 1994
Revised: April 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-270.

Cross Refs.: JEC School Admission
JECA Admission of Homeless Students

STUDENT IMMUNIZATIONS

No student shall be admitted by a school unless at the time of admission the student or his parent submits documentary proof of immunization as required by Va. Code §§ 22.1-271.2 and 32.1-46 to the admitting official of the school or unless the student is exempted from immunization as described below or is a homeless child or youth as defined in Va. Code § 22.1-3.

If a student does not have documentary proof of immunization, the school will notify the student or his parent

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

Any parent, guardian, or other person having control or charge of a child being home instructed or exempted or excused from school attendance shall comply with immunization requirements provided in Va. Code §§ 22.1-271.4 and 32.1-46 in the same manner and to the same extent as if the child has been enrolled in and is attending school.

Conditional Enrollment

Any student whose immunizations are incomplete may be admitted conditionally if he provides documentary proof at the time of enrollment of having received at least one dose of the required immunizations accompanied by a schedule for completion of the required doses within 90 calendar days. If the student requires more than two doses of hepatitis B vaccine, the conditional enrollment period will be 180 calendar days.

The immunization record of each student admitted conditionally will be reviewed periodically until the required immunizations have been received.

Any student admitted conditionally who fails to comply with his schedule for completion of the required immunizations will be excluded from school until his immunizations are resumed.

Exemptions

No certificate of immunization is required for the admission to school of any student if:

(i) the student or his parent submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices; or
(ii) the school has written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific

nature and probable duration of the medical condition or circumstance that contraindicates immunization.

Homeless Pupils

If a student is a homeless child or youth as defined in Va. Code § 22.1-3 and

(a) does not have documentary proof of necessary immunizations or has incomplete immunizations and

(b) is not exempted from immunization, the school division will immediately admit such student and will immediately refer the student to the local school division homeless liaison who will assist in obtaining the documentary proof of, or completing, immunization.

Immunization Record

Every school records each student's immunizations on the school immunization record. The school immunization record is a standardized form provided by the State Department of Health, which will be a part of the mandatory permanent student record. Such record is open to inspection by officials of the State Department of Health and the local health departments.

The school immunization record will be transferred by the school whenever the school transfers any student's permanent academic or scholastic records.

Within 30 calendar days after the beginning of each school year or entrance of a student, each admitting official will file a report with the local health department. The report will be filed on forms prepared by the State Department of Health and will state the number of students admitted to school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption and the number of students who have been conditionally admitted, including those students who are homeless children or youths as defined in Va. Code § 22.1-3.

Adopted: May 9, 1994.
Revised: September 12, 2005
June 21, 2011
May 2012
February 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-271.2, 22.1-271.4, 32.1-46, 54.1-2952.2, 54.1-2957.02.
12 VAC 5-110-10.

Cross Refs.:		
	JEC	School Admission
	JECA	Admission of Homeless Students
	JO	Student Records
	LBD	Home Instruction

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COMMUNICABLE DISEASES

The Lexington City School Board recognizes the importance of protecting its students and employees from the transmission of communicable diseases which present a threat to their health and safety, while also protecting the legitimate interests and rights of students and employees with communicable diseases. The Board directs the superintendent to act in compliance with applicable law to exclude from school attendance or work in the school setting any person who has a communicable disease. Both the decision to remove the student or employee and the decision to readmit the student or to permit the employee to return to work are made by the superintendent based upon consultation with the local Health Department, the student's or employee's physician, physician assistant, nurse practitioner, and/or other medical authorities. (See policy JHCCA Blood Borne Contagious or Infectious Diseases)

The identity of a student or employee who has a communicable disease is kept confidential and revealed only in accordance with state law. An alternative educational program is made available to any student whose removal pursuant to this policy is expected to result in a prolonged absence from school or where otherwise required by law.

Administrative procedures concerning the exclusion of employees and students with communicable diseases are consistent with the requirements of law, including the policies of the Virginia Department of Education, and reflect current medical knowledge and research.

Adopted: May 9, 1994
Revised: September 12, 2005
June 21, 2011
May 2015

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-271.3, 22.1-272, 32.1-36.1, 54.1-2952.2, 54.1-2957.02.

8 VAC 20-131-180

Cross Ref.:	EBAB	Possible Exposure to Viral Infections
	EBBB	Personnel Training—Viral Infections
	IGBG	Off-Site Instruction and Virtual Courses
	JHCCA	Blood Borne Contagious or Infectious Diseases

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COMMUNICABLE DISEASES

These procedures are in place for school system teachers and administrators who identify or suspect communicable disease in the school or workplace.

1. Teachers and administrators shall report suspected cases of communicable disease to their immediate supervisors who will channel the concern to the Superintendent at which time the Superintendent may require a medical evaluation of the student or employee and can convene the Communicable Disease Review Panel of needed.

2. Most communicable diseases which occur in the school setting are short-term illnesses which require 1-5 days exclusion from school. In these cases, it is practical and reasonable for the principal or his/her designee and/or the school nurse to make the initial decision to exclude a child from school attendance. In cases of exclusion, the parents shall be called. In situations in which the child's private physician has directed that the child stay home for a longer period of time, and this directive is uncontested, there is no additional requirement other than the provision of alternative education, if appropriate.

The remainder of these administrative regulations pertain to cases in which there may be prolonged or recurring exclusion from the school setting due to a student or employee's having a long-term disease which has the potential for communicability.

3. If it is the judgment of the local Health Department, after consultation with private medical doctors and/or other public health authorities, that a communicable disease is present in the school division and that there is significant risk of transmission thereof or that the risk of transmission is unknown, the Health Department shall advise the Superintendent of Schools who will make the decision to exclude the student or employee from the school setting and will convene the Communicable Disease Review Panel if needed.

4. The Superintendent shall establish a Communicable Disease Review Panel consisting of the local Health Department Director, a private physician, the Supervisor of Instructional Support Services, and the Superintendent's designee. The Superintendent shall convene the Communicable Disease Review Panel whenever the decision to exclude a student or employee with a communicable disease is questionable or contested. Each case shall be handled individually. The Communicable Disease Review Panel shall review all pertinent information and make its recommendations to the Superintendent. Persons called on for information to this panel may include, but not be limited to, the attending physician, the principal, teacher(s), and parents of the student. In the case of an employee, contributing persons include the attending physician and the immediate supervisor. The Review Panel should be established immediately upon approval of these regulations.

5. Employees with communicable diseases and parents of students with communicable diseases shall be notified of the five-day time limit for submitting any medical evaluations to the Communicable Disease Review Panel. Medical evaluation(s) submitted to the Panel will be considered before the Panel makes its recommendation on a case. The Panel shall meet, review information, and make recommendations to the Superintendent within 5 school days following exclusion of the affected student or employee. The recommendations shall include, but not be limited to, a timetable on future school presence.

6. Within 5 school days following his/her receipt of the Panel's report, the Superintendent shall notify the parents of the affected student, or notify the affected employee of his/her decision to re-admit or to continue to exclude the student from school attendance or the employee from work in the school setting.

7. Confidentiality and the right to privacy regarding the affected student or employee shall be maintained by all persons involved. Information regarding students or school employees suspected of or diagnosed as having a communicable disease shall be released only through the office of the Superintendent of Schools.

8. The Lexington City School System shall institute preventive measures to control communicable disease transference. Such preventive measures shall include the education of employees and students about communicable diseases and the methods of reducing the risks of transmission. Employees shall be taught the proper methods of cleaning up spilled body fluids, collecting trash and disinfecting areas which might be sources of contamination.

9. The Superintendent shall advise the school board to regularly re-examine its policy and regulations on communicable diseases as new knowledge regarding communicable diseases becomes known.

Regulations for School Attendance of Children With Human Immunodeficiency Virus

The Lexington City Public School Division will work cooperatively with the Lexington City Health Department to ensure compliance with Virginia Code 22.1-271.3 for school attendance of children infected with human immunodeficiency virus (HIV).

A. Students are expected to be in compliance with an immunization schedule (Article 2, 22.1-271-2): however, some required immunizations may be harmful to the health of the student who is HIV infected or has AIDS. Students who are HIV infected or have AIDS may get an exemption from complying with the requirements. School personnel will cooperate with public health personnel in completing and coordinating immunization data, exemptions, and exclusions, including immunization forms.

B. Mandatory screening for HIV infection is not warranted as a condition for school entry. Upon learning a student is HIV infected or has AIDS, the superintendent will consult with the individual's family and physician or a health official from the local health department to determine whether the student is well enough to stay in school. Since it is known that HIV is not transmitted through casual contact, any student who is HIV infected will continue education in a regular classroom assignment unless the health status interferes significantly with performance. If a change in the student's program is necessary, the superintendent or designee, family, and physician or health official will develop an individual plan which is medically, legally, and educationally sound. If the HIV student is receiving special education services, the services will be in agreement with established policies.

C. Parents/guardians may appeal decisions for restriction or exclusion to the Communicable Disease Review Panel as set forth above.

D. All persons privileged with any medical information about HIV infected students shall be required to treat all proceedings, discussions, and documents as confidential information. Individuals will be informed of the situation on a "Need to Know" basis with written consent of the parent/guardian.

E. Universal precautions for handling blood will be implemented within the school setting and on buses. To ensure implementation of the proper standard operating procedures for all body fluids, the guidelines from the Virginia Department of Health will be followed. Inservice training will be provided to all school personnel. Training will include local division policies; etiology, transmission, prevention, and risk reduction of HIV; standard operating procedures for handling blood and body fluids; and community resources available for information and referral. Periodic updates will be supplied through inservice or memoranda.

F. Comprehensive and age-appropriate instruction on the principal modes by which HIV is spread and the best methods for the reduction and prevention of AIDS are required to encourage the support and protection of the HIV infected student. To enhance school attendance, the school division will collaborate with public and private organizations in the provision of support services to HIV infected students.

Issued: May 9, 1994.

Legal Ref.: Code of Virginia, 1950, as amended,
Sec. 22.1-271.3, 22.1-272, 32.1-46

BLOOD BORNE CONTAGIOUS OR INFECTIOUS DISEASES

The attendance at school of students who suffer from blood borne diseases which are infectious or contagious, such as AIDS and Hepatitis B, and which may be transmitted by the exchange of body secretions is determined by the superintendent on a case-by-case basis. The superintendent obtains the advice of the local department of health to assist with the determination. The student may be excluded from school and school-related functions pending the superintendent's decision. The superintendent issues regulations setting forth the procedures to be followed to effectuate this policy.

The identity of a student who has tested positive for human immunodeficiency virus is confidential in accordance with law.

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

Training in the use of universal precautions for handling blood is conducted periodically in accordance with state and federal law. Universal precautions for handling blood are implemented within the school setting and on buses in accordance with state and federal law.

The school board adopts guidelines for school attendance for children with human immunodeficiency virus. Such guidelines are consistent with the model guidelines for such school attendance developed by the Board of Education.

Adopted: July 14, 2003
Revised: September 12, 2005
April 2019

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-271.3, 32.1-36.1, 32.1-45.2.

Model Guidelines for School Attendance for Children with Human Immunodeficiency Virus (Attachment to Virginia Department of Education Superintendent's Memo #32 (Feb. 13, 2004)).

Cross Ref:	EBAB	Possible Exposure to Viral Infections
	EBBB	Personnel Training—Viral Infections
	IGBG	Off-Site Instruction and Virtual Courses
	JHCCA-E	Guidelines for School Attendance for Students with Human Immunodeficiency Virus

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GUIDELINES FOR SCHOOL ATTENDANCE FOR STUDENTS WITH HUMAN IMMUNODEFICIENCY VIRUS

The **Lexington City** School Board recognizes its dual obligations to protect the rights of individual students infected with human immunodeficiency virus (HIV) and to provide a safe environment for students, staff, and the public. Because HIV is not transmitted through casual contact, any student who is HIV-infected continues in a regular classroom assignment unless the student's health significantly interferes with the student's ability to benefit from the educational program.

Lexington City Public Schools works cooperatively with the local health department with regard to the school attendance of students infected with HIV. To enhance the school attendance of students who are HIV-infected, the school division collaborates with public and private organizations in the provision of support services to HIV-infected students.

All students are expected to satisfy the immunization requirements of Virginia Code § 22.1-271.2 unless a required immunization would be harmful to the health of the student. Students who are HIV-infected or have acquired immune deficiency syndrome (AIDS) may be exempted from obtaining immunizations which would otherwise be required. School personnel cooperate with public health personnel regarding exemptions from the requirements.

Mandatory screening for HIV infection is not warranted as a condition of school attendance. Upon learning that a student is HIV-infected or has AIDS, the superintendent may consult with the student's family, the student's family physician, or an official from the local department of health to determine whether the student is well enough to stay in school. If a change in the student's program is necessary because of the student's health, the superintendent or superintendent's designee will work with the student's family, family physician or local health official to develop an educational plan for the student.

Any school board employee or volunteer who has any information regarding a student's HIV-infected status treats that information as confidential.

Despite the extremely remote risk that exposure of skin to blood could result in infection, the following universal precautions for handling blood are implemented within schools and on school buses:

- persons involved in cleaning surfaces exposed to blood and persons rendering first aid to bleeding students should wear disposable gloves to avoid exposure of open skin lesions and mucous membranes to blood;

- surfaces contaminated with blood should be promptly cleaned with household bleach (1 part bleach to 9 parts water) using disposable towels and tissues;
- hands must be washed after gloves are removed;
- if one person's skin is exposed to the blood of another person, the exposed areas should be washed with soap and water.

Universal precautions do not apply to feces, nasal secretions, saliva, sputum, sweat, tears, urine, and vomitus unless they contain blood.

To ensure implementation of the proper procedures for all body fluids, training is provided to all school personnel. Training includes information regarding the following: etiology, transmission, prevention, and risk reduction of HIV; standard procedures for handling blood and body fluids; community resources available for information and referral; and school board policies.

Comprehensive and age-appropriate instruction on the principal modes by which HIV is spread and the best methods for the reduction and prevention of AIDS is provided.

Adopted: September 12, 2005
Revised: April 2019

ADMINISTERING MEDICINES TO STUDENTS

Self-Care and Self-Administration of Medication

Each enrolled student who is diagnosed with diabetes, with parental consent and written approval from the prescriber, is permitted to

- carry with him and use supplies, including a reasonable and appropriate short-term supply of carbohydrates, an insulin pump, and equipment for immediate treatment of high and low blood glucose levels, and
- self-check his own blood glucose levels on school buses, on school property, and at school-sponsored activities.

A School Board employee, as defined in Va. Code § 22.1-274.E, who is a registered nurse, licensed practical nurse, or certified nurse aide and who has been trained in the administration of insulin, including the use and insertion of insulin pumps, and the administration of glucagon may assist a student who is diagnosed with diabetes and who carries an insulin pump with the insertion or reinsertion of the pump or any of its parts. Prescriber authorization and parental consent shall be obtained for any such employee to assist with the insertion or reinsertion of the pump or any of its parts. Nothing in this policy requires any employee to assist with the insertion or reinsertion of the pump or any of its parts.

Self-Administration of Asthma Medications and Auto-Injectable Epinephrine

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

- Written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, is on file with the school.
- Written notice from the student's health care provider is on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication.
- An individualized health care plan is prepared, including emergency procedures for any life-threatening conditions.

- There is a consultation with the student's parent before any limitations or restrictions are imposed on a student's possession and self-administration of inhaled asthma medications and auto-injectable epinephrine, and before the permission to possess and self-administer inhaled asthma medications and auto-injectable epinephrine at any point during the school year is revoked.
- Self-administration of inhaled asthma medications and auto-injectable epinephrine is consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manual, which are jointly issued by the Virginia Department of Education and the Virginia Department of Health.
- Information regarding the health condition of the student may be disclosed to school board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

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

Epinephrine

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, School Board employee, employee of a local appropriating body or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess epinephrine and administer it to any student believed to be having an anaphylactic reaction.

Albuterol Inhalers

Albuterol inhalers and valved holding chambers are stocked in each school in the division to be administered by any school nurse, employee of the School Board, employee of a local appropriating body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication.

Regulation

The superintendent shall develop a regulation for administration of medicines to students. The regulation shall include provisions for the handling, storage, monitoring, documentation and disposal of medication.

Adopted: May 9, 1994
Revised: June 21, 2011
May 2012
May 2013
June 2014
June 2017
June 9, 2021

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Legal Refs.: Code of Virginia, as amended, §§ 22.1-78, 22.1-274, 22.1-274.01:1, 22.1-274.2, 54.1-2952.2, 54.1-2957.02, 54.1-3408.

Cross Refs.:	EBBA	Emergency First Aid, CPR and AED Certified Personnel
	JHCE	Recommendation of Medication by School Personnel
	JO	Student Records

Epinephrine Policy

Recognition and treatment of anaphylaxis in the school setting

It is the policy of Lexington City Schools to provide at least two doses of each 0.15mg and 0.3mg auto-injectable epinephrine (called "unassigned or stock epinephrine") in each school, to be administered by a school nurse or employee of the school who is authorized and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction on school premises, during the academic year.

Policy Limitations

Parents of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the students' health care provider for handling anaphylaxis and all necessary medications for implementing the student specific order on an annual basis. This anaphylaxis policy is not intended to replace student specific orders or parent provided individual medications. Stock epinephrine is intended for use on school premises and should not be carried offsite.

Overview

Anaphylaxis is a severe systemic allergic reaction to allergens that is rapid in onset and can result in death. Common allergens include animal dander, fish, latex, milk, shellfish, tree nuts, eggs, insects, medications, peanuts, soy wheat, etc. A severe allergic reaction can occur immediately with death resulting within minutes. An anaphylactic reaction can occur one to two hours after exposure to allergen. Often an epinephrine injection is the only difference between life and death.

Symptoms of anaphylaxis:

- Shortness of breath
- Sneezing, wheezing, or coughing
- Difficulty swallowing
- Swelling of lips, eyes, face, tongue, or throat
- Low blood pressure, dizziness, fainting
- Heart beat complaints: rapid or decreased
- Blueness around eyes, eyelids, or lips
- Sweating or anxiety
- Itching, with or without hives; raised red rash in any area of the body
- Skin flushing or color becomes pale
- Hoarseness
- Sense of impending disaster, doom, or approaching death
- Loss of bowel or bladder control
- Nausea, abdominal pain, vomiting, or diarrhea
- Burning sensation, especially in the chest or face
- Loss of consciousness

Although anaphylactic reactions result in multiple symptoms, reactions may vary. A single symptom may indicate anaphylaxis. **Epinephrine should be administered promptly at the first sign of anaphylaxis. It is safer to administer epinephrine than to delay treatment for anaphylaxis.**

Training

Lexington City Schools shall see that a core group of administrators and staff are trained in recognizing signs and symptoms of anaphylaxis, as well as the administration of auto-injectable epinephrine when needed. These are individuals with the most immediate access and/or likelihood of being available during such an episode. These individuals include, but are not limited to: nurse, principal, athletic director, secretaries, physical education teachers. This training will be conducted annually.

Standing Orders

Standing orders are written to cover multiple people as opposed to individual-specific orders, which are written for one person. Lexington City Schools shall designate an authorized medical provider (MD, DO, PA, or NP with prescriptive authority) to prescribe non-student specific epinephrine for the school division, to be administered to any student believed to be having an anaphylactic reaction on school grounds, during the academic day. Standing orders must be renewed annually and with any change in prescriber.

Responding to Anaphylaxis

If student specific- orders are on file they should be followed for students with known life threatening allergies and/or anaphylaxis.

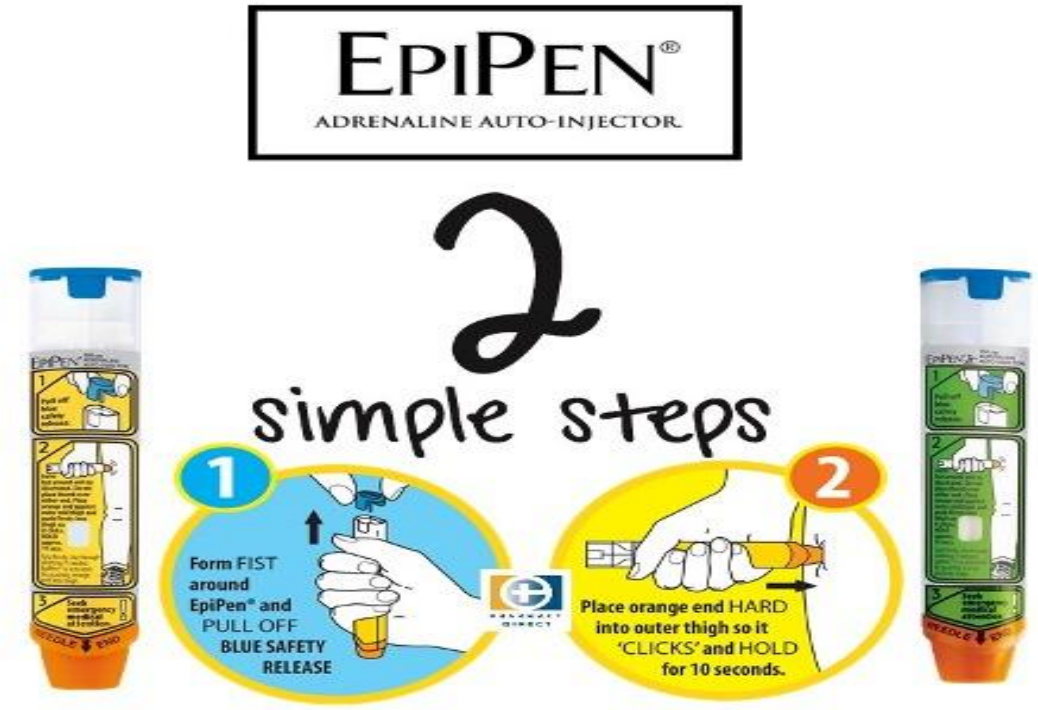
For suspected anaphylaxis without specific orders:

1. Based on symptoms, determine that an anaphylactic reaction is occurring.
2. Act quickly. It is safer to give epinephrine than to delay treatment. **This is a life and death decision.**
3. Determine the proper dose and administer epinephrine. **Epinephrine should be given based on an estimate of the individual's weight. Time should not be wasted seeking precise weight.**

Weight of Individual	Epinephrine Dosage
33 to 66 pounds	0.15mg (Epi-Pen Jr.)
Greater than 66 pounds	0.3mg (Epi-Pen)
Appears to weight around 66 pounds, but weight cannot be precisely determined	0.3mg (Epi-Pen)

4. Note the time that epinephrine was administered.
5. Direct someone to call 911 and request medical assistance. Advise 911 operator that anaphylaxis is suspected and that epinephrine has been given.
6. Stay with the person until emergency medical services arrives.
7. Monitor their airway and breathing.
8. Reassure and calm person as needed.
9. Direct someone to call parent/guardian.
10. If symptoms continue and EMS is not on the scene, administer a second dose of epinephrine 5 to 15 minutes after initial injection. Note the time.
11. Administer CPR if needed.
12. EMS to transport individual to the emergency room. Document individual's name, date, and
13. time the epinephrine was administered on the used epinephrine auto-injector and give to EMS to accompany individual to the emergency room.
14. Even if symptoms subside, 911 must still respond and individual must be evaluated by a physician. A delayed or secondary reaction may occur.

Replace epinephrine stock medication as appropriate (refer to Section: Storage, Access and Maintenance).



Post Event Actions

1. Once epinephrine is administered, local Emergency Services (911) shall be activated and the student transported to the emergency room for follow up care. In some reactions, the symptoms go away, only to return one to two hours later. This is called a "biphasic reaction." Often these second phase symptoms occur in the respiratory tract and may be more severe than the first-phase symptoms; therefore follow-up care with a health care provider is necessary. The student will not be allowed to remain at school or return to school on the day epinephrine is administered.
2. Document the event
3. Complete incident report
4. Replace epinephrine stock medication immediately

Storage, Access, and Maintenance

Epinephrine should be stored in a safe, unlocked and accessible location, in a dark place at room temperature (between 59-86 degrees F). Epinephrine should **not** be maintained in a locked cabinet or behind locked doors. Staff should be made aware of the storage location in each school. It should be protected from exposure to heat, cold or freezing temperatures. Exposure to sunlight will hasten deterioration of epinephrine more rapidly than exposure to room temperatures. The expiration date of epinephrine solutions should be periodically checked; the drug should be replaced if it approaching the expiration date. The contents should periodically be inspected through the clear window of the auto-injector. The solution should be clear; if it is discolored or contains solid particles, replace the unit.

Approved: 9/14/15

RECOMMENDATION OF MEDICATION BY SCHOOL PERSONNEL

School personnel are prohibited from recommending the use of psychotropic medications for any student. School health staff, classroom teachers, or other school professionals may recommend that a student be evaluated by an appropriate medical practioner. In addition, school personnel may consult with a medical practioner who is serving the student with the written consent of the student's parent.

For the purpose of this policy, "psychotropic medications" means those medications that are prescribed with the intention of altering a mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior altering medication.

Adopted: July 14, 2003

Legal Ref.: Code of Virginia, 1950, as amended, section 22.1-274.3.

Superintendent's Memorandum No. 54 (August 16, 2002).

Cross Ref.: JHCD Administering Medicine to Students

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STUDENT WELLNESS

Goals

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

Nutrition Promotion and Education

The Lexington City Schools' School Lunch and School Breakfast Programs will follow the U.S. Nutritional Standards and Dietary Guidelines for Americans. The Lexington City School Board recognizes that childhood obesity has reached epidemic levels throughout the country. Overweight children are at a higher risk for developing severe long-term health problems, and overweight children are affected by discrimination, psychological stress, and low self-esteem. However, research indicates that obesity and subsequent diseases are largely preventable through diet and regular physical activity. Research also indicates that becoming physically active and maintaining a regular physical activity program significantly reduces the risk of some obesity and some cancers, diabetes and other chronic diseases.

Accepting that families are the primary teachers and caregivers for their children, and that the primary mission of schools is education, Lexington City Schools believe they must share with families and the community the responsibility for the physical, mental, and social well-being of its students. The present and future health, safety, and well-being of students are the concern of Lexington City Schools.

Children who eat well-balanced meals and are healthy are more likely to learn in the classroom. The board supports increased emphasis on nutrition as well as physical activity at all grade levels to enhance the well-being of our district's youth. Therefore, it is the policy of the Board to:

A. Provide students access to nutritious food;
B. Provide opportunities for physical activity and developmentally appropriate exercise;
C. Provide accurate information related to these topics.

All instructional staff are encouraged to integrate positive health promotion themes into daily lessons when appropriate. The benefits of good health and physical activity should be emphasized. Nutrition and health education should be provided to parents in the form of handouts, postings on the District website, newsletters, or presentations that focus on healthy lifestyles. The district will develop and teach a health and physical education curriculum that meets Virginia SOL standards and is articulated K-8.

Physical Activity

- A quality physical education program is an essential component for all students to learn about and participate in physical activity. Physical activity should be included in a school's education program from grades K through 8. Physical activity should include regular instructional physical education, co-curricular activities, and recess.
- It is recommended that schools provide brief exercise breaks throughout the school day to enhance student focus and attention.
- Physical activity should not be used or withheld as a form of discipline.
- Teachers are encouraged to use movement in the classroom and manipulatives as teaching tools

Other School-Based Activities

"Schools play a critical role in promoting student health, preventing childhood obesity, and combating problems associated with poor nutrition and physical inactivity" (USDA). In light of that, the Lexington City School Board encourages school staff, administration, Board members, City Council and parents to pursue a healthy lifestyle in order to improve their health status, morale, and reduce stress level. This may improve productivity, decrease absenteeism, and reduce health insurance costs.

Nutrition Standards and Guidelines

The School Board incorporates and adopts the nutrition standards in 8 VAC 20-740-10 through 8 VAC 20-740-40.

The superintendent is responsible for creating

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

Marketing on the school campus during the school day is permitted only for those foods and beverages that meet the nutrition standards under 7 C.F.R. § 210.11, serve to promote student health, reduce and prevent childhood obesity, and combat problems associated with poor nutrition and physical inactivity.

National School Lunch Program/School Breakfast Program

- Meals must meet the USDA Nutritional Standards and the American Dietary Guidelines
- Meals will be planned to encourage the consumption of nutrient dense foods. i.e. whole grains, fresh fruits, and fresh vegetables.
- Foods should be served with consideration toward variety, appeal, taste and safety to ensure high quality meals.
- The district will use food commodities made available under the Federal Food Commodity Program (USDA) for school meals.
- All food and beverage shall meet federal, state and local guidelines for safety and sanitation.

Ala Carte

- Soft drinks cannot be sold to students anywhere on the school campus.
- Ala carte purchases are available during breakfast and lunch

Elementary Schools – H. Waddell Elementary School

- Vending machines will not be allowed in Lexington City Schools.
- Milk will be available for purchase to students who bring a packed lunch from home.

Secondary Schools – Lylburn Downing Middle School

- Healthy food and beverages, as determined below, may be sold during the school day from the Food Service Department.
- During the school day, individual food items can be no larger than…
    - 1.5 oz or less-snacks and sweets
    - 2 oz-cookies and cereal bars
    - 3 oz bakery items
    - 3 oz frozen desserts
- To give healthful items a competitive edge, pricing of products will be implemented.
- All food and beverages must meet general, state and local guidelines for safety and sanitation.
- Vending machines will not be in the building.

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

School principals are responsible for implementing and enforcing this policy. The implementation of the policy is measured by periodic review of the school nutrition program and physical education program in alignment with this policy.

The public is informed about the content and implementation of the policy by publication of this policy on the division website.

Implementation procedures include measuring and making available to the public, at least once every three years, an assessment of the implementation of the policy, including the extent to which schools are in compliance with the policy, the extent to which this policy compares to model school wellness policies and a description of the progress made in attaining the goals of the policy. The results of the triennial assessment are considered in updating the policy.

The process for monitoring compliance with this policy are annual reports by school principals provided to the the Superintendent at the conclusion of the school year.

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

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

Approved: June 12, 2006
Revised: December 2012
February 2013
May 2019
June 9, 2021

Legal Refs: 42 U.S.C. § 1758b.

7 C.F.R. 210.31.

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

8 VAC 20-740-30.

8 VAC 20-740-40.

Cross Refs:	EFB	Food Services
	IGAE/IGAF	Health Education/Physical Education
	JL	Fund Raising and Solicitation
	KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

LACTATION SUPPORT

The Superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the Lexington City School Board or enrolled as a student in the division may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view.

Adopted: June 2014

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.6.

HUMAN RESEARCH

Surveys, analyses or evaluations conducted as part of any program which is funded by the United States Department of Education or is otherwise subject to policies and regulations promulgated by any agency of the federal government are conducted in accordance with Policy JOB Administration of Surveys and Questionnaires, 20 U.S.C. § 1232h, and applicable federal regulations. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any such survey, analysis, or evaluation will be available for inspection by the parents or guardians of the students involved.

Any other human research involving students must be approved and conducted under the review of a human research committee established by the school division or the school conducting the research. Such research will be conducted or authorized only after the student and the student's parents or legally authorized representative give their informed consent, as evidenced by a signed and witnessed informed consent form in accordance with Va. Code § 32.1-162.18.

The human research committee will be composed of representatives of varied backgrounds to ensure the competent, complete, and professional review of human research activities. No member of the committee may be directly involved in the proposed human research or have administrative approval authority over the proposed human research except in connection with his responsibilities as a member of the committee. In deciding whether to approve proposed human research, the committee will consider the factors listed in Va. Code § 32.1-162.19.

Research or student learning outcomes assessments conducted in educational settings involving regular or special education instructional strategies, the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods, or the use of educational tests, whether cognitive, diagnostic, aptitude, or achievement, if the data from such tests are recorded in a manner so that subjects cannot be identified, directly or indirectly, are exempt from the requirements of this policy.

Definition: as used in this policy, "human research" means any systematic investigation, including research development, testing and evaluation, utilizing human subjects, that is designed to develop or contribute to generalized knowledge. "Human research" does not include research exempt from federal research regulation pursuant to 45 C.F.R. § 46.101(b).

Adopted: May 9, 1994.
Revised: May 9, 2006
March 6, 2012
March 11, 2020

Legal Refs.: 20 U.S.C. § 1232h.

Code of Virginia, 1950, as amended, §§ 32.1-162.16, 32.1-162.17, 32.1-162.18, 32.1-162.19, 32.1-162.20.

Cross Refs.:	JOB	Administration of Surveys and Questionnaires
	IIAE	Innovative or Experimental Program

SUICIDE PREVENTION

Duties of Teachers and Administrative Staff

Any person licensed as administrative or instructional personnel by the Board of Education and employed by the Lexington city School Board who, in the scope of the person's employment, has reason to believe, as a result of direct communication from a student, that such student is at imminent risk of suicide, contacts, as soon as practicable, at least one of such student's parents to ask whether such parent is aware of the student's mental state and whether the parent wishes to obtain or has already obtained counseling for such student. The superintendent is responsible for developing procedures for such contact that are in accordance with the guidelines developed by the Board of Education in cooperation with the Department of Behavioral Health and Developmental Services and the Department of Health as required by Va. Code § 22.1-272.1.

Abuse or Neglect

If the student has indicated that the reason for being at imminent risk of suicide relates to parental abuse or neglect, contact is not made with the parent. Instead, the staff person notifies, as soon as practicable, the local department of social services of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or the state Department of Social Services' toll-free child abuse and neglect hotline as required by Policy GAE Child Abuse and Neglect Reporting and Va. Code § 63.2-1509. When giving this notice to the local or state department, the person stresses the need to take immediate action to protect the child from harm.

Parental Review of Materials

Parents have the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. Prior to the use of any such material, the parent of a child participating in such a program is provided written notice of the parent's right to review the material and the right to excuse the child from participating in the part of such program utilizing such material.

Adopted: May 2000
Revised: July 12, 2004
September 11, 2006
March 14, 2011
November 2015
May 2019
March 10, 2021

Legal Refs: Code of Virginia, 1950, as amended, §§ 22.1-207.1:1, 22.1-272.1 and 63.2-1509.

Cross Refs:	GAE	Child Abuse and Neglect Reporting
	EB	School Crisis, Emergency Management and Medical Emergency Response Plan
	EBB	Threat Assessment Teams

STUDENT-ATHLETE CONCUSSIONS

Generally

In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian must review, on an annual basis, information on concussions provided by the school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian must sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education.

Return to Play Protocol

A student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game is removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury does not return to play that day or until the student-athlete is

- evaluated by an appropriate licensed health care provider as determined by the Board of Education and
- in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.

Return to Learn Protocol

School personnel are alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including

- difficulty with concentration, organization, and long-term and short-term memory;
- sensitivity to bright lights and sounds; and
- short-term problems with speech and language, reasoning, planning, and problem solving.

School personnel accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom.

Procedures

The superintendent is responsible for developing, and biennially updating, procedures regarding the identification and handling of suspected concussions in student-athletes.*

- A student-athlete suspected by that student-athlete's coach, athletic trainer or physician of sustaining a concussion will be removed from the activity at that time
- A student-athlete suspected by that student-athlete's coach, athletic trainer, or physician of sustaining a concussion will be evaluated by an appropriate licensed health care provider
- School personnel accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health-care provider.

Athletic Activities Conducted by Non-School Organizations on School Property

The school division may provide this policy to organizations sponsoring athletic activity for student-athletes on school property. The school division does not enforce compliance with the policy by such organizations.

Adopted: July 11, 2011
Revised: June 2014
May 2015
May 2016
May 2019

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-271.5.

Cross Refs.: KG Community Use of School Facilities
KGB Public Conduct on School Property

*Va. Code Section 22.1-271.5 requires that this policy also be updated biennially.

FUNDRAISING AND SOLICITATION

All fundraising activities conducted for the benefit of the school division must provide an educational benefit to students and must not interfere with the instructional program. All fundraising activities conducted by school-sponsored organizations or clubs must be approved in advance by the principal. Fundraising refers to the raising of non-appropriated funds by students, parents or others for the educational benefit of students and their schools.

Students may participate in fundraising activities provided such activities are approved in writing and carefully monitored and regulated by the school principal or principal's designee. Elementary school students may not participate in door-to-door solicitation. Students are not excused from class to participate in fundraising activities. No grade is affected by a student's participation, or lack of participation, in a fundraising activity.

Each principal develops and maintains a list of all approved fundraising activities and reports all activities to the superintendent pursuant to procedures issued by the superintendent.

The superintendent periodically furnishes the School Board with an up-to-date listing of all fundraising activities being conducted in the school division.

Adopted: May 9, 1994.
Revised: May 12, 2008
February 2014
April 2019
March 10, 2021

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

Cross Refs.:	IIBEA/GAB	Acceptable Computer System Use
	IICA	Field Trips
	JHCF	Student Wellness
	KJ	Advertising in the Schools
	KGA	Sales and Solicitations in Schools
	KMA	Relations with Parent Organizations
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

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RESTRAINT AND SECLUSION OF STUDENTS

Physical restraint and seclusion may only be used by Lexington City School Board staff for the purpose of behavioral intervention in accordance with this policy and the Virginia Board of Education Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia. The School Board encourages the use of positive behavioral interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion.

The superintendent is responsible for developing procedures to address the requirements of the Board of Education Regulations. Those procedures shall include:

- examples of the positive behavioral interventions and support strategies consistent with the student's rights to be treated with dignity and to be free from abuse that the school division uses to address student behavior, including the appropriate use of effective alternatives to physical restraint and seclusion;
- a description of initial and advanced training for school personnel that addresses appropriate use of effective alternatives to physical restraint and seclusion and the proper use of restraint and seclusion;
- a statement of the circumstances in which physical restraint and seclusion may be employed, which shall be no less restrictive than that set forth in 8 VAC 20-750-40 and 8 VAC 20-750-50;
- provisions addressing the
    - notification of parents regarding incidents of physical restraint or seclusion, including the manner of such notification;
    - documentation of the use of physical restraint and seclusion;
    - continuous visual monitoring of the use of any physical restraint or seclusion to ensure the appropriateness of such use and the safety of the student being physically restrained or secluded, other students, school personnel, and others. These provisions shall include exceptions for emergency situations in which securing visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgment of the school personnel implementing the physical restraint or seclusion, result in serious physical harm or injury to persons;
    - securing of any room in which a student is placed in seclusion. These provisions shall ensure that any seclusion room or area meet specifications for size and viewing panels that ensure the student's safety at all times, including during a fire or other emergency; and
    - the appropriate use and duration of seclusion based on the age and development of the student.

The School Board reviews this policy at least annually and updates it as appropriate. The superintendent reviews the procedures at least annually and updates them as appropriate.

Adopted: August 2010
Revised: September 9, 2020

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78, 22.1-279.1, 22.1-279.1:1.

8 VAC 20-750-40.

8 VAC 20-750-50.

8 VAC 20-750-70.

Cross Refs.:

BF	Board Policy Manual
CH	Policy Implementation
EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
IGBA	Programs for Students with Disabilities
JFC	Student Conduct
JGA	Corporal Punishment
JGDA	Disciplining Students with Disabilities
JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
KNAJ	Relations with Law Enforcement Authorities

STUDENT FEES, FINES, AND CHARGES

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

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

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

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

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

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

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

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

The School Board upon recommendation of the superintendent may take action against a pupil or the pupil's parent for any actual loss, breakage, or destruction of or failure to return property owned by or under the control of the School Board, caused or committed by such pupil in pursuit

of his studies. Such action may include seeking reimbursement from a pupil or pupil's parent for any such loss, breakage, or destruction of or failure to return school property.

Adopted: May 9, 1994
Revised: June 16, 2010
February 2013

Legal Refs.: Code of Virginia, 1950, as amended, §§ 8.01-43, 22.1-6, 22.1-243, 22.1-280.4.

8 VAC 20-720-80.

Cross Refs.: ECAB Vandalism
IIA Instructional Materials

STUDENT FEES, FINES, AND CHARGES

Collection of Fees

Any student fees levied by a teacher or principal must be in accordance with the fee schedule approved by the school board. The school board may approve only those fees which are permitted by law or regulations of the State Board of Education.

Loss of or Damage to School Board Property

Students are financially liable for loss of or damage to school board property, even when malicious intent is not involved. If malicious intent is involved, the case is treated as vandalism. The responsible student shall be charged a reasonable fee for the lost or damaged item. Fees collected for damaged school board property shall be accounted for in accordance with procedures disseminated by the division's Chief Financial Officer.

Vandalism

Deliberate and malicious damage to school board property will be paid for by the student(s) responsible for the damage or by his or her parents/guardians, in accordance with Sections 8.01-43 and 8.01-44 of the Code of Virginia. Funds collected by schools will be forwarded without delay to the division's business office.

Refunds

Schools may make refunds to students if they return lost items.

Issued: May 9, 1994

STUDENT RECORDS

Generally

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

The superintendent and/or his designee(s) is responsible for the collection of data, record maintenance and security, access to, and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The superintendent also provides for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of this policy.

Definitions

For the purposes of this policy, the Lexington City Public Schools uses the following definitions:

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

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

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

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

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

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

Eligible student - a student who has reached age 18.

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

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

Dissemination and Maintenance of Records About Court Proceedings
Adjudications
The superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G. contained in a notice received pursuant to Va. Code § 16.1-305.1 to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the principal of the school in which the student is enrolled. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

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

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

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

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

- If the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department

which sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.

- Prior to receipt of the notice of disposition in accordance with Va. Code § 16.1-305.1 the superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel within the division. The principal may further disseminate the information regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other educational services.
- If the superintendent believes that disclosure of information regarding a report received pursuant to Va. Code § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, he may disclose the information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

Protective Orders and Orders Prohibiting Contact with a Child

Any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations district court, or magistrate has issued a protective order for the protection of any child who is enrolled at the school, or any other order prohibiting contact with such a child, notifies licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the protected child or the child subject to the order, (ii) have a legitimate educational interest in such information, and (iii) are responsible for the direct supervision of the protected child or the child subject to the order that such order has been issued.

Annual Notification

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

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

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

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

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

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

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

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

Fees for Copies of Records
The Lexington City Public Schools does not charge for search and retrieval of the records. The Lexington City Public Schools does not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

Types, Locations, and Custodians of Education Records
The Lexington City Public School shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

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

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

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

   A school official has a legitimate educational interest if the official is:
   - Performing a task that is specified in his or her position description or by a contract agreement
   - Performing a task related to a student's education
   - Performing a task related to the discipline of a student
   - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid

2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer. If records or information are released under this provision, the student’s parents will be notified of the release, receive a copy of the record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.

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

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

5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.

6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which
   - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
   - requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
   - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
   - requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

7. To accrediting organizations to carry out their functions.

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

9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.

10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
    - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
    - the parties to whom the division disclosed the information.

11. To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.

12. Directory information so designated by the school division.

13. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

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

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

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

Disclosure to Federal Agencies
Not withstanding any other provision of law or policy, no member or employee of the Lexington City School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

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

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

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

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

Military Recruiters and Institutions of Higher Learning
The Lexington City Public Schools provides, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a parent or eligible student has submitted a written request that the student's name, address and telephone listing not be released without the prior written consent of the parent or eligible student. The school division notifies parents of the option to make a request and complies with any request.

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

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

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

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

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

No school discloses the address, telephone number, or email address of a student pursuant to

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

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

LEXINGTON CITY SCHOOLS - NOTICE FOR DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Lexington City Schools, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Lexington City Schools may disclose appropriately designated "directory information" without written consent, unless you have advised Lexington City Schools to the contrary in accordance with Lexington City Schools' procedures. The primary purpose of directory information is to allow Lexington City Schools to include this type of information from your child's education records in certain school publications. Examples include:

- ❑ A playbill, showing your student's role in a drama production;
- ❑ The annual yearbook;
- ❑ Honor roll or other recognition lists;
- ❑ Graduation programs; and
- ❑ Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want Lexington City Schools to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify Lexington City Schools in writing by September 15th or the next business day. Lexington City Schools has designated the following information as directory information:

- ❑ Student's name
- ❑ Address
- ❑ Telephone listing
- ❑ Electronic mail address
- ❑ Photograph
- ❑ Date and place of birth
- ❑ Major field of study
- ❑ Dates of attendance
- ❑ Grade level
- ❑ Participation in officially recognized activities and sports
- ❑ Weight and height of members of athletic teams
- ❑ Degrees, honors and awards received
- ❑ The most recent educational agency or institution attended
- ❑ Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity such as PIN, password, or other factor known or possessed only by the authorized user
- ❑ A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or moer factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

Source: http://www2.ed.gov/policy/gen/guid/fpco/ferpa/mndirectoryinfo.html

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

1. Parents or the eligible student must request in writing that the Lexington City Public Schools amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.
2. Lexington City Public Schools shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the school division shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Lexington City Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.
4. The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. Lexington City Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
7. If Lexington City Public Schools decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
8. If Lexington City Public Schools decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

Confidentiality of HIV and Drug and Alcohol Treatment Records

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

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June 10, 2020

Legal Refs.: 18 U.S.C. §§ 2331, 2332b.
20 U.S.C. §§1232g, 7908.
42 U.S.C. § 290dd-2.
34 C.F.R. 99.3, 99.7, 99.10, 99.11, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37.
Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3705.4, 2.2-3804, 16.1-260, 16.1- 305.1, 16.1-305.2, 22.1-254.1, 22.1-279.3:2, 22.1-287, 22.1-287.01, 22.1-287.02, 22.1- 287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23.1-405, 32.1-36.1, 64.2-2003

Cross Refs.:

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

STUDENT TRANSCRIPTS

Generally

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

Test Record

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

High School Credit-Bearing Courses Taken in Middle School

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

Adopted: March 13, 2017

Revised: June 9, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-23.3, 22.1-253.13:3.

8 VAC 20-131-90.

8 VAC 20-160-30.

Cross Refs.: JO Student Records

ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES

I. Instructional Materials and Surveys

A. Inspection of Instructional Materials

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any federally funded program are available for inspection by the parents or guardians of the student in accordance with Policy KBA Requests for Public Records.

B. Participation in Surveys and Evaluations

No student is required, as part of any federally funded program, to submit to a survey, analysis, or evaluation that reveals information concerning

(1) political affiliations or beliefs of the student or the student's parent,
(2) mental or psychological problems of the student or the student's family,
(3) sex behavior or attitudes,
(4) illegal, anti-social, self-incriminating, or demeaning behavior,
(5) critical appraisals of other individuals with whom respondents have close family relationships,
(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
(7) religious practices, affiliations, or beliefs of the student or student's parent, or
(8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

C. Surveys Requesting Sexual Information

In any case in which a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors pursuant to Va. Code § 32.1-73.8, other information on controlled substance use, or any other information that the School Board deems to be sensitive in nature is to be administered, the School Board notifies the parent concerning the administration of such questionnaire or survey in writing at least 30 days prior to its administration. The notice informs the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the questionnaire or survey, how information collected by the questionnaire or survey will be used, who will

have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. In any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency shall provide the School Board with all information required to be included in the notice to parents. The parent has the right to review the questionnaire or survey in a manner mutually agreed upon by the school and the parent and exempt the parent's child from participating in the questionnaire or survey. Unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey do not disclose personally identifiable information.

No questionnaire or survey requesting that students provide sexual information shall be administered to any student in kindergarten through grade six.

D. Additional Protections

In the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection I.B. above, the privacy of students to whom the survey is administered is protected by:

Administrators will review and approve surveys prior to distribution. Approved surveys will not include subjects listed in subsection I.B. above.

II. Physical Examinations and Screenings

If the Lexington City School Division administers any physical examinations or screenings other than

- those required by Virginia law, and
- surveys administered to a student in accordance with the Individuals with Disabilities Education Act,

policies regarding those examinations or screenings will be developed and adopted in consultation with parents.

III. Commercial Use of Information

Questionnaires and surveys are not administered to public school students during the regular school day or at school-sponsored events without written, informed parental consent when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student.

This subsection does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- college or other postsecondary education recruitment, or military recruitment;
- book clubs, magazines, and programs providing access to low-cost literary products;
- curriculum and instructional materials used by elementary schools and secondary schools;
- tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- the sale by students of products or services to raise funds for school-related or education-related activities; and
- student recognition programs.

IV. Notification

Notification of Policies

The Board provides notice of this policy directly to parents of students annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy. The Board also offers an opportunity for the parent (or emancipated student) to opt the student out of participation in

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection I.B. above; or
- any nonemergency, invasive physical examination or screening that is
    - required as a condition of attendance;
    - administered by the school and scheduled by the school in advance; and
    - not necessary to protect the immediate health and safety of the student, or of other students.

Notification of Specific Events

The Board directly notifies the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled, or expected to be scheduled:

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection I.B. above; or
- any nonemergency, invasive physical examination or screening that is
    - required as a condition of attendance;
    - administered by the school and scheduled by the school in advance; and
    - not necessary to protect the immediate health and safety of the student, or of other students.

V. Definitions

Instructional material: the term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Invasive physical examination: the term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Parent: the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

Personal information: the term "personal information" means individually identifiable information including

- a student or parent's first and last name;
- a home or other physical address (including street name and the name of the city or town);
- a telephone number; or
- a Social Security identification number.

Survey: the term “survey” includes an evaluation.

Adopted: May 2002

Revised: July 14, 2003
September 11, 2006
June, 21, 2011
October 2014
May 2015
May 2019

Legal Refs.: 20 U.S.C. § 1232h.

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

Cross Refs.:

INB	Teaching About Controversial Issues
JHDA	Human Research
KBA	Requests for Public Records
KF	Distribution of Information/Materials

RELEASE OF STUDENT DATA/RECORDS

The parent/legal guardian of any student enrolled in Lexington City School Division may authorize the release of their student's data/records to any individual or Agency upon completion and execution of the Consent for Release of Student Data/Records form accompanying this policy.

This form may be used by Community Policy and Management Teams, and the Departments of Health, Social Services, Juvenile Justice, and Behavioral Health and Development Services.

Adopted: May 2013
Revised: February 2015

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-79.3.

LEXINGTON CITY SCHOOLS
CONSENT FOR RELEASE OF STUDENT DATA/RECORDS

Student Name: _____ Date of Birth _____
Name of School_____ ID # _____
Student Address _____
Home Telephone #: _____
Parent/Legal Guardian (1) Mobile Telephone # _____
Parent/Legal Guardian (2) Mobile Telephone # _____

I authorize the Division to release to the individual or Agency identified below identifying educational/medical data and records (the "Records") of the student listed above. I understand that in addition to educational records and data, such Records may also contain health information pertaining to diagnosis and treatments, immunization records, suspensions/office referral data, attendance data, referrals to student service teams, as well as written communications with school staff related to mental health interventions.

Time Period During Which Release of Student/Data is Authorized:

From: Date that form is signed below.
Until:_____

Name of Authorized Individual or Agency

Name and Title_____
Agency Name (if applicable) _____

Address (1) _____

Address (2) _____

Email Address _____

Phone Number _____

Fax Number_____

Signature of Parent/Guardian _____
Name of Parent/Guardian _____
Relationship to Student _____
Date _____
Witness _____

Feb. 2015

ACCEPTANCE OF ELECTRONIC SIGNATURES AND RECORDS

Policy Statement

Electronic or digital signatures can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, and signed. The Lexington City School Board adopts the following policy with respect to the use of electronic records and signatures in connection with its communications with parents, guardians, or other persons having control over a child enrolled in this division.

Definitions

“Attribution” – An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

“Electronic Signature”- An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Electronic Record” – Any record created, generated, sent, communicated, received or stored by electronic means.

Applicability

This policy applies to parents, guardians, and other persons having control or charge of a child enrolled in the division; and also to individuals affiliated with the division, whether paid or unpaid, including but not limited to teachers, administrators, staff, students, affiliates, and volunteers.

Electronic Records

Electronic records created or received by the division shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The division shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the division may be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and the Lexington City School Board agrees to accept or send such communication electronically; and
2. If a signature is required on the record or communication by any statute, rule or other applicable law or School Board policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or policy that requires records to be signed in non-electronic form. The issuance and/or acceptance of an electronic signature by the School Board may be permitted in accordance with the provisions of this policy and all applicable state and federal law. If permitted, such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by the individual's name and title;

2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;

3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed;

4. The electronic signature conforms to all other provisions of this policy.

Acceptance, Use and Issuance of Electronic Records and Signatures

The School Board shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. Such system should include security procedures whereby the School Board can (a) verify the attribution of a signature to a specific individual, (b) detect changes or errors in the information contained in a record submitted electronically, (c) protect and prevent access, alteration, manipulation or use by an unauthorized person, and (d) provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.

The School Board shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.

The School Board shall maintain a secure hard copy log of the PIN/password or actual signature of any individual authorized to provide an electronic signature in connection with School Board business.

The School Board may receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.

Adopted: June 2014
Revised: May 2015
June 9, 2021

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-79.3, 59.1-479 et seq.

Cross Ref.: JO Student Records

STUDENT PUBLICATIONS

Definition of Official School Publications

Official school publications such as newspapers, yearbooks, and literary magazines may be prepared in regularly scheduled classes and are components of the curriculum approved by the School Board. These publications are not intended to provide a public forum for students or the general public. With regard to these publications, the School Board is the publisher, the principal is the editor, the faculty sponsor is the co-editor, and students appointed by the co-editor may serve as assistant editors and journalists.

Responsibilities of Student Editors and Journalists

Student assistant editors and journalists are responsible for preparing and writing factual material that is not obscene, defamatory, or an invasion of privacy or that

- is reasonably foreseeable to lead to the substantial disruption of school activities or to endanger the health or safety of students or staff;
- advocates the commission of an unlawful act or the violation of a lawful school policy or regulation;
- advertises or advocates illegal products or services; or
- advocates prejudice, hatred, violence, or harassment.

Responsibilities of Student Publications Faculty Co-Editor

School publications faculty co-editors instruct students the recognized practices and ethical considerations of journalism. Faculty members instruct students in appropriate journalistic techniques and consult with the principal regarding material that may violate the law or the recognized principles of journalism. Material that may be considered controversial by some members of the school community should be carefully considered by students and the faculty editor, and brought to the attention of the principal.

Responsibilities of the School Principal

The school principal is responsible for approving all publications in accordance with School Board policy and the principal's judgment and discretion.

Adopted: September 12, 2005
Revised: June 2014
May 2019

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Legal Refs Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 261, 108 S. Ct. 562, 98 L.Ed.2d 592 (1988).

Cross Refs:	AC	Nondiscrimination
	GB	Equal Employment Opportunity/Nondiscrimination
	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	JB	Equal Educational Opportunities/Nondiscrimination
	JFC	Student Conduct
	JFHA/GBA	Prohibition Against Harassment and Retaliation

SCHOOL SERVICE PROVIDERS' USE OF STUDENT PERSONAL INFORMATION

Definitions

For the purposes of this policy:

"Elementary and secondary school purposes" means purposes that (i) customarily take place at the direction of an elementary or secondary school, elementary or secondary school teacher, or school division; (ii) aid in the administration of school activities, including instruction in the classroom or at home; administrative activities; and collaboration between students, school personnel or parents; or (iii) are otherwise for the use and benefit of an elementary or secondary school.

"Machine-readable format" means a structured format that can automatically be read and processed by a computer such as comma-separated values (CSV), JavaScript Object Notation (JSON) or Extensible Markup Language (XML). "Machine-readable format" does not include portable document format (PDF).

"Personal profile" does not include account information that is collected and retained by a school service provider and remains under control of a student, parent or elementary or secondary school.

"School-affiliated entity" means any private entity that provides support to the school division or a public elementary or secondary school. "School-affiliated entity" includes alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds and scholarship organizations.

"School service" means a website, mobile application or online service that (i) is designed and marketed solely for use in elementary or secondary schools; (ii) is used (a) at the direction of teachers or other employees at elementary or secondary schools or (b) by any school-affiliated entity; and (iii) collects and maintains, uses or shares student personal information. "School service" does not include a website, mobile application or online service that is (a) used for the purposes of college and career readiness assessment or (b) designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

"School service provider" means an entity that operates a school service pursuant to a contract with the school division.

"Student personal information" means information collected through a school service that identifies a currently or formerly enrolled individual student or is linked to information that identifies a currently or formerly enrolled individual student.

"Targeted advertising" means advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online

behavior, use of applications, or sharing of student personal information. "Targeted advertising" does not include advertising (i) that is presented to a student at an online location (a) on the basis of such student's online behavior, use of applications or sharing of student personal information during his current visit to that online location or (b) in response to that student's request for information or feedback and (ii) for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising.

Required Contract Terms

The contract between a school service provider and the School Board shall require the school service provider

- to provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses or shares such student personal information;
- to maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;
- to maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality and integrity of student personal information and makes use of appropriate administrative, technological and physical safeguards;
- to facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used or shared by the school service provider, or by such student's parent, either directly or through the student's school or teacher;
- to collect, maintain, use and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the School Board and the school service provider;
- when it collects student personal information directly from the student, to obtain the consent of the student or, if the student is less than 18 years of age, his parent before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, to obtain the consent of the school division before using student personal information in a manner that is

inconsistent with its policy for the privacy of student personal information for the relevant school service;

- to require any successor entity or third party with whom it contracts to abide by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information;

- to require that, upon the request of the school or School Board, the school service provider will delete student personal information within a reasonable period of time after such request unless the student or, if the student is less than 18 years of age, his parent consents to the maintenance of the student personal information by the school service provider; and

- to provide, either directly to the student or his parent or through the school, access to an electronic copy of such student's personal information in a manner consistent with the functionality of the school service. Contracts between local school boards and school service providers may require that such electronic copy be in a machine-readable format.

The contract will also prohibit the school service provider from knowingly

- using or sharing any student personal information for the purpose of targeted advertising to students;

- using or sharing any student personal information to create a personal profile of a student other than for elementary and secondary school purposes authorized by the school division, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise authorized in the contract between the school division and the school service provider; or

- selling student personal information except to the extent that such student personal information is sold to or acquired by a successor entity that purchases, merges with or otherwise acquires the school service provider.

Nothing in this policy shall be construed to prohibit school service providers from

- using student personal information for purposes of adaptive learning, personalized learning or customized education;

- using student personal information for maintaining, developing, supporting, improving or diagnosing the school service;

- providing recommendations for employment, school, educational or other learning purposes within a school service when such recommendation is not determined in whole or in part by payment or other consideration from a third party;

- disclosing student personal information to (i) ensure legal or regulatory compliance, (ii) protect against liability or (iii) protect the security or integrity of its school service; or

- disclosing student personal information pursuant to a contract with a service provider, provided that the school service provider (i) contractually prohibits the service provider from using any student personal information for any purpose other than providing the contracted service to or on behalf of the school service provider, (ii) contractually prohibits the service provider from disclosing any student personal information provided by the school service provider to any third party unless such disclosure is permitted by Va. Code § 22.1-289.01(B)(7) and (iii) requires the service provider to comply with the requirements set forth Va. Code § 22.1-289.01(B) and the prohibitions set forth in Va. Code § 22.1-289.01(C).

Nothing in this policy shall be construed to:

- impose a duty upon a provider of an electronic store, gateway, marketplace, forum or means for purchasing or downloading software or applications to review or enforce compliance with this policy with regard to any school service provider whose school service is available for purchase or download on such electronic store, gateway, marketplace, forum or means;

- impose liability on an interactive computer service, as that term is defined in 47 U.S.C. § 230(f), for content provided by another individual; or

- prohibit any student from downloading, exporting, transferring, saving or maintaining his personal information, data or documents.

Adopted: June 6, 2016
Revised: June 2017

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-289.01.

Cross Refs.:	ET	Educational Technology Foundation and Public School Foundations
	JO	Student Records
	KMA	Relations with Parent Organizations

SECTION K: School-Community Relations

KA Goals for School-Community Relations

KB Public Information Program

KBA Requests for Public Records

KBA-E Rights and Responsibilities

KBA-F1 Requests for Public Records

KBA-F2 Record of Inspection and/or Delivery of Copies

KBA-R Request for Public Records - Procedures

KBC Media Relations

KBE Internet Privacy

KC Community Involvement in Decision Making

KD Public Participation at School Board Meetings
(Also BDDH)

KF Distribution of Information/Materials (Option 1)

KG Community Use of School Facilities

KG-R Community Use of School Facilities

KG-R(A) Application for Use of School Facilities

KGB Public Conduct on School Property

KGC Tobacco Products and Nicotine Vapor Products
(Also GBEC and JFCH)

KH Public Gifts to the Schools

KJ Advertising in the Schools

SECTION K: School-Community Relations

KK	School Visitors
KKA	Service Animals in Public Schools
KL	Public Complaints
KLB	Public Complaints about Learning Resources
KLB-E	Request for Reconsideration of Learning Resources
KMA	Relations with Parent Organizations
KN	Sex Offender and Crimes Against Minors Registry Information
KNAJ	Relations with Law Enforcement Authorities
KNB	Reports of Missing Children
KP	Parental Rights and Responsibilities
KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

GOALS FOR SCHOOL-COMMUNITY RELATIONS GOALS

The School Board recognizes that good school-community relations are essential to securing public input and public support for educational programs. The School Board sets goals and standards for school-community relations and regularly evaluates its relationship with the public. The School Board also regularly evaluates its programs for maintaining open channels of communication and good relations with parents, community organizations, other governmental organizations, non-profit organizations, businesses and industries and the community at large.

Through its school-community relations program, the Board encourages the community to

1. take an active interest in the schools and participate in school activities,

2. place a high priority on education and make funds available for an educational system that supports learning for all children, and

3. establish partnerships with the schools to enhance learning opportunities.

Adopted: May 9, 1994.
Revised: July 12, 2004
March 6, 2012
February 2014

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:7.C.4.

Cross Refs :	AF	Comprehensive Plan
	KBC	Media Relations
	KB	Public Information Program
	KF	Distribution of Information/Materials
	KG	Community Use of School Facilities
	KMA	Relations with Parent Organizations
	KNAJ	Relations with Law Enforcement Authorities
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships
	IGBC	Parent and Family Engagement

PUBLIC INFORMATION PROGRAM

The Lexington City School Board recognizes the importance of providing information regarding the school division to the community. The Board will utilize all appropriate means and media in order to

- explain the programs, achievements, and needs of the school division;
- keep students, parents/guardians, and staff members fully informed about Board policies and procedures as well as their own rights and responsibilities;
- communicate factual information regarding the school division: and
- involve students, parents/guardians, and the community in discussions regarding education programs, student activities, and Board policy.

Adopted: May 2002
March 6, 2012
Revised: May 2019

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

Cross Refs.: KA Goals for School Community Relations
KBA Requests for Public Records
KBC Media Relations

REQUESTS FOR PUBLIC RECORDS

Lexington City School Board complies with the Virginia Freedom of Information Act (FOIA). Except as otherwise specifically provided by law, all public records are open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. All requests for information are processed in accordance with KBA-R Requests for Public Records.

Officers, employees, and members of the School Board who fail to provide public records as required by FOIA because they altered or destroyed the requested records with the intent to avoid the provisions of FOIA are subject to penalties in their individual capacity of up to $100 per record altered or destroyed.

The name(s) and contact information for the person(s) Lexington City School Board has designated as its Freedom of Information Act (FOIA) Officer(s) is listed in regulation KBA-R Requests for Public Records and posted at the school board office and on the division's website. The FOIA Officer(s) serve(s) as a point of contact for members of the public in requesting public records and coordinate(s) the school board's compliance with FOIA. The FOIA officer(s) receive(s) training at least once during each consecutive period of two calendar years beginning on the date on which the FOIA Officer last completed a training session by the school board's legal counsel or the Virginia Freedom of Information Advisory Council.

Adopted: May 2002
Revised: May 2016
June 2017
April 2019
May 2019
June 10, 2020

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3704.2, 2.2-3714.

Cross Ref.: KBA-R Requests for Public Records

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Rights & Responsibilities

The Rights of Requestors and the Responsibilities of Lexington City Public School under the Virginia Freedom of Information Act

The Virginia Freedom of Information Act (FOIA), located at § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials and public employees.

A public record is any writing or recording – regardless of whether it is a paper record, an electronic file, an audio or video recording or record in any other format – that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open to the public and may only be withheld if a specific statutory exemption applies.

The policy of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

FOIA Rights

- A citizen of the Commonwealth has the right to request to inspect or receive copies of public records, or both.
- A citizen of the Commonwealth has the right to request that any charges for the requested records be estimated in advance.
- If a citizen of the Commonwealth believes that their FOIA rights have been violated, the citizen may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, they may contact the FOIA Council for a nonbinding advisory opinion.

Making a Request for Records from Lexington City Public Schools

- A citizen of the Commonwealth may request records by U.S. Mail, fax, e-mail, in person or over the phone. FOIA does not require that a request be in writing, nor that it specifically state that records are being requested under FOIA.
- As a practical matter, it may be helpful to both the requestor and the person receiving the request to put the request in writing. This creates a record of the request. It also gives us a clear statement of what records are requested, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to a FOIA request if it is not put in writing.

- A request must identify the records sought with “reasonable specificity.” This is a common-sense standard. It does not refer to or limit the volume or number of records requested; instead, it requires the requestor to be specific enough so that we can identify and locate the records that are requested.

- A request must ask for existing records or documents. FOIA creates a right to inspect or copy records; it does not apply to general questions about the work of Lexington City Public Schools, nor does it require Lexington City Public Schools to create a record that does not exist.

- A requestor may choose to receive electronic records in any format used by Lexington City Public Schools in the regular course of business. For example, if requested records are maintained in an Excel file, the requestor you may elect to receive those records electronically, via e-mail or on a computer disk or to receive a printed copy of those records.
- If we have questions about a request, please cooperate with staff’s efforts to clarify the type of records sought, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss a request to ensure that we understand what records are being sought.

To request records from Lexington City Public Schools, direct your request to Lexington City Public Schools’ designated Freedom of Information Act Officer (FOIA Officer) who is responsible for serving as a point of contact for members of the public who wish to request public records. The Lexington City Public Schools FOIA Officer is: Rebecca Walters (300 Diamond Street, Lexington, VA 24450; Telephone: 540-463-7146; Fax: 540-464-5230)

In addition, the FOIA Advisory Council is available to answer questions about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov or by phone at (804) 225-3056 or 1-866-448-4100.

Lexingto City Public Schools’ Responsibilities in Responding to Your Request

Lexington City Public Schools must respond to a request within five working days of receiving it. “Day One” is considered the day after the request is received. The 5-day period does not include weekends or holidays.

The reason behind a request for public records from Lexington City Public Schools is irrelevant and a requestor does not have to state why they want the records before we respond to the request. FOIA does, however, allow Lexington City Public Schools to require a requestor to provide their name and legal address.

FOIA requires that Lexington City Public Schools make one of the following responses to a request within the 5-day time period:

1. We provide the records requested in their entirety.

2. We withhold all of the records requested, because all of the records are subject to a specific statutory exemption or exemptions. If all of the records are being withheld, we must send a response in writing. That writing must identify the volume and subject matter of the records withheld and state the specific section(s) of the Code of Virginia that allows us to withhold the records.

3. We provide some of the records requested, but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld, and must provide the remainder of the record. We must provide the requestor a written response stating the specific section(s) of the Code of Virginia that allows portions of the requested records to be withheld.

4. We inform the requestor in writing that the requested records cannot be found or do not exist (we do not have the records requested). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response.

5. If it is practically impossible for Lexington City Public Schools to respond to the request within the 5-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us 7 additional working days to respond to the request, giving us a total of 12 working days to respond to the request.

If a request is made for a very large number of records and we feel that we cannot provide the records within 12 working days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to the request. However, FOIA requires that we make a reasonable effort to reach an agreement with the requestor concerning the production of the records before we go to court to ask for more time.

Costs

Lexington City Public Schools may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying or searching for the requested records. Lexington City Public Schools will not impose any extraneous, intermediary or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the schools. Any duplicating fee charged by Lexington City Public Schools will not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the requestor as set forth in subsection Va. Code § 2.2-3704.F.

The requestor may have to pay for the records requested from the Lexington City Public Schools. FOIA allows us to charge for the actual costs of responding to FOIA requests. This includes items like staff time spent searching for the requested records, copying costs or any other costs directly related to supplying the requested records. It does not include general overhead costs.

If we estimate that it will cost more than $200 to respond to a request, we may require the requestor to pay a deposit, not to exceed the amount of the estimate, before proceeding with the request. The five days that we have to respond to the request does not include the time between when we ask for a deposit and when the requestor responds.

A requestor may request that we estimate in advance the charges for supplying the records requested. This will allow the requestor to know about any costs upfront, or give the requestor the opportunity to modify the request in an attempt to lower the estimated costs.

If a requestor owes us money from a previous FOIA request that has remained unpaid for more than 30 days, Lexington City Public Schools may require payment of the past-due bill before it will respond to a new FOIA request.

Types of Records

The following is a general description of the types of records held by Lexington City Public Schools:

- Personnel records concerning employees and officials of Lexington City Public Schools
- Scholastic records
- Business and finance records
- Operational records involving support departments such as Technology, Transportation, Facilities, Food Services, etc.
- Agendas, minutes and other records of the meetings of the School Board and committees appointed by the School Board (which are also available on the Lexington City Public Schools website at www.lexedu.org)
- Records of contracts to which Lexington City Public Schools is a party

Commonly Used Exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure. Lexington City Public Schools commonly withholds records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))

- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))
- Records related to critical incident response (§ 2.2-3705.2 (14))
- Scholastic records (§ 2.2-3705.4(1) and 20 U.S.C. § 1232g)

Policy Regarding the Use of Exemptions

The general policy of Lexington City Public Schools is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of Lexington City Public Schools.

The general policy of Lexington City Public Schools is to invoke the contract negotiations exemption whenever it applies in order to protect Lexington City Public Schools bargaining position and negotiating strategy.

The general policy of Lexington City Public Schools is to invoke the scholastic records exemption in those instances where it applies in order to protect the privacy of students and comply with other state and federal laws governing the privacy of student records.

Adopted: June 12, 2017

File: KBA-F1

REQUEST FOR PUBLIC RECORDS

Name _____

Address _____

_____

E-mail address _____

Phone _____

I am a (check one):

❑ Citizen of the Commonwealth of Virginia

❑ Member of the Press referenced in Va. Code §2.2-3704

News Organization _____

Requesters may be asked to provide verification that they are citizens of the Commonwealth or a member of the press referenced in Va. Code § 2.2-3704.

STAFF USE ONLY

Date Request Received:_____

Request was made (check one)

❑ by requester on this form

❑ by telephone

❑ in writing other than on form (attach original request)

Date Response Sent: _____ (attach copy)

❑ Identification Verified

Type: _____

Number: _____

❑ Itemized Cost Estimate Attached

I am requesting access to the following records (please be as specific as possible, and attach additional paper if necessary _____

Reasonable costs may be assessed in connection with this request. A current schedule of costs appears in Regulation KBA-R Requests for Public Records. If the costs associated with this request are expected to exceed $200, the requestor will be asked to pay the estimated costs before the request is processed.

In addition, the requestor may ask for an advance determination of the cost of the request. Please indicate here if you would like an advance determination of cost.
Yes ___ No ___

If you are requesting copies, please specify the format in which you would like to receive them. Lexington City school division will provide the record(s) in the requested format if that medium is used by it in the regular course of its business.

Specify format desired (if available):

❑ Photocopies ❑ E-mail (give address): _____

❑ Website posting ❑ Other (please specify): _____

_____ _____

Signature Date

RETURN COMPLETED FORM TO:
LEXINGTON CITY PUBLIC SCHOOLS
FOIA Officer
300 Diamond Street, Lexington, VA 24450

Revised: May 2016; April 2019

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RECORD OF INSPECTION and/or DELIVERY OF COPIES

Inspection of Public Records

Date _____ Time In _____ Time Out _____

Person Inspecting Records

_____

Name Signature

Staff Person in Attendance

_____

Name Signature

Records Reviewed (describe)

Copies of Public Records

Record	No. Pages	Delivery Method (mail, e-mail, etc.)	Date of Delivery	Cost (if any)	Date and Method of Payment

Staff Person Providing Copies _____ _____

Name Signature

Revised: 3/06/12

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REQUESTS FOR PUBLIC RECORDS

Lexington City School Board is committed to full compliance with the Virginia Freedom of Information Act (FOIA) and processes all requests for public records in accordance with the following procedures.

Rebecca Walters is Lexington City School Board's FOIA Officer. The FOIA Officer serves as a point of contact for members of the public in requesting public records and coordinates the school board's compliance with FOIA. The FOIA Officer may be reached at 300 Diamond Street, Lexington, VA 24450 (540-463-7146).

Access to Records

1. When practicable, the following records are available on request at the central office: most recent School Board meeting minutes
2. Unless otherwise specified by the FOIA Officer, inspection of records takes place at the central office of Lexington City School Board during its regular office hours 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 Lexington City School Board, including posting the records on a website or delivering the records through an electronic mail address provided by the requester.
3. Requesters must provide their legal name and address and verification that the requester is a citizen of the Commonwealth, a representative of a newspaper or magazine with circulation in the Commonwealth, or a representative of a radio or television station broadcasting in or into the Commonwealth.
4. The FOIA Officer or 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 Lexington City Public Schools FOIA Officer at: 300 Diamond Street, Lexington, VA 24450 (Telephone: 540-463-7146; Fax: 540-464-5230)
3. Requesters should make their requests using Form KBA-F1 Request for Public Records. Requests received via telephone are transcribed onto Form KBA-F1 Request for Public Records by school board staff. Written requests other than on Form KBA-F1 Request for Public Records are appended to a copy of the form by staff, who fill out as much of the form as possible.
4. School board staff provide Form KBA-F1 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 FOIA Officer. Telephone inquiries are redirected to the FOIA Officer. Any written requests received by building personnel are immediately forwarded to the FOIA Officer 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. 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. 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.
   (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.

   No public record is withheld in its entirety on the grounds that some portion of the public record is excluded from disclosure by law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion may be withheld, and all portions of the public record that are not so excluded are disclosed.

   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 school division. 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 FOIA Officer, 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 FOIA Officer is unsure whether the requested documents should be provided to the requester, legal advice is promptly sought.
3. If the FOIA Officer 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 FOIA Officer promptly consults with School Board 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 $1.65 to $2.00 per quarter hour may apply.
   - Computer search time, charged at the rate of $2.00 per quarter hour
   - Computer printouts, charged at the rate of 25 cents per page
   - Photocopies (including those necessary to perform redactions), charged at the rate of 25 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 FOIA Officer 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 school board staff, under the direction and supervision of the FOIA Officer.
9. School board staff are responsible for recording the date the request was received, verifying identification and recording and assembling additional information about the request as indicated on Form KBA-F1 Request for Public Records.

Adopted:
Revised: June 16, 2010
February 2015
May 2016
May 2018
April 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3704.01, 2.2-3704.2.

Cross Ref.: KBA Requests for Public Records

MEDIA RELATIONS

Media releases by the schools are encouraged as a means of informing the public of programs, activities, and accomplishments. Staff members are encouraged to participate in activities that inform the public about school programs and activities.

News and information concerning personnel and students is released only with the approval of the principal and in accordance with state and federal laws regarding confidentiality.

Adopted: May 9, 1994.
Revised: July 12, 2004.
March 6, 2012
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-287, 22.1-287.1.

Cross Ref.:

	JO	Student Records
	KA	Goals for School-Community Relations
	KB	Public Information Program

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INTERNET PRIVACY

The Lexington City School Board is committed to complying with the Government Data Collection and Dissemination Practices Act and the Virginia Freedom of Information Act. The Lexington City School Board does not collect unnecessary personal information by means of its website, and collects only appropriate personal information to the extent necessary to serve its constituents and the community.

Lexington City School Board collects the following information through its website: routing information, essential technical information, non-essential technical information, optional information.

The following information is collected automatically by accessing the website:

- routing information: the Internet domain and Internet address of the computer you are using

- essential technical information: identification of the page or service you are requesting, type of browser and operating system you are using, and the date and time of access

- non-essential information: the Internet address of the website from which you linked directly to our website, and the “cookie information” described below;

- optional information: when you send us an email, your name, email address, and the content of your email, and/or when you fill out online forms, all the data you choose to fill in or confirm

Our website does not place any "cookies" on your computer.

Information collected through the division’s website is used as follows:
Routing information is used to route the requested web page to your computer for viewing. We send the requested web page and the routing information to our Internet Service Provider (ISP) or other entities involved in transmitting the requested page to you. We do not control the privacy practices of those entities. Essential and nonessential technical information helps us respond to your request in an appropriate format, or in a personalized manner, and helps us plan website improvement.

Optional information enables us to provide services or information tailored more specifically to your needs or to forward your message or inquiry to another entity that is better able to do so, and also allows us to plan website improvements.

We may keep your information indefinitely, but we ordinarily delete the routing information from our computer within several days after the web page is transmitted and do not try to obtain any information to link it to the individuals who browse our website. WE use this routing information primarily in a statistical summary type format to assess site content and server performance. We may share this summary information with our business partners when needed.

However, on rare occasions when a “hacker” attempt to breach computer security, logs of routing information are retained to permit a security investigation and in such cases may be forwarded together with any other relevant information in our possession to the appropriate law enforcement agency.

Optional information is retained in accordance with the Records Retention Schedules promulgated by the Library of Virginia.

Under the Freedom of Information Act, any records in our possession at the time of a request for information, including the collection of logs and data of a website, may be subject to being inspected by or disclosed to members of the public for any purpose.

The Superintendent is responsible for creating and updating, as necessary, an internet privacy policy statement. The statement is available of the division’s website in a conspicuous manner.

Adopted: May 2002
Revised: February 2014
May 2019

Legal Refs: Code of Virginia, 1950, as amended, § 2.2-3803

COMMUNITY INVOLVEMENT IN DECISION MAKING

The Lexington City School Board calls meetings of the people of the school division for consultation in regard to school interests thereof when it deems such meetings to be necessary.

The Board may appoint a committee of not less than three nor more than seven members for each public school in the school division. The committee's duty will be to advise the members of the School Board with reference to matters pertaining to the school and to cooperate with the School Board in the care of the school property and in the successful operation of the school. Such committees serve without compensation.

Adopted: May 9, 1994.
Revised: March 6, 2012
March 10, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-86, 22.1-253.13:7.

Cross Ref.:	AF	Comprehensive Plan
	BCF	Advisory Committees to the School Board
	BDDH/KD	Public Participation at Board Meetings
	CA	Administration Goals

File: KD (Also BDDH)

PUBLIC PARTICIPATION AT SCHOOL BOARD MEETINGS

Members of the community are invited and encouraged to attend meetings of the Lexington City School Board to observe its deliberations. Any member of the community may address the Board on matters related to the Lexington City public schools at any regular meeting as follows:

Guidelines for Addressing the School Board for an In-Person Meeting

Although it is requested that prior notification be given to the Superintendent by individuals wishing to address the Board, public comments are welcomed during the Communications section of the Board's agenda if these guidelines are followed:

1. Stand and state your name
2. Address your comments to the Board as whole
3. Be brief (up to 2 minutes), state your position and provide facts
4. Provide written statements and/or supporting materials to the Clerk for distribution to the Board and the Superintendent
5. Debate is prohibited

The Board will try to hear everyone who wishes to speak on a subject, but sometimes discussion may need to be limited due to time constraints. If you represent a group, you may wish to identify other members of your group who are in attendance. Meetings of the Board are formal proceedings and are recorded on audio tape.

Guidelines for Addressing the School Board during a ZOOM Webinar Meeting

Requests by any individuals wishing to offer public comment to the School Board during a regular scheduled digital meeting must be submitted to the Board Clerk via email or phone by 5:00 pm the day of the School Board meeting. These guidelines must be followed:

1. If pre-registered to provide oral public comment, use the Raise Hand feature in Zoom to be acknowledged and unmuted when your name is called
2. Please state your name and address your comments to the Board as a whole
3. Be brief (up to 2 minutes), state your position, and provide facts
4. Provide written statements and/or supporting materials to the Clerk for distribution to the Board and the Superintendent
5. Debate is prohibited, and the meeting is being recorded

The Board will try to hear everyone who wishes to speak on a subject, but sometimes discussion may need to be limited due to time constraints.Up to 2 minutes will be permitted for oral public comment. Written public comment, up to 250 words in length, may be submitted to the Clerk to be read aloud at the Board

meeting. If you represent a group, you may wish to identify other members of your group who are in attendance. Meetings of the Board are formal proceedings and are recorded on audio tape.

Persons wishing to address the School Board are requested to contact the superintendent, the School Board chair, or their designee for placement on the agenda.

The chair is responsible for the orderly conduct of the meeting and rules on such matters as the appropriateness of the subject being presented and length of time for such presentation. Upon recognition by the chair, the speaker shall address the chair and if, at the conclusion of the speaker's remarks, any member of the School Board desires further information, the member addresses the speaker only with the permission of the chair. No one is allowed to make additional presentations until everyone who wishes to speak has an opportunity to make an initial presentation.

Adopted:
Revised: February 2014
May 2016
March 10, 2021

_____

_____

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:7.

Cross Ref.: BDDE Rules of Order

DISTRIBUTION OF INFORMATION/MATERIALS

The Lexington City School Board seeks to minimize intrusions on the time of students and employees by communications from sources other than the school division. Approval must be obtained from the superintendent, or superintendent's designee, before any materials may be distributed or made available at the request of non-school organizations. Approval will be granted only for materials from governmental organizations regarding activities related to the educational mission of the Lexington City School Division.

Approval will not be given for materials which

- are likely to cause substantial disruption of, or a material interference with, school activities;
- endorse or encourage the use of alcohol, tobacco products, nicotine vapor products, or any illegal substance or action;
- endorse or encourage any violation of the Standards of Student Conduct; or
- are obscene, pornographic, or defamatory.

The superintendent, by regulation, will establish the time, place, and manner of distribution of approved materials. No distribution will be permitted during class time.

Political Communications

Students are not required to convey or deliver any material that advocates (1) the election or defeat of any candidate; (2) the passage or defeat of any referendum question; or (3) the passage or defeat of any matter pending before a local school board, local governing body, the General Assembly or Congress.

This Policy shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects.

Adopted: May 9, 1994

Revised: January 8, 2007
June 2014
May 2019

Legal Refs.: U. S. Constitution amend. I.

Child Evangelism Fellowship of Maryland, Inc. v. Montgomery County Public Schools, 457 F.3d 376 (4th Cir. 2006)

Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79.3, 22.1-79.5, 22.1-131, 22.1-279.6 and 22.1-293.

Acts 2016, c. 647.

Cross Refs.:	JOB	Administration of Surveys and Questionnaires
	KG	Community Use of School Facilities
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

COMMUNITY USE OF SCHOOL FACILITIES

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

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

Adopted: May 9, 1994
Revised: July 14, 2003
May 2012
February 2017
May 2019

Legal Refs.: 20 U.S.C. § 7905

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

Acts 2016, c. 647.

Cross Refs.:	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	IGDA	Student Organizations
	KF	Distribution of Information/Materials

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COMMUNITY USE OF SCHOOL FACILITIES

Use of alcoholic beverages, tobacco products or illegal drugs are prohibited in any school at any time.

The requirements of the regular school program shall receive first consideration in the use of school facilities. School-related organizations shall have priority over non-school related organizations.

In the interest of public safety, and the welfare of the majority of our citizens, Lexington City Schools reserves the right to refuse any group or individual the use of a school facility.

All users of public school facilities shall be subject to federal, state, and local laws.

FACILITY USAGE PERMISSION

Permission to use the buildings and grounds by such groups shall be granted with the approval of the Administration and the Superintendent, unless a special situation arises that requires the action of the Board. Requests shall be presented for action no less than 20 days prior to the date scheduled for the event.

REGULATIONS FOR USE OF SCHOOL FACILITIES

Use of buildings and grounds by public school groups for educational purposes after school hours shall be handled by the Administration according to policies and regulations of the Board. The Board may cancel permission to use school buildings and grounds when such action is necessary.

The community, church groups, commercial or professional entertainers, and out-of-city groups may be given the use of school buildings and grounds for educational, recreational, civic and cultural activities to the extent possible under the law and provided they do not unlawfully discriminate on the basis of sex, age, race, color, religion, disability, political affiliation or national origin. When space is available and during times that do not interfere with Lexington City Schools' instructional programs and/or activities, community members may reserve school facilities on a scheduled basis. Use of buildings and grounds by groups or organizations not a part of Lexington City Schools shall be governed by the following and may be canceled on the same basis as stated above with reference to public school groups:

1. Meetings or activities are of interest to the majority of the general community.
2. School facilities shall not be used for political one-party rallies or meetings.
3. A designated person representing the group or organization will assume responsibility for seeing that the group he/she represents follows the policies, regulations and rules of the Lexington City School Board for facility usage, as well as federal, state and local laws.

4. The group or organization may be required to provide proof of insurance depending on the specific Facility Usage request.
5. Each group or organization will be responsible for maintaining good order and providing for police and fire protection if necessary.
6. All facilities must be left clean following their use.
7. The group or organization receiving approval to use the building cannot give permission to, or allow, any other individual or group to use the facilities.
8. Each group or organization using the school facility will be responsible for any damage done to the school facility.
9. Violation of the rules and regulations and/or failure to pay required fees may result in the sponsoring group or organization forfeiting future use of school facilities.
10. An employee of Lexington City Schools, approved by the Superintendent or Principal, must be present for the entire time any school facility is used by a group or organization. The organization is responsible for obtaining and paying the employee. NO KEYS WILL BE GIVEN TO ANY ORGANIZATION.
11. School authorities will have access to any function, activity and/or meeting held in or on school facilities.
12. No electrical equipment, including appliances, will be brought to or used in, any school facility without the prior approval of the Principal.
13. Lighting, heating or cooling system controls are not to be adjusted or changed.
14. Dancing is not permitted on wooden gym floors.
15. Putting up decorations and/or scenery, moving furniture and/or using any special school equipment is prohibited without the prior approval of the Administration. Should permission be granted for putting up decorations or scenery, only nonflammable material may be used.
16. Scheduled use of the facility is cancelled upon school closure due to inclement weather or emergency conditions. Activities may be rescheduled with the Administration.

CUSTODIAL SERVICE

The custodial service from a Board employee may be required. Payment for this service shall be based on an overtime hourly rate and shall be collected by the Administration five working days prior to the scheduled event and remitted through regular accounting procedures to the administrative office of the Lexington City School Division.

A. Custodial fees shall not be collected from the following groups for the use of the Gymnasium/Cafeteria (Not Kitchen Area):
   1) Scheduled PTA meetings.
   2) School-sponsored activities under the direction of the principal.
   3) Professional education organizations.
   4) Non-school organizations whose purpose is to improve and educate the community in civic growth and welfare.
   5) Performances by local talent and nonprofessionals sponsored by civic groups when any net profit is used for school betterment projects.
   6) Rockbridge Area Recreational Organization (RARO)
   7) Non-profit community groups

B. A custodial fee (overtime hourly rate) shall be collected for the use of the Gymnasium/Cafeteria (Not Kitchen Area) as follows:
   1) Non-school-related discussion programs or banquets.
   2) Other admission programs.
   3) Individual/private for-profit businesses

RENTAL FEES

Rental fees shall be collected by the Administration five working days prior to the scheduled event. Rental fees are non-refundable. Rental fees shall be remitted by the Principal through regular accounting procedures to the administrative office of the Lexington City School Division.

A. Rental fees shall not be collected for use of the Gymnasium/Cafeteria (Not Kitchen Area) from the following groups:
   1) Scheduled PTA meetings.
   2) School-sponsored activities under the direction of the principal.
   3) Professional educational organizations.
   4) Non-school organizations whose purpose is to improve and educate the community in civic growth and welfare.
   5) Performance by local talent and nonprofessionals sponsored by civic groups when any net profit is used for school betterment projects.
   6) Rockbridge Area Recreational Organization (RARO)
   7) Non-profit community groups

B. Rental fees shall be collected for use of the Gymnasium/Cafeteria (Not Kitchen Area) as follows: $100 per day. Fees for other requested areas will be determined by the building Principal.

C. The rental fee for the use of facilities by fire departments, rescue squads, and life saving crews of Lexington City is waived.

EVENT CANCELLATION

If an event is cancelled, notification must be given to the Administration at least 24 hours before the scheduled time.

COMMUNITY CENTER

Requests to use the Community Center (upper level of 300 Diamond Street, Lexington, VA 24450, excluding Classrooms 102 and 103 and the School Board Office administrative offices and kitchen area) shall be presented for action no less than 20 days prior to the date scheduled for the event. Requests shall be made to the Superintendent or Superintendent's designee for such activities. All rental agreements and regulations described in the above policy are applicable for requests to use the Community Center (excluding Classrooms 102 and 103 and the School Board Office administrative offices and kitchen area). If approved, a key may be checked out no more than 24 business hours prior to the activity, and shall be returned at the conclusion of the event. If an event is cancelled, notification must be given to the Superintendent or Superintendent's designee at least 24 hours prior to the scheduled time.

Issued: May 9, 1994
Revised: June 2016
November 2019

LEXINGTON CITY SCHOOLS
300 DIAMOND STREET
LEXINGTON, VIRGINIA 24450

APPLICATION FOR USE OF SCHOOL FACILITIES

Date of Application: _____
Name of School: _____
Specific School Facilities Requested: _____
Date(s) of Use: _____
Time of use: _____
Name of Organization: _____
Description of Activity: _____
Purpose of Activity: _____
Admission Charge (Yes/No) Amount: _____
Name of Individual Responsible for Activity: _____
Name of Lexington City School Employee to be Present: _____

_____ _____
Applicant Signature Title

_____
Phone Number

___ Approved ___ Disapproved _____ _____
Principal's Signature Date

Projected Facility Usage Fee _____
_____
_____

___ Approved ___ Disapproved _____ _____
Superintendent's Signature Date

See other side for Regulations for Use of School Facilities

REGULATIONS FOR USE OF SCHOOL FACILITIES

1. Meetings or activities are of interest to the majority of the general community
2. School facilities shall not be used for political one-party rallies or meetings
3. A designated person representing the group or organization will assume responsibility for seeing that the group he/she represents follows the policies, regulations and rules of the Lexington City School Board for facility usage, as well as federal, state and local laws.
4. The group or organization may be required to provide proof of insurance depending on the specific Facility Usage request.
5. Each group or organization will be responsible for maintaining good order and providing for police and fire protection if necessary.
6. All facilities must be left clean following their use.
7. The group or organization receiving approval to use the building cannot give permission to, or allow, any other individual or group to use the facilities.
8. Each group or organization using the school facility will be responsible for any damage done to the school facility.
9. Violation of the rules and regulations and/or failure to pay required fees may result in the sponsoring group or organization forfeiting future use of school facilities.
10. An employee of Lexington City Schools, approved by the Superintendent or Principal, must be present for the entire time any school is used by a group or organization. The organization is responsible for obtaining and paying the employee. NO KEYS WILL BE GIVEN TO ANY ORGANIZATION. The Lexington City School employee is solely responsible for opening and closing the building.
11. Community Center facility requests will require a key to be checked out no earlier than 24 hours prior to the event and returned at the conclusion of the event.
12. School authorities will have access to any function, activity and/or meeting held in or on school facilities.
13. No electrical equipment, including appliances, will be brought to or used in, any school facility without the prior approval of the principal.
14. Lighting, heating or cooling system controls are not to be adjusted or changed.
15. Dancing is not permitted on wooden gym floors.
16. Putting up decorations and/or scenery, moving furniture and/or using any special school equipment is prohibited without the prior approval of the principal. Should permission be granted for putting up decorations or scenery, only nonflammable material may be used.
17. Scheduled use of the facility is cancelled upon school closure due to inclement weather or emergency conditions. Activities may be rescheduled with the principal.

Fees: $100/day Gymnasium/Cafeteria (Not Kitchen Area) + Any additional clean-up/custodial/staff fees (TBD). Groups requesting gymnasium practice sessions (4 p.m. - 6 p.m.) may be approved, based on availability, for $25/session. Fees for other requested areas will be determined by the building Principal. Additional fees may be assessed based on the Lexington City School Board Policy KG-R.

_____
Applicant Name

_____ _____
Applicant Signature **Date**

_____ _____
Applicant Contact Number **Applicant Email Address**

Adopted: June 6, 2016

SALES AND SOLICITATIONS IN SCHOOLS

No one may sell or offer for sale, within the schools, on school grounds, or at school-sponsored activities, any product or service except when the sale will benefit the educational program of the schools.

Solicitations for contributions to charitable organizations, dues for employee organizations, contributions for the benefit of professional organizations, or for school organizations may only be made outside school hours. Individual discussions between school division employees during school hours are not prohibited.

Adopted: May 9, 1994
Revised: February 2008
April 2019

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

Cross Refs.:	DJG	Vendor Relations
	GAH	School Employee Conflict of Interests
	GCQAB	Tutoring for Pay
	JL	Fund Raising and Solicitation
	KG	Community Use of School Facilities
	KJ	Advertising in the Schools
	KK	Visitors to the Schools

PUBLIC CONDUCT ON SCHOOL PROPERTY

All visitors must register at the school office on arrival.

No one may possess or consume any alcoholic beverage in or on the grounds of any public school during school hours or school or student activities. In addition, no one may consume, and no organization shall serve, any alcoholic beverage in or on the grounds of any public school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

In accordance with Policy KGC Tobacco Products and Nicotine Vapor Products, use of tobacco products and nicotine vapor products is not permitted in schools, at school-sponsored events, or in school vehicles.

Any person found to be engaged in or advocating illegal activity while on school property, including school buses, is reported by the principal to the local law enforcement authorities.

Any person who willfully and maliciously damages, destroys or defaces any school district building, or damages or removes any school property from a school building, is required to compensate the school division and may be prosecuted.

Any person who willfully interrupts or disturbs the operation of any school or, being intoxicated, disturbs the same, whether willfully or not, may be ejected and/or prosecuted.

Adopted: May 9, 1994
Revised: May 12, 2008
February 2014
June 2014
May 2019
March 10, 2021

Legal Refs.: 20 U.S.C. §§ 6083, 7973.

Code of Virginia, 1950, as amended, §§ 4.1-309, 18.2-415, 18.2-128, 18.2-138, 22.1-78, 22.1-79.5.

Cross Refs: ECAB Vandalism
GBEC/JFCH/KGC Tobacco Products and Nicotine Vapor Products
KK School Visitors
KN Sex Offender and Crimes Against Minors Registry Information

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File: KGC
(Also GBEC and JFCH)

TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

The Lexington City School Board recognizes the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-sponsored events is detrimental to the health and safety of students, staff and visitors.

The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for students, employees, and visitors on the school campus.

For the purposes of this policy, “tobacco product” is defined to include cigarettes, cigars, blunts, bidis, chewing tobacco, snuff, electronic smoking devices, and any other products containing nicotine, as well as any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine.
“Tobacco use” includes smoking, chewing, dipping, electronic smoking device use, or any other use of tobacco products.

GENERALLY

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, by students, staff, contractors, and visitors, on a school bus, on school property, or at an on-site or off-site school-sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

TOBACCO USE PROHIBITED

No persons are permitted to use or distribute any tobacco product at any time, including non-school hours (24/7), in school property, on school premises, at school-sponsored activities away from school grounds including:

- in any building, structure, or vehicle owned, leased, or contracted by the division, both on- and off-site
- in any property surrounding buildings and structures, athletic grounds, parking lots, or any other outdoor property owned, leased, or contracted by the division, both on- and off-site

In addition, no student shall be permitted to possess a tobacco product under the circumstances described above – including while on school property, on school premises, at school-sponsored activities away from school grounds, or at any other time that students are under the authority of school personnel.

COMMUNICATION

Appropriate signage will be posted in buildings and on school property in a manner and location that adequately informs students, staff and visitors of the policy, including at entrances to school buildings and athletic events.

ENFORCEMENT FOR STUDENTS

Progressive disciplinary action will be used, beginning with supportive options to promote positive student outcomes such as tobacco education or referral to counseling, parent conferences and school or community service. Disciplinary penalties for students may include, but are not limited to , suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy.

Referrals to resources to help students overcome tobacco addictions shall be provided to those who are found to be in violation of this policy.

ENFORCEMENT FOR STAFF AND VISITORS

Consequences for employees who violate the tobacco policy will be in accordance with personnel policies. Referrals to resources to help staff overcome tobacco addictions shall be provided to those who are found to be in violation of this policy.

Visitors using tobacco products will be asked to refrain or leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing, if the person refuses to leave. Forfeiture of any fee charged for admission will be enforced for visitors violating this policy

REPORTING
All division employees are expected to cooperate in the enforcement of this policy. Student and staff violations shall be reported to administrative personnel.

TOBACCO PREVENTION EDUCATION
The administration may consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

DEFINITIONS
“Nicotine vapor product” means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

Adopted:	July 14, 2003	
Revised:	May 12, 2008	
	August 10, 2009	
	June 2014	
	May 2019	
	July 2019	
Legal Refs.:	20 U.S.C. §§ 6083, 7183.	
	Code of Virginia, 1950, as amended, §§ 18.2-371.2, 22.1-79.5, 22.1-79.6.	
Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	KG	Community Use of School Facilities
	KGB	Public Conduct on School Property

PUBLIC GIFTS TO THE SCHOOLS

The School Board acts on offers of gifts to schools or to the school division. The School Board may impose reasonable conditions on donations.

When any real or personal property is given to and accepted by the Board, it vests in the Board unless inconsistent with the terms of the gift, devise or bequest, and is managed by the Board, according to the wishes of the donor or testator. The Board, in addition to the regular settlement it is required to make of all school funds, settles annually before the commissioner of accounts so far as the management of the property bequeathed or devised is concerned.

In the case of any change in the boundaries of the division, the Board shall make provision for continuing the fulfillment of the purposes of the donor as far as practicable and settlement shall be made as provided for above.

Adopted: May 9, 1994
Revised: February 2013
October 2014
May 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-126.

Cross Ref:	FFA	Naming School Facilities
	KJ	Advertising in the Schools
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

ADVERTISING IN THE SCHOOLS

Individual schools may not endorse or imply endorsement of any product. All requests for endorsement must be directed to the superintendent or superintendent's designee.

School organizations must secure approval from the principal before soliciting advertisements for school publications. If there is need for policy clarification, the principal consults with the superintendent.

Commercial establishments whose primary source of revenue is the sale of intoxicants may not advertise in school publications.

Adopted: May 9, 1994.
Revised: May 12, 2008
February 2014
May 2019

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

Cross Refs.:	DJG	Vendor Relations
	JP	Student Publications
	KF	Distribution of Information/Materials
	KGA	Sales and Solicitations in Schools
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

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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 and Crimes Against Minors Registry Information 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 assist in fulfilling their responsibilities and increase understanding of actual educational practices. School Board members follow the same procedures applicable to all other visitors when visiting a school.

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Adopted: May 9, 1994
Revised: May 12, 2008
February 2015
May 2018
March 10, 2021

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
	GAB/IIBEA	Acceptable Computer System Use
	IGBC	Parental Involvement
	KGB	Public Conduct on School Property
	KN	Sex Offender and Crimes Against Minors Registry Information
	KP	Parental Rights and Responsibilities

SERVICE ANIMALS IN PUBLIC SCHOOLS

A. Service Animals

An individual with a disability is permitted to be accompanied by the individual's service animal on school property when required by law, subject to the conditions of this policy.

A "service animal" means a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. (See, however, Section D regarding miniature horses.) The work or tasks performed by a service animal must be directly related to the individual's disability.

School officials can ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person's disability and may not require documentary proof of certification or licensing as a service animal.

B. Requirements That Must be Satisfied Before a Service Animal Will be Allowed on School Property

Vaccination: The service animal must be immunized against diseases common to that type of animal.

Health: The service animal must be in good health.

Control: A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack or vest identifying the dog as a trained service dog, a leash (blaze orange in color) for hearing dogs, a harness for guide dogs, or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

C. Service Dogs in Training

Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

Use of Harnesses, Vests, etc. A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

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

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

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

All requirements of this policy which apply to service animals, such as annual written requests, and supervision, care and damages, also apply to dogs in training.

D. Miniature Horses

The school division will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school division considers the following factors:

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

All additional requirements outlined in this policy, which apply to service animals, also apply to miniature horses.

E. Extra Charges

The owner or handler of a service animal is not required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

F. Supervision and Care of Service Animals

The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up.

G. Damages to School Property and Injuries

The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

H. Removal of Service Animals From School Property

A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

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

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

I. Denial of Access and Grievance

If a school official denies a request for access of a service animal or a dog in training, the disabled individual or parent or guardian can file a written grievance with the school division's Section 504 Coordinator.

Adopted: May 18, 2009
Revised: March 14, 2011
June 21, 2011
October 2014
July 2018
March 11, 2020
March 10, 2021

Legal Refs.: 28 C.F.R. 35.104, 35.136

Code of Virginia, 1950, as amended, § 51.5-44.

Cross Refs.: DJG Vendor Relations
GB Equal Employment Opportunity/Nondiscrimination

JB	Equal Educational Opportunities/Nondiscrimination
JBA	Section 504 Nondiscrimination Policy and Grievance Procedures
JFHA/GBA	Prohibition Against Harassment and Retaliation
KK	School Visitors
KGB	Public Conduct on School Property
KN	Sex Offender and Crimes Against Minors Registry Information

PUBLIC COMPLAINTS

Complaints involving a particular school are handled within the school through the established channel of responsibility. If the complaint cannot be resolved at the level of the principal, it is referred to the Superintendent or Superintendent's designee. If the central office staff and complainant cannot reach a satisfactory solution, the matter may, at the School Board's discretion, be heard at a regular board meeting.

Any parent, custodian, or legal guardian of a pupil attending the Lexington City Public Schools who is aggrieved by an action of the School Board may, within thirty days after such action, petition the local circuit court to review the action of the School Board. The court will sustain the action of the School Board unless the School Board exceeded its authority, acted arbitrarily or capriciously or abused its discretion.

Adopted: May 9, 1994
Revised: September 11, 2006
February 2014

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-87, 22.1-253.13:7.

Cross Refs.:	GB	Equal Employment Opportunity/Nondiscrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	GBLA	Third Party Complaints Against Employees
	JB	Equal Educational Opportunities/Nondiscrimination

PUBLIC COMPLAINTS ABOUT LEARNING RESOURCES

The procedure for filing a complaint concerning learning resources is as follows:

1. The complaint should be filed in writing with the principal on the "Request for Reconsideration of Learning Resources" form, KLB-E. This form may be obtained from the principal or the central office.

2. A review committee consisting of the principal, the library media specialist, the classroom teacher (if involved), a parent and/or student, and the complainant will convene.

   The responsibilities of the committee are to:
   a. read, view or listen to the challenged material;
   b. read several reviews, if available;
   c. check standard selection aids;
   d. talk with persons who may be knowledgeable about the material in question and similar material;
   e. discuss the material;
   f. make a decision to retain or withdraw the material;
   g. file the recommendation of the committee with the principal and the Superintendent or Superintendent's designee.
   h. notify the complainant of its recommendation and the disposition of the challenged material.

3. The complainant may appeal the decision to the Superintendent or Superintendent's designee and, then, to the School Board.

Adopted: May 9, 1994
Revised: February 2014

Legal Refs.: Code of Virginia, 1950, as amended, section 22.1-253.13:7.C.2.
8 VAC 20-720-160

Cross Refs.:
IIA Instructional Materials
IGAH Family Life Education
INB Teaching About Controversial Issues
KL Public Complaints
KQ Commercial, Promotional, and Corporate Sponsorships and Partnerships

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LEXINGTON CITY SCHOOL DIVISION
REQUEST FOR RECONSIDERATION OF LEARNING RESOURCES

Request By _____

Representing Myself _____

Organization or Group (please identify) _____

Address _____ E-mail address _____

Telephone _____

How do you prefer to be contacted? _____

Title or Description of Item _____

Author or Editor _____

Type of Material (book / film / record / speaker / software / other (specify)) _____

1. Did you examine, review, or listen to this learning resource or presentation in its entirety?
   ❑ YES ❑ NO

2. Have you discussed this material with school staff who ordered it or who use it?
   ❑ YES ❑ NO

   <u>If yes, please identify the staff person(s) with whom you had the discussion:</u>

   _____

   _____

   <u>[Print name of staff person(s)]</u>

   Are you aware of evaluations of this material by professional critics?
   ❑ YES ❑ NO

   If no, would you be interested in receiving this information?
   ❑ YES ❑ NO

3. Describe what prompted your concern about the material. Please cite page numbers and/or specific information from the material to support your concerns (attach additional material, if necessary).

4. Does the general purpose for the use of the material, as described by the school staff or in the Lexington City school division's program objectives, seem a suitable one for you?
   ❑ YES ❑ NO

   If not, please explain (attach additional material, if necessary)

5. What action[s] would you like to see the school take regarding this material?
   ❑ Do not assign it to my child ❑ The school should reevaluate the material
   ❑ Other—
   Explain:_____
   _____
   _____

6. Are there other materials of the same subject and format that you would suggest for consideration in place of this material? ❑ YES ❑ NO

   If yes, please identify your suggestions.
   _____
   _____
   _____

Signature _____ Date _____

RETURN COMPLETED FORM TO SCHOOL PRINCIPAL

Revised: 3/06/12
May 2019

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PUBLIC COMPLAINTS ABOUT LEARNING RESOURCES

Resolving complaints about the selection and use of learning resources requires a recognition of responsibilities and considerations of the rights of the individual, the student, the community, the principal, the teacher, the media specialist, the school and the Board of Education.

In reviewing complaints, the following questions should be asked to determine whether the complaint points up inconsistencies with the school division's initial selection objectives:

1. Are the materials appropriate for instructional use such that they enrich and support the attainment of the educational objectives of the curriculum, taking into consideration the varied interests, abilities, intellectual development and maturity levels of the pupils served and the standards of the community?

2. Do the materials stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards?

3. Do the materials provide a background of information which will enable pupils to make intelligent judgments in their daily lives?

4. Do the materials contribute to the presentation of opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical analysis of all media?

5. Are the materials representative of the many religious, ethnic and cultural groups and their contributions to our American heritage?

6. Do the materials promote the goal of providing a comprehensive collection appropriate for the interests and needs of the users, recognizing their right to access a wide range of reading materials?

Procedures for Review

Most complaints can and should be resolved at the building level. Many concerns are the result of simple misunderstandings or misinformation and can be resolved through informal inquiry and discussions with principals and/or teachers or library media specialists.

When a complaint is received, the school principal will check decisions on questioned and challenged learning resources on file in the office of the Superintendent to determine

whether the learning resource has been questioned before. If a decision is on file and the challenge is substantially the same, the principal will share that decision with the complainant. If any significant difference is found in the new challenge, or if the learning resource has not been challenged before, the following procedure shall apply.

1. Discussion with School Principal

   a. The school principal will hold a conference the complainant. At the discretion of the principal, the teacher or library media specialist or elementary library aide using the resource will be present at the conference.

   b. If the complainant is dissatisfied with the results of the conference or if the proposed action in response to the complaint affects the availability of the materials to or use by other students, the principal will inform the complainant of this regulation and provide the complainant with the form "Citizen's Request for Reconsideration of Learning Resources."

   c. Upon receipt of the appropriate completed form the principal will forward the form, with a written report of the conference held with the complainant, to the Superintendent, the teacher or media specialist/aide involved, and the citizen.

2. Review and Recommendation by the Challenged Materials Committee

   a. The Superintendent will promptly review the form and report to determine completeness and specificity of the complaint, obtain a copy of the learning resource being questioned and schedule a meeting of the Division Planning Council to discuss the complaint and recommend action to the Superintendent and/or School Board.

   b. Oral and/or written testimony for consideration by the Council will be limited to the complainant or designee, the teacher or media specialist/aide involved, the principal and the Superintendent.

   d. The Council will provide a written report and recommendation to the Superintendent, after reviewing and considering the following: i) written complaint; ii) principal's report; iii) available professional reviews; iv) applicable curriculum guides; v) objectives, criteria and procedure for the initial selection of materials; and vi) the merits of the questioned materials taken as a whole.

e. The Council's review, evaluation and recommendations shall be limited to the specific matters stated in the Citizen's Request for Reconsideration of Learning Resources.

3. Decision of the Superintendent

The Superintendent will review the Council's report and recommendations and will submit an administrative decision to the School Board. The Superintendent will also inform the complainant, the Council and the staff members involved of that decision.

4. Alternative Courses of Action

Following consideration of the complaint, the following courses of action are available: no change in status or use of the materials; provide optional or alternative assignment; use with professional guidance; use with parental permission; place materials at a higher grade level; place other limitations upon the use of the materials; withdraw from use of all students of the school; withdraw from all schools of the division.

5. Appeal to/Review by the Board

The complainant, any other citizen within the school division or any staff member has the right to appear before the School Board at the next regularly scheduled meeting following receipt of the Superintendent's decision to appeal. Any board member may also request that the decision be reviewed in the absence of an appeal. The board will consider any appeal or, in the absence of an appeal, close the appeal process at such meeting.

6. Status During Review/Appeal

In the absence of extraordinary circumstances, no action affecting the availability to students of previously approved learning resources shall be taken until such time as the review/appeal process has been completed.

Issued: May 9, 1994.

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RELATIONS WITH PARENT ORGANIZATIONS

The Lexington City School Board encourages the establishment of parent-teacher organizations that seek to advance programs that improve educational opportunities for all students consistent with state and federal law. The School Board requests that parent-teacher organizations maintain a close relationship with the Board, administration, and staff, and that they consider School Board and school policies when planning activities.

Adopted: May 9, 1994
Revised: May 12, 2008
February 2014
June 2014

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-253.13:7.C.4.

Cross Refs.: IGBC Parent and Family Engagement
KF Distribution of Information/Materials

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SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY INFORMATION

Generally

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

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

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

Visitors to Schools

When the school division learns that a parent, other than a parent who has been convicted of a Tier III offense as defined in Va. Code § 9.1-902, of an enrolled student is, required to register with the Registry, the parent is notified in writing that he or she is barred from being present at school or at school functions without the express written approval of the student's principal. Such approval must be obtained in advance of the proposed visit and will state the conditions under which the parent may be present. When such a parent is permitted at school or at school functions the parent is monitored to ensure that he or she does not come into contact with any children other than the parent's own children.

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

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

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

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

Adopted: July 12, 2004.
Revised: September 11, 2006
August 13, 2007
February 12, 2010
August 2010
June 21, 2011
March 10, 2021

Legal Ref: Code of Virginia, 1950, as amended, §§ 22.1-79, 22.1-79.3, 9.1-902, 9.1-914, 9.1-918 and 18.2-370.5.

Commonwealth v. Doe, 278 Va. 223 (2009).

Cross Ref:		
	BBA	School Board Powers and Duties
	DJF	Purchasing Procedures
	KK	School Visitors
	KNAJ	Relations with Law Enforcement Authorities

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 interrogation. If the parent or guardian cannot be present for the interrogation, 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 and Crimes Against Minors Registry Information.

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 felony offense:

1. assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any

person as described in Va. Code §§ 18.2-47 or 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property or at a school-sponsored activity; 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.

If the local law-enforcement agency employs school resource officers, the School Board and the agency have a memorandum of understanding that sets forth the powers and duties of the school resource officers. The memorandum of understanding addresses the use of seclusion and restraint by law enforcement personnel in school settings. The School Board and the law-enforcement agency review and amend or affirm the memorandum of understanding at least once every two years or at any time upon the request of either party. The School Board provides notice and an opportunity for public input during each review period for the memorandum of understanding. The current memorandum of understanding is conspicuously published on the division website.

Adopted: May 2002
Revised: July 12, 2004
February 2015
May 2018
May 2019
June 10, 2020
September 9, 2020
March 10, 2021

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, 22.1-280.2:3, 22.1-293.

8 VAC 20-750-70.

Cross Refs.:

JFC	Student Conduct
JGD/JGE	Student Suspension/Expulsion
CLA	Reporting Acts of Violence and Substance Abuse
KN	Sex Offender and Crimes Against Minors Registry Information

REPORTS OF MISSING CHILDREN

The Lexington City School Division shall receive reports of the disappearance of any child living within the school division from local law enforcement pursuant to Va. Code § 52-31.1

Upon notification of a local law-enforcement agency of a child's disappearance, the principal of the school in which the child was enrolled at the time of the disappearance shall indicate, by mark, in the child's cumulative record that the child has been reported missing. Upon notification by law enforcement that the child is located, the principal shall remove the mark from the record.

Upon receiving a request from any school or person for copies of the cumulative records and birth certificate of any child who has been reported by a local law-enforcement agency to be missing, the school being requested to transfer the records shall immediately notify the law-enforcement agency that provided the report to the school of the child's disappearance of the location of the school or person requesting the cumulative records and birth certificate of the child, without alerting the requestor of such report.

For the purposes of this policy, a "mark" means an electronic or other indicator that (i) is readily apparent on the student's record and (ii) will immediately alert any school personnel that the record is that of a missing child.

Adopted: 5/07/07

Legal Refs: Code of Virginia, 1950, as amended, §§ 22.1-288.1; 52-31.1

PARENTAL RIGHTS AND RESPONSIBILITIES

All staff members respect the parental rights of both parents. Unless there is a law, legally binding document, or court order to the contrary, both parents have the right to

- inspect and review the child's school records, in accordance with Policy JO Student Records;
- visit the school in accordance with Policies KK School Visitors and KN Sex Offender and Crimes against Minors Registry Information.
- receive all notifications required by law.

Parent Responsibilities

The custodial parent has the responsibility to

- keep the school office informed of the parent's address and how the parent may be contacted at all times;
- provide the current address and phone number of the noncustodial parent at registration unless such address is unknown and the custodial parent signs a statement to that effect, or unless a court order restricts the educational or contact rights of the noncustodial parent; and
- provide a copy of any legal document which restricts the educational and/or contact rights of the noncustodial parent.

The noncustodial parent has the responsibility to keep the school informed of changes in the parent's phone number and address. At the request of a noncustodial parent, such parent will be included as an emergency contact for the student's activities unless a court order has been issued to the contrary.

Adopted: July 14, 2003
Revised: September 12, 2005
March 6, 2012
March 10, 2021

Legal Refs: 20 U.S.C. §1232g.

34 C.F.R. § 99.4.

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Code of Virginia, 1950, as amended, §§ 22.1-4.3, 22.1-78, 22.1-287.

Cross Refs:	JO	Student Records
	KK	School Visitors
	KN	Sex Offender and Crimes against Minors Registry Information

COMMERCIAL, PROMOTIONAL AND CORPORATE SPONSORSHIPS AND PARTNERSHIPS

Generally

The Lexington City School Board recognizes that corporate and other private sponsorship of programs and activities related to education can provide valuable enhancement of the educational program offered by the Board. For that reason, the Lexington City School Board may enter into commercial, promotional and corporate sponsorship and partnership arrangements under certain conditions.

Definitions

An “educational partnership” is a mutually beneficial, co-operative relationship in which partners share values, objectives and/or human or financial resources to enhance learning for students.

An “educational sponsorship” is a an arrangement pursuant to which the sponsor provides money, price reductions, equipment, materials, services or other benefits in exchange for recognition of its products or entity for a specified period of time.

Authority to Enter into Agreements

On behalf of the School Board, principals may enter into sponsorships and partnerships for their schools when the sponsorship or partnership does not extend beyond a single school year or exceed $5,000 in value to the school.

On behalf of the School Board, the superintendent may enter into sponsorships and partnerships which will benefit more than one school or the division as a whole. The superintendent may also enter into sponsorships and partnerships when the sponsorship or partnership extends beyond a single school year or exceeds $5,000 in value.

The School Board may create a Sponsorship Review Committee to approve any sponsorship or partnership which the Board determines should be considered by the Committee. The School Board shall establish criteria identifying proposed sponsorships and partnerships which must be approved by the Committee rather than by a principal or the superintendent. If the Committee’s decision regarding the proposed sponsorship or partnership is not unanimous, the decision may be appealed to the School Board by either the potential sponsor or partner or by a member of the Sponsorship Review Committee.

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Requirements

Any agreement to enter into an educational sponsorship or educational partnership will be in writing.

The written agreement shall include:

- A statement of the educational purpose for the relationship.
- A statement that the School Board has the right to terminate the agreement without penalty if it determines that the agreement is having an adverse impact on the educational experience of students.
- A statement that if an agreement is terminated because of an adverse impact on the educational experience of students, no other agreement for an educational partnership or sponsorship will be entered into between the School Board and the partner or sponsor whose agreement has been terminated for a specified period of time.
- A statement detailing the specific benefits to the school or school division from the agreement.
- A statement clearly defining the roles, expectations, rights, and responsibilities of all parties to the agreement. This statement shall include a statement of whether the agreement permits the sponsor or partner to advertise in connection with the agreement and, if so, the extent of such advertising.
- A statement clearly defining whether the agreement creates any exclusive rights for the sponsor or partner and, if such rights are created, clearly defining those rights. If no exclusive rights are created, the agreement shall include a statement that the existence of the sponsorship or partnership will not limit the discretion of the School Board or its personnel in the use of sponsored or nonsponsored materials.
- The duration of the agreement.
- A statement that the school or School Board retains the exclusive right to authorize the use of its name, logo, or other similar information.
- A statement that the school or School Board must approve its identification as a partner or co-sponsor in all publicity materials.
- A statement of the monetary value to be received by the school or school division pursuant to the agreement.
- A statement defining how the benefits arising from agreement will be distributed.
- A statement of the basis on which students will be permitted to participate in the program or otherwise benefit from the agreement.

- A statement that the sponsor or partner assumes the responsibility for obtaining the consent of any student or School Board employee whose likeness may appear in any materials disseminated by the partner or sponsor.
- A statement disclosing any relationship between the sponsor or partner, or any of its employees or major stockholders, and any student, School Board employee, School Board member, or the superintendent.
- A statement that all partnerships and sponsorships will be consistent with all federal and state laws, local ordinances, school division policies and regulations, and all preexisting School Board contracts. If the terms of the partnership or sponsorship agreement establish that the employees, contractors or others acting on behalf of the partner or sponsor will have direct contact with students on school property during regular school hours or during school-sponsored activities, the sponsor or partner must certify that all such persons have not been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.01; any offense involving the sexual molestation or physical or sexual abuse or rape of a child, or any crime of moral turpitude.
- A statement that if the terms of the partnership or sponsorship agreement establish that the employees, contractors, or others acting on behalf of the partner or sponsor will have direct contact with students on school property during regular school hours or during school-sponsored activities, the individuals acting on behalf of the partner or sponsor may have been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, the individual's civil rights have been restored by the Governor.
- A statement that no partnership or sponsorship shall exploit any student or School Board employee.
- A statement that no sponsor or partner shall be permitted to collect personal information, including names, addresses or telephone numbers of students or School Board employees because of the partnership or sponsorship.
- A statement that any curriculum materials provided pursuant to the agreement will be held to the same standards as other curriculum materials.
- A statement that any participation by any student or School Board employee in any activity established pursuant to the agreement will be purely voluntary. If a student or School Board employee wants to

participate in any sponsored or partnered activity but objects to using the materials provided by the sponsor or partner, the sponsor or partner must supply substantially similar materials to which the student does not object for that student to use in the activity. If a student objects to using materials provided by the sponsor or partner, the School Board employee in charge of the activity shall provide for a means by which the student's objections are made known to other students involved in the activity and by which those objections are discussed in an educational manner.

Prohibitions

No agreement shall be entered into if the sponsorship or partnership involves or gives the appearance of involving any activity which could result in the following:

- promotion of hostility or violence;
- an attack on ethnic, racial, or religious groups;
- discrimination prohibited by any law or School Board policy;
- promotion of the use of drugs, alcohol, tobacco products, nicotine vapor products, or firearms;
- promotion of sexual, obscene or pornographic activities; or
- promotion of any image that is not in keeping with the established goals and purposes of the School Board.

Adopted: May 2002
Revised: February 2014
June 2014
May 2019
June 10, 2020

Legal Refs.:	Code of Virginia, 1950, as amended, §§ 22.1-79.5, 22.1-89.4, 22.1-296.1.	
Cross Refs.:	DJF	Purchasing Procedures
	DJG	Vendor Relations
	DO	Non-Locally Funded Programs
	IIAA	Textbook Selection, Adoption, and Purchase
	IIAB	Supplementary Materials Selection and Adoption
	IICB/IICC	Community Resource Persons/School Volunteers
	JFCB	Sportsmanship, Ethics and Integrity
	JHCF	Student Wellness
	JL	Fund Raising and Solicitation
	KA	Goals for School-Community Relations
	KH	Public Gifts to the School
	KLB	Public Complaints about Learning Resources

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SECTION L: Education Agency Relations

LA	Education Agency Relations Goals
LB	Relations With Other Schools and School Districts
LBD	Home Instruction
LC	Charter Schools
LC-E	Charter School Application Addendum
LEA	Student Teaching and Internships
LI	Relations With Educational Accreditation Agencies

EDUCATION AGENCY RELATIONS GOALS

The Lexington City School Board supports the endeavors of other educational institutions whose goals are compatible with those of the division.

To the extent appropriate, the school division utilizes the resources of other educational institutions for the benefit of its students and the development of its staff.

The school division cooperates with educational institutions and agencies in selected areas of research and experimentation which have the potential to increase the effectiveness of teacher preparation or staff development and/or which directly improve the local instructional program. To protect students and teachers from unnecessary intrusions that may disrupt instruction and regular school activities, requests for college students and professors to observe classes or otherwise interact with students or division personnel must be submitted directly to the superintendent or superintendent's designee.

The school division strives to improve the climate for education, particularly with reference to expanding the fiscal base, providing for efficient expenditure of funds, and bringing about state or federal legislation which improves education or contributes to division goals.

The school division cooperates with professional educational organizations whose goals are compatible with those of the division.

Adopted: May 9, 1994
March 6, 2012
March 11, 2020

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

Cross Refs.:	EGAA	Reproduction and Use of Copyrighted Materials
	GCQB	Staff Research and Publishing
	JHDA	Human Research
	JOB	Administration of Surveys and Questionnaires

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RELATIONS WITH PRIVATE SCHOOLS

The School Board and superintendent work cooperatively with private schools that serve the community and students in matters of common interest, unless expressly prohibited by state statutes or local school board policy. The superintendent is authorized to consult with officials of these schools to determine areas of mutual concern and interest and to make recommendations to the Board.

Adopted: May 9, 1994
Revised: March 10, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78; 22.1-176.1.

HOME INSTRUCTION

GENERALLY

The Lexington City School Board recognizes that when the requirements of Va. Code § 22.1-254.1 are complied with instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if the parent

- holds a high school diploma;
- is a teacher of qualifications prescribed by the Board of Education;
- provides the child with a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or
- provides evidence that the parent is able to provide an adequate education for the child.

DEFINITION

For purposes of this policy, "parent" means any parent, guardian, legal custodian or other person having control or charge of a child.

NOTIFICATION BY PARENTS

Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the superintendent no later than August 15 of the parent's intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year and evidence of having met one of the criteria for providing home instruction. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the superintendent of the parent's intention to provide home instruction as soon as practicable and shall comply with the requirements of this policy within thirty days of such notice. The superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

EVIDENCE OF PROGRESS

A parent who elects to provide home instruction to a child who is over the age of six as of September 30 of the school year shall provide the superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine any nationally normed standardized achievement test or an equivalent score on the

ACT, SAT or PSAT test or (ii) an evaluation or assessment which the superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the superintendent evidence of their ability to provide an adequate education for their child and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with Va. Code § 22.1-254.

IMMUNIZATIONS

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

Upon request by the superintendent, the parent shall submit to the superintendent documentary proof of immunization in compliance with Va. Code § 32.1-46.

No proof of immunization shall be required of any child upon submission of (i) an affidavit to the superintendent stating that the administration of immunizing agents conflicts with the parent's or guardian's religious tenets or practices or (ii) a written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature of the medical condition or circumstance that contraindicates immunization.

NOTIFICATION TO PARENTS

Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) and PreACT examinations are available to students receiving home instruction pursuant to Va. Code § 22.1-254.1. The superintendent establishes a schedule identifying the dates by which students receiving home instruction must register to participate in such examinations. The superintendent notifies students receiving home instruction and their parents of the registration deadlines and the availability of financial assistance to low-income and needy students to take such examinations.

DISCLOSURE OF INFORMATION

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

JROTC MEMBERSHIP FOR HOMESCHOOLED STUDENTS

Homeschooled students who reside in the division and who are otherwise eligible for membership in a Junior Reserve Officers' Training Corp (JROTC) unit maintained by a secondary school but for their lack of enrollment in the division are permitted to be members of the unit.

Homeschooled students who are members in the division's JROTC units must comply with behavioral, disciplinary, attendance and other rules applicable to all students, including rules governing the use of the division's computer systems. If a student fails to comply, the school may withhold credit and/or terminate the student's participation in addition to taking any disciplinary action that would be taken against a full-time student for similar conduct.

Adopted: May 2002
Revised: July 12, 2004
September 12, 2005
September 11, 2006
June 21, 2011
May 2012
May 2015
June 2017
March 11, 2020

Legal Refs.: 10 U.S.C. § 2031.

Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-254, 22.1-254.1, 22.1-271.4, 32.1-46, 54.1-2952.2.

Cross Ref.:	IIBEA	Acceptable Computer System Use
	JFC	Student Conduct
	JO	Student Records

CHARTER SCHOOLS

Purpose

In order to (1) encourage the development of innovative programs; (2) provide opportunities for innovative instruction and student assessment; (3) provide parents and students more choices; (4) provide innovative scheduling, structure and management; (5) encourage the use of performance-based educational programs; (6) establish high standards for teachers and administrators; and (7) develop models for replication in other public schools, the Lexington City School Board receives and considers applications for the establishment of charter schools.

Definition of Charter School

A charter school is a public, nonreligious or non-home-based alternative school located within the Lexington City School Division or operated jointly by multiple school divisions. A charter school may be created as a new school or by converting all or part of an existing public school. Conversions of private schools or home-based programs are not permitted. A charter school for at-risk pupils may be established as a residential school.

In establishing public charter schools within the division, the School Board gives priority to public charter school applications designed to increase the educational opportunities of at-risk students. At least one half of the public charter schools in the division must be designed for at-risk students. However, conversions of existing public schools into public charter schools that serve the same community as the existing public school do not count in the determination of school division compliance with the one-half requirement.

Enrollment in a charter school is open to any child who resides within the school division or, in the case of a regional public charter school, within any of the relevant school divisions, through a lottery process on a space-available basis, except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students are given the opportunity to enroll in advance of the lottery process. Students eligible to enroll in the school division pursuant to Va. Code § 22.1-3.B because they are the children of military personnel on active military duty who will reside in the division may participate in the lottery process for charter schools in the division at the same time and in the same manner as students who reside in the division.

Public charter schools are subject to all federal laws and authorities as set forth in law and the charter contract. Public charter schools are subject to the same civil rights, health and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided by law.

Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the School Board approves such measures.

Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, sex, sexual orientation, gender, gender identity, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.

No public charter school shall discriminate against any student on the basis of limited proficiency in English and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.

No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies or operations.

Application Process

Any person, group or organization may submit an application for the formation of a public charter school to the Lexington City School Board. A complete application includes the applicant's Virginia Public Charter School Application package submitted to the Board of Education, the result of the Board of Education's review of the application and the Charter School Application Addendum (LC-E [School Division] Charter School Application Addendum). Prior to submitting a charter school application to the School Board, a public charter school applicant shall submit its proposed charter application to the Board of Education for review and comment and a determination as to whether the application meets the approval criteria developed by the Board of Education. Charter School applications initiated by the Lexington City School Board must conform to the Virginia Public Charter School Application. However, such applications are not required to receive Board of Education review and comment prior to action by the School Board.

The Board of Education examines all applications, other than those initiated by the School Board, for feasibility, curriculum, financial soundness and other objective criteria it may establish, consistent with existing state law. The Board of Education's review and comment is for the purpose of ensuring that the application conforms with such criteria. The school division may work with a charter school applicant before the application is submitted to the Board of Education for review and recommendation.

All public charter school applicants, other than those initiated by the School

Board, must also complete the application addendum in the format provided in Exhibit LC-E Lexington City Schools Charter School Application Addendum. The School Board shall establish a “review team” consisting of appropriate school personnel, a local business representative and a resident charter school proponent to evaluate charter school applications. The School Board shall designate the chairman of the review team as the contact person for answering questions about the application process and receiving applications. The review team shall work cooperatively with applicants for charter schools. When an application is incomplete, the review team shall request the necessary information; an incomplete application is not grounds for denying a charter. However, if the applicant does not provide the necessary information within a reasonable timeframe (established by the review team) then the application may be denied.

The review team shall (1) recommend to the School Board appropriate criteria for reviewing charter school applications; (2) evaluate all charter school applications based on the review criteria adopted by the School Board; (3) recommend one of the following options to the School Board for each application: approve, reject, place on a waiting list or return with suggestions for improvement; (4) monitor charter school progress; and (5) make recommendations for revocation, renewal or non-renewal of charter contracts.

The Lexington City School Board shall establish a regulation for receiving, reviewing and ruling on applications for the establishment of charter schools. Such regulation must include a timeline for the application and review process and the means for reviewing and evaluating each application, including the criteria on which the decision to grant or deny a charter will be based. To provide appropriate opportunity for input from parents, teachers, citizens, and other interested parties and to obtain information to assist the School Board in its decision to grant or deny a public charter school application, the regulation will provide for public notice and the receipt of comment on public charter school applications. The School Board shall give at least 14 days' notice of its intent to receive public comment on an application. A copy of the regulation, including the review criteria, shall be posted on the division’s website and a copy shall be made available to any interested party upon request.

School Board Decision

If the School Board denies a public charter school application, or revokes or fails to renew a charter agreement, it shall provide to the applicant or grantee its reasons, in writing, for such decision, and it shall post such reasons on its website. A public charter school applicant whose application was denied, or a grantee whose charter was revoked or not renewed, is entitled to petition the School Board for reconsideration. The petition for reconsideration shall be filed no later than 60 days from the date the public

charter school application is denied, or the charter agreement is revoked or fails to be renewed. Such reconsideration shall be decided within 60 days of the filing of the petition.

The School Board shall establish a process for reviewing petitions of reconsideration, which shall include an opportunity for public comment. The petition of reconsideration may include an amended application based on the reasons given by the School Board for such decision. Prior to seeking reconsideration, an applicant or grantee may seek technical assistance from the Superintendent of Public Instruction to address the reasons for denial, revocation or non-renewal.

Upon reconsideration, the decision of the School Board to grant or deny a public charter school application or to revoke or fail to renew a charter agreement is final and not subject to appeal. Following a decision to deny a public charter school application or to revoke or fail to renew a charter agreement, the School Board submits documentation to the Board of Education as to the rationale for the School Board's decision. The Board-of Education has no authority to grant or deny a public charter school application or to revoke or fail to renew a charter agreement but may communicate any Board finding relating to the rationale for the School Board's denial of the public charter school application or revocation of or failure to renew the charter agreement based on the documentation submitted in any school division in which at least half of the schools receive funding pursuant to Title I, Part A.

Nothing in this policy prohibits an applicant whose application has been denied or a grantee whose charter has been revoked or not renewed from submitting a new application.

Charter Contract

Within 90 days of approval of a charter application, the School Board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the School Board and public charter school, including each party's rights and duties. The 90-day period may be extended by up to 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.

The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the School Board's evaluations of the public charter school. The performance framework shall include indicators, measures and metrics for:

- student academic proficiency;
- student academic growth;
- achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status and gifted status;
- attendance;
- recurrent annual enrollment;
- postsecondary education readiness of high school students;
- financial performance and sustainability; and
- the performance and stewardship of the management committee, including compliance with all applicable laws, regulations and terms of the charter contract.

The performance framework shall allow the inclusion of additional rigorous, valid and reliable indicators proposed by the charter school to augment external evaluations of its performance, provided that the School Board approves the quality and rigor of such indicators.

The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status and gifted status.

Annual performance targets shall be set by the public charter school and the School Board and shall be designed to help each school meet applicable federal, state and School Board expectations.

The charter contract shall be signed by the chairman of the School Board and the president or chairman of the public charter school's management committee. Within 10 days of executing a charter contract, the School Board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

No public charter school shall commence operations without a charter contract executed in accordance with this policy and approved in an open meeting of the School Board.

Waivers of School Board Policy and State Regulation

A charter school may operate free from School Board policies and state regulations, except the Standards of Quality, the Standards of Accreditation and Standards of Learning, as agreed in the charter contract. The School Board shall request from the Board of Education, on behalf of its charter schools, waivers from state regulation contained in each approved charter application. If the charter school is designed to increase the opportunities of at-risk students, then the School Board shall request that the Board of Education approve an Individual School Accreditation Plan.

Management and Operation

A charter school shall be administered and operated by a management committee in the manner agreed to in the charter contract. The management committee shall be composed of parents of students enrolled in the school, teachers and administrators working in the school and representatives of any community sponsors, or any combination thereof. A charter school shall be responsible for its own operations. However, a charter school may negotiate and contract with the School Board, or any other third party, for the provision of necessary services; services provided by the School Board must be provided at cost.

The applicant and members of the management committee, administrators, and other personnel serving in a public charter school must disclose any ownership or financial interest they may have in renovating, lending, granting, or leasing public charter school facilities.

Personnel

Charter school personnel shall be selected as agreed in the charter contract. Such personnel may, but are not required, to be employees of the School Board. However, all charter school personnel shall be subject to the provisions of §§ Va. Code 22.1-296.1, 22.1-296.2 and 22.1-296.4.

Professional, licensed employees currently employed by the School Board may volunteer for assignment to a charter school and may be assigned by the School Board to a charter school for one contract year and reassigned annually upon the request of

the employee and management committee. Professional, licensed employees assigned to a charter school shall receive the same employment benefits as such personnel assigned to noncharter schools. Professional, licensed personnel who request assignment to a noncharter school or who are not recommended for reassignment in the charter school, other than for reasons cited in § 22.1-307 of the Code of Virginia, shall be transferred to a noncharter school according to School Board policy.

The School Board may employ health, mental health, social services and other related personnel to serve in residential charter schools for at-risk students as determined in the charter agreement. However, the School Board is not required to fund the residential or other services provided by a residential charter school.

The School Board has the final authority to assign professional, licensed personnel to charter or other schools within the division.

Funding

Charter schools shall be funded as provided by law and negotiated in the charter contract.

Revocation and Renewal of the Charter Contract

The School Board may revoke a charter contract if

- the charter school violates the conditions, standards or procedures established in the application;
- the charter school violates a material term of the charter contract (for example, failing to provide required reports to the School Board);
- the charter school fails to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;
- the charter school fails to meet generally accepted standards of fiscal management; or
- the charter school violates any provision of law from which it was not specifically exempted.

A charter contract may be renewed for up to five years. The management committee must apply to renew the charter at least six months before the charter expires.

The application for renewal shall contain

- a report on the progress of the charter school in achieving the goals, objectives, program and performance standards for students and other conditions and terms the School Board required in the charter
- a financial statement, on forms prescribed by the Board of Education, disclosing the costs of administration, instruction and other spending categories which is written in a way to allow the School Board and the public to compare such costs to the costs of other schools and comparable organizations
- other information the School Board may require

If a charter contract is revoked or not renewed, or a charter school is dissolved, the management committee shall be responsible for all financial obligations of the charter school.

Reports

The School Board reports the following to the Board of Education:

- the grant or denial of charter applications, applications for renewal, and the revocation of any charter contract; for any such denial, revocation or failure to renew, the report to the Board of Education contains documentation as to the reason for the denial or revocation
- whether a public charter school is designed to increase the educational opportunities of at-risk students

The Board of Education will report the number of public charter schools established in Virginia, and the number of charters denied, in its annual report to the Governor and the General Assembly.

Adopted: May 2002

Revised: September 12, 2005
June 16, 2010
August 2010
May 2012
May 2013
June 2014
October 2014
May 2016
June 2017
May 2019
June 10, 2020

Legal Refs: 20 U.S.C. § 6311(b)(1)(B).

Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-212.5 et seq.

Cross Refs:

KBA	Requests for Public Records
KBA-F1	Request for Public Records
KBA-F2	Record of Inspection and/or Delivery of Copies
KBA-R	Requests for Public Records
LC-E	[School Division] Charter School Application Addendum

LEXINGTON CITY SCHOOLS CHARTER SCHOOL APPLICATION ADDENDUM

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

Applications must be received by the **Division Superintendent** on or before **April 1st** prior to the year in which the charter school desires to open. An original plus **six** copies of the application must be submitted. An application fee of **$500.00** shall be submitted with the application. Applicants must follow the application addendum format provided below.

I. Goals and Objectives; Educational Program

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

A. A description of the performance-based goals. To the extent possible, the application should include the academic performance indicators, measures and metrics that will guide the Lexington City School Board's evaluations of the charter school and should include, at minimum:
   1. student academic proficiency;
   2. student academic growth;
   3. academic gaps in both proficiency and growth between major student subgroups;
   4. attendance;
   5. recurrent enrollment from year to year; and
   6. postsecondary readiness (for high schools).

B. A description of the measurable educational objectives to be achieved by the public charter school.

C. A description of the pupil performance standards and curriculum, which must meet or exceed any applicable Virginia Standards of Quality.

D. A description of how the Virginia Standards of Learning (SOL) and the

corresponding SOL Curriculum Framework will be used as the foundation for curricula to be implemented for each grade or course in the public charter school. Include within the description how the goals and objectives of the curricula will meet or exceed the Virginia Standards of Learning, address student performance standards related to state and federal assessment standards and include measurable outcomes.

E. A description of any internal and external assessment to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the SOL assessments prescribed by Va. Code § 22.1-253.13:3.

F. A description of the public charter school assessment plan to obtain student performance data, which includes how the data will be used to monitor and improve achievement and how program effectiveness will be measured over a specified period of time. Also provide benchmark data on how student achievement will be measured and how these data will be established and documented in the first year of operation and how the data will be measured over each year of the term of the charter. The benchmark data should address targets for student improvement to be met in each year.

G. The timeline for achievement of pupil performance standards, in accordance with the Virginia SOL.

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

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

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

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

in providing such services.

L. If applicable, the following components should be addressed:

1. any plans to utilize virtual learning in the educational program, including identification of the virtual learning source and a description of how virtual learning will be used and an estimate of how many students are expected to participate.
2. a general description of any alternative accreditation plans, in accordance with the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-420), that the public charter school will request the School Board to submit to the Virginia Board of Education for approval.
3. a general description of any alternative accreditation plan for serving students with disabilities, in accordance with the Virginia Board of Education's *Regulations Governing Special Education Programs For Children With Disabilities in Virginia* that the public charter school will request the School Board to submit to the Virginia Board of Education for approval.

II. Evidence of Support

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

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

III. Statement of Need

Describe the need for a public charter school in the school division or relevant part of the

school division. The following components must be addressed:

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

IV. Applicant Information

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

V. Facility

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

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

If the facility is not property of the school division, then the following must be provided: a certificate of occupancy;

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

If the facility is property of the school division, then describe plans, if any, for alteration renovation.[4]

VI. Enrollment Process

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

- A description of the lottery process to be used for the establishment of a waiting list for students for whom space is not available.
- A description of a tailored admission policy that meets the specific mission or focus of the public charter school, if applicable.
- A timeline for when the lottery process will begin for the first academic year of enrollment and when parents will be notified of the outcome of the lottery process.
- A description of any enrollment-related policies and procedures that address special situations, such as the enrollment of siblings and children of faculty and founders and the enrollment of nonresident students, if applicable.
- An explanation of how the applicant will ensure that, consistent with the public charter school's mission and purpose, community outreach has been undertaken so that special populations are aware of the formation of the public charter school and that enrollment is open to all students residing in the school division where the public charter school is located or in school divisions participating in a regional charter school.
- A description of how the transfer of student records and other program information to and from the public charter school will be accomplished.
- A description of how students seeking enrollment after the school year begins will be accommodated.

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

VII. Employment Terms and Conditions

Provide an explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees. At the discretion of the School Board, charter school personnel may be employees of the School Board, or Boards, granting the

[4] *The School Board may not charge rent for available school division facilities.*

charter. Any personnel not employed by the School Board shall remain subject to the provisions of Va. Code §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4. The following components must be addressed:

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

VIII. Transportation

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

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

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

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

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

IX. Residential Charter Schools

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

A. A description of the residential program to include:
   1. the educational program;
   2. a facilities description to include grounds, dormitories and staffing;

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

B. A description of how the facility will be maintained including, but not limited to:
1. janitorial and regular maintenance services and
2. security services to ensure the safety of students and staff.

X. Services to be Provided by the School Board

List the services and their estimated costs that the applicant wishes the School Board to provide; for example, food service, payroll or conducting criminal background checks.[5] Also, list services and their estimated costs that will be provided by others.

XI. Timeline

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

XII. Health and Safety

Describe the procedures the charter school will implement to ensure the health and safety of the students and employees, including:

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

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

XIII. Indemnity

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

XIV. Renewal

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

XV. Displacement Plans: Pupils and Employees

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

The following components must be addressed:

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

date of closure. The plan shall include the disposition of the school records and financial accounts upon closure.

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

XVI. Management and Operation

Describe the management and operation of the charter school, including the nature and extent of parental, professional educator and community involvement. List the names and addresses and relevant experience of the proposed management committee.[6] This section should include:

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

The following components must also be addressed:

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

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

B. An explanation of any partnership or contractual relationships (education management organization, food services, school health services, custodial services, security services, etc.) central to the school's operations or mission, including information regarding the relationship of

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

all contractors to the governing board of the public charter school, and information regarding how contractors and the employees of the contractors having direct contract with students will comply with Va. Code § 22.1-296.1.

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

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

Provide a budget and any other information that illustrates the proposed charter school is economically sound for both the charter school and the school division.[7] Include detailed sources of revenue and expenditures for the proposed term of the charter (at most five years) and a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school division, will be conducted.[8] Anticipated gifts, grants or donations and a student fee schedule should be included.[9] The following components must also be included:

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

XVIII. Legal Liability and Insurance Coverage

Describe the proposed arrangement between the charter school and the School Board regarding their respective legal liability and applicable insurance coverage, including the types of

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[7] *See review criteria related to the Financial Plan.*

[8] *This section should include the manner in which the school division can ensure fiscal and administrative compliance with the charter*.

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

insurance that will be obtained for the public charter school, its property, its employees, the charter school management committee and the School Board and its agents and the levels of insurance sought. Types of insurance include, but are not limited to,

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

XIX. Disclosures

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

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

XX. Waivers

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

XXI. Discrimination

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

on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services and shall be subject to any court-ordered desegregation plan in effect in the school division.

XXII. Assurance

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

XXIII. Signatures

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

Name of Authorized Official: _____

Title: _____

Signature of Authorized Official: _____

Date: _____

Adopted: October 9, 2000
Revised: July 12, 2004
September 12, 2005
August 10, 2009
June 21, 2011
May 2012
October 2014
February 2017
February 2018
June 10, 2020

RELATIONS WITH EDUCATIONAL ACCREDITATION AGENCIES

All Lexington City Public Schools are accredited according to standards developed by the Board of Education. The School Board reports the accreditation status of each school in the division annually in a public session of a board meeting.

The School Board recognizes individual schools under the Virginia Index of Performance (VIP) program established by the Board of Education to recognize and reward fully accredited schools that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science, and other indicators of school and student performance that are aligned with Virginia's goals for public education. The recognition may include public announcements, media releases, and other appropriate recognition.

The School Board may ask the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation. A request for a waiver from state regulations that are not (i) mandated by state or federal law or (ii) designed to promote health or safety will be made by the superintendent and chairman of the School Board on behalf of the School Board. The waiver request will describe how release from state regulations is designed to increase the quality of instruction and improve the achievement of students in the affected school or schools.

The School Board, by the superintendent and chairman of the School Board, may also request that the Board of Education grant waivers of specific requirements in Va. Code § 22.1-253.13:2, permitting the School Board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by Va. Code § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of Va. Code § 22.1-253.13:2 are met. In its request, the School Board will demonstrate that the waivers from specific Standards of Quality staffing standards will increase the quality of instruction and improve the achievement of students in the affected school or schools.

Adopted: May 9, 1994
Revised: June 16, 2010
June 21, 2011
May 2013
May 2016
February 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:3, 22.1-253.13:9.

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