

WISE COUNTY PUBLIC SCHOOLS

WISE, VIRGINIA

Dear Parents and Students:

The Wise County School Division has an obligation to provide all students the opportunity to participate in all educational programs. One of our most important goals is the development of a high-quality educational system that will prepare all students for a life in a fast-changing and complex world.

No matter where we go or what we do, we have certain regulations to guide us. Naturally, there are rules and regulations in Wise County Schools. They are meant for the students' benefit.

Students, your conduct at all times should reflect the good upbringing you have had. You should show respect for the property, rights, and privileges of others, just as you expect and appreciate this respect when others show it to you. You are responsible to the school authorities and teachers for your conduct while you are a school citizen. Good behavior can help make your school life a happy and rewarding one.

The school board has adopted a Student Conduct Code to guide students in demonstrating acceptable behavior during school and at after-school activities. The Student Conduct Code is designed to improve student behaviors and to provide administrative guidelines for disciplinary actions to improper behavior. Students, parents, and guardians know that disruptive or other conduct detrimental to the learning process cannot be tolerated. The School Board has delegated the responsibility of providing a quality learning environment to the teachers and administrators. The School Board supports its teachers and administration in effectively fulfilling their responsibilities in maintaining well-disciplined classrooms and schools.

The School Board and I solicit your support of the Student Conduct Code.

Sincerely Yours,

Greg Mullins

Division Superintendent

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Statement of Purpose

The development, implementation, and enforcement of student conduct policies are intended to ensure that all students have fair access to an education. These policies set forth those standards of behavior believed to be appropriate in the learning environment and inform all students, their parents, and the larger community of the consequences for violations.

Expectations for both conduct and for attendance must be clear to everyone in order to keep our schools effective places for learning. The purpose of this handbook is to help students, parents, teachers, administrators, and others understand school board expectations for all of us as we work together for quality education. We hope that this booklet will serve as an ongoing reference. In addition to the Code of Conduct, this handbook contains notifications of the requirements of Virginia Code regarding parental involvement and a copy of the compulsory attendance law. Questions or concerns regarding the Conduct and Attendance Code should be directed to the office of the principal at the local school.

Statement of Philosophy

It is the school board's legal responsibility to provide fair access to an education for every child, and to ensure respect for the dignity of each child. A learning environment that encourages the healthy growth and development of each individual must be free from conflict, threats of conflict or danger, and undue disruption. This code of student conduct seeks to direct student behavior based on clearly defined expectations, responsibilities, and consequences.

A student conduct policy is not limited to discipline as a punitive measure but reflects as well a caring philosophy that strengthens the bond between and among parents, students, their teachers, and the community.

Statement of Policy

For purposes of this document, policy includes general guidelines that focus attention on a certain issue, in this case, student conduct. This school division, directed and supported by school board authority, intends that all students have the opportunity to be educated in a safe, secure environment that is conducive to learning.

Roles and Responsibilities

School personnel, parents, students, and school board members share the responsibility to create and maintain a school environment that is conducive to learning. Clearly defined roles are essential to carrying out these responsibilities. The following responsibilities have been identified by the school board as appropriate to the intent of this policy:

Jurisdiction of the School Board

- Adopt policies and regulations governing suspension and expulsion (§22.1-278).
- Maintain and follow an up-to-date policy manual (§22.1-253.13:7).
- Include in a policy manual procedure and purpose for the requirements that certain acts (i.e., actual or attempted physical injury, unlawful wounding, maiming, and homicides) be reported to school authorities (§22.1-280.1).
- Provide parents of each enrolled student a copy of the school board's standards of student conduct that may include a statement to be signed acknowledging the requirements of the school board's standards of student conduct and to maintain records of such signed statements.
- Expel and readmit students as appropriate.

Responsibilities of the School Administration and School Personnel

- Seek the advice of legal counsel when appropriate.
- Assess the school's strengths and weaknesses with regard to student conduct.
- Teach expected standards of behavior and model this behavior by personal example.
- Establish clear rules for acceptable behavior that include strong corrective action that is caring, but firm.
- Enforce policies for violations of the code consistently and fairly.
- Ensure the delivery of responsive guidance and counseling programs and services.
- Involve parents in policy development.
- Demonstrate an organized, collaborative, and ongoing effort to create and maintain a safe school with an environment conducive to learning.
- Establish an outreach strategy to involve the larger community that will provide support in making the school's policy and programs work.
- Develop collaborative arrangements in which school personnel, parents, school boards, law enforcement officers, and service agencies can work together to provide necessary resources that will meet the needs of all students.
- Demonstrate respect for the dignity of every parent, employee, and student.
- Maintain regular and open communication with parents.

Responsibilities of Students

- Attend school regularly.
- Demonstrate behavior that recognizes and respects the rights of others.
- Know and follow your school's rules and expected standards of behavior.
- Know the sanctions for violation of the school's rules.
- Accept and demonstrate the obligation of good citizenship to help prevent problems and to help solve problems should they occur.
- Accept the consequences for your behavior.

Responsibilities of Parents

- Assume responsibility for your child's behavior, and teach compliance with school rules.
- Know the school's rules and sanctions for violation of the rules and discuss them with your child.
- Participate in policy development and implementation.
- Support the school's policy and programs.
- Maintain regular communication with the school.
- Monitor and require daily attendance.
- Bring to the attention of the school authorities any problem that affects your child or other children in the school.

Statement of Procedures

Policy implementation is contingent upon the degree to which the policy is clearly understood and communicated to all who are governed by the policy. The responsibilities of staff, parents, and students need to be accepted and consistently practiced. Policy implementation depends on the following:

Clear communication of policy to students, staff, and parents

All students, parents, and staff members will receive copies of the policy. Students and parents may be required to sign a statement indicating that they are aware of policy guidelines and sanctions for misconduct. This signed statement should be kept on file in the school office. Students will receive information about the policy from teachers, from other school personnel, and/or during student assemblies. Staff will be provided with an annual in-service regarding the procedures of student conduct policy.

Prevention of misconduct

The prevention of student misconduct will be an essential element in the implementation of this policy. Decision-making skills and anger management should be modeled for students by staff members and opportunities provided for students to learn ways to solve problems in a non-violent, positive, and productive manner. Frequent contact between the school and home should be encouraged to promote home/school communication and help prevent student misconduct.

Effective handling, monitoring and documentation of student misconduct

Student misconduct will be handled as quickly and efficiently as circumstances allow and within required timelines. Teachers and staff will monitor student conduct throughout the school building, on school grounds, and during all school activities. Misconduct that requires an office referral should be documented for parent notification, and when necessary, for notification of law enforcement.

Consistent enforcement

Students who are guilty of violations of the policy will be dealt with consistently and fairly.

Preparation for crises

Crisis prevention, preparedness, and management will be handled by school crisis teams.

Consideration for the needs of at-risk students

Support services, guidance services and programs, and alternative education opportunities will be available for students who are at risk for substance abuse, for committing violent behavior, or for dropping out.

Annual policy evaluation

An annual evaluation of the school board policy will be conducted to ensure that it addresses the current needs of the school community and to provide equitable input from those individuals currently impacted by the school board policy.

Parental Responsibility and Involvement Requirements

Section 22.1-279.3 of the Code of Virginia

- A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.
- B. A school board shall provide opportunities for parental and community involvement in every school in the school division.
- C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions. Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.
- D. The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.
- E. In accordance with the due process procedures set forth in this article and the guidelines required by § [22.1-279.6](#), the school principal may notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.
- F. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.
- G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as follows:
 - 1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or
 - 2. If the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order the student or his parent, or both, to participate in such programs or such treatment, including, but not limited to, extended day programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order may also require participation in a parenting, counseling or a mentoring program, as appropriate or that the student or his parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.
- H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.
- I. All references in this section to the juvenile and domestic relations court shall be also deemed to mean any successor in interest of such court.

Source: Code of Virginia
§22.1-279.3

Compulsory School Attendance
Section 22.1-254 of the Code of Virginia

- A. Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § [22.1-254.1](#).

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

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school. The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § [22.1-253.13:1](#) and in § [22.1-254.01](#). The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan pursuant to subsection D, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and
2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or
2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

D. Local school boards may allow the requirements of subsection A of this section to be met under the following conditions:

1. For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:
 - a. Career guidance counseling;
 - b. Mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such GED preparatory program or approved alternative education program to such principal or his designee;
 - c. Mandatory enrollment in a program to earn a Board of Education- approved career and technical credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or a Virginia workplace readiness skills assessment

- d. Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma
 - e. Counseling on the economic impact of failing to complete high school; and
 - f. Procedures for reenrollment to comply with the requirements of subsection A of this section.
2. A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.
 3. Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.
- E. A school board may, in accordance with the procedures set forth in Article 3 (§ [22.1-276.01](#) et seq.) of Chapter 14 of this title and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § [16.1-260](#); (iii) suspended pursuant to § [22.1-277.05](#); or (iv) expelled from school attendance pursuant to § [22.1-277.06](#) or § [22.1-277.07](#) or subsection B of § [22.1-277](#), require the child to attend an alternative education program as provided in § [22.1-209.1:2](#) or § [22.1-277.2:1](#).
- F. Whenever a court orders any pupil into an alternative education program, including a program of general educational development, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.
- The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ [18.2-77](#) et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.
- This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ [22.1-277.04](#), [22.1-277.05](#), [22.1-277.06](#), [22.1-277.07](#), and [22.1-277.2](#). As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.
- G. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.
- H. The provisions of this article shall not apply to:
1. Children suffering from contagious or infectious diseases while suffering from such diseases;
 2. Children whose immunizations against communicable diseases have not been completed as provided in § [22.1-271.2](#);
 3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;
 4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
 5. Children excused pursuant to subsections B and C of this section.

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

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

Student Absences/Excuses/Dismissals
Wise County Public Schools Policy JED

I. Student Attendance Policy

- A. Student attendance is a cooperative effort and the School Board shall involve parents and students in accepting the responsibility for good attendance.
- B. Each parent/guardian or person having control or charge of a child within the compulsory attendance age shall be responsible for such child's regular and punctual attendance at school as required under provisions of the law.
- C. A reasonable effort shall be made to contact a parent/guardian of each absent student every day, and to obtain an explanation for the student's absence, where there is no indication that the student's parent is aware of and supports the absence. A log will be kept of call attempts.
- D. Students who are absent must bring a valid note stating the reason for absence upon returning to school. Unexcused absences shall be handled according to regulations issued by the superintendent.
- E. Students shall attend school for a full day unless otherwise excused. Secondary students shall be scheduled for a full school day unless they are enrolled in a cooperative work study program. All other exceptions to a full day schedule must be approved on an individual basis by the superintendent or designee.
- F. 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

A. Upon Fifth Absence without Parental Awareness and Support

If (1) a student 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 student's parent is aware of and supports the absence; and (3) reasonable efforts to notify the parent of the absences have failed, then the principal or designee shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, by the attendance officer to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The attendance officer, 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 Sixth Absence without Parental Awareness and Support

If the pupil is absent an additional day after direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, the attendance officer shall schedule a conference within ten school days, which must take place no later than the fifteenth school day after the sixth absence. At the conference, the pupil, his parent, and school personnel, shall meet to resolve issues related to the pupil's nonattendance. Other community service providers may also be included in the conference.

C. Upon Additional Absence without Parental Awareness and Support

Upon the next absence after the conference without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the principal or designee shall notify the attendance officer or Superintendent who shall enforce the compulsory attendance rules by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in §16.1-228 or (ii) instituting proceedings against the parent pursuant to §18.2-371 or §22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts already undertaken to resolve the pupil's absence. If the student's parents have joint physical custody of the student and the school has notice of the custody arrangement, then both parents shall be notified at their last known addresses.

D. Parental Cooperation in Remediating Excessive Unexcused Absences

It is expected that parents will cooperate with the attendance officer and other school officials to remedy the student's attendance problem. Where direct contact with a parent cannot be made, despite reasonable efforts, or where parents otherwise fail to cooperate in remediating the student's attendance problem, the Superintendent or the Superintendent's designee may seek immediate compliance with the compulsory school attendance laws. The attendance officer, with the knowledge and approval of the Superintendent, shall institute proceedings against any parent who fails to comply with the requirements of the compulsory attendance laws. Where the complaint arises out of the parent's failure to comply with the requirements of §22.1-258, the attendance officer shall document the school division's compliance with this Code section.

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 shall be monitored and reported as required by state law and regulations. At the end of the school year, each public school principal shall report to the Superintendent the number of pupils by grade level for whom a conference was scheduled pursuant to Part II (B) above. The Superintendent shall compile this information and provide it annually to the Superintendent of Public Instruction.

V. Dismissal Precautions

Principals shall 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 shall be released only on request and authorization of parent or guardian. The superintendent shall provide 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 shall be maintained in each school.

Source: WCPS Policy JED
Amended: July 6, 2009

Amended: September 13, 2010

Attendance Regulations Wise County Public Schools Policy JED-R

Grades K through 4

1. Students who are absent should bring a parental note on the first day the student returns to school stating the reason for the absence and/or the principal may at his/her discretion accept a verbal explanation of the absence(s). However, students have a limit of three school days after an absence to turn in doctor's excuses or excuses written by parents. Refer to # 5 below. Additionally, doctor's excuses are required after five days of absence each semester. Refer to # 4 below. The only excuses for absence that shall be deemed acceptable are:
 - a. illness (if over two days, the school may require a note from the doctor)
 - b. court appearance
 - c. death in the family
 - d. religious holidays
 - e. field trips and school-related activities
 - f. extenuating circumstances which are determined by the school administration
2. All students will be permitted to make up work missed.
3. Students will be permitted to make up work missed within 5 days after returning to school. Extenuating circumstances, however, may be considered by the principal or his/her designee in extending the time limit for make-up, and extensions shall be liberally granted in order to ensure that a student is allowed to make up missed work. Additionally, extenuating circumstances caused by a chronic or childhood illness may be considered when determining the actual amount of work to be made up. Make-up work for grades K-4 should be commensurate with instructional time.
4. After five excused or unexcused absences or a combination of both equaling to five within any term (90-day period), the student shall be required to provide a doctor's excuse for the remainder of the term.
5. Student's have three school days after an absence to turn in doctor's excuses or excuses written by parents. Excuses from doctor's and parents will not be accepted after the three-day limit.

Compulsory School Attendance

Students attending Wise County Public Schools are subject to the following compulsory school attendance laws of the Commonwealth of Virginia:

On the fifth **unexcused** absence, School officials must contact the parent(s) to obtain an explanation for the student's absence and to explain to the parent(s) the consequences for continued nonattendance. On the sixth **unexcused** absence, a conference with the parent(s) will be scheduled to resolve issues related to the student's nonattendance. When a student has seven **unexcused** absences, the attendance officer has the authority to file one or both of the following in the Wise County Juvenile and Domestic Relations District Court: (1) a complaint alleging that the student is in violation of the compulsory school attendance law and is a child in need of supervision; (2) a complaint against the parent(s) for failure to comply with the law.

For compulsory school attendance purposes, three times tardy to school will count as one absence. A checkout will be

treated as a tardy; therefore, three checkouts will equal one absence. Tardies and checkouts will be counted as excused or unexcused according to established guidelines for determining excused and unexcused absences.

General Provisions

Each principal will ensure that teachers are accountable for the following:

- a. checking the roll each day in every class;
- b. communicating with a student’s parents if poor attendance is affecting the student’s progress, and keeping a log of those contacts;
- c. including participation, which may be affected by attendance, in their student evaluation procedures.

Awards for exemplary attendance will be issued by each individual school.

Students may earn an award in one of the following three categories:

Category 1: Perfect Attendance – No absences, tardies, or checkouts

Category 2: Excellent Attendance – No absences, with all tardies and/or checkouts excused because of medical or emergency situations

Category 3: Outstanding Attendance – Maintenance of 97% attendance throughout the school year

Amended: Administrative March, 2009

Student Absences/Excuses/Dismissals
Grades 5 through 8

- 1. Students will have 3 school days from the day they return to school to make up missed assignments or tests.
- 2. Students turning in missed assignments within the required three days will receive full credit for all work.
- 3. Assignments will be accepted after the three days, but the maximum credit a student will receive for the work will be a grade of 70, and the assignments must be completed by the last day of the six weeks.
- 4. After five excused or unexcused absences or a combination of both equaling to five within any term (90-day period), the student shall be required to provide a doctor’s excuse for the remainder of the term in order for any absences to be accepted after the three day limit.

Compulsory School Attendance

Students attending Wise County Public Schools are subject to the following compulsory school attendance laws of the Commonwealth of Virginia:

On the fifth **unexcused** absence, School officials must contact the parent(s) to obtain an explanation for the student’s absence and to explain to the parent(s) the consequences for continued nonattendance. On the sixth **unexcused** absence, a conference with the parent(s) will be scheduled to resolve issues related to the student’s nonattendance. When a student has seven **unexcused** absences, the attendance officer has the authority to file one or both of the following in the Wise County Juvenile and Domestic Relations District Court: (1) a complaint alleging that the student is in violation of the compulsory school attendance law and is a child in need of supervision; (2) a complaint against the parent(s) for failure to comply with the law.

For compulsory school attendance purposes, three times tardy to school will count as one absence. A checkout will be treated as a tardy; therefore, three checkouts will equal one absence. Tardies and checkouts will be counted as excused or unexcused according to established guidelines for determining excused and unexcused absences.

General Provisions

Each principal will ensure that teachers are accountable for the following:

- a. checking the roll each day in every class;
- b. communicating with a student’s parents if poor attendance is affecting the student’s progress, and keeping a log of those contacts;
- c. including participation, which may be affected by attendance, in their student evaluation procedures.

Awards for exemplary attendance will be issued by each individual school.

Students may earn an award in one of the following three categories:

Category 1: Perfect Attendance – No absences, tardies, or checkouts

Category 2: Excellent Attendance – No absences, with all tardies and/or checkouts excused because of medical or emergency situations

Category 3: Outstanding Attendance – Maintenance of 97% attendance throughout the school year

Amended: Administrative May 11, 2009

General Provisions

- a. checking the roll each day in every class;
- b. communicating with a student’s parents if poor attendance is affecting the student’s progress, and keeping a log of those contacts;
- c. including participation, which may be affected by attendance, in their student evaluation procedures.

Awards for exemplary attendance will be issued by each individual school. Students may earn an award in one of the following three categories:

Category 1: Perfect Attendance – No absences, tardies, or checkouts

Category 2: Excellent Attendance – No absences, with all tardies and/or checkouts excused because of medical or emergency situations

Category 3: Outstanding Attendance – Maintenance of 97% attendance throughout the school year

Amended: Administrative May 11, 2009

Student Absences/Excuses/Dismissals

Grades 9 – High School

- 1. Students will have 3 school days from the day they return to school to make up missed assignments or tests.
- 2. Students turning in missed assignments within the required three days will receive full credit for all work.
- 3. Assignments will be accepted after the three days, but the maximum credit a student will receive for the work will be a grade of 70, and the assignments must be completed by the last day of the six weeks.
- 4. After five excused or unexcused absences or a combination of both equaling to five within any term (90-day period), the student shall be required to provide a doctor’s excuse for the remainder of the term in order for any absences to be accepted after the three day limit.
- 5. Students have three school days after an absence to turn in doctor’s excuses or excuses written by parents. Excuses from doctors and parents will not be accepted after the three day limit.

Compulsory School Attendance

Students attending Wise County Public Schools are subject to the following compulsory school attendance laws of the Commonwealth of Virginia:

On the fifth **unexcused** absence, School officials must contact the parent(s) to obtain an explanation for the student’s absence and to explain to the parent(s) the consequences for continued nonattendance. On the sixth **unexcused** absence, a conference with the parent(s) will be scheduled to resolve issues related to the student’s nonattendance. When a student has seven **unexcused** absences, the attendance officer has the authority to file one or both of the following in the Wise County Juvenile and Domestic Relations District Court: (1) a complaint alleging that the student is in violation of the compulsory school attendance law and is a child in need of supervision; (2) a complaint against the parent(s) for failure to comply with the law.

For compulsory school attendance purposes, three times tardy to school will count as one absence. A checkout will be treated as a tardy; therefore, three checkouts will equal one absence. Tardies and checkouts will be counted as excused or unexcused according to established guidelines for determining excused and unexcused absences.

General Provisions

- a. checking the roll each day in every class;
- b. communicating with a student's parents if poor attendance is affecting the student's progress, and keeping a log of those contacts;
- c. including participation, which may be affected by attendance, in their student evaluation procedures.

Awards for exemplary attendance will be issued by each individual school. Students may earn an award in one of the following three categories:

Category 1: Perfect Attendance – No absences, tardies, or checkouts

Category 2: Excellent Attendance – No absences, with all tardies and/or checkouts excused because of medical or emergency situations

Category 3: Outstanding Attendance – Maintenance of 97% attendance throughout the school year

Amended: Administrative May 11, 2009

School Bus Transportation

Students are expected to conduct themselves on school buses in a manner consistent with established 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.

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 distance;
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 Buses

In the interest of the safety and welfare of school bus passengers, the Board of Education desires the Superintendent of schools and his/her 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 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 and/or their parents.
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:
 - The administrator will advise the student orally or in writing of the charges.
 - 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.
 - If, on the basis of this discussion, the administrator believes the student to be guilty of the misconduct charged, the administrator may suspend the student's bus riding privileges.
 - 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.

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.

Source: WCPS Policy JFCC/JFCC - R

Amended: July 6, 2009

Authority, Consequences, Procedures

The goal of student corrective action is self-control for orderly conduct. It is not to be confused with punishment. The goal of corrective action is maturity and socially acceptable behavior.

Every staff member is responsible for maintaining order in the school environment. Teachers establish satisfactory student behavior with positive and constructive methods. If discipline problems continue after a teacher attempts to control student behavior, the student will be referred to the office.

Resolution of the Wise County School Board

In all actions between a student and school personnel, the school board stands in support of the principal, a teacher, or other school employee bringing the charge, provided that said individual is acting within the scope of his authority. If there is any bitterness or feeling of retaliation on the part of the accused student, it should be directed at the school board, for all action taken pursuant to the Student Conduct Code is done with the board's approval. If there is some feeling that the teacher or principal has acted in error, it is the school board who will deal with the teacher or principal and not the individual punished or the family of the one punished.

The Wise County School Board feels that it is essential and critical to the success of the Student Conduct Code that the supervisors, principals and, in particular, the teachers understand fully that each have the complete support of the school board in enforcing the Student Conduct Code; and the board will stand between them and any harassment directed at them as a consequence of their disciplinary action.

Substance Abuse

Wise County Policy JFCI

1. It is the policy of the Wise County School Board that a student who attends Wise County Public Schools shall not possess, allege to possess, use, allege to use, sell, allege to sell, transmit, allege to transmit, be under the influence or allege to be under the influence of any restricted substance: alcoholic drinks, marijuana, narcotic drugs, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act referenced below, as well as inhalants, including any abusable glue, paint or similar material, anabolic steroids, both prescription and non-prescription drugs if they are not taken to the school office for storage during the school day and administered under school supervision according to the prescription or directions on the package, and tobacco products. The term "restricted substance" also includes anything that a student represents to be a restricted substance or which a student believes is a restricted substance.
2. The purpose of the Drug Abuse Education and Prevention Program in Wise County Public Schools is to formulate and implement an ongoing program that will establish and maintain the highest standards of an efficient and healthy learning environment for all students that is free from the effects of substance abuse.
3. The drug prevention program in Wise County Public Schools shall be an age-appropriate, developmentally based drug and alcohol education and prevention program that is based on the Virginia Standards of Learning Objectives K-12 involving drug/alcohol and their use/abuse. In addition, the program shall include local objectives and activities which further emphasize and enhance the basic state curriculum.
4. All students identified as involved in substance abuse will be subject to appropriate disciplinary measures as stated in the Wise County Student Conduct and Attendance Code Handbook. All student violators of the School Board's substance abuse policy (except the violators of the tobacco policy which is covered in regulation JFC-R) shall be referred to the Wise County Discipline Committee. The penalty for violation of this policy shall be a suspension of up to (10) ten days and probation for the remainder of the semester. Offenders will be referred for counseling. Second-time offenders of the School Board's substance abuse policy may be subject to expulsion from school and possible prosecution in the courts of this state. The Discipline Committee shall determine consequences based on the student's behaviors. On determination of guilt, some available options include short-term suspension (up to ten (10) days), prosecution by the courts, and referral to the Wise County School Board for action, such as long-term suspension, expulsion and/or prosecution.

All parents and students shall be given a copy of these standards of conduct and statement of disciplinary sanctions required and they shall be notified that compliance with these standards is mandatory.

Amended: October 9, 2001

Possession of Alcohol, Tobacco, and Other Drugs

A student shall not possess, use, and/or distribute alcohol, tobacco and/or tobacco products, or other drugs on school property, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, look alike drugs, drug paraphernalia, and any prescription or non-prescription drug not possessed in accordance with Policy JHCD of the Wise County Public Schools Policy Manual.

A student shall not possess, procure or purchase or attempt to possess, procure, or purchase, or be under the influence of (legal intoxication not required), or use or consume or attempt to use or consume, any of the restricted substances listed in this regulation or what is represented by or to the student to be any of the restricted substances listed in this regulation or what the student believes is any of the restricted substances in this regulation.

Restricted Substances

Alcoholic drinks, marijuana, synthetic drugs, narcotic drugs, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act referenced below, as well as inhalants including any abusable glue, paint and similar materials, anabolic steroids and both prescription and non-prescription drugs if they are not taken according to the prescription or directions on the package, and includes anything that a student represents to be a restricted substance or which a student believes is a restricted substance.

Any drug or alcohol offense:

- shall be referred to the Wise County Discipline Committee
- shall receive an out-of-school suspension until the Discipline Committee meets

- may be referred for possible legal action
- shall be referred for counseling
- shall be placed on probation for the remainder of the school year
- may be referred by the Discipline Committee to the School Board for dispensation of the case

Source: WCPS Policy JFCI/JFK
Amended: August 14, 2006

Student Conduct Code

Wise County Public Schools Policy JFC

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

The superintendent shall issue Standards of Student Conduct, and a list of possible corrective actions for violation of the Standards of Conduct. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. The Standards of Student Conduct, a notice of the requirements of section 22.1 279.3 of the Code of Virginia, 1950, as amended, and a copy of the compulsory school attendance law shall be also be sent. Parents shall be notified that by signing the statement of receipt, parents are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school shall maintain records of the signed statements. The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or his designee to review the School Board's Standards of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

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

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

The school principal may notify the parents of any student who violates a School Board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed such a petition. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (4) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision. The principal or his designee shall notify the parent of any student involved in an incident required to be reported to the superintendent and Virginia Board of Education.

No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without a parent conference, is appropriate for the student. If a parent fails to comply with the requirements of this policy, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent in accordance with the requirements of the Code of Virginia.

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

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

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

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

Any student involved in a reportable drug or violent incident shall participate in prevention and intervention activities deemed appropriate by the Superintendent or his/her designee. Further, any student who has been found to be in possession of or under the influence of drugs or alcohol on school property or at a school sponsored activity may be required to (1) undergo evaluation for drug or alcohol abuse and (2) participate in a drug and/or alcohol treatment program if recommended by the evaluator and if the parent consents.

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

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

Source: WCPS Policy JFC
Amended: August 14, 2006

Standards of Student Conduct Wise County Public Schools Policy JFC-R

The following are standards of student conduct established by the School Board for all students under its jurisdiction. Consequences shall be determined on the basis of the facts presented in each instance of misconduct in the reasonable discretion of the Board, its designated committees and other appropriate school officials.

1. **Student Dress**

A student's dress and appearance shall not be such that it causes disruption, distracts others from the educational process or creates a health or safety problem. Students must comply with specific building dress regulations and of which students will be given prior notice.

2. **Unexcused Absence or Tardiness**

Students shall not be absent from or report late to class or school without appropriate parental permission, school permission or an otherwise valid excuse.

3. **Disruptive Conduct**

Students shall not engage in conduct that is or is intended to be disruptive of any school activity, function or process of the school or is dangerous to the health or safety of students or others.

4. **Profane, Obscene or Abusive Language**

Students shall not use language, a gesture, or engage in conduct that is vulgar, profane, obscene or disrupts the teaching and learning environment.

5. **Threats or Intimidation**

Students shall not make any verbal or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason.

6. **Assault and Battery**

A student shall not assault or commit battery upon another person. Voluntary fighting resulting in physical injury to another person shall be considered assault and battery. Physical Assault includes any physical confrontation that may

result in no injury, minor injury, or serious injury that includes, but may not be limited to, kicking, shoving, pushing, hitting and fighting. Battery is the unlawful application of force to the person of another.

7. Bullying

A student, either individually or as a part of a group, shall not harass or bully others. Prohibited conduct includes, but is not limited to, physical intimidation, taunting, name-calling, and insults and any combination of prohibited activities, including cyber bullying. Prohibited conduct includes verbal conduct consisting of comments regarding the race, gender, religion, physical abilities or characteristics or associates of the targeted person.

8. Gambling

A student shall not bet money or other things of value, or knowingly play or participate in any game involving such a bet, on school property or during any school related activity.

9. Use and/or Possession of Alcohol, Tobacco, Anabolic Steroids, and Other Drugs

A student shall not possess, use, and/or distribute alcohol, tobacco and/or tobacco products, or other drugs on school property, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, look alike drugs, synthetic drugs, drug paraphernalia, and any prescription or non-prescription drug not possessed in accordance with Policy JHCD.

A student shall not possess, procure or purchase or attempt to possess, procure, or purchase, or be under the influence of (legal intoxication not required), or use or consume or attempt to use or consume, any of the restricted substances listed in this regulation or what is represented by or to the student to be any of the restricted substances listed in this regulation or what the student believes is any of the restricted substances in this regulation.

Restricted Substances include alcoholic drinks, marijuana, narcotic drugs, synthetic drugs, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act referenced below, as well as inhalants including any abusable glue, paint and similar materials, anabolic steroids and both prescription and non-prescription drugs if they are not taken according to the prescription or directions on the package, and includes anything that a student represents to be a restricted substance or which a student believes is a restricted substance.

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 competition if the school principal and the superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

Any drug or alcohol offense:

1. shall be referred to the Wise County Discipline Committee
2. shall receive an out-of-school suspension until the Discipline Committee meets
3. may be referred for possible legal action
4. shall be referred for counseling
5. shall be placed on probation for the remainder of the school year
6. may be referred by the Discipline Committee to the School Board for dispensation of the case

Tobacco offenses shall have the following consequences:

1st Offense

- (a) Parent Conference - Counseling to include information about state law and School Board policy
- (b) Principals discretion as to other discipline measures

2nd Offense

- (a) Parent Conference
- (b) One day out-of-school suspension
- (c) Referral to Court Services or Social Services (if age appropriate)
- (d) Tobacco cessation packet or counseling

3rd Offense

- (a) Parent Conference
- (b) Two days out-of-school suspension
- (c) Referral to Court Services (if age appropriate)

4th Offense

- (a) Parent Conference
- (b) Referral to Discipline Committee
- (c) Out-of-school suspension until student appears before the Discipline Committee

5th Offense (or any additional offenses)

- (a) Parent Conference
- (b) Referral to Discipline Committee
- (c) Out-of-school suspension until student appears before Discipline Committee

10. Distribution or Sale of Illegal Drugs or Possession or Distribution with Intent to Sell

Students shall not manufacture, give, sell, distribute or possess with intent to give, sell or distribute marijuana or other controlled substance as defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia.

11. **Vandalism**
Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board. In addition, students shall not willfully or maliciously damage or deface property belonging to or under the control of any other person at school, on a school bus or at school-sponsored events. 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 \$2500.00 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 will be subject to whatever disciplinary action is deemed necessary and advisable by the school principal.
12. **Defiance of the Authority of School Personnel**
Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by Board policies and regulations.
13. **Possession or Use of Weapons or Other Dangerous Articles**
Students shall not have in their possession any type of unauthorized firearm or other article which may be used as a weapon, regardless of whether it is commonly accepted as such. This regulation incorporates Policy JFCD.
14. **Theft**
A student shall not intentionally take the personal property of another person without consent under duress, threat or otherwise.
15. **Behavior on School Bus**
Students shall not behave in a disruptive manner or otherwise violate these Standards of Conduct while waiting for a school bus, while on a school bus or after being discharged from a school bus.
16. **Cheating**
Students shall not cheat, plagiarize or knowingly make false statements with respect to any assigned school work or tests.
17. **Trespass**
The student shall not trespass on school property or use school facilities without proper authority or permission, or during a period of suspension or expulsion.
18. **Gang Activity**
A student shall not engage in gang activities as defined in Policy JFCE, incorporated by reference.
19. **Harassment**
A student shall not harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions in violation of Policy JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion.
20. **Possession of beepers, Cellular Telephones, Personal Digital Assistants (PDAs) or Similar Devices**
Students may possess a beeper, cellular telephones, Personal Digital Assistant (PDA) or other communications device on school property, including school buses, provided that the device must remain off and out of sight during the school day unless devices are to be used under the guidance of an instructor and in accordance with Policy GAB/IIBEA-R. If a student possesses such a device other than as permitted in this policy, in addition to other disciplinary sanctions which may be imposed, the device may be confiscated from the student and returned only to the student's parent.
21. **Reports of Conviction or Adjudication of Delinquency Pursuant to §16.1-305.1**
Students convicted or adjudicated delinquent of an offense listed in the Code of Virginia, 1950 as amended, §16.1-305.1, may be suspended or expelled.
22. **Laser Pointers**
Students shall not have in their possession laser pointers.
23. **Acceptable Use of the Internet**
Students shall abide by the Wise County School Division's Acceptable Internet Use Policy and Regulation.
24. **Felony Charges**
Students charged with any offense, wherever committed, that would be a felony if committed by an adult may be disciplined and/or required to participate in prevention/intervention activities.
25. **Bomb Threats**
Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices or hoax explosive devices or chemical bombs as defined in the Code of Virginia. Moreover, students shall not make any threats or false threats to bomb school personnel or school property.

26. Hazing

Students shall not engage in hazing. Hazing means 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.

The principal of any school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney. Hazing, as defined above, is a Class 1 misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of up to \$2,500, or both, in addition to any disciplinary consequences which may be imposed under this policy. In addition, any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or infants. See VA Code §18.2-56.

27. Extortion

No student may obtain or attempt to obtain anything of value from another by using a threat of any kind.

29. Fighting

Exchanging mutual physical contact between two or more students by pushing, shoving, or hitting with or without injury is prohibited.

30. Profane or Obscene Language or Conduct

Profane or Obscene Language or conduct is prohibited during the school day or at any school sponsored activity.

31. Other Conduct

In addition to these specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process or which is otherwise a violation of federal, state or local law.

The following corrective actions are among those available to the school administration for violation of the Student Code of Conduct. Each offense shall be considered fully in determining reasonable corrective actions.

- Counseling
- Admonition
- Reprimand
- Loss of privileges, including access to the school division's computer system
- Parental conferences
- Tasks or restrictions assigned by the principal or his designee
- Detention after school or before school
- Suspension from school sponsored activities or events prior to, during, or after the regular school day
- In school suspension
- Out of school suspension
- Referral to an alternative education program
- Notify legal authority where appropriate
- Recommendation for expulsion
- Mandatory expulsion for bringing a firearm onto school property or to a school-sponsored activity or use or possession of a controlled substance, imitation controlled substance or marijuana, as defined in Chapter 34 of Title 54.1 and §18.2-247 of the Code of Virginia, on school property or at a school-sponsored activity.
- Evaluation for alcohol or drug abuse.
- Participation in a drug, alcohol or violence intervention, prevention or treatment program.

Source: WCPS Policy JFC-R
Amended: August 27, 2007

Complicity/Accomplice

A student who acts as an accessory or accomplice to another in violation of any provision of the Student Code of Conduct will be subject to corrective action. Examples may include but are not limited to the following: serving as a "look-out", holding a light for another, assisting a student to enter a closed building through a window, providing tools for a "break-in", assisting in a "cover-up", stealing an exam for another student.

Student Suspension/Expulsion
Wise County Public Schools Policy JGD/JGE

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.

Any student for whom the division superintendent of the school division in which the student is enrolled has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 may be suspended or expelled from school attendance.

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy.

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, and 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 shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior.

The decision of the division superintendent or his designee may be appealed to the School Board unless the School Board has provided by regulation that the decision of the division superintendent or his designee shall be final.

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

Long-Term Suspension

A pupil may be suspended from attendance at school for more than ten days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before the School Board, or a committee thereof, or the superintendent or his designee, in accordance with regulations of the School Board. If the regulations provide for a hearing by the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

If the regulations provide for a hearing by a committee of the School Board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee of the school board shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

The written notice of a suspension for more than ten days shall include notification of the length of the suspension and shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

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.

Expulsion

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before the School Board in accordance with the regulations of the School Board. The regulations shall provide for subsequent confirmation of disapproval of the proposed expulsion by the School Board regardless of whether the pupil has exercised the right to a hearing.

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

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

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

The School Board shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent 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 shall be 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 shall be deemed to preclude a school board from considering any of the factors listed above as "special circumstances" for purposes of expulsions discussed in the following subsections.

Firearms

The School Board shall expel from school attendance for a period of not less than one year any student whom such School Board has determined to have brought a firearm onto school property or to a school-sponsored activity as prohibited by VA. Code sec. 18.2-308.1, or to have brought a firearm as defined in this policy on school property or to a school-sponsored activity. A school administrator, pursuant to School Board policy, or a 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 may, by regulation, authorize 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 policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in VA. Code sec. 18.2-308 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this Policy. The provisions of this policy shall not apply to persons who possess such firearm or firearms as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to have any law-enforcement officer while engaged in his duties as such.

Drug Offenses

The School Board shall expel from school attendance any student whom the school board has determined to have brought a controlled substance, imitation controlled substance, or marijuana (as defined in VA. Code sec. 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.

Procedure for School Board Hearing

- The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board.
- The School Board may ask for opening statements from the principal or his representative and the student or his parent(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.
- The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he shall present his evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.
- The parties shall produce such additional evidence as the School Board may deem necessary. The School Board shall be 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, shall be marked and made part of the record.
- The School Board may, by majority vote, uphold, reject or alter the recommendations.
- The School Board shall transmit its decision, including the reasons therefore, to the student, his parent(s), the principal and superintendent.

Alternative Education Program

The School Board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person; (2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to VA. Code sec. 16.1-260.G ;(3) found to have committed a serious offense or repeated offenses in violation of school board policies; (4) suspended pursuant to VA. Code sec. 22.1-277.05 or (5) expelled pursuant to VA. Code se

cs. 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of VA. Code sec. 22.1-277, to attend such an alternative education program as provided by Va. Code 22.1-277.06, 22.1-277.07, or subsection B of 22.1-277

Prior to requiring a student to attend an alternative education program, the Superintendent shall provide: (1) written notice to the student and his parent/guardian that the student will be required to attend an alternative education program and (2) written notice to the student and his parent/guardian of the right to a hearing before the superintendent or designee regarding the placement. The decision of the Superintendent or his designee regarding such an alternative placement shall be final unless altered by the School Board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the School Board.

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 shall determine the appropriate alternative education placement of the pupil regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The School Board may require any student who has been found to have been in possession or under the influence, or 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.

As used herein, "charged" means that a petition or warrant has been filed or is pending against a pupil.

VII. Reporting

Except as may otherwise be required by federal law, regulation, or jurisprudence, reports shall be made to the division superintendent and to the principal or his 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, 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; including the theft or attempted theft of student prescription medications; (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 sec. 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 sec. 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 sec. 18.2-83, made against school personnel or involving school property of 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 therefore; and (9) any illegal possession of weapons, alcohol, drugs, or tobacco products.

The division superintendent and the principal or his designee may 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 sec. 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VII.A. of this policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of §16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

The principal or his designee shall submit a report of all incidents required to be reported pursuant to subsection VII.A. (1-8) of this policy to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education. In submitting reports of such incidents, principals and division superintendents shall 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.

The principal or his designee shall also notify 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 shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this subsection, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division drug and alcohol violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV- Safe and Drug-Free Schools and Communities Act).

Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (2) through (7) subsection VII.A. of this policy that may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy. In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report 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 shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact law enforcement for further information, if they so desire.

VIII. Re-Admission of Suspended and/or Expelled Students

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

Any student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in the Wise County Schools, in accordance with Policy JEC (G). In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the local School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to VA. Code sec. 22.1-277.06. The excluding School Board shall not impose additional conditions for readmission to school.

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

If the parent fails to comply with this policy or Policy JEC, 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, committee thereof, or superintendent or his designee, as the case may be at the relevant hearing, the student may 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.

IX. Disciplining Students with Disabilities

Students with disabilities shall be disciplined in accordance with Policy JGDA.

X. Discipline Committee

The Superintendent shall appoint a discipline committee which shall consist of the Superintendent or his designee, a chairman, a vice-chairman, four other members, and a student representative. The committee shall act in an advisory role to the School Board. This committee shall hear all cases related to suspension in excess of ten days as well as screen cases before being presented to the school board.

The committee recommendations may range from no further action to sending the student to the School Board for final disposition of the case. The Superintendent has the authority to review the actions taken by the discipline committee.

The student may appeal in writing within seven calendar days of any action taken by the Superintendent and/or the discipline committee to the entire school board. Failure to file a written appeal within seven (7) calendar days will constitute a waiver of the right to appeal. The School B

oard shall consider the appeal of suspension within 30 days of the receipt of the appeal.

Source: WCPS Policy JGD/JGE
Amended: August 14, 2006

Hearings by the Discipline Committee

Discipline committee hearings are closed. These hearings are conducted informally and are not intended to resemble courtroom proceedings. The major purpose of the hearing is to gather all pertinent facts and to determine a recommended course of action, which is in the best interest of the student involved, and the school system.

Only discipline committee members, the superintendent or his designee, the principal, the student, the student's parents, and/or the student's authorized representative may attend the hearing. Witnesses should be present only when they are giving information to the committee. The committee may exclude the student, with the parent's consent, at times when his/her psychological or emotional problems are being discussed. No one may be present other than the committee during its deliberations.

Students appearing before the discipline committee are expected to come with their parent(s). Parents will have the opportunity to make a statement to the committee about the case and to answer questions. If the parents cannot be present, the student may bring another adult to the hearing. In these cases, the non-parent adult has all the rights of a parent before the hearing committee.

Students appearing before the discipline committee may speak in their own defense and may be questioned on their testimony. Students may, however, choose not to testify. In such cases, the student will not be threatened with punishment, or later punished, for refusal to testify.

Tobacco Free School for Staff and Students Wise County Public Schools Policy JFCH/GBEC

Smoking, chewing or any other use of any tobacco products by staff, students, and visitors is prohibited on school property.

For purposes of this policy:

1. School property means:
 - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.
 - b. Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development (Head Start) services.
 - c. All vehicles used by the division for transporting students, staff, visitors or other persons.
2. Tobacco shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. Tobacco shall include cloves or any other product packaged for smoking.
3. "Smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

This policy shall be published in student handbooks, posted on bulletin boards and announced in meetings.

Staff and students found to be in violation of this policy shall be subject to appropriate disciplinary action.

Exemptions:

The School Board may direct the superintendent to issue regulations designating smoking areas on school grounds outside buildings.

Amended: June 23, 2008

Search and Seizure

Wise County Public Schools Policy JFG

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

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.

Student desks and lockers are the property of the school, and may be used for the storage of permitted student belongings only. School officials retain locker combinations and reserve the right to search desks and lockers as well as to open lockers at any time for repairs. A general search of lockers or desks may be conducted to repossess school property or to locate illegal materials. A random, systemic, non-selective search of student classrooms, desks, lockers or automobiles may be conducted by school officials in accordance with a pre-determined search formula. Students are responsible for the content of their assigned locker at all times. The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law enforcement officials should be notified.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property, but 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.

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 may only be used when an extremely serious situation exists requiring immediate action. Such a search should be used only in the context of 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 his designee, unless the health or safety of the student is endangered by the delay.

LOCKER SEARCHES

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers 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

School computers, software and Internet access are school property. Students are only authorized to use school computers and other similar educational technology consistent with the educational mission of the school. 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 him\herself 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.

Source: WCPS Policy JFG
Amended: August 2, 2005

Weapons in School
Wise County Public Schools Policy JFCD

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 or the school division is prohibited and grounds for disciplinary action. The disciplinary sanction for bringing a firearm to school or to a school sponsored activity is expulsion for at least one year in accordance with Policy JGD/JGE. Violation of this policy shall require that proceedings for the discipline of the student involved be initiated immediately by the principal.

Such weapons include, but are not limited to:

- any pistol, shotgun, stun weapon, taser, revolver, or other firearm listed in section 22.1 277.07(E), of the Code of Virginia, 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 nunchakka, nunchuck, nunchaku, shuriken, or fighting chain,
- any disc of whatever configuration, having at least two points or pointed blade, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,
- explosives, and
- destructive devices as defined in section 22.1 277.07(E), of the Code of Virginia, or other dangerous articles.

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 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 definitions:
"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" or

Amended: August 14, 2006

Gang Activity or Association
Wise County Public Schools Policy JFCE

Any group activity that threatens, that is illegal and/or violent, or that portends the development of gang activity, which may involve wearing gang related apparel, inappropriate congregating, bullying, harassment, initiations, hazings, intimidations, and/or related activities which are likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to students are prohibited.

Any student wearing, carrying, or displaying gang paraphernalia, or exhibiting behavior or gestures which symbolize gang membership, or causing and/or participating in activities which intimidate or affect the attendance of another student shall be subject to disciplinary action in accordance with JFC R.

The superintendent shall provide in service training in gang behavior and characteristics to facilitate staff identification of students at risk and promote membership in authorized school groups and/or activities as an alternative.

Amended: June 10, 2004

Disciplining Students with Disabilities
Wise County Public Schools Policy JGDA

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 -Change in Placement

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

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

If the disciplinary action will result in a change of placement for a student with a disability then that student's parents must be sent notice that same day of the recommendation for discipline and be provided with a copy of the procedural safeguards. The procedures outlined in Section IV must also be followed.

II. Short-Term Suspension

School authorities may remove any student with a disability from his or her current educational setting for up to 10 school days cumulative in a school year to the extent that such removal would be applied to students without disabilities and for additional short-term suspensions provided no pattern exists.

III. Functional Behavior Assessments and Behavior Intervention Plans.

If the school administration, the parent, and the relevant Individualized Education Plan (IEP) 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 FAN and BIP in place, review and modify the BIP, as necessary to address the behavior.

If a manifestation is found, the school division and the parent may agree to a change in placement when reviewing or modifying the BIP. Without this agreement, the student must return to the placement from which the student was removed.

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) progress toward meeting the goals set out in the student's IEP.

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

V. Manifestation Determination

When a disciplinary action is proposed that will result in a change of, a manifestation determination review shall be conducted within 10 school days after the date on which the decision to take disciplinary action is made. This review shall be conducted by the Manifestation Team which consists of a local educational agency representative, the parent and relevant members of the IEP team (as determined by the parent and school division).

The Manifestation Team may determine that the behavior of the child was not a manifestation of such child's disability only if the Team:

- (1) considers all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parents; and
- (2) determines that:
 - (a) the conduct in question was not caused by, or had a direct and substantial relationship to, the student's disability; and
 - (b) the conduct in question was not the direct result of the school division's failure to implement the IEP.

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

VI. Disciplinary Action for Behavior that is Determined Not to be a 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 non-disabled students. Following a removal which constitutes a change in placement, 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 child must be made available to the person who makes the final decision regarding the discipline

VII. Disciplinary Action and/or Alternative Placement for Behavior that is Determined to be a Manifestation

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

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

Students with disabilities 1) who carry or possess a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency; 2) who knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance while at school, on school premises, or a school function under the jurisdiction of a state or local educational agency; or 3) who inflict serious bodily injury upon another person while at school, on school premises, or a school function under the jurisdiction of a state or local educational agency may be disciplined pursuant to Policies JFCD, JFCF, or JGDB and may be placed in an interim alternative educational setting for up to forty-five school days. This option is available without regard to whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent that a student without disabilities would be disciplined.

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 may order a change in the placement for a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of such student is substantially likely to result in injury to the student or others. Additional forty-five (45) school day removals may be authorized by the hearing officer as necessary.

X. Placement During Appeals

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

XI. Students Not Identified as Disabled

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

- (1) the parent expressed concern in writing to supervisory or administrative personnel of the school division, or to a teacher of the student, that the student is in need of special education and related services; or
- (3) the parent requested an evaluation of the student for special education eligibility through formal evaluation procedures; or
- (4) 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.

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 evaluation is made during the period such student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the

parents, then the student must be provided special education and related services, although in another setting, in compliance with the procedures for suspended and expelled students with disabilities. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities.

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.

Amended: August 14, 2006

School Dress

Wise County Public Schools Policy JFCG

School personnel have the responsibility to protect the health and safety of students and to maintain proper and appropriate conditions which promote learning. Based on the belief that school is a place of business where students are learning both academic and social skills, the School Board requires that students dress appropriately. In accordance with the purpose of the dress code, no student shall present himself or herself to school in a manner which is likely to cause disruption. The school, in its discretion, shall prohibit any clothing, jewelry, or similar attachments which it deems to have a substantial and material disruptive effect on the school atmosphere. School clothing should be appropriate as to time, place and weather. Any form of dress or appearance which disrupts or distracts from the purpose or conduct of school, considered contrary to good hygiene, or threatens the safety of one's self or others will not be permitted.

Generally

1. Students shall wear appropriate clothing and footwear and groom themselves for school in a manner which does not offend the common rules of decency or reflect negatively on or distract from any phase of the educational program. Appropriate dress is clothing that covers the body sufficiently so as not to attract excessive attention to oneself.
2. Messages on clothing, jewelry, person and personal belongings that relate to drugs, alcohol, tobacco, sex, vulgarity, violence or that reflect adversely upon persons because of their race, sex, color, creed, national origin or ancestry are not permitted.
3. Any article of clothing, footwear, jewelry, or other accessory that suggests, identifies, or otherwise promotes "gang" related activities will not be permitted.
4. For health and safety, appropriate footwear must be worn at all times. Bare feet are not acceptable.

Decisions regarding the appropriateness of clothing, footwear, and accessories will be made by the building principal or a designee. Items initially deemed inappropriate will be called to the parent's attention for corrective action. Students may be required to call home for a change of clothes and/or will be assigned to In-School-Suspension for the remainder of the day. Repeated violations of the dress code will result in further disciplinary action.

Student Dress Guidelines

Wise County Schools Policy JFCG-R

The following guidelines are examples that are intended to be age appropriate for students in kindergarten through grade 12. They include but are not limited to:

1. Any item of clothing, jewelry, etc. which is distracting or dangerous will not be permitted. Any article of clothing that represents potential danger to one's self or others will not be permitted.
2. Footwear must be worn at all times and should be appropriate for normal activities. Tennis shoes are appropriate. Flip flops (beach type), bedroom slippers, high spiked heels should not be worn.
3. Hats, visors, head scarves, bandanas, and sunglasses (unless required by physician) may not be worn inside the building.
4. Shorts/dresses/skirts must be of appropriate length; very short shorts, such as the thin nylon, athletic type shorts with side slits, are not acceptable. The hem of shorts/dresses/skirts must hang below the extended fingertips when standing. The following are not acceptable: biker, jogging, swimming trunks, cut-offs, gym shorts (except in gym class).
5. Shirts or blouses should be of sufficient length so that they may be tucked in the waistband.
6. No undergarments (including boxer shorts) should be showing or worn as outer garments.
7. Strapless tops, tops with "spaghetti" straps, tank tops, tube tops, bare back or bare midriffs style, mesh or "fish net" style apparel are not permitted. If sleeveless garments are worn, underwear may not show.
8. Clothing with holes in areas exposing private areas or underwear is not permitted.
9. Pants or shorts shall be appropriately sized and worn and secured at the natural waistline. Clothing which hangs on the body below the waist will not be allowed even if covered by a shirt. The crotch of the clothing must fit at the natural crotch of the person.
10. T-shirts or any other articles of clothing that have imprints of writing, symbols, slogans, or pictures that clearly relate to alcohol, drugs, sex, profanity, vulgarity, violence, or promotion of (or interpreted as promotion of) racial prejudice may not be worn.
11. Clothing usually worn outdoors such as heavy coats, jackets or gloves should not be worn in the building.
12. Accessories, typically referred to as "animal jewelry," such as heavy chains, dog collars, or spiked collars are not permitted.

Source: WCPS Policy JFCG/JFCG-R
Amended: July 27, 1999

Sexual Harassment/Harassment Based on Race, National Origin, Disability, or Religion
Wise County Public Schools Policy JFH/GBA

I. Policy Statement

The Wise County School Division is committed to maintaining a learning/working environment free from sexual harassment and harassment based on race, national origin, disability or religion. Therefore, the Wise County School Division prohibits sexual harassment and harassment based on race, national origin, disability or religion of any student or school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any student or school personnel to harass a student or school personnel sexually, or based on race, national origin, disability or religion. Further, it shall be a violation of this policy for any school personnel to tolerate sexual harassment or harassment based on a student's or employee's race, national origin, disability or religion by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

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

The School Division shall: (1) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability or religion; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

II. Definitions

A. Sexual Harassment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- (i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; or
- (ii) 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
- (iii) 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 sexual harassment if it meets the immediately preceding definition include:

- unwelcome sexual 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.

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

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct relating to an individual's race, national origin, disability or religion when the conduct:

- (iii) 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.
- and hostile acts which are based on another's race, national origin, religion or disability.
- written or graphic material containing ethnic comments or stereotypes which is posted or circulated and is intended to degrade which intimidates or threatens individuals based on their race, national origin, disability or religion.

III. Complaint Procedure

A. Formal Procedure

1. **File Report**

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

The reporting party should use the form, Report of Harassment, JFH-F, to make complaints of harassment. 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 harassment to the compliance officer. Any complaint that involves the compliance officer or principal shall be reported to the superintendent.

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

2. **Investigation**

Upon receipt of a report of alleged prohibited harassment, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 calendar 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 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 complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the compliance officer determines that more than 14 days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG.

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

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator 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 calendar days of receiving the compliance officer's report, the Superintendent or designee shall issue a decision regarding whether this policy was violated and (2) what action if any should be taken. This decision must be provided in writing to the complainant and the alleged perpetrator. If the Superintendent or designee determines that prohibited harassment occurred, the Wise County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the Superintendent or designee determines that prohibited harassment occurred, the Superintendent or designee may determine that school-wide or division-wide training be conducted or that the complainant receives counseling.

4. **Appeal**

If the Superintendent or designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 calendar 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.

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

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

B. **Informal Procedure**

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

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

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.

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 sexual harassment and harassment based on race, national origin, disability and religion should be included in employee and student orientations as well as employee in-service training. This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees shall be notified annually of the names and contact information of the compliance officers.

VII. **False Charges**

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

Source: WCPS Policy JFH/GBA
Amended: October 8, 2022

Guidance and Counseling Program
Wise County Public Schools Policy IJ

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

No student will be required to participate in any counseling program to which the student's parent's object.

The guidance and counseling program will not include the use of counseling techniques which are beyond the scope of the professional certification or training of counselors, including hypnosis, or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.

Parents will be 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.

Adopted: August 14, 2006

Rights of Students Experiencing Homelessness

The McKinney Vento Act protects the educational rights of homeless children and youth. This includes individuals who lack a fixed, regular, and adequate nighttime residence ...; and includes—(i) children and youths who 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 accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; (ii) children and youths who 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 ... (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

Students in homeless situations have the right to:

- Go to school, no matter where they live or how long they have lived there.
- Get help enrolling and succeeding in school.
- Attend the school they went to before becoming homeless or whatever school they were enrolled in last (called "school of origin"), even if they move out of the district, if that is feasible.
- Get transportation to their school of origin.
- Go to the local school in the area where they are living. The school must immediately let students enroll, attend classes, and participate fully in school activities, even if students do not have a parent or guardian with them or documents such as proof of residency, immunization records, other medical records, school records, or other documents. Once students are enrolled, the school must get records from the last school, and the liaison must help students get immunizations or immunization and medical records.
- Get a written explanation from the school district if the district refuses to send students to the school they choose, have disagreements settled quickly, and go to the school they choose while disagreements are settled.
- Get preschool services, free or reduced school meals, services for English language learners, special education, Title I services, vocational/ technical education, gifted and talented services, and before- and after-school care, as needed.
- Go to school with children who are not homeless.
- Get information and referrals from liaisons, including information about all available educational programs and how parents can participate, public notice about their rights, and referrals to health, mental health, dental, and other services.
- Have the opportunity to meet the same high academic achievement standards as all students.

Student Records

Wise County Schools Policy JO

The Wise County School Board shall maintain accurate and complete individual, permanent and cumulative records for every student enrolled in the public schools. These records shall include cumulative and confidential information and shall be the student's official school record. Such records, identified as education records in Title 20, Section 1232(g) of the United States Code and in Chapter 14 of Title 22.1 of the Code of Virginia, 1950, as amended, shall be maintained in compliance with all federal and state law.

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

The superintendent or his/her designee(s) shall be present for interpretation and explanation of student records when all parties have access to those records with the exception of designated professional personnel within the school division. The superintendent shall provide for the periodic evaluation of records by the professional personnel and the removal of data no longer educationally useful. Parent(s) of students and eligible students shall be informed prior to destruction of records and provided a copy if desired.

The Wise County Public Schools will provide a copy of this policy on request to a parent or eligible student. For the purposes of this policy, the Wise County Public Schools has used the following definitions of terms:

Student - any person who attends or has attended a school in the Wise County Public Schools. Eligible student - a student or former student who has reached age 18, is emancipated under Virginia law, or has complied with compulsory attendance requirements as set forth in the Code of Virginia, 1950, as amended.

Parent - either natural parent of a student, a guardian, an individual acting as a parent or guardian in the absence of the student's parent or guardian, or other person in the Commonwealth having control or charge of any child of school age as defined in the Code of Virginia, 1950, as amended.

Education records - any record (in handwriting, print, computer media, video or audio tapes, film, microfilm, microfiche, or other medium) maintained by the Wise County Public Schools or an agent of the school division which is directly related to a student, except:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to another person except a temporary substitute for the maker of the record.
2. Records created and maintained for law enforcement purposes by the Wise County Public Schools law enforcement unit, if any. A law enforcement unit is an individual, department or office of the school division that is authorized to enforce any state or federal law, report enforcement matters to appropriate authorities or maintain the physical security and safety of the school division.
3. An employment record which is used only in relation to a student's employment by the Wise County Public Schools.
4. Alumni records which contain information about a student after he or she is no longer in attendance at the Wise County Public Schools and which do not relate to the person as a student.

Education records include:

1. Court notice of adjudication as provided in Section 16.1-305.1 of the Code of Virginia, 1950, as amended, if action against a student is based upon an incident which formed the basis for the adjudication or conviction. Any notice of disposition shall not be retained after the student has been awarded a diploma or certificate.
2. Disciplinary record of action taken based on notice of an adjudication as specified in number 1.
3. Any disciplinary action taken against a student for violation of school rules or policies occurring on school property or at school-sponsored events. Information concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

If disciplinary action is taken by the school division in regard to the incident upon which the adjudication or conviction was based, notice shall be provided to the parent or guardian in accordance with state law. With the consent of the parent or guardian, or in compliance with a court order, the school division must also notify the court of the disciplinary action. If the school does not take disciplinary action, every notice of adjudication or conviction received by a local superintendent, and information contained in the notice, shall be maintained by the superintendent and by any others to whom he disseminates it separately from all other records concerning the student.

Dissemination of Information About Court Proceedings

Adjudications

The superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Virginia Code 16.1-260.G. contained in a notice received pursuant to Section 16.1-305.1 of the Code of Virginia, 1950, as amended, 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.

Petitions

The superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to §16.1-260 except as follows:

1. if the juvenile is not enrolled as a student in a public school in the division to which the notice was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed and may forward the notice of petition to the superintendent of the division in which the juvenile is enrolled, if known;
2. prior to receipt of the notice of disposition, the superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the division superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students or school personnel within the division; and
3. after the student has been taken into custody, whether or not the student has been released, the principal may further disseminate the information only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety, appropriate educational placement or other educational services.

Annual Notification

Parents will be notified of their rights under the Federal Educational Rights and Privacy Act (FERPA) annually by publication in their child's student handbook or flyers published/distributed in August.

The school division shall notify, at least annually, the parents of students in attendance (including those parents identified as having a primary or home language other than English) and eligible students in attendance (a student who has reached age 18) by such means as are reasonably likely to inform them of their rights as follows:

1. the types and location of education records and information maintained therein;
2. the title and address of the school official responsible for the maintenance of education records,
3. the parties to whom data may be disclosed, and the purpose for disclosure;
4. the fact that transfer of a scholastic record upon request by another school division will be made without written notice being provided to the student or the student's parent or guardian;
5. policies and procedures for reviewing and expunging education records;
6. policies and procedures for disclosure of data from education records;
7. the rights of parents and eligible students to review and challenge the content of education records and to file with the FERPA Office a complaint concerning an alleged failure by the
8. school division to comply with 20 U.S.C. 1232g;
9. the fee as established in this policy to the parent or eligible student for reproducing copies of education records;
10. the data designated in this policy as directory information; and
11. the right of parents and eligible students to obtain, upon request, a copy of the school division written policies and procedures on the management of the education records and the location of these records.

Procedure to Inspect Educational Records

Parents of students or eligible students may inspect and review the student's education records relating to their children without unnecessary delay 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. Access must be given in 14 days or less from the receipt of the request.

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. When disciplinary action is taken by the school division in regard to an incident upon which an adjudication of delinquency or a conviction of acts specified in Section 16.1-305.1 of the Code of Virginia, 1950, as amended, the parent or guardian must be notified of the action, the reasons therefore and his/her right to review and to request amendment of the student's education records. Every notice of adjudication or conviction received by the superintendent and information in the notice which is not a disciplinary record, shall be maintained by the superintendent and other school personnel separately from all other records concerning such student unless the division takes disciplinary action based on an incident which was the basis for the adjudication or conviction.

Refusal to Provide Copies

Although the Wise County Public Schools cannot deny parents access to their children's education records, the Wise County Public Schools will not provide a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student the right to inspect and review the records.

Fees for Copies of Records

The fee for copies will be 5¢ per page. The actual cost of copying time and postage will be charged. The Wise County Public Schools shall not charge for search and retrieval of the records. The Wise County Public Schools shall not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

Types, Locations, and Custodians of Education Records

The Wise County 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.

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

A. Information required to be collected for all students:

1. Name and address of students
2. Birth date and birth certificate serial number
3. Name and address of parent
4. Scholastic work completed
5. Grades
6. Grade Point Average
7. Rank in class
8. Standardized achievement/aptitude test scores for tests required by state or county
9. Attendance
10. Certificate of Immunizations
11. Record data disclosure form
12. Program of studies plan (class schedule)
13. Type of diploma earned
14. Results of Literacy Testing Program
15. Parental Notification Form (re: Literacy Testing Program)
16. Social Security Number (or waiver form)
17. Driver's Education certificate
18. Citizenship status if other than U.S.
19. Cumulative health record, including pre-school physical examination report and school entrance examination report
20. Signed "Statement of Acknowledgment of the Code of Student Conduct"

B. Information shall be collected for certain students requiring differentiated programs and/or special services such as special education and Section 504 and shall be maintained in the student's education record. The following information shall be collected for these students:

1. Social histories
2. Legal, psychological, and medical reports
3. Records of sensitive physical problems
4. Verified reports of serious or recurrent atypical behavior patterns
5. Reports from institutions and agencies such as juvenile court, social welfare, etc.
6. Counselor or teacher case studies
7. Confidential interviews and/or recommendations
8. Vocational assessment data
9. Disciplinary records (see policy 6-18-004)
10. Notice of student's school status (expulsion statement required upon enrollment)
11. Reports of assessment - both initial and periodic, including:
 - a. Educational assessment
 - b. Physiological assessment, to include medical examination and assessment of speech, hearing, and vision
 - c. Psychological assessment
 - d. Sociocultural assessment, including the adaptive behavior checklist
 - e. Other assessments
 - f. Forms referring pupils to the Division of Instruction
12. Other pertinent report, including:
 - a. Permission for testing
 - b. Summary of eligibility committee findings
 - c. Permission for placement
 - d. Record of parent conference to discuss special education placement
 - e. Record of placement committee recommendations for placement
 - f. Permission for release of information, if appropriate
 - g. Reports of annual review of placement
 - h. Reports of appeals, if appropriate
13. Individualized Education Program (IEP)
14. Student Education Plan

Disclosure of Education Records

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

The Wise County Public Schools shall disclose information from a student's education records only with the written consent of the parent or eligible student except:

1. To school officials who have a legitimate educational interest in the records.
A school official is:
 - A person employed by the Division as an administrator, supervisor, instructor, or support staff member.
 - A person appointed or elected to the School Board.
 - A person employed by or under contract to the school division to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
 - A person who is a teacher or school official, including teachers and school officials in other schools, who have legitimate educational interests in the student.
 - 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, upon request, in which a student seeks or intends to enroll. The Wise County Public Schools shall provide written notice of the transfer including the identity of the requester to the parent, guardian or other person having control or charge of the student or to a student who is 18 years of age or older within five days

of the date on which the record was transferred. This notice requirement applies on the transfer of records to education programs in jails and detention centers.

3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. For the purpose of furthering the ability of the juvenile 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 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 certain studies for or on behalf of the school division.
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 a health or safety emergency.
11. Directory information so designated by the school division.

Record of Requests for Disclosure

The Wise County Public Schools shall maintain a record kept with education records of each student, indicting all individuals, agencies, or organizations which request or obtain access to a student's education records, except those who receive records with consent. The record will indicate 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 request for disclosure sated above do not apply to request made pursuant to an ex parte order issues by 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 USC §2331 or other acts listed in 18 USC §2332B(G)(5)(b).

Personal information will only be transferred to a third party on the condition that such part 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 Wise County Public Schools shall notify parents and eligible students at the beginning of each school year what information, if any, Wise County Public Schools 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 refuse, in writing, the directory information designation in accordance with FERPA.

The Wise County Public Schools has designated the following information as directory information:

- Student's name-Participation in officially
- Address recognized activities and sports
- Telephone listing-Weight and height of members of
- Electronic mail address athletic teams
- Photograph-Degrees, honors, and awards received
- Date and place of birth-The most recent educational agency or
- Major field of study institution attended
- Dates of attendance
- Grade level

Correction of Education Records

Parents or eligible students shall be notified of their right to challenge the content and to ask to have records corrected (including expungement) that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. Parents or the eligible student must request in writing that the Wise County 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. Wise County 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, Wise County 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 may be represented by one or more individuals/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. Wise County Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision.
7. If Wise County 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.

The Wise County Public Schools shall notify the parent and eligible student of their right to file with the FERPA Office a complaint concerning an alleged failure by the school division to comply with federal law.

If Wise County 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.

Confidentiality of HIV and Drug and Alcohol Treatment Records

The Wise County Public Schools shall comply with the confidentiality requirements of section 32.1-36.1 of the Code of Virginia, 1950, as amended, providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the school division shall maintain confidentiality of drug and alcohol treatment records as required by federal and state law

Amended: October 10, 2000

Amended: July 24, 2002

Amended: July 8, 2003

Amended: August 14, 2007

Amended: August 13, 2007

Legal Refs. : 18 U.S.C. §§ 2331, 2332b.

20 U.S.C. §§ 1232g, 1400 et seq. , 7908

42 U.S.C. § 290dd-2

34 C.F.R. Parts 99, 300 et seq.

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23-2.1:3, 32.1-36.1.

8 VAC 20-80-10 et seq.

8 VAC 20-150-10 et seq.

Virginia Superintendent's Memoranda No. 12 June 17, 1994 and No. 6, April 8, 1994.

Cross Ref.: IJ Guidance and Counseling Program

STUDENT RECORDS REGULATIONS

Maintenance of Scholastic Records

Student records shall be maintained in accordance with Management of the Student's Scholastic Record in the Public Schools of Virginia (Revised 1989 or subsequent editions) and the Annual Special Education Plan. Both documents are available in the school principals' office.

Source: WCPS Policy JO
Amended: August 14, 2006

¹These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

Parental Statement of Receipt

Notice of Requirements of Virginia Code §22.1-279.3, Compulsory Attendance Law, and the Wise County School Board's Standards of Student Conduct

I am the parent of the below named child and, by my signature, I acknowledge that I have received a copy of Section 22.1-279.3 of the Code of Virginia entitled "Parental Responsibility and Involvement Requirements," a copy of Section 22.1-254 of the Code of Virginia entitled "Compulsory School Attendance", and a copy of the Wise County School Board's Code of Student Conduct.

By signing this Statement of Receipt, I do not waive or abdicate, but do expressly reserve, any rights protected by the constitutions or laws of the United States or the Commonwealth of Virginia. I further understand that I have the right to express disagreement with the school's or school division's policies or decisions.

Date: _____

Signature of Parent: _____

Name of Student: _____

Notice to Parent

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

(Please return this page to your son or daughter's school.)

Student Participation in Surveys

Participation in Surveys

As mandated by federal regulations, parent permission is required for student participation in any federally-funded survey that reveals information about eight protected areas (political affiliation, mental health, sex behavior, illegal behavior, information regarding family members, privileged relationships, religious practice, and income). The use of surveys in selected grade levels is necessary to gather data for planning prevention programs and for evaluating progress toward meeting goals and objectives in the schools' prevention programs. All surveys are completed anonymously; no individual student responses are identified. Additional information regarding the administration of surveys is contained in Wise County Schools Policy KFB. Parents and eligible students may review and obtain a copy of the written policy at any Wise County Public School. A copy of this policy can also be viewed on the school division website at <http://www.wise.k12.va.us/policy/kfb.pdf>

Following is information about a student survey to be administered as a part of the Wise County Schools Safe and Drug-Free Schools Program.

Date to be given: Spring semester of selected school years

Grades: Six, eight, and ten

Name of Survey: California Healthy Kids Survey

Summary: All surveys will be completed anonymously. No individual student responses will be identified. The school system will receive summary results only, not information about individual students. Participation is voluntary. The survey includes questions about school safety, bullying, violent behavior, alcohol, tobacco and other drug use, and exercise and nutrition. A copy of the survey will be available for review at the school.

Please check one of the boxes below, fill in your child's name, add the date and your signature, and return this page to your child's school.

YES, I give my consent for _____ (child's name) to take the California Healthy Kids Survey during the spring semester.

Date: _____ Parent/Guardian Signature: _____
.....

NO, I do not give my consent for _____ (child's name) to take the California Healthy Kids Survey during the spring semester.

Date: _____ Parent/Guardian Signature: _____

(Please return this page to your son or daughter's school.)