

# Loudoun County Public Schools



## *Policies and Regulations*

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## SCHOOL BOARD BYLAWS

## IN GENERAL

§2-1        Legal Status and Authority

The Loudoun County School Board is the official policy-making body of the Loudoun County Public Schools. Its authority is stated in the Constitution of Virginia, which provides that the supervision of schools in each school division shall be vested in a school board. It operates under the laws adopted by the General Assembly of Virginia and consistent with regulations adopted by the Virginia Board of Education.

The legal authority of the Loudoun County School Board therefore derives from the Constitution and the Code of Virginia.

Legal Reference: Constitution of Virginia Article VIII, §7

Adopted: 8/11/70

Revised: 8/27/85, 6/22/93

Current Revision: 5/12/09

## SCHOOL BOARD BYLAWS

## IN GENERAL

§2-2        Powers and Duties

The School Board has the Constitutional power and duty of supervision of the schools in Loudoun County. Certain specific powers and duties are enumerated in State law; in addition, other duties may be prescribed by the General Assembly or the State Board of Education.

In furtherance of this, the Loudoun County School Board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ [22.1-293](#) et seq.) and Article 3 (§ [22.1-306](#) et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspension, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances except that there shall be no right to a hearing before a fact-finding panel. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of

## SCHOOL BOARD BYLAWS

## IN GENERAL

§2-2            Powers and Duties

Education pursuant to § [22.1-308](#) shall apply to all full-time employees of a school board, except supervisory employees;

7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law;

8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required;

9. (Expires July 1, 2010) At least annually, survey the school division to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System; and

10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration or reregistration of any sex offender within that school division pursuant to § [9.1-914](#).

Legal Reference:            Constitution of Virginia Article VIII, §7  
                                      Code of Virginia § 22.1-79

Adopted: 8/3/73  
Revised: 8/27/85, 6/22/93, 10/9/07  
Current Revision: 5/12/09

POLICY

SCHOOL BOARD BYLAWS

IN GENERAL

§2-3        A Code of Conduct for School Board Members

A.            As a member of my local School Board, representing all the citizens of my public school district, I recognize

1.        That my fellow citizens have entrusted me with the educational development of the children and youth of this community.
2.        That the public expects my first and greatest concern to be in the best interest of each and every one of these young people without distinction as to who they are or what their background may be.
3.        That the future welfare of this community, of this State, and of the Nation depends in the largest measure upon the quality of education we provide in the public schools to fit the needs of every learner.
4.        That my fellow board members and I should take the initiative in helping the people of this community to have the facts about their schools, to the end that they will provide the best possible school program, school staff, and school facilities.
5.        That legally the authority of the Board is derived from the State which ultimately controls the organization and operation of the school district and which determines the degree of discretionary power left with the Board and the people of this community for the exercise of local autonomy.
6.        That I must never neglect my personal obligation to the community and my legal obligation to the State, nor surrender these responsibilities to any other person, group, or organization; but that, beyond these, I have a moral and civic obligation to the Nation which can remain strong and free only so long as public schools in the United States of America are kept free and strong.

B.            In view of the foregoing consideration, it shall be my constant endeavor

1.        To regularly attend and fully participate in all scheduled board meetings, including those of committees to which I am assigned, and to otherwise devote sufficient time, thought, and study to the duties and responsibilities of a school board member so that I may render effective and creditable service to my constituents and to the school district as a whole.

(continued)

POLICY

SCHOOL BOARD BYLAWS

IN GENERAL

§2-3 A Code of Conduct for School Board Members (continued)

2. To recognize that it is as important for the Board to understand and evaluate the educational program of the schools as it is to plan for the business of school operation, and thus it shall be my duty to thoroughly research all issues to the best of my ability so that my decisions may be in the best interests of my constituents and the school district as a whole.
3. To show respect for and work with my fellow board members and staff in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points at issue.
4. To respect the stated purpose for, and maintain the confidentiality of, discussions that are held pursuant to the Code of Virginia as closed meetings or executive sessions.
5. To base my personal decision upon all available facts in each situation and to vote my honest conviction in every case, unswayed by bias of any kind.
6. To remember at all times that as an individual I have no legal authority outside the meetings of the Board, and to conduct my relationships with the school staff, the local citizenry, and all media of communication on the basis of this fact.
7. To resist every temptation and outside pressure to use my position as a school board member to benefit either myself or any other individual or agency apart from the total interest of the school district.
8. To bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and conduct of school business shall be left to the employed superintendent of schools and his/her professional and non-professional staff.
9. To welcome and encourage active cooperation by citizens, organizations, and the media of communication in the district with respect to establishing policy on current school operation and proposed future developments.

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POLICY

SCHOOL BOARD BYLAWS

IN GENERAL

§2-3        A Code of Conduct for School Board Members (continued)

10.        Finally, to strive step by step toward ideal conditions for most effective school board service to my community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation of perpetuation of our representative democracy.

Adopted: 5/8/73

Revised: 10/12/76, 6/22/93, 6/12/2001

Current Revision: 8/11/09



## SCHOOL BOARD BYLAWS

## MEMBERS

§2-4      Qualifications

State law provides that a school board member must, at the time of his/her election, be a qualified voter and a bona fide resident of the district from which he/she is elected if the election is by district or of the school division if the election is at large. If the member thereafter ceases to be a resident of the district or school division, his/her position on the school board becomes vacant; except that if the loss of residency is due to reapportionment, he/she may serve the remainder of the unexpired term.

Legal Reference: Code of Virginia §§24.2-505, 22.1-30, 15.1-37.9

Adopted: 10/12/76

Revised: 8/27/85, 6/22/93, 6/25/96

Current Revision: 5/12/09

## SCHOOL BOARD BYLAWS

## MEMBERS

§2-5        Election, Term of Office, and Vacancy in OfficeA.        Election

School Board members are elected to the Loudoun County School Board. One member is elected from each election district in the county and one member is elected from the school division at large.

The election of School Board members shall be held to coincide with the election of the Loudoun County Board of Supervisors in November. The term of office of School Board members is the same as members of the Loudoun County Board of Supervisors. The term of office for all School Board members shall begin on January 1 following their election.

A vacancy in the office of School Board member is filled by appointment by the School Board to fill the office until the vacancy is filled by a special election or general election.

Any person elected, reelected, appointed or reappointed as a member of the School Board shall:

(a)        be furnished with copies of the following by the Superintendent or Division Counsel within two weeks following election, reelection, appointment or reappointment:

1.        The Virginia Freedom of Information Act, §§ 2.2-3700 to 2.2-3714;
2.        The Virginia Public Records Act, §§ 42.1-76 to 42.1-91;
3.        The State and Local Government Conflict of Interest §§ 2.2-3100 to 2.2-3131; and
4.        Such other provisions of the Code of Virginia as shall be directed by the General Assembly.

As all of the foregoing may from time-to-time be amended or reenacted by the General Assembly; and

(b)        read and become familiar with the provisions thereof.

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## SCHOOL BOARD BYLAWS

## MEMBERS

§2-5 Election, Term of Office, and Vacancy in Office (continued)B. Procedure to Fill Vacancy in School Board

Within fifteen (15) days of the occurrence of a vacancy, the School Board shall petition the circuit court to issue a writ of election to fill the vacancy. However, no petition is necessary if the general election at which the vacancy is to be called is scheduled in the year in which the member's term expires. Further, no election to fill a vacancy shall be held if the general election at which it is to be called is scheduled within sixty (60) days of the end of the term of the office to be filled.

Within forty-five (45) days of the vacancy, the remaining members of the School Board must appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. As soon as practical after the vacancy occurs, the School Board shall place an advertisement in a newspaper(s) having a general circulation within the school division, seeking qualified candidates. The School Board shall set a deadline for the submission of applications to fill the vacancy. Applications shall include a description of the individual's qualifications and any other pertinent information. These applications shall be used to verify with the Registrar's office that the applicants are qualified voters of the district.

At least seven (7) days prior to the appointment by the School Board, the School Board must hold a public hearing to receive the views of citizens. Notice of this hearing must be given at least ten (10) days prior to the hearing by publication in a newspaper having a general circulation within the school division. No person whose name has not been considered at the public hearing shall be appointed to fill the vacancy.

At the public hearing, the School Board will receive public comment on the applicants and their qualifications. After public comment, each qualified applicant shall be given five (5) minutes to address the School Board. The School Board will have the opportunity to ask questions of the applicants, each of whom will be asked the same questions.

At the conclusion of the public hearing, the School Board shall establish a meeting date to select an applicant to fill the vacancy, which date shall be within forty-five (45) days of the vacancy. All qualified applicant names will be submitted for nomination. The applicant names will be called in random order, with each name entered in the School Board minutes as a separate motion. Each Board Member shall be limited to one vote per motion. The first applicant to achieve a majority vote from the existing School Board members shall be appointed to fill the vacancy. The appointed candidate shall remain in the position until the vacancy is filled by special or general election. The individual appointed to fill the vacancy must qualify within thirty (30) days of their appointment as provided in §15.2-1522-23 of the Code of Virginia (1950), as amended.

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## SCHOOL BOARD BYLAWS

## MEMBERS

§2-5        Election, Term of Office, and Vacancy in Office (continued)

If a majority of the School Board members cannot agree or do not act, the judges of the circuit court shall make the appointment.

If the vacancy occurs within 120 days prior to a general election, the election must be scheduled for a second ensuing general election.

Legal Reference: Code of Virginia §§2.2-3702, 42.1-76.1, 2.2-3100.1, 15.2-1522-23, 22.1-57.3, 24.2-226, 24.2-227, 24.2-228

Adopted: 10/12/76

Revised: 8/27/85, 6/22/93, 6/25/96, 9/28/99, 4/09/03

Current Revision: 5/25/10

## SCHOOL BOARD BYLAWS

## MEMBERS

§2-6      Oath of Office

Before entering upon the duties of office, each person elected or appointed to the School Board must take and subscribe the oath prescribed for officers of the Commonwealth.

Legal Reference: Code of Virginia §22.1-31

Adopted: 10/12/76

Revised: 8/27/85, 6/22/93, 6/25/96

Current Revision: 6/23/09

## SCHOOL BOARD BYLAWS

## MEMBERS

§2-7      Orientation of New Board Members

The School Board shall establish a program to assist newly elected members, or a person designated for an appointment to fill a vacancy, to become fully informed about the school system and the Board's policies, procedures, functions, and problems.

1. In the interim between election or appointment and assumption of office, the new member shall be invited to attend all public meetings and functions of the Board and shall receive all appropriate reports and communications normally sent to Board members.
2. Within two weeks following election, reelection or appointment, the Division Superintendent shall furnish to the persons so elected, reelected or appointed copies of the following from the Code of Virginia:
  - (a) The State and Local Government Conflict of Interest Act;
  - (b) The Virginia Freedom of Information Act; and
  - (c) The Virginia Public Records Act.

Such persons shall read and become familiar with the materials provided.

3. Within a 30 day period following election or appointment, the Chairman shall set special workshops for the purpose of orienting the new member to his/her responsibilities, to the Board's method of operating, to the school division's policies, and to the overall operation of the system. The Chairman shall be responsible for the orientation period and shall call upon the Division Superintendent, Staff, and Board members as needed.
4. Records shall be kept of any such workshops as are provided for in paragraph 2 above, to assist the Board in meeting Standards of Quality, Standard 5. The records shall include the topics discussed.

POLICY

§2-7  
(b)

SCHOOL BOARD BYLAWS

MEMBERS

§2-7        Orientation of New Board Members (continued)

5.        The new member shall be provided with appropriate publications, policy manuals, and regulations of the Board of Education of the Commonwealth of Virginia.

Legal Reference: Code of Virginia §§ 22.1-253.13:5; 2.2-3100.1; 2.2-3702; 42.1-76.1

Adopted: 10/12/76, 6/22/93, 6/25/96  
Current Revision: 9/22/09

SCHOOL BOARD BYLAWS

MEMBERS

§2-8        Compensation

Each School Board member shall receive an annual salary authorized by State law, fixed and determined as provided by State law, and specified in the approved annual budget.

The Chairman shall receive an additional salary of \$2,000 per year.

Legal Reference: Code of Virginia §22.1-32

Adopted: 10/12/76

Revised: 8/27/85, 6/22/93, 10/28/97

Current Revision: 6/23/09



## SCHOOL BOARD BYLAWS

## MEMBERS

§2-9      Conflict of Interest

School Board members and LCPS employees are subject to the provisions of the State and Local Government Conflict of Interests Act, adopted by the General Assembly to provide uniform standards of conduct of all state and local government officers and employees throughout the Commonwealth. School Board members and LCPS employees shall comply with the provisions thereof.

This Act contains many provisions, including prohibitions on employment of certain close relatives of school board members and division superintendents and contracts in which a member has a personal interest.

Legal Reference: Code of Virginia §2.2-3100, *et seq.*

Adopted: 10/12/76

Revised: 8/27/85, 6/22/93

Current Revision: 9/22/09

## SCHOOL BOARD BYLAWS

## MEMBERS

§2-10      Professional Development

Each member of the School Board shall participate annually in high quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; diversity training; curriculum and instruction; use of data in planning and decision making; and current issues in education as part of their service on the board.

To the extent possible, the school board shall hold such a session jointly for all members on an annual basis.

The Division Superintendent shall participate annually in high quality professional development activities at the local, state, or national levels.

Legal Reference: Code of Virginia §22.1-253.13:5

Adopted: 6/22/93, 5/13/08

Revised: 9/22/09

## SCHOOL BOARD BYLAWS

## OFFICERS

§2-11      Annual Meeting and Election

The School Board shall hold its annual organizational meeting in January for the purpose of establishing its regular meeting schedule for the ensuing year. At such annual meeting, the Board shall:

1. Elect one of its members as Chairman and one of its members as Vice Chairman for the ensuing year;
2. Appoint a Clerk of the School Board and Deputy Clerk, as provided in Policy 2-13; and
3. Approve a designee of the Superintendent.

Legal Reference: Code of Virginia §§ 22.1-72 and 22.1-76

Adopted: 8/11/70  
Revised: 8/27/85, 6/22/93  
Current Revision: 9/22/09

## SCHOOL BOARD BYLAWS

## OFFICERS

§2-13      ClerkA.            Appointment, Compensation, Bond, Duties

At its annual meeting the School Board shall appoint, on recommendation of the Division Superintendent, a person as Clerk of the School Board and fix his/her compensation.

The Clerk shall be responsible for keeping a record of the meetings and proceedings of the Board, and such records, documents, and correspondence pertaining to the actions and proceedings of the Board. The Clerk is authorized to sign and certify for the Board official documents which may be required in the course of business. The Clerk may sign checks.

The Clerk will work under the supervision of the Superintendent and will perform all duties required by law and such other duties and functions as may be assigned by him/her.

B.            Deputy Clerk

The Board may appoint a Deputy Clerk to act when the Clerk is not available.

C.            Terms of Office

The terms of office of the Clerk and the Deputy Clerk shall be one year.

D.            Bonding

The Clerk and any Deputy Clerk will furnish a corporate surety bond of not less than \$10,000 conditioned upon the faithful performance and discharge of the Clerk's duties as such.

Legal Reference: Code of Virginia §§22.1-76, 22.1-77

Adopted: 8/11/70

Revised: 8/27/85; 6/22/93

Current Revision: 9/22/09

## SCHOOL BOARD BYLAWS

## OFFICERS

§2-15      Counsel

The School Board may employ or retain an attorney or attorneys who shall serve as counsel to the Board to advise it concerning any legal matter or to represent it , any member thereof or any school official in any legal proceeding to which the school board, member or official may be a party, when such proceeding is instituted by or against it or against the member or official by virtue of his actions in connection with his duties as such member or official. Any such attorney or attorneys so employed or retained shall be paid out of funds appropriated to the School Board by the local governing body.

The Division Superintendent may retain legal counsel for a short term to cover an emergency situation; provided however that in such emergency situations the Superintendent shall notify the School Board as soon as practicable as to the purpose for retaining counsel.

Legal Reference: Code of Virginia §22.1-82

Adopted: 8/3/73

Revised: 8/27/85, 6/22/93

Current Revision: 9/22/09

## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-16      CommitteesA.          Committees

1.      Each committee shall have no fewer than three members.
2.      A quorum for each meeting of any committee shall be a majority of the committee members.
3.      The chairman of each committee shall report the committee's activities to the full Board.
4.      Membership and chairs of all standing and select committees shall be determined by the Chairman of the School Board.

B.          Standing Committees

There shall be the following standing committees of the Board with responsibilities as described below:

1.      Joint Committee with the Board of Supervisors. To represent and communicate the views and policies of the School Board to the Board of Supervisors on matters of mutual interest and importance.
2.      Finance & Facilities Committee.
  - a.      In accordance with the bid and purchasing procedures established by the School Board, to receive an analysis of sealed bids that exceed \$100,000 per contract at a time other than regular Board meetings, and to analyze such bids, and to present the Committee's findings and recommendations to the Board. The Committee shall also be available to assist the Department of Support Services and the Department of Business and Financial Services, when requested, in the preparation of Requests for Proposals and in other functions of those departments.
  - b.      Analyze budget expenditures to determine financial implications. In identifying items to be examined, the committee shall seek input from School Board members, employees and the public.

(continued)

## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-16      Committees (continued)

- c.      Develop recommendations for Board policy relating to matters within the committee's jurisdiction consistent with the Board's adopted mission and goals.

3.      Personnel Services Committee. To coordinate with the Assistant Superintendent for Personnel Services, through the Superintendent, the development and implementation of Board policy relating to personnel issues, consistent with the Board's adopted goals and objectives and including, but not limited to, condition of employment, recruiting of employees, and evaluation standards.

4.      Legislative & Policy Committee.

- a.      Initiate, monitor and lobby for School Board legislative program. Facilitate communication between School Board and state elected officials.
- b.      Develop recommendations for Board policy relating to all legislative and policy matters not within the primary jurisdiction of any other committee, consistent with the Board's adopted mission and goals.

5.      Curriculum & Instruction Committee. To coordinate with the Assistant Superintendent for Instruction the development and implementation of Board policy relating to curriculum and instruction, consistent with the Board's adopted goals and objectives and including, but not limited to:

- a.      Initiating, evaluating and supporting instructional programs
- b.      Assessing student achievement
- c.      Assessing needs and trends
- d.      Recommending revisions to instructional goals and objectives
- e.      Facilitating communication about instruction and curriculum

(continued)

## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-16      Committees (continued)6.      Health, Safety & Wellness Committee

- a.      Initiate, evaluating and supporting programs that enhance students' and employees' health, safety, and well-being.
- b.      Assess programs designed to promote student and employee wellness.
- c.      Develop recommendations for Board policy relating to health, safety & wellness consistent with the Board's adopted mission and goals.

7.      Discipline Hearing Committee. Consider appeals of student disciplinary decisions and recommendations of the Superintendent, as provided for by Policy 2-27, and to develop recommendations for Board policy relating to student disciplinary issues, consistent with the Board's adopted mission and goals.

The meeting time for all Standing Committees will be set by the Chair and shall be no earlier than 5:30 p.m., with the exception of: (i) the Liaison with Board of Supervisors Committee; and (ii) the Finance & Facilities Committee which may meet as early as 3:30 p.m. once per month.

C.      Select Committees

Select committees may be appointed by the Chairman at the direction of the Board. Such committees shall be discharged when the work is finished or earlier if by a majority vote of the Board.

Adopted: 8/11/70

Revised: 8/11/92, 6/22/93, 3/26/96, 1/22/2001, 3/28/06, 9/22/09, 9/28/10

Current Revision: 1/25/11



## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-17 Committee to Suggest Names for School Buildings

Prior to construction of a school building, a committee will be appointed by the School Board to suggest possible names for the new building. The committee will be composed of staff, parents and citizens of the community served by the building, and students, if deemed appropriate.

The Division Superintendent will nominate committee members for approval by the School Board. Each School Board Member may nominate an additional member to the committee. The Chairman of the School Board will designate the chairman of the committee.

The committee shall consider, but not be limited to, geographical and historical considerations. Schools may be named to honor deceased individuals that significantly contributed to improving life in Loudoun County, the Commonwealth of Virginia, or the United States of America. The school naming committee shall submit its preferred recommendation, along with at least two alternatives, to the School Board for consideration.

The School Naming Committee's recommendation will go to the School Board as an Information Item. The School Board will then take action on the committee's recommendation at the second meeting following the introduction of the Information Item. In its selection, the Board shall not be bound by the recommendations made by the committee.

Adopted: 6/26/90

Revised: 6/22/93, 5/26/98, 3/28/2000, 5/23/2000, 9/12/2000

Current Revision: 11/30/09

## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-18      School Health Advisory Committee

The School Board shall establish a School Health Advisory Committee of not more than twenty members, which shall include parents, students, health professionals, educators, and others. The School Health Advisory Committee shall assist with the development of health policy in the schools and the evaluation of the status of school health, health education, the school environment, and health services.

Committee members will be selected by the staff. The chairman of the committee shall be selected by the committee.

The School Health Advisory Committee shall hold meetings as often as it deems necessary, but at least twice a year. It shall report annually on the status and needs of student health in the school division to any relevant school, the School Board, the Virginia Department of Health, and the Virginia Department of Education.

Legal Reference: Code of Virginia §22.1-275.1

Adopted: 6/22/93

Confirmed: 6/23/09

SCHOOL BOARD BYLAWS

INTERNAL OPERATIONS

§2-19      Superintendent's Recommended Capital Improvements Program:  
Closure of an Existing School

When the Superintendent's Recommended Capital Improvements Program includes the closure of an existing school or the construction of a new school that necessitates the closure of an existing school, such recommendations will appear no earlier than the second year of the Superintendent's Recommended Capital Improvements Program so as to ensure community participation in the final decision.

## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-20 Appeal of Administrative DecisionsA. Rights of Parents and Students

1. Parents, guardians and adult or emancipated students have the right to seek an appeal of certain administrative decisions to a Committee of the School Board on substantive issues of legitimate concern. This right does not extend to issues not related to the schools and is subject to the determination by a Committee of the School Board as to whether or not to grant such an appeal. A Committee of the School Board must consider any appeals of exclusions from extracurricular activities if such exclusion is for more than 30 days under Policy §8-29 or appeals of school assignments under Policy §8-20. Decisions related to regular dismissals from school during the school day under Policy §8-19 or to in-school punishments under Policy §8-26 are not appealable to the School Board.
2. Complaints should be resolved by the administration whenever possible. Certain decisions of principals and other administrators may be appealed to the Division Superintendent or his/her designee. The Division Superintendent or his/her designee shall promptly review decisions appealed to them, make a determination with respect to the merits thereof, and advise the parents and students of such determination.
3. Certain administrative decisions of the Division Superintendent or his/her designee may be the subject of an appeal to the School Board through the procedures of section B of this policy.

B. Procedures for Appeal to School Board or Committee

1. Appeals must be submitted in writing to the Division Superintendent within 10 school days of the notification of the decision that is the subject of the appeal. The appeal must state fully the reasons and basis for the appeal and a summary of the essential facts.
2. The Division Superintendent shall notify the Chairman of the School Board of the receipt of the appeal. The Chairman of the School Board shall appoint a committee of three members to review the appeal and appoint one of those members as Chairman of the Committee.

## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-20 Appeal of Administrative Decisions (continued)

3. The Division Superintendent or his/her designee shall collect statements from all persons involved in making decisions related to the case. These statements shall contain a summary of the essential facts of the case and the basis of each decision, including references to applicable School Board policies. A copy of these statements shall be provided to each member of the committee considering the appeal. At the same time such statements shall be provided to the appellant(s).
4. The committee shall review the statements of school personnel and the appeal of the parents, guardians and adult or emancipated students and may affirm or annul the decision of the Division Superintendent on the basis of this review. If the committee makes a decision on the basis of this review, that decision shall be communicated to the appellant(s) and shall be reported at the next regular meeting of the School Board for inclusion in the minutes of that meeting.
5. If the committee determines that it needs more information, the Chairman shall request additional information from either side prior to a final decision by the committee. The Chairman shall set reasonable deadlines for providing the additional information. Any additional information collected by the committee will be provided to the Division Superintendent and to the appellants.
6. This appeals procedure shall be completed and a decision communicated to the appellant(s) within 30 days of the receipt of the appeal by the Division Superintendent, except that any additional time allowed under (B)(5) for collection and processing of additional information will be added to the 30 days.
7. A confidential summary of the committee's findings will be provided to all School Board members.

Legal Reference: Va. Code §§ 22.1-78 and 22.1-253.13:7(C)(6)

Adopted: 2/14/78

Revised: 7/10/84, 9/13/88, 6/22/93, 10/9/2001, 11/11/03, 4/25/06

Current Revision: 8/10/10

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-21 Annual, Regular, and Special MeetingsA. Annual Meeting

The School Board shall hold its annual organizational meeting in January, at which time the Board shall set the time for holding regular meetings for the ensuing year. At this annual meeting the Board shall elect one of its members as Chairman and one of its members as Vice-Chairman, shall approve a designee of the Division Superintendent to attend Board meetings in the absence or inability to attend of the Division Superintendent, and on recommendation of the Division Superintendent, shall appoint a Clerk and a Deputy Clerk.

B. Regular Meetings

Regular meetings of the School Board shall be held on the days and at the times established by the Board at its organizational meeting. Notice of such meetings shall be given as provided by law.

C. Special Meetings

Special meetings to conduct business may be called by the Chairman, the Division Superintendent, or in writing by a majority of the Board, provided that all members are notified and public notice of the time, place, and purpose of the meeting is given at least 48 hours prior to the meeting.

Special workshop meetings or public hearings may be called by the Chairman provided all members are notified and public notice given at least three working days prior to the meeting. No official action shall be taken at such meetings or public hearings.

Legal Reference: Code of Virginia §§22.1-72, 22.1-76, 2.2-3707

Adopted: 8/3/73

Revised: 8/11/87, 6/22/93, 7/1/94, 6/25/96, 1/22/01

Current Revision: 5/25/10

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-22      Meeting ProceduresA.            Open Meeting

All meetings of the School Board and its committees shall be conducted in open session unless the Board or committee goes into a closed meeting in accordance with the Virginia Freedom of Information Act.

B.            Closed Meeting

The School Board or its committees may go into a closed meeting for certain purposes specified in State law. Closed meetings shall be convened and thereafter certified by action of the Board or committee consistent with the requirements of the Freedom of Information Act.

No vote may be taken in a closed meeting.

C.            Public Participation

Citizens are encouraged to attend meetings of the School Board and to communicate their views to the Board at times provided for public comments. Spontaneous discussion from citizens during other times shall not be permitted.

Rules for public participation at Board meetings, including public hearings, are contained in Policy §2-29.

D.            Recessed Meetings

Meetings may be recessed and resumed at a later time or date. Such meetings shall be a continuation of an established meeting, not as a new one.

E.            Adjourned Meetings

Any meeting of the School Board may be adjourned to specified time and place.

F.            Adjournment

All meetings, including public hearings, are expected to end by 11:00 p.m. If it appears by 10:00 p.m. that the agenda or other purpose of the meeting will not be completed by 11:00 p.m., the School Board will caucus and determine whether it should adjourn at 11:00 p.m., set a later time for adjournment, or set a future date for continuation of the meeting.

Legal Reference: Code of Virginia §§2.2-3710, 2.2-3711, 2.2-3712, 22.1-72

Adopted: 10/12/76

Revised: 8/27/85, 6/22/93

Current Revision: 5/25/10

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-23      AgendaA.            Formulation

The agenda is the formal order of business for a meeting. The agenda is prepared by the Division Superintendent at the direction of the Chairman. Any item submitted by a Board member shall be placed on the agenda. Members of the public may submit items for the agenda in writing to the Chairman, who shall decide whether or not to include the item on the agenda.

B.            Documentation

All items submitted for the agenda for action at the meeting must have a proposed motion and supporting documents or other information for study by Board members prior to the meeting. This includes reports of staff or Board committees on which action is expected.

C.            Time Limitations

Agenda items and supporting documents or other information must be submitted to the Division Superintendent at least seven days prior to the meeting and shall be delivered to each Board member at least two days prior to the meeting.

D.            Emergencies

The Chairman, or the Division Superintendent with approval of the Chairman, may place any emergency matter on the agenda for any meeting.

E.            Emergency and Other Items Not on Agendas

No item placed on the agenda pursuant to subsection D. Emergencies and no item brought up under "new business" or "old business" and for which action is required by Board vote may be subjected to such vote at that meeting unless two-thirds of the members present concur.

F.            Delegations

Persons wishing to address the Board as individuals or as representatives of organizations should contact the Division Superintendent prior to a meeting and ask to be placed on the list of speakers.

See Policy §2-29 for rules on public participation at Board meetings.

Adopted: 10/12/76

Revised: 8/27/85, 6/22/93, 4/1/97

Current Revision: 6/22/10



## SCHOOL BOARD BYLAWS

## MEETINGS

§2-24      Order of Business, Quorum, Rules, VotingA.            Order of Business

The Agenda shall constitute the order of business. The Chairman shall call the meeting to order at the appointed time and place, and if a quorum is present, the Board shall proceed to transact business.

B.            Quorum

At any meeting of the Board a majority of the members shall constitute a quorum.

C.            Rules

The Board shall use Robert's Rules of Order, Revised except as otherwise provided herein or where inconsistent with statute.

D.            Voting

To ensure full transparency and accountability to the public, all voting shall be by voice vote and a show of hands with the vote total and the vote, abstention or absence of each member publicly announced by the Chair and recorded in the minutes by the Clerk, except that at the discretion of the Chairman minor modifications or procedural motions may be decided by unanimous consent so long as there is no objection by any board member.

1.      Tie Votes. In any case in which there is a tie vote when all the members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there is a tie vote on any question after the question is passed until the next meeting, or in any case in which there is a tie vote when all the members of the school board are present, the motion, resolution or issue voted upon shall be defeated.

Legal Reference: Code of Virginia §§22.1-73, 22.1-75, 22.1-78

Adopted: 7/10/83

Revised: 8/27/85, 6/22/93, 2/16/10

Current Revision: 10/26/10

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-25 Board MinutesA. Contents

The minutes of the meetings of the Board shall include:

1. The type (regular, special, recessed, etc.), date, time, and place of meeting.
2. The call to order, time, person presiding, and person's office.
3. The record of the members present or absent.
4. A record of the presence or absence of the Superintendent.
5. A record of any corrections to the minutes of the previous meeting and the action approving them.
6. A record of each motion placed before the Board including the member making the motion and member seconding, if any.
7. A summary of the discussion on matters proposed, deliberated or decided.
8. A record of the votes taken on any motion, including the names of each member casting a vote, whether such member voted aye or nay, the name of each member who abstains from voting and the name of each member not present at the time the vote was taken.
9. Special coding to indicate policy matters.
10. A record of all petitions of citizens.
11. A record of any reports of Board members or staff members.

B. Form

The minutes should contain a record of what was done at the meeting, not what was said by the members. The minutes when approved, shall be signed by the Chairman and the Clerk.

The minutes shall be permanently bound and indexed for reference purposes.

Written documents requiring Board action, and other voluminous written documents, may be made a part of the minutes by reference. When this is done, the documents shall be placed in the Board file as a permanent record. Resolutions, agreements, or similar formal documents shall be reproduced as a part of the minutes or as attachments thereto.

Except when in a closed meeting, all meetings should be electronically recorded. The electronic records shall be stored for a period of 24 months. The recordings shall be made available for public access.

Legal Reference: Code of Virginia §§22.1-74, 22.1-77, 2.2-3707

Adopted: 8/3/73

Revised: 8/27/85, 6/22/93

Current Revision: 6/22/10

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-27        Student Discipline - Appeals and Hearings – Long Term Suspensions and ExpulsionsA.            General

This policy governs the procedure for appeal of long term suspensions and expulsion recommendations to the School Board.

Upon written request by the parent(s) or guardian(s), sent within five (5) days of receiving the Superintendent's imposition of long term suspension or recommendation for expulsion, a Committee of the School Board will hear appeals as set forth in Section B of this policy.

Upon request by the parent(s) or guardian(s), for whom English is not the primary language, LCPS will provide a reasonable amount of interpreter services to assist with each of the elements in this policy including but not limited to understanding notices, submitting requests and participating in hearings, provided that such interpreter shall not serve as an advocate at any hearing. LCPS will notify parents of the availability of these services as part of all notices provided under this policy.

Any assignments to the Loudoun County Substance Abuse Education Program in connection with a disciplinary suspension or expulsion may be reviewed with any appeal of the associated discipline.

B.            Long Term Suspension and Expulsion Hearing Procedures

All administrators are charged with the responsibility of maintaining an orderly school environment that protects the rights of all students and school personnel and provides an environment conducive to learning. To do this, they must interpret and enforce laws, policies and regulations that prescribe expected student behavior.

Right to Appeal. Both long term suspensions and expulsions are subject to a hearing by a Committee of the School Board. To exercise the right to an appeal of the Division Superintendent's imposition of long term suspension or recommendation for expulsion, the student's parent(s) or guardian(s) must submit a written request for an appeal within five (5) days of receiving the notification of the Superintendent's recommendation.

Notice. The Division Superintendent or designee shall give to the parent(s) or guardian(s) notice of the time and place for the hearing, the proposed action before the Committee of the School Board, and the reasons therefore. The Division Superintendent or designee shall also furnish to the parent(s) or guardian(s) copies of the appropriate regulations and the procedure to be followed by the School Board.

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-27 Student Discipline - Appeals and Hearings – Long Term Suspensions and Expulsions (continued)

No contest of the recommendation for expulsion. If the Division Superintendent's recommendation for expulsion is not contested by the parent(s) or guardian(s), the School Board will review such reasons and information as presented by the Division Superintendent and act on the recommendation as it deems appropriate.

Procedures. When the parent(s) or guardian(s) file a written request for a hearing before a Committee of the School Board, such hearing by the Committee will be conducted as set forth in the following procedure:

1. The Division Superintendent or his designee will be responsible for preparing and presenting the hearing recommendation to the Committee of the School Board. The Superintendent or designee may be assisted by school division employees and legal counsel. The parent(s) or guardian(s) may be assisted by such legal or other counsel, limited to one person, as he/she deems appropriate.
2. Both the school administration and the student shall have the right to present evidence and testimony of witnesses, to cross-examine witnesses of the other side, and to summarize briefly their facts and arguments.
  - (a) At the Committee's discretion, it may accept written statements of witnesses in lieu of personal testimony.
  - (b) Arguments shall be restricted to the charges of misconduct upon which the imposition of long term suspension or recommendation for expulsion are based. The fact of and the reasons for past disciplinary actions, attendance, or academic performance may be presented to the Committee of the School Board, but the facts surrounding such previous actions or any explanation thereof shall not be the subject of inquiry at the hearing.
  - (c) Character witnesses may testify for the student, but the Chairman or presiding member of the Committee may limit the number if their testimony is cumulative.
3. Committee members may question witnesses and the Committee may recall any witness for further questioning.
4. After all testimony, cross-examination, and summations are completed, the Committee of the School Board shall deliberate in closed session.

(continued)

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-27 Student Discipline - Appeals and Hearings – Long Term Suspensions and Expulsions (continued)

The Division Superintendent or designee shall remain present and the School Board's attorney may remain present if requested by the Committee.

5. The Committee may recall any person for further questioning, during which the student, parent(s) or guardian(s), and representative and the school administration representative shall be readmitted to the hearing.
6. The decision of the Committee of the Board to affirm, modify or annul the Division Superintendent's imposition of long term suspension or recommendation for expulsion shall be made in open session and shall be confirmed in writing to the student or parent(s) / guardian(s).
  - (a) The letter affirming, modifying or annulling the Division Superintendent's imposition of long term suspension shall include the following:
    - (1) Notification of the length of the suspension;
    - (2) Information concerning the availability of community-based educational, alternative education, or intervention programs;
    - (3) A statement 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; and
    - (4) A statement that 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 or guardian of the student.
  - (b) The letter affirming, modifying or annulling the Division Superintendent's recommendation for expulsion shall include the following:
    - (1) Notification of the length of expulsion;

(continued)

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-27 Student Discipline - Appeals and Hearings – Long Term Suspensions and Expulsions (continued)

- (2) Information to the parent or guardian of the student concerning the availability of community-based educational, training, and intervention programs;
  - (3) A statement regarding 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 and conditions of such readmission;
  - (4) Should the School Board determine that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or adult education program in the school division, a statement advising the parent or guardian 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; and
  - (5) A statement that the costs of any community-based educational, training, or intervention division that the student may attend during his expulsion shall be borne by the parent of the student.
7. If the decision of the Committee of the School Board is to modify or annul the imposition of long-term suspension or recommendation for expulsion which is the subject of the hearing, the Division Superintendent shall immediately implement the decision of the Committee.
  8. If the decision of the Committee of the School Board is unanimous, such decision will be final. The Division Superintendent shall immediately implement the decision of the Committee.
  9. If the decision of the Committee of the School Board is not unanimous, the parent or guardian shall have the right to appeal the Committee's decision to the full School Board. In such case, the parent or guardian shall request, in writing, a hearing before the full School Board within five (5) days of receiving the Committee's decision.

(continued)

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-27 Student Discipline - Appeals and Hearings – Long Term Suspensions and Expulsions (continued)

10. When a parent or guardian requests a hearing before the full School Board, the Division Superintendent or designee will promptly notify the parent(s) or guardian(s) of the tentative time and place for such hearing and, as an attachment to the letter of notification, provide the parent(s) or guardian(s) with the written statements and support documents that he/she will submit to the full School Board as the administration's reasons for the action under appeal.

Included in these documents is any paperwork generated for or by the Committee of the School Board in the conduct of its hearing on the recommended long term suspension or expulsion.

11. Within seven (7) days prior to the date of the hearing, the parent or guardian will submit to the Division Superintendent or designee the written statements and support documents that he/she will submit to the full School Board.
12. Any hearing before the full School Board shall be conducted in accordance with the procedures set forth in (B)(1) through (5) of this Policy.
13. The School Board shall notify the student's parent(s) or guardian(s) of its decision to affirm, modify or annul the imposition of long term suspension or recommendation for expulsion within thirty (30) days of receiving the request by the parent(s) or guardian(s) to appeal the Committee's non-unanimous decision.
  - (a) The letter affirming, modifying or annulling the Division Superintendent's imposition of long term suspension shall include the following:
    - (1) Notification of the length of the suspension;
    - (2) Information concerning the availability of community-based educational, alternative education, or intervention programs;
    - (3) A statement 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; and

(continued)

## SCHOOL BOARD BYLAWS

## MEETINGS

§2-27 Student Discipline - Appeals and Hearings – Long Term Suspensions and Expulsions (continued)

- (4) A statement that 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 or guardian of the student.
- (b) The letter affirming, modifying or annulling the Division Superintendent's recommendation for expulsion shall include the following:
  - (1) Notification of the length of expulsion;
  - (2) Information to the parent or guardian of the student concerning the availability of community-based educational, training, and intervention programs;
  - (3) A statement regarding 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 and conditions of such readmission;
  - (4) Should the School Board determine that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or adult education program in the school division, a statement advising the parent or guardian 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; and
  - (5) A statement that the costs of any community-based educational, training, or intervention division that the student may attend during his expulsion shall be borne by the parent of the student.

Legal Reference: Va. Code §§22.1-277-05; 22.1-277.06

Adopted: 8/10/76

Revised: 9/13/88, 6/22/93, 1/27/98, 6/23/98, 12/9/03, 10/13/09

Current Revision: 2/22/11



## SCHOOL BOARD BYLAWS

## COMMUNICATIONS

§2-28 School - Community Communications and Community InvolvementA. Statement of Philosophy

The School Board believes that effective two-way communication between the School Board and the public is essential to the development and support of a sound public education system.

In order to operate effectively and with public trust, the School Board must maintain open lines of communication with all segments of the community, including parents, teachers, students, non-parents, senior citizens, businesses, and civic organizations. Open lines of communication can be used to disseminate information and obtain feedback toward the goal of maintaining and enhancing the educational program.

B. Participation by the Public in School Board Meetings

The Board will seek means of informing the community of educational programs, accomplishments, and needs. The Board encourages citizens to communicate their views and concerns. One method of citizen communication to the School Board is by addressing the Board at its regular meetings. Policy §2-29 gives direction for public participation at School Board meetings.

C. Media

The School Board recognizes the importance of the media in the maintenance of communications with the community. The School Board as a whole and as individuals shall promote a cooperative relationship with all media representatives by providing information and encouraging coverage of School Board and Loudoun County Public Schools activities through the LCPS Public Information Office.

D. Community Involvement

The School Board encourages a high degree of community involvement through participation in parent-teacher organizations or associations, visitation of schools, acting as volunteers in the schools, serving as resource persons, serving on advisory committees of the School Board or individual schools, participating in school booster organizations, and in other ways. Persons wishing to do so should contact the principals of schools or their School Board representative.

Legal Reference: Va. Code § 22.1-253.13:7(C)(4)

Adopted: 6/9/87

Revised: 6/22/93

Current Revision: 8/10/10

## SCHOOL BOARD BYLAWS

## COMMUNICATIONS

§2-29      Participation by the Public

Citizens of Loudoun County, including delegations, are encouraged to attend meetings of the School Board. In the interest of orderly conduct at meetings, spontaneous discussion from the floor will not be permitted.

The Board values public participation and it is therefore important for the Board to maintain decorum, civility and order at all times to maximize citizen participation and to allow the Board to transact public business in an orderly, effective, efficient and dignified manner.

To that end, comments that are harassing or amount to a personal attack against any identifiable individual, whether board member, staff or student, have potential for causing unnecessary delay or disruption to a meeting and are not allowed. Participants are asked to be mindful that students frequently attend school board meetings and the Board Chairman will consider their presence, among other things, in determining if a speaker is out of order. The Chairman should warn a speaker if the speaker is out of order prior to taking further action.

The Board is also open to receiving communications orally or in writing as an alternative means of public participation.

Individuals or delegations desiring to be heard at a regular School Board meeting shall make the request in writing or by telephone to the Office of the Division Superintendent prior to the scheduled meeting, stating name and address, purpose of request, topic of presentation, and organization represented, if applicable. Individuals or delegations also will be permitted to sign-up to speak at the beginning of each regular meeting. The Chairman shall establish the time limit that will be allotted to individuals and/or delegations. For clarification purposes, members of the School Board and the Division Superintendent may ask questions of any person who address the School Board.

At a public hearing, the Chairman shall determine the order of speaking, the time limits imposed, and other special rules which may be deemed appropriate. In all cases, any person who wishes to speak must be recognized by the Chairman and must give his/her name and address and such other information as may be deemed pertinent. A speaker will address the Chairman and School Board and may not direct questions or comments to individual School Board members, officers or employees of the school system as this has potential for causing unnecessary delay in the orderly progress of the meeting. The Chairman shall determine the length of time allotted for the public hearing and may close the public hearing when concluded. Speakers at such a public hearing shall limit their comments to the matter that is the subject of such public hearing.

Adopted: 10/12/76

Revised: 6/22/93, 9/23/97, 6/27/00

Current Revision: 10/26/10

## SCHOOL BOARD BYLAWS

## COMMUNICATIONS

§2-30      School Board - Employee Communications

The School Board desires to maintain open channels of communication between itself and its employees. To facilitate and ensure such communication, the Board provides various channels and encourages their use.

A.            Direct Communication to the School Board

Any employee, acting as an individual or as a representative of any employee group, may address the board on matters of public concern during the time provided for delegations at regular School Board meetings or at any public hearing. Employees wishing to address the Board in this manner shall follow the procedures of Policy §2-29.

B.            Communication through Legislative & Policy Committee

Any employee, acting as an individual or as a representative of any employee group, may recommend a change to any School Board policy. Such recommendations may be submitted in writing to the Chairman of the Legislative & Policy Committee or the Division Superintendent or may be presented in person at a meeting of the Legislative & Policy Committee. Employees wishing to present a policy recommendation in person should request the Chairman of the Committee to schedule time at the next committee meeting; such requests must be made at least one week in advance of the committee meeting. The Chairman shall schedule such requests as the agenda permits.

C.            Communication through the Division Superintendent

Any employee, acting as an individual or as a representative of any employee group, may request a meeting with the Division Superintendent or his/her designee(s) to discuss policies or other matters for communication to the School Board. The Division Superintendent should inform the Board of all such meetings, the matters discussed, and the recommendations of the employee(s) submitted to him/her. The Division Superintendent may also schedule such meetings and invite employees, including representatives of employee groups, to be present to discuss matters that affect them.

## SCHOOL BOARD BYLAWS

## COMMUNICATIONS

§2-30 School Board - Employee Communications (continued)D. Communication through Immediate Supervisor

Any employee, acting as an individual or as a representative of any employee group, may request a meeting with his/her immediate supervisor to discuss policies or other matters of interest on an informal basis. The immediate supervisor should respond to questions and other matters of concern that can be handled at that level. If the immediate supervisor does not have the information necessary to respond to the question or concern, he/she should obtain it and reply within a reasonable time.

E. Communication through School Visitation

School Board members may visit schools from time to time and meet with employees in the schools to discuss matters of interest or concern to employees. Such visits and meetings should be scheduled in advance through the principal of the school.

F. Communication with Individual Board Members

Board members and employees share a common interest in education and in school operation. Informal communication on matters of mutual interest and concern is encouraged, except that discussions of personalities or personal grievances must be avoided. Employees must remember that individual Board members have no authority or duty except as members of the Board at a legally convened Board meeting or except as may be assigned to them by the School Board as a whole. Therefore employees should not interpret informal remarks of Board members as representing the official position of the Board or a firm position of the Board member.

G. Complaints and Grievances

This policy is intended to provide means of communication between the School Board and employees on matters of mutual concern and interest. It cannot be used in lieu of or to supplement the complaint procedure of Policy §7-3 or the grievance procedures of Policy §7-4.

Legal Reference: Va. Code §§ 22.1-71; 22.1-253.13:7(C)(1)

Adopted: 10/14/80

Revised: 8/13/85, 6/22/93

Current Revision: 9/28/10

## SCHOOL BOARD BYLAWS

## COMMUNICATIONS

§2-31      Policy Manual

The School Board shall maintain and follow an up-to-date policy manual. All policies shall be reviewed at least every five years and revised as needed or desired.

The policy manual shall include, but not be limited to:

1. A copy of Title 22.1, Chapter 15, Article 3 of the Code of Virginia concerning grievances, dismissals, etc. of teachers and the implementation procedure prescribed by the General Assembly and the State Board of Education;
2. A cooperatively developed procedure for personnel evaluation appropriate to the tasks performed by those being evaluated;
3. A system of two-way communication between employees and the School Board and its administrative staff whereby matters of concern can be discussed in an orderly and constructive manner;
4. A procedure for the selection and evaluation of all instructional materials purchased by the school division with clear procedures for handling challenged controversial materials;
5. The standards of student conduct and attendance and enforcement procedures designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons and property and supportive of individual rights;
6. School-community communications and community involvement;
7. Guidelines to encourage parents to provide instructional assistance to their children in the home, which may include voluntary training for the parents of children in grades K through 3;
8. Information about procedures for addressing concerns with the school division and recourse available to parents pursuant to the Code of Virginia § 22.1-87; and
9. Procedures to address complaints of sexual abuse of a student by a teacher or other School Board employee.

(continued)

## SCHOOL BOARD BYLAWS

## COMMUNICATIONS

§2-31      Policy Manual (continued)

A current copy of the policy manual including the Student Conduct Policy shall be posted on LCPS' website and shall be available to employees and to the public. Printed copies of such policies are available as needed to citizens who do not have online access. An annual announcement shall be made at the beginning of the school year, and for parents of students enrolling later in the academic year, at the time of enrollment, advising the public that the policy manual is available online.

Legal Reference: Code of Virginia §22.1-253.13:7

Adopted: 6/22/93

Revised: 11/30/09

## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-32      School Attendance Zones: Policy and ProcessA.      Authority

The Loudoun County Public Schools is vested with the authority to “provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division.” [Code of Virginia: Section §22.1-79 (4)]

B.      Reasons for Considering Attendance Zone Adjustments

The School Board may change an attendance zone to maintain or improve operating efficiency in order to maximize instructional effectiveness. In general, adjustments may relieve facility crowding, better utilize existing space, avoid underutilized facilities, mitigate the impact to schools created by demographic imbalances and better allocate program resources and/or reduce operating costs.

C.      Attendance Zone Change Process

At least annually, the Superintendent will evaluate whether or not attendance zone changes are to be considered. Typically, the evaluation will take place within the context of the Capital Improvement Program process, but changes may also be recommended at any time to address overcrowding or other concerns. Attendance zone changes may also be initiated at the direction of the School Board. When conditions exist for school attendance zone changes, the Superintendent will recommend to the School Board that options for change be developed. These options will identify schools potentially affected by the attendance zone changes, the means by which the public will be involved in the attendance zone change process and a calendar for the attendance zone change process. The School Board will seek to encourage public participation throughout this process and will hold at least one public hearing prior to holding any work sessions regarding any attendance zone change recommendation. The School Board will act on the Superintendent’s recommendation.

D.      Factors Considered in Attendance Zone Changes

When changing school attendance zones, the School Board and the Superintendent will consider, but not be limited to, the following criteria whenever possible:

(continued)

SCHOOL BOARD BYLAWS

INTERNAL OPERATIONS

§2-32 School Attendance Zones: Policy and Process (continued)

1. Initial Considerations

a. Efficiency: Effective use of new and existing facilities

- (1) Utilize projected student enrollment and facility capacity as principle measures of determining efficient use of educational facilities.
- (2) Promote reasonable balancing of enrollment within the school system to avoid over or underutilization of facilities or equitable distribution of programs and resources.
- (3) Minimize long-term use of mobile or modular classrooms that cause a school to operate at more than its designed core capacity.
- (4) Minimize future capital and operational budget costs.

b. Proximity: Keeping students close to their schools

- (1) Attendance zones shall be based upon geographic proximity as measured by distance traveled using established routes of transportation.
- (2) Adjacent neighborhoods and communities to a school should be given attendance priority to that school.
- (3) Attendance zones should be contiguous and contain the school, but recognizing there may be short-term situations when this is unavoidable.
- (4) Efforts will be made to encourage walking as the primary means of transportation to a school and promote reasonable walking zones in order to encourage healthier students, promote a cleaner environment and reduce transportation costs.

(continued)



SCHOOL BOARD BYLAWS

INTERNAL OPERATIONS

§2-32 School Attendance Zones: Policy and Process (continued)

c. Community: Encouraging the link between schools and communities

(1) Promote the concept of community schools in which the school is in the community and the community is in the school.

(2) Avoid splitting communities in order to underscore the importance of cohesive communities in fostering integrated learning and support environments for students.

d. Demographics:

(1) Demographic characteristics of the students and communities.

2. Further Considerations

a. Accessibility:

(1) The reasonable ability for students to attend a school from all portions of the attendance zone, including factors such as relative safety, travel time and overall effect on traffic flow, should be considered.

(2) Natural and man-made barriers that may make accessibility difficult, including rivers, commuting corridors and major roads and intersections, should also be considered.

b. Stability:

(1) Minimizing the number of repeated attendance zone changes over a particular time period for a particular school, student, neighborhood or community should be encouraged.

(continued)

SCHOOL BOARD BYLAWS

INTERNAL OPERATIONS

§2-32      School Attendance Zones: Policy and Process

(2) Promote long-term attendance zone stability.

c. Cluster Alignment:

(1) The eventual alignment of elementary, middle and high schools into cohesive operational clusters in which students remain with their educational cohorts should be encouraged.

(2) Establish a unified feeder system.

The School Board may consider any factors in making an attendance zone change. In the exercise of its authority, the School Board recognizes that it may not be reasonably practicable to reconcile each and every factor in any attendance zone change, but any attendance zone plan adopted by the School Board should be based on the above factors to the greatest extent possible.

Adopted: 9/25/2001

Current Revision: 2/23/2010

SCHOOL BOARD BYLAWS

INTERNAL OPERATIONS

**REGULATION**

§2-32      School Attendance Zones: Policy and Process

A.            General

This regulation supplements Policy §2-32, School Attendance Zones: Policy and Process by outlining the process which will be followed when a school attendance zone change has been initiated.

B.            Public Meeting Schedule for a School Attendance Zone Change Process

Prior to the start of an attendance boundary change or review, staff will present to the School Board a list of schools that should be notified regarding an upcoming school attendance zone change or review, based on School Board Policy §2-32, School Attendance Zones: Policy and Process. The School Board will be able to add or delete schools that should be included in the notification. Notification of a school community does not indicate that the school's attendance zone will change, only that school attendance zones adjustments may be reviewed and/or proposed for the school.

The school attendance zone change process will follow the below outlined public meeting schedule. All information associated with the school attendance zone change will be posted on the LCPS website throughout the process.

School Board Attendance Zone Overview/Public Hearing

Staff will provide an overview of the attendance zone change process, potential issues including school facility or programmatic modifications, current and up to 10-year projected student enrollments and school attendance zone suggestions. Following the overview, the School Board will open the hearing for members of the public to provide comment and input regarding the school attendance zones under review.

School Board Attendance Zone Work Session

School Board work session to discuss staff suggested school attendance zone changes, including School Board modifications and/or changes to school attendance zone plan(s).

SCHOOL BOARD BYLAWS

INTERNAL OPERATIONS

**REGULATION**

§2-32 School Attendance Zones: Policy and Process (continued)

Staff Briefing/School Board Public Hearing

Staff will brief the public and School Board on the School Board attendance zone plan(s) currently being analyzed by the School Board. Following the briefing, the School Board will open the hearing for members of the public to provide comment and input regarding the School Board attendance zone plan(s).

School Board Attendance Zone Work Session

School Board work session to refine School Board attendance zone plan(s).

Staff Briefing/School Board Public Hearing

Staff will brief the public and School Board on the School Board attendance zone plan(s) currently being analyzed by the School Board. Following the briefing, the School Board will open the hearing for members of the public to provide comment and input regarding the School Board attendance zone plan(s).

School Board Attendance Zone Work Session

School Board work session to discuss final School Board attendance zone plan(s) and/or alternatives.

School Board Public Hearing(s)

At least one public hearing will be scheduled for members of the public to provide the School Board with input regarding the School Board's attendance zone plan(s).

School Board Recommendation

The School Board's attendance zone plan(s) will be placed on the next available School Board agenda, as an Information Item, for review and discussion.

School Board Action

The School Board's attendance zone plan(s) will be placed on the next available School Board agenda, as an Action Item, for review and adoption.

## SCHOOL BOARD BYLAWS

## INTERNAL OPERATIONS

§2-33      Naming Rights for School Facilities and Programs

School facilities such as gymnasiums, playing fields, libraries, science labs, etc. and programs may be named for a term certain by the Loudoun County School Board in recognition of significant educational contributions.

The Loudoun County School Board shall not sell the naming rights to any school facility or program.

## SCHOOL BOARD BYLAWS

§2-34      Petition for Court Review

Any parent, custodian, or legal guardian of a pupil attending Loudoun County Public Schools who is aggrieved by an action of the School Board may, within thirty days after such action, petition the circuit court to review the action of the School Board. The action of the School Board shall be sustained unless the School Board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion.

Notice of this provision shall be included in the Students' Rights and Responsibilities handbook.

It also shall be included in any letter notification to a student or parent of a decision by the School Board, or a committee thereof, made in accordance with the provisions of Policy § 2-20 or § 2-27.

Legal Reference: Code of Virginia §§ 22.1-87 and 22.1-253.13:7

Adopted: 10/13/09

CHAPTER 3  
ADMINISTRATION

ARTICLE I:           IN GENERAL

- §3-1           Equal Opportunity
- §3-2           Sex Discrimination
- §3-3           Non-Discrimination on the Basis of Disability
- §3-4           Wellness
- §3-5           Reserved

ARTICLE II:         DIVISION SUPERINTENDENT

- §3-6           Appointment
- §3-7           Oath
- §3-8           Punishment
- §3-9           Expenses
- §3-10          Records
- §3-11          To Attend Meetings of School Board
- §3-12          Powers and Duties
- §3-13          Evaluation

## ADMINISTRATION

## IN GENERAL

§3-1      Equal Opportunity

The School Board of Loudoun County affirms a commitment to the principle of equal educational and employment opportunities for all people regardless of race, color, sex, pregnancy, childbirth or related medical conditions, marital status, age, religion, national origin, disability, or genetic information.

It is the express intent of the School Board of Loudoun County that every policy, practice, and procedure shall conform to all applicable requirements of federal and state law.

Legal Reference: Code of Virginia § 2.2-3900

Adopted: 6/8/76

Revised: 6/22/93

Current Revision: 4/13/11



POLICY  
ADMINISTRATION

§3-2  
(a)

IN GENERAL

§3-2        Sex Discrimination

In compliance with Title IX of the Educational Amendments of 1972, the School Board of Loudoun County has adopted the following procedures for investigating sex discrimination within the district.

A.        Employees

Any employee who believes that, because of his or her sex, he or she has been deprived of participation or benefits or was otherwise discriminated against shall follow the Policies and Regulations of Loudoun County Schools in resolving such a complaint.

All employees will follow Policies §7-2, Sexual Discrimination/Harassment, §7-3 Complaints-Injury, Wrong, Unfairness and/or §7-4 Procedure for Adjusting Grievances in communicating any complaint alleging non-compliance with Title IX.

B.        Parents and Students

1. Any parent or student who believes that because of his or her sex, he or she has been deprived of participation or benefits, or was otherwise discriminated against shall discuss the alleged grievance with the principal of the school involved within ten (10) working days following the time when the parent or student gained knowledge of the occurrence. The principal shall attempt to adjust the grievance and shall respond verbally within five (5) working days of the discussion.
2. If the grievance is not resolved to the satisfaction of the affected party through the procedure of paragraph 1, the aggrieved shall, within ten (10) working days, submit such grievance, in writing, to the Title IX Coordinator, the Assistant Superintendent for Personnel Services, for his/her resolution. The Title IX Coordinator shall attempt to adjust the grievance and shall reply in writing within fifteen (15) working days following presentation of the grievance.
3. If the grievance is not resolved to the satisfaction of the affected party through the procedures of paragraph 2, the aggrieved shall within five (5) working days, submit such grievance in writing to the Division Superintendent for his/her resolution. The Division Superintendent shall reply in writing within fifteen (15) working days following presentation of the grievance.

(continued)

POLICY  
ADMINISTRATION

§3-2  
(b)

IN GENERAL

§3-2        Sex Discrimination (continued)

4.        Any grievance of a parent or student that has been properly processed through paragraph 3 and has not been settled at the conclusion thereof may be appealed to the School Board by the aggrieved serving written notice of his/her intention to appeal to the School Board within ten (10) working days of the conclusion of paragraph 3. The School Board shall, within twenty (20) working days, hold a hearing on such grievance. After the close of the hearing, the Board shall, within five (5) working days, issue a written decision and the decision of the School Board shall be final.

NOTE: Working days as used in these procedures shall mean days in which the offices of the School Board of Loudoun County are open to transact business.

Legal Reference: Code of Federal Regulations, 34 C.F.R. Part 106

Adopted: 6/8/76  
Revised: 6/22/93  
Current Revision: 4/13/11

## ADMINISTRATION

## IN GENERAL

§3-3        Non-Discrimination on the Basis of Disability

No otherwise qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance. For purposes of this policy, a qualified disabled person shall be one who satisfies the definition set forth in the Rehabilitation Act of 1973 and its implementing regulations.

The Assistant Superintendent of Pupil Services is designated as Coordinator for the implementation of this policy.

The Division Superintendent shall adopt regulations to implement this policy.

ADMINISTRATION

IN GENERAL

**REGULATION**

§3-3      Non-Discrimination on the Basis of Disability

A.      Hearing Procedures

1.      Issues Giving Rise to a Hearing

A hearing may be requested by any current student or employee over any complaint alleging discrimination based on disability, including complaints concerning the identification, evaluation, and educational placement of students.

2.      Requesting a Hearing

Requests for hearings shall be made in writing and directed to the Coordinator. A hearing must be requested within ninety (90) days of the dispute giving rise to the hearing.

3.      Appointment of a Hearing Officer

A hearing officer will be appointed on a rotating basis by the Coordinator from the list of special education hearing officers maintained by the Supreme Court of Virginia. The hearing officer must be appointed within one week of receipt of a request for a hearing.

B.      Pre-hearing Procedures

1.      The hearing officer is responsible for the following matters prior to the hearing:

- a.      Scheduling the hearing date and location and notification to the parties.
- b.      Ascertaining whether the parties will be represented at the hearing.
- c.      Ascertaining whether the hearing will be open or closed.
- d.      Insuring that the hearing is accurately recorded either by recording equipment or by a court reporter.

2.      A list of documents and witnesses must be exchanged by the parties one week prior to the hearing and copies provided to the hearing officer.

(continued)

ADMINISTRATION

IN GENERAL

**REGULATION**

§3-3      Non-Discrimination on the Basis of Disability (continued)

3.      Pre-hearing conferences should be held, if appropriate.

C.      Hearing Procedures

1.      The parties have the following rights in a hearing:
  - a.      to be represented by counsel;
  - b.      to present evidence and cross-examine witnesses;
  - c.      to prohibit the introduction of evidence that has not been disclosed in advance;
  - d.      to obtain a copy of the transcript or a tape recording of the hearing (the cost of the transcript to be borne by the requesting party).
2.      For hearings requested on behalf of students, the student may attend the hearing.
3.      The hearing officer shall insure in connection with the hearing the following matters:
  - a.      An atmosphere conducive to impartiality and fairness.
  - b.      The appointment of a surrogate parent by the school division, if appropriate, pursuant to the regulations adopted by the State pursuant to the Education of All Handicapped Children Act.
  - c.      Maintenance of an accurate record of the proceedings.
  - d.      Issuance of a written decision to all parties setting forth findings of fact and conclusions of law based on the evidence presented in the hearing.
  - e.      The decision must be issued within forty-five (45) calendar days of receipt of the request for a hearing, unless continued for good cause at the request of a party.

(continued)

ADMINISTRATION

IN GENERAL

**REGULATION**

§3-3 Non-Discrimination on the Basis of Disability (continued)

- f. Assignment of the burden of proof to the party requesting a change in the status quo.
- g. The hearing officer shall hold all records for thirty (30) days after issuance of a decision. In the event an appeal is noted, the Coordinator will advise the hearing officer of the name and address of the reviewing officer. The hearing officer shall transmit the record to the reviewing officer within three (3) days of the request. In the event no appeal is made, the hearing officer shall return the record to the Coordinator.

D. Review Procedure

- 1. An appeal may be noted by an aggrieved party by filing a written notice with the Coordinator within thirty (30) days of the date of the decision issued by the hearing officer.
- 2. A reviewing officer must be appointed by the Coordinator from the same list from which the initial hearing officer was appointed and within one week of receipt of the request for review.
- 3. The reviewing officer shall:
  - a. examine the record of the hearing;
  - b. seek additional evidence, if necessary;
  - c. afford the opportunity for written or oral argument;
  - d. advise the parties of the right to be represented by counsel during the review proceedings; and
  - e. issue a written decision.
- 4. The reviewing officer shall uphold the initial decision unless it is found to be arbitrary or capricious, contrary to law, or not supported by substantial evidence.

(continued)

ADMINISTRATION

IN GENERAL

**REGULATION**

§3-3      Non-Discrimination on the Basis of Disability (continued)

5.      The reviewing officer's decision must be issued within thirty (30) days of receipt of the request for an appeal, unless continued for good cause at the request of a party. A copy of the decision must be sent to all parties.
6.      The record of the administrative hearing shall be sent by the reviewing officer to the Coordinator upon the issuance of the decision.
7.      The Coordinator is responsible for maintaining all records of hearings and transmittal to court in the event of judicial proceedings.

E.      Identification, Evaluation and Placement Procedure for Students

1.      General

The Assistant Superintendent of Pupil Services is responsible for locating and identifying disabled students. In furtherance of this policy the Coordinator shall insure:

- a.      Disabled students are located.
  - (1)      Efforts are to be made annually to locate and identify qualified disabled persons residing in the school division who are not receiving a public education presently.
  - (2)      Notice of the availability of services and the types and location of services should be sent to nearby private schools, pediatricians and the Health Department.
- b.      Parents or guardians of the disabled are to be given notice of their rights.
  - (1)      Parents or guardians of the disabled are notified of their rights at least annually and, in all cases, prior to evaluation and placement.
  - (2)      Parents or guardians of the disabled are to be notified of their rights prior to any significant change in placement.

(continued)

ADMINISTRATION

IN GENERAL

**REGULATION**

§3-3 Non-Discrimination on the Basis of Disability (continued)

- c. Appropriate educational opportunities are to be made available to disabled students.
  - (1) Each qualified disabled student is entitled to a free appropriate public education.
  - (2) To the maximum extent appropriate, the disabled student shall be educated with the non-disabled.
  - (3) Evaluations of the student are to be made prior to providing services.
  - (4) Periodic reevaluations are to be made when necessary and, in every case, prior to a significant change in program.
- d. Hearing procedures must be available in the event of a dispute. The School Board or parents or guardians may request a hearing over disputes concerning the identification, evaluation or educational placement of persons who because of disability need, or are believed to need, special instruction or related services.
- e. Procedural safeguards shall include notice of:
  - (1) the right of access to educational records; and
  - (2) the availability of an impartial hearing.

2. Identification and Evaluation of Students

- a. Those of school age residing in the school division suspected of being disabled shall be referred to the Coordinator.
- b. The Coordinator shall see that an evaluation of the student's educational needs is made if it appears that the student might be disabled.

(continued)



ADMINISTRATION

IN GENERAL

**REGULATION**

§3-3 Non-Discrimination on the Basis of Disability (continued)

- c. The evaluation may consist of the following written components:
  - (1) medical
  - (2) psychological
  - (3) educational
  - (4) socio-cultural
  - (5) others as appropriate to the student's suspected disability.
- d. Tests utilized for the evaluation process must be properly validated, administered by trained personnel, and assess areas of education needs.
- e. The evaluation and identification process must be completed within sixty-five (65) administrative working days of the referral.
- f. Following completion of the evaluations, a Section 504 Evaluation Committee shall meet. The Evaluation Committee shall be composed of individuals who represent the various evaluation components and others as designated by the Coordinator. Some of the members must be familiar with the student.
- g. The parents shall be encouraged to present information relevant to the identification issue for consideration by the Evaluation Committee.
- h. The Section 504 Evaluation Committee is responsible for determining the following:
  - (1) whether the student is disabled;
  - (2) the type of disability; and
  - (3) the effect of any disability on the student in the school setting.

(continued)

ADMINISTRATION

IN GENERAL

**REGULATION**

§3-3      Non-Discrimination on the Basis of Disability (continued)

- i.      Minutes of the Section 504 Evaluation Committee meeting shall be maintained setting forth the justification for the decision.
- j.      Parents may be invited, in the discretion of the Coordinator, to attend the Section 504 Evaluation Committee meeting.

3.      Placement of Students

- a.      For students who are identified as disabled by the Section 504 Evaluation Committee, a Section 504 Educational Plan ("Section 504 Plan") shall be developed to incorporate the services that the student needs in the educational setting.
- b.      The Section 504 Plan shall be developed with the participation of the parent, a school administrator, and a teacher.
- c.      If the parent attends the Section 504 Evaluation Committee meeting, the Section 504 Plan may be developed at that time by the Evaluation Committee.
- d.      The Section 504 Plan must be developed within thirty (30) days of identification of the student by the Section 504 Evaluation Committee.
- e.      No placement in special services may be made prior to the development of the Section 504 Plan.
- f.      Changes in placement for identified disabled students which result from disciplinary action shall be handled pursuant to the procedures utilized for students identified as disabled under the EHA.

## ADMINISTRATION

## IN GENERAL

§3-4 Wellness

Loudoun County Public Schools will promote practices that enhance students' and employees' health, safety, and well-being; that support safe learning and working environments; and that improve nutrition and promote physical fitness through lifetime activities. These practices shall include goals to improve nutrition education and other school based activities designed to promote student wellness.

In order to promote student health and reduce childhood obesity, foods made available on campus will comply with applicable USDA regulations. Guidelines for reimbursable school meals shall not be less restrictive than the requirements of the Child Nutrition Act and National School Lunch Act.

The implementation of this policy shall be measured through periodic reports by appropriate staff as designated by the Superintendent.

## ADMINISTRATION

## DIVISION SUPERINTENDENT

§3-6        Appointment

The Division Superintendent shall be appointed by the School Board from the list of eligibles certified by the State Board of Education. The contract terms of all division superintendents shall expire on June 30. The Division Superintendent shall serve an initial term of not less than two years nor more than four years. At the expiration of the initial term, the Division Superintendent shall be eligible to hold office for a term specified by the School Board not to exceed four years.

The School Board shall appoint the Division Superintendent within sixty days before March 1 of the year the incumbent's term expires or within 180 days after a vacancy occurs other than the expiration of term. If the School Board fails to appoint a person within 120 days of a vacancy occurring other than by expiration of term, it must submit a written report to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment.

In the event that the School Board fails to appoint a Division Superintendent within the time allowed, the State Board of Education shall make an appointment.

Legal Reference: Code of Virginia §§22.1-59, 22.1-60, 22.1-61

Adopted: 6/22/93

ADMINISTRATION

DIVISION SUPERINTENDENT

§3-7      Oath

Before entering upon the duties of office, the Division Superintendent shall take and subscribe the oath prescribed for an officer of the Commonwealth, and a certificate of the clerk of the court in which the oath is administered setting forth the qualification and its record shall be furnished to the Superintendent of Public Instruction.

Legal Reference: Code of Virginia §22.1-64

Adopted: 6/22/93

Current Revision: 1/22/2001

## ADMINISTRATION

## DIVISION SUPERINTENDENT

§3-8        Punishment

The Division Superintendent may be assessed a reasonable fine, suspended from office for a limited period, or removed from office by either the State Board of Education or the School Board for sufficient cause. The Division Superintendent may appeal such fine, suspension, or removal from office and shall be entitled to a trial de novo on such appeal of whether there was sufficient cause therefore.

Legal Reference: Code of Virginia §22.1-65

Adopted: 6/22/93

ADMINISTRATION

DIVISION SUPERINTENDENT

§3-9        Expenses

The School Board shall provide for the necessary traveling and office expenses of the Division Superintendent, who shall keep detailed records of such expenses.

Legal Reference: Code of Virginia §22.1-67

Adopted: 6/22/93

ADMINISTRATION

DIVISION SUPERINTENDENT

§3-10      Records

The Division Superintendent shall ensure that an accurate record of all receipts and disbursements of school funds and all statistical information required by the State Board of Education is kept.

Legal Reference: Code of Virginia §22.1-68

Adopted: 6/22/93



## ADMINISTRATION

## DIVISION SUPERINTENDENT

§3-11      To Attend Meetings of School Board

The Division Superintendent or, in his/her absence or inability to attend, a person designated by him/her and approved by the School Board shall be present at all meetings of the School Board except that, on affirmative vote of a majority of the members of the School Board, attendance of the Division Superintendent or his/her designee may be dispensed with at a special meeting of the School Board. If matters pertaining to the Division Superintendent personally are under discussion at any such meeting, he/she shall remain subject to the call of the School Board.

Legal Reference: Code of Virginia §22.1-69

Adopted: 6/22/93

## ADMINISTRATION

## DIVISION SUPERINTENDENT

§3-12      Powers and Duties

The Division Superintendent is a supervising official who exercises powers involving a considerable degree of judgment and discretion. He/She is charged with performing duties prescribed by law, by the School Board and by the State Board of Education. In addition, he/she is charged with seeing that the actions and intentions of the School Board are carried out. He/She must carry out these policies of the School Board and is authorized to supplement them with regulations where necessary.

The other administrators and supervisors derive their authority from the Division Superintendent and carry out the duties assigned by him/her or the School Board.

Legal Reference: Code of Virginia §22.1-70

Adopted: 6/22/93

## ADMINISTRATION

## DIVISION SUPERINTENDENT

§3-13      Evaluation

The Division Superintendent shall be evaluated on an annual basis in accordance with Section 22.1-60.1 of the Code of Virginia. The Loudoun County School Board shall use the Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Superintendents. (Division of Teacher Education and Licensure, Virginia Department of Education) The School Board may add any additional criteria as deemed appropriate.

Adopted: 3/13/2001

## CHAPTER 4

### BUSINESS

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#### ARTICLE III: INVENTORY/TECHNOLOGY

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#### ARTICLE IV: PURCHASING

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§4-32	Reserved
§4-33	Reserved
§4-34	Reserved

## BUSINESS

## INCOME

§4-1      Tuition Fees

The tuition cost for out-of-state students shall not exceed the total per capita cost of education, exclusive of capital outlay and debt service for Loudoun County Public Schools as referenced in the State Code of Virginia 22.1-5.

The tuition cost for out-of-county Virginia students admitted to Loudoun County Public Schools as provided in School Board Policy §8-21, shall be based on the State calculation of local share of revenue divided by the adjusted average daily membership.

Data required for this calculation shall be obtained from the Annual School Report submitted to the Commonwealth of Virginia each year.

Legal Reference: Code of Virginia § 22.1-5

Adopted: 8/11/70

Revised: 8/3/73, 7/13/76, 5/10/94, 1/9/07

Confirmed: 10/13/09

## BUSINESS

## FUNDS

§4-6        Insurance Management

The School Board shall maintain such insurance on school property, including vehicles, as it deems necessary or as is required by law. The Board may provide liability insurance, or may provide self-insurance, for certain or all of its officers and employees and for student teachers and other persons performing functions or services for any school in the school division regardless of whether payment is made for such functions or services. Such insurance, including workers' compensation and all property and casualty insurance, shall be placed with insurance companies authorized to do business in Virginia or provided by insurance pools, groups, or self-insured programs authorized by the state Bureau of Insurance.

The Assistant Superintendent of Business & Financial Services shall be responsible for administering the insurance program for the School System. The School Board shall approve the insurance carrier(s).

Legal Reference: Code of Virginia §§22.1-84; 22.1-188 through 22.1-198

Adopted: 8/11/70

Revised: 5/10/94, 7/1/97

Current Revision: 5/25/10

POLICY  
BUSINESS

§4-7  
(a)

FUNDS

§4-7      Fiscal Responsibility

The purpose of this policy is to ensure that a high level of fiscal responsibility and controls are maintained for funds entrusted to the Loudoun County Public Schools. To accomplish this purpose with effective and efficient operating procedures as defined in the “Business and Financial Services Procedures Manual” and the “Loudoun County Public Schools School Activity Funds Administrative and Accounting Manual”.

The Superintendent and the Assistant Superintendent for Business and Financial Services, as the Chief Financial Officer of the school system shall ensure that a high level of fiscal responsibility and controls are maintained for funds entrusted to the Loudoun County Public Schools. The Superintendent shall designate account managers with budget accountability through the designated reporting relationship to the Superintendent of Schools.

The fiscal controls developed by the Assistant Superintendent for Business and Financial Services and the Superintendent shall ensure that the School Board will not expend or contract to expend, in any fiscal year, any sum of money in excess of the funds appropriated for school purposes for that fiscal year without the consent of the governing body (Board of Supervisors) appropriating funds to the School Board.

The annual budgetary appropriations for the Operating, Food Services, Capital Improvement, and Capital Asset Preservation funds are the basis for the operation of the school system.

Financial controls and fiscal reporting shall conform to the laws of the Commonwealth of Virginia Generally Accepted Accounting Principles (GAAP) as promulgated by the Government Accounting Standards Board (GASB), the Auditor of Public Accounts of the Commonwealth of Virginia (APA) and local policy.

(continued)

POLICY  
BUSINESS

§4-7  
(b)

FUNDS

§4-7      Fiscal Responsibility (continued)

Operating budget transfers in excess of \$50,000 that deviate from the purpose designated by the School Board in the appropriated Operating Budget shall be submitted for consideration to the Finance & Facilities Committee and for final approval by the School Board. The Assistant Superintendent for Business and Financial Services may transfer funds as required during the year end closing process. Such transfers shall be reported to the Superintendent and the School Board at the August meeting of the Finance & Facilities Committee and the full School Board in August at its regular August meeting. All supplemental appropriation requests shall be approved by the School Board prior to Board of Supervisor action.

The Assistant Superintendent for Business and Financial Services shall insure that a position control system is maintained and that a budgeted position exists for all newly hired full time personnel. Subsequent to the School Board adopting the budget, the Superintendent may authorize additional positions. Such changes shall be reported to the School Board through the Finance & Facilities Committee.

Legal reference: Code of Virginia § 22.1-91

Adopted: 1/9/07  
Revision: 10/13/09



## BUSINESS

## FUNDS

§4-8      Annual Operating Budget

## Budget Development

1. The Superintendent shall prepare, and with the approval of the School Board, submit to the governing body (Board of Supervisors), by the date specified in §15.2-2503 of the Virginia Code, the estimate of the amount of money deemed to be needed during the next fiscal year for the support of the public schools of the school division. The estimate shall set up the amount of money deemed to be needed for each major classification prescribed by the Board of Education and such other headings or items as may be necessary.

2. It shall be the policy of the Loudoun County Public Schools to prepare a budget annually that reflects the estimated amount of money deemed needed to support the public schools of the school division during the next fiscal year.

3. The Superintendent shall establish regulations in conjunction with the Assistant Superintendent for Business and Financial Services to implement this policy for periodic review of the current budget to include statements and analyses of all funds.

BUSINESS

FUNDS

**REGULATION**

§4-8        Annual Operating Budget

A.        Budget Development

1.        A budget preparation manual shall be prepared annually. The manual shall prescribe procedures for the orderly development and approval of the budget. It will be used by account managers in preparing budget requests. The annual budget development will consider salary and benefit savings resulting from normal workforce turnover (lapse and turnover).

2.        The budget documents shall include a description of the planned programs and activities of the school division and shall express requirements in terms of both human and financial resources.

3.        The Operating budget shall be developed incorporating operating costs associated with capital projects as approved in the Capital Improvement Program.

B.        Review of the Budget

1.        The School Board shall approve an annual board calendar including public hearings on the Superintendent's proposed budget, review the budget in detail in a series of workshops open to the public, and adopt a budget request for submission to the Loudoun County Board of Supervisors.

C.        Periodic Financial Reports

1.        Initial Budget Review – Monthly financial reports as of the end of October shall be the basis for the initial budget review each year. Revenue and expenditure adjustments from the approved budget may result from variances between projected and actual school membership, carryover funding from open encumbrances and grants from the prior fiscal year, and supplemental appropriations. A report (see attached sample report) of the adjustment items to the revised appropriated budget will be provided to the School Board in the initial review.

2.        Third Quarter Review – Monthly financial reports as of the end of March shall be the basis for the third quarter budget review. A report of revenue and expenditure variances shall be provided to the School Board in the third quarter budget review (see attached sample report).

BUSINESS

FUNDS

**REGULATION**

§4-8      Annual Operating Budget (continued)

3.      Final Budget Review – An annual notice containing the year-end calendar shall be published to advise account managers of deadlines for submitting routine orders for materials and services and for processing budget adjustments. This schedule will facilitate closeout of all budget accounts. Orders encumbered prior to the deadline will be carried over into the next fiscal year along with appropriated funds to cover the encumbrance. A report of revenue and expenditure variances (see attached sample report) will be provided to the School Board in the final budget review.

Legal Reference: Code of Virginia § 22.1.92

Issued:      1/9/07  
Revised:     2/12/08

POLICY

§4-9

BUSINESS

FUNDS

§4-9      Petty Cash

Petty cash funds are permitted and regulated by state law as referenced by Virginia State Code 22.1-123; 15.2-1229; 2.2-1824. The State regulations provide the following stipulations:

- Maximum dollar limit
- Surety bond coverage for every employee handling the fund
- Requirement for School Board approval for the reimbursement of this fund

Acceptable accounting procedures must be followed to maintain the fund, and adequate control and security must be provided.

Legal Reference: Code of Virginia §§ 22.1-123; 15.2-1229; 2.2-1824

Adopted: 8/3/73  
Revision: 5/10/94, 1/9/07  
Confirmed: 10/13/09

## BUSINESS

## FUNDS

§4-10      Capital Improvement Program

A.      The superintendent shall prepare, and with the approval of the School Board, submit to the governing body (Board of Supervisors), by the date specified in §15.2-2503 of the Virginia Code, the estimate of the amount of money deemed to be needed for the Capital Improvements Program of the school division.

B.      The Capital Improvement Program budget shall provide a multi-year forecast by which the facilities required to support educational programs are planned, financed, and constructed. The projects shall be based on educational program requirements, School Board approved educational policy standards, and the adequacy of existing facilities to accommodate present and proposed educational programs. Student enrollment and county population trends will be incorporated in project recommendations.

C.      The Superintendent shall make a recommendation to the School Board to close completed capital projects. This recommendation shall be submitted to the School Board two years following the school opening for students, with an interim report to the school board one year following the opening of the school for students.

D.      The School Board will approve surplus capital funds to be returned to the County.

Adopted:      1/9/07

## BUSINESS

## FUNDS

§4-11      Student Activity Funds

The purpose of this policy is to ensure that adequate fiscal responsibility and control are maintained for funds entrusted to the Loudoun County Public Schools with effective and efficient operating procedures as defined in the Business and Financial Services Procedures Manual and the Loudoun County Public Schools School Activity Funds Administrative and Accounting Manual.

A.            Fiscal Responsibility

Student Activity Funds are all funds received from extra-curricular school activities, such as athletics, club dues, fund raisers, pictures, yearbooks, etc. Each school shall keep an accurate and complete record of all receipts and disbursements so that a clear and concise statement of the condition of each fund may be determined at all times. It shall be the duty of each principal to ensure that such records are maintained in accordance with the guidelines set forth in the Loudoun County Public Schools Student Activity Funds Administrative and Accounting Manual. The principal or person designated by him/her shall perform the duties of the school finance officer or central treasurer.

B.            Investments:

Each Loudoun County Public School shall be required to establish a checking account at a local bank near their respective school for the purpose of administering the transactions of their school activity funds. The School Board authorizes the Principal to open a savings account, money market account, or a certificate of deposit insured by the Federal Deposit Insurance Corporation (FDIC) in the name of the school if the Principal determines in cooperation with Assistant Superintendent for Business and Financial Services that there are idle funds at the school. The School Board does not permit the Principal to maintain any other types of investments.

C.            Annual Audit:

An annual audit of these funds shall be performed by an independent audit firm appointed by the School Board.

Legal Reference: 8VAC20-240-10, *et seq.*

Adopted: 8/11/70

Revised: 5/10/94, 1/9/07

Current Revision: 10/13/09

## BUSINESS

## FUNDS

§4-12      Procedures for Reporting and Investigating Fraud and EmbezzlementA.            Roles and Responsibilities

1.      Management: Account Managers of LCPS shall be familiar with the content of this Regulation and the types of improprieties that could occur within their areas of responsibilities. Account Managers shall also be responsible for implementing required procedures to assure the safety and security of LCPS' assets, revenue and financial data. Any irregularity that is detected or suspected shall be reported immediately to their Supervisor and the Director of Financial Services.

2.      All Employees: Any employee who has knowledge of an occurrence of employee fiscal dishonesty, theft or fraud, shall notify their immediate supervisor. The supervisor should contact the Principal or Department Head, who will then contact the Director of Financial Services. Any employee may contact the Director of Financial Services directly if the situation warrants.

3.      Department of Business and Financial Services: The Assistant Superintendent for Business and Financial Services, as the chief financial officer, is charged with stewardship of the cash assets of the school system. This Department shall be responsible for establishing and monitoring internal controls over cash management that will detect or prohibit fraud and embezzlement.

4.      Risk Management: When there is suspected fraud, embezzlement or fiscal dishonesty, the Office of Financial Services will immediately notify the current commercial crime insurer of a possible loss situation.

5.      Law Enforcement Agency: When there is suspected fraud, embezzlement or fiscal dishonesty, the Department of Business and Financial Services will contact the appropriate law enforcement agency for conducting a criminal investigation.

## BUSINESS

## INVENTORY

§4-20      InventoryA.            Capitalized Assets

All LCPS furniture and equipment purchases valued at \$5,000 or more shall be recorded in the fixed asset system. Donations or purchases with funds provided from sources other than Loudoun County Public School funds must be reported to the Division of Accounting. The building administrator is responsible for the capital assets assigned to his/her school, or administrative office(s).

The Division of Accounting shall transmit a capitalized asset report to each building administrator at least once a year. That report shall be reviewed for completeness and accuracy by the building administrator, noting any changes and returned to the Division of Accounting. An examination of the capitalized fixed assets is included in the scope of the annual audit performed by the independent audit firm appointed by the Board of Supervisors.

B.            Other Inventory

The building administrator is responsible for the accurate inventory of all audiovisual equipment, textbooks, library books, cafeteria commodities, technology including computers, printers and furniture regardless of value. Various federal, state and local reports require this information periodically.

The Division of Accounting is responsible for the input to the master capitalized assets file and for the accuracy of the data generated from the file.

Adopted: 8/3/73

Revision: 5/10/94, 1/9/07

Confirmed: 10/13/09



POLICY

§4-22

BUSINESS

TECHNOLOGY

§4-22      Technology Use, Management & Support

It is the policy of the Loudoun County Public Schools to put in place regulations and procedures to address the proper use, management, security and support of all technology used across the School Division. The regulations and procedures shall cover all employees, students, and agents acting on behalf of the School Division.

Adopted: 1/12/10

## BUSINESS

## PURCHASING

§4-23      Authority and Responsibility

It is the intent of the Loudoun County School Board to obtain high quality goods and services at a reasonable cost and to conduct its purchasing procedures in a fair and impartial manner without impropriety or the appearance of impropriety. Maximum feasible competition will be sought, giving all qualified vendors access to School Board business with no offeror arbitrarily or capriciously excluded.

The provisions of the Virginia Public Procurement Act, as amended from time to time, which are mandatory for school divisions are hereby incorporated and adopted as the policy of the Loudoun County School Board.

The Purchasing Agent shall serve as the principal purchasing official for Loudoun County Public Schools and shall be responsible for the procurement of goods and services, with the exception of construction, the responsibility for which shall reside with the Assistant Superintendent for Support Services. The Purchasing Agent shall be appointed, supervised and subject to the direction of the Division Superintendent or his/her designee.

All contact between offerors or prospective offerors shall be only with the Purchasing Agent or other designated employee of the Loudoun County School Board. No offeror or potential offeror shall initiate or engage in any discussions with any other employee of the School Board or any member of the School Board while a solicitation is outstanding concerning the contents of such solicitation or with the intent to influence or interfere with the contract award authorized by and described in such solicitation. A violation hereof may result in a disqualification of such offeror.

Legal References: Code of Virginia §§ 2.2-4300; 2.2-4302; 2.2-4343

Adopted: 5/10/94

Current Revision: 1/9/07

Confirmed: 10/13/09

PURCHASING

§4-24      Methods of Procurement

A.            Cooperative Purchasing

For the purpose of increasing efficiency and/or reducing administrative expenses, the Loudoun County School Board may join and participate in cooperative procurement agreements with one or more other public bodies or agencies of the United States.

The Loudoun County Public Schools may participate in or purchase goods and services through contracts awarded by other governmental bodies when it is determined by the Purchasing Agent that such use is in the best interest of Loudoun County Public Schools and the contract is based on competitive principles.

B.            Competitive Sealed Bidding and Competitive Negotiation

Except as permitted by law, contracts with non-governmental contractors for the purchase or lease of goods or services which in the aggregate are \$50,000 or more shall be awarded after competitive sealed bidding or competitive negotiation conducted by the Purchasing Office or in the case of construction by the Construction Office.

In the formal bid process the Purchasing Office will work with the user department in the specification writing, bid analysis and award recommendation.

C.            Small Purchases

Purchases of less than \$50,000 but for \$30,000 or more shall require the written informal solicitation of a minimum of four bidders or offerors.

Purchases of less than \$30,000 but \$15,000 or more will be made by solicitation of informal bids or quotations, preferably in writing, from three or more sources, if available, by the user department.

The splitting of a known requirement for like items into two or more purchases for the purpose or with the intention of circumventing the purchasing procedures is strictly prohibited.

## BUSINESS

## PURCHASING

§4-24 Methods of Procurement (continued)

Procurement Cards may be used as a means of efficiency to purchase goods which fall into the "Small Purchase" category as outlined in this policy. The Procurement card is not intended to replace the standard Purchase Order procedures but rather enable LCPS to procure items which are not normally requisitioned in large quantity or stocked in a consumable inventory in an efficient manner. Procurement cards are to be used in accordance with established provisions of the Virginia Public Procurement Act and School Board policy.

D. Sole Source Procurement

Sole source procurement may be made without formal sealed bidding or competitive negotiation on the basis of a written determination that only one source is practicably available. Notice will be posted on designated bulletin boards at the Administration Building on the day the contract is awarded or the decision to award is announced, whichever occurs first.

E. Emergency Procurement

Emergency procurement may be made without formal sealed bidding or competitive negotiation with a written determination of the basis for the emergency, identification of what is being procured, the contractor selected, and the date of the contract award. Notice will be posted on designated bulletin boards at the Administration Building on the day the contract is awarded or the decision to award is announced, whichever occurs first, or as soon thereafter as is practicable.

F. Public Auction

The School Board authorizes staff to purchase goods, products or commodities from various public auction sales in an effort to secure such items at a savings when compared to the acquisition of the same or similar new items. Such purchases shall be made if it is deemed to be in the best interest of the public to do so, within budget, and set forth in writing.

(continued)

## BUSINESS

## PURCHASING

§4-24        Methods of Procurement (continued)

G.            Barter

In the event LCPS procures equipment, services, or leases valued in excess of a fair market value of \$50,000 by means of barter, credit or exchange; all such transactions shall be reported to the School Board.

Legal References: Code of Virginia §2.2-4303, §2.2-4304

Adopted: 5/10/94, 3/24/98, 1/9/07

Current Revision: 3/9/10

## BUSINESS

## PURCHASING

§4-26      Remedies in Bids and Awards

The Loudoun County School Board requires that all bids be conducted in a fair and impartial manner. All qualified bidders shall have access to public business and have a means to appeal or protest any complaint.

An appeal or protest shall be submitted within ten days of the award or the announcement to award, whichever occurs first, to the Division Superintendent, as the designee of the School Board, who will review the matter and provide a written determination within ten days. This decision shall be final unless within ten days the bidder or offeror institutes legal action as provided in Section §2.2-4364 of the Code of Virginia.

A.      Withdrawal of Bid Due to Error

A bidder may withdraw his/her bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which can be clearly shown by objective evidence drawn from inspection of original working papers, documents and materials used in the preparation of the bid sought to be withdrawn. The following procedure shall be used to request withdrawal of a bid: Requests shall be submitted and delivered to the Purchasing Agent or his/her representative in writing. For construction bids, the bidder shall give notice in writing of his/her claim of right to withdraw his/her bid within two business days after conclusion of the bid opening. Bidders for other than construction contracts shall give notice in writing of his/her claim of right to withdraw his/her bid within ten business days after the bid opening.

The Division Superintendent shall make the decision as to whether the bid may be withdrawn on contracts of less than \$100,000. On contracts of \$100,000 or more the School Board will make the determination. A decision denying withdrawal of bid shall be final and conclusive unless the bidder appeals the decision within ten days after receipt of the decision by instituting legal action as provided in Section §2.2-4364 of the Code of Virginia.

## BUSINESS

## PURCHASING

§4-26        Remedies in Bids and Awards (continued)

If a bid is withdrawn under the authority of this section, the lowest responsive and responsible remaining bid shall be deemed to be the low bid. No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the contract is awarded or otherwise benefits, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

B.            Determination of Non-responsibility

Any bidder who, despite being the apparent low bidder, is determined not to be a responsible bidder for a contract which is less than \$100,000 shall be notified in writing by the Division Superintendent. If the contract is \$100,000 or more, the School Board shall make the determination of non-responsibility. In any case such notice shall state the basis for the determination, which shall be final unless the bidder within ten days institutes legal action as provided in Section §2.2-4364 of the Code of Virginia.

C.            Debarment

For unsatisfactory performance of a contract, a contractor may be debarred for specified periods of time from contracting for particular types of supplies or services. The Purchasing Agent will provide written notice of debarment to the contractor setting forth the reasons and period of time.

All rights of bidders, offerors, or contractors shall be governed by the Code of Virginia.

Legal References: Code of Virginia §§ 2.2-4330; 2.2-4358; 2.2-4360

Adopted: 5/10/94  
Revised: 1/9/07  
Confirmed: 10/13/09

## BUSINESS

## PURCHASING

§4-30 School Board Contract Approval

Procurement of goods and services in excess of fifty thousand dollars (\$50,000), and construction projects in excess of one hundred thousand dollars (\$100,000), or procurements considered of special interest will be presented to the School Board for award. The Purchasing Agent shall make all other awards that are within budget in accordance with applicable policies and laws.

A contract may include provisions for modification (change orders) of the contract during performance. A fixed price contract may not be increased by more than 25% of the amount of the contract or \$50,000, whichever is greater, without the advance approval of the School Board. No change order is permitted to relieve a vendor from any error made in the bid or proposal. A listing of all change orders shall be given to the School Board on a periodic basis.

Legal Reference: Code of Virginia § 2.2-4309 A

Adopted: 5/10/94  
Revision: 3/24/98, 1/9/07  
Confirmed: 10/13/09



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CHAPTER 5  
INSTRUCTION

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## INSTRUCTION

## IN GENERAL

§5-1 PhilosophyMISSION STATEMENT

The Loudoun County Public Schools are places where students receive a quality education in an environment which promotes individual growth and initiative. The staff works with the family and the community to foster students' intellectual, physical, social, moral, and ethical development consistent with the needs of productive citizens. A central element in this mission is to prepare students to live full and useful lives and to work confidently and cooperatively through democratic institutions to improve the quality of life for all people by:

1. Sustaining a school climate where academic achievement is valued, acknowledged, and advanced by the staff and parents and pursued with vigor by the students;
2. Creating a school climate which promotes strong positive self-concepts and generates interventions to ensure the continued personal growth of each student;
3. Securing a well qualified school staff whose role, central to the education of the children, is recognized and respected, and whose productive service will be acknowledged through continued support, fair compensation, and appreciation;
4. Teaching a curriculum of comprehensive studies in the elementary schools with increasing differentiation occurring in the middle and high schools to accommodate diverse personal and vocational interests;
5. Maintaining a physical and social environment which is conducive to the learning process;
6. Ensuring that the learning environment is one which gives students ample opportunity to develop critical thinking and problem solving skills;
7. Recognizing the differing needs and interests of individual students and providing appropriate topics of study and instructional activities which will enhance and stimulate each student's growth and development;
8. Instilling in each student those common values necessary for living and working together as responsible citizens in a democratic society; and
9. Fostering a broader understanding and appreciation of the school system in the community and stimulating closer links among teachers, students, and parents.

Adopted: 4/10/74

Revised: 10/11/88, 6/22/93, 11/8/94

Confirmed: 9/8/09

## INSTRUCTION

## IN GENERAL

§5-2      School Day

Schools in Loudoun County are in regular session for six hours and forty-five minutes including the mid-day intermission for lunch. For half-day kindergarten students, the school day is three hours and lunch is not served.

Adopted: 8/3/73

Revised: 6/22/93

Current Revision: 9/8/09

## INSTRUCTION

## CURRICULUM

§5-3      Daily Pledge of Allegiance

The Loudoun County School Board believes that students should learn the principles of liberty and democracy expressed in the Declaration of Independence and the Bill of Rights. The Board also believes that the daily Pledge of Allegiance to the flag helps students learn these principles. The principal of each school is directed to provide a program in each school for students to daily pledge allegiance to the flag of the United States of America.

The School Board recognizes that beliefs of some students prohibit participation in the Pledge of Allegiance. These students may be excused from participation in the Pledge. All students, however, are expected to show respect for the beliefs of others during the pledge. Students not wishing to participate in the Pledge of Allegiance may remain quietly seated or request to be briefly excused from the room.

Legal Reference: Code of Virginia §22.1-202.C

Adopted: 2/13/96

Revised: 9/8/09

POLICY

§5-4

INSTRUCTION

IN GENERAL

§5-4 Guidelines for Standardized Testing on Certain Days

Loudoun County Public Schools will not permit standardized testing on any day when it is foreseeable that a significant segment of the student body is expected to be absent for excused reasons, whether it be for religious observances or for school-sponsored trips and/or sporting events or any other excused absence.

## INSTRUCTION

## IN GENERAL

§5-5      Assessment and GradingA.      Philosophy

Assessment is the process of identifying the type and extent of learning. It determines whether the learner has reached the target objective(s). Assessment is specific. It measures the degree of mastery of the identified skill or concept and identifies specific gaps or misunderstandings in learning.

Grading is the process of assigning value to learning. This process permits the ranking and comparing of segments of learning or the ranking and comparing of learners.

Assessment and grading of student progress are based on the premise that students have diverse capabilities and individual patterns of growth and learning. Teachers and principals are responsible for developing instructional plans based on frequent and varied assessments of the students' needs, abilities, and progress. Assessment and grading activities should:

- Reflect individual differences and rates of learning
- Address the unique needs of special population students
- Make adjustments for transitional periods in students' lives including elementary to middle school and middle school to high school
- Reflect expectations for student learning
- Provide for student self-evaluation
- Encourage students to take an active role in setting goals and assessing progress
- Foster a positive self-image for the student

## INSTRUCTION

## IN GENERAL

§5-5 Assessment and Grading (continued)

- Address academic achievement, social development, and effort
- Inform all participants about the purpose, philosophy, and procedures of the reporting system
- Be easy to understand

B. Elementary Grading Procedures

The Elementary Report Card Manual describes the grading practices for grades K-5.

C. Grading Scales for Middle and High School

Since grades are reported in order to communicate student performance, it is important that a standard system be used. All grades given to middle and high school students should reflect the alphabetic and numeric values indicated below, and this scale is to be used in reporting grades on report cards and other scholastic records. The grading scale below was in effect beginning with the 2001-2002 school year through 2008-2009.

A+ = 100, 99, 98	D+ = 76, 75, 74
A = 97, 96, 95, 94, 93	D = 73, 72, 71, 70
B+ = 92, 91, 90	F = 69 and below
B = 89, 88, 87, 86, 85	
C+ = 84, 83, 82	
C = 81, 80, 79, 78, 77	

The grading scale below is effective beginning with the 2009-2010 school year.

A+ = 98 – 100	C+ = 77 – 79
A = 93 – 97	C = 73 – 76
A- = 90 – 92	C- = 70 – 72
B+ = 87 – 89	D+ = 67 – 69
B = 83 – 86	D = 63 – 66
B- = 80 – 82	D- = 60 – 62
	F = 0 – 59

Adopted: 12/10/85

Revised: 6/22/93, 6/12/2001

Current Revision: 9/22/09



INSTRUCTION

IN GENERAL

**REGULATION**

§5-5 Procedures for Determining Class Rank and Use of Adjusted Curriculum

A. Procedures for Determining Class Rank

1. Each class is to be ranked at the end of the junior year and at the end of each semester of the senior year.
2. Ranking includes all courses for which credit was earned or could have been earned. Also included are courses for which units of credit are awarded prior to high school.
3. When a course is repeated, both grades attained are included in the ranking.
4. If a student withdraws from a course before the end of the eleventh week of the course, the course is not recorded on the scholastic record. Withdrawals are not permitted between the end of the eighth weeks of the course and the end of the semester, and the grade earned is recorded on the scholastic record card. Although partial credit is not given for year-long courses dropped at the end of the first semester, grades earned are included in determination of grade point average and class rank.
5. If a student withdraws from a year-long course after the second week of second semester, a grade of zero will be recorded for the remaining grading periods, and the final grade will be recorded on the scholastic record card and included in determining grade point average and class rank.
6. In determining grade point average for a one-year course (one period) the grade point scale listed below (effective with the 2009-2010 school year) is used. A one semester course (one period) counts one-half of the point value. If a year's course is two or three periods in length, the point value is doubled or tripled.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-5 Procedures for Determining Class Rank and Use of Adjusted Curriculum  
(continued)

**Grading Scale**

*Adopted at the beginning of the 2009-10 school year*

<b>Grade</b>	<b>Numerical Equivalent</b>	<b>Points Awarded</b>
A+	98-100	4.3
A	93-97	4.0
A-	90-92	3.7
B+	87-89	3.3
B	83-86	3.0
B-	80-82	2.7
C+	77-79	2.3
C	73-76	2.0
C-	70-72	1.7
D+	67-69	1.3
D	63-66	1.0
D-	60-62	.7
F	59 and below	0.0

Grades earned in Advanced Placement (AP) courses are "weighted" by adding 1.0 to the point value for the grade earned in a year-long course. Grades earned in courses designated as honors courses by Loudoun County Public Schools (LCPS), courses taken at the LCPS Academy of Science, and approved dual enrollment courses are "weighted" by adding .5 to the point value for the grade earned in a year-long course with the exception of a grade of "F" or if the student does not take the AP examination.

7. To determine class rank, grade points for all courses for which a grade has been recorded are totaled and divided by total number of courses for which a student has received a semester or year's grade. The grade point average is computed only to the rounded hundredths place.

B. Adjusted Curriculum

The term "adjusted curriculum" is one of the multiple report card comments that teachers may select to communicate with students and parents at quarterly grade report times. Teacher comments appear only on the report card and do not appear on a student's transcript.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-5 Procedures for Determining Class Rank and Use of Adjusted Curriculum  
(continued)

1. The “adjusted curriculum” comment is available to all teachers, both general and special education. Teachers are not required to use the comment. In the case of special education students, an individualized education program (IEP) team determines what modifications and accommodations are necessary for a student, but the IEP team does not decide the impact of those modifications and accommodations on course and credit completion. Teachers may not utilize the “adjusted curriculum” comment based solely upon any broad classification based on disability.
2. Grades provide a measure of the student’s mastery of a particular subject area. The criteria for subject area grading are established by the teacher and should be communicated to students and parents at the beginning of the course. Typically the grades may reflect the relative quality of the work, readiness for future instruction, level of skill mastery, effort and participation, and completion of class work and homework.
3. A decision to use the “adjusted curriculum” comment should be based on the teacher’s determination that substantive modifications in course work, course content, or grading standards have occurred during that grading period, and the grade reflects student progress but not performance as reflected by the teacher’s grading criteria established for the class. Where a teacher is uncertain regarding whether an accommodation or modification would result in a substantive modification in course work, course content, or grading standards, the teacher may consult with the department chairman or instructional supervisor. Examples of such substantial modifications are as follows:
  - a. A student is enrolled in an Algebra course, but the student is working on math skills at a much lower level, such as basic arithmetic.
  - b. A student is enrolled in an English course and has a reading level below the respective grade placement and receives alternate assignments and reading selections during the course.

(continued)

IN GENERAL

INSTRUCTION

**REGULATION**

§5-5 Procedures for Determining Class Rank and Use of Adjusted Curriculum

(continued)

- c. The student has been unable to master the objectives of the course even with appropriate modifications or accommodations.
  - d. The student is not required to complete course requirements such as homework or class work.
  - e. The student is working on individualized objectives that parallel the regular curriculum and the student cannot demonstrate mastery at the same level expected of other students at that grade level.
  - f. A student has different performance standards such as being given fewer spelling words than that expected of other students, or not being fully responsible for spelling or comprehension in language arts.
4. Many modifications or accommodations do not affect the student's ability to master the objectives of the course. Examples of such accommodations which would not be described as "adjusted curriculum" are as follows:
- a. A student needs books on tape or to take tests orally but acquires sufficient knowledge of the course content to demonstrate mastery the objectives of the course.
  - b. A student receives extra time for tests or alternative test formats that do not eliminate the expectation that the student meets all course requirements.
  - c. A student is allowed to demonstrate mastery in a course such as science, rather than on a written test, when writing is not a course objective.
  - d. A student can demonstrate understanding through written dialog with the teacher rather than through classroom discussion, when oral presentations are not a course objective.

POLICY

§5-5.1  
(a)

INSTRUCTION

IN GENERAL

§5-5.1      Expunging Middle School Student Grades

The parent of any student, who while in middle school took a high-school credit bearing course, may elect to have the grade (and credit therefore) omitted from the student's transcript.

If the parent elects to have such grade omitted, written notice of such election must be given by the parent and to the guidance department of the high school the student will attend, on or before August 15<sup>th</sup> of the year in which the student finishes the eighth grade.

Parents of students eligible to make this election shall be provided written notice thereof and a form to be used for such election when the student receives the final report card from middle school.

Legal Reference: 8VAC20-131-90

Adopted: 5/27/08

Revised: 9/8/09

## INSTRUCTION

## IN GENERAL

§5-6 Guidance and Counseling Services – Elementary, Middle, and High School

The Loudoun County School Board shall adhere to the procedures for school guidance and counseling programs according to the Standards of Quality for Public Schools in Virginia, the Standards for Accrediting Public Schools in Virginia and the regulations for the Board of Education of the Commonwealth of Virginia.

Legal References: 8 VAC 20-60-620. Regulations Regarding School Guidance and Counseling Programs in the Public Schools of Virginia (current).

Standards of Quality for Public Schools in Virginia (current).

Standards for Accrediting Public Schools in Virginia (current).

Adopted: 5/28/96

Confirmed: 6/23/09

INSTRUCTION

IN GENERAL

**REGULATION**

§5-6 Guidance and Counseling Services - Elementary, Middle, and High School

A. Program Goals

Each school shall establish a broad-based process for determining the particular guidance and counseling needs of students and for planning how best to meet these needs. Guidance and counseling shall be provided for all students as needed and shall be designed to achieve the following:

1. Ensure that individual curriculum planning is provided at the middle and secondary levels to assist each student in selecting appropriate and challenging courses;
2. Provide opportunities for parents, teachers, and other adults to participate in planned activities that encourage the personal, social, educational, and career development of students;
3. Provide employment counseling and placement services at the middle and high school level to furnish information about employment opportunities available to students graduating from or leaving school;
4. Provide for the coordination of a testing program at the middle and secondary levels. Orient students to test-taking, use of test data, and the interpretation and use of student record data at all levels;
5. Provide for the evaluation of the guidance program by the principal, counselor(s), staff, and parents;
6. Ensure that at least 60% of the time of each member of the guidance staff shall be devoted to counseling students;
7. Ensure that each student has a program of studies each year that contributes to meeting graduation requirements;

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-6 Guidance and Counseling Services - Elementary, Middle, and High School  
(continued)

8. Maintain accurate and complete individual, permanent and cumulative records for students. These records shall be kept in a safe place where they can be used conveniently by members of the school's professional staff. These shall include records of student scholarships, attendance, health, extra-curricular activities, work experience, vocational preference, and special aptitudes and interests.

B. Description of Service

1. Academic Guidance - 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.
2. Career Guidance - helps students to acquire information and plan action about work, jobs, apprenticeships, and post-secondary educational and career opportunities.
3. Personal/Social Counseling - assists students 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. Such counseling may be provided either (i) in groups (e.g. all fifth graders) in which generic issues of social development are addressed or (ii) through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant(s) (e.g., divorce, abuse, or aggressive behavior).

C. Student Participation

No student shall be required to participate in any component of the counseling and guidance program to which the student's parents object.

(continued)



INSTRUCTION

IN GENERAL

**REGULATION**

§5-6 Guidance and Counseling Services - Elementary, Middle, and High School  
(continued)

D. Requirements and Procedures

1. Notification to Parents - Parents shall receive annual notification about the school guidance and counseling program which will include the following:

a. Purpose

The purpose of the guidance and counseling program is to enhance academic achievement of students. The program is comprehensive, sequential, and focuses on career/educational development for all students. It involves the acquisition of skills necessary to: engage in life-long learning; become aware of life/career choices; and prepare for the world of work. All aspects of the program are complementary to the efforts of parents, school staff, and the community.

b. General Description

(1) Counseling - School counseling involves individual and group contacts over a period of time. The counselor helps students to develop realistic concepts of themselves to become aware of educational and occupation opportunities, and to integrate their understanding of self and opportunities in making informed decisions. A student will meet with the counselor when:

- he/she requests counseling;
- parents/teachers, administrators, and other school staff members refer the student; and
- the counselor initiates contact.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-6 Guidance and Counseling Services - Elementary, Middle, and High School  
(continued)

- (2) Guidance - Guidance career/educational development goals focus on self-understanding, interpersonal skills, decision-making, occupational information, education and training, economic awareness, and employability. Student achievement of these is a total school responsibility involving counselors, teachers, administrators, and support personnel. Three stages of skill development have been identified:

Career/Education Development Awareness Stage (Pre-k-5)  
- During this stage, the student becomes aware of the world of work and develops an understanding of the need for cooperative social behavior and respect for others and the work they do.

Career/Education Exploration Stage (Grades 6-8) -  
Students explore new interests, refine and use academic decision making, interpersonal, and resiliency skills previously learned, and begin to relate aptitudes, abilities, and personal interests to future occupation/career choices.

Career/Educational Preparation Stage (Grades 9-12) - The period of preparation is focused on reinforcing students sense of personal work and uniqueness, and on developing attitudes and skills that will culminate in post-secondary career and educational choices.

c. Procedures for Materials Review

Materials used in the Guidance and Counseling Program shall be made available for parent review and comment by making arrangements with the school counselor.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-6 Guidance and Counseling Services - Elementary, Middle, and High School  
(continued)

d. Limits for Student Participation

- (1) Parents have the option to withdraw their child(ren) from all or any portion of the guidance and counseling program by directing their opt-out request in writing to the school principal.
- (2) The opt-out provision excludes short duration personal/social counseling which is needed to maintain order, discipline or a productive learning environment or to assess instances of suspected child abuse and/or neglect.
- (3) Written parental consent will be required before students participate in a planned program of group counseling or individual counseling that is conducted on a continuing basis.

2. Use of Counseling Techniques

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 the mental illness or psychopathology, is strictly prohibited.

3. Maintenance of Personal/Social Counseling Information and Records

Information and records of personal/social counseling shall 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.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-6 Guidance and Counseling Services - Elementary, Middle, and High School  
(continued)

4. Procedures for Obtaining Parental Consent

Parental permission forms for group counseling or individual counseling to be conducted on a continuing basis will be sent home via the student except in those instances outlined in section D-1, d-(1-3).

5. Exception to Informed Parental Consent

A child may be included in personal social counseling without parental consent when the guidance counselor and the principal of each school have certified in writing that a good faith effort, involving at least one telephone call and one letter mailed to the parents, has been made to contact the student's parents and that no response has been received.

E. Staffing Requirements

In accordance with the Standards for Accrediting Schools in Virginia, each school shall have guidance counselors who are personally qualified and possess the proper certification and endorsement.

## INSTRUCTION

## IN GENERAL

§5-7        Selection and Review of Library Media Center Instructional Materials

## A.            General

It is the policy of the Loudoun County School Board to provide a wide variety of instructional materials to support and enrich the educational program of the school. A library media center is provided in each school to enable educators to bring students into contact with the human experience and knowledge. At the direction of the Supervisor of Library Services each school library media center shall provide a wide range of materials on appropriate levels with a diversity of appeal and point of view. Building level materials shall be supplemented by materials available from the district instructional media center and the State Audio-Visual Services.

The Board recognizes that differences of opinion may arise concerning the appropriateness of instructional materials. Such differences of opinion shall be dealt with through the procedures of Paragraph D of this policy.

## B.            Selection of Materials

The ultimate responsibility for the selection of instruction materials rests with the School Board. The Board delegates this responsibility to appropriate certified personnel in accordance with the following criteria:

1.        The selection process should involve library media specialists, teachers, administrators, and, when appropriate, other professional specialists, students, and parents.
2.        Materials should be selected in accordance with established needs and priorities to maintain a balanced, current collection and to meet or exceed state and regional accreditation standards.
3.        Selection should be based upon preview by local personnel, evaluative reviews in professionally prepared selection aids, or other appropriate recommendations.
4.        Materials obtained other than through the normal selection and purchasing process shall be evaluated on the same criteria as used for purchased materials.

## INSTRUCTION

## IN GENERAL

§5-7        Selection and Review of Library Media Center Instructional Materials  
(continued)

## C.            Review of Materials

The administration shall establish a systematic plan for reviewing media materials to maintain a quality, up-to-date collection and periodically publish such plan to the School Board.

## D.            Procedure for Review of Challenged Materials

Objections to instructional materials shall be considered objectively under the procedure set forth in this paragraph. The principle of intellectual freedom inherent in the First Amendment of the Constitution of the United States, the best interests of the students, school, and curriculum, and requirements of state law and regulations shall underlie all considerations of challenged materials.

The procedure for reviewing objections to instructional materials shall be:

1.        A parent (which is understood to include legal guardians) of a child enrolled in Loudoun County Schools may state an objection to and request a review of material(s) used in the instruction of that child or accessible to that child.

2.        Requests for review of material(s) shall be in writing and objections shall be specific as to the material(s) and reason(s) for the objections. Complainant must also state their desired disposition.

3.        Requests for review shall be made to the principal of the school the child attends. The principal shall appoint a committee of appropriate personnel to review the material(s) and make a recommendation to the principal on the disposition of the complaint. The recommendation shall be one of the following: (1) Material(s) remain(s) in general circulation; (2) material(s) restricted to teachers and parents; (3) material(s) are sent to a school at the next level; or (4) material(s) removed from circulation.

4.        The principal shall notify the parent(s) who requested review of his/her decision in writing within thirty business days of receipt of the written request.

## INSTRUCTION

## IN GENERAL

§5-7        Selection and Review of Library Media Center Instructional Materials  
(continued)

5.        The decision of the principal may be appealed by the parent(s) who requested the review. Such appeal must be made in writing to the Division Superintendent within fifteen business days of receipt of the decision being appealed. If the decision is not appealed within this time limit, the principal's decision on the request for review shall be final.

6.        If the decision of the principal is appealed in accordance with the requirements listed above, the Superintendent shall appoint a division review committee, which shall include the educational supervisor(s) responsible for such material(s), to review the material(s) and make a recommendation to the Superintendent on the disposition of the complaint.

7.        The Division Superintendent shall notify the parent(s) of his/her decision in writing within thirty business days of receipt of the written appeal. The Superintendent's decision shall be district wide at the level challenged.

8.        The decision of the Division Superintendent may be appealed to the School Board by the parent(s) who requested the appeal as hereinafter set forth. If the decision of the Division Superintendent is not appealed, it shall be final.

9.        Notwithstanding these requirements, the School Board shall be notified within fifteen business days of any decision by the Division Superintendent to restrict access to material(s). In addition to notifying the School Board of any decision to restrict access district-wide, the staff will also post such notice on the LCPS website and make such notice available to the public and media as part of its regular dissemination of public notices and board documents. Upon written request for a review of this decision by three members of the School Board within thirty business days of receipt of such notice, the Chairman shall appoint and refer such to a three-member committee which shall make the final decision in accordance with the requirements hereof. The decision of the three-member school board committee shall be district-wide at the level challenged.

## INSTRUCTION

## IN GENERAL

§5-7        Selection and Review of Library Media Center Instructional Materials  
(continued)

10. All material(s) in process of being reviewed shall remain in use or circulation until a final decision is reached.

11. Any material(s) challenged and decided at the school level without appeal to the Division Superintendent shall not be eligible for challenge under this policy by any parent at that same school until at least four years have elapsed from the original decision by the principal. However, this does not prevent the school principal, acting under his or her responsibility for the administration of the educational program in that school, from initiating such action on their own and restricting the use of such material(s) before four years have elapsed if the principal deems such action is warranted.

12. Any material(s) challenged and decided at the division level, either by the Superintendent or the School Board committee, shall not be eligible for challenge under this policy by any parent until at least four years have elapsed from the original decision. However, this does not prevent the Superintendent, acting on his or her own responsibility for the administration of the educational program in the division, from initiating such action on their own and restricting the use of such material(s) before four years have elapsed if the Superintendent deems such action is warranted, provided the School Board is notified of such action and following which, should three members of the School Board request a review in writing within thirty business days of receipt of such notice, the Chairman shall refer such issue to a three-member committee which shall make the final decision. Further, prior to four years having elapsed from the original final decision at the division level, four members of the School Board may request in writing to the Chairman of the School Board that a review of the decision be conducted, and the Chairman shall then appoint a three-member committee provided that at least one year shall have elapsed from the original final decision.



## INSTRUCTION

## IN GENERAL

§5-7        Selection and Review of Library Media Center Instructional Materials  
(continued)

## E.            Appeals and Review – School Board

1.        Appeals or requests for review must be submitted in writing to the Division Superintendent within 10 school days of his/her decision unless otherwise herein provided. The appeal must state fully the reasons and basis for the appeal and a summary of the essential facts. A request for review shall simply request that the matter be reviewed.

2.        The Division Superintendent shall notify the Chairman of the School Board of his/her receipt of the appeal or request for review. The Chairman shall appoint a committee of three members to consider and decide the appeal or review the materials and appoint one of those members as Chairman.

3.        The Division Superintendent or his/her designee shall collect statements from all persons involved in making decisions related to the case. These statements shall contain a summary of the essential facts of the case and the basis of each decision, including references to applicable School Board policies. A copy of these statements shall be provided to each member of the committee considering the matter. In the case of an appeal, such statements shall be provided to the appellant(s).

4.        The committee shall review the statements of school personnel and the appeal, the challenged material, any committee recommendations and may affirm, modify or annul the decision of the Division Superintendent on the basis of this review. If the committee makes a decision on the basis of this review, that decision shall be communicated to the appellant(s) (where appropriate) and shall be reported at the next regular meeting of the School Board for inclusion in the minutes of that meeting.

5.        If the committee determines that it needs more information, the Chairman thereof has the right to request additional information prior to a final decision by the committee. The Chairman will set reasonable deadlines for providing the additional information. In the case of an appeal, any additional information collected by the committee will be provided to the Division Superintendent and to the appellants.

(continued)

## INSTRUCTION

## IN GENERAL

§5-7      Selection and Review of Library Media Center Instructional Materials  
(continued)

6.      This appeals and review procedure shall be completed and a decision communicated to the appellant(s) (where appropriate) within 30 days of the receipt of the appeal by the Division Superintendent, except that any additional time allowed under paragraph 5 for collection and processing of additional information will be added to the 30 days.

7.      A summary of the committee's findings shall be provided to all School Board members.

Legal Reference: Code of Virginia §22.1-253.13:7

Adopted: 10/13/81

Revised: 6/22/93, 5/13/08, 3/24/09

Confirmed: 9/8/09

INSTRUCTION

IN GENERAL

**REGULATION**

§5-7      Selection and Review of Library Media Center Instructional Materials

A.      General

This regulation supplements Policy §5-7 by providing methods and procedures for the selection, review, and handling of complaints of instructional materials.

B.      Selection of Materials

Instructional materials shall be selected in accordance with the following procedures and guidelines:

1.      Library media center materials shall be selected by the library media specialist of each school in consultation with the principal or designee, appropriate teachers, and other specialized personnel if available. Final recommendations for purchase shall be made by the library media specialist and approved by the principal or designee.
2.      Division media center materials shall be purchased by the Media Supervisor based upon recommendations of school-level previewers or appropriate administrative/supervisory personnel.
3.      Textbook adoptions shall be recommended by review committees appointed by the Deputy Superintendent. State guidelines for adoption of textbooks shall be followed. Recommendations of review committees shall be approved and submitted to the School Board by the Deputy Superintendent.
4.      Other instructional materials shall be selected cooperatively by appropriate subject or grade-level teaching personnel, library media specialists, guidance personnel, and administrative personnel.
5.      Parents and students may be involved in the selection process when appropriate and useful.

INSTRUCTION

IN GENERAL

**REGULATION**

§5-7 Selection and Review of Library Media Center Instructional Materials (continued)

6. Selection objectives shall be:
  - a. To provide materials that will support and enrich the curriculum and the needs of students, taking into consideration their varied interests, abilities, maturity levels, and learning styles
  - b. To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards
  - c. To provide materials that will help students extend the boundaries of their knowledge and experience, pursue self-directed learning, explore and satisfy their curiosities and interests, and find employment in the rich stores of the imaginative expressions of creative artists
  - d. To provide a background of information that will enable students to make intelligent decisions in their daily lives
  - e. To provide materials on opposing sides of controversial issues in order that students may develop under guidance the practice of critical reading, viewing, listening, and thinking
  - f. To provide materials that realistically represents our pluralistic society and reflects the contributions made by various groups and individuals to our American heritage
  - g. To place principle above personal opinion and reason above prejudice to assure a comprehensive media collection of high quality appropriate for the students who use it

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-7 Selection and Review of Library Media Center Instructional Materials (continued)

7. Criteria for selection. Building a balanced collection requires careful planning and attention to the following criteria for selection:
  - a. Specific needs of the present collection
  - b. Contribution to objectives of the instructional program
  - c. Timeliness, permanence, and importance of the subject matter
  - d. Appropriateness, accuracy, and authenticity of the content and the reputation and significance of the author, artist, composer, producer, and publisher
  - e. Authoritativeness, accuracy, and authenticity of the content and the reputation and significance of the author, artist, composer, producer, and publisher
  - f. Presentation, style, and clarity of content
  - g. Motivational value of materials in terms of attractiveness, vitality, style, and interest to users
  - h. Lack of racial, sex, and age bias
  - i. Recency and relevance of materials and treatment of possible controversial issues
  - j. Technical quality of the medium
  - k. Suitability of the medium for intended use
  - l. Availability and compatibility of equipment needed for use with materials

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-7 Selection and Review of Library Media Center Instructional Materials (continued)

- m. Cost and value of materials
- n. State, regional, and national standards

C. Review of Materials

Evaluation and long-range planning are essential to the maintenance of a balanced collection of useful, current instructional materials. Projected enrollments, curriculum needs, accreditation standards, and technological changes must be considered in long-range planning.

Each library media center should have a plan for meeting future needs over a three to five-year period and periodically publish such a plan to the School Board. An annual review of materials should be conducted to eliminate obsolete, damaged, or unusable materials and update the long-range plan. This may be done when taking the annual inventory or it could be planned to review a section of the collection each month. Faculty members should be encouraged to assist in the review process in their areas of instructional expertise.

The following types of materials should be eliminated from the collection during the review process:

1. Those worn beyond repair at reasonable cost
2. Aged, unattractive materials that no longer appeal to users
3. Those damaged beyond repair
4. Those obsolete or containing misinformation
5. Those superseded by new editions
6. Those not suitable for the students served
7. Those uncirculated over a reasonable period of time

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-7 Selection and Review of Library Media Center Instructional Materials (continued)

D. Procedure for Review of Challenged Materials

Objections to instructional materials shall be considered objectively under the procedure set forth in this paragraph. The principle of intellectual freedom inherent in the First Amendment of the Constitution of the United States, the best interests of the students, school, and curriculum, and requirements of state law and regulations shall underlie all considerations of challenged materials.

The procedure for reviewing objections to instructional materials shall be:

1. A parent (which is understood to include legal guardians) of a child enrolled in Loudoun County Public Schools may state an objection to and request a review of material(s) used in the instruction of that child or accessible to that child.

2. Requests for review of material(s) shall be submitted in writing using the form, *Request for Reconsideration of Instructional Materials*, (available on the LCPS website) and objections shall be specific as to the material(s) and reason(s) for the objections. Complainant must also state their desired disposition.

3. Requests for review shall be made to the principal of the school the child attends. The principal shall appoint a committee of appropriate personnel to review the material(s) and make a recommendation to the principal on the disposition of the complaint. The recommendation shall be one of the following: (1) Material(s) remain(s) in general circulation; (2) material(s) restricted to teachers and parents; (3) material(s) are sent to a school at the next level; or (4) material(s) are removed from circulation.

4. The principal shall notify the parent(s) who requested the review of his/her decision in writing within thirty (30) business days of receipt of the written request.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-7 Selection and Review of Library Media Center Instructional Materials (continued)

5. The decision of the principal may be appealed by the parent(s) who requested the review. Such appeal must be made in writing to the Division Superintendent within fifteen (15) days of receipt of the decision being appealed. If the decision is not appealed within this time limit, the principal's decision on the request for review shall be final.

6. If the decision of the principal is appealed in accordance with the requirements listed above, the Superintendent shall appoint a division review committee, which shall include the educational supervisor(s) responsible for such material(s), to review the material(s) and to make a recommendation to the Superintendent on the disposition of the complaint.

7. The Division Superintendent shall notify the parent(s) of his/her decision in writing within thirty (30) business days of receipt of the written appeal. The Superintendent's decision shall be district wide at the level challenged.

8. The decision of the Division Superintendent may be appealed to the School Board by the parent(s) who requested the appeal as hereinafter set forth. If the decision of the Division Superintendent is not appealed, it shall be final.

9. Notwithstanding these requirements, the School board shall be notified within fifteen (15) business days of any decision by the Division Superintendent to restrict access to material(s). In addition to notifying the School Board of any decision to restrict access district-wide, the staff will also post such notice on the LCPS website and make such notice available to the public and media as part of its regular dissemination of public notices and board documents. Upon written request for a review of this decision by three members of the School Board within thirty (30) business days of receipt of such notice, the Chairman shall appoint and refer such to a three-member committee which shall make the final decision in accordance with the requirements hereof. The decision of the three-member school board committee shall be district-wide at the level challenged.

10. All material(s) in process of being reviewed shall remain in use or circulation until a final decision is reached.

(continued)



INSTRUCTION

IN GENERAL

**REGULATION**

§5-7 Selection and Review of Library Media Center Instructional Materials (continued)

11. Any material(s) challenged and decided at the school level without appeal to the Division Superintendent shall not be eligible for challenge under this policy by any parent at that same school until at least four years have elapsed from the original decision by the principal. However, this does not prevent the school principal, acting under his/her responsibility for the administration of the educational program in that school, from initiating such action on their own and restricting the use of such material(s) before four years have elapsed if the principal deems such action is warranted.

12. Any material(s) challenged and decided at the division level, either by the Superintendent or the School Board committee, shall not be eligible for challenge under this policy by any parent until at least four years have elapsed from the original decision. However, this does not prevent the Superintendent, acting on his/her own responsibility for the administration of the educational program in the division, from initiating such action on their own and restricting the use of such material(s) before four years have elapsed if the Superintendent deems such action is warranted, provided the School Board is notified of such action and following which, should three members of the School Board request a review in writing within thirty (30) business days of receipt of such notice, the Chairman shall refer such issue to a three-member committee which shall make the final decision. Further, prior to four years having elapsed from the original final decision at the division level, four members of the School Board may request in writing to the Chairman of the School Board that a review of the decision be conducted, and the Chairman shall then appoint a three-member committee provided that at least one year shall have elapsed from the original final decision.

E. Appeals and Review – School Board

1. Appeals or requests for review must be submitted in writing to the Division Superintendent within ten (10) school days of his/her decision unless otherwise herein provided. The appeal must state fully the reasons and basis for the appeal and a summary of the essential facts. A request for review shall simply request that the matter be reviewed.

2. The Division Superintendent shall notify the Chairman of the School Board of his/her receipt of the appeal or request for review. The Chairman shall appoint a committee of three members to consider and decide the appeal or review the materials and appoint one of those members as Chairman.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-7 Selection and Review of Library Media Center Instructional Materials (continued)

3. The Division Superintendent or his/her designee shall collect statements from all persons involved in making decisions related to the case. These statements shall contain a summary of the essential facts of the case and the basis of each decision, including references to applicable School Board policies. A copy of these statements shall be provided to each member of the committee considering the matter. In the case of an appeal, such statements shall be provided to the appellant(s).

4. The committee shall review the statements of school personnel and the appeal, the challenged material, any committee recommendations and may affirm, modify or annul the decision of the Division Superintendent on the basis of this review. If the committee makes a decision on the basis of this review, that decision shall be communicated to the appellant(s) (where appropriate) and shall be reported at the next regular meeting of the School Board for inclusion in the Minutes of that meeting.

5. If the committee determines that it needs more information, the Chairman thereof has the right to request additional information prior to a final decision by the committee. The Chairman will set reasonable deadlines for providing the additional information. In the case of an appeal, any additional information collected by the committee will be provided to the Division Superintendent and to the appellants.

6. This appeals and review procedure shall be completed and a decision communicated to the appellant(s) (where appropriate) within thirty (30) days of the receipt of the appeal by the Division Superintendent, except that any additional time allowed under paragraph 5 for collection and processing of additional information will be added to the thirty (30) days.

7. A summary of the committee's findings shall be provided to all School Board members.

Legal Reference: Code of Virginia §22.1-253.13:7

Issued: 10/13/81

Revised: 6/22/93, 5/13/08, 3/24/09, 4/7/10

# REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

**SCHOOL:**

**Please check type of material:**

Book     DVD     Kit     Pamphlet     Periodical     Video Cassette     Other

Title:

Author:

Publisher or Producer:

*(Person making request must be the parent or guardian of an LCPS student.)*

Request Initiated by:

Telephone:

Address:

City:

State:

Zip:

Email Address:

**The following questions are to be answered after the complainant has read, reviewed, or listened to the material in its entirety.**

1. To what in the material do you object (please be specific, cite pages, film sequence, etc.)?

2. What do you believe is the theme or purpose of this material?

3. What do you feel might be the result of a student using this material?

4. For what age group would you recommend this material?

5. Is there anything good in this material? Please comment.

6. Would you care to recommend other material of the same subject and format?

7. State desired disposition of this material.

Signature of Complainant:

Date:

**Please return completed form to the school principal**

## INSTRUCTION

## IN GENERAL

§5-8      Copyrighted Materials

It is the intent of the Loudoun County School Board to adhere to the provisions of the United States Copyright Law and Congressional guidelines currently in effect. All Loudoun County School Board employees are subject to the provisions of the Copyright Law and are responsible to maintain the highest ethical standards in the use of all copyrighted materials. The Loudoun County School Board does not sanction the illegal use or unauthorized duplication or alteration of copyrighted works in any form. Unlawful copies of copyrighted materials may not be reproduced or used on School Board owned equipment, within School Board facilities, or at official School Board functions.

Employees who willfully violate the School Board policy do so at their own risk and may be held personally liable for copyright infringement and may be subject to disciplinary action.

A manual of copyright guidelines will be supplied to employees. This manual is not a substitute for the official Copyright Law but will provide staff with an awareness of their rights and restrictions.

## INSTRUCTION

## IN GENERAL

§5-9        Textbooks Furnished Free

A.            Each school board shall provide, free of charge, such textbooks required for courses of instruction for each child attending public schools.

B.            Consumable materials such as workbooks, writing books, and drawing books may be purchased by school boards and either provided to students at no cost or sold to students at a retail price not to exceed seven percent added to the publisher's price. If sold, the local school board shall develop a policy ensuring that workbooks, writing books, and drawing books are furnished to students who are unable to afford them at a reduced price or free of charge.

Legal Reference: Code of Virginia §22.1-243

Adopted: 8/11/70

Revised: 6/22/93

Current Revision: 9/8/09

## INSTRUCTION

## IN GENERAL

§5-10      KindergartenA.          Age

To be eligible for admission to kindergarten, a child must be five years of age on or before September 30<sup>th</sup> of the school year.

B.          Enrollment

Under the compulsory attendance laws of Virginia, a child whose fifth birthday falls on or before September 30<sup>th</sup> of a given year must be enrolled in school for that year. However, a child's attendance may be delayed for one year, if in the opinion of the parent or guardian, the child is not mentally, physically, or emotionally prepared to attend school.

If a child will be six years old by September 30<sup>th</sup>, Virginia law requires the student to be enrolled in school.

C.          Pupil Placement

A child may be placed in first grade if:

- his/her sixth birthday falls between October 1<sup>st</sup> and December 31<sup>st</sup> and
- he/she was enrolled in and has successfully completed a kindergarten program in a public school system in another state or in a non-public school recognized as participating in the accreditation program under the auspices of the Virginia Council for Private Education. Parents of such children will be counseled about the advisability of such placement.

D.          Class Size

Twenty-five pupils shall be the maximum class membership, if a class becomes larger than twenty-five, a new section will be formed as soon as practical.

E.          Teacher Assistants

A teacher will have a teacher assistant if he/she has more than twenty pupils in a single session or if he/she teaches two half-day sessions regardless of the number of pupils in the classes.

Legal Reference: Code of Virginia §22.1-199

Adopted: 3/11/75

Revised: 8/10/76, 8/8/78, 6/22/93, 1/22/2001

Current Revision: 9/8/09

## INSTRUCTION

### IN GENERAL

### REGULATION

#### §5-10 Assignment of Kindergarten Students

Kindergarten students have been assigned to morning or afternoon sessions according to their place of residence and other factors to establish reasonable class balance, maintain family integrity, and facilitate transportation. Changing these assignments can result in imbalanced classes if not handled carefully.

Some parents, however, may have legitimate reasons for requesting a change in their child's assignment, and it is desirable to accommodate such requests if possible. Also, new children moving into an area during the year will have to be assigned in such a way as to maintain class balance and family integrity.

The following procedures are therefore established to govern requests for changes in assignments and new assignments.

- A. Request by Parents for Change in Assignment
1. Parents desiring to change their child's assignment must submit a written request to the school principal. This request shall include:
    - a. Name of the child whose session is requested to be changed
    - b. Session presently assigned
    - c. Session requested
    - d. Reasons for the requested change
  2. Principals shall review all requests carefully, taking into consideration the size of the classes involved, the family problem, and the expectation of enrollment growth in the areas served by the classes involved. After review, the principal may grant or deny the request on the basis of present and anticipated class sizes. No kindergarten class may exceed 25 students and the imbalance between classes should not exceed 5 students. No additional teachers will be assigned or requested.
  3. Parents who are granted a change in their child's assignment must assume responsibility for their child to and from school.

(continued)

## INSTRUCTION

### IN GENERAL

### REGULATION

#### §5-10 Assignment of Kindergarten Students (continued)

4. Principals shall reply in writing to parents who request a change in assignment stating their action, reasons for granting or denying the request, and, if the request is granted, the condition that parents must assume responsibility for their child to and from school.

#### B. Assignment of new students during the school year

Children who move into a school's attendance area during the school year shall be assigned to the session for their place of residence unless such assignment will result in a class size over 25 students or an imbalance between classes of more than 5 students or unless the principal anticipates that either of these conditions may result. If the assignment would result or be anticipated to result in either of these conditions, the placement of the child will be made by the Division Superintendent according to the following procedure.

1. The principal should notify the Assistant Superintendent of Pupil Services verbally of the name of the child, the class to which he/she would normally be assigned and its present size, and the class the principal recommends that the child be assigned to and its size.
2. The Assistant Superintendent of Pupil Services shall make a recommendation to the Division Superintendent. The decision of the Division Superintendent shall be communicated to the principal, who shall inform the parent in writing of the child's assignment.



## INSTRUCTION

## IN GENERAL

§5-11      Field Trips

The Loudoun County School Board believes that field trips can provide excellent educational experiences for students by enriching the curriculum and by making learning experiences of the classroom more meaningful.

To be educationally beneficial, a field trip requires thoughtful selection, careful advanced preparation of the class, and opportunities for pupils to assimilate the experience during and following the trip. To this end, teachers and principals will be expected to consider the following factors in the selection of field trips:

1. value of the activity to the particular class
2. relationship of the field trip activity to a particular aspect of the curriculum
3. suitable distance traveled in relation to the age level
4. availability of transportation
5. time away from the regular instructional program

INSTRUCTION

IN GENERAL

**REGULATION**

§5-11      Field Trips

These regulations supplement policy §5-11 by providing for planning, conducting, and financing field trips in support of the instructional program.

A.      Types of Field Trips

1.      A “Day Field Trip” begins and is completed during regular school hours.
2.      An “Extended Day Field Trip” begins and/or ends outside the regular school hours.
3.      An “Overnight Field Trip” requires overnight lodging away from the students’ homes.

B.      Requirements in Planning for Field Trips

1.      A field trip will be considered for approval after the request has been submitted on the appropriate forms and within the time frame explained elsewhere in the policy.
2.      The trip must make a unique contribution to the accomplishment of specific objectives of the course of study, classroom activity, or co-curricular club activity and/or provides special training that can be accomplished best at a location away from school.
3.      Whenever possible field trips should be scheduled to minimize absence from school.
4.      Fundamental to the success of a field trip are the planning before and the follow-up after the trip.
  - a.      When planning for a field trip the teacher shall
    - (1)      gain the approval of the principal prior to any announcement of the trip to students and parents

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-11      Field Trips (continued)

- (2) confirm that the trip is part of a planned sequence of educational activities and is appropriate for the age of the students
  - (3) complete a site visit or other reasonable preparations
  - (4) provide a chaperons at a ratio of no less than one chaperon per each ten (10) students
  - (5) complete and submit to the principal the field trip request form
  - (6) complete and submit a transportation request form
  - (7) collect completed parent permission forms
- b. Planning with pupils shall include
- (1) establishing the purpose(s) of the field trip
  - (2) assigning the information to be obtained and features to be observed
  - (3) reviewing previous classroom experiences which provide background for the visit
- c. Evaluation of the field trip shall include
- (1) appropriate activities for students following the field trip
  - (2) student and teacher assessments to determine if objectives of the trip were met

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-11 Field Trips (continued)

5. At the middle and high school level three additional areas that must be considered when planning a field trip are
  - a. the number of students who will be missing direct instruction by the teacher who is on the field trip
  - b. the number of classes that are disrupted because of the absence of students who are on the field trip
  - c. the time students and teachers on the field trip will be missing from classes
6. Parents must be provided with the date(s), destination, mode of transportation, and an itinerary for each field trip. The permission slip signed by a parent or guardian must be received for each student who participates in the field trip.
7. Student accountability, supervision, and safety are of utmost importance.
  - a. One teacher, coach, or staff member shall accompany each class or group of students on a field trip or when traveling to a contest or competition.
  - b. Additional adult chaperons should be provided on the basis of at least one adult to each ten (10) students.
  - c. Elementary students should have no unsupervised time while on a trip.
  - d. Middle and high school students may have limited unsupervised time while on a trip.
8. Provisions for substitutes are as follows:
  - a. Substitutes will not be provided for elementary field trips unless the trip does not include a teacher's entire class.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-11 Field Trips (continued)

- b. Substitutes may be provided with proper justification for middle and high school field trips.

C. Procedures for Approval of Field Trips

1. Requests for Day Field Trips shall be submitted on the appropriate form to the principal at least four weeks in advance for approval.
2. Requests for Extended Day Field Trips and Overnight Field Trips (except those covered in section F below) approved by the principal shall be submitted to the Assistant Superintendent for Instruction or his/her designee for approval at least five (5) weeks in advance. The "Request for Field Trip Transportation" form should also be sent to the Assistant Superintendent for Instruction to be approved and forwarded to the Transportation Department.
3. Requests for trips which cause students to be absent from school more than five days or involve travel outside of the continental United States must be approved by the Assistant Superintendent for Instruction. Copies of such requests approved by the principal shall be forwarded five (5) weeks in advance to the Assistant Superintendent for Instruction.

D. Procedures for Requesting Transportation Services

All requests for transportation for field trips will be submitted by the principal to the Director of Transportation. The procedures for requesting field trips are described on the "Request for Field Trip Transportation" form.

E. Mode of Transportation

All student trips involving more than three students shall be taken in a bus provided by the Transportation Department or by the local school activity bus. Trips for one to three students may be taken in school system sedans that meet all FMVSS specifications.

(continued)

INSTRUCTION

IN GENERAL

**REGULATION**

§5-11      Field Trips (continued)

1.      Transportation for Virginia High School League Events regular season and district level competition will be provided via school bus or school activity bus.
2.      After appropriate approvals have been received, transportation for trips over two hundred (200) miles may be arranged by charter bus or air carrier. A limited number of charter-style activity buses are available from the Transportation Department.

F.            Previously Approved Field Trips

Certain field trips for activities associated with the Virginia High School or the Virginia Educators' Association do not require approval on a trip-by-trip basis. A parental permission form for the entire athletic season or school year must be on file in the local school for each student. The procedures for requesting transportation for such trips are described in section D above.

G.            Financing for Field Trips

1.      Funds for field trips are provided on a per pupil allotment to each school to cover the cost of transportation.
2.      Provisions should be made for students who are unable to pay admission or special fees associated with a regular day or extended day field trip.
3.      With the approval of the Assistant Superintendent for Instruction, additional field trips may be financed from other school accounts or with contributions from PTA/PTO groups, booster clubs, or similar school clubs/organizations.

## INSTRUCTION

## IN GENERAL

§5-12      Foreign Trips

The Loudoun County School Board believes that travel outside the contiguous states in conjunction with instruction on the secondary level can provide excellent educational experiences for high school students. Such travel enriches and expands the students' classroom experiences and provides opportunities which enrich studies in any discipline.

Adopted: 11/13/84  
Revised: 12/13/88  
Current Revision: 6/22/93  
Confirmed: 9/8/09

## INSTRUCTION

### IN GENERAL

### REGULATION

#### §5-12      Foreign Trips

These regulations provide for planning, conducting, and financing trips to foreign countries in support of the high school instructional program. Foreign trips shall be considered a school sponsored activity with all rules and standards for student conduct applicable.

#### A.      Administrative Guidelines

1.      Tours may be planned to any country or state outside the contiguous states.
2.      Coordinators of the trips may be any member of the certified teaching staff within a high school or, under certain circumstances, members of the central office instructional staff.
3.      Each trip will be properly supervised and chaperoned by teachers and parents.
4.      All chaperons must be approved by the school principals whose students are involved in the trips and by the trip coordinator.
5.      A ratio of eight students to one will be used to determine the number of chaperons needed.
6.      No School Board or school funds will be committed to underwrite a trip or to reimburse individuals for financial loss due to trip cancellation or modification for loss of money or possessions during the trip.
7.      A teacher/coordinator from one high school may solicit student participants from other high schools with the knowledge and permission of all principals involved.
8.      Teachers who initiate the coordination of a trip must inform the principal, receive his/her permission to proceed, and obtain his/her permission to advertise the trip and solicit participants during the school day. Central office instructional staff members will inform their immediate supervisor.
9.      The Assistant Superintendent for Instruction must approve all foreign trips.

(continued)



INSTRUCTION

IN GENERAL

**REGULATION**

§5-12      Foreign Trips (continued)

10.    The principal of the teacher/coordinator's school shall, as he/she deems necessary or unavoidable, have the authority to affect changes in trip itinerary, cancel the trip, and institute procedures not otherwise covered in the Administrative Guidelines.
11.    Teachers/coordinators will initiate contact with the travel agency and manage and coordinate all activities associated with the trip.
12.    All and only Loudoun County high school students are eligible for foreign trips, except those who have graduated. Each student's principal shall have the authority to deny eligibility on the basis of the student's school conduct record.

B.      Teacher/Coordinator Guidelines for Planning

1.    Informs principal of intent to sponsor trip and obtains permission to do so at least nine months before the departure date
2.    Initiates arrangements with travel agency
3.    Obtains financial commitments from participants after trip itinerary has been set and determines if there are sufficient participants
4.    Submits request for trip approval to the Assistant Superintendent for Instruction at least three months before departure date, with documentation to substantiate the following:
  - a.    confirmed itinerary and group ticketing
  - b.    sufficient number of participants who have made deposit
  - c.    appropriate number of approved chaperons
  - d.    instructional objectives and outcomes anticipated of trip
  - e.    verifiable financial accounting procedures

## INSTRUCTION

## IN GENERAL

§5-13      Class SizeA.            General

The following class sizes, as they relate to teacher assistants, are intended to set maximum limits, unless in the judgment of the classroom teacher, the principal, and the Division Superintendent, a teacher assistant is not necessary. Nothing in this section shall preclude the use of a teacher assistant when, in the judgment of the classroom teacher, the principal, and the Division Superintendent, special circumstances justify the use of a teacher assistant.

B.            Grades 1 - 3

No class in grade 1 - 3 shall exceed 28 pupils unless a full-time teacher assistant is assigned to that class. No class with a teacher assistant shall exceed 30 pupils.

C.            Grades 4 and 5

No class in grade 4 and 5 shall exceed 31 pupils unless a full time teacher assistant is assigned to that class. No class with a teacher assistant shall exceed 34 pupils.

Cross Reference: For policy governing class size in kindergarten, see §5-10.

Legal Reference: Code of Virginia §22.1-253.13:1

Adopted: 6/13/78

Revised: 6/10/80, 6/22/93

Current Revision: 9/8/09

## INSTRUCTION

## IN GENERAL

§5-14      Homework

Homework is an important aspect of the educational process and is a natural extension of the school day. Homework should be assigned each day in accordance with the guidelines outlined below. In all cases work assigned for home study should supplement and reinforce work done in school.

A.            Elementary Guidelines

In addition to work assigned by the teacher, homework also includes activities that children pursue because of their interests in the classroom program. Individual differences and needs of pupils should determine the kind and amount of homework that is assigned; therefore, teachers will be encouraged to make differentiated assignments. Under no circumstances should teachers assign homework requiring pupils to work with skills or concepts that have not been developed in the classroom. Moreover, homework should never be given as punishment.

Textbook assignments should be those that pupils can do independently. Parental involvement is encouraged through drilling on math facts and spelling words, reading for pleasure, collecting specimens for science, making observations in the home or neighborhood, discussing various school-related topics, and playing games that reinforce skills.

The amount of homework that a teacher assigns will vary from day to day. As a general rule students in grades 1-3 should spend no more than thirty (30) minutes daily doing homework; children in grades 4 and 5 should spend no more than one (1) hour. A child who fails to complete his homework assignment because of reasonable circumstances may be excused from that assignment.

Teachers should always assign homework with specific directions. All written homework should be reviewed; other homework may be discussed informally. All homework that is assigned should be based on one or more of these purposes:

1.      to practice skills that have been introduced and developed in class
2.      to relate understandings and skills developed at school to everyday life
3.      to enrich the school program by pursuing activities that can be shared with classmates the following day

(continued)

## INSTRUCTION

## IN GENERAL

§5-14      Homework (continued)B.            Middle and High School Guidelines

In addition to the general purposes stated above, homework may be assigned in middle and high school to reinforce and broaden classroom activities, teach responsibility, and provide an opportunity for independent study.

Teachers should always assign homework with specific directions. All homework that is assigned should be based on one or more of these purposes:

1.      to practice skills that have been introduced and developed in class
2.      to complete unfinished classroom assignments or projects
3.      to relate understandings and skills developed at school to everyday life
4.      to enrich the school program by pursuing activities that can be shared with classmates the following day
5.      to provide for independent study or projects

All written homework should be reviewed; other homework may be discussed informally.

Homework is considered formative assessment. As such, homework is an opportunity for teachers to learn more about the instructional needs of each student and should be reviewed in order to provide feedback.

In general, homework should not exceed 30 minutes per subject per day. However, the time required to complete assignments will vary by student. Significant projects may be used as summative, graded assessments that require longer periods of time outside of the school day. Periodic feedback should be incorporated during the completion of various stages of projects in order to improve students' opportunity for success.

(continued)

## INSTRUCTION

## IN GENERAL

§5-14      Homework (continued)

When assigning homework at the secondary level, each teacher should consider students' overall course load and the impact of major assignments during a specific time span. Homework assignments vary by subject matter and reflect the expectations and level of the course. Honors level courses may require more time and effort than academic or grade level courses; college-level courses require assignments reflecting the expectations of college work. Written homework should be processed and reviewed with students in order to provide feedback for the student and the class.

Adopted: 7/10/84

Revised: 6/22/93

Current Revision: 10/13/09

## INSTRUCTION

## IN GENERAL

§5-15      Graduation: Diplomas and Certificates

A Standard or Advanced Studies Diploma shall be awarded to those students who meet all requirements for graduation, including passing the necessary tests prescribed by the Virginia Board of Education.

A Modified Standard Diploma shall be awarded to certain students with disabilities who meet the requirements established by the Virginia Board of Education and if determined by the student's Individualized Education Program team.

A Certificate shall be awarded to those regular education students who meet all Virginia Board of Education requirements for graduation except the verified units of credits or passing the Literacy Passport Test. Such certificates shall bear the wording "In recognition of partial fulfillment of graduation requirements" in a conspicuous place on the face of the certificate.

An Individualized Educational Program Diploma shall be awarded to those students with disabilities who have reached age 18 and who complete the requirements of their Individualized Educational Program and do not meet the requirements for other diplomas. Such certificates shall bear the wording "Has satisfactorily completed the requirements of an Individualized Educational Program."

Legal Reference: Code of Virginia §22.1-253.13:4

Adopted: 9/8/87

Revised: 6/22/93, 4/11/02

Confirmed: 10/13/09

## INSTRUCTION

## IN GENERAL

§5-16 Participation in the Thomas Jefferson High School for Science and TechnologyA. Eligibility

Any Loudoun County student in grades 8-12 is eligible to apply for admission to the Thomas Jefferson High School for Science and Technology. The Thomas Jefferson High School for Science and Technology will actually select the students who will be admitted to the program and implement the criteria by which students are eligible to remain in the program in subsequent years.

B. Payment of Tuition

Tuition for participating in the Thomas Jefferson High School for Science and Technology will be paid by the Loudoun County School Board for all Loudoun County students who are legal residents of Loudoun County and are admitted to the program.

If a student voluntarily withdraws from the Thomas Jefferson High School for Science and Technology, the parents of the student will repay the Loudoun County School Board for tuition encumbered which is not otherwise refunded by the Fairfax County School Division. This does not apply to a student moving away from the county or a student who withdraws from the program prior to September 30.

C. Release of Information

Parents of a student attending Thomas Jefferson High School for Science and Technology or the student if he/she is 18 years of age, shall agree to release the following information to Loudoun County Public Schools:

1. Student Grades - Copies of each report card.
2. Standardized Test Scores - Copies of results on standardized tests. This will include results of achievement tests such as ITBS; of preliminary Scholastic Aptitude Test (PSAT); of the Scholastic Aptitude Test (SAT).
3. Advanced Placement Examination Scores
4. Student Honors - Copies of lists of National Merit Scholarship winners and of winners of other honors.

Adopted: 5/9/89

Revised: 6/22/93

Current Revision: 10/13/09

## INSTRUCTION

## CURRICULUM

§5-17      Access to Programs, Courses and Activities

No student shall be denied access to any program, course, or activity, curricular or extra-curricular, based on gender. Courses that deal exclusively with human sexuality may be conducted in separate sections for boys and girls. Genders may be separated within physical education classes during activities that involve bodily contact. Athletic teams may be conducted for one gender where selection is based upon competitive skill or the activity is a contact sport. If a team in a non-contact sport, however, is conducted for members of one gender and members of the other gender have previously been limited in total athletic opportunities, the members of the excluded gender must be allowed to try out for the team.

All school personnel shall refrain from giving advice or using information that differentiates by gender while providing career or academic counseling.

Legal Reference: Title IX, 20 U.S.C. 1681,  
34 CFR 106.1 *et seq.*

Legal Reference: Code of Virginia 2.2-3901

Adopted: 8/10/76  
Revised: 6/22/93  
Current Revision: 10/13/09



## INSTRUCTION

## CURRICULUM

§5-18      Alternative Education

The Loudoun County Schools offer a variety of educational alternatives designed to meet the needs of students with various interests and abilities. These alternatives shall be designed to assist students in achieving the knowledge, skills, and attitudes described in the goals of public education in Virginia and Policy §5-1 of the Loudoun County School Board.

The program of alternative education shall include offerings for students who are gifted or talented, who are disabled, who are academically oriented, who are technically oriented, or who are in need of remedial or compensatory education.

A special school program housed in a separate facility shall be conducted for those students who are unable to successfully function in a regular school environment or who need an individualized program on a long-term basis.

Adopted: 8/12/82

Revised: 9/13/88, 6/22/93

Current Revision: 10/13/09

## INSTRUCTION

## CURRICULUM

§5-19      Textbook Adoption

The textbook adoption process is conducted in compliance with the "Regulations of the Board of Education" for Virginia Public Schools. The regulations for textbook adoption stipulate a six-year adoption cycle with staff and parent involvement in the adoption process. Because the textbook is a key instructional tool for the teachers, three guiding principles are honored by the adoption process in Loudoun County Public Schools:

- It is the responsibility of the textbook selection committee to determine and recommend for School Board adoption the text which best supports the curriculum inasmuch as the textbook is a primary vehicle in conveying the curriculum to students.
- It is not the responsibility of the textbook selection committee to determine or modify curriculum. This responsibility falls upon other duly appointed committees to conduct the review, research, and lengthy consideration that is necessary in determining the content that is to be taught and the appropriate grade levels for introduction and development of that content.
- Classroom teachers, with input from parents and professionals in related fields, and in collaboration with curriculum specialists, will have the primary role in reviewing textbooks and making recommendation for adoption. Teachers are charged with the direct responsibility for delivering the curriculum to students and therefore should have a key role in the selection of the primary resource in that endeavor.

These principles form the basic architecture for a textbook adoption process that is to be focused upon the task and at the same time highly participatory and broadly inclusive of stakeholders. We believe that it is through a process designed in this way that the best selection decision and the greatest ownership of that decision will ultimately occur.

Legal Reference: Code of Virginia §§ 22.1-239; 8 VAC 20-170-10; 8 VAC 20-220-10 *et seq.*;  
8 VAC 20-230-10 *et seq.*

INSTRUCTION

CURRICULUM

**REGULATION**

§5-19      Textbook Adoption

Textbook adoptions shall be recommended by review committees appointed by the Superintendent or his designee. State guidelines for adoption of textbooks shall be followed. Recommendations of review committees shall be approved and submitted to the School Board by the Superintendent or his designee.

In Loudoun County Public Schools the procedure for review, selection, recommendation, and adoption of textbooks includes the following steps:

Public Announcement

- |    |   |   |
|----|---|---|
| A. | Setting of Selection Criteria   | School newsletters<br>PTA/PTO newsletters<br>Local newspapers |
|    | 1. Based upon the curriculum and state and local criteria.  |   |
|    | 2. Performed by the Steering Committee with representation of teachers, parents, and administrators. Teachers will be selected with attention to balance in large and small schools, grade levels, subject matter, and teaching experience. Parents will be recommended by school principals and attention will be given to balance in large and small schools and grade levels of interest. One (1) additional parent representative from each high school cluster may be included on the committee by applying directly to the Director of Instruction. The steering committee will also include professionals in fields related to the content area in which the textbook adoption is occurring. |   |
| B. | Screening of Available Textbooks  | Work schedule sent to school principals and committee members |
|    | 1. Based upon the selection criteria.   |   |
|    | 2. Performed by the steering committee to narrow the selection to texts matching the selection criteria.  |   |

(continued)

INSTRUCTION

CURRICULUM

**REGULATION**

§5-19      Textbook Adoption (continued)

- |    |  |   |
|----|--|---|
| C. | Review of Screened Texts<br>1. Performed at all school sites where adopted texts will be used.<br>2. Reviewed in schools by teachers, parents, students, and administrators who give written input through rubric evaluation forms.  | Local newspaper<br>School newsletters<br>PTA/PTO newsletters  |
| D. | Public Information Session<br>1. Held at central location.<br>2. Presented by steering committee representatives.<br>3. Provide information and receives input from the public.  | Local newspaper<br>Local radio station<br>PTA/PTO newsletters<br>School newsletters                                   |
| E. | Steering Committee Selection of Texts and Recommendation to the School Board<br>1. Evaluates data from all sources and makes selection of texts to be recommended to the School Board.<br>2. Places all recommended textbooks on display at the Central Office for one month pending final adoption by the School Board. | School Board Meeting<br>Agenda<br>Local newspaper<br>Local radio station<br>School newsletters<br>PTA/PTO newsletters |
| F. | School Board Decision on Textbook Adoption as an Action Item   | School Board Meeting<br>Agenda<br>Local newspaper<br>Local radio station<br>School newsletters<br>PTA/PTO newsletters |

## INSTRUCTION

## CURRICULUM

§5-21      Dishonesty in Assigned Work

Students are expected to do their own work on all tests, papers, projects, and other work assigned to be done on an individual basis. Turning in the work of another student as one's own or assisting another student on work that should be done individually is an act of dishonesty. The student who steals or uses with consent the work of another student and the student who assists or allows another student to use his/her work are each guilty of misrepresentation of the truth. The one who uses the work of another fails to develop the intended skills and knowledge, and both fail to develop personal integrity.

Any student who turns in work that is not his/her own as his/her own from whatever source or who assists or gives his/her work to another student shall be given a grade of zero on that work. The incident shall be reported to the principal and to the parent(s) and shall be recorded on the disciplinary record of the student(s).

Principals are authorized to establish rules consistent with this policy and to punish violators in accordance with disciplinary policies.

## INSTRUCTION

## CURRICULUM

§5-30      Adult Education

Adult Education is defined as instructional programs below the college credit level provided by Loudoun County Schools for persons over the age of compulsory school attendance (18) who are not enrolled in the regular Public School Program and includes the following:

A.            Adult Basic Education

This program provides educational opportunities for adults whose literacy skills are below the ninth grade or who speak English as a Second Language. The primary objective is to help under-educated adults to learn the practical use of basic skills in reading, writing and arithmetic which will permit them to become more productive members of society. This program is offered free of charge.

B.            General Adult Education

This program is for adults who are interested in pursuing a vocational or cultural instruction. Courses are offered based on student demand. A fee is charged for each course to cover the cost of instruction.

C.            General Educational Development

This program is for persons who did not complete high school. The program helps prepare students for the General Education Development test. Upon achieving satisfactory scores on the G. E. D. test, the student may earn an equivalency certificate that is recognized by most employers and many colleges as being equivalent to a high school diploma. A fee is charged for the program; students must purchase books and pay a fee to take the G. E. D. test.

D.            Adult High School

This program is for students who wish to complete their high school education through evening classes. Upon completing the State requirements for high school graduation the students receive a high school diploma. A fee is charged for each course to cover the cost of instruction.

Adopted: 9/12/72

Revised: 8/8/78, 6/22/93

Current Revision: 10/13/09

## INSTRUCTION

## CURRICULUM

§5-31 Adult Day-Time Students at the Monroe Technology Center

Some adult students may be admitted to the Monroe Technology Center. This may include students who enrolled as Seniors in the first year of a two-year course.

Rules for application and admission to these programs, attendance, and behavior of such students will be established by the Monroe Technology Center administration.

INSTRUCTION

CURRICULUM

**REGULATION**

§5-31 Adult Day-Time Students at the Monroe Technology Center

A. Tuition

1. Adults shall be charged a tuition fee.
2. Tuition is due and payable prior to the beginning of each semester.
3. The tuition charge is non-refundable.

B. Application

1. Application for entry into a program shall be made at the Monroe Technology Center (MTC).
2. The Applicant must use the standard application form which is available at MTC.
3. Prior to acceptance into a program, adults will be required to have a personal interview with a MTC administrator.
4. Acceptance into a program will be determined by (1) the Principal of MTC and (2) the Placement Coordinator of MTC.

C. Enrollment

1. Adults shall be admitted on a space available basis.
2. Adults shall hold a high school diploma, a GED Certificate or be enrolled in an approved GED program.
3. Adults accepted into a program shall initially enroll in the first level of that program.

D. Schedule

1. Adults shall attend classes at the MTC during the regularly scheduled time period designated by the Center.
2. Adults shall attend classes 5 ½ (five and one-half) hours per day, every other day, over a one or two year span, depending upon the course.

E. Rules and Regulations

1. Adults shall be subject to the same rules and regulations as the high school full-time day student.

(continued)



INSTRUCTION

CURRICULUM

**REGULATION**

§5-31 Adult Day-Time Students at the Monroe Technology Center (continued)

2. Adults shall be responsible for providing clothing or specialty items related to the occupation.
3. Excessive absenteeism could result in an adult student being dropped from the program.

F. Postgraduates

1. Students enrolled as seniors in the first level of a new program shall be permitted to enroll in the second level of the same program.
2. There shall be no tuition charge for these post-graduates.
3. They shall be on roll in their home school but report directly to the Monroe Technology Center each day. Attendance will be reported to the home school by the MTC administration.
4. The post-graduate student shall be subject to the same rules and regulations as the regular full time student.
5. The post-graduate student shall follow the time schedule designated for his/her level in the program.

## INSTRUCTION

## CURRICULUM

§5-39      Drug Education

Drug education is an important part of the instructional program in Loudoun County Public Schools. The expectation is that all students will be educated in learning environments that are safe, drug free, and conducive to learning.

## Drug Education Objectives

1. To provide a curriculum that emphasizes drug and alcohol education and the prevention of substance use and abuse.
2. To provide educational programs for students and parents regarding the public safety hazards of alcohol and substance abuse, as well as the implications of underage drinking and driving.
3. To establish support for students who may experience issues with substance abuse and to provide instruction via health education regarding refusal skills for students who may experience peer pressure around substance abuse.

Adopted: 8/10/71

Revised: 6/22/93

Current Revision: 11/30/09

## INSTRUCTION

## CLASSROOM MANAGEMENT

§5-45 Classroom Placement of Twins

The parent of twins (or higher order multiples) enrolled in the same elementary school may request that such children be placed in the same classroom or separate classrooms.

A. The request for placement must be made no later than three (3) days after the first day of each school year or three (3) days after the first day of attendance of the children during a school year.

B. Except as required by federal or state law as hereinafter provided, the school shall provide the placement requested.

C. At the end of the initial grading period after enrollment, if the school principal, in consultation with the children's classroom teacher, determines that the requested classroom placement is either disruptive to the school or is harmful to the children's educational progress, the principal may request that the division superintendent, or designee, determine the children's classroom placement. In the event of such request by the principal, the division superintendent shall make such placement. The decision of the division superintendent or designee is final and may not be appealed.

D. Nothing contained herein shall prohibit a school from recommending a classroom placement to parents.

Legal Reference: Code of Virginia §22.1-79.3

## INSTRUCTION

## SPECIAL EDUCATION

§5-52      Generally

All children, ages 2-21 inclusive, residing in the County who are disabled and need Special Education and/or Related Services shall be identified, located, evaluated, and placed in the appropriate free education program. In those cases where a particular program is not available within the public school system, Tuition Assistance shall be provided under the Rules and Regulations established by the State Board of Education.

In accordance with the above statement, as to the process of Identification, Evaluation, and Placement, the following policies shall be incorporated in the areas of Due Process Procedures, Testing and Evaluation Materials, Individualized Educational Program, Least Restrictive Environment, and Parent or Guardian Consultation.

A.      Due Process Procedures

1.      In order to ensure that disabled children and their parents, or guardians, are guaranteed procedural safeguards in the process of identification, evaluation, and placement in Special Education Programs, the following steps shall be taken:

Prior notice requesting permission for testing will be given, both written and oral, in English, and in the primary language of the home and include the following parent (guardian) rights:

- To know why the school system or agency is requesting the evaluation.
- To know who is making the request - name(s) and position(s).
- To have access to all school records relating to the child for whom the request is being made.
- To refuse to permit the evaluation - in which case the Division Superintendent may, but is not required to, use mediation or due process hearing procedures to pursue the evaluation. The parent will be informed of applicable procedural Due Process Rights.
- To be fully informed of the results of the evaluation.
- To know that the evaluation will not take place without the knowledge and written approval of the parent or until Due Process Procedures have been exhausted.

(continued)

## INSTRUCTION

## SPECIAL EDUCATION

§5-52      Generally (continued)

2. Prior notice requesting permission for placement will also be given, both written and oral, in English and in the primary language of the home, including all of the parental rights outlined above along with the following:
  - A detailed description of the action proposed or refused by the school system or agency.
  - Specification of any tests, reports, or other relevant factors upon which such action is based.

B.      Testing and Evaluation Materials

In order to ensure that testing and evaluation materials utilized for the purpose of classification and placement of disabled children will be selected and administered so as not to be racially or culturally discriminatory, the following major factors will be taken into consideration:

The Examiner shall:

- Choose among appropriate tests to find those which are best suited for the individual being examined.
- Remain aware of potential bias throughout test process and administer the test as fairly as possible.
- Take care to observe quality of responses provided by person being tested in a manner which goes beyond strictly-scorable responses.
- Use supplementary testing to provide further data when cultural or racial bias is thought to be interfering with results.
- Summarize the test results in such a way that discriminatory effects are discussed and considered in the conclusions.

C.      Individualized Educational Program

An Individualized Education Program (IEP) shall be developed for each child enrolled in a Special Education Program, either public or private. The IEP shall be

(continued)

## INSTRUCTION

## SPECIAL EDUCATION

§5-52      Generally (continued)

formulated in an individual planning conference with the parent(s) unless the parent(s) refuse to participate. The IEP shall include documentation of decisions reached about the goals, content, implementation, and evaluation of the child's educational program, and shall be reviewed at least annually with the child's parent(s).

D.            Least Restrictive Environment

In order to ensure, that to the maximum extent appropriate, disabled children are educated with children who are not disabled, the following major program and operational procedures shall be established:

1.        In the development of new programs for disabled children, emphasis shall be placed on those models that allow a student to be maintained in a regular classroom setting to the maximum extent possible and provide services on either an itinerant or resource basis.
2.        Students being provided services through a self-contained model shall be housed in regular school buildings, scheduled into common school group activities such as field trips and lunch routine, and placed on an individual basis in regular classroom situations in various subject areas.
3.        With respect to the above, each child's placement shall be determined at least annually and be based on his or her Individualized Education Program. In addition, steps shall be taken to assure that implementation of this provision will not produce a harmful effect on the child or reduce the quality of services he or she requires.

E.            Parent or Guardian Consultation

Parent or guardian consultation shall be a continuing process and include but not be limited to periodic progress reports on a child's Individualized Educational Program once placement has been made.

F.            Full Educational Opportunity Goal

It is the goal of the Loudoun County Public Schools to provide full educational opportunities for all disabled children, ages birth - 21 inclusive, including appropriate career education, pre-vocational education, and vocational education.

Adopted: 8/11/70

Revised: 9/8/81, 6/22/93

Current Revision: 10/13/09

## INSTRUCTION

## SPECIAL EDUCATION

§5-53      Personnel Development

The Director of Special Education shall provide leadership in establishing and implementing a comprehensive system of personnel development to include the professional development of general and special education instructional and support staff in the various disabilities.

Adopted: 8/11/70

Revised: 9/8/81, 6/22/93

Current Revision: 10/13/09

## INSTRUCTION

## SPECIAL EDUCATION

§5-54 Student Eligibility/Placement ProceduresA. Transfer of Presently Enrolled Students to Special Education Program

1. A teacher, principal, supervisor, parent, or other interested person may initiate a referral of a child to a Local School Screening Committee if it is believed that the child may be in need of special education services.
2. Eligibility for special education services is determined by the Special Education Eligibility Committee in accordance with Federal, State, and Local regulations governing the operation of special education programs for students with disabilities.
3. Placement of eligible children in a special education program may occur only after the development of an Individualized Educational Program in accordance with the procedures outlined in the State and Federal regulations.

B. Admission of Eligible Disabled Students from Other School Divisions and/or Private Schools

1. If a student is enrolled whose immediate prior educational placement was in a special education program, the child is eligible for interim placement in a special education program consistent with his/her current IEP during the period the Loudoun County assessment and eligibility process is being completed.
2. When enrolling an eligible disabled student, the principal should follow the procedures outlined in the special education regulations.
3. Final determination of continuing eligibility for special education services will be made by the Special Education Eligibility Committee in accordance with existing rules and regulations.

Adopted: 4/12/77

Revised: 9/8/81, 6/22/93

Current Revision: 10/13/09



## INSTRUCTION

## SPECIAL EDUCATION

§5-55 Disciplinary Procedures for Students with DisabilitiesA. Purpose

The purpose of this policy is to establish procedures, consistent with applicable law, for the discipline of students with disabilities.

B. In-School Disciplinary Measures

School personnel are authorized to use in-school disciplinary measures in accordance with §8-26 of these policies.

C. Exclusion from Extracurricular Activities

School personnel are authorized to use exclusion from extra-curricular activities in accordance with §8-29 of the policies.

D. Short-Term Suspension

School personnel are authorized to use short-term suspension in accordance with §8-27 of these policies. The Director of Special Education shall be notified of all suspensions of disabled students.

E. Involuntary Transfer, Long-Term Suspension, and Expulsion

Any principal who considers recommending to the Division Superintendent long-term suspension, involuntary transfer for adjustment purposes, or expulsion of a disabled student, shall convene an IEP Committee, which includes the Director of Special Education or designee, to determine whether or not there is a manifestation between the child's disability and the misconduct that led to the recommendation. This determination must be made by the IEP committee pursuant to the change of placement procedures. A series of suspensions which aggregate to more than 10 days may be considered a significant change in placement requiring re-evaluation and procedural protection. Factors to consider in determining whether aggregate suspensions of 10 days or more are long-term suspensions include length of each suspension, proximity of suspensions, and total amount of time suspended. If there is a manifestation or if the child was inappropriately placed at the time of the misconduct, the child may not be expelled. If there is no manifestation determination or if the child was appropriately placed at the time of the misconduct, the child may be disciplined in the same manner as a non-disabled child. In the case of an expulsion, parental consent is not required prior to expelling the child.

POLICY  
INSTRUCTION

§5-55  
(b)

SPECIAL EDUCATION

§5-55      Disciplinary Procedures for Students with Disabilities (continued)

F.            Dangerous Disabled Student

Although Loudoun County Public Schools recognizes that it may not unilaterally change the placement of a student with dangerous behavior when the misconduct is determined to be a manifestation of the student's disability, school officials may use normal disciplinary measures for a child who exhibits dangerous behavior to include time outs or suspension up to 10 days.

Adopted: 4/12/77  
Revised: 4/25/90, 6/22/93  
Current Revision: 10/13/09

## INSTRUCTION

## SPECIAL EDUCATION

**REGULATION**§5-55 Disciplinary Procedures for Students with Disabilities

The following procedures supplement Policy §5-55 to specify time requirements that must be followed when a disabled student is considered for disciplinary action by the Division Superintendent. It is essential that these requirements are met.

1. The student should be suspended for at least three (3) school days to allow time for the process to work.
2. The notice of suspension and back-up information should be hand carried to the Director of Special Education on the day of the incident. Call ahead to let the Director know that it is coming.
3. The Director of Special Education will convene an IEP committee and reach a decision on relatedness within two (2) days of receipt of the information. A special education central office supervisor/director will chair the IEP committee meeting.
4. If the misconduct is not related to the student's disabling condition, the parent should be called in for a meeting to choose a new school or prepare other documentation for the Division Superintendent within the time frame of the suspension. A finding of "not related" means that normal disciplinary procedures can be followed, but transportation must be provided to the student even if he/she is involuntarily transferred.
5. If the student's behavior is found related to his/her disabling condition, the parent and student must meet with the school principal and the IEP committee to discuss actions to be taken regarding placement and/or eligibility. The Special Education Department will begin reconsideration of eligibility and/or placement with full involvement of the school and parents.

## INSTRUCTION

## SPECIAL EDUCATION

§5-58      Procedures for Location of Self-Contained Special Education ClassesA.            Purpose

The purpose of this policy is to establish administrative procedures to be implemented whenever a self-contained special education class is to be moved to a different location or when a new class is to be established in a school where no other classes of that type exist.

B.            Procedures

At the end of each school year following the submission of the IEPs, the special education program staff will evaluate the IEPs, and on the basis of multiple factors, prognosticate enrollments for the coming year. If it is determined that an existing class needs to be moved or a new class (as defined above) is to be added, parents will be notified by mail of the change. The special education staff will gather the necessary information and formulate options/recommendations regarding the potential location(s).

The various factors that contributed to the decision to recommend a particular site will be outlined. Parents will then be provided the opportunity to communicate their feelings about the staff's recommendations.

Following the notification, any public input/reaction will be considered by the appropriate administrative staff in reaching a final decision.

This procedure will in no way interfere with any procedural rights stated in the School Board Policy Manual or reserved under the Individuals with Disabilities Education Improvement Act, December 3, 2004, (IDEA '04) and its implementing federal regulations, October 13, 2006, Individuals with Education Act and Section 504 of the 1973 Rehabilitation Act (Civil Rights Statute), as amended.

Adopted: 1/8/91

Revised: 6/22/93

Current Revision: 10/13/09

## INSTRUCTION

## SPECIAL EDUCATION

§5-64      Homebound Instruction

Loudoun County Public Schools (LCPS) under State authorization offers homebound instruction as a service to school age children who are actively enrolled in LCPS. This instruction is offered to those students whose medical needs prevent students from attending school for a limited period of time, based upon certification of need by the attending licensed physician or licensed clinical psychologist.

Teachers

Teachers eligible to be employed to instruct homebound students must hold an active Virginia license issued in accordance with rules and regulations of the State Board of Education.

Adopted: 8/11/70

Revised: 6/22/93

Current Revision: 10/13/09

## CHAPTER 6

### SUPPORT SERVICES

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CHAPTER 6

SUPPORT SERVICES

ARTICLE IV: CONSTRUCTION/ENERGY

§6-41 High Performance Design and Construction for Energy Efficiency  
and Environmental Impact

§6-42 Energy and Water Management/Conservation

SUPPORT SERVICES

CAFETERIA

§6-1        Centralized Program

The Loudoun County School Board has authorized the centralization of the school food service program and further authorizes the staff to maintain its funds with a local banking institution in order to support that centralization function.



SUPPORT SERVICES

CAFETERIA

§6-2      Income

All income from the sale of food items to students on school property occurring from the beginning of the first lunch period through the end of the last lunch period shall accrue to the school food service account. No school food service monies may be used to support student or staff meal or food charges.

## SUPPORT SERVICES

## TRANSPORTATION

§6-6 Bus Transportation Authorized

State law authorizes, but does not require, the Loudoun County School Board to transport children to school unless they are disabled and are attending a special education program. Therefore, nothing should be construed to require transportation to any student except as provided by §22.1-221 of the Code of Virginia.

Students may be suspended from using school transportation services for violations of the Loudoun County Public Schools *Students Rights and Responsibilities* or when the student endangers the health, safety, and welfare of other riders. In such cases, the parent or guardian shall be responsible for transporting the student to and from school.

When the School Board provides transportation for extracurricular activities that are not covered by an activity fund and which the students are not required to attend or participate in, the principal may accept contributions for such transportation or charge each student a pro rata share of the cost. The fees for any student whose parent or guardian is financially unable to pay them may be waived.

When the School Board provides transportation for field trips which are part of the school's program and are sponsored by the school, the principal may accept contributions for the cost.

Legal Reference: Code of Virginia §§22.1-176, 22.1-221

Adopted: 5/10/94

Revised: 6/23/09

Current Revision: 11/10/09

SUPPORT SERVICES

TRANSPORTATION

§6-8      Bus Loading

The number of students who can be loaded on a school bus is determined by the number of seats. Students may be permitted to stand only during unforeseen emergency conditions.

Legal Reference: 8 Virginia Administrative Code 20-70-40

## SUPPORT SERVICES

## TRANSPORTATION

§6-9        Maximum Speed Limits

The maximum speed limit for school buses shall be 45 miles per hour or the minimum speed allowable, whichever is greater, on any highway where the maximum speed limit is 55 miles or less, and 60 miles per hour on all interstate highways and on other highways where the maximum speed limit is more than 55 miles per hour.

All other licensed motor vehicles owned or operated by Loudoun County Public Schools shall be operated in compliance with the Code of Virginia and posted speed limits.

Legal Reference: Code of Virginia §§46.2-870, 46.2-871, 46.2-875, 46.2-876, 46.2-878.1, 46.2-878.2

Adopted: 5/10/94

Revised: 9/28/99, 4/24/07

Current Revision: 6/23/09

SUPPORT SERVICES

TRANSPORTATION

§6-11      Transportation on State Maintained Dead End Roads and Private Roads

The Loudoun County School Board authorizes the Director of Transportation to determine bus stops and upon which routes and roads buses can travel.

Regulations will be developed to accompany this policy.

Legal Reference: Code of Virginia §§ 22.1-78, 22.1-221, 46.2-100

## SUPPORT SERVICES

## TRANSPORTATION

§6-13      Emergency Drills

At the Pre-K-1 grade levels, initial safety training shall occur during the first week of school with additional training provided on a periodic basis during the year.

Emergency exit drills shall be practiced by all pupils at least twice a year, the first occurring during the first 30 instructional days and the second in the second semester. Summer session and activity bus evacuation drills should be performed as needed.

Bus rider safety rules are included in the Loudoun County Public Schools Students Rights and Responsibilities, which is distributed to all students and is posted on the Loudoun County Public Schools website.

Pupil rider safety instruction shall be included in the elementary school curriculum, including demonstration and practices of safety procedures.

Legal Reference: Code of Virginia §22.1-184; 8VAC20-70-110

Adopted: 5/10/94

Revised: 6/23/09

## SUPPORT SERVICES

## TRANSPORTATION

§6-14      Vehicle Operators (excludes bus drivers)

All employees who are assigned a Loudoun County Public Schools' licensed motor vehicle must possess a valid operator's license and provide a copy of their driving transcript to the Director of Transportation or designee annually. Such employees may allow Loudoun County Public Schools to obtain such Virginia transcripts via written permission for no fee. Employees operating any licensed motor vehicle owned or operated by Loudoun County Public Schools without a valid operator's license will be subject to disciplinary actions including termination of employment.

## SUPPORT SERVICES

## TRANSPORTATION

§6-15      School Board Vehicles

The Loudoun County School Board shall own, lease and operate such motor vehicles as shall be necessary for instructional program support and student transportation. Further, certain designated vehicles will be used for support activities for the maintenance of buildings and grounds, support of the school lunch program, security, and specified administrative functions.

Publicly-owned school buses may be used only for purposes connected with public school programs or public purposes designated by the Superintendent or designee. Each such authorization shall provide for reimbursing the School Board in full for the proportionate share of any and all costs.

Legal Reference: Code of Virginia, §§22.1-176, 22.1-182, 22.1-198

Adopted: 6/13/95

Revised: 6/23/09



## SUPPORT SERVICES

### TRANSPORTATION

#### REGULATION

#### §6-15 School Board Vehicles

##### A. Authorization of Vehicle Use

1. The Division Superintendent shall review on an annual basis the assignment of vehicles that are designated for home to work utilization and report the results of this review to the School Board for approval. Assignment of home to work vehicles shall be made only for special instructional requirements, twenty-four hour special duty call, certain maintenance, construction and security requirements.
2. Pool vehicles that are provided and maintained for multiple uses to support the total educational program shall be assigned to the appropriate senior staff members. Records of use, appropriate utilization and vehicle access shall be administered by the respective senior staff member that has been assigned pool vehicles.

##### B. Use of Vehicles

1. All vehicles are to be marked with readily visible identification designating the vehicle as Loudoun County Schools property.
2. All vehicles are to be operated in a safe manner in accordance with applicable laws.
3. Persons assigned vehicles on a work-to-home basis understand that such an assignment is made with the provision that the employee is "subject to call" and is required to respond at the direction of the appropriate supervisor. Additionally, vehicles are assigned to certain administrators in order to enable that administrator to respond to various work locations daily and to attend night meetings and activities as required.
4. Personal use of School Board vehicles shall be confined to those stops of short duration that are readily adjacent to the employees daily work route.

(continued)

SUPPORT SERVICES

TRANSPORTATION

**REGULATION**

§6-15 School Board Vehicles (continued)

5. All mechanical failures or equipment deficiencies shall be reported immediately to the Department of Transportation.
6. Vehicles are to be regularly maintained based upon the schedule established by the Department of Transportation.
7. Additional regulations governing Maintenance and Transportation vehicles shall be developed by those departments because of the specialized use required of those vehicles.
8. All operators of School Board vehicles shall take appropriate steps to secure said property when not in use and park assigned vehicles in a safe, lighted area when possible.
9. All accidents, involving any School Board vehicle must be reported immediately to the Department of Transportation and the immediate supervisor of the driver. All information regarding persons in said accident shall be secured by the School Board driver. Examples of such information are names, addresses, social security numbers, insurance, phone numbers, etc. Additionally, names, addresses, and phone numbers for all witnesses shall be secured.
10. Passengers must be School Board employees, School Board members, volunteers, clients of a School Board program, or persons representing a private firm or other governmental unit conducting business with the County. Any deviation from the above shall be approved by the immediate supervisor of the driver.
11. Seat belts must be used by all occupants of School Board vehicles.
12. No smoking will be allowed in any School Board vehicle.

(continued)

SUPPORT SERVICES

TRANSPORTATION

**REGULATION**

§6-15      School Board Vehicles (continued)

13.    Alcohol must not be transported (or consumed) in any School Board vehicle.
14.    Parking and moving violations are the responsibility of the driver of a School Board vehicle.

C.        Penalties for Noncompliance

Failure to comply with any of the above regulations shall be considered cause for dismissal, or other disciplinary measures as deemed appropriate by the Division Superintendent.

## SUPPORT SERVICES

## TRANSPORTATION

§6-16      Bus Drivers

Loudoun County Public Schools will not hire, employ, or enter into any agreement with any person for the purposes of operating a school bus transporting pupils unless the person has met all conditions for such employment as dictated by the Code of Virginia, Virginia Administrative Code, Virginia Department of Education, and Loudoun County Public Schools policy.

Legal Reference: Code of Virginia §§18.2-271.1, 46.2-498, 22.1-178

Adopted: 5/10/94

Revised: 6/23/09

SUPPORT SERVICES

TRANSPORTATION

§6-17      Safety Belts Required

Any operator of an LCPS school bus or licensed motor vehicle must use the safety restraint system provided in the vehicle while the vehicle is in motion.

Legal Reference: Code of Virginia §46.2-1091

Adopted: 5/10/94

Revised: 6/23/09

## SUPPORT SERVICES

## TRANSPORTATION

§6-18      School Bus Safety

All buses and other vehicles owned and operated by Loudoun County Public Schools will be inspected for safety in accordance with the regulations prescribed by the Department of Education.

All accidents, regardless of the damage involved, must be reported to the Director of Transportation or designee.

Wireless telecommunications devices or other devices, whether handheld or otherwise, may not be used while driving a school bus, except in case of an emergency. Nothing in this section shall be construed to prohibit the use of two-way radio devices authorized for use by the Director of Transportation.

Legal Reference: Code of Virginia §46.2-919.1; 8VAC 20-70-130; 8VAC20-70-140;  
8VAC20-70-380

Adopted: 6/23/09

## SUPPORT SERVICES

## TRANSPORTATION

§6-19      School Bus Scheduling and Routing

All Loudoun County Public School buses will be scheduled to maximize safety and efficiency. The schedule shall show the time the bus starts in the morning, the time it leaves each point at which pupils are picked up, and the time of arrival at school. One copy of such schedule shall be kept in the bus and one copy shall be kept in the office of the Division Superintendent or his/her designee.

A written vehicular and pedestrian traffic control plan for each existing school site shall be reviewed annually for safety. All new school site plans shall include provisions which promote vehicular and pedestrian safety.

Legal Reference: Code of Virginia §§22.1-16, 22.1-177, 22.1-178  
8 Virginia Administrative Code 20-70-160

Adopted: 10/27/09

POLICY

§6-20

SUPPORT SERVICES

TRANSPORTATION

§6-20      Insurance

The Loudoun County School Board carries insurance on every vehicle as deemed necessary or as required by State law. This insurance provides financial assistance to pupils and personnel in case of injuries or deaths resulting from an accident.

Legal Reference: Code of Virginia §22.1-190; 8VAC20-70-120

Adopted: 5/10/94

Revised: 6/23/09



## SUPPORT SERVICES

## TRANSPORTATION

§6-21      Eligible Riders

The Loudoun County School Board shall provide transportation in accordance with the Code of Virginia, Rules and Regulations of The State Board of Education, and the following guidelines:

1. Transportation will only be provided to the school to which a student is assigned within his/her residential school zone as established by the School Board. Students who attend a school outside their normal attendance zone will not receive transportation.
2. Exceptions will be made for students who are placed at a school other than the one they would normally attend based upon the requirements of their educational program.
3. Exceptions will be made for students who are assigned to a school out of their normal zone because of overcrowding.
4. Homeless students will be provided transportation to and from the school of origin (the school the student attended when permanently housed or the school in which the student was last enrolled) when in the best interest of the student. If the homeless child continues to live in Loudoun County, the student's transportation to and from the school of origin shall be provided or arranged by Loudoun County Public Schools (LCPS). If the homeless child's living arrangements in Loudoun County terminate and the child, though continuing his or her education in the school of origin, begins living in an area served by another division, LCPS and the division in which the homeless child is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin when in the best interest of the student. If the divisions are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

## SUPPORT SERVICES

## TRANSPORTATION

§6-21      Eligible Riders (continued)

5. Students who transfer to another school under No Child Left Behind regulations (Title I schools that do not make adequate yearly progress as defined by the No Child Left Behind Act for two consecutive years) will be provided transportation until the zoned school is removed from Title I improvement status.
6. Mixed grade/age level student loads are permitted.
7. Student field trips, approved by building principals, which enhance the educational program, shall be provided on school division buses when approved by the Director of Transportation.
8. School buses will be provided for trips connected with the school division's interscholastic athletic program.
9. Kindergarten - Transportation shall be provided for all kindergarten students living more than eight-tenths (0.8) of a mile walking distance from their assigned elementary schools; all kindergarten students shall be transported at midday.
10. Elementary - Transportation shall be provided for all elementary students living more than eight-tenths (0.8) of a mile walking distance from their assigned elementary schools.
11. Middle and High - Transportation shall be provided for all middle and high students living more than one (1.0) mile walking distance from their assigned middle or high school.
12. The Director of Transportation may adjust any of the above distances to include students that may be affected by geographic, topographic and development patterns that would make locating pick-ups and transportation more practical. In no case however, shall any adjustment affect the attendance zone for any school.
13. Transportation may be provided to any student within the walking distances where unusual hazards make walking to and from school unsafe as determined by the Director of Transportation.

(continued)

## SUPPORT SERVICES

## TRANSPORTATION

§6-21      Eligible Riders (continued)

14. Students suffering temporary disability living within the walking distances may be provided transportation for the term of the temporary disability provided a written request, including a physician's statement, and approval of the school principal, is made to the Director of Transportation. The Director of Transportation's approval will be based upon availability of transportation equipment.
15. Requests for exceptions to any of the above guidelines may be made in writing to the Director of Transportation. The Director of Transportation will respond in writing to the applicant within ten (10) working days.
16. The decision of the Director of Transportation may be appealed in writing to the Division Superintendent or the Division Superintendent's designee who will respond in writing to the applicant within ten (10) working days. The decision of the Division Superintendent may be appealed to the Loudoun County School Board under Policy §2-20 Appeal of Administrative Decisions.

Legal Reference: Code of Virginia §22.1-3

Adopted: 5/10/77

Revised: 10/10/89, 5/10/94

Current Revision: 12/8/09

## SUPPORT SERVICES

## TRANSPORTATION

§6-24      Student Discipline on Buses

The bus driver is responsible for the discipline of students on the bus. Students are expected to obey school rules and verbal instructions of the driver.

The driver shall report to the school principal any misconduct of students on the school bus or at waiting stations or stops on the way to and from school, recognizing the School Board's authority over students going to or returning from school. The driver shall be guided by the principal's advice and direction, subject to the policies of the School Board.

When it becomes necessary for the driver to correct students, the driver shall stop at the nearest and safest place and restore order before proceeding.

Students may be suspended from using school transportation services for violations of the Loudoun County Public Schools Students Rights and Responsibilities or when the student endangers the health, safety, and welfare of other riders. In such cases, the parent or guardian shall be responsible for transporting the student to and from school.

Legal Reference: Code of Virginia §22.1-78

## SUPPORT SERVICES

## TRANSPORTATION

§6-26      Student Safety

The safety of students is of great concern to the School Board, which provides for training of drivers, care and maintenance of equipment, regular inspections of equipment, review of all school sites and bus routes, assessing routes for walking to and from school, and other procedures to safeguard the students.

Wireless telecommunications devices, whether handheld or otherwise, may not be used while driving a school bus, except in case of an emergency, or when the vehicle is lawfully parked and for the purposes of dispatching. Nothing in this section shall be construed to prohibit the use of two-way radio devices authorized for use by the Director of Transportation.

Student safety, security, and comfort depend on appropriate behavior on Loudoun County Public School buses identical to that expected of students in school. The School Board affirms that, while riding the bus, students are on school property and disciplinary infractions are handled in accordance with Loudoun County Public Schools Student Rights and Responsibilities. Students may be suspended from using school transportation services for violations of the Student Rights and Responsibilities or when the student endangers the health, safety, and welfare of other riders. Principals or their designees or the Director of Transportation are authorized to remove and deny students who misbehave transportation to and from school. In such cases, the parent or guardian shall be responsible for transporting the student to and from school.

In-service training of at least two hours prior to the opening of schools and at least two hours during the second half of the school year shall be provided to all bus drivers. This shall include how to maximize benefits of safety programs and safety components.

Students riding in Type A school buses equipped with passenger restraint belts shall wear them while the bus is in motion.

Student safety instruction shall be included in the curriculum, including demonstration and practices of safety procedures. At the Pre K-1 grade levels, initial safety training shall be given during the first week of school and additional training shall be given on a periodic basis. Emergency exit drills shall be practiced by all riders at least twice each year with the first occurring during the first 30 instructional days. Bus rider safety rules shall be included in the Loudoun County Public Schools Student Rights and Responsibilities. The information shall include a request that parents or their designees accompany young children to and from the bus stop. In no case shall a kindergarten student be left unescorted at a bus stop alone after school.

## SUPPORT SERVICES

### TRANSPORTATION

§6-26      Student Safety (continued)

Loudoun County Public Schools will conduct safety evaluations of bus stops and will recommend safe walking routes for students. Loudoun County Public Schools will develop regulations for establishing safe walking routes.

The Director of Transportation will develop a bus emergency action plan, in the form of a regulation, to be followed in the event of a bus emergency.

Loudoun County Public Schools will follow an effective process for handling and investigating accidents so that all injured students and staff are cared for promptly, further injury is prevented, and correct and timely information is disseminated to all necessary parties.

Legal Reference:    Code of Virginia §22.1-180, 46.2-919.1  
                              8 Virginia Administrative Code 20-70-360

Adopted: 5/10/94  
Revised: 10/27/09

## SUPPORT SERVICES

## TRANSPORTATION

**REGULATION**§6-26      **Student Safety**

When loading or unloading students, the bus shall stop in the right-hand lane only at designated points where the bus can be clearly seen for a safe distance from both directions, and the driver shall keep the school bus warning devices in operation to warn approaching traffic to stop and allow students to cross the highway safely. Students who must cross the road shall be required to walk to a point 10 feet or more in front of the bus, stop before reaching a position in line with the left side of the bus, and wait for a signal from the driver before crossing the highway. On dual highways divided by a physical barrier or unpaved area, buses shall be routed so that students will be picked up and discharged on the side of the road on which they live.

School bus routes, school sites, and safety of students at bus stops shall be reviewed at least once each year. Bus routes shall be revised for safety hazards, fuel conservation, and to assure maximum use of buses. Local school administrators shall evaluate the safety of students at bus stops periodically. A written vehicular and pedestrian traffic control plan for each school site shall be developed and reviewed annually for safety hazards. All new school site plans shall include provisions which promote vehicular and pedestrian safety.

The driver of activity or extracurricular trip buses shall advise the students and sponsors of the locations of required emergency equipment prior to the beginning of any such trip.

## SUPPORT SERVICES

### COMMUNITY USE OF FACILITIES

#### §6-27 Use of School Facilities for Non-School Purposes

##### A. Authorization and Responsibility

School facilities, including buildings and grounds, are designed and constructed to support the educational programs of the school. Use of these facilities for school purposes shall have first priority.

When not needed for school purposes, school facilities may be made available to community organizations for use in accordance with applicable policies and administrative regulations. As used in this policy and policy §6-28, the term "organization" or "community organization" shall mean an organization located in Loudoun County or which organization's purpose is for the benefit of the citizens of Loudoun County, not organized for profit, which organization's purpose and function would qualify it for tax exempt status under Section 501(c) of the Internal Revenue Code (U.S.), and which organization does not discriminate as to its membership qualifications or attendance at any of its functions on any basis prohibited by the laws or Constitution of the United States or the Commonwealth of Virginia.

The building principal is authorized to approve use by community organizations when facilities are not needed for school purposes and is responsible for supervision of the proper use of facilities. The principal is further authorized to revoke permission of any organization that does not comply with applicable policies and regulations.

##### B. Conditions Governing Use

1. An employee of the School Board must be on duty whenever any school building is used by an eligible organization. If outside the normal duty hours of the employee, the using organization will reimburse the school system for the employee's time in accordance with established fees. The building administrator has the discretion to approve supervision by a Loudoun County Parks and Recreation employee. Such employee must have as his/her sole responsibility supervision of the building.
2. No school facility will be used for commercial or personal gain.

(continued)



## SUPPORT SERVICES

### COMMUNITY USE OF FACILITIES

§6-27      Use of School Facilities for Non-School Purposes (continued)

B.            Conditions Governing Use

3.      No facility will be used for money-raising activities unless the proceeds are to be used for charitable, educational, cultural or other community welfare purposes.
4.      School authorities shall have access to any meeting or activity held in or on school facilities.
5.      Individual or family affairs are prohibited.
6.      All using organizations shall agree to indemnify and hold harmless the School Board and all of its members and employees from any loss or injury incurred in connection with the use of school facilities.
7.      After each use, organizations are required to make certain that the facility is clean and undamaged. Using organization shall promptly pay all necessary custodial and/or supervisory expenses. In the event of damage to school property, reimbursement shall be promptly made to Loudoun County Public Schools (County of Loudoun).
8.      Using organizations shall be responsible for supervision of persons on school property in connection with use of facilities. The amount of supervision shall be agreed upon by the school principal and may, in the discretion of the principal, include a requirement of police protection. The applicant shall designate one person who will be present and will be responsible to the school principal for supervision of the use of the facility.
9.      The Division Superintendent is authorized to establish administrative regulations governing use of school facilities as necessary to accomplish the intent of this policy.

SUPPORT SERVICES

COMMUNITY USE OF FACILITIES

**REGULATION**

§6-27      Use of School Facilities

A.            Application and Approval

Organizations desiring to use school facilities shall make application with the building principal. The principal shall explain School Board policy and administrative regulations to the applicant. If the applicant is willing to abide by the applicable policies and regulations, an Application for Use of School Buildings and Grounds by Non-School Users shall be completed by the applicant and signed by an officer of the organization or other person accepting responsibility. The principal shall act on this application promptly, approving it only if he/she is satisfied that the organization is an eligible user and will be responsible for meeting conditions for use. If the principal has any doubts as to the organization's eligibility or responsibility, he/she shall refer the matter to the Division Superintendent. An organization seeking repetitive or regular use of any school facility must renew its application for each calendar year, not later than 45 days in advance of its anniversary of first use.

B.            Conditions Governing Use

1.      The principal shall see that an employee of the School Board is on duty whenever a using organization uses a school building. The employee shall report any damage or misuse of school facilities or equipment or any noncompliance with policies and regulations governing use to the principal.
2.      The principal shall revoke the approval of any organization or group that does not comply with applicable policies and regulations.
3.      School facilities may not be used by non-school groups if the use would interfere with any school activity or program. If students are still in school, the principal shall see that they are adequately supervised.
4.      If school is closed because of snow or other emergency conditions, any scheduled use of the facility may be rescheduled by the principal.

(continued)

SUPPORT SERVICES

COMMUNITY USE OF FACILITIES

**REGULATION**

§6-27      Use of School Facilities (continued)

5.      No using group or organization may, under any circumstance, adjust or change the setting of any electrical switch or control, including lighting, heating, cooling systems, without approval of the principal.
6.      No facility shall be considered reserved until the application for use has been approved.
7.      The use of any facility shall be restricted to the part or parts of the facility approved by the principal.
8.      Kitchen equipment may be used only under the direct supervision of the cafeteria manager or other member of the cafeteria staff.
9.      Showers and locker rooms may be used only with specific approval of the principal.
10.     The person designated by the using group to be present and responsible for supervision shall be at the facility during the entire time the facility is in use. If that person is not present, the principal or other school employee in charge shall tell the group to leave and shall close the facility.
11.     Principals may specify rules for the use of special rooms or facilities.

(continued)

SUPPORT SERVICES

COMMUNITY USE OF FACILITIES

**REGULATION**

§6-27 Use of School Facilities  
Procedures for Requesting Approval of Alterations to School Buildings and Sites

A. All requests from principals, individuals, community organizations or other agencies to alter existing school facilities shall be forwarded to the Assistant Superintendent for Support Services following the format listed below. Approval, disapproval or requests for additional information will be made in a timely manner and communicated to the originator.

B. Procedures

1. Prepare a conceptual schematic of the facility alteration/addition or site change along with a brief written description describing the purpose and scope of the proposed project. Please include total square footage of the project. If individuals need assistance in preparation of the requested documents, they should contact the office of the Assistant Superintendent for Support Services 571-252-1150.
2. Please provide estimated beginning and completion dates for the project.
3. Provide estimated total cost of the proposed project to include:
  1. Construction Cost \$ \_\_\_\_\_
  2. Site Cost \_\_\_\_\_
  3. Loose Equipment \_\_\_\_\_
  4. Utilities \_\_\_\_\_
  5. Architect/Engineer Fees \_\_\_\_\_
  6. Contingency \_\_\_\_\_
4. Identify all sources and amounts of revenue for the project.
5. If volunteer help is to be used, please estimate the amount of work to be done by volunteers as a percentage of the total project.
6. Name the individual who will coordinate the project through completion.

(continued)

## SUPPORT SERVICES

### COMMUNITY USE OF FACILITIES

#### **REGULATION**

§6-27     Use of School Facilities  
Procedures for Requesting Approval of Alterations to School Buildings and  
Sites (continued)

7.     Name the individual who will secure all applicable permits and compliance with current zoning and code requirements.
8.     Submit copies of all permits received to the office of the Assistant Superintendent of Support Services, followed by certification of occupancy and/or final inspection when received upon completion of the project.
9.     The Business Office of Loudoun County School will review all applications to determine if additional insurance will be required.
10.    Signature of school principal and the president of the community organization, or head of agency initiating the request to alter building or site.

## SUPPORT SERVICES

## COMMUNITY USE OF FACILITIES

§6-28      Eligibility of Organizations and ActivitiesA.            General

School facilities may be used by organizations as that term is defined in policy §6-27. Principals are authorized to permit such organizations to use school facilities subject to the payment of any fees and subject to compliance with policies and regulations governing the use of school facilities. Principals may revoke the permission of any organization or group which does not abide by these policies and regulations, and no organization may use any school facility unless it has current approval of the principal of the facility to be used.

B.            Department of Parks, Recreation, and Community Services

The Loudoun County Department of Parks, Recreation, and Community Services shall have priority to use the school buildings and grounds when not needed for school use. The principal of each school shall determine when the building and grounds are needed for school use and may cancel any use planned by the Department of Parks, Recreation, and Community Services by giving three days' notice. This authority to cancel use is intended to enable a principal to adjust scheduled dates in emergencies in keeping with the priority use of facilities for school purposes.

Fees for use of school facilities may be waived by the Division Superintendent for activities under direct supervision of the Department of Parks, Recreation, and Community Services and for which the Department assumes responsibility. The Department may not sponsor any group or activity of which it does not exercise supervision to enable the group to avoid payment of fees, nor shall the Department sponsor any profit-making or money-raising activity or group.

Fees for custodial services or supervisory services shall be charged to the Department of Parks, Recreation, and Community Services in accordance with Policy §6-29.

The Division Superintendent is authorized to establish by administrative regulation procedures for approval of uses by the Department of Parks, Recreation, and Community Services, and shall provide for revocation of approval if policies and other regulations are not followed.

## SUPPORT SERVICES

## COMMUNITY USE OF FACILITIES

§6-28      Eligibility of Organizations and Activities (continued)C.      Other Eligible Organizations/Activities1.      School Sponsored Activities

Activities, including activities of community organizations, which are directly sponsored by the school or the School Board, may use school facilities without payment of any fees or charges. Permission for use must be obtained from the school principal.

2.      School-Related Activities

Parent-Teacher organizations, Boy and Girl Scouts, 4-H Clubs and other organizations whose activities are entirely or primarily for the support or benefit of students, school personnel, or the school may use school facilities without payment of any fees or charges, except necessary custodial fees. Permission for use must be obtained from the school principal.

3.      Other Activities

Community organizations as defined in policy §6-27 may use school facilities for non-school-sponsored or non-school-related activities when approved by the principal upon payment of fees specified in policy §6-29.

Adopted: 10/12/82

Revised: 5/10/94

Current Revision: 10/27/09

## SUPPORT SERVICES

## COMMUNITY USE OF FACILITIES

**REGULATION**§6-28      Eligibility of Organizations and ActivitiesA.            General

Each principal is responsible for the proper scheduling and use of school facilities. A schedule of approved uses should be maintained and referred to before granting any outside organization approval to use school facilities. School uses have priority over all other uses.

B.            Parks and Recreation

The Department of Parks and Recreation will make separate application for each activity or group it sponsors for use of school facilities. This application shall be made to the principal of the school desired for use. The principal shall review this application and the schedule for use of school facilities and shall approve the application if facilities are available and satisfactory assurance of supervision is obtained from the Department.

The principal shall determine the custodial fees to be charged in accordance with Regulation §6-29.

If the Department fails to provide adequate supervision of the activities in the school, the principal shall revoke approval of those activities by letter to the Director of the Department of Parks and Recreation and shall so notify the Division Superintendent.

In the event that a facility approved for use by the Department of Parks and Recreation is needed for a school function, the principal shall promptly notify the Director of the Department of the conflict and attempt to resolve it. If the conflict cannot be resolved by rescheduling, the school use will take priority and the Department's activity will have to be canceled.

C.            Summer Use of School Grounds

The Department of Parks and Recreation may be given permission to schedule activities sponsored by the Department on school grounds during the summer months when school is not in session. The Department shall apply for use as in Paragraph B and shall be given permission for such periods as the grounds are not needed for school purposes and are not under repair or improvement.

Adopted: 10/12/82

Current Revision: 5/10/94



SUPPORT SERVICES

COMMUNITY USE OF FACILITIES

§6-29      Schedule of Fees

The Division Superintendent is authorized to establish by administrative regulation a schedule of fees for uses of school facilities.

The fees for use of buildings shall be structured to defray costs of building operations.

Custodial and supervisory fees shall be established by the Division Superintendent and revisions may be made on an annual basis.

SUPPORT SERVICES

COMMUNITY USE OF FACILITIES

**REGULATION**

§6-29      Schedule of Fees

A.            Building Use

The following fees shall be charged for use of the listed facilities by using organizations or groups in accordance with policy §6-28:

	Two Hour Minimum
Cafeteria, including kitchen	
Elementary & Middle	\$ 66.00 per hour
High School	88.00 per hour
Cafeteria, not including kitchen	
Elementary & Middle	55.00 per hour
High School	82.50 per hour
Gym	
Elementary & Middle Aux.	55.00 per hour
High School & Middle Main Gym	88.00 per hour
Auditorium	
Elementary & Middle	55.00 per hour
High School	88.00 per hour
Classroom	16.50 per hour

These fees defray the cost of building operation and are not related to the type of use. Therefore, the fees shall be uniform for all uses and users except those for whom the fees are waived by policy §6-28.

B.            Custodial and Supervisory Fees

Custodial and supervisory fees shall be \$33.00/hour (two hour minimum/one-half hour increments thereafter).

If supervision is performed by a certified employee, the reimbursement fee to the school system shall be \$33.00/hour with the certified employee receiving \$30.00/hour (two hour minimum/one-half hour increments thereafter).

If two or more groups use a facility at the same time, the principal shall allocate a proportionate share of custodial or supervisory fees to each group.

(continued)

## SUPPORT SERVICES

### COMMUNITY USE OF FACILITIES

#### REGULATION

§6-29      Schedule of Fees (continued)

C.          Rules and Regulations

Community organizations that use facilities of the Loudoun County Schools agree, as a condition to approval of their use of school facilities, to abide by the following rules:

1. All outside agencies must complete a building use contract.
2. Use for commercial or personal gain is prohibited.
3. Proceeds of any money-raising activity shall be used solely for charitable, educational, cultural, or other community welfare purposes.
4. School authorities shall have access to any meeting or activity held on school property.
5. Groups must see that the school facility is clean and undamaged after use, shall pay for necessary custodial costs, and shall reimburse for any damages.
6. Applicants must provide adequate supervision of persons on school property in connection with the use of facilities. The amount of supervision must be agreed upon by the school principal and may include a requirement for police protection. The applicant must designate one person to be present and responsible for supervision.
7. No alcoholic beverages are permitted on school property.
8. After September 1, 1990, smoking or use of tobacco in the buildings of Loudoun County Public Schools by anyone at anytime will be prohibited. Refer to policy §8-37.

Use of tobacco products by adults coaching and/or supervising extra-curricular activities on or off school property is prohibited.

All persons attending school events and/or extra-curricular activities are prohibited from smoking or using smokeless tobacco products on school property.

(continued)

SUPPORT SERVICES

COMMUNITY USE OF FACILITIES

**REGULATION**

§6-29      Schedule of Fees (continued)

Use of tobacco products by any person at anytime on any Loudoun County Public Schools' property, will be prohibited.

9.      No food or beverages are permitted in any auditorium or gymnasium.
10.     No group may change the setting of any electrical switch or control without approval of the principal or principal's designee.
11.     Groups using school facilities shall have access only to those parts of the facility for which the application was approved.
12.     Principals may specify additional rules for the use of school facilities.

Issued: 8/11/70

Revised: 5/10/94, 7/16/98, 9/28/99, 9/12/00, 7/1/03, 7/1/05, 7/1/07, 6/24/08

Current Revision: 7/29/09

## SUPPORT SERVICES

## COMMUNITY USE OF FACILITIES

§6-30      Disposal of Surplus Personal Property

The Division Superintendent shall designate staff to sell, transfer, trade or otherwise dispose of personal property belonging to the Loudoun County Public Schools which has become obsolete, unusable or surplus.

Personal property is defined to mean all equipment and supplies other than buildings and land.

The disposal of surplus personal property will be by the method determined by the staff to be most advantageous to the school system. Methods available are:

- Transfer to Loudoun County agencies
- Sale to other public jurisdictions
- Sale by competitive bids or public auction
- Trade-in on the purchase of other items
- Disposal as scrap
- Online auction

In the event that disposal of surplus property cannot be achieved by one or more of the above options, staff is authorized to dispose of residual property in a manner most economical to Loudoun County Schools.

Upon disposal of surplus personal property, notification shall be sent to the Department of Business and Financial Services. The notification shall include a description of the property, disposal method, LCPS asset tag number, if applicable, and, if sold, the amount collected for the item.

Legal Reference: Code of Virginia §22.1-129

POLICY

§6-40

SUPPORT SERVICES

OTHER

§6-40      Use of Tobacco

The use of tobacco products on school property, including all schools and school athletic facilities, parking lots and grounds, support facilities and vehicles including school buses, is prohibited.

Adopted: 6/24/08

## SUPPORT SERVICES

## CONSTRUCTION/ENERGY

§ 6-41 High Performance Design and Construction for Energy Efficiency and Environmental Impact

Environmentally sustainable design, construction and operational practices benefit Loudoun County Public Schools facilities by increasing or improving energy efficiency, interior comfort and occupant productivity, as well as reducing operation and maintenance costs. The development of LCPS Best Practices is accomplished by assessing and integrating sustainable methods, building components and technologies into every aspect of a project's development and operational life cycle.

The Loudoun County School Board shall implement sustainable practices in environmental quality, water and energy consumption, products, materials, and waste management in new facilities and school renovation projects. Implementation of LCPS Best Management Practices (BMP) shall be consequent to continual evaluation of the dynamic industry guidelines and recommendations. Particular standards or practices may be applied or adopted in whole or in part as provided in publications such as:

- United States Environmental Protection Agency (EPA) - Energy Star Program
- United States Department of Energy - National Best Practices Manual for Building High Performance Schools
- Virginia Department of Education - Virginia Public School Facilities Guidelines
- American Society Of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) - Advanced Energy Design Guide for K-12 School Buildings
- Green Globe Design - Green Building Initiative
- LEED (Leadership in Energy & Environmental Design) - LEED for Schools
- The Collaborative for High Performance Schools - Best Practices Manual

Independent verification of LCPS BMPs shall be performed during the Pre-Construction, Construction and Post-Construction phases. An independent Commissioning Agent (Cx) shall verify incorporation of design parameters by architectural and engineering professional service contractors. Further, the Cx shall verify compliance with BMP design during construction. Facility operations and systems performance shall be monitored, measured and verified via the EPA Energy Star Program.

Adopted: 1/12/10

## SUPPORT SERVICES

## CONSTRUCTION/ENERGY

§6-42 Energy and Water Management/Conservation

The Loudoun County School Board is committed to the conservation of energy and water resources while maintaining safety, education, and productivity throughout the school system.

Reductions in energy and water consumption result in positive environmental impact, extend the life of equipment, produce reductions in utility costs and increase funds available for resources in the classroom.

It is the policy of the Loudoun County School Board to ensure that every effort is made to conserve energy and water resources while exercising sound financial management.

The judicious use of all energy and water using systems of each campus will be the responsibility of all Loudoun County Public Schools facility users and all are expected to ensure that an efficient posture is maintained on a daily basis.



## CHAPTER 7

### PERSONNEL

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## CHAPTER 7

### PERSONNEL

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## CHAPTER 7

### PERSONNEL

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## PERSONNEL

## IN GENERAL

§7-1        Equal Opportunity

The Loudoun County School Board is an Equal Opportunity Employer. It is the policy of the School Board to conform to the laws of the United States and the Commonwealth of Virginia and not discriminate against qualified applicants or employees on the basis of race, color, sex, pregnancy, childbirth or related medical conditions, marital status, age, religion, national origin, disability, or genetic information.

Legal Reference: Code of Virginia § 2.2-3900

Adopted: 6/13/72

Revised: 6/24/75, 6/22/93, 9/8/09

Current Revision: 4/13/11

PERSONNEL

IN GENERAL

**REGULATION**

§7-1        Equal Opportunity

A.        Recruiting and Employment

1.        Loudoun County Public Schools will continue to search actively for qualified applicants for employment across the United States.
2.        Job Announcements will be extensively disseminated to insure equal opportunity for employment and promotion.
3.        Hiring qualification for all levels of positions shall be based solely on position requirements.
4.        All administered tests will be job related and appropriately validated.
5.        The Assistant Superintendent for Personnel Services, Supervisor for Personnel, Personnel Specialists, and certain recruiters may issue Intent To Hire Letters while recruiting.

B.        Placement

1.        Assignment of all Loudoun County Public School Employees shall be on a non-discriminatory manner.
2.        Transfer of Loudoun County Public School Employees shall be supervised in a non-discriminatory manner.

C.        Training

Training for all employees shall be provided in a non-discriminatory manner.

## PERSONNEL

### IN GENERAL

#### §7-2 Sexual Discrimination/Harassment

The School Board hereby establishes a policy, and the Division Superintendent shall implement procedures, for resolving complaints arising from alleged sexual harassment or discrimination or alleged violations of Title IX of the Educational Amendments of 1972 (P.L. 92-318), as amended.

The Division Superintendent shall designate at least three (3) employees (the "Compliance Officers") to coordinate the efforts of the Loudoun County Public Schools to comply with and carry out its responsibilities for implementing the law, including investigation of any oral or written complaints of noncompliance with the law or regulation.

Students, parents of students, and employees shall be notified of the name, office address and telephone number of the Compliance Officers, and of the procedures for filing a complaint. This notification shall be through timely, appropriate communication channels such as school handbooks and other Loudoun County Public Schools' publications. The Compliance Officers shall implement continuing steps to notify students, parents and employees that Loudoun County Public Schools does not discriminate on the basis of sex in educational programs or employment. Procedures for making and resolving such complaints shall comply with all applicable federal and state laws and regulations.

#### A. Policy

The Loudoun County Public Schools shall maintain a working and learning environment for its employees and students which provides for fair and equitable treatment, including freedom from sexual discrimination and harassment. No employee or student, male or female, shall discriminate on the basis of sex or harass another employee or student by making unwelcome sexual advances or requests for sexual favors or engaging in other verbal or physical conduct of a sexual nature, including:

1. submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting the employee or student,
2. such conduct creates an intimidating, hostile, or offensive working or learning environment; or
3. submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs.

(continued)

PERSONNEL

IN GENERAL

§7-2            Sexual Discrimination/Harassment (continued)

B.              Procedure

1.            Any employee or student who believes they have been subjected to sexual harassment or discrimination should file a complaint of the alleged act immediately with the Compliance Officers (or to his/her teacher, who shall immediately report the incident to the Compliance Officers). The Compliance Officers shall request that the complaint be in writing; however, refusal to put the complaint in writing shall not preclude an investigation thereof. The complaint should state in detail the basis for the complaint, the names of the persons involved or who have knowledge thereof, and the dates of any specific incidents. An investigation of all reported incidents shall be undertaken promptly and shall be completed within thirty (30) days. The confidentiality of the reporting party will be observed, provided that it does not interfere with the investigation or with the ability to take corrective action.
  
2.            The Compliance Officers shall conduct an appropriate investigation of all such complaints. If the complaint is against a Compliance Officer, it shall be filed with the Division Superintendent. If the complaint is against the Division Superintendent, the complaint shall be filed with the Chairman of the School Board. The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts. A report shall be filed at the conclusion of any investigation with the Division Superintendent, regardless of the outcome of the investigation.  
              In the event a complaint is determined to be unfounded, the employee or student who is the subject thereof shall be notified of the results; further in such event, no record of such complaint shall be maintained in the employee's personnel file or the student's file.

Any administrator, teacher, employee or student who is found after appropriate investigation to have engaged in the sexual harassment of another employee or student will be subject to appropriate disciplinary action.

Any individual filing a sexual harassment complaint shall be free from retaliation for filing such a complaint. Retaliation against anyone reporting or thought to have reported harassment is prohibited. Such retaliation is a serious violation of this policy and shall be independent of whether a charge or informal complaint of sexual harassment is substantiated. Encouraging others to retaliate also violates this policy.

Legal References: Code of Virginia §§22.1-78, 20 USCA §1681, 42 USCA §2000e

Adopted: 6/11/85

Revised: 10/13/92, 6/22/93

Current Revision: 2/9/99

## PERSONNEL

## IN GENERAL

§7-3 Complaints - Injury, Wrong, Unfairness

An employee who claims injury, wrong, or unfairness, or who seeks equity in the application of any rule, regulation, or order; or who has any complaints with regard to employment, whether personal or professional, may follow normal administrative channels to resolve the issue at the lowest administrative level possible.

The administrative channel is (1) Principal or other immediate supervisor, (2) Appropriate Senior Staff member, (3) Assistant Superintendent for Personnel Services, (4) Division Superintendent, (5) School Board.



PERSONNEL

IN GENERAL

**REGULATION**

§7-3      Senior Staff Members

The Division Superintendent's Senior Staff consists of the following administrators:

- Deputy Superintendent
- Assistant Superintendent, Business & Financial Services
- Assistant Superintendent, Instruction
- Assistant Superintendent, Personnel Services
- Assistant Superintendent, Pupil Services
- Assistant Superintendent, Support Services
- Director, Planning and Legislative Services
- Public Information Officer

## PERSONNEL

### IN GENERAL

#### §7-4 Procedure for Adjusting Grievances

##### Preamble

The Virginia Board of Education adopts the following Procedure for Adjusting Grievances to provide, in accordance with the Standards of Quality for school divisions and the statutory mandate of Chapters 13.1 and 15, Article 3, Title 22.1, of the Code of Virginia, an orderly procedure for resolving disputes concerning application of local school board policies, rules, and regulations as they affect the work of employees, and disciplinary actions which include dismissal or probation.

##### PART I

##### Definitions

The following words and terms, when used in these regulations shall have the following meanings, unless the context clearly indicates otherwise:

"Business day" means, in accordance with § 22.1-312 of the Code of Virginia, any day that the relevant school board office is open.

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday, or legal holiday, the period of time for taking action under this procedure shall be extended to the next day if it is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher within the term of such teacher's contract and the nonrenewal of a contract of a teacher on a continuing contract.

"Grievance" means, for the purpose of Part II, a complaint or a dispute by a teacher relating to his or her employment, including but not necessarily limited to disciplinary actions other than dismissal or placing on probation; the application or interpretation of personnel policies, procedures, rules, and regulations, ordinances, and statutes; acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. "Grievance" means, for the purpose of Part III, a complaint or a dispute by a teacher relating to his or her employment

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PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

involving dismissal or placing on probation. The term "grievance" shall not include a complaint or dispute by a teacher relating to the establishment and revision of wages or salaries, position classifications, or general benefits; suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; failure to promote; or discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding; hiring, transfer, assignment, and retention of teachers within the school division; suspension from duties in emergencies; or the methods, means, and personnel by which the school division's operations are to be carried on. While these management rights are reserved to the school board, failure to apply, where applicable, these rules, regulations, policies, or procedures as written or established by the school board is grievable.

"Personnel file" means, for the purpose of Part III, any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file regarding the teacher maintained within a school in which the teacher serves.

"Probation" means a period not to exceed one year during which time it shall be the duty of the teacher to remedy those deficiencies which gave rise to the probationary status.

"Teacher" or "teachers" means, for the purpose of Part II, all employees of the school division involved in classroom instruction and all other full-time employees of the school division except those employees classified as supervising employees. "Teacher" means, for the purpose of Part III, all regularly certified/licensed professional public school personnel employed under a written contract as provided by §22.1-302 of the Code of Virginia by any school division as a teacher or supervisor of classroom teachers but excluding all superintendents.

"Shall file," "shall respond in writing," or "shall serve written notice" means the document is either delivered personally to the grievant or office of the proper school board representative or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure.

"Supervisory employee" means any person having authority in the interest of the board (i) to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; and (ii) to direct other employees; or (iii) to adjust the grievance

(continued)

## PERSONNEL

### IN GENERAL

#### §7-4 Procedure for Adjusting Grievances (continued)

of other employees; or (iv) to recommend any action set forth in clause (i), (ii), or (iii) above; provided that the authority to act as set forth in clause (i), (ii), (iii), or (iv) requires the exercise of independent judgment and is not merely routine and clerical in nature.

"Written grievance appeal" means a written or typed statement describing the event or action complained of or the date of the event or action, and a concise description of those policies, procedures, regulations, ordinances or statutes upon which the teacher bases his or her claim. The grievant shall specify what he or she expects to obtain through use of the grievance procedure. A statement shall be written upon forms prescribed by the Board of Education and supplied by the local school board.

## PART II

### Grievance Procedure

#### §2.1 Purpose of Part II of this Grievance Procedure

The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning the application, interpretation, or violation of any of the provisions of local school board policies, procedures, rules, and regulations as they affect the work of teachers, other than dismissal or probation. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any teacher to discuss any matter of concern with any member of the school administration. Nor should the procedure be construed to restrict any teacher's right to seek, or the school division administration's right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit a school board's exclusive final authority over the management and operation of the school division.

#### §2.2 Grievance Procedure

Recognizing that grievances should be begun and settled promptly, a grievance must be initiated within 15 business days following either the event giving rise to the grievance, or within 15 business days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

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PERSONNEL

IN GENERAL

§7-4 Procedure for Adjusting Grievances (continued)

- A. Step 1 - Informal. The first step shall be an informal conference between the teacher and his or her immediate supervisor (which may be the principal). The teacher shall state the nature of the grievance, and the immediate supervisor shall attempt to adjust the grievance. It is mandatory that the teacher present the grievance informally prior to proceeding to Step 2.
  
- B. Step 2 - Principal. If for any reason the grievance is not resolved informally in Step 1 to the satisfaction of the teacher, the teacher must perfect his or her grievance by filing said grievance in writing within 15 business days following the event giving rise to the grievance, or within 15 business days following the time when the employee knew or reasonably should have known of its occurrence, specifying on the form the specific relief expected. Regardless of the outcome of Step 1, if a written grievance is not, without just cause, filed within the specified time, the grievance will be barred.

A meeting shall be held between the principal (and/or his or her designee) and the teacher (and/or his or her designee) within five business days of the receipt by the principal of the written grievance. At such meeting the teacher and/or other party involved shall be entitled to present appropriate witnesses and to be represented by legal counsel and another representative. The principal (and/or his or her designee) shall respond in writing within five business days following such meeting.

The principal may forward to the teacher within five days from the receipt of the written grievance a written request for more specific information regarding the grievance. The teacher shall file an answer thereto within 10 business days, and the meeting must then be held within five business days thereafter.

- C. Step 3 - Superintendent. If the grievance is not settled to the teacher's satisfaction in Step 2, the teacher can proceed to Step 3 by filing a written notice of appeal with the superintendent, accompanied by the original grievance appeal form within five business days after receipt of the Step 2 answer (or the due date of such answer). A meeting shall then be held between the superintendent (and/or his or her designee) and the teacher (and/or his or her designee) at a mutually agreeable

(continued)

PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

time within five business days. At such meeting both the superintendent and the teacher shall be entitled to present witnesses and to be represented by legal counsel and another representative. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the superintendent without violating the provisions of §54-44 of the Code of Virginia. If no settlement can be reached in said meeting, the superintendent (or his or her designee) shall respond in writing within five business days following such meeting. The superintendent or designee may make a written request for more specific information from the teacher, but only if such was not requested in Step 2. Such request shall be answered within 10 business days, and the meeting shall be held within five business days of the date on which the answer was received. If the grievance is not resolved to the satisfaction of the teacher in Step 3, the teacher may elect to have a hearing by a fact-finding panel, as provided in Step 4 or after giving proper notice may request a decision by the school board pursuant to Step 5.

D.    Step 4 - Fact-Finding Panel. In the event the grievance is not settled upon completion of Step 3, either the teacher or the school board may elect to have a hearing by a fact-finding panel prior to a decision by the school board, as provided in Step 4. If the teacher elects to proceed to Step 4, he or she must notify the superintendent in writing of the intention to request a fact-finding panel and enclose a copy of the original grievance form within five business days after receipt of a Step 3 answer (or the due date of such answer). If the school board elects to proceed to a fact-finding panel, the superintendent must serve written notice of the board's intention upon the grievant within 15 business days after the answer provided by Step 3.

1.    Panel. Within five business days after the receipt by the division superintendent of the request for a fact-finding panel, the teacher and the division superintendent shall each select one panel member from among the employees of the school division other than an individual involved in any previous phase of the grievance procedure as a supervisor, witness, or representative. The two panel members so selected shall within five business days of their selection select a third impartial panel member.

PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

2.    Selection of Impartial Third Member. In the event that both panel members are unable to agree upon a third panel member within five business days, both members of the panel shall request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five qualified and impartial individuals from which one individual shall be selected by the two members of the panel to serve as the third member. The individuals named by the chief judge may reside either within or outside the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and in all cases shall possess some knowledge and expertise in public education and education law and shall be deemed by the judge to be capable of presiding over an administrative hearing. Within five business days after receipt by the two panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by alternately deleting names from the list until only one remains. The panel member selected by the teacher shall make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. Panel members shall not be parties to, or witnesses to, the matter grieved. With the agreement of the teacher's and division superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

The Attorney General shall represent personally or through one of his assistants any third impartial panel member who shall be made a defendant in any civil action arising out of any matter connected with his duties as a panel member. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal representation to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General and be paid out of the funds appropriated for the administration of the Department of Education.

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PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

3.    Holding of Hearing. The hearing shall be held by the panel within 30 business days from the date of the selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the division superintendent and the teacher. The teacher and the division superintendent each may have present at the hearing and be represented at all stages by a representative or legal counsel.
  
4.    Procedure for Fact-Finding Panel.
  - a.    The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.
  
  - b.    The panel may ask, at the beginning of the hearing, for statements from the division superintendent and the teacher clarifying the issues involved.
  
  - c.    The parties shall then present their claims in evidence. Witnesses may be questioned by the panel members, the teacher and the division superintendent. The panel may, at its discretion, vary this procedure, but shall afford full and equal opportunity to all parties to present any material or relevant evidence and shall afford the parties the right of cross-examination.
  
  - d.    The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.
  
  - e.    Exhibits offered by the teacher or the division superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.

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PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

- f.     The facts found and recommendations made by the panel shall be arrived by a majority vote of the panel members.
- g.     The hearing may be reopened by the panel, on its own motion or upon application of the teacher or the division superintendent, for good cause shown, to hear after-discovered evidence at any time before the panel's report is made.
- h.     The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the members of the school board, the division superintendent, and the teacher, not later than 30 business days after the completion of the hearing.
- i.     A stenographic record or tape recording of the proceedings shall be taken. However, in proceedings concerning grievances not related to dismissal or probation, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share equally the cost of the recording. If either party requests a transcript, that party shall bear the expense of its preparation.

In cases of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the recording and the transcription.

- j.     The recommendations and findings of fact of the panel submitted to the school board shall be based exclusively upon the evidence presented to the panel at the hearing.

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PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

No panel member shall conduct an independent investigation involving the matter grieved.

5.    Expenses.

- a.    The teacher shall bear his or her own expenses. The school board shall bear the expenses of the division superintendent. The expenses of the panel shall be borne one-half by the school board and one-half by the teacher.
- b.    The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his or her normal hours if he or she receives the normal salary for the period of such service.
- c.    Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

6.    Right to Further Hearings. Following a hearing by a fact-finding panel, the teacher shall not have the right to a further hearing by the school board as provided in subsection 5.c. of this section. The school board shall have the right to require a further hearing in any grievance proceeding as provided in subsection 5.c. of this section.

E.    Step 5 - Decision by the School Board.

- 1.    If a teacher elects to proceed directly to a determination before the school board as provided for in Step 5, he or she must notify the superintendent in writing of the intention to appeal directly to the board, of the grievance alleged and the relief sought, within five business days after receipt of the answer as required in Step 3 or the due date thereof. Upon receipt of such notice,

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PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

the school board may elect to have a hearing before a fact-finding panel, as indicated in Step 4, by filing a written notice of such intention with the teacher within 10 business days of the deadline for the teacher's request for a determination by the school board.

2. In the case of a hearing before a fact-finding panel, the school board shall give the grievant its written decision within 30 days after the school board receives both the transcript of such hearing, if any, and the panel's finding of fact and recommendations unless the school board proceeds to a hearing under §2.2 Subsection 5.c. The decision of the school board shall be reached after considering the transcript, if any; the findings of fact and recommendations of the panel; and such further evidence as the school board may receive at any further hearing which the school board elects to conduct.
3. In any case in which a hearing before a fact-finding panel is held in accordance with Step 4, the local school board may conduct a further hearing before such school board.
  - a. The local school board shall initiate such hearing by sending written notice of its intention to the teacher and the division superintendent within 10 days after receipt by the board of the findings of fact and recommendations of the fact-finding panel and transcript of the panel hearing. Such notice shall be provided upon forms to be prescribed by the Board of Education and shall specify each matter to be inquired into by the school board.
  - b. In any case where such further hearing is held by a school board after a hearing before the fact-finding panel, the school board shall consider at such further hearing the transcript, if any; the findings and recommendations of the fact-finding panel; and such further evidence including, but not limited to, the testimony of those witnesses who have previously testified before the fact-finding panel as the school board deems appropriate or

(continued)

PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

as may be offered on behalf of the grievant or the administration.

- c.    The further hearing before the school board shall be set within 30 days of the initiation of such hearing, and the teacher must be given at least 15 days written notice of the date, place, and time of the hearing. The teacher and the division superintendent may be represented by legal counsel and another representative. The hearing before the school board shall be private, unless the teacher requests a public hearing. The school board shall establish the rules for the conduct of any hearing before it. Such rules shall include the opportunity for the teacher and the division superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by the school board.

The school board's attorney, assistants, or representative, if he, she, or they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of §22.1-69, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

A stenographic record or tape recording of the proceedings shall be taken. However, in proceedings concerning grievances not related to dismissal or probation, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if

PERSONNEL

IN GENERAL

§7-4 Procedure for Adjusting Grievances (continued)

the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation.

In the case of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to the expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the recording and the transcription.

d. The decision of the school board shall be based solely on the transcript, if any; the findings of fact and recommendations of the fact-finding panel; and any evidence relevant to the issues of the original grievance produced at the school board hearing in the presence of each party. The school board shall give the grievant its written decision within 30 days after the completion of the hearing before the school board. In the event the school board's decision is at variance with the recommendations of the fact-finding panel, the school board's written decision shall include the rationale for the decision.

4. In any case where a hearing before a fact-finding panel is not held, the board may hold a separate hearing or may make its determination on the basis of the written evidence presented by the teacher and the recommendation of the superintendent.
5. The school board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel.

§2.3 Grievability

- A. Initial Determination of Grievability. Decisions regarding whether a matter is grievable shall be made by the school board at the request of

(continued)

PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

the division superintendent or grievant. The School Board shall reach its decision only after allowing the division superintendent and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the school board. Decisions shall be made within 10 business days of such request. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any panel or board hearing or the right to such determination shall be deemed to have been waived. Failure of the school board to make such a determination within such a prescribed 10-business-day period shall entitle the grievant to advance to the next step as if the matter were grievable.

B.    Appeal of Determination on Grievability

1.    Decisions of the school board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.
  - a.    Proceedings for a review of the decision of the school board shall be instituted by filing a notice of appeal with the school board within 10 business days after the date of the decision and giving a copy thereof to all other parties.
  - b.    Within 10 business days thereafter, the school board shall transmit to the clerk of the court to which the appeal is taken a copy of its decision, a copy of the notice of appeal and the exhibits. The failure of the school board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the school board to transmit the record on or before a certain date.
  - c.    Within 10 business days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the school board and such additional evidence as may be necessary to resolve

(continued)

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IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require.

- d.        The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered not later than the fifteenth day from the date of the conclusion of the court's hearing.

§2.4            Time Limitations

The right of any party to proceed at any step of this Part II grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this procedure.

- A.        The failure of the teacher to comply with all substantial procedural requirements, including initiation of the grievance and notice of appeal to the next step in the procedure, shall eliminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.
- B.        The failure of the school board or any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his or her option, to advance to the next step in the procedure or, at the final step, to a decision in his or her favor.
- C.        The determination as to whether the substantial procedural requirements of this Part II of the Procedure for Adjusting Grievances have been complied with shall be made by the school board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievant to proceed to its next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

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IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

§2.5            Separability

If any portion of this Part II of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.

PART III

Procedure for Dismissals or Placing on Probation

This Part III of the Procedure for Adjusting Grievances adopted by the Board of Education in accordance with the statutory mandate of Article II, Chapter 11, Title 22.1 of the Code of Virginia and the Standards of Quality for school divisions, Chapter 667 of the Acts of Assembly, 1980, is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal or placing on probation of any teacher.

§3.1            Procedure for Dismissals or Placing on Probation

A.            Notice to teacher of recommendation for dismissal or placing on probation.

1.            In the event a division superintendent determines to recommend dismissal of any teacher or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher on forms to be prescribed by the Board of Education notifying him or her of the proposed dismissal or placing on probation and informing the teacher that within 15 days after receiving the notice, the teacher may request a hearing before the school board or before a fact-finding panel as hereinafter set forth.
2.            During such 15-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed, or acted upon by the school board except as provided for herein.

(continued)



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IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

3.     At the request of the teacher, the superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to §22.1-311 or §22.1-312, the division superintendent shall provide, within 10 days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation.

Within 10 days of the request of the division superintendent, the teacher or his/her representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The division superintendent and the teacher or his/her representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

- B.     Fact-Finding Panel. Within 15 days after the teacher receives the notice referred to in §3.1 Subsection A. 1. either the teacher or the school board, by written notice to the other party upon a form to be prescribed by the Board of Education, may elect to have a hearing before a fact-finding panel prior to any decision by the school board.

1.     Panel. Within five business days after the receipt by the division superintendent of the request for a fact-finding panel, the teacher and the division superintendent shall each select one panel member from among the employees of the school division other than an individual involved in the recommendation of dismissal or placing on probation as a supervisor, witness, or representative. The two panel members so selected shall within five business days of their selection select a third impartial panel member.

2.     Selection of Impartial Third Member. In the event that both panel members are unable to agree upon a third panel member within five business days, both members of the panel shall

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§7-4            Procedure for Adjusting Grievances (continued)

request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five qualified and impartial individuals from which list one individual shall be selected by the two members of the panel as the third member. The individuals named by the chief judge may reside either within or without the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and in all cases shall possess some knowledge and expertise in public education and education law and shall be deemed by the judge capable of presiding over an administrative hearing. Within five days after receipt by the two panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by the panel members, alternately deleting names from the list until only one remains with the panel member selected by the teacher to make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. With the agreement of the teacher's and division superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

The Attorney General shall represent personally or through one of his assistants any third impartial panel member who shall be made a defendant in any civil action arising out of any matter connected with his duties as a panel member. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal representation to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General and be paid out of the funds appropriated for the administration of the Department of Education.

3. Holding of Hearing. The hearing shall be held by the panel within 30 calendar days from the date of the selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the division superintendent and the teacher. The teacher and the division superintendent each may be present at the hearing and be

(continued)

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IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

represented at all stages by legal counsel or another representative.

4.    Procedure for Fact-Finding Panel.

- a.    The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.
- b.    The panel may ask, at the beginning of the hearing, for statements from the division superintendent and the teacher (or their representative) clarifying the issues involved.
- c.    The parties shall then present their claims and evidence. Witnesses may be questioned by the panel members, the teacher and the division superintendent. However, the panel may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross examination.
- d.    The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.
- e.    Exhibits offered by the teacher or the division superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.
- f.    The facts found and recommendations made by the panel shall be arrived at by a majority vote of the panel members.

(continued)

PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

- g.     The recommendations and findings of fact of the panel shall be based exclusively upon the evidence presented to the panel at the hearing. No panel member shall conduct an independent investigation involving the matter grieved.
- h.     The hearing may be reopened by the panel at any time before the panel's report is made upon its own motion or upon application of the teacher or the division superintendent for good cause shown to hear after-discovered evidence.
- i.     The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the members of the school board, the division superintendent, and the teacher, not later than 30 days after the completion of the hearing.
- j.     A stenographic record or tape recording of the proceedings shall be taken. However, in proceedings concerning grievances not related to dismissal or probation, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation.

In cases of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the recording and the transcription.

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IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

5.     Expenses.

- a.     The teacher shall bear his or her own expenses. The school board shall bear the expenses of the division superintendent. The expenses of the panel shall be borne one-half by the school board and one-half by the teacher.
- b.     The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his or her normal business hours if he or she receives his or her normal salary for the period of service.

6.     Right to Further Hearing. If the school board elects to have a hearing by a fact-finding panel on the dismissal or placing on probation of a teacher, the teacher shall have the right to a further hearing by the school board as provided in subsection C of this section. The school board shall have the right to require a further hearing as provided in subsection C also.

7.     Witnesses. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

C.     Hearing by School Board

1.     After receipt of the notice of pending dismissal or placing on probation described in §3.1 Subsection A. 1., the teacher may request a hearing before the school board by delivering written notice to the division superintendent within 15 days from the receipt of notice from the superintendent. Subsequent to the hearing by a fact-finding panel under §3.1 Subsection B., the teacher, as permitted by §3.1 Subsection B.6., or the school board may request a school board hearing by written notice to the opposing party and the division superintendent within 10

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IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

business days after the receipt by the party initiating such hearing of the findings of fact and recommendations made by the fact-finding panel and the transcript of the panel hearing. Such notice shall be provided upon a form to be prescribed by the Board of Education and shall specify each matter to be inquired into by the school board.

2. In any case in which a further hearing is held by a school board after a hearing before the fact-finding panel, the school board shall consider at such further hearing the record, or transcript, if any, the findings of fact and recommendations made by the fact-finding panel and such further evidence, including, but not limited to, the testimony of those witnesses who have previously testified before the fact-finding panel as the school board deems may be appropriate or as may be offered on behalf of the teacher or the superintendent.
3. The school board hearing shall be set and conducted within 30 days of the receipt of the teacher's notice or the giving by the school board of its notice. The teacher shall be given at least 15 days written notice of the date, place, and time of the hearing and such notice shall also be provided to the division superintendent.
4. The teacher and the division superintendent may be represented by legal counsel and another representative. The hearing before the school board shall be private, unless the teacher requests a public hearing. The school board shall establish the rules for the conduct of any hearing before it. Such rules shall include the opportunity for the teacher and the division superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties to cross-examine the witnesses. Witnesses may be questioned by the school board. The school board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing or hold a separate hearing for each action.

(continued)

PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

5.     A record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The board shall bear the expense of the recording and the transcription.
  
6.     The school board shall give the teacher its written decision within 30 days after the completion of the hearing before the school board.
  
7.     The decision by the school board shall be based on the transcript, the findings of fact, and recommendations made by the fact-finding panel, and any evidence relevant to the issues of the original grievance produced at the school board hearing in the presence of each party.

The school board's attorney, assistants, or representative, if he, she, or they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of §22.1-69, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

D.     School Board Determination

1.     In any case in which a hearing is held before a fact-finding panel but no further hearing before the school board is requested by either party, the school board shall give the teacher its written decision within 30 days after the school board receives both the transcript of such hearing and the panel's findings of fact and recommendations. The decision of the school board shall be

(continued)

PERSONNEL

IN GENERAL

§7-4            Procedure for Adjusting Grievances (continued)

reached after considering the transcript, the findings of fact, and the recommendations made by the panel.

2. The school board may dismiss, suspend, or place on probation a teacher upon a majority vote of a quorum of the school board. In the event the school board's decision is at variance with the recommendations of the fact-finding panel, the school board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to Section 3.1.C. 1 & 2, except that the grievant and the division superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.

§3.2            Time Limitations

The right of any party to proceed at any step of the grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this grievance procedure.

- A. The failure of the grievant to comply with all substantial procedural requirements shall terminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.
- B. The failure of the school board or of any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his or her option, to advance to the next step in the procedure or, at the final step, to a decision in his or her favor.
- C. The determination as to whether the substantial procedural requirements of this Part III of the Procedure for Adjusting Grievances have been complied with shall be made by the school board. In any



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§7-4            Procedure for Adjusting Grievances (continued)

case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievance to proceed to its next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

§3.3            Separability

If any portion of this Part III of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.

Adopted: 7/11/89  
Revised: 6/22/93, 1/23/07, 11/29/10  
Current Revision: 3/30/11

PART II

FORMS FOR ADJUSTING GRIEVANCES

IN \_\_\_\_\_ PUBLIC SCHOOLS

Enclosed herein are the necessary forms for adjusting grievances in accordance with Part II of the Grievance Procedure of the State Board of Education.

The grievant is advised to become familiar with the procedure for adjusting grievances. Special emphasis should be given to the procedural steps.

STATE DEPARTMENT OF EDUCATION

STATEMENT OF GRIEVANCE

Part II  
STEP 2 – TO BE PRESENTED TO PRINCIPAL

Name of grievant	Date filed
School/department of assignment	Subject area or grade
Immediate superior and/or principal	Grievant's representative

Policy, procedure, regulation, ordinance, statute being grieved, and date you knew of reasonably should have known of its occurrence:

---

Statement of grievance:

---

Specific relief requested:

Grievant's signature	Representative's signature
Date	Date

PRINCIPAL'S DECISION

PART II  
STEP 2 – DECISION TO BE PRESENTED TO GRIEVANT

Name of grievant

Date grievance received

Decision of principal or designee:

\_\_\_\_\_ I lack the authority to grant the relief requested.

Signature of principal or designee

Date

Is the above decision acceptable to the grievant?

Check one box

Yes | No

\_\_\_\_\_ I hereby appeal this decision to Step 3, Superintendent's Level.

Grievant's signature

Date

SUPERINTENDENT'S LEVEL

PART II  
STEP 3 – DECISION TO BE PRESENTED TO GRIEVANT

Name of grievant

Date appeal received

Decision of superintendent or designee:

Signature of superintendent or designee

Date

Is the above decision acceptable to the grievant?

Check one box

Yes | No

\_\_\_\_\_ I hereby appeal this decision.

Grievant's signature

Date

REQUEST FOR HEARING

PART II  
STEP 5 – TO BE SUBMITTED TO SUPERINTENDENT

Name of grievant

Date grievance filed

(Check one)

\_\_\_\_\_ I hereby petition the attached grievance be submitted to an advisory fact-finding hearing.

\_\_\_\_\_ Panel Designee

\_\_\_\_\_ I hereby waive my right to an advisory fact-finding hearing and petition that the following grievance be submitted to the board.

Grievant's signature

Representative's signature

Date

Date

PART III

FORMS FOR PROPOSED DISMISSAL/PROBATION

IN \_\_\_\_\_ PUBLIC SCHOOLS

Enclosed herein are the necessary forms for proposed dismissal/probation proceeding as prescribed in Part III of the procedure enacted by the State Board of Education.

STATE DEPARTMENT OF EDUCATION

REQUEST FOR HEARING

PART III  
TO BE SUBMITTED TO SUPERINTENDENT

Name of teacher

Superintendent's proposed action

Dismissal

Probation

(Check one)

I hereby request that I be afforded an advisory fact-finding hearing on the above referenced matter.

\_\_\_\_\_ Panel Designee

I hereby waive my right to an advisory fact-finding hearing and request that I be afforded a hearing before the School Board on the above referenced matter.

Teacher's signature

Representative's signature

Date

Date



PART III

NOTIFICATION: NOTICE OF PROPOSED DISMISSAL OR PROPOSED PLACING ON PROBATION.

Date

Name of teacher

School/department of assignment

(Check one)

The Division Superintendent will recommend to the School Board that you be placed on probation for the period:

(date) to (date)

Reasons for this recommendation will be provided to you in writing or at your request in a personal interview.

The Division Superintendent will recommend to the School Board that you be dismissed from your position as:

(position)

Reasons for this recommendation will be provided to you in writing or at your request in a personal interview.

You have 15 days from receipt of this form to request, in writing, a hearing before the School Board or an advisory fact-finding panel as provided in the procedure. Please advise me as soon as possible whether you wish to have such a hearing (see attached form). Enclosed, for your information, is a copy of the procedure.

Signature of Superintendent

## PERSONNEL

## IN GENERAL

§7-5 Teacher Working DayA. Expectations

Classroom teachers are generally expected to be on site for the entire student school day, from prior to student arrival until after student dismissal. Teachers are expected to spend additional time outside of the student school day but are not required to perform all duties on site. A school's faculty and staff are a team, and every school requires additional duties from all members to ensure the school's successful functioning, and regular meetings to ensure good communication between administrators, faculty and staff. At the same time, teachers and staff time must be respected and carefully budgeted. Additional duties and meetings should be predictable, scheduled in advance and limited to allow teachers time to accomplish their work outside of the classroom, pursue individual professional development and maintain a healthy work/life balance.

B. Standard Workday

The standard workday for full-time classroom teachers and others paid on the teacher scale shall be not less than 7 hours nor more than 7½ hours unless otherwise specified by contract, and shall include a 30-minute duty-free lunch except on days when emergencies occur or special events are scheduled.

C. Additional Hours

Principals (or other supervisors) may schedule duties or meetings involving time in excess of 7½ hours per day only as necessary for the proper functioning of the school. The Division Superintendent shall develop regulations to establish and enforce limits on additional on-site hours to meet the expectations described above.

Adopted: 6/13/72

Revised: 6/3/86, 6/22/93

Current Revision: 10/27/09

## PERSONNEL

## IN GENERAL

**REGULATION**§7-5      Teacher Working Day

The working day for teachers and guidance counselors shall be not less than 7 hours nor more than 7-1/2 hours unless otherwise specified by contract, and shall include a 30-minute duty-free lunch except on days when emergencies occur or special events are scheduled. The arrival and departure time for teachers shall be established by the principal in accordance with Policy §7-5.

The teacher working day shall be organized in order to provide consistency in instruction, maximizing instructional time while allocating time for individual planning and, when possible, providing time for grade level, department, or team planning.

Principals may schedule time in excess of 7-1/2 hours per day as necessary for the proper functioning of the school. Recognizing that teachers accomplish some of their work outside the parameters of the scheduled school day, these events should be scheduled as far in advance as possible and shall be for a stated purpose. Approved activities include but are not limited to faculty meetings, PTA or PTO meetings, grade level or team meetings, co-curricular duties, School Improvement Plan responsibilities, professional development training, and IEP meetings. Other meetings which may be called by the Division Superintendent or his or her designee are considered a part of the regular contract.

No teacher will be required to attend any meeting, or part thereof, that does not involve school related business.

PERSONNEL

IN GENERAL

§7-7        School Calendar

A.        Holidays

The following days are designated as School Board holidays:

Independence Day	New Year's Day
Labor Day	Martin Luther King, Jr. Day
Columbus Day	*President's Day
Thanksgiving	*Spring Break
Winter Break	(See Guideline #10)
(See Guideline #8)	Memorial Day

\*These days may or may not be holidays at the discretion of the School Board.

B.        Guidelines

The Division Superintendent or his/her designee will develop a school calendar, utilizing the following criteria. Said calendar will be submitted to the School Board for approval.

1. The school calendar will be established for 185 instructional days.
2. The contract for teachers will require 198 days; of which 185 days are instructional days, 8 additional days for planning, records, and conference days, and five (5) staff development days.
3. The School Board will utilize the "banked time" concept to provide for a fixed school calendar. (In applying the "banked time" concept in conjunction with the built-in five snow days, the Superintendent may cancel school for emergency reasons as many days as necessary and meet the legal requirement established by the State.)
4. Eight (8) days will be scheduled as planning, records, conference, and five (5) days will be scheduled as staff development days.
5. Teachers new to the school system will report for orientation prior to the scheduled staff development days for all teachers as scheduled by the Division Superintendent.

(continued)

PERSONNEL

IN GENERAL

§7-7        School Calendar (continued)

6.        At the discretion of the Division Superintendent, schools may be closed because of severe weather conditions or other emergencies.
7.        Independence Day - If July 4<sup>th</sup> falls on Sunday, the Monday following will be observed. If July 4<sup>th</sup> falls on Saturday, the preceding Friday will be observed.
8.        Winter Break - Twelve month employees will observe December 25<sup>th</sup> (Christmas Day), and the day before or after (depending on the day the 25<sup>th</sup> of December may fall) or, if December 25<sup>th</sup> (Christmas Day) falls on Sunday, the following Monday and Tuesday will be observed. If December 25<sup>th</sup> (Christmas Day) falls on Saturday, the preceding Thursday and Friday will be observed.

Employees whose work year is less than twelve (12) months will observe the annual school calendar, as approved by the School Board, with regard to the last working day prior to the winter break and the day to return after January 1<sup>st</sup> (New Year's Day).

9.        New Year's Day - Twelve month employees will observe the first day of January or if the first day occurs on Sunday, the Monday following will be observed. If New Year's day falls on Saturday, the preceding Friday will be observed.
10.       Spring Break - Employees whose work year is less than twelve (12) months will observe Spring Break on dates to be determined by the School Board on the recommendation of the Division Superintendent. The Division Superintendent may consider the dates for Spring Break in other school systems in the region in making his/her recommendation to the School Board. Twelve month employees will observe two days, to be determined, as Spring holidays.

The School Board will approve a school calendar upon its submission and recommendation by the Division Superintendent.

Adopted: 3/27/90  
Revised: 4/28/92, 6/22/93, 3/14/95  
Current Revision: 10/24/2000

## PERSONNEL

## IN GENERAL

§7-8      Employee Classifications

It is the policy of the Loudoun County School Board to establish full-time and part-time employment of its employees for the purpose of differentiating between various employees of the Board with regard to specific terms of employment, written employment contracts and agreements, and employment at will.

A.      Definition1.      Employees of the Board

All employees are "Employees of the Board" and whenever reference is made to employees without distinction, such statement shall refer to all employees with the exception of the Division Superintendent.

2.      Teacher Personnel

Teacher personnel shall include those employees whose positions have been assigned to the teacher salary scale. Certain positions must have licensure from the State Board of Education.

3.      Classified Personnel

Classified personnel shall include those employees whose positions have been assigned to the classified salary scale.

4.      Administrative Personnel

Administrative personnel shall be those employees whose positions have been assigned to the administrative salary scale. Certain positions must have licensure from the State Board of Education.

5.      Auxiliary/Support Personnel

Auxiliary personnel shall be those persons whose positions have been assigned to the auxiliary/support salary scale.

## PERSONNEL

## IN GENERAL

§7-8      Employee Classifications (continued)B.      Full-Time/Part-Time Employment1.      Full-Time Employment

Full-time is defined as being the sole employee under a regular contract or assignment in a position that is budgeted for at least 180 days, for no less than 3.5 hours daily or the equivalent. Two employees who initiate a request and are permitted to share a full-time position of at least 180 days per year and no less than seven (7) hours daily may be identified as full-time employees but will only be eligible for prorated health benefits.

2.      Part-Time Employment

Any employee not included in B. 1 above or who is designated an At-Will Employee, or who signs a temporary/interim agreement is considered a part-time employee. Part-time employees are not eligible for retirement or health benefits.

## C.      All new classified employees will serve an introductory period of six months. Such employees will be given regular status upon the successful completion of the introductory period.

1.      Introductory Period

- a.      Employment with the School System during the introductory period may be terminated at any time by either the appropriate supervisor or the introductory employee.
- b.      Any recommendation for termination must be submitted in writing to the Department for Personnel Services.
- c.      The introductory period if not terminated under C. 1.a. above, will be automatically extended by the number of days an employee is absent from scheduled work, regardless of cause.

## PERSONNEL

## IN GENERAL

§7-8      Employee Classifications (continued)2.      Supervision/Evaluation

- a.      Supervisors are to observe carefully each introductory employee's job performance. Where appropriate, weaknesses in performance, conduct, or attitude are to be brought to the employee's attention for correction.
- b.      In the event that the introductory employee's performance is not satisfactory, his/her supervisor must prepare a written evaluation of the employee's job performance before the end of the six-month introductory period. Employees who do not receive such an evaluation will be granted regular status.

3.      Benefits

New full-time employees are eligible for all benefits during their introductory period.

Statutory Authority: VA Code §22.1-79 (b), §22.1-293, §22.1-295, 8 VAC 20-90-10

Adopted: 6/22/93

Revised: 5/11/99, 1/22/2001, 2/13/2001

Current Revision: 01/26/2010



## PERSONNEL

## IN GENERAL

§7-9 Supervision of Relatives

No employee in a supervisory position shall have under his or her direct supervision any employee who is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of the supervisor, or any other person residing in the same household as the supervisor who is a dependent of the supervisor or of whom the supervisor is a dependent.

For purposes of this policy, an “employee in a supervisory position” is a person who exercises control over the employment or the employment activities of another person or persons, or is in the position to influence another person’s or persons’ employment activities.

For purposes of this policy, the supervisor of employees holding co-curricular positions is the principal or his or her designee.

For purposes of this policy, a “dependent” is a relative or any other person who receives from the Loudoun County School Board employee-supervisor, or provides to the Loudoun County School Board employee-supervisor, more than one half of his financial support.

In the event of a promotion or other circumstance which brings about the condition described above, the employee of lower rank shall be transferred to another vacant position for which the employee is qualified and in which the higher ranked employee will not supervise the lower ranked employee.

Statutory authority: VA. Code § 2.2-3109 (c)(1)

## PERSONNEL

## EMPLOYMENT

§7-10      Qualifications - Licensure

A candidate for appointment to a new teaching position or as a replacement must qualify for the appropriate Provisional, Collegiate Professional, Vocational Education, Pupil Personnel Services, or Postgraduate Professional certificate. The appointment must be in field. Any exception to this general rule must be for cause and only in circumstances where a fully qualified and suitable applicant is not available, as determined by the Division Superintendent.

All professionally licensed personnel must renew their licensing as required by the regulations of the State Board of Education. All work for such renewal of licensing must be completed prior to the expiration of the current license.

Legal Reference: Code of Virginia §§22.1-298, 22.1-299

Adopted: 6/13/72

Revised: 6/8/82

Current Revision: 6/22/93

## PERSONNEL

## EMPLOYMENT

§7-11      Certifications and Criminal History Record Request and Child Abuse Record Request

A.            All applicants for employment, whether full-time or part-time, permanent or temporary, shall be subject to a background investigation, which includes a check of employment history as well as a release of criminal and investigatory information possessed by any state, local or federal agency. Other areas of inquiry shall include criminal convictions, involvement in drug/alcohol abuse, and a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

B.            All applicants for employment, whether full-time or part-time, permanent or temporary, shall certify:

1.            That the applicant has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and
2.            Whether the applicant has been convicted of a crime of moral turpitude and if so convicted, the applicant shall provide full particulars thereof.

C.            All such applicants for employment shall certify that the applicant has not been the subject of a founded case of child abuse and neglect.

D.            All applicants who are offered or accept employment with the Loudoun County School Board shall submit to fingerprinting and shall provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. Satisfactory report of this record check is a condition of employment.

E.            All applicants who are offered or accept employment shall provide written consent and the necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services. In addition, where the applicant has resided in another state within the last five years, the school board shall require as a condition of employment that such applicant provide written consent and the necessary personal information for the School Board to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The School Board shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. Satisfactory reports of these registry searches are a condition of employment.

(continued)

POLICY

§7-11  
(b)

PERSONNEL

EMPLOYMENT

§7-11      Certifications and Criminal History Record Request and Child Abuse Record Request (continued)

F.            Any person making a materially false statement regarding such certification shall be subject to denial of employment, or dismissal if already employed; further a materially false statement as to a criminal offense may constitute a crime.

Legal Reference: Code of Virginia §22.1-296.1; §22.1-296.2; §22.1-296.4; 22.1-78.

Adopted: 6/23/92

Revised: 6/22/93, 6/13/95

Current Revision: 4/13/2010

PERSONNEL

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**REGULATION**

§7-11 Criminal History Record Request and Child Abuse Record Request

A. Purpose

Criminal history and child abuse record searches by use of fingerprints and personal descriptive information submitted to the Central Criminal Records Exchange to the Federal Bureau of Investigation and to Department of Social Services shall be conducted of all persons offered employment with Loudoun County Public Schools.

B. Criminal Conviction Information Procedures

1. Applicants for employment, whether full-time or part-time, permanent or temporary, will be advised that they will be required to submit to fingerprinting and provide personal descriptive information and sign a statement before or at the time an employment offer is made which authorizes Loudoun County to have criminal conviction and child abuse investigations performed and that satisfactory outcome of the investigations is a condition of employment.
2. Applicants who omit convictions from the application form may be denied employment for falsification of the application.
3. All written offers of employment will state that satisfactory outcome of criminal conviction and child abuse investigations are conditions of employment.
4. If the applicant refuses to submit to fingerprinting or provide personal descriptive information and execute an authorization for the criminal conviction/child abuse investigation, the application process will terminate.
5. All criminal record requests will be forwarded by the School Board Office to the Virginia State Police Department for processing.
6. If the response to the request indicates "No Criminal Record" or "No Conviction Dates," it will be filed in the employee's personnel file.
7. Criminal history records received from the Virginia State Police or the FBI will be reviewed by the Assistant Superintendent for Personnel Services.

(continued)

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EMPLOYMENT

**REGULATION**

§7-11 Criminal History Record Request and Child Abuse Record Request (continued)

The relevant director or coordinator will be notified of any criminal history record, and a decision will be reached on the employment eligibility of the subject of the record.

8. If the subject of the criminal history record wishes to correct the record, he/she will be given a copy of the record and will be informed of the procedure to correct or update the record. In the case of records furnished by the FBI, the person will be given a copy of the instructions cited in Title 28, Code of Federal Regulations, Section 16.34. In the case of records furnished by the Virginia State Police or the Federal Bureau of Investigation, the person will be referred to the Assistant Superintendent for Personnel Services for assistance.
9. If an applicant is denied employment because of information appearing on his/her criminal history records, the Board shall provide a copy of the information obtained from Central Criminal Records Exchange to the applicant.

C. Child Abuse Records

1. All child abuse record requests will be forwarded to the Department of Social Services.
2. If the Department of Social Services central registry replies "no match", the form will be filed in the personnel file.
3. Child abuse records received from the Department of Social Services will be reviewed by the Assistant Superintendent for Personnel Services. The relevant director or coordinator will be notified of any child abuse record, and a decision will be reached on the employment eligibility of the subject of the record.
4. If an applicant is denied employment because of information appearing on his record in the registry, the applicant shall be provided a copy of such information.
5. Any child abuse record reported by the Department of Social Services and a copy of the letter of disposition to the employee shall be retained in the personnel file.

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**REGULATION**

§7-11 Criminal History Record Request and Child Abuse Record Request (continued)

C. Excerpt From Title 28, CFR, Section 16.34 – Criminal Conviction Record

If, after reviewing his/her criminal conviction record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

D. Disqualifying Convictions In addition to the disqualifying convictions provided in Policy 7-11(A)(1), any person who:

1. Has been convicted of a crime of moral turpitude within five (5) years of such person's application for employment; or
2. Has been placed on probation pursuant to the terms and conditions of Va. Code § 18.2-251 (or any similar statute of the United States or another state or the District of Columbia) within ten (10) years of such person's application shall not be eligible for employment.

Issued: 6/23/92

Revised: 6/22/93, 6/13/95, 7/1/97

Current Revision: 1/23/07

## PERSONNEL

## EMPLOYMENT

§7-12 Appointment, Assignment, and Transfer

All full-time employees must be appointed by the School Board upon recommendation of the Division Superintendent. The Division Superintendent shall be authorized to employ new personnel between School Board meetings, subject to School Board approval.

The Division Superintendent shall have authority to assign all employees to their respective positions in the school or work location wherein they have been initially placed by the School Board. If the School Board adopts a resolution authorizing the Division Superintendent to reassign such employees, the Division Superintendent may reassign any employee for that school year to any school or work location within such division, provided no change or reassignment shall affect the salary of such employee for that school year; and provided, further, that the Division Superintendent shall make appropriate reports and explanations on the request of the School Board. Written notice of such reassignment or transfer shall be sent to the employee affected.

Employees who desire a transfer to another school or work location or who wish to change their classification status should direct their written requests to the Assistant Superintendent for Personnel Services.

Employees may seek a change of location and their rights to do so shall be maintained by the Division Superintendent and the School Board. This process shall be administered through Regulation 7-12, Appointment, Assignment, and Transfer.

Legal Reference: Code of Virginia §§22.1-293, 22.1-295, 22.1-297, 22.1-70, 22.1-294

Adopted: 6/13/72

Revised: 6/24/75, 6/22/93, 7/1/97

Current Revision: 4/13/2010



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**REGULATION**

§7-12      Appointment, Assignment, and Transfer

Transfer of Licensed Employees

A.            Procedure

The procedure for transferring licensed employees is divided into three (3) rounds. Round 1 is primarily designed to reassign any employee who will be destaffed from his/her current school due to boundary changes or the opening of new schools-both of which will affect student population at existing schools. Round 2 follows Round 1 and is designed to fill vacant licensed positions at new and existing schools. All eligible teachers who are involuntarily transferred may also apply for any openings posted in Round 2 and/or 3. Teachers who were involuntarily transferred and who would not otherwise have been eligible to transfer will be eligible for transfer only to their original school in Round 2 and/or 3.

B.            Description of Process

1.            During Round 1, licensed employees seeking a change of location or licensure area are invited to direct their requests to the Assistant Superintendent for Personnel Services during a set period of not less than 30 days. Employees requesting a transfer are asked to provide certain demographic information about themselves, as well as relevant work experience, and reasons for requesting a transfer. A transfer request is not complete unless the Application, Location Request Form, and Relevant Work Experience Form are submitted in their entirety. Licensed employees may indicate in a letter to the Director of Personnel Services, their preference with regard to schools to which they would accept a transfer, in the event their position is destaffed.
2.            When the Round 1 application period ends, principals are given information about those licensed employees who are seeking a transfer to his/her school. The principals can choose to contact these individuals for an interview. Principals have not less than 30 days to conduct interviews with transfer applicants, then must submit to the Assistant Superintendent for Personnel Services their record of those interviewed and the results of those interviews.

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**REGULATION**

§7-12 Appointment, Assignment, and Transfer (continued)

3. At the direction of the superintendent, members of the Central Office Administration then review the information from licensed employees. During Round 1, there will be voluntary and involuntary transfers. Voluntary transfers refer to licensed employees who voluntarily entered the transfer process and received a transfer to a requested position and location. Involuntary transfers refer to those transfers that are necessary, but not requested by licensed employees.
4. Licensed employees are subsequently notified, in writing, of any voluntary or involuntary transfer.
  - Those given voluntary transfers are not eligible to participate in Round 2.
  - Those given involuntary transfers are eligible to enter Round 2.
  - Those given involuntary transfers are eligible to enter Round 3, if a position opens at his/her original school.
5. Round 2 begins after the completion of Round 1 and lasts not less than 75 days. During Round 2 of the Transfer Process, all vacant licensed positions are internally posted for three (3) business days. During those three days, any licensed employee meeting the eligibility requirements, and who has not already been voluntarily transferred can apply to the building principal/program supervisor listed on the posting. A transfer request is not complete unless the Application and Relevant Work Experience Form are submitted in their entirety. Internal applicants applying to specific positions will be given consideration for each vacant position prior to considering external applicants. Principals and program supervisors may choose whom to interview. In most cases, Round 2 internal applicants will be notified of a transfer by mid-June.

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### EMPLOYMENT

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#### §7-12 Appointment, Assignment, and Transfer (continued)

6. Round 3 begins after the completion of Round 2 and continues no later than July 31st of that calendar year. All positions will be posted on the Transfer Website for three (3) days, then the position will be “closed” and removed from the website. All LCPS licensed employees who are eligible may apply for a posted position in Round 3. These positions may be filled by either an internal or external candidate. Principals may choose whom to interview. Positions filled after July 31<sup>st</sup> will be filled by outside candidates on end-of-year contracts. These positions will then be posted in Round 2 of the next year’s process.

#### C. Eligibility

1. All licensed employees are eligible to enter the Transfer Process, except those holding an “end of year” contract; those who are .4 FTE or less; or those employees who are employed with a Work Agreement through Visiting International Faculty (VIF), the Fulbright Organization or similar temporary placements. Individuals in these categories are notified of ineligibility.
2. A previous destaffing does not prevent an employee from subsequent destaffing; however, all such actions since the 2000-01 school year will be considered.
3. Most licensed employees will be allowed to voluntarily transfer no more than one (1) time in any given contract year.
4. Licensed employees who are involuntarily transferred from a school in Round 1, will be allowed to apply for a transfer back to a position at their original school during Round 2 and/or 3, even if they accepted a voluntary transfer during Round 2. This would essentially constitute two (2) voluntary transfers for those individuals.

## PERSONNEL

## EMPLOYMENT

§7-13      Tuberculosis Test

As a condition of employment, every new employee shall submit a certificate, signed by a licensed healthcare professional, stating that such employee appears free of communicable tuberculosis. Such certificate shall be based upon recorded results of skin tests, x-rays, screenings, or other examinations deemed necessary by a licensed healthcare professional that have been performed within the twelve month period immediately preceding submission of the certificate.

Legal Reference: Code of Virginia §§ 22.1-78 and 22.1-300

Adopted: 6/13/72  
Revised: 05/25/10

## PERSONNEL

## EMPLOYMENT

§7-14 Physical Examination and DMV Records Required of Bus Drivers

A person applying for or returning to any position which would require the applicant to operate a school bus transporting students must have an annual physical examination of a scope prescribed by the Board of Education and must furnish a form prescribed by the Board of Education showing results of such examination.

No person shall drive a school bus unless that person is physically qualified to do so and has submitted a School Bus Driver's Application For Physician's Certificate signed by the applicant and the doctor or a licensed nurse practitioner for the applicable employment period.

The physical form describes the basic physical qualifications for school bus drivers; however, the examining physician or licensed nurse practitioner shall make the final determination of the individual's physical capacity to operate a school bus based upon their assessment of the individual's overall physical condition.

The applicant must also furnish a statement or copy of records from the Department of Motor Vehicles showing that person, within the preceding five years, has not been convicted of driving under the influence of intoxicating liquors or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony, or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to 18.2-271.1 of the Code of Virginia or, within the preceding twelve months, has not been convicted of two or more moving traffic violations or has not been required to attend a driver improvement clinic by the Commissioner of the Department pursuant to 46.2-497 of the Code of Virginia.

The applicant must furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character, must exhibit a license showing the person has successfully undertaken the examination prescribed by 46.2-339 of the Code of Virginia, must be at least 18 years old, and must submit to testing for alcohol and controlled substances that is in compliance with applicable federal law and regulations.

The division shall administer controlled substance tests in accordance with federal laws governing test procedure and testing sites.

Legal Reference: Code of Virginia §§18.2-271.1, 22.1-178, 46.2-339,  
8 Virginia Administrative Code 20-70-280  
49 U.S.C. 31136  
49 Code of Federal Regulations 281.101 *et. seq.*

Adopted: 5/10/94

Revised: 05/25/10

## PERSONNEL

## EMPLOYMENT

§7-15      Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL)

School bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other employees who drive vehicles designed to transport 16 or more passengers, including the driver, or vehicles that have a gross combination weight of 26,001 or more pounds are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, Section 40 et seq.

Legal Reference:      Code of Federal Regulations, Title 49, Part 382;  
Code of Federal Regulations, Title 49, § 40, *et seq.*

Adopted: 4/6/95

Confirmed: 05/25/10

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL)

A. Definitions

1. **Accident** means any accident in which:
  - a. There is a loss of human life; or
  - b. The driver receives a citation under State or local law for a moving violation arising from the accident.
2. **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
3. **Alcohol use** means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
4. **Breath alcohol technician (BAT)** is an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).
5. **Commercial motor vehicle** means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:
  - a. has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
  - b. has a gross vehicle weight rating of 26,001 or more pounds; or
  - c. is designed to transport 16 or more passengers, including the driver; or
  - d. is of any size and is used in the transportation of hazardous materials requiring placards.

(continued)

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**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

6. **Confirmation test**

- a. For alcohol testing, means a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.
- b. For controlled substance testing, means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy.

7. **Controlled substances** means marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines).

8. **Driver** means any Loudoun County Public School employee who is required to hold a Commercial Drivers License (CDL) and operate a commercial motor vehicle owned by Loudoun County Public Schools. For the purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

9. **Medical Review Officer (MRO)** - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

10. **Reasonable suspicion** means a belief that the driver has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

(continued)



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**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

11. **Refusal to submit to an alcohol or controlled substance test** means:
  - a. Failing to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath taking.
  - b. Failing to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing.
  - c. Engaging in conduct that clearly obstructs the testing process.
  
12. **Safety-sensitive function** means any of those on-duty functions set forth in 49 CFR §39.5.2, on Duty Time, ¶¶ 1-7, including but not limited to:
  - a. All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
  - b. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
  - c. All time spent at the driving controls of a commercial motor vehicle.
  - d. All time, other than driving time, spent on or in a commercial motor vehicle.
  - e. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

(continued)

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

- f. All time spent performing the driver requirements associated with an accident.
- g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

13. **Screening test (initial test)** means:

- a. In alcohol testing an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system;
- b. In controlled substance testing, an immunoassay screen to eliminate "negative" urine specimens from further consideration.

14. **Substance abuse professional** - a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

B. Prohibited Conduct

- 1. A driver covered by the provisions of this policy shall not:
  - a. Report for duty or remain on duty requiring the performance of a safety sensitive function while having an alcohol concentration of 0.04 or greater;
  - b. Be on duty or operate a commercial motor vehicle while the driver possesses alcohol unless the alcohol is manifested and transported as part of a shipment;

(continued)

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**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

- c. Use alcohol while performing safety sensitive functions;
- d. Perform a safety sensitive function within four (4) hours after using alcohol.
- e. When required to take a post-accident alcohol test, use alcohol within eight (8) hours following an accident or prior to undergoing a post-accident alcohol test, whichever is first;
- f. Refuse to submit to an alcohol or controlled substance test required by this policy;
- g. Report for duty or remain on duty requiring the performance of safety sensitive functions when the driver possesses or uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle safely;
- h. Report for duty, remain on duty or perform a safety sensitive function if the driver tests positive for controlled substances.

C. Tests Required

- 1. Pre-Employment Testing. Before a driver can first perform a safety sensitive function covered by this section, the driver must undergo testing for alcohol and controlled substances.
  - a. If the driver is a new hire, the testing must occur before the driver's first day in a duty status.
  - b. If the driver is a current employee who is promoted or transferred to a position or assignment which requires the driver to hold a CDL, the testing must occur before the employee assumes the new position or assignment.

(continued)

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

2. Post-Accident Testing. As soon as practicable following an accident, the driver(s) involved in the accident must be tested for alcohol and controlled substances.
  - a. An alcohol test under this section should be administered within two (2) hours following the accident, but in no case more than eight (8) hours after the accident.
  - b. A controlled substances test under this section must be administered within thirty-two (32) hours following the accident.
  - c. Post-accident tests may be administered by Federal, State, or local law enforcement officials having authority to conduct such tests pursuant to their investigation of the accident provided such tests conform to applicable legal requirements and the results thereof are provided to the school division.

A driver who is subject to post-accident testing shall remain readily available for such testing. If the driver is not available for any reason, except leaving the accident scene to obtain assistance in responding to the accident or to obtain necessary emergency medical care, he or she will be deemed to have refused to submit to testing.

3. Random Testing. A percentage of drivers will be subject to random alcohol testing and to random controlled substances testing each year. The percentage of drivers to be tested will be as specified in Title 49 CFR, section 382.305. (At the effective date of this policy, the minimum annual percentages were twenty-five (25) percent of the average number of driver positions for alcohol testing and fifty (50) percent of the average number of driver positions for controlled substances testing.) Selections of drivers to be tested shall be done by a method which provides that each driver will have an equal chance of being selected each time that selections are made. Thus, a driver might be chosen more than once during a year.

(continued)

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EMPLOYMENT

**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

- a. Random tests will be unannounced and the dates for such tests will be spread reasonably throughout the calendar year.
  - b. A driver selected for random testing will be required to report to the testing site immediately upon notification.
  - c. Random tests shall be scheduled while the driver is performing a safety sensitive function, just before performing a safety sensitive function, or just after performing a safety sensitive function.
4. Reasonable Suspicion Testing. Drivers shall be required to submit to an alcohol and/or a controlled substances test when there is a reasonable suspicion to believe that the driver has violated the School Board's policy covering alcohol or controlled substances.
- a. The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a supervisor (or administrator) who has received training in accordance with the provision of 49 CFR Part 382. Such supervisor who makes such observations with respect to controlled substances shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.
  - b. Alcohol and/or controlled substance reasonable suspicion testing is authorized only if the observations are made during, just before, or just after the period of the work day the driver is performing a safety sensitive function.
5. Return-to-Duty Testing. If a driver is permitted to return to duty after engaging in prohibited conduct regarding alcohol or controlled substance abuse, the driver shall undergo a return-to-duty alcohol and/or controlled substances test, as applicable.

(continued)

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

- a. An alcohol test must indicate an alcohol concentration of less than 0.02 and a controlled substances test must indicate a verified negative result for controlled substances use.
  - b. In the event a return-to-duty test is required, the driver must have been evaluated by a substance abuse professional and participate in any assistance program prescribed.
6. Follow-up Testing. Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, a driver permitted to return to duty shall be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the substance abuse professional.
- a. At least six (6) tests will be conducted during the twelve (12) calendar months following the employee's return to work. The period of follow-up testing shall not exceed sixty (60) months.
  - b. Follow-up testing shall be performed only when the driver is performing safety sensitive functions, or immediately prior to performing safety sensitive functions or immediately after performing safety sensitive functions.

D. Testing Procedures

1. All alcohol and controlled substances testing shall be performed by a laboratory approved by the National Institute of Drug Abuse (NIDA).
2. Tests shall be conducted as specified in the Department of Transportation's regulations, Title 49 CFR Part 40.
3. Controlled substances tests must follow split sample procedures.

(continued)

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

4. Alcohol Test Results

- a. The Breath Alcohol Technician (BAT) shall forward the results of all alcohol tests to the Director of Transportation or designee.
- b. If the result of the screening test is an alcohol concentration of 0.02 or greater, the BAT shall perform a confirmatory test which shall be conducted within twenty (20) minutes after the completion of the screening test, but not less than fifteen (15) minutes after the screening test.
- c. If the confirmatory test is positive, the BAT shall immediately communicate the result to the Director of Transportation or designee.

5. Controlled Substances Test Results

- a. The NIDA-approved testing laboratory shall forward the results of the test to a Medical Review Officer (MRO) for review.
- b. If the test result on the specimen is positive, the MRO shall contact the driver (confidentially) and give the driver the opportunity to discuss the test results. The MRO shall inform the driver of his or her right to request that the MRO direct that the secondary sample be tested in a different NIDA approved laboratory for presence of the drug(s) for which a positive result was obtained.

The MRO shall honor the driver's request if it is made within seventy-two (72) hours of the driver having been informed of a verified positive test result. The cost of this second test shall be borne by the driver.

(continued)

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EMPLOYMENT

**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

- c. If the MRO is not able to contact the driver, the MRO shall report to the Director of Transportation or designee that he or she has made all reasonable efforts to contact the driver. The Director of Transportation or designee shall, as soon as practicable, ask the driver to contact the MRO before driving or within twenty-four (24) hours, whichever is earlier.
- d. The MRO may verify a test as positive without communicating with the driver if:
  - (1) The driver refuses to discuss the test results;
  - (2) More than five (5) days have passed since the driver was asked by the Director of Transportation or designee to contact the MRO.
- e. After contacting the driver, but in no case more than three business days after completing the review, the MRO shall report the test results to the Director of Transportation or designee. The MRO shall provide the following information:
  - (1) The controlled substances test being reported was in accordance with 49 CFR Part 40;
  - (2) The name of the driver for whom the test results are being reported;
  - (3) The type of test (e.g., pre-employment, random, post-accident, etc.);
  - (4) The date and location of the test collection;
  - (5) The identities of the persons or entities performing the collection, analysis of specimens and serving as the MRO for the specific test; and

(continued)



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**REGULATION**

§7-15      Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

- (6)      The verified results of a controlled substances test, either positive or negative, and, if positive, the identity of the controlled substances(s) for which the test was verified positive.

E.      Records

1.      The School Board shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided by Part 382.401. The records shall be maintained in a secure location with controlled access.
2.      The School Board shall not release driver information required by this Act except as expressly authorized or required by law.
3.      Records shall be made available to a subsequent employer upon receipt of a specific written request from a driver.
4.      The School Board may obtain from any previous employer of a driver, provided the driver has given his/her written consent, any information concerning the driver's participation in a controlled substances and alcohol testing program.
5.      The School Board shall obtain and review the information listed below from any employer the driver performed safety-sensitive functions for in the previous two years. The information must be obtained and reviewed no later than 14 days after the first time a driver performs safety-sensitive functions.

The information obtained must include:

- a.      Information on the driver's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
- b.      Information on the driver's controlled substances test in which a positive result was indicated.
- c.      Any refusal to submit to a required alcohol or controlled substance test.

(continued)

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EMPLOYMENT

**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

F. Notwithstanding the consequences provided for under the regulations of the Federal Highway Administration contained in 49 CFR Parts 40 and 382, et al, any employee violating this policy shall be subject to the following consequences established by the Loudoun County School Board:

1. Refusal to consent to alcohol and/or drug testing will result in immediate removal from duty and termination of employment.
2. A positive test for a controlled substance will result in immediate removal from duty and termination of employment.
  - a. The Department for Personnel Services will advise employees of resources available to them for evaluating and resolving problems associated with the misuse of a controlled substance.
  - b. Any evaluation and rehabilitation expenses shall be borne solely by the employee.
3. A blood alcohol concentration of .04 or greater will result in the immediate removal from duty and termination of employment.
  - a. Department for Personnel Services will advise employees of resources available to them for evaluating and resolving problems associated with the misuse of alcohol.
  - b. Any evaluation and rehabilitation expenses shall be borne solely by the employee.
4. A blood alcohol concentration of .02 to .039 will result in the immediate removal from duty, suspension from duty on administrative leave without pay, and referral to the employee assistance program.
  - a. Before returning to a safety sensitive position, an employee must submit to a return-to-duty alcohol test and must have a blood alcohol concentration of less than .02.

(continued)

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**REGULATION**

§7-15 Drug and Alcohol Testing for Employees Required to Hold a Commercial Drivers License (CDL) (continued)

- b. A driver permitted to return to duty will be subject to a minimum of six (6) follow-up tests in a twelve month period.
- c. A blood alcohol concentration of .02 or greater arising from the return-to-duty testing or follow-up testing will result in immediate termination of employment.

PERSONNEL

EMPLOYMENT

§7-16 Dismissal, Suspension, or Probation

Licensed personnel may be dismissed, suspended, or placed on probation, as provided under Virginia law.

Legal Reference: Code of Virginia §§22.1-307, 22.1-315

Adopted: 6/13/72

Revised: 7/10/84

Current Revision: 6/22/93

## PERSONNEL

## EMPLOYMENT

§7-17      Personnel Files

All employees have the right to review their personnel files in accordance with the Freedom of Information Act and the Privacy Protection Act. It is the responsibility of each employee to exercise this right. Employees should avail themselves of this right on a periodic basis.

When information is placed in any personnel file to which the employee has the right of access, whether maintained in the Central Personnel Office or elsewhere, and such written information is in the nature of discipline or a reprimand or is information that is likely to lead to a negative evaluation, the Principal, Assistant Principal, or Supervisor responsible for placing such information in the file shall personally deliver a copy thereof to the employee. The employee shall acknowledge in writing receipt of such information; in the event the employee refuses to acknowledge receipt of a copy of such information, the Principal, Assistant Principals, or Supervisor as the case may be, shall make a written notation of such refusal to be included with the written information and place it in the employee's file.

## PERSONNEL

## EMPLOYMENT

§7-18      ResignationA.            Licensed Employees

A licensed employee may not terminate a professional contract without the consent of the School Board. The employee shall request release from the contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation.

In the event the School Board declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the employee breaches the contract, disciplinary action, which may include revocation of the employee's license, may be taken pursuant to regulations prescribed by the State Board of Education.

B.            Classified Employees

Classified employees should submit a letter of resignation at least two weeks prior to resignation date. Resignations may be approved by the Division Superintendent who shall make appropriate reports and explanations at the request of the School Board.

Legal Reference: Code of Virginia §22.1-304

Adopted: 6/13/72

Current Revision: 6/22/93

## PERSONNEL

## EMPLOYMENT

§7-20      Duties and Responsibilities of Teachers

The success of any school depends heavily upon the faculty. This applies not only to sound classroom instruction, but also to attitudes taken by the faculty toward all the necessary functions of the school system. For example, a plan book should be left at school each day so that a substitute, in an emergency, could carry on the work. All reports and records should be made as requested and submitted as required. And, school keys must be protected and are for use by the teacher only. All serious or recurring problems of student misconduct or student absenteeism should be discussed with the principal or his/her designee to prevent serious situations from developing.

The duties and responsibilities of teachers also necessarily include school-related duties, such as attending faculty meetings, staff development meetings, meetings with parents, supervising co-curricular activities, and performing buildings and grounds duties, which can properly be included within the term "professional activities" and thus become an integrated part of a teaching assignment.

PERSONNEL

EMPLOYMENT

§7-21      Evaluation and Instructional Supervision

Refer to appropriate evaluation manual.



## PERSONNEL

## EMPLOYMENT

§7-22      Substitute TeachersA.            Regular Substitutes

The building principal, or his/her designee, is responsible for obtaining substitute teachers. The individual school's policy must establish the necessary rules and procedures. Any teacher requiring a substitute must give as much advance notice as possible.

The School Board reserves the right to approve all substitutes. Those holding certificates or with experience as regular teachers should be given preference.

Any substitute for a teacher or any teaching position shall be paid substitute salary for the first ten (10) consecutive teaching days in a single position; after the ten (10) consecutive days, the substitute will be paid a daily rate based upon Step 1 of the Teacher Salary Scale without any regular fringe benefits.

Reports of absences and employment of substitutes shall be made by the principal to the Payroll Department on the proper forms by the close of the day on the 15<sup>th</sup> and last working day of each month.

B.            Special Substitutes

A "special substitute", certifiable in field, may be employed when (1) the term of substitution is of long and indeterminate length, or (2) when the circumstances are such that the substitute may replace the regular teacher, or (3) under other conditions that the Division Superintendent may deem necessary.

Special substitutes may be paid a daily salary based upon Step 1 of the Teacher Salary Scale without any regular fringe benefits.

Any such substitute must be approved by and sign a contract with the Division Superintendent or his/her designee.

Statutory Authority: VA Code §22.1-16, §22.1-302, 8 VAC 20-640-10

Adopted: 6/13/72

Revised: 2/14/78, 6/22/93, 1/22/2001, 1/26/2010

## PERSONNEL

## EMPLOYMENT

§7-23      Employment of Substitute/Temporary/Part-Time Classified Employees

A substitute, temporary, part-time employee, as referred to herein, is an employee hired to fill a temporary need for a limited duration of time.

The appropriate budget holder (Senior Staff or designee) is authorized to employ substitute, temporary, and part-time classified employees as needed for the operation of business. Budget holders will follow procedures defined in Regulation §7-23 to employ substitute, temporary, and part-time classified employees.

The budget holder is responsible for ensuring the availability of funds to employ such substitute, temporary, and part-time classified employees.

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-23      Employment of Substitute/Temporary/Part-Time Classified Employees

The following shall guide the employment and compensation of substitute/temporary/part-time classified employees:

1. The employment of substitute, temporary, and part-time classified employees will comply strictly with all laws and School Board policies.
2. Department for Personnel Services staff and the appropriate Support Services administrator will assist other authorized administrators in the hiring of substitute, temporary, and part-time employees as required.
3. As a general practice, substitute clerical employees may be employed for occasional absences of full-time clerical employees. Each principal/administrator must decide on the need for such substitutes on a case-by-case basis.
4. Clerical, Nurses or Teaching Assistants normally paid on a level higher than Level 9 may be employed as a special substitute when the term of substitution is long and an indeterminate length, the absence must exceed 10 days as set forth in §7-22. Special substitutes may be paid an hourly wage based upon Step 1 of the position on the classified Employee Salary Scale. Any such substitute must be approved by and sign a special assignment letter with the Department for Personnel Services.
5. No substitute, temporary, or part-time employee will be hired without authorization from the appropriate Senior Staff budget holder certifying the availability of funds and establishing any specific funding limitation.
6. All new substitute, temporary, and part-time employees will complete the application process, including satisfactory references and criminal history and child abuse history record checks.

(continued)

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-23      Employment of Substitute/Temporary/Part-Time Classified Employees  
(continued)

7. The following procedures will be used in establishing the compensation for substitute, temporary, and part-time classified employees:
  - a. Substitutes, temporary and part-time employees are not entitled to retirement benefits, medical insurance, leave or any other benefits not prescribed by law or School Board policy.
  - b. Cafeteria worker substitutes will be paid an hourly rate of Apprentice Cafeteria Worker Level Step 1 of the Classified Employee Salary Scale.
  - c. Regular bus driver substitutes who are employed on a regular basis year after year may be paid at a rate on the Bus Driver Level of the Classified Employee Salary Scale based upon driving experience with Loudoun County Public Schools.
  - d. Secretary substitutes will be paid an hourly rate of Grade 9 Step 1 of the Classified Employee Salary Scale.
  - e. Other classified positions will be paid an hourly rate of Step 1 of the position on the Classified Employee Salary Scale.
  - f. Persons with special skills or senior level experience in a position may receive an hourly rate up to Step 5 of that position on the Classified Employee Salary Scale.
  - g. Unskilled temporary employees are paid at an hourly rate determined by the School Board from time to time (Answers phone, performs routine clerical duties, sweeps floors, mows grass or performs other simple job functions. Example: summer temporaries).

Note: If summer temporary employees are employed during succeeding years, consideration will be given to appropriate increases in pay in accord with the individual's service and experience for additional years.

(continued)

PERSONNEL

EMPLOYMENT

**REGULATION**

§7-23      Employment of Substitute/Temporary/Part-Time Classified Employees  
(continued)

8.      Exceptions to the standard rates of pay may be approved by the appropriate Senior Staff administrator for temporary employees with special skills provided that the rate (1) not exceed the rate paid regular, full-time employees performing the same or comparable functions; (2) is compatible with rates paid to other temporary employees with the same or similar skills; and (3) is comparable to rates being paid for similar services in the local labor market.

## PERSONNEL

## EMPLOYMENT

§7-24      Dress Code for Personnel

The primary responsibility for proper dress and grooming rests with the individual employee who serves as an example to the students of the school division.

The School Division has the responsibility however, to see that standards are upheld, that the cleanliness, dress and grooming of employees do not present a danger to the health or safety of themselves or to the students, do not prevent them from performing their duties, do not cause a disturbing effect on the orderly functioning and decorum of the school, and do not cause excessive wear or damage to school property.

The principal of each school or director of a department is directed to carry out the regulations of the School Division as herein stated.

## PERSONNEL

## EMPLOYMENT

§7-25      Use of Correct English

The Loudoun County School Board strongly encourages all licensed personnel to use correct English at all times in both spoken and written form. The School Board believes that this is an individual responsibility that should be accepted by professional personnel. Each administrator and teacher should assess his or her competence in English usage and should seek help or take steps to correct any deficiencies.

The administration is directed to provide materials for self-assessment and to provide assistance and materials as requested by individuals who desire to improve themselves in this area. All assessments, assistance, and materials are to be provided in a manner that will ensure anonymity of the individual to the greatest extent possible.

## PERSONNEL

## EMPLOYMENT

§7-26 Contagious or Infectious DiseasesA. Blood Borne Contagious or Infectious Diseases

The attendance at school or work of employees who suffer from blood borne diseases which are infectious or contagious, such as AIDS and Hepatitis-B, and which may be transmitted by the exchange of body secretions, shall be determined on a case-by-case basis through implementation of the process delineated in Administrative Regulation §3-3 contained in this Policy Manual. The employee may not be excluded from school or work pending the 504 Evaluation Committee's decision. The privacy rights of the employee involved shall be respected. The number of personnel who are made aware of the employee's condition shall be minimized but shall not serve to jeopardize the safety of the employee and other persons within the school or work environment.

B. Other Contagious or Infectious Diseases

Any employee who is suspected of having a contagious or infectious disease, other than those covered in paragraph A, shall be examined by a school nurse or public health nurse to confirm the presence or absence of the disease. If a nurse is unavailable, the principal or supervisor shall determine whether the employee should be excluded from the school or work environment due to the suspected disease. In all cases, the affected individual should be isolated from other persons within the school or work environment until removal occurs.

Medical diagnosis or treatment by a licensed physician or the public health department should be encouraged. The public health department should be informed of diseases not previously reported or which require the assistance of that department.

The employee may return to school or work at such time as the employee's condition does not jeopardize the health and safety of other employees and students. A statement may be required from a physician or the public health department certifying that the employee's condition does not jeopardize the health and safety of other employees and students.



## PERSONNEL

## EMPLOYMENT

§7-27 Coaches and Sponsors of Virginia High School League Activities

High Schools in Loudoun County are members of the Virginia High School League and abide by the rules and regulations established by the League to govern interscholastic competition.

All coaches and sponsors of League activities, both athletic and nonathletic, shall be certified teachers regularly employed by the School Board of Loudoun County and responsible to the school principal. They shall have not less than three regular periods of classes or study hall per day.

Exceptions to the "Coaches Rule" of the Virginia High School League stated above are:

1. Students in training at institutions of higher learning.
2. Principals, assistant principals or other members of the school division's instructional or administrative staff with duties comparable to those of teachers carrying three regular period of classes.
3. Retired Virginia teachers or administrators as approved by the division superintendent.
4. Persons approved for one sports season by the Executive Director of the Virginia High School League upon written certification from the principal and division superintendent. Approval shall be contingent upon written notification from the school principal that the non-faculty coach will be apprised of all VHSL eligibility requirements for participants and any League policies pertaining to his/her sport prior to assuming duties. In certifying persons under this section, the division superintendent shall ensure that all persons applying to coach have been considered.
5. Instructional or administrative aides employed full-time within the same school division.

## PERSONNEL

## ACTIVITIES

§7-31      Professional Development

The Division Superintendent or his/her designee is directed to provide a program of professional development, as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students and disabled students and to increase student achievement.

The Division Superintendent or his/her designee shall also provide a program of professional development for administrative personnel designed to increase proficiency in instructional leadership and management.

Legal Reference: Code of Virginia §22.1-253.13:5

Adopted: 6/22/93

## PERSONNEL

### ACTIVITIES

#### §7-32 Electronic Communications Equipment and Services

##### A. General Principles

1. Computer hardware, software, and networks are accessible to Loudoun County Public Schools (LCPS) employees to support the educational mission and goals of the Loudoun County School Board.
2. Computer equipment, software and networks in schools and administrative offices are the property of LCPS and are intended for carrying out LCPS business. LCPS employees do not have personal property or privacy rights to any material created, received or sent via LCPS equipment, software or network systems. The contents of electronic communications may be disclosed to authorized individuals within LCPS without the permission of the sender or recipient.
3. Electronic communications may constitute “official records” under both the Virginia Freedom of Information Act (VFOIA) and the Virginia Privacy Protection Act of 1976 (“Privacy Act”).
4. Employee use of electronic communications equipment and services is a revocable privilege. Acceptable use, as expressed in this statement, is required.

##### B. Acceptable Use

1. Employees using LCPS electronic communications equipment and services are expected to:
  - a. keep informed of this acceptable use statement and the acceptable and unacceptable uses in general. The burden of responsibility is on the user to inquire as to what is acceptable or unacceptable prior to use. Compliance with acceptable use restrictions is mandatory.
  - b. use LCPS electronic communications equipment and services for LCPS related activities and not for personal business.
  - c. know and follow the generally accepted etiquette of computer and network use.
  - d. maintain and enhance LCPS public image.

(continued)

## PERSONNEL

### ACTIVITIES

#### §7-32 Electronic Communications Equipment and Services (continued)

##### 2. Specific Acceptable Use

- a. For purposes directly related to LCPS mission, goals, and the employee's assigned tasks.
- b. For professional development, to maintain training or education, or to conduct discussions related to the user's job.
- c. For research related to issues pertinent to LCPS or assigned task.
- d. For obtaining new laws, procedures, policies, rules or information that are related to LCPS interests.

##### C. Unacceptable Use

1. For any purposes which violate U.S., Virginia, or Loudoun County law.
2. For any solicitation of non-LCPS business or for business related to personal gain.
3. For purposes that interfere with the mission, goals, or assigned tasks of LCPS.
4. For the purpose of promoting an individual's interests or views.
5. For copying software, electronic files, programs or data without approval of the owner.
6. For misrepresenting the user as someone else.
7. For disrupting, destroying or intentionally harming LCPS equipment, data, networks, or electronic systems.
8. For communicating or receiving fraudulent, harassing, abusive, offensive or obscene information, pictures or messages.
9. For accessing inappropriate sites, personal e-mail or chat rooms. (e-mail messages are not confidential and may be considered "official records".)

(continued)

## PERSONNEL

### ACTIVITIES

#### §7-32 Electronic Communications Equipment and Services (continued)

##### D. Additional Guidelines

1. The specific Acceptable/Unacceptable Use lists above are not exhaustive and may be amended.
2. Any software or data files obtained electronically should be checked for viruses prior to use or transferring to another LCPS employee.
3. All messages created, sent or retrieved using LCPS electronic communications equipment and services are the property of LCPS and may be considered public information. Regulations on confidential student records, subject to disclosure, sent to parents would apply to electronic communications.
4. Users of LCPS electronic communications equipment and services need to remember that they are representing LCPS and should conduct themselves as a LCPS employee at all times.
5. Users should never share passwords with anyone else. Users are responsible for their own individual accounts and directories. Any violations that can be traced to an individual account name will be treated as the sole responsibility of the account owner.
6. LCPS Acceptable Use Policy and Guidelines are in effect seven days a week, 24 hours per day.

Violation of this policy may result in disciplinary action, up to and including, termination. Administrators have the authority to determine what is and what is not appropriate, official use and to grant, suspend, or cancel an employee's access to LCPS electronic communications equipment and services at any time for any reason. If necessary, LCPS will advise appropriate legal authorities of any illegal uses.

## PERSONNEL

## ACTIVITIES

§7-34      Responsibility Concerning Harassment

A central element of the mission of Loudoun County Public Schools is to provide a positive climate for students, patrons, and employees. All school employees are expected to convey respect for others by their actions, deeds, teachings, and conversations.

All school personnel should be familiar with the School Board's policy on Sexual Harassment, Policy §7-2. They should show by their words and actions that they do not condone behavior which violates the spirit of this policy.

PERSONNEL

ACTIVITIES

§7-35      Professional Conduct

School personnel perform on two equal levels: as professionals dealing with clients, and as adult role models shaping young lives.

Employees of Loudoun County Public Schools are prohibited from dating or engaging in any intimate social relationship with a student.

## PERSONNEL

## ACTIVITIES

§7-36      Responsibility Concerning Drug Usage

All school employees are expected to convey by their actions, deeds, teachings, and conversations that they do not in any way encourage or condone illegal drug use by students.

Any teacher who observes symptoms of drug use, changes in behavior, or marked differences in daily functioning on the part of a student shall initiate such action as may be appropriate to determine if the student is using drugs or if the behavior or symptom is caused by some other condition. In schools that have nurses, the student should be referred to the school nurse. If illness is not apparent and indications of drug use persist, the principal should be notified. Upon verification of the symptoms of drug use, the principal should notify parents or guardians of the student and law enforcement authorities of the suspected use of drugs.

In recognition of the primary responsibility of parents for the well being and upbringing of their children, staff members who have evidence of drug abuse are obligated to notify the principal who will investigate and take appropriate action.



## PERSONNEL

## ACTIVITIES

§7-37        Drugs, Narcotics, and AlcoholA.            On School Board Property

It is the policy of the Loudoun County Public Schools to prohibit the use, sale, dispensing, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on its premises. This prohibition also covers all legal or prescription drugs which impair an employee's ability to perform his/her job safely or properly.

B.            Off School Board Property

The use, sale, dispensing, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages off school board property which affects an employee's ability to perform his/her duties, or which generates publicity or circumstances which adversely affect the school division or its employees, shall be grounds for discipline, including possible suspension or termination.

Adopted: 5/9/89

Revised: 6/22/93

Current Revision: 1/22/2001

PERSONNEL

ACTIVITIES

§7-39      Planning Periods

Planning Periods

Planning periods are reserved for classroom preparation, conference, constructing tests, grading papers, and other professionally related activities deemed appropriate by the building principal.

PERSONNEL

ACTIVITIES

§7-40      Some Duty-Free Lunch Periods

Principals will attempt to work out an arrangement within the school that will provide "some duty-free" lunch periods.

PERSONNEL

COMPENSATION

§7-41      Salary Schedules

Refer to current School Board adopted salary schedules published by the Department for Personnel Services.

Adopted: 2/16/89  
Revised: 6/22/93  
Current Revision: 1/22/2001

PERSONNEL

COMPENSATION

§7-42      Credit for Prior Teaching Experience

The Loudoun County Public Schools may allow teachers newly hired, beginning with the 2005-2006 school year, credit for teaching experience under the following circumstances and subject to the maximum credit herein provided.

- A. Type of service for which credit for teaching experience may be allowed:
  - 1. For full-time teaching in public schools in the Commonwealth of Virginia and elsewhere;
  - 2. For full-time teaching in accredited institutions of higher learning in the Commonwealth of Virginia and elsewhere;
  - 3. For teaching in schools operated in military installations, supported by federal tax funds, and for which academic credit is accepted for admission to the public schools in the Commonwealth of Virginia;
  - 4. For full-time teaching in public resident schools such as the Virginia School for the Deaf and Blind;
  - 5. For full-time teaching in accredited private schools and in private schools for which teachers receive credit under the provisions of Virginia Retirement System; and
  - 6. For other experience deemed relevant by the Assistant Superintendent for Personnel Services, or his or her designee.
  
- B. Vocational Education Credit. Teachers in the field of vocational education, where the requirement calls for occupational work experience beyond the apprenticeship level, may be allowed credit for one year of teaching experience for each year of relevant, full-time work experience.
  
- C. Military Service Credit. Credit may be granted for active military service where such service interrupted high school or college training or teaching experience; or where such service immediately preceded or followed teacher-training. A maximum of two years' credit may be given for honorable service.

(continued)

PERSONNEL

COMPENSATION

§7-42      Credit for Prior Teaching Experience

- D.      Maximum Allowable Credit. Except as otherwise noted below, the total maximum allowable credit, for teachers newly hired, for experience outside Loudoun County Public Schools will be 15 years. Exceptions to give credit beyond 15 years may only be approved by the Division Superintendent.

## PERSONNEL

## COMPENSATION

§7-43      Classification of Positions for Classified Employees

The Division Superintendent will establish procedures to address classification of new positions and requests for reclassification of standing classified positions.

- A. The method used to evaluate positions to determine grade placement will require a job analysis, a written description of duties, and a comparative ranking using objective measurement of job factors.
- B. An administrator may request a classification review for an employee, or group of employees, who reports to him/her through the appropriate Senior Staff member.
- C. Classification requests will normally be considered in the following situations:
  - 1. When new positions are created which are not comparable to any other position already classified.
  - 2. Reorganization of a department.
  - 3. When there have been major changes in the job responsibilities of a position.
  - 4. Upon the request of the Division Superintendent.

## PERSONNEL

## COMPENSATION

§7-44      Payroll SchedulesA.            Installments

1.      All employees hired prior to June 30, 2000 will have the option to continue with their current pay schedule. Employees who have previously elected 10 pays may change to 12 pays. All employees will be given the option to change to semimonthly pay beginning January 2001. Employees not electing semimonthly pay will be given an opportunity to change at the beginning of any subsequent year.
2.      All employees, excluding bus drivers and cafeteria workers, hired after June 30, 2000 will be required to be paid on a 12 month basis with semimonthly (24 pays per year) pay beginning January 2001.

B.            Pay-Offs

1.      An employee who terminates/retires during the year will be paid all salary due in a lump sum payment at the next scheduled pay period following termination/retirement.
2.      A 10/11 month employee who, having completed their contract, is not returning to the system for the following contract year (termination or retirement), will be given the choice of lump sum payment at the next scheduled pay period following termination/retirement of employment or regular pay-out of their contract (checks for July and August).
3.      An employee who retires or terminates from the school system may elect to have the salary supplement (retirement bonus), sick leave and/or annual leave paid off over an extended period (3 or 7 payments) of time as long as the payoff is in the current tax year.

## C.            Employees of record, as of June 1, 1997, may choose to have the check handled in one of two ways:

1.      Electronically deposited, if no fee is charged to the school system.
2.      Check sent to the workplace in a sealed envelope.

## D.            All new hire employees, as of June 1, 1997, will have their paychecks electronically deposited and their pay vouchers forwarded to the appropriate school, administrative office, or mailed to their residence if they are a part-time employee.

Adopted: 6/13/72

Revised: 6/3/86, 6/22/93, 6/13/95, 3/26/96, 6/10/97, 6/27/2000

Current Revision: 11/28/2000



## PERSONNEL

## COMPENSATION

§7-45      Tuition Refund ProgramA.            Generally

A tuition refund program has been established by the School Board which encourages growth of the staff and will benefit the school division. Participants in this program will receive tuition reimbursement as determined by the School Board in those years when it is funded in the budget.

B.            Criteria for Selection

1. All full-time employees of the Loudoun County Public Schools are eligible.
2. The applicant is expected to enroll in courses that are pertinent to the area of assignment of the employee. If the courses are outside his/her major area of assignment, a written justification must be submitted and approved by the Division Superintendent, or his/her designee, prior to qualifying for a tuition refund. Applicants who fail to submit the justification request prior to enrolling in the class run the risk of being denied tuition refund.
3. If the applicant has used other scholarships for partial funding of a given course, he/she is eligible to apply for a tuition refund toward the balance of the actual cost of the course.
4. The applicant must be under contract with the Loudoun County Public Schools for the following school year in order to get tuition reimbursement for summer school courses.
5. New teachers are eligible for participation in this program the day their contract goes into effect.

Adopted: 7/11/89, 6/22/93  
Current Revision: 11/14/2000

## PERSONNEL

## COMPENSATION

**REGULATION**§7-45      Tuition Refund Program

Full-time employees of the Loudoun County Public Schools are eligible for tuition refunds not to exceed the amount approved in the operating budget each year. The refund shall not exceed a cap per course or a cap on number of courses as determined by the School Board in each year that the funds are budgeted. For purposes of this program, the year shall be from July 1 through June 30.

Tuition Reimbursement application forms are available from the Supervisor of Staff Development.

The applicant must complete the designated course with a satisfactory grade as determined by the participating institution. For reimbursement, the completed Tuition Reimbursement Request, proof of payment, and a copy of the grade report or verification of satisfactory completion of the course, shall be sent to the Staff Development Office immediately after the course ends. All applications must be received by June 30<sup>th</sup> of the fiscal year in which the course is completed.

Issued: 7/11/89

Revised: 6/22/93, 10/25/94, 10/24/95

Current Revision: 10/24/2000

## PERSONNEL

## COMPENSATION

§7-46      DeductionsA.            Compulsory Deductions

The following are compulsory deductions to be taken from an employee's payroll check:

1.      Social Security

Deduction for Social Security is made at the rate and in the amount as provided by law. The employer pays one-half and the employee one-half.

2.      Federal Withholding Tax

The deduction for federal withholding is based on the annual salary and the number of exemptions claimed by the employee on Form W-4.

3.      State Withholding Tax

The state tax deduction is based on the annual salary and the number of exemptions claimed by the employee on the applicable state withholding form.

4.      Retirement

All full-time employees are required to become members of the Virginia Retirement System (VRS). Full-time is defined as being the sole employee under a regular contract or assignment in a position that is budgeted for at least 180 days, for no less than 3.5 hours daily or the equivalent. The retirement amount is determined by State regulation and will be paid by the School Board as a fringe benefit.

If an employee terminates School Board employment except through retirement, the employee's share of the contributions is refundable through the Virginia Retirement System, unless the employee is changing employment to another position covered by the Virginia Retirement System.

5.      State Group Life Insurance

This insurance is available only to VRS members. The premium will be paid by the School Board as a fringe benefit.

(continued)

POLICY

§7-46  
(b)

PERSONNEL

COMPENSATION

§7-46        Deductions (continued)

B.            Garnishment

Employees are encouraged to pay their bills promptly. In circumstances where an employee's earnings have been subjected to garnishment for more than one indebtedness, disciplinary actions, including termination, may be taken.

An Administrative charge will be assessed for each type of garnishment based on the legally allowable administrative fee.

Adopted: 6/13/72  
Revised: 8/25/87, 6/22/93, 6/10/97, 6/27/2000  
Current Revision: 12/08/2009

## PERSONNEL

## COMPENSATION

## §7-47 403(b) Elective Deferral Plan/457(b) Deferred Compensation Plan

A. All employees may participate in the Loudoun County Public Schools 403 (b) Elective Deferral Plan (Plan), a defined contribution retirement plan. The Plan is intended to comply with the rules and regulations under Internal Revenue Code (IRC) Sections 401, 402(g), 403(b), 415(c), 415(e), and other applicable IRC sections. The provisions of the Plan are set forth in a written plan document containing all the material terms and conditions for eligibility, benefits, applicable limitations, the funding vehicles available under the Plan, and the time and form of benefit distributions.

1. Each employee of Loudoun County Public Schools will be notified of the Plan.
2. The School Board does not guarantee any funds invested. Each employee must assume responsibility for his or her investment.
3. A Committee, appointed by the Division Superintendent, will serve as the 403(b) Review Committee.
4. The Board allows employees to have payroll deduction directed to an approved 403(b) service provider.
5. The School Board shall approve a plan document with regard to criteria and procedures governing the 403(b) Elective Deferral Plan. The 403(b) Elective Deferral Plan shall operate in accordance with said plan document.

B. All employees may participate in the Deferred Compensation Plan of the Commonwealth of Virginia sponsored by the Virginia Retirement System (457(b) Plan), a defined contribution retirement plan. Loudoun County Public Schools is a participating employer in the 457(b) Plan. The 457(b) Plan is intended to comply with the rules and regulations under IRC Section 457(b) and other applicable IRC sections. The provisions of the 457(b) Plan set forth in a written plan document containing all the material terms and conditions for eligibility, benefits, applicable limitations and the time and form of benefit distributions.

Adopted: 12/11/90

Revised: 6/22/93, 12/12/95, 6/24/03

Current Revision: 12/8/09

PERSONNEL

COMPENSATION

**REGULATION**

§7-47 Tax Sheltered 403 (b) (1) and 403 (b) (7)

A. Guidelines for Selection of TSA Companies and Service Providers:

1. A tax sheltered annuity company and service provider approved to conduct business with Loudoun County Public School employees shall meet the selection criteria set forth in paragraphs A 2-7 of this regulation and shall adhere to the guidelines for contacting employees for the purpose of selling tax sheltered annuities set forth in paragraphs B 1-5 of this regulation.
2. Any new company must enroll twenty-five active participants with a \$200 minimum annual deduction before having authorized payroll deductions made for the TSA. Companies have four months to secure the minimum enrollment. The companies are responsible for notifying all participants that no deductions can be made until they are approved. Companies presently approved for writing contracts may continue, but are subject to review as stipulated in paragraph A4 below.
3. All companies shall maintain at least twenty-five active participants in their TSA plan. If a company is declared ineligible to write additional contracts, existing contracts will be honored and continued by the investment company. No further payroll deductions will be made to the ineligible company. The employee may retain the existing account with the ineligible company with no new contributions or the employee may rollover the account to an eligible company. Companies shall provide the Employee Benefits Division with current literature outlining the investment offered and copies of all materials being distributed to employees.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-47 Tax Sheltered 403 (b) (1) and 403 (b) (7) cont'd

4. The companies shall provide written disclosure to the employee, all front-end loads, back-end loads, administrative charges, any fees charged, premature withdrawal charges, guaranteed cash values, projected cash values (if applicable) and settlement options available. Additionally, all interest earned shall be disclosed and employees shall be notified when they are earning interest at different rates.
5. All new companies shall be rated by the A. M. Best Rating Company as excellent "A" or above. A copy of the Best rating shall be provided to the Employee Benefits Division annually.
6. Each approved company shall be allowed to designate 2 agents of record, identified as service providers, whose names must be on file with the Employee Benefits Office. An additional service provider may be added after the company has reached 300 participants and thereafter when the enrollment has increased by another 150 participants. Prior to being considered as a, company/service provider, the service provider must sign a service provider agreement to abide by the rules specified in these procedures.
7. The company shall maintain a local office within the Richmond, Washington, and Baltimore areas to serve the needs of the School District.

B. Guidelines for Contacting Employees for the Purpose of Selling Tax Sheltered Annuities:

1. General distribution of materials is at the discretion of the building administrator. The distribution may contain a form which the employee may return to request additional information from the service provider.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-47 Tax Sheltered 403 (b) (1) and 403 (b) (7) cont'd

2. With prior notice and approval of the building administrator, service providers who have received response form(s) meet with an individual employee, in the building, as long as such meetings occur before or after normal working hours.
3. Employees' home addresses, telephone numbers or rosters of employees will not be provided to service providers.
4. All contacts by telephone or house calls will be done at reasonable hours.
5. A clear statement must be made by the company/service provider to the effect (1) that the investments are tax deferred and not tax free; (2) that the Loudoun County Public School Division does not endorse any company or guarantee any funds invested; and (3) that each employee must assume responsibility for his or her investment.

Issued: 12/11/90

Revised: 6/22/93, 6/24/97, 9/29/97

Current Revision: 6/24/03



## PERSONNEL

## COMPENSATION

§7-48      Workers' Compensation

All employees of the Loudoun County School Board are covered by Workers' Compensation insurance as provided by Virginia State Law §65.2-100 et seq.

An injury or illness sustained directly in the performance of duty, as provided in the State Workers' Compensation Act, must be reported immediately to the appropriate supervisor. A form entitled The Employers' First Report of Accident (IC Form No.3) must be completed by the person designated to complete the form and submitted to the Department for Business and Financial Services.

The injured or ill employee must be initially attended by a physician on the approved panel of physicians. A list of approved physicians is provided to each employee of the school system. In addition, the list of approved physicians is posted in each of the facilities of the school system.

Adopted: 8/11/70

Revised: 6/22/93, 1/22/2001

Current Revision: 10/13/09

PERSONNEL

COMPENSATION

**REGULATION**

§7-48      Workers' Compensation

A.      Purpose

1.      The purpose of the Virginia Workers' Compensation Act is to provide compensation to employees for the loss of their opportunity to engage in work when their disability is caused by a condition/injury arising out of and in the course of employment. The general provisions of this Act are contained in the Virginia Workers' Compensation Act, Title 65.2, Workers' Compensation, Code of Virginia.
2.      Loudoun County Public Schools provides Workers' Compensation coverage to all employees (full-time, part-time, temporary and substitute) through a self-insured program administered by a third-party administrator. That third-party administrator is authorized to investigate all claims, process medical bills for payment, accept or deny claims, and submit reports to the Virginia Workers' Compensation Commission. All inquiries pertaining to Workers' Compensation benefits should be directed to the Department for Personnel Services.

B.      Notice of Injury

1.      All employees shall promptly report all work-related injuries to their immediate supervisor. For the protection of both the employee and the school division, all employees who suffer a work-related incident are encouraged to report that incident immediately whether or not an immediate injury is apparent.
2.      In the event the immediate supervisor is not available, reports of injuries considered an emergency may be made directly to the Department for Personnel Services. A staff member of the Department for Personnel Services will notify the appropriate department as soon as possible.
3.      Employees must provide sufficient information allowing the immediate supervisor to complete the "Employer's First Report of Accident". Employees are further required to provide any additional information pertaining to their claim when requested.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-48 Workers' Compensation (continued)

4. In the event all information pertaining to the injury is not available within two (2) days of the incident, the supervisor shall inform the Department for Personnel Services of the delay and forward the "Employer's First Report of Accident" to the Department for Personnel Services as soon as the required information is obtained.
5. No compensation or medical benefits shall be payable unless written notice is provided within thirty (30) days after the occurrence of the injury pursuant to '65.2-600 of the Code of Virginia, unless reasonable excuse is made to the satisfaction of the Commission for not giving such notice and the Commission is satisfied that the employer has not been prejudiced thereby. In any event, the right to compensation under this plan shall be forever barred unless a claim therefor be filed with the Commission within two years after the accident.

C. Medical Attention

1. Employees may seek medical attention, if necessary, and shall select one (1) of the authorized physicians or medical facilities provided on the "Preferred Panel of Physicians" listing.
  - a. If employees seek medical treatment from a provider not on the panel listing in a non-emergency situation, those employees shall be financially responsible for such treatment.
  - b. Employees shall be financially responsible for any treatment not specifically authorized by a panel physician.
  - c. The unjustified refusal of employees to accept medical service or vocational rehabilitation training, when provided by the employer, shall bar these employees from further compensation as stated in Section 65.2-603, Duty to Furnish Medical Attention, Etc., and Vocational Rehabilitation; Effect of Refusal of Employee to Accept, of the Code of Virginia.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-48 Workers' Compensation (continued)

2. Employees may seek medical treatment from a hospital emergency room or walk-in clinic when an injury of an emergency nature occurs, or after regular office hours of the authorized physician/medical facility. If follow-up medical treatment is required, referrals must be made to physicians on the authorized panel. Any referral to a physician not on the authorized panel must be approved by the Assistant Superintendent for Personnel Services.
3. Employees, when seeking medical attention for work-related injuries, shall inform the physician/medical facility the injury is work-related and the employer is Loudoun County Public Schools.
4. Employees requiring prescriptions or repair or replacement of dentures, artificial limbs or other prosthetic or orthotic devices, as a result of their work-related injury, may receive reimbursement for their out-of-pocket expense. Questions regarding prescription reimbursement procedures may be addressed to the Department for Personnel Services.
5. Requests for payment of treatment that is determined not compensable under Workers' Compensation may be submitted through the employees' own health insurance plan.
6. Employees must submit a doctor's status report on the injury after the first five consecutive days of absence to their immediate supervisor, with a copy forwarded to the Department for Personnel Services, and then every 30 consecutive days of absence until they are able to return to work or one year limitation.
7. Employees must submit a doctor's status report indicating release to duty with or without limitations.

D. Salary/Wage Benefits

1. Workers' Compensation wage benefits are provided at the rate of two-thirds (2/3) of the average weekly, pre-tax wage of the employee, subject to weekly maximums as approved by the Virginia Workers' Compensation Commission. This amount is not subject to payroll taxes.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-48 Workers' Compensation (continued)

2. No compensation shall be allowed for the first seven (7) days (including Saturday, Sunday and holidays) of incapacity resulting from an injury per Section 65.2-509, Commencement of Compensation, Code of Virginia. This period will be charged to the employee's accrued leave or recorded as Leave Without Pay. If the period of disability continues for more than twenty-one (21) calendar days, including Saturday, Sunday and holidays, any leave used by the employee shall be reinstated and leave records will be adjusted accordingly (i.e., 2/3 of a day posted as workers' compensation and 1/3 of the day charged to accrued leave.)

Employees who were in a paid leave status for the first seven (7) days of disability, will have those wages adjusted to reflect the Workers' Compensation salary benefits. Employees who have been in a leave without pay status will be compensated for the first seven (7) days of disability in accordance with the Workers' Compensation salary benefit after the twenty-first (21st) day of disability. Employees are not entitled to full Loudoun County Public Schools' salary and workers' compensation payment for the same hours or days. Employees who do not wish to utilize earned leave may do so by placing their request in writing and submitting the written request to the Department for Personnel Services.

3. The employee will continue to receive benefits until:
  - a. the employee is released by the authorized physician for regular duty.
  - b. the employee is released by the authorized physician and accepts an approved light duty position.
  - c. the employee refuses to report to a light duty or regular duty position.
  - d. the employee refuses to accept authorized medical treatment per Section 65.2-603, Duty to Furnish Medical Attention, Etc., and Vocational Rehabilitation; Effect of Refusal of Employee to Accept, Code of Virginia.
  - e. Workers' Compensation limits expire as set forth in §65.2-503 of the Code of Virginia.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-48      Workers' Compensation (continued)

- f.      the employee returns to work after settling their worker's compensation claim for indemnity benefits. Such an employee is not entitled to additional payment for lost time under worker's compensation because of this incidence. Any additional time lost from work will be deducted from the employee's own accumulated leave.
  
4.      Employees on Workers' Compensation disability leave are financially responsible for voluntary payroll deductions, such as, medical insurance premiums, credit union deductions, savings bonds deductions, etc.
  - a.      Employees may continue voluntary payroll deductions if they are using sick leave to ensure full salary continuation.
  
  - b.      Employees who are not receiving a paycheck from Loudoun County Public Schools may make direct payments for medical insurance premiums to the Business Office. Other deductions are the employee's responsibility.

E.      Accrued Leave

1.      Employees on Workers' Compensation disability leave continue to earn applicable leave up to the one-year time limitation (Paragraph F).
  
2.      During the period of work-related disability, the employee is not eligible to access the Sick Leave Bank in order to receive full salary benefits. Employees may utilize all earned individual accrued leave benefits (except the Sick Leave Bank) on a prorated basis in order to continue receiving full salary. Employees who do not wish to utilize earned leave may do so by placing their request in writing and submitting the written request to the Department for Personnel Services.
  
3.      After utilizing all earned leave in order to receive full salary benefits, employees continuing to experience a work-related disability and whose work-related disability is confirmed by an authorized physician will continue to receive Workers' Compensation salary benefits equal to two-thirds (2/3) of their average weekly wage, subject to weekly maximums as ordered by the Virginia Workers' Compensation Commission.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-48      Workers' Compensation (continued)

F.            One-Year Limitation

Employees who have not returned to work within one calendar year after a compensable work-related injury, shall be placed on an emergency leave without pay status, when applicable, under the provisions of School Board Policy §7-58, or terminated. Employees may apply for disability retirement if they meet the eligibility requirements established by the Virginia Retirement System.

G.            Light Duty Program

1. Loudoun County Public Schools recognizes the need for a light duty program for those employees temporarily unable to perform their regularly assigned duties due to a work-related illness or injury. Light duty positions will be available, within the one-year period described in Paragraph F, for those employees qualified to receive Workers' Compensation benefits and unable to perform their regularly assigned duties due to a work-related illness or injury. Employees refusing to accept approved light duty assignments will be ineligible for Workers' Compensation benefits and their employment may be terminated.
2. This program is designed to return an injured employee to a productive level of employment while in a temporary light duty assignment status and reduce the financial loss to the school division due to Workers' Compensation claims.
3. Any temporarily disabled employee qualifying for Workers' Compensation benefits and approved to return to work by the treating physician, is eligible for assignment to a light duty position. Light duty assignments will be approved by the Department for Personnel Services and the department head or building administrator. Light duty assignments are subject to the following conditions:
  - a. The treating physician's approval of light duty job description.
  - b. The availability of a light duty position within the department where the employee is regularly assigned.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-48      Workers' Compensation (continued)

- c.      The availability of a light duty position in another department in situations where there are no available light duty positions in the department where the employee is regularly assigned.
  - d.      Compensation for the light duty assignment shall be at the appropriate rate of the light duty position. In addition, Workers' Compensation wage benefits will be provided at the rate of two-thirds of the difference between the light duty rate and the rate of the employee's regular position.
4.      The program shall be administered by the Department for Personnel Services in close cooperation with department heads/building administrators and treating physicians. Each department, when requested, shall develop light duty job descriptions and submit them to the Department for Personnel Services to allow treating physician's approval when making a light duty assignment.

Department heads/building administrators are encouraged to make light duty assignments within their area as each department is financially responsible for employees assigned to light duty positions.

5.      The following procedures will be used in making light duty positions available and in assignments for those positions:
- a.      The treating physician or vocational rehabilitation counselor will notify the third party administrator when an injured employee may return to a light duty work assignment. The date the employee can return and job restrictions imposed will be established by the treating physician.
  - b.      Notification of the employee's status will be given to the department head/building administrator by the Department for Personnel Services.
  - c.      The department head/building administrator will advise the Department for Personnel Services of the light duty assignment. If no light duty position exists, the department head/building administrator will inform the Department for Personnel Services.

(continued)



PERSONNEL

COMPENSATION

**REGULATION**

§7-48 Workers' Compensation (continued)

- d. In the event a light duty assignment is made, the third party administrator will obtain the treating physician's approval of the light duty job description.
- e. In the event a light duty assignment cannot be made within the employee's regularly assigned department, the Department for Personnel Services and the department head/building administrator will make a light duty assignment within any department/school that has a job assignment that meets the requirements of the light duty job restrictions. The department head/building administrator assigned the temporarily placed employee holds responsibility for the direct supervision of the assigned employee and shall furnish the immediate supervisor of the employee's regularly assigned location all documents pertaining to that employee, time, attendance and performance in accordance with existing personnel regulations.
- f. The injured employee will be evaluated by the treating physician on regularly scheduled intervals determined by the treating physician in cooperation with the third party administrator and in compliance with existing school division regulations.

6. Light duty assignments shall terminate:

- a. when the employee refuses to accept the light duty assignment.
- b. when the treating physician releases the employee to full duty.
- c. at the expiration of the one-year time limitation from the date of injury.

H. Appeals/Litigation

- 1. As described more fully in §65.2-307 of the Code of Virginia, the rights of employees outlined in this plan for compensation of work-related injury or accidental death shall exclude all other rights and remedies of such employees, their personal representatives or relatives, including the right to bring suit for any damages suffered as a result of the injury or accidental death.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-48      Workers' Compensation (continued)

2.      Should employees disagree with the manner in which their claims are handled, these employees may petition the Virginia Workers' Compensation Commission for a hearing.
  
3.      Loudoun County Public Schools reserves the right of subrogation, which means the school division succeeds to the employee's right to damages the injured employee, or the employee's representative, or other person may have recovered against any other party for such injury or death. Upon appropriate motion by the school division, the employee agrees to reimburse the school division for all compensation paid and expenses incurred by the school division due to the employee's injury or accidental death in the event that the employee or his personal representative obtains a settlement or judgment in any action against anyone other than the employer, as provided by §65.2-310 of the Code of Virginia. The school division will enforce these rights of subrogation and reimbursement in its own name, or in the name of the injured employee or the employee's personal representative in accordance with §65.2-309, Subrogation of Employer to Employee's Rights Against Third Parties; Evidence; Recovery; Compromise and -- §65.2-310 Protection of Employer When Employee Sues Third Party; -- §65.2-311 Expenses and Attorney's Fees in Action Under §65.2-309 or §65.2-310 of the Code of Virginia.

I.            Posting Requirement

A copy of this regulation with all attachments shall be posted in all designated employee work areas.

## PERSONNEL

## COMPENSATION

§7-49      Health Insurance

The School Board will provide health insurance coverage to full time employees as a fringe benefit for those who elect to participate. The School Board will, from time-to-time, if and to the extent funds are budgeted and appropriated for such purposes, make monthly contributions towards the cost of such health insurance coverage on behalf of the participating employees.

PERSONNEL

COMPENSATION

**REGULATION**

§7-49      Health Insurance Enrollment

All full-time employees are included under the provisions of this section. Full-time is defined as working under a regular contract in a Full Time Equivalent position that is budgeted for at least 180 days, for no less than 3.5 hours daily or equivalent. Open enrollment for all current employees will occur from August 1 to August 31 of each year, with the effective date of September 1.

A.            New Employees

For eligible employees who elect to cover themselves and their dependents under the group health insurance plan, the coverage effective date will be the first day of the month following the date the employee becomes eligible for health benefits, as determined by the Group, and the date the eligible employee submits a completed and signed health insurance enrollment form to the Group, provided the enrollment form was received within the sixty day Initial Enrollment Period.

- a.      The Employee Benefits Division staff will make the deduction from the first paycheck to cover the current month.
- b.      If claims need to be made prior to the employee receiving membership cards, the employee must contact the Employee Benefits Division for group and member number.

B.            Current Employees - Change of Coverage

To change coverage outside of the open enrollment period, the employee must have a change in family status (including marriage, divorce, death of a spouse or child, birth or adoption of a child, termination of spouse's employment):

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-49      Health Insurance Enrollment (continued)

1. Complete the health insurance form indicating a status change.
2. When the completed form is submitted, the Employee Benefits Division staff will reflect the change on the next scheduled paycheck. (The monthly payroll schedule available in the Payroll Office will determine the cut-off date for any given month.)
3. Retroactive changes to the first of the current month will be adjusted on the next paycheck.
4. A refund will not be issued for a reduction in coverage for the current month or any prior months.

C.      Terminations and Retirements

A health insurance deduction will be taken from the final check for either termination or retirement. Coverage will end on the last day of the last month of employment. For 10 and 11 contract month employees who complete their contract, they will have the choice of being covered by the health plan during contract pay-out.

D.      Maternity and Adoption

A newborn child is covered from birth but is not added to the health insurance roster until the birth date and name are submitted to the Employee Benefits Division. This information should be submitted within 60 days of the birth of the child.

A change for a newborn child is accomplished by processing a revised application for membership which should be submitted to the Employee Benefits Division in time for the deductions to be taken from the next paycheck. When coverage is retroactive, the appropriate adjustment will be reflected in the next paycheck.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-49      Health Insurance Enrollment (continued)

E.            Extended Sick Leave Without Pay

A check made payable to the County of Loudoun in the amount of the employee's share must be submitted to the Receipts Clerk in the School Board Accounting Office each month while the employee is on sick leave and will not be receiving a paycheck.

F.            Other Types of Leave (Emergency Leave)

Employees on this type of leave and participating in the health insurance plan are responsible for the entire amount of the premium and must submit a monthly check payable to the County of Loudoun and should send that check to the Receipts Clerk in the School Board Accounting Office.

G.            COBRA

1.      Terminating employees or employees who have a family member who has become ineligible for coverage under their policy will be advised by the Employee Benefits Division of their right to extend coverage under COBRA.
2.      COBRA allows for the extension of coverage to eligible employees at a cost of the monthly group rate premium plus 2%.
3.      Completed forms requesting COBRA participation are submitted to a third party administrator (TPA) under contract to the school system, along with the first month's premium made payable to the TPA. The TPA sends invoices to the participants and is responsible for the collection of the monthly premiums thereafter. The funds collected are submitted to the health insurance carrier.
4.      The school system receives a monthly notice from the TPA informing them who is currently covered.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-49      Health Insurance Enrollment (continued)

5.      The TPA is responsible for determining when a participant is no longer eligible for COBRA and ensuring that the person is deleted from the policy.

H.      Protected Health Information - Privacy and Security Policy

It is the policy of Loudoun County Public Schools that all personnel must preserve the integrity and the confidentiality of medical and other sensitive information pertaining to our employees. The purpose of this policy is to ensure that Loudoun County Public Schools and its officers, employees, and agents have the necessary clinical and other information to provide the highest quality service possible while protecting the confidentiality of that information to the highest degree possible so that employees do not fear to provide information to Loudoun County Public Schools and its officers, employees, and agents for purposes of treatment. To that end, Loudoun County Public Schools and its officers, employees, and agents will:

1.      Recognize that employees have a right of privacy. Loudoun County Public Schools and its officers, employees, and agents will respect employees' individual dignity at all times. Loudoun County Public Schools and its officers, employees, and agents will respect employees' privacy to the extent consistent with providing the highest quality and efficient administration of the Employee Benefits Division.
2.      Act as responsible information stewards and treat all individual written or electronic medical record data and related financial, demographic, and lifestyle information as sensitive and confidential. Consequently, Loudoun County Public Schools and its officers, employees, and agents will:
  - a.      Treat all individual medical record data as confidential in accordance with professional ethics, accreditation standards, and legal requirements.

(continued)

PERSONNEL

COMPENSATION

**REGULATION**

§7-49 Health Insurance Enrollment (continued)

- b. Not divulge medical record data unless the employee (or his or her authorized representative) has properly consented to the release or the release is otherwise authorized by law, such as communicable disease reporting, child abuse reporting, and the like.
- c. When releasing medical record data, take appropriate steps to prevent unauthorized re-disclosures, such as specifying that the recipient may not further disclose the information without employee consent or as authorized by law.
- d. Implement reasonable measures to protect the confidentiality of medical and other information maintained about employees
- e. Remove employee identifiers when appropriate, such as in statistical reporting and in medical research studies.
- f. Not disclose financial or other employee information except as necessary for billing or other authorized purposes as authorized by law and professional standards.
- g. Conduct an accurate and thorough risk assessment to determine potential threats and implement security measures sufficient to reduce risks to the confidentiality, integrity and availability of electronic protected health information (ePHI) to a reasonable and appropriate level.
- h. Authorize, establish, maintain and modify access to ePHI based on the minimum amount of protected health information necessary for individual member of the workforce to perform their jobs effectively.
- i. Review records of information system activity on a regular basis to prevent, detect, correct and contain security violations.
- j. Assign Security Official responsibility to address security incidents, audits, and contingency plans.

(continued)



PERSONNEL

COMPENSATION

**REGULATION**

§7-49 Health Insurance Enrollment (continued)

- k. Evaluate its safeguards under the Security Rule and perform a periodic technical and non-technical evaluation to establish the extent to which its policies and procedures meet the Security Rule's requirements.
  - l. Physically safeguard workstations that contain or have access to ePHI in a manner that maximizes security and prevents unauthorized access.
  - m. Manage the receipt, removal and movement of hardware and electronic media that contain ePHI.
  - n. Implement technical security measures for electronic information system that maintains ePHI to allow access to those persons or software programs that have been granted access rights. The information system verifies that person or entity seeking access to ePHI is the one claimed and is protected from improper alteration.
3. All officers, agents, and employees of Loudoun County Public Schools must adhere to this policy. Loudoun County Public Schools will not tolerate violations of this policy. Violation of this policy is grounds for disciplinary action, up to and including termination of employment.

Issued: 8/25/87  
Revised: 6/22/93, 9/16/96, 1/22/2001, 04/22/03  
Current Revision: 6/15/05

## PERSONNEL

## COMPENSATION

§7-50      Retirement BenefitsA.      Qualifications for Benefits

Retiring employees who meet the following qualifications will receive certain benefits during the employee's final year of employment:

1. Eligibility for retirement under the Virginia Retirement System.
2. Retirement after ten (10) consecutive years of full time service, which must immediately precede the retirement year in Loudoun County Public Schools.
3. Employees hired prior to July 1, 2009 are eligible for continued medical insurance after five (5) consecutive years.
4. Retirement benefit application must have been filed with the Virginia Retirement System.

B.      Benefits

1. The retiring employee will receive a salary supplement equal to 0.5% of the final annual salary multiplied by the number of years of service to Loudoun County Public Schools. The amount shall not exceed \$5,000 nor be less than \$1,000.
2. The retiring employee will receive 25% of his/her final daily wage for each day of unused sick leave, the total amount not to exceed an index of 25% of the previous year's average teacher salary for Loudoun County Public Schools as reported in the State of Virginia's Annual School Report (effective July 1, 2001).
3. Medical insurance coverage will be provided as a fringe benefit for the retiring employees who elect to continue under the group health insurance plan. The School Board will from time-to-time, if and to the extent funds are budgeted and appropriated for such purposes, make monthly contributions towards the cost of such health insurance coverage on behalf of the participating retirees. Contributions made by the School Board will be made based on the years of service with the School System.

(continued)

## PERSONNEL

## COMPENSATION

§7-50 Retirement Benefits (continued)a. Husband and Wife Retiring from LCPS

Each retiree shall receive health insurance as outlined above. In the case of family coverage, each retiree is eligible for a credit equal to one and one-half times their individual credit.

b. Retiree with Spouse an Active Employee

The active employee must carry the health insurance coverage.

c. Type of Coverage

The type of coverage that an employee has at the time of retirement may not be increased after retirement. For example, if an employee is carrying a single coverage when he/she retires, the coverage may not be changed to family or single/spouse at a later date. If, however, the employee is carrying family coverage and wishes to change to single/spouse, that may be done by completing an application and submitting it to the Employee Benefits Division.

d. Death of a Retiree

Upon the death of a Loudoun County Public Schools retiree, the surviving spouse may continue health insurance coverage at their own cost. If the surviving spouse is also a Loudoun County Public School retiree, the health insurance credit earned by that individual continues.

C. Disability Retirement

Employees applying for disability retirement will continue to receive normal School Board support for their medical insurance coverage and group life insurance coverage during the 90 day disability retirement application process and, if necessary, through a first appeal of the eligibility decision.

Adopted: 6/13/72

Revised: 4/12/88, 5/12/92, 10/26/93, 12/12/95, 11/12/96, 10/24/2000, 6/12/2001, 6/24/2003, 9/25/2007

Current Revision: 12/8/2009

PERSONNEL

COMPENSATION

**REGULATION**

§7-50      Health Insurance Retirement Benefits

If you are enrolled with the School System health insurance coverage, you may elect to continue coverage upon retirement. The percentage of premium paid by the School System will vary depending on the number of years you have been employed as a regular School employee and the reason for your retirement.

1. Retirees are defined as those individuals who retired from LCPS service and who immediately began receiving, and are currently receiving, a retirement annuity from VRS. Individuals who resigned from LCPS employment and delayed receipt of retirement benefits are not considered retirees.

2. Years of service are computed based on the number of full-time years of employment in a benefit eligible position with LCPS.

3. Retirees must have LCPS health insurance immediately prior to retirement in order to retain coverage after retirement. Retirees are not eligible to add dependents after retirement. The spouse of a deceased retiree is eligible to retain coverage if covered at the time of the retiree's death. Premiums are based on the level of coverage and the retiree's type of retirement/years of service.

4. Retirees/spouses who are eligible for Medicare Parts A & B must enroll for Medicare both coverages in order to retain coverage under the School's plan.

Retiree Health Insurance  
Monthly Premium Rate Calculation

Full Career Retirees – 25+ years of service (100% of full time employee contribution plus VRS Health Credit (HC)(Medicare eligible-100% contribution plus HC))

Retirees with 20-24 years of service (80% of full career retiree contribution plus HC (Medicare eligible-90% plus HC))

PERSONNEL

COMPENSATION

**REGULATION**

§7-50      Health Insurance Retirement Benefits (continued)

Retirees with 15-19 years of service (40% of full career retiree contribution plus HC (Medicare eligible-50% plus HC))

Retirees with 10-14 years of service (20% of full career retiree contribution (30% for Medicare))

Retirees with 5 – 9 years of service (\$25 per month for Single coverage/\$50 per month for Retiree + spouse or family coverage)

## PERSONNEL

## COMPENSATION

§7-51      Teaching Contracts

A probationary term of service for three years in the Loudoun County School System shall be required before a teacher is issued a continuing contract; except that once a continuing contract status has been obtained in another school division in Virginia, a one year probationary period will be made a part of the contract of employment in Loudoun County. A minimum of 160 contractual teaching days during the school year shall be deemed the equivalent of one year in the first year of service by the teacher.

Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service and prior to the age at which they are eligible or required to retire except as provided by Virginia law. Written notice of noncontinuation of the contract by either party must be given by April fifteenth of each year; otherwise the contract continues in effect for the ensuing year in conformity with local salary stipulations including increments.

A teacher may resign after April fifteenth of any school year only with the approval of the local School Board. The teacher shall request release from contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation.

In the event that the Board declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, the license of said teacher may be revoked under rules and regulation prescribed by the State Board of Education.

As soon after April fifteenth as the school budget shall have been approved by the appropriating body, the School Board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary.

Nothing in the continuing contract shall be construed to authorize the School Board to contract for any financial obligation beyond the period for which funds have been made available with which to meet such obligation.

The School Board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.

Legal Reference: Code of Virginia §§22.1-303, 22.1-304

Adopted: 6/13/72

Revised: 7/10/84

Current Revision: 6/22/93

## PERSONNEL

### COMPENSATION

#### §7-52 Classified Employee Working Hours and Overtime

The working hours of Loudoun County Public School employees are established in accordance with the provisions of the Fair Labor Standards Act, as required by the workload of the school division, and the efficient management of its human resources. This policy includes (1) definition of exempt employees, (2) working hours and overtime procedures for non-exempt classified employees, and (3) record keeping requirements.

#### A. Definition of Exempt Employees

1. Personnel employed in executive, administrative, or professional positions are exempt from provisions of the Fair Labor Standards Act (FLSA) and are not required to fill out time records and are not eligible to receive overtime compensation.
2. Classified employees who meet the FLSA requirements for exemption from minimum wage standards are also exempt from overtime requirements. Also, certain employees in occupations which are exempt from the minimum wage and overtime requirements of FLSA will be subject to certain record keeping requirements.
  - a. Executive Employees are exempt if they meet all the following requirements:
    - (1) Primary duty must be management of the enterprise or recognized department, and
    - (2) Must regularly direct work of at least two employees, and
    - (3) Must have authority to hire or fire or effectively recommend hiring or firing and promotion of other employees, and
    - (4) Must exercise discretionary power, and
    - (5) Must not devote more than twenty percent of time to activities unrelated to (1) through (4), and
    - (6) If a salary of at least \$250 per week is received, only (1) and (2) above need be met.

(continued)

PERSONNEL

COMPENSATION

§7-52      Classified Employee Working Hours and Overtime (continued)

- b.      Administrative Employees are exempt if they meet all of the following requirements:
  - (1)      Primary duty must consist of either performing office or non-manual work directly related to management policies or general business operations or performing administrative functions for an educational institution and in work directly related to academic instruction, and
  - (2)      Must customarily and regularly exercise discretion and independent judgment, and
  - (3)      Must regularly and directly assist an exempt executive or administrator, or perform specialized or technical work under only general supervision which required special training, experience or knowledge, or execute special assignments and tasks under only general supervision, and
  - (4)      Spend no more than twenty percent of time on non-exempt work, and
  - (5)      Receive a salary of at least \$155 per week.
  - (6)      School administrative personnel who receive a weekly salary of \$250 must satisfy only criteria (1) above and exercise independent judgment in that work.
  
- c.      Professional Employees are exempt if they meet all of the requirements of (1) - (3) below:
  - (1)      Primary duty must consist of work requiring advanced knowledge of the type acquired through specialized study, or creative work in a field of artistic endeavor, or teaching, tutoring, instructing, or lecturing, and

(continued)



PERSONNEL

COMPENSATION

§7-52      Classified Employee Working Hours and Overtime (continued)

- (2) Must devote eighty percent of his/her time to this area (CAVEAT: teachers who hold supplemental non-instructional contracts should not have supplemental duties which require more than twenty percent of their time or the occupational exemption may be lost), and
- (3) Must receive a weekly salary of at least \$170.
- (4) Teaching is defined as work requiring the consistent exercise of discretion and judgment and predominantly intellectual in nature and involving output that cannot be measured on the basis of standardized units of time.

B.      Working Hours and Overtime Procedures for Non-Exempt Classified Employees

- 1. The normal work week for full-time employees, as defined in Policy §7-8, is Monday through Sunday, beginning and ending at midnight on Sunday and will consist of forty hours exclusive of meal time.
- 2. The schedule of hours for employees will be determined by the department or school to which the employee is assigned. Employees will be informed of their daily schedule of hours of work, including meal period, and of any changes deemed necessary by the school division.
- 3. Employee attendance at meetings and training programs during the normal work week will be considered hours of work if such attendance is requested by the school division.
- 4. Department heads or school principals may, at their discretion, allow non-exempt employees to make up lost time during a given work week. However, under no circumstances will make up be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if there is not adequate supervision available.

(continued)

PERSONNEL

COMPENSATION

§7-52      Classified Employee Working Hours and Overtime (continued)

5. Department heads or building administrators may schedule overtime when it is deemed necessary provided that they have received approval from the appropriate member of the Division Superintendent's Senior Staff to verify the funding source before asking an employee to work on an overtime basis. (School administrators will assign overtime to non-exempt employees in the particular job for which overtime is required.) Non-exempt employees are not permitted to work overtime without the prior approval of their supervisor or department head.
6. For the purposes of overtime compensation, only hours worked in excess of forty hours during a normal work week will be counted.
  - a. For work performed in excess of forty hours in a normal work week, non-exempt employees will be paid at a rate equal to one and one half times their regular rate of pay.
  - b. For work performed above the normal work schedule up to forty hours, employees will be paid their regular hourly rate for the additional time.
7. Non-exempt employees will be eligible to be paid an overtime rate of one and one half times their regular rate of pay when they are required to report to work on scheduled holidays listed on the School Board adopted calendar for twelve month employees. Such overtime rate of pay shall be without regard to the forty hour rule.
8. The Loudoun County Public Schools retains the option of granting compensatory time in lieu of overtime payments for non-exempt employees under the following conditions:
  - a. Approval for compensatory time must be approved by the appropriate member of the Division Superintendent's Senior Staff.

(continued)

## PERSONNEL

### COMPENSATION

#### §7-52 Classified Employee Working Hours and Overtime (continued)

- b. Compensatory time will be granted at the rate of one and one half hours for each hour of overtime over 40 hours worked by the employee.
- c. Compensatory time must be taken within one month of the date of the overtime worked.
- d. Employees will be allowed to take compensatory time within a reasonable period of time after making a request. The supervisor has the right to refuse the request only if the use of that time would unduly disrupt the operations of the school division.
- e. The supervisor assumes responsibility for ensuring that the employee has the opportunity to take the compensatory time within the month time period.

#### C. Record Keeping Requirements

All non-exempt employees are required to complete an individual time record showing the daily hours worked. Time records cover one work week and are to be completed at the close of each workday.

- 1. Employees are to record their starting time and ending time for each workday.
- 2. Employees are not permitted to sign in or commence work before their normal starting time or to sign out or continue working after their normal ending time without the prior approval of their supervisor.
- 3. Employee time records are to be checked and signed by the supervisor involved. Authorized overtime also must be identified by the supervisor.
- 4. Unapproved absences are not to be considered as hours worked for pay purposes. Supervisors are to inform employees if they will not be paid for certain hours of absence.
- 5. The filling out of another employee's time record or the falsifying of any time record is prohibited and may be grounds for disciplinary action, including termination.

PERSONNEL

COMPENSATION

§7-53      Evaluation Related to Step Increase

Any employee who fails to receive a satisfactory evaluation shall not receive a "step increase" in pay the next year.

## PERSONNEL

### COMPENSATION

#### §7-54 Placement on Classified Salary Schedule

##### A. Generally

1. The classified salary schedule applies to all employees assigned to those positions listed by job title in the classified salary schedule.
  - a. Positions covered by the compensation plan are assigned to grades on the salary schedule.
  - b. Special rate ranges may be established for certain classes of positions to meet labor market rates. When it is determined that special rate ranges are no longer required, the jobs assigned to such ranges shall return to their evaluated salary grades.
2. The School Board approves the classified salary schedule as part of the budget process.

##### B. Initial Placement on the Salary Schedule

1. Initial placement of a new employee will normally be at the first step of the grade listed for that position.
2. Starting rates above the minimum step may be approved by the Assistant Superintendent for Personnel Services when an employee's qualifications significantly exceed the minimum established for the position as determined in the following cases:
  - a. Identical work experience in another school division or company may be given full credit.
  - b. One-half credit may be given for prior work experience sufficiently similar to be of benefit to the position in Loudoun County Public Schools.
  - c. Only verifiable experience of at least one year with an employer will be considered for credit.
  - d. Normally credit for prior experience will be given up to the third step.

(continued)

PERSONNEL

COMPENSATION

§7-54 Placement on Classified Salary Schedule (continued)

- e. Exceptions to give credit beyond the third step may be approved by the Division Superintendent.
3. A former employee who left in good standing and who is re-employed within one year in a position of equivalent or lower grade than that formerly held, may be placed at the same step equivalent to the employee's former step placement.
4. A former employee who is re-employed in a position of higher grade than that formerly held will be considered a new appointment.

C. Annual Step Increases

1. The term of employment for classified employees is expressed in days per year and hours per day. The number of days of employment ranges from 180 to 248. The total number of days for an individual assignment includes personal leave and annual leave to which the employee is entitled.
2. Employees who have 248-day assignments and who have been employed on or before January 1, or the first workday thereafter, are eligible to receive a step increase in their salary for the next school year assignment.
3. Employees whose assignments are less than 248 days and who have been employed on or before the last working day of the first semester are eligible to receive a step increase in their salary for the next school year assignment.
4. Employees must complete three years at Step L1 before they are eligible to move to Step L2 and three years at Step L2 before they are eligible to move to Step L3.
5. Annual step increases are contingent upon sufficient funding.

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PERSONNEL

COMPENSATION

§7-54      Placement on Classified Salary Schedule (continued)

D.            Step Placement Upon Reassignment or Transfer

1.      When an employee is reassigned or transferred to another position within the same grade, no change is made in step placement on the salary schedule.
2.      When an employee is assigned to a position on the next higher pay grade, by reassignment, transfer, or reclassification of position, the employee will receive a minimum 5% increase in salary.
3.      When an employee is assigned to a position more than one grade higher, by reassignment, transfer, or reclassification, the employee will receive a minimum 10% increase in salary.
4.      An employee who accepts a position of lower grade because of reorganization or abolishment of the employee's position will retain his/her current rate. However, if the employee's current rate exceeds the maximum rate of the new position, the employee's rate will be reduced to the maximum rate of the new position after one year in the new position.
5.      An employee in a position that has been downgraded will receive the step rate in the lower grade that is nearest to the employee's current rate without causing a loss of pay or, if the employee's current rate exceeds the maximum rate of the lower grade, the employee's pay rate will be reduced within one year to the new maximum rate.
6.      An employee who accepts a position at a lower grade for personal reasons will be placed on the same step at the lower grade.
7.      The step placement of an employee who is demoted for cause will be determined by the Division Superintendent or his/her designee.

(continued)

PERSONNEL

COMPENSATION

§7-54      Placement on Classified Salary Schedule (continued)

E.            Temporary Assignment to Jobs of Higher or Lower Grade

1.      Employees may be assigned to perform duties of positions of higher grade for periods up to 60 days without a change in grade or compensation. If a temporary assignment extends beyond 60 days but less than 6 months, employees shall be paid not less than the minimum rate of the salary range established for the higher assignment. Upon returning to the regular assignment, the employee's salary shall revert to the former rate.
  
2.      An employee assigned to perform work of a lower grade will retain the employee's current rate. However, if an employee is assigned to perform work of a lower grade for a period longer than one year, then the assignment will be treated as a demotion and the employee's rate adjusted accordingly.



PERSONNEL

LEAVES

§7-57      Sick Leave

The School Board has established a sick leave plan for full-time employees.

This plan includes provisions for personal illness, family illness or death, religious observance, other deaths, and other sick days.

A.            Personnel Covered - Eligibility and Accumulation

A full-time employee under regular contract (probationary or continuing) shall accumulate sick leave during time the employee performs his/her assigned duties, including paid leave, under terms of the contract. The maximum allowance per year is:

12 month position:	14 days
11 month position:	11 days
180-206 day position:	10 days

When the length of a contract has been shortened (e.g. for a late start or early release), the number of sick leave days will be prorated. Employees who have resigned and overused their earned sick leave will be charged in their final paycheck and/or will be invoiced for any amounts not recouped.

B.            Generally

1. Sick leave for the contract year is credited (i.e. anticipated) at the beginning of the contract year.
  - a. An employee who leaves before the contract year has been completed must repay any unearned anticipated sick leave that was used.
2. An employee who is unable because of illness to begin work when a current contract begins may be allowed to use all accumulated sick leave.
3. Unused sick leave may accumulate without a maximum limit. Employees will be given a monthly accounting of accumulated sick leave.

(continued)

PERSONNEL

LEAVES

§7-57      Sick Leave (continued)

4. An employee transferring from another Virginia public school division or a former Loudoun employee returning directly to Loudoun may be credited with sick leave accumulated, provided
  - a. That the employee has not received payment for such unused accumulated sick leave;
  - b. That the employee has not accepted employment other than in Virginia public schools since leaving employment;
  - c. That the employee has not been absent from employment in the public schools of Virginia for more than three (3) years; and further provided
  - d. That in the case of an employee transferring from another Virginia public school division, the school board of that division approves the transfer of such leave, maximum transfer allowed is 90 days.
5. When medically possible, an employee shall give at least three weeks notice of his/her intention to use sick leave and shall supply the Business and Financial Services/Employee Benefits Division with the estimated beginning and end date of leave. Family Medical Leave Act entitlement shall be applied to illness leaves if the employee qualifies.
6. Employees or their supervisor are responsible to correctly record leave usage on appropriate leave reporting process.

C.      Absences Covered

1. Personal Illness - Personal illness is defined as incapacity to perform duties because of medical condition or confinement on the advice of a licensed physician. However, under the provisions of this section, dental or medical check-ups may be counted as illness. An employee on sick leave may be required after 3 consecutive days absence to have verification from a licensed physician (or dentist) that he/she is unable to perform his/her duties because of a medical condition or confinement, or that he/she has a medical or dental check-up.

(continued)

PERSONNEL

LEAVES

§7-57      Sick Leave (continued)

2.      Family Illness/Death - As used in this section, family of an employee shall be regarded to include natural parents, foster parents, stepmother, stepfather, wife, husband, children (including stepchildren and foster children), brother and sister, grandparents, great-grandparents, grandparents-in-law, mother-in-law, father-in-law, sisters-in-law, brothers-in-law, daughters-in-law, sons-in-law, grandchildren, aunts, uncles, nieces, nephews, and any other relative living in the household of the employee ("any other relative living in the household of the employee" is limited only in that the relative, however distant, must live in the household of the employee), and anyone over whom the employee has "power of attorney."

- a.      Family Death

Sick leave may be used for the death of a family member (as defined previously in Section C-2).

- b.      Other Deaths

An employee will be allowed three (3) days for attendance at funerals not covered in the family relationships listed in Section C-2 above, but the salary of the substitute will be deducted from the employee's salary (see special note below).

SPECIAL NOTE: In the case of an absence where a substitute was not employed, a standard daily rate (average of current substitute pay scale) or the employee's daily rate, whichever is less will be deducted.

(continued)

PERSONNEL

LEAVES

§7-57      Sick Leave (continued)

c.      Pregnancy, Childbirth, and Adoption of Infant Child

Sick leave for absence incident to pregnancy and childbirth is allowed for that period of time, as certified by a physician, that the employee is physically unable to perform her assigned duties up to the number of sick leave days for which the employee is eligible.

Sick leave may be used for adoption for the mental health and bonding needs of an infant child one year old or less as certified by a physician. The use of sick leave for pregnancy, childbirth, or adoption of an infant child one year old or less is limited to the twelve week period allowed in the Family and Medical Leave Act.

It shall be the responsibility of the employee concerned to provide the required physician statement defining the exact period of disability or mental health and bonding needs, and to consult with Employee Benefits Division to establish the total period of absence. A short or long term leave of absence without pay may be granted to the employee, upon proper request to the Board, when absence beyond that accountable sick leave is desired. If a leave of absence is approved by the Board as stated in this section, all provisions of the leave of absence policy shall be in effect.

D.      Transfer of Leave

Upon separation from employment, except for retirement, employees are not entitled to payment for unused accumulated sick leave. The system will approve transfer of accumulated sick leave to another Virginia division unless the separated employee has (a) accepted employment other than in the Virginia public schools since leaving employment in Loudoun; (b) been absent from employment in the public schools of Virginia for more than three (3) years.

E.      Misuse of Sick Leave

The misuse of sick leave may result in termination of employment.

Adopted: 7/11/89

Revised: 9/14/93, 6/24/97, 3/24/98, 10/24/2000, 1/22/01, 04/09/03

Current Revision: 3-22-04

## PERSONNEL

## LEAVES

§7-58      Leave Without Pay

All employees with debilitating or life-threatening illness or injury, or other circumstances as determined by the Division Superintendent, shall be afforded leave without pay opportunities.

The School Board recognizes that in certain instances an employee may need to have extended leave. For that purpose, the School Board establishes this Policy enabling it to grant discretionary leave without pay for reasons other than those specified in statute, including but not limited to:

1. Family and Medical Leave Act (see Policy §7-63)
2. Religious Observance (see Policy §7-64)
3. Extended Leave (see Policy §7-60)
4. Emergency Leave
5. Adoption Leave (see Policy §7-57)
6. Childcare Leave
7. Educational Leave
  - a. Student Teaching
  - b. Professional Licensure or Certification
8. Restoration Of Health

The School Board reserves the right to specify the conditions under which leave without pay may be taken and to modify these conditions as it sees fit.

Leave without pay is not a regular leave benefit; it is a discretionary leave provision designed to address unusual circumstances that cannot be addressed by other forms of leave. The abuse of leave without pay shall be subject to disciplinary action, up to and including termination.

The Division Superintendent shall develop regulations to implement this Policy and provide the terms and circumstances for the utilization of leave without pay.

Legal Reference: Code of Virginia §22.1-296

Adopted: 6/13/72

Revised: 7/1/88, 9/14/93, 10/25/94, 12/13/94, 5/28/96, 6/24/97, 7/1/97, 8/8/06

Current Revision: 10/13/09

PERSONNEL

LEAVES

**REGULATION**

§7-58      Leave Without Pay

The School Board has established Leave Without Pay Policy §7-58 for employees who may need to have extended leave without pay. The following Regulation has been established to support Leave Without Pay Policy §7-58.

A.      General

1.      Eligibility

Leave without pay may be granted to any employee of the Loudoun County Public Schools. If the employee is still on probation at the time of the request, the probationary period will be extended to the maximum extent permitted by law, by the length of the absence.

2.      Period of Leave

Employees may request leave without pay not to exceed five (5) working days in any one (1) contract/appointment year provided the following extenuating circumstances apply:

- a.      All other applicable leave, such as personal leave, annual leave, or sick leave, has been exhausted.
- b.      Such leave, except when used for personal or family illness, death, or religious observance, shall not be granted during the first five (5) and the last five (5) instructional days for students, for any teacher work day for licensed staff, during peak work periods for classified staff, or to extend any holiday period.

3.      Application

The employee shall submit a written request for leave without pay in advance of the date the desired leave is to begin. Special consideration will be given to emergencies, but in no case will such leave be permitted to begin without the prior approval of the employee's immediate supervisor.

4.      Benefits

Employee will experience no change to eligibility or cost of benefits.

(continued)

PERSONNEL

LEAVES

**REGULATION**

§7-58 Leave Without Pay (continued)

5. Return to Work

Employee will experience no change to employment status.

B. Emergency, Adoption or Childcare

1. Eligibility

Leave without pay for emergencies such as personal or family hardship of an unusual nature, adoption of a child, or childcare may be granted to an employee of the Loudoun County Public Schools. If the employee is still on probation at the time of the request, the probationary period will be extended to the maximum extent permitted by law, by the length of the absence.

2. Period of Leave

The employee may request leave without pay for emergencies such as personal or family hardship of an unusual nature, adoption of a child, or childcare for a period not to exceed one (1) year.

3. Application

a. The employee shall submit an Application For Leave Without Pay and supporting documentation to the Employee Benefits Division, for leave without pay for emergencies such as personal or family hardship of an unusual nature, adoption of a child, or childcare in advance of the date the desired leave is to begin.

b. Special consideration will be given to emergency leave. In no case will leave for adoption or childcare be permitted to begin without prior approval of the employee's immediate supervisor and the Assistant Superintendent for Business and Financial Services.

(continued)

PERSONNEL

LEAVES

**REGULATION**

§7-58 Leave Without Pay (continued)

4. Benefits

- a. During the emergency, adoption or childcare leave, the employee may elect to continue health and/or life insurance coverage by making arrangements with the Employee Benefits Division to pay the full cost of the premiums on a per diem basis.
- b. See Policy §7-63 for leave without pay approved under the Family and Medical Leave Act.

5. Return to Work

- a. An employee granted emergency, adoption or childcare leave shall notify the Department for Personnel Services, in writing, at least 30 calendar days prior to the expiration of the leave of the employee's intent and availability to return to duty. Failure to provide such notification shall be deemed a resignation by the employee, effective as of the first day following the expiration of the leave.
- b. The employee shall be placed by the Department for Personnel Services in the next suitable vacancy.
- c. Any employee granted leave without pay for emergency, adoption or childcare leave shall bear the sole responsibility for the purchase of any Virginia Retirement Service credit for which the employee is eligible.

C. Educational

1. Eligibility

Educational leave for the purpose of student teaching, obtaining an initial teacher license, licensure in a critical field, professional licensure or certification of non-teaching employees, or an advanced degree may be granted to an employee of the Loudoun County Public Schools. If the employee is still on probation at the time of the request, the probationary period will be extended to the maximum extent permitted by law, by the length of the absence.

(continued)



PERSONNEL

LEAVES

**REGULATION**

§7-58 Leave Without Pay (continued)

2. Period of Leave

The employee may request educational leave for a period of not more than fourteen (14) weeks. The period of time must coincide with a term at an accredited university or college.

3. Application

a. The employee shall submit a written request for educational leave at least thirty (30) calendar days in advance of the date the desired leave is to begin. The employee shall also submit supporting documentation (such as degree requirements, documentation of course availability, advisor's comments, etcetera) as may be requested.

b. Approval shall not be granted unless the Assistant Superintendent for Personnel Services has determined that a highly qualified replacement for the employee is available.

c. In no case will such leave be permitted to begin without the prior approval of the Assistant Superintendent for Personnel Services.

4. Benefits

a. During the educational leave, the employee may elect to continue health and/or life insurance coverage by making arrangements with the Employee Benefits Division to pay the full cost of the premiums on a per diem basis.

b. Any employee granted educational leave without pay shall bear the sole responsibility for the purchase of any Virginia Retirement Service credit for which the employee is eligible.

5. Return to Work

During the period of time of an employee's educational leave, a suitable substitute will be employed in anticipation of the employee's return to the position vacated as a result of the educational leave. Employee will experience no change to employment status.

(continued)

PERSONNEL

LEAVES

**REGULATION**

§7-58 Leave Without Pay (continued)

D. Restoration of Health

1. Eligibility

Leave without pay may be granted to any employee of the Loudoun County Public Schools with debilitating or life-threatening illness or injury for the restoration of the employee's health or the health of the employee's spouse, child, parent or legal dependent with a debilitating or life-threatening illness or injury. If the employee is still on probation at the time of the request, the probationary period will be extended to the maximum extent permitted by law, by the length of the absence.

2. Period of Leave

The employee may request restoration of health leave without pay for a period not to exceed one (1) year, provided all earned sick leave has been exhausted.

3. Application

- a. The employee shall submit an Application For Leave Without Pay for restoration of health leave in advance of the date the desired leave is to begin. The request shall be accompanied by supporting documentation from the attending physician attesting to the need for such leave and estimating the length of leave that should be required. The employee shall provide any additional documentation as may be required.
- b. Special consideration will be given to emergencies. Restoration of health leave requires notification to the employee's immediate supervisor and the Employee Benefits Division within 24 hours or the next assigned work day.
- c. A request for an extension of leave without pay for restoration of health for any employee shall be reviewed by the Employee Benefits Division, in consultation with the immediate supervisor, and approved on a case by case basis by the Division Superintendent or his/her designee.

(continued)

PERSONNEL

LEAVES

**REGULATION**

§7-58 Leave Without Pay (continued)

4. Benefits

- a. Employer paid benefits will remain in place for the first thirty (30) work days of restoration of health leave without pay.
- b. Employee may elect to continue health and/or life insurance coverage by paying the total cost of premiums for health and/or life insurance for any additional leave without pay granted for restoration of health on a per diem basis.
- c. Any employee granted restoration of health leave without pay shall bear the sole responsibility for the purchase of any Virginia Retirement Service credit for which the employee is eligible.
- d. See Policy §7-63 for leave without pay approved under the Family and Medical Leave Act.

5. Return to Work

- a. If the employee returns to work within the first thirty (30) work days of restoration of health leave without pay, the employee will be restored to the same position.
- b. Beyond the initial thirty (30) work days the employee shall be placed by the Department for Personnel Services in the next suitable vacancy.
- c. Notice of return to work must be provided to the Employee Benefits Division two (2) weeks prior to the employees anticipated return. For a leave without pay granted for the restoration of the employee's health, such notice must include written certification from a health care provider as to the employee's ability to return to full duty.

POLICY

§7-59  
(a)

PERSONNEL

LEAVES

§7-59      Disability Insurance

Effective, July 1, 2010, the Loudoun County School Board will provide a short-term disability insurance plan for all benefit-eligible employees. This benefit will provide income in the event of an employee's non-work related injury or illness. The School Board will from time to time, if and to the extent funds are budgeted and appropriated for such purposes, make monthly contributions towards the cost of such short-term disability insurance on behalf of the benefit-eligible employee. Long-term disability insurance will be available to all benefit-eligible employees as a voluntary benefit.

Adopted: 7/11/89  
Revised: 6/22/93, 11/12/96, 1/22/2001  
Current Revision: 9/28/2010

## PERSONNEL

## LEAVES

§7-60      Personal LeaveA.      Personnel Covered

A full-time employee not covered by annual leave, as set forth in Policy §7-68, is eligible for personal leave each year.

The maximum allowance of personal leave per year is:

3 days

B.      Limitations

1. Personal leave for the contract year is credited (i.e., anticipated) at the beginning of the contract year.
2. A personal leave request will not be granted during the following periods or circumstances:
  - a. The first five instructional days and the last five instructional days of the school year
  - b. On any teacher inservice or orientation workday that involves the employee:
    - (1) in a central office sponsored inservice or
    - (2) on a day that the employee is scheduled to hold parent conferences.
  - c. When in the judgment of the immediate supervisor a qualified substitute cannot be secured.

Exceptions to these limitations must be submitted in writing by the employee to the principal/immediate supervisor. If the principal/immediate supervisor agrees to the exception, the request will be forwarded to the Assistant Superintendent for Business & Financial Services. Granting of the exception will be at the sole discretion of the Division Superintendent or designee.

(continued)

## PERSONNEL

## LEAVES

§7-60      Personal Leave (continued)C.            Transfer of Personal Leave

Personal leave not used during a school year will be automatically transferred to the eligible employee's accumulated sick leave.

Persons transferring from a 10-month or 11-month position to a 12-month position who have unused personal leave will have their unused personal leave rolled into their sick leave balance.

D.            Miscellaneous

Supervisors shall exercise judgment in granting time away from the work site for emergencies which occur during the work day. Emergencies and other absences from assigned duties may be granted for a period of no more than one hour. Such absences will not be charged against sick leave or personal leave. Interpretation of this regulation should be referred to the Assistant Superintendent for Business & Financial Services.

Adopted: 7/11/89

Revised: 6/22/93, 11/12/96, 6/10/97, 7/1/97, 8/14/2001, 7/08/2003

Current Revision: 12/8/2009

## PERSONNEL

## LEAVES

§7-61      Participation in Community AffairsA.      Generally

It is the policy of the Loudoun County Public Schools to encourage employees to participate, when appropriate and practical, in community service affairs. However, employee participation in such community activities must not adversely affect the employee's job performance, be detrimental to the school system's interest, or place the employee in the position of serving conflicting interest.

Employees may write letters to newspapers and public officials concerning issues of general interest and may accept invitations to speak before civic groups. Under no circumstances should employees discuss internal confidential affairs in a public forum. Likewise, employees must obtain prior approval from the Division Superintendent or designee for any public communication which might be considered as representing the school system's position on any subject.

B.      Seeking or Appointment to Public Office

Employees planning to campaign for, seek, or accept appointment to public office must give prior notice of their intentions to the Assistant Superintendent for Personnel Services. The Assistant Superintendent for Personnel Services will review with the employee the school system's continuing requirements to avoid conflicts of interest and to maintain satisfactory attendance, effort, and performance standards. Employees engaging in political activities must do so as individuals on their own time, not as representatives of the school system, and may make no representations otherwise.

C.      Absences

1. Time spent working on community affairs normally should be outside of the employee's working hours and, in such circumstances, will not be considered hours worked for pay purposes. Voluntary employee participation in community affairs that involves an extended period of time away from the job should be handled in accordance with the provisions contained in Leave Without Pay, Policy and Regulation §7-58.

(continued)

POLICY

§7-61  
(b)

PERSONNEL

LEAVES

§7-61      Participation in Community Affairs (continued)

2.      Time spent in community affairs at the school system's request or under its direction or control, will be considered hours worked for pay purposes. Also, in these circumstances, the school system will reimburse employees for any reasonable expenses, if approved in advance.
3.      Employees who accept appointment to public office will be permitted time away from the job in accordance with Policies and Regulations §7-68, Annual Leave; §7-58, Leave Without Pay; and §7-60, Personal Leave.
4.      Employees who campaign, seek and are elected to a public office will be permitted time away from the job in accordance with Policies and Regulations §7-68, Annual Leave; §7-58, Leave Without Pay; and §7-60, Personal Leave.
5.      Under this policy an employee may be permitted leave of absence without pay beyond that which is provided in §7-58 at the discretion of the Division Superintendent with the approval of the School Board.

Adopted: 10/10/89

Revised: 6/22/93

Current Revision: 9/12/2000

Confirmed: 9/8/09



## PERSONNEL

## LEAVES

§7-62      Absence Without Approved Leave

An employee who is absent without approved leave is subject to termination or other disciplinary action. In addition, the salary of such employee will be deducted for the amount of time of unapproved leave.

PERSONNEL

LEAVES

§7-63      Leave for Family and Medical Purposes

The Superintendent shall promulgate regulations consistent with the Family and Medical Leave Act of 1993 as amended for the employees covered under that Act.

Adopted: 9/14/93  
Revised: 10/13/09

PERSONNEL

LEAVES

**REGULATION**

§7-63 Leave for Family and Medical Purposes

1. The Department for Personnel Services shall be responsible for implementation of the Family and Medical Leave Act (FMLA) for Loudoun County Public Schools.
2. Family and medical leave shall be calculated by using a "rolling" 12-month period measured backward from the date the employee uses any FMLA leave.
3. Family/medical leave is available to those employees who have been employed in a full-time position by Loudoun County Public Schools for the previous 12 consecutive months.
4. An employee who uses family/medical leave will be allowed to return to the same position or to a position with equivalent responsibilities, duties, benefits and pay.
5. Where appropriate employees must use all accrued leave (personal, sick, annual) as a part of FMLA.
6. The Board shall provide benefits throughout the FMLA under the same conditions as during regular employment. If the employee elects not to return to work, the employer may recover these benefits upon demand.
7. There will be no loss of seniority or other benefits while on FMLA. (There will be no accrual of seniority or other benefits during any period of unpaid leave.)
8. The Loudoun County School Board reserves the right to obtain other medical assessments at the Board's expense.

(continued)

PERSONNEL

LEAVES

**REGULATION**

§7-63 Leave for Family and Medical Purposes (continued)

9. To qualify for leave for the birth or adoption of a child, or for the care of a child, spouse or parent, the employee must make the request in writing to the Assistant Superintendent for Personnel Services. The employee must exhaust all appropriate paid leave available (sick, personal, annual) before unpaid leave is taken. Paid leave counts towards the 12 weeks of FMLA.
10. FMLA leave must be requested in writing to the Assistant Superintendent for Personnel Services 30 days in advance except in the case of emergencies.
11. Instructional personnel who request FMLA are subject to special provisions regarding the time which they must return to work. These provisions of the FMLA will be discussed with employees by the Department for Personnel Services.
12. When FMLA is taken for own illness, birth or illness of a child, or illness of a spouse or parent, the employee must provide a doctor's statement of the medical necessity for the absence.

## PERSONNEL

## LEAVES

§7-64      Religious Observance

An employee may be absent three (3) days in any school year for observance of recognized religious holidays. Such leave may not be for less than one-half (1/2) day, and shall be requested in advance of such leave, and have approval of the immediate supervisor. Such leave will be deducted from the employee's accumulated leave or leave without pay.

PERSONNEL

LEAVES

§7-65      Sabbatical Leave

A.            Purpose

The purpose of a sabbatical leave is to provide incentives for professional staff members to be granted time to engage in formal study designed to increase the employee's competence or for such purpose as may be recommended by the Division Superintendent and approved by the School Board. Compensation provided in Section F will be paid in those years that it is funded in the budget.

B.            Eligibility

All professional staff, on the recommendation of the Division Superintendent and approval by the School Board, are eligible to take sabbatical leave. The first such leave may be granted after the completion of the staff member's sixth year within the Loudoun County Public Schools. Additional sabbatical leave may be granted after each successive period of six years of professional service in Loudoun County Public Schools.

C.            Selection

Selection of a professional staff member for sabbatical leave will be made by a committee comprised of the Assistant Superintendent for Personnel Services, a supervisor, and a teacher chosen by the above two (2) members. In order to continue the services of the school system at a high level, a maximum of three employees per year may be granted such leave.

D.            Application

The applicant requesting a sabbatical leave must file in accordance with the following time schedule:

- March 1 - if period of leave begins with the first semester
- Sept. 1 - if period of leave begins with the second semester

The applicant must submit such request to the Assistant Superintendent for Personnel Services within the time frame stated above. In all cases final approval shall be contingent upon the availability of a qualified replacement for the staff member.

E.            Length of Sabbatical Leave

Sabbatical leave shall be granted for a period not to exceed one calendar year and not less than one semester.

(continued)

PERSONNEL

LEAVES

§7-65      Sabbatical Leave (continued)

F.            Compensation During Leave

During the period of sabbatical leave, staff members selected for leave shall receive one-half of the base salary that would have been paid for regular services. Benefits of insurance programs (including state life and medical insurance) will be continued as in regular service and will be computed on full base salary. Social security, state, and federal taxes, and other funds required by law will be deducted.

G.            Provisions of Leave

During the period of sabbatical leave, the person on leave shall be entitled to all of the privileges, rights, and opportunities as provided by School Board policy and regulations. The following guidelines are a part of the agreement between the employee and the School Board:

1. Sabbatical leave will be granted upon recommendation of the Division Superintendent and approval by the School Board.
2. The employee returning from sabbatical leave will return to the same position or one of comparable status.
3. Any employee granted such leave agrees to sign an agreement to accept a professional assignment for a period of at least three (3) years following the expiration of the leave. Should the employee elect not to fulfill this agreement the employee shall reimburse the School Board for all or part of the salary and benefits received according to the following schedule:

Employment After  
Sabbatical Leave

Reimbursement

None

Full compensation including benefits reimbursed to Board

One year only

2/3 of total compensation including benefits reimbursed to Board

Two years only

1/3 of total compensation including benefits reimbursed to Board

This reimbursement is to be made within one year of termination of employment.

4. Sick leave will not accrue during the period of leave; however, sick leave accumulated will be retained.

## PERSONNEL

## LEAVES

§7-66      Donated Family Sick Leave Bank

The Loudoun County School Board has established a “Donated Family Sick Leave Bank” for full-time employees to be used when long term illness or injury to a spouse, child or parent of the employee requires the absence of the employee. This Donated Family Sick Leave Bank will be maintained as long as at least twenty percent of eligible employees (those employees who earn sick leave) agree to participate. Participation will be voluntary.

A.      Purpose

The Donated Family Sick Leave Bank of the Loudoun County Public Schools has been established to provide full-time employees access to additional sick leave days, other than those personally accumulated, in the event of long term illness or injury of the employee’s spouse, employee’s child or employee’s parent that requires the absence of the employee.

B.      Procedure

1. Employees may enroll within the first thirty (30) contract days of initial full-time employment or thirty (30) contract days after re-employment by completing an application and donating two (2) days of sick leave.
2. Members of the Donated Family Sick Leave Bank will be given prior written notification and with their written consent will be assessed two (2) additional days at such time as the bank is depleted to 200 days. Such assessment will be voluntary but will be required for continued participation in the Donated Family Sick Leave Bank.
3. Membership will be continuous unless the employee informs the Employee Benefits Division in writing of the intent to withdraw or declines to contribute additional days when required.
4. Upon termination of employment with the Loudoun County Public Schools or withdrawal of membership from the bank, a participating employee will not be permitted to withdraw days contributed to the Donated Family Sick Leave Bank.

(continued)



## PERSONNEL

## LEAVES

§7-66      Donated Family Sick Leave Bank (continued)

5. An employee who does not enroll when first eligible may do so between any subsequent open enrollment period by making application to the Loudoun County School Board.
6. A member of the Donated Family Sick Leave Bank shall not be permitted to withdraw days from the donated family sick leave bank until all of the member's accumulated leave is depleted.
7. The first thirty (30) working days of the employee's absence caused by the long term illness or injury of an employee's spouse, employee's child or employee's parent must be covered by the employee's own accumulated leave or leave without pay.
8. A maximum of thirty (30) working days each school year can be drawn from the Donated Family Sick Leave Bank by any one member.
9. At the time of application, members applying for Donated Family Sick Leave Bank benefits will be required to present a physician's certificate stating the nature of the illness or injury and an estimate of the employee's required time off work.
10. Members utilizing leave days from the Donated Family Sick Leave Bank will not be required to replace these days except as a regular contributing member of the Donated Family Sick Leave Bank program.
11. Only sick leave may be contributed to the Donated Family Sick Leave Bank.

POLICY

§7-67

PERSONNEL

LEAVES

§7-67      Jury Duty or Subpoenaed Witness

An employee shall not suffer loss of pay upon being called for Jury Duty or as a subpoenaed witness in a court proceeding to which the employee is not a party.

Adopted: 8/11/70  
Revised: 6/3/86, 6/22/93  
Confirmed: 10/13/09

PERSONNEL

LEAVES

§7-68      Annual Leave

A.            Basis for Earning Annual Leave

1.            Full-Time Twelve (12) Month Personnel

A new hire employee in a twelve-month position earns one day of annual leave a month (depending on date of hire) for the first six consecutive months of employment for a maximum of six (6) days. At the completion of six months, the remainder of the first year's annual leave will be advanced. Thereafter, annual leave will be advanced in July of each year. One additional day is earned for each additional year of service up to the thirteenth (13th) year. A maximum of twenty-four (24) days of annual leave are earned after the 13th year of service.

2.            Administrative Personnel

A new hire administrator will be advanced their annual leave (depending on date of hire). Thereafter, annual leave will be advanced in July of each year.

Administrative personnel shall earn annual leave as follows:

- 20 days for the first and second year of employment
- 21 days after two (2) years of service
- 22 days after four (4) years of service
- 23 days after six (6) years of service
- 24 days after eight (8) years of service

Annual leave will be prorated based on the number of contract/assignment days actually worked after July 1 of the current school year.

3. An employee transferring from a twelve month position to a ten or eleven month position will be paid for unused annual.
4. An employee transferring from a ten or eleven month position to a twelve month position will be given credit for all full-time Loudoun County Public Schools prior service in computing initial annual leave earned up to a maximum of 20 days.

(continued)

PERSONNEL

LEAVES

§7-68      Annual Leave (continued)

20 days (with nine or more years of prior full-time service). After earning 20 days of annual leave for two years, future earnings shall be computed as follows:

- 21 days after two (2) years of 12 month service
- 22 days after four (4) years of 12 month service
- 23 days after six (6) years of 12 month service
- 24 days after eight (8) years of 12 month service

B.      Generally

1.      An employee may not claim such anticipated annual leave unless he/she has begun regular duty.
2.      An employee who is unable because of illness to begin work when a current contract begins may be allowed to use accumulated annual leave not to exceed such balance to his/her preceding school year.
3.      Employees will be given a monthly accounting of accumulated annual leave.

C.      Limitations

1.      Accumulated annual leave will be calculated as of July 1 of each year. Employees may carry over up to sixty (60) annual leave days from June 30 to July 1 each year. Approval to carry over more than sixty (60) annual leave days from one fiscal year to the next must be approved by the Division Superintendent.
2.      When an employee has accumulated sixty (60) days of annual leave as of June 30th and has used at least ten (10) days of annual leave during the fiscal year, any annual leave in excess of sixty (60) days will be converted to sick leave as of July 1.
3.      Employees who have accumulated more than sixty (60) days of annual leave as of June 30 and who used less than ten (10) days annual leave will be assessed for the difference between the annual leave they have used and ten days. The remaining balance in excess of sixty (60) days will be converted to sick leave as of July 1.

(continued)

## PERSONNEL

### LEAVES

#### §7-68      Annual Leave (continued)

#### D.            Use of Annual Leave

Employees must submit annual leave plans in advance to their supervisor. Supervisors should make every effort to accommodate reasonable annual leave requests. The school division reserves the right to designate when some or all annual leave is taken. The immediate supervisor of an eligible employee is responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts.

#### E.            Payment of Annual Leave Upon Separation

1. Employees who terminate their employment will have their annual leave prorated based on total amount earned for the school year.
2. Any remaining annual leave will be paid to the employee in the second check following termination. Payment for earned annual leave will be calculated based upon the employee's regular rate of pay at the time of separation.
3. Employees exceeding their total earned annual leave will be charged in their final pay and/or will be invoiced for any amounts not recouped in the final paycheck.

#### F.            Misuse of Leave

The misuse of annual leave may result in termination of employment.

#### G.            Miscellaneous

Supervisors shall exercise judgment in granting time away from the work site for emergencies which occur during the work day. Emergencies and other absences from assigned duties may be granted for a period of no more than one hour. Such absences will not be charged against sick leave or annual leave. Interpretation of this regulation should be referred to the Assistant Superintendent for Personnel Services.

Adopted: 3/14/89

Revised: 5/12/92, 6/22/93, 6/25/96, 3/24/98, 7/1/98

Current Revision: 9/12/2000

## PERSONNEL

## LEAVES

§7-69      Public Service Leave

The School Board is providing provisions for Public Service Leave for full-time employees who have completed three (3) continuous years of satisfactory service in Loudoun County.

A.            Public Service Leave without pay not to exceed sixty consecutive work days may be granted for campaign purposes to an employee who is a candidate for public office.

B.            Full-time Public Service Leave without pay may be granted to employees who are elected or appointed to public office.

1.        Employees who are elected or appointed to public office (including appointment to General Assembly staff) may be granted full-time leave without pay for attendance at committee, commission, or other meetings as required by their office.
2.        The duration of such leave shall be sufficient length to permit the performance of all required duties of the office.
3.        When a certified employee or administrator has made a request for a substitute in advance, and the reason for the public service leave has been eliminated, the employee must notify the appropriate authority to cancel the request for a substitute no later than one hour after the start of the workday prior to the workday for which the substitute was requested.
4.        Approval of Public Service Leave shall be at the sole and absolute discretion of the Assistant Superintendent for Personnel Services. The Assistant Superintendent, in arriving at such decision, shall consider whether or not a qualified replacement is available to a staff member and such other factors as the Assistant Superintendent may deem relevant to the prompt and efficient operation of the school.
5.        Any leave granted in excess of five days in any one contract/appointment year, requires employee payment to continue Group Life Insurance and Group Health Insurance. This payment will be calculated on a per diem basis.

Adopted: 1/2/96  
Revised: 5/28/96  
Current Revision: 7/1/97

POLICY

§7-70

PERSONNEL

LEAVES

§7-70      Military Leave

It is Loudoun County Public Schools' objective to grant military leave to employees for active duty in the armed services of the United States or for employees who are former members of the armed services, or current members of the reserve forces of any of the United States' armed services, or of the Commonwealth's militia (National Guard, naval militia, and Virginia State Defense Force), or the National Defense Executive Reserve in accordance with federal and state law and is based upon the state military leave policy.

Legal Reference: Code of Virginia § 44-93

Adopted: 7/8/03  
Revised: 10/13/09

PERSONNEL

LEAVES

**REGULATION**

§7-70 Military Leave

1. Employees of the Loudoun County Public Schools must specifically request the use of military leave.
2. Leave for military purposes will be granted by the Assistant Superintendent of Business and Financial Services as required by law. However, all requests for military leave must be placed in writing and submitted to the immediate supervisor as far in advance as possible but no less than thirty (30) days prior to the date on which the leave is scheduled to begin, if the applicant has had 30 days notice from the military unit.
3. Forms for requesting Military Leave are available in all school and departmental offices. All requests for military leave must be accompanied by official orders of the employee's unit commander or operation headquarters. The orders must include specific beginning and ending dates of the leave. Changes in the duration of the leave will only be accepted by submission of an official amended copy of the original military order.
4. Whenever possible, employees are asked not to schedule military leave during the school year.
5. Individuals utilizing military leave will be paid the difference between their daily military pay and their daily rate of pay while they are participating in military leave. If the military pay exceeds the individual's rate of pay, the School Board will not pay the individual their salary during that portion of leave. It is responsibility of the individual taking military leave to submit a copy of his/her military pay voucher to the Payroll Office as soon as it is received in order to make proper paycheck adjustments
6. Employee's benefits shall not be affected by periods of military leave

(continued)



PERSONNEL

LEAVES

**REGULATION**

§7-70 Military Leave (continued)

7. Employees will be reinstated to their previous position or to positions comparable to their previous positions in terms of pay and status provided:
  - a. They present certification of release orders to appointing authorities which confirm completion of military service.
  - b. They submit request for reinstatement within 90 calendar days of the day after release from active duty.

## PERSONNEL

## FURLOUGH

§7-71 Furlough

The School Board of Loudoun County Public Schools has established Furlough Policy §7-71 recognizing that on occasion it may make budgetary decisions that result in mandatory furloughs of employees. Mandatory furlough days are days when employees are required to remain off work, and for which they do not receive pay. Furloughs shall not alter pay scales, current or future Virginia Retirement System (VRS) retirement contributions or life insurance contributions.

Notwithstanding the original number of contractual days provided by an employee's contract or salary memorandum, or by Policy §7-71, the School Board shall have the authority to require any employees of the school division to take mandatory furlough days, if in the discretion of the School Board action is required due to budgetary needs. The following guidelines apply to such mandatory furloughs:

A. General

1. The School Board of Loudoun County, at its discretion, may furlough any classification of employees it deems necessary to meet budgetary shortfalls. A furlough shall not be used as a form of discipline against any employee. School Board Members may volunteer to participate in a furlough.
2. Employees may not be required to take mandatory furlough days in excess of ten (10) days in any school year. Employees may not be required to take more than two days in a school year without a two-thirds majority vote of the School Board.
3. Employees are not permitted to perform any work for the school division on any mandatory furlough days. Employees should not use cellular telephones, email accounts, Blackberries, or any other methods related to their work on furlough days, or to perform any volunteer work for the school division.
4. Paid leave, vacation leave, or compensatory time may not be used for any furlough days.
5. In any week during which a furlough day is required, employees are not permitted, without advanced written approval, to work in excess of eight (8) hours per day on the days during such week that are not furloughed, or over 40 hours per week. Exempt employees shall be entitled to overtime pay for any hours worked in excess of 40 hours per week during any week in which a furlough day is required.

(continued)

POLICY  
PERSONNEL

§7-71  
(b)

FURLOUGH

§7-71      Furlough (continued)

6. All exempt employees shall be required to keep a record of their time worked during any week in which a furlough day is scheduled.
7. Emergency and/or critical service employees may be requested to work on a general furlough day and take their furlough day on another day.

Legal Reference: Fair Labor Standards Act  
29 C.F.R. 541.710  
29 C.F.R. 541.602(b)(1)-(7)  
8 VAC 20-440-20

Adopted: 04/27/2010  
Revised: 06/22/2010

## PERSONNEL

### REDUCTION IN FORCE

#### §7-73 Reduction in Force - Licensed Employees

##### A. In General

A decline in student enrollment, reorganization, budgetary consideration, closing of a facility, expiration of a special grant, or other condition, as determined by the School Board, may require a modification of the instructional program which may result in a reduction in staff. In such event, the Division Superintendent will determine the teaching areas, positions, and/or programs that will be reduced or eliminated. The application of this policy will be for the school division as a whole rather than by individual work sites and shall be based upon seniority, teaching areas, and the special needs of the division as defined in this policy.

##### B. Definition of Terms

###### 1. Seniority

Seniority shall be that period of time beginning with the most recent period of continuous full-time service as a certified employee in Loudoun County Public Schools, including authorized paid leave and authorized leave without pay under Policy §7-58A and B. An employee on Sabbatical (Policy §7-65) shall be considered as on duty but the leave time shall not be counted in computing service. For the purposes of this policy only, an employee who worked the equivalent of 180 work/teaching days in a school year will be credited with one full year of service. If a tie exists, the tie shall be broken in the sequential order that follows:

- a. official beginning date of employment as shown on the teacher's contract
- b. total full-time service with the Loudoun County Public Schools as a certified employee
- c. ranked by educational attainment on the salary schedule: Master's +30/EDS (most senior), Master's-In-Field, Master's, Bachelor's +15, and Bachelor's degree (least senior)

(continued)

PERSONNEL

REDUCTION IN FORCE

§7-73      Reduction in Force - Licensed Employees (continued)

- d.      selection based on the last four digits of the employee's social security number, the highest number being most senior and so on in descending order.

2.      Active Teaching Area

The Active Teaching Area shall be comprised of the teaching endorsement area (as shown on the current Virginia certificate) within which the teacher is teaching each time this policy is applied.

3.      Other Teaching Area

Other Teaching Area shall be comprised of

- a.      a teaching endorsement area (as shown on the current Virginia certificate) within which the teacher has had teaching experience within the five (5) years prior to the reduction announcement.

or

- b.      with the approval of the Division Superintendent, such teaching endorsement in which the teacher has not taught during the previous five years; the relatedness of such areas of endorsement to previous active assignment(s), satisfactory performance in previous active teaching assignment(s), willingness to complete coursework, seminars, and workshops in the endorsed area for which the teacher is applying for inclusion, shall be among the factors considered in determining inclusion on additional seniority lists. A written request for such inclusion(s) must be made by the teacher at the time of first notice of possible destaffing. Such request must be submitted to the Division Superintendent within five (5) working days of receipt of the notice.

(continued)

## PERSONNEL

### REDUCTION IN FORCE

#### §7-73 Reduction in Force - Licensed Employees (continued)

#### 4. Seniority Lists

The seniority lists will be shown in ascending order of seniority, with teachers being placed on a list according to Active Teaching Area and, if applicable, Other Teaching Area. The lists will be comprised of the categories of lists based on endorsement area as follows:

- a. Elementary endorsements
- b. Elementary and Middle School endorsements
- c. Subject area endorsements
- d. Special areas endorsements such as Special Education, Reading, E.S.L., Drivers Education, Gifted or other special areas as designated by the Division Superintendent.
- e. A certificated employee holding the comprehensive elementary endorsement of K-7 or 1-7 will be listed first in the category that is appropriate to the active assignment of the employee, either NK-4 or 4-8. Placement on other lists will be contingent upon the provisions found in section B, items 3.a. and 3.b. above.

Teachers will not be placed on any seniority list for an area in which they do not possess a current endorsement.

#### C. Reduction In Force

1. Once specific positions, areas, or levels are determined, reduction shall be made on a division-wide basis, in the following order:

#### a. Probationary Contract Teachers

Termination of teachers under probationary contract, during the term of their contract, will be based on seniority as defined in Section B of this policy. Destaffing of teachers under probationary contract at other times will be in accordance with the Code of Virginia.

(continued)

## PERSONNEL

### REDUCTION IN FORCE

#### §7-73 Reduction in Force - Licensed Employees (continued)

b. Continuing Contract Teachers

Termination of teachers under continuing contract will be based on seniority as defined in Section B of this policy.

- c. Administrators and supervisors who are reassigned to teaching positions will be placed on the seniority list specified in section B, item 4 of this policy.

2. Transfers

Transfers will be made within the division insofar as possible to accommodate the retention of employees having seniority in areas affected by the reduction in force. The selection of personnel to be transferred will be governed by the need to maintain the maximum effectiveness of the facilities involved as determined by the Division Superintendent. Should a person refuse an assignment by transfer to an Active Teaching Area, he/she will be terminated and will not be listed for recall. Should a person refuse an assignment by transfer to an Other Teaching Area, he/she will be struck from that list, but will be listed for recall in the Active Teaching Area.

3. Exceptions

The provisions of section C of this policy shall not apply in those cases where the employment of teachers whose special skills and/or active assignment is essential to the effective operation of the school program. The determination of essential personnel shall be solely at the discretion of the School Board upon recommendation of the Division Superintendent.

4. Notification

All teachers scheduled for destaffing under this policy will be notified at the earliest possible date.

(continued)

PERSONNEL

REDUCTION IN FORCE

§7-73      Reduction in Force - Licensed Employees (continued)

D.      Lay Off and Recall

1.      Lay off. An employee on lay off is terminated and is not eligible for salary or any other benefits.
2.      Recall. The provisions for recall shall apply to continuing contract teachers only.
  - a.      Teachers under probationary contract shall have no recall rights but will be given consideration for reemployment at the discretion of the School Board upon recommendation of the Division Superintendent.
  - b.      Teachers under continuing contracts destaffed pursuant to this policy shall be listed by teaching area and ranked in order of seniority. When openings occur, the eligible person with the greatest seniority will be offered the position. If the opening is in a teacher's Active Teaching Area, he/she must accept the assignment or lose all recall rights. If the opening is in a teacher's Other Teaching Area, he/she has the option of not accepting the assignment; but if the offer is not accepted, the teacher's name will be struck from the recall list in that teaching area. Eligible employees who have not been recalled by June 30 of the following calendar year will have no further recall rights.
  - c.      When an eligible teacher is to be recalled, he/she will be notified by certified mail sent to his/her last known address on record with the Department for Personnel Services. If the offer of reemployment is not accepted in writing within ten (10) days of receipt of notice, rights of recall will be forfeited. If notice of recall is undeliverable, rights of recall will be forfeited. It shall be the responsibility of the teacher to maintain an accurate address with the Personnel Office.

(continued)



PERSONNEL

REDUCTION IN FORCE

§7-73      Reduction in Force - Licensed Employees (continued)

- d.      The teacher will not be eligible for recall if:
  - (1)      The teacher, subsequent to termination, makes contractual commitments with another school or school division from which release cannot be obtained prior to July 15. This restriction shall apply to the eligibility period for recall (June 30 of the following calendar year).
  - (2)      The teacher fails to maintain a valid teacher's certificate.
  - (3)      The teacher, subsequent to termination, becomes unable to qualify for a position in either his/her teaching area or area of assignment.
  
- e.      Seniority lists of all teachers destaffed under this policy shall be prepared by teaching area and maintained in Department for Personnel Services. Seniority lists will be confidential in nature. It will not be necessary for personnel to verify their place on the seniority list until such time as notified by the Department for Personnel Services. Such notification shall take place prior to an employee receiving a letter of reduction in force. Affected personnel desiring to know their rank position on the list may contact the Department for Personnel Services. Endorsements obtained subsequent to the preparation of seniority lists will not be recognized and placed on the appropriate seniority lists until all eligible teachers on said lists are recalled or forfeit the rights of recall. All eligible teachers shall include teachers who are approved for placement on seniority lists as defined in section B, items 1, 2, 3 and 4 of this policy.
  
- f.      Upon return to employment on recall, eligible employees will resume an appropriate placement on the salary schedule and will not receive credit for the time they were laid off.

(continued)

PERSONNEL

REDUCTION IN FORCE

§7-73        Reduction in Force - Licensed Employees (continued)

E.            Personnel Record

To avoid negative implications with regard to the professional record of a teacher destaffed under this policy, the personnel record of the employee and the minutes of the School Board will clearly show that such termination of employment was due to a reduction in force.

PERSONNEL

REDUCTION IN FORCE

§7-74      Reduction in Force - Classified Employees

It is the policy of the Loudoun County Public Schools that, if it must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs affecting classified employees will be conducted consistent with the school system's requirements and in accordance with the regulations set forth in Regulation §7-74.

PERSONNEL

REDUCTION IN FORCE

**REGULATION**

§7-74      Reduction in Force - Classified Employees

A.      In General

A decline in student enrollment, reorganization, budgetary consideration, closing of a facility, expiration of a special grant, or other condition, as determined by the School Board, may require a modification of the school program which may result in a reduction in staff. The application of this policy will be for the school division as a whole rather than by individual work sites and shall be based upon the needs of the division. In applying the reduction-in-force plan, the administration shall provide an effective staff capable of operating the school division and accomplishing the goals of the school division to the greatest extent possible. The reduction-in-force plan shall be enforced in a fair and equitable manner, based upon merit, fitness, and length of service, without regard to race, color, creed, religion, national origin, political affiliation, disabling condition, sex, or age of the employee.

B.      Identification of Positions To Be Eliminated

When it is determined that a reduction in force is necessary, the following regulations will be followed:

1.      The positions which are to be eliminated will be identified by the Division Superintendent taking into account the following considerations:
  - a.      The necessity of the position to accomplish mandates
  - b.      The necessity of the position to provide expected services and school division goals
  - c.      Recency of position approval
2.      The Division Superintendent will determine if the position/s identified will be permanently eliminated or will be reinstated when conditions improve.
3.      Eliminated positions which have not been reinstated within one school year will be considered permanently eliminated. However, such eliminated positions may be reinstated in any future budget cycle.

(continued)

PERSONNEL

REDUCTION IN FORCE

**REGULATION**

§7-74 Reduction in Force - Classified Employees (continued)

4. The provisions of Section C of this regulation shall not apply in those cases where the employment of employees whose special skills and/or active assignment is essential to the effective operation of the school program. The determination of essential personnel shall be solely at the discretion of the Division Superintendent.

C. Layoff and Recall of Employees

1. The Department for Personnel Services will be responsible for enforcing the reduction-in-force plan.
2. Full-time classified employees are to be selected for assignment to positions which have not been eliminated, or, alternatively, for layoff, based upon evaluation of the following criteria:
  - a. Demonstrated satisfactory performance currently and on evaluations within the past 3 years. Employees identified as not meeting job requirements for overall performance will be selected for layoff first regardless of length of service; and
  - b. Length of service with Loudoun County Public Schools, with consideration being given to those employees who have accumulated greater seniority in terms of length of service; and
  - c. Transferability of skills to other positions within the school division
3. Employees are credited for their time actually worked in full-time status for the school division.
4. Employees selected for layoff will be given at least 60 calendar days' notice or, if 60 calendar days' advance notice is not possible, as much notice as is reasonable under the circumstances. Employees will be informed of the reason for the layoff, of the estimated length of the layoff, and of any opportunities they have to appeal their selection for layoff to the Department for Personnel Services and to inspect the records used in determining their selection for layoff and order of recall.

(continued)

PERSONNEL

REDUCTION IN FORCE

**REGULATION**

§7-74 Reduction in Force - Classified Employees (continued)

5. Employees who are laid off will be maintained on a recall list until January 1 of the year following the date of selection for layoff. Upon removal from the recall list, the employee will no longer be considered for recall. While on the recall list, employees should report to the Department for Personnel Services if they become unavailable for recall. Employees who fail to keep a current home address on record with the Department for Personnel Services will not be maintained on the recall list.
6. Employees will be recalled according to division need, classification, and ability to do the job in seniority order. Notice of recall will be sent by registered mail, return receipt requested, to the current home address furnished by the employee to the Department for Personnel Services. Unless an employee responds to the recall notice within ten (10) calendar days following receipt of the notice or its attempted delivery, the employee's name will be removed from the recall list and the employee will cease to be considered for recall with Loudoun County Public Schools.
7. Credit for retirement benefits and seniority will continue to accumulate during any layoff of 30 calendar days or less.
8. No annual leave or days of paid absence will be accrued during layoff. When an employee returns to work following recall, however, the employee may use any annual leave or days of paid absence accumulated but not used or paid at the time of the layoff. Annual leave pay equal to the number of days earned at the time of layoff may be paid at the election of either the School Board or employee if the employee has been notified that the elimination of the position is permanent, or if the employee has been removed from the recall list.

(continued)

PERSONNEL

REDUCTION IN FORCE

**REGULATION**

§7-74      Reduction in Force - Classified Employees (continued)

D.      Staffing Plan during Reduction in Force

Using the list of positions to be eliminated as determined by the Division Superintendent, the Department for Personnel Services will develop a staffing plan as follows:

1.      A list of employees to be placed will be developed. This list will include the current classification and position of employees, length of service with Loudoun County Public Schools, and transferable skills and qualifications. Employees whose positions have been eliminated and who have been identified within the past 3 years as not meeting the job requirements for overall performance will be laid off with no consideration for recall.
2.      A list of retained positions and position vacancies as a result of resignations and retirements will be developed.
3.      Using the criteria identified in paragraph C2, qualified employees from the placement list will be offered positions for which they are qualified.
4.      If an employee declines the offered position, the employee will cease to be considered for recall.

E.      Personnel Record

To avoid negative implications with regard to the personnel record of an employee destaffed under this policy, the personnel record of the employee and the minutes of the School Board will clearly show that such termination of employment was due to a reduction in force.

Issued: 2/26/91  
Revised: 6/22/93  
Current Revision: 1/22/2001

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### STUDENTS

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## CHAPTER 8

### STUDENTS

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## CHAPTER 8

### STUDENTS

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## STUDENTS

## IN GENERAL

§8-1        Extent of School Authority

The School Board is authorized and responsible to make local regulations for the conduct of schools and for the proper discipline of students, including their going to and returning from school. This authority and responsibility is recognized as necessary and desirable to the maintenance of a school environment which is conducive to learning, free of disruption and threat to persons and property, and supportive of the rights of individuals. The School Board also recognizes its responsibility to assist and encourage students to achieve self-discipline and become responsible citizens.

In accord with its authority and responsibility, the School Board has adopted policies governing student behavior and has authorized each school to develop school rules consistent with School Board policies. These policies and rules shall apply to students during the school day; while going to or returning from school, whether the student is walking, waiting for, or riding a school bus or a private vehicle; while the student is participating in or attending any school-sponsored activity, whether at school or elsewhere; or whose conduct at any time or any place interferes with or obstructs the mission or operation of the schools or the safety or welfare of students or employees or their property.

Students and parents have a right to know policies and rules concerning student discipline. The School Board has approved and published a booklet Student Rights and Responsibilities, which is periodically distributed to students and their parents. Each school shall also publish and distribute a handbook of school rules. In addition, a copy of School Board policies is placed in each school library for reference of students and parents.

Legal Reference: Code of Virginia §22.1-78

Adopted: 8/11/70

Revised: 7/10/84

Current Revision: 6/22/93

## STUDENTS

### IN GENERAL

#### §8-2 Investigations and Searches

##### A. General

School authorities have a responsibility to investigate suspicions of violations of law or School Board policy by students and to report law violations to law-enforcement authorities. They also should cooperate with law-enforcement authorities who are investigating criminal acts. When an investigation by law-enforcement authorities involves interrogation of a student who is suspected of involvement in a crime, and the student's parents or guardians are not present, the principal of the school, or designee, shall be present.

This policy sets forth conditions and procedures for searches of students' persons and property and of school property used by students and for interrogation of students by law-enforcement authorities at school.

##### B. Grounds for Searches

Principals and their designees may search students and their property while on school property, at a school function or a school-sponsored event, when they have reasonable suspicion to believe:

1. a law, school rule or policy has been violated and that such student is in possession of evidence thereof;
2. that the student is in possession of drugs, alcohol, weapons, or other substances or articles that could be illegal or harmful or dangerous to the student or to others; or
3. that the student is under the influence of drugs, alcohol, or other substances and such student is in possession of evidence thereof.

##### C. Searches of Students' Persons and Property

Searches of students should be conducted in the principal's office or other non-public area. In all cases a witness should be present. The student may be requested to take a breath-analysis test or to submit to a metal detector scan and to empty pockets, pocketbooks, backpacks, and other personal belongings that could conceal improper substances or articles. The principal or designee may also personally inspect such pocketbooks or other belongings and may conduct a "pat-down" search of pockets, clothing,

(continued)

## STUDENTS

### IN GENERAL

#### §8-2 Investigations and Searches (continued)

and hair where substances or articles could be concealed. "Pat-down" searches shall be conducted only by a principal or designee who is of the same sex as the student. Strip searches by school officials are prohibited.

#### D. Searches of School Property Used by Students

Certain school facilities are made available to students for use and keeping personal belongings, books and other materials of the student while in the school. Such facilities, which may include computers, lockers, desks, cabinets, and other storage facilities, remain the property of the school, and the school retains a right to see that they are properly used. However, students are responsible for the contents of such facilities assigned to them.

School personnel shall respect the privacy of students' personal belongings in such storage facilities under ordinary circumstances. Routine group inspections of lockers or other such facilities without reason shall not be permitted. However, if a principal or designee has a reasonable suspicion, as provided in paragraph (B), the principal or designee has a responsibility to investigate and is therefore authorized and expected to open the locker or other facility to determine its contents.

When a principal or designee determines that a locker or other storage facility should be inspected, the student to whom the locker or other storage facility is assigned should be present, if available, and should be informed of the reason for the search and requested to open the locker or other storage facility. If the student refuses, the principal or designee should open the locker or other storage facility and inspect the contents. If the reasonable suspicion of the principal or designee is relative to the student, the principal or designee may search the student and the personal belongings of the student in accordance with this policy.

Nothing in this section shall be interpreted as denying a principal or designee the right to open and inspect a locker or its contents if he or she has reason to believe that the immediate safety or welfare of the students or school property is in jeopardy.

#### E. Automobile Searches

Automobiles on school property or at school sponsored events are subject to search by principals or their designees if such principal or designee has a reasonable suspicion that such automobile search will yield evidence of a violation of school rule or policy, the law, or the presence of drugs, alcohol, weapons, or other substances or articles that could be illegal, harmful or dangerous.

(continued)

## STUDENTS

### IN GENERAL

#### §8-2 Investigations and Searches (continued)

##### F. Canine Searches

School officials may utilize canines to aid in the search for contraband on school property, in automobiles parked on school property, or at school-sponsored events. Canines shall not be used to search students unless school officials have established independently that there is reasonable suspicion to believe the student possesses contraband on his or her person. Such canines shall be accompanied by a qualified and authorized trainer who will be responsible for the dogs' actions.

##### G. Investigations by Law-Enforcement Authorities

Law-enforcement authorities may seek to search a student at school either in response to a request from the school administration or as part of a non-school related investigation. Law-enforcement authorities operate under a different set of procedures than school administrators and must have a valid search warrant to search any person, personal property, or school property under most circumstances. School personnel have a responsibility to ensure that proper procedures are followed with students under their care.

Law-enforcement authorities, including school resource officers, occasionally talk with students at school about a variety of topics, which may include illegal activity in the community or at school. Students suspected of involvement in a crime should be interviewed in the presence of a parent or guardian outside of school time whenever feasible. If a law-enforcement agent feels that it is necessary to conduct an interview at school with a student who is suspected of involvement in a crime, reasonable effort should be made to inform the student's parents and delay the interview until the parents arrive. If the parents cannot be contacted and the interview cannot be delayed, the principal, or designee, shall remain present during the interview.

##### H. Refusal of Students to Cooperate with School Investigations

Students are expected to cooperate with school personnel who are investigating violations of the law or school rules. This includes reasonable searches of the person and property of students in accordance with the terms hereof.

(continued)

## STUDENTS

### IN GENERAL

#### §8-2        Investigations and Searches (continued)

Any student who refuses to permit a proper search under the conditions authorized by this policy after having been given a direct order to comply may be subject to assignment to an involuntary transfer, suspension, or expulsion for open defiance of the authority of the principal or designee.

Adopted: 3/9/71  
Revised: 5/10/83, 6/22/93, 1/27/98  
Current Revision: 10/9/2001

STUDENTS

IN GENERAL

§8-3        Fire Drills

Fire drills shall be held at least once every week during the first twenty (20) school days, and more often if necessary, to ensure that students are thoroughly practiced in such drills. During the remainder of the year fire drills shall be held at least monthly.

A report of fire drills shall be made to the Safety Coordinator.

Legal Reference: Code of Virginia §22.1-137

Adopted: 8/11/70

Revised: 6/22/93

Current Revision: 1/22/2001



## STUDENTS

## IN GENERAL

§8-4      Fund RaisingA.      Collecting Funds for Charitable Organizations1.      Elementary School

Elementary schools shall not participate in the collection of funds for charitable or other organizations, or otherwise permit students to engage in such activities on school premises.

2.      Middle and High School

Each middle and high school may participate in no more than two fund raising activities for charitable or other organizations in any school year.

B.      Fund Raising Projects for School Activities1.      Elementary School

Elementary schools shall not use students to solicit funds for school activities.

2.      Middle and High School

The principal of a school has authority over and responsibility for fund raising activities. In carrying out their responsibilities, principals should:

- a.      assess the need for funds of any club, organization, or activity
- b.      discourage general door-to-door home solicitation
- c.      schedule fund raising activities throughout the year to prevent too many activities occurring at the same time, and
- d.      approve the type and quality of merchandise being offered in fund raising activities that involve the sale of such merchandise.

STUDENTS

IN GENERAL

§8-5      Rights of Adult Students

Students who have attained the age of 18 years may act in place of their parents in cases in which parental permission is required. Such students are otherwise subject to all the rules and regulations of the school.

## STUDENTS

### IN GENERAL

#### §8-6 Sexual Discrimination/Harassment

The School Board hereby establishes a policy, and the Division Superintendent shall implement procedures, for resolving complaints arising from alleged sexual harassment or discrimination or alleged violations of Title IX of the Educational Amendments of 1972 (P.L. 92-318), as amended.

The Division Superintendent shall designate at least three (3) employees (the "Compliance Officers") to coordinate the efforts of the Loudoun County Public Schools to comply with and carry out its responsibilities for implementing the law, including investigation of any oral or written complaints of noncompliance with the law or regulation.

Students, parents of students, and employees shall be notified of the name, office address and telephone number of the Compliance Officers, and of the procedures for filing a complaint. This notification shall be through timely, appropriate communication channels such as school handbooks and other Loudoun County Public Schools' publications. The Compliance Officers shall implement continuing steps to notify students, parents and employees that Loudoun County Public Schools does not discriminate on the basis of sex in educational programs or employment. Procedures for making and resolving such complaints shall comply with all applicable federal and state laws and regulations.

#### A. Policy

The Loudoun County Public Schools shall maintain a working and learning environment for its employees and students which provides for fair and equitable treatment, including freedom from sexual discrimination and harassment. No employee or student, male or female, shall discriminate on the basis of sex or harass another employee or student by making unwelcome sexual advances or requests for sexual favors or engaging in other verbal or physical conduct of a sexual nature, including:

1. submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting the employee or student,
2. such conduct creates an intimidating, hostile, or offensive working or learning environment; or
3. submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs.

(continued)

## STUDENTS

### IN GENERAL

§8-6      Sexual Discrimination/Harassment (continued)

B.          Procedure

1.      Any employee or student who believes they have been subjected to sexual harassment or discrimination should file a complaint of the alleged act immediately with the Compliance Officers (or to his/her teacher, who shall immediately report the incident to the Compliance Officers). The Compliance Officers shall request that the complaint be in writing; however, refusal to put the complaint in writing shall not preclude an investigation thereof. The complaint should state in detail the basis for the complaint, the names of the persons involved or who have knowledge thereof, and the dates of any specific incidents. An investigation of all reported incidents shall be undertaken promptly and shall be completed within thirty (30) days. The confidentiality of the reporting party will be observed, provided that it does not interfere with the investigation or with the ability to take corrective action.
  
2.      The Compliance Officers shall conduct an appropriate investigation of all such complaints. If the complaint is against a Compliance Officers, it shall be filed with the Division Superintendent. If the complaint is against the Division Superintendent, the complaint shall be filed with the Chairman of the School Board. The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts. A report shall be filed at the conclusion of any investigation with the Division Superintendent, regardless of the outcome of the investigation. In the event a complaint is determined to be unfounded, the employee or student who is the subject thereof shall be notified of the results; further in such event, no record of such complaint shall be maintained in the employee's personnel file or the student's file.

Any administrator, teacher, employee or student who is found after appropriate investigation to have engaged in the sexual harassment of another employee or student will be subject to appropriate disciplinary action.

Any individual filing a sexual harassment complaint shall be free from retaliation for filing such a complaint. Retaliation against anyone reporting or thought to have reported harassment is prohibited. Such retaliation is a serious violation of this policy and shall be independent of whether a charge or informal complaint of sexual harassment is substantiated. Encouraging others to retaliate also violates this policy.

Legal References: Code of Virginia §§22.1-78, 20 USCA §1681, 42 USCA §2000e

Adopted: 2/9/99

## STUDENTS

## IN GENERAL

§8-7        Daily Observance of One Minute of Silence

In order that the right of every pupil to the free exercise of religion be guaranteed within the schools and that the freedom of each individual pupil be subject to the least possible pressure from the Commonwealth either to engage in, or to refrain from, religious observation on school grounds, the Loudoun County School Board establishes the daily observance of one minute of silence in each classroom of the division in compliance with section §22.1-203 of the Code of Virginia.

During such one-minute period of silence, the teacher responsible for each classroom shall take care that all pupils remain seated and silent and make no distracting display to the end that each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any other silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice.

Legal Reference: Code of Virginia §22.1-203

## STUDENTS

## IN GENERAL

§8-8 Pregnant Students

A pregnant student is expected to attend regular school unless her physician certifies that she is physically or emotionally unable to participate in the normal school program and activities.

Homebound instruction will be offered to pregnant students for a period of 6-8 weeks post-delivery based upon the certification of need from the attending physician. Homebound instruction may be offered during any portion of the pregnancy or post-delivery period if a medical complication certified by the attending physician prevents school attendance. Homebound instruction may be provided to pregnant students for a mental health diagnosis if the certification of need and treatment is provided by the attending licensed clinical psychologist or psychiatrist.

Adopted: 9/12/72

Revised: 12/12/90, 6/22/93

Current Revision: 10/27/09

## STUDENTS

## IN GENERAL

§8-9        Student Use of Motor Vehicles and Parking

Student use of private motor vehicles for transportation to and from school is discouraged by the School Board. School bus transportation is provided for all students who live beyond a reasonable walking distance or who must walk over a dangerous route to school.

Parking facilities are provided at all high schools as a convenience to those students who must drive to school. Parking on school grounds is a privilege that may be granted by principals to students who meet the following conditions:

1. The student must file a written statement of his or her need to drive a private vehicle to school with the principal and must agree to notify the principal promptly of any change in the conditions that establish this need.
2. The student must register any vehicle driven to school in the school office and must purchase a school parking permit for each vehicle each year.
3. The parking permit must be displayed on the left front bumper of the vehicle for which it was issued.
4. Upon arriving at school, the student must drive directly to the designated area for student parking, park the car, and proceed promptly to the school building. Students may not sit in parked cars or linger in the parking area before, during, or after school.
5. Once on school grounds, the student will not be permitted to leave until school is dismissed unless permission has been obtained from the school administration.
6. The student will obey traffic laws and school regulations and observe normal safety precautions at all times.

Unlicensed motor vehicles are prohibited from school grounds at all times.

Principals are empowered to enforce this policy and may revoke the parking privileges of any student who does not comply with these regulations.

Adopted: 8/10/71

Revised: 8/14/79

Current Revision: 6/22/93

## STUDENTS

## IN GENERAL

§8-10      Comments and Complaints

## A.            Statement of Principle

The purpose of this policy is to provide guidelines for parents and students to follow to offer input, comments, suggestions and complaints to school officials.

## B.            Precedence

This policy governs all written comments and complaints not governed by other policies. Procedures enumerated in other policies supersede those created in this policy.

## C.            Definitions

“Parents and students” includes current students, parents of current students or other persons who enrolled a current student.

“Complainant” refers to the parents and/or student who have submitted a complaint.

“Respond” means to provide a written assessment of the complaint. “Respond” does not connote a decision, agreement or resolution.

“Business days” refers to days in which LCPS administrative offices are open.

## D.            Procedures

Building principals shall establish appropriate procedures within their schools for encouraging, soliciting and receiving input, comments, suggestions and complaints from parents and students.

Parents and students with complaints should attempt to resolve their concerns first with the staff at their child’s school, beginning with, where applicable, the teacher, school assistant principal or principal.

Parents and students may submit questions and concerns to teachers and school administrators through any means they choose, and are strongly encouraged to do so.



## STUDENTS

## IN GENERAL

§8-10      Comments and Complaints

## E.            Comment and Complaint Form

Parents with comments or complaints must use the comment and complaint form developed by the Superintendent.

The comment and complaint form shall be distributed at least once annually to all parents and students and shall be accessible to parents and students at all times through individual school offices, electronically upon request from individual schools or the Superintendent's office, and via the LCPS website and each school's website.

The comment and complaint form will record the child's school.

The form will include an optional section for the complainant to categorize a complaint. This section will include various common categories, and a space for categories not listed.

The School Board shall be provided full unabridged access to comments and complaints received through the LCPS comment and complaint system. A quarterly report summarizing comments and complaints received and their resolution status shall be provided to the School Board. All personally identifiable information shall be redacted from reports to the School Board.

## F.            Timeline

Persons submitting comments and/or complaints will receive an acknowledgement of receipt of a comment and complaint form in writing within 5 business days of receipt. The principal or the principal's designee will respond in writing to complaints within 30 calendar days of receipt.

Within 30 calendar days of the principal's response, the complainant may file an appeal to the Superintendent.

The Superintendent or the Superintendent's designee will acknowledge appeals in writing within 5 business days of receipt, and respond in writing within 30 calendar days of receipt.

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STUDENTS

IN GENERAL

§8-10      Comments and Complaints

G.            Retaliation

Retaliation against parents or students who file complaints or participate in the related proceedings is strictly prohibited, and any alleged retaliation shall be reviewed and dealt with appropriately by the Superintendent or other appropriate administrator.

H.            Multiple Complaints

Multiple complaints regarding substantively the same issue, whether submitted by one or more complainant, may be treated as a single complaint for the purposes of statistical tracking and response requirements.

## STUDENTS

## IN GENERAL

§8-11      Home InstructionA.            General

Instruction of children by their parents in their home has been declared an acceptable form of education by the General Assembly of Virginia provided certain requirements of state law are met. If these requirements are met, these children and their parents satisfy the state compulsory school attendance law.

Parents who desire to provide home instruction for their children should be referred to the Assistant Superintendent for Pupil Services for information on the law and procedures to be followed.

B.            Parent Obligations

Any parent who elects to provide home instruction in lieu of school attendance must annually notify the Division Superintendent or his/her designee in August of his/her intention and must provide evidence of having met the requirements of state law and a description of the curriculum to be followed for the coming year. Any parent of any school-age child who does not meet the notification requirements by August 31 of any school year will be subject to other provisions of the state compulsory attendance law.

In addition to compliance with §§22.1-254.1, 22.1-256, or 22.1-257, any parent, guardian, or other person having control or charge of a child being home instructed, exempted, or excused from school attendance must submit to the Division Superintendent or his/her designee documentary proof that the immunization requirements provided in §32.1-46 of the Code of Virginia have been met. No proof of immunization shall be required of any child upon submission of (1) an affidavit to the Division Superintendent that the administration of immunizing agents conflicts with the parent's or guardian's religious tenets or practices or (2) a written certification from a licensed physician that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature of the medical condition or circumstances that contraindicates immunization.

(continued)

## STUDENTS

## IN GENERAL

§8-11      Home Instruction (continued)

By August 1 of each succeeding year of home instruction the parent must provide the Division Superintendent or his/her designee with either:

1. evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test; or
2. an evaluation or assessment which the Division Superintendent or his/her designee determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to:
  - a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or
  - b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

If the parent does not provide such evidence of progress, the home instruction program for that child will be placed on probation for one year. Parents must file with the Division Superintendent or his/her designee evidence of their ability to provide an adequate education for their child in compliance with the Code of Virginia §22.1-254.1, subsection A, and a remediation plan for the probationary year which indicates that their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the Division Superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with §22.1-254 of the Code of Virginia. The requirements of this subsection shall not apply to children who are under the age of six as of September 30 of the school year.

C.      Testing by Loudoun County Public Schools

Children receiving home instruction in accordance with state law may take the battery of achievement tests approved by the State Board of Education through Loudoun County Public Schools. There will be no charge for this service. Scoring will be done by the scoring service that scores all tests of Loudoun County students.

(continued)

## STUDENTS

## IN GENERAL

§8-11      Home Instruction (continued)

Parents who wish to avail themselves of this service should contact the principals of the schools that serve the area of their residence to make arrangements for the testing of their children. These children will take the same test, at the same time and under the same testing conditions as children attending the public schools. Parents or other non-school personnel will not be allowed to be present during testing periods.

Parents who choose to have their children's achievement evaluated by another agency or person should seek approval in advance of the evaluation arrangements, which must be satisfactory to the Division Superintendent or his/her designee. The parents will pay all costs of evaluation by other agencies or persons.

Non-public school students may make arrangements to take the PSAT or Advanced Placement examinations in the Loudoun County Public Schools, where such examinations do not require one to one instructor assessment. Any fees charged to Loudoun County residents will be no more than those charged to regularly enrolled Loudoun County Public School students.

D.      Admission of Home Instruction Students to Loudoun County Public Schools

Students who have received home instruction and seek to enroll in Loudoun County Public Schools will be admitted and placed in accordance with the following provisions:

1. Students will be admitted only at the beginning of the school year unless otherwise approved by the Division Superintendent or his/her designee.
2. All students will be tested by Loudoun County Public Schools to determine their appropriate grade level.
3. Students will be placed in the appropriate grade by the principal of the school they enter.
4. High school credits will be accepted from home instruction only when documentation is provided from:
  - a) a school/program from an accredited organization recognized by Loudoun County Public Schools;
  - b) a school/program recognized by the Virginia Council for Private Education, or

(continued)

## STUDENTS

## IN GENERAL

§8-11      Home Instruction (continued)

- c) a review of the official transcript by the principal or designee and director of guidance to determine whether the curriculum is commensurate with equivalent courses in Loudoun County Public Schools.

E.            Participation in Loudoun County Public Schools

No student on home instruction except those enrolled on a part-time basis in accordance with Policy §8-24 will be permitted to participate in any instructional or extracurricular activity of the Loudoun County Public Schools. No student on home instruction will be granted a diploma from Loudoun County Public Schools or be permitted to participate in graduation ceremonies.

F.            Appeal

Any parent wishing to appeal a decision of the Division Superintendent relative to home instruction may request a hearing by an independent hearing officer. This request should be in writing and sent to the Division Superintendent within thirty days of receipt of his/her decision.

The hearing officer will be chosen by the School Board from a list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the parents of disabled children. The procedures for the hearing will follow state procedures for due process hearings.

The costs of the hearing shall be apportioned among the parties in a manner consistent with the hearing officer's findings.

Legal Reference: Code of Virginia §§22.1-254, 22.1-254.1, 22.1-256, 22.1-257, 22.1-271.4

Adopted: 7/10/84

Revised: 6/22/93, 7/1/97, 9/24/2002, 04/09/03, 6/16/06

Current Revision: 10/27/09

## STUDENTS

## IN GENERAL

§8-10      Comments and Complaints

## E.            Complaint Form

Parents with complaints must use the complaint form developed by the Superintendent.

The complaint form shall be distributed at least once annually to all parents and students and shall be accessible to parents and students at all times through individual school offices, electronically upon request from individual schools or the Superintendent's office, and via the LCPS website and each school's website.

The complaint form will record the child's school.

The form will include an optional section for the complainant to categorize the complaint. This section will include various common categories, and a space for categories not listed.

The Superintendent will report to the School Board not less than semi-annually a summary of written complaints.

## F.            Timeline

Complainants will receive an acknowledgement of receipt of a complaint form in writing within 5 business days of receipt. The principal or the principal's designee will respond in writing to complaints within 30 calendar days of receipt.

Within 30 calendar days of the principal's response, the complainant may file an appeal to the Superintendent.

The Superintendent or the Superintendent's designee will acknowledge appeals in writing within 5 business days of receipt, and respond in writing within 30 calendar days of receipt.

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STUDENTS

IN GENERAL

§8-10      Comments and Complaints

G.            Retaliation

Retaliation against parents or students who file complaints or participate in the related proceedings is strictly prohibited, and any alleged retaliation shall be reviewed and dealt with appropriately by the Superintendent or other appropriate administrator.

H.            Multiple Complaints

Multiple complaints regarding substantively the same issue, whether submitted by one or more complainant, may be treated as a single complaint for the purposes of statistical tracking and response requirements.



## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-12 Persons Entitled to Free Education

##### A. General

This policy covers only those students who may be entitled under state law to a free education in Loudoun County Schools.

Any student who meets the age and residency requirements of state law shall be eligible for a free public education. Proof of age and residency may be required prior to admission to school, certain health requirements must be met and the student's parent, guardian, or other person having control or charge of the student must provide a sworn statement or affirmation that indicates whether the student has been expelled from his/her former school, public or private, for an offense in violation of the school board's policies relating to weapons, alcohol, or drugs, or for the willful infliction of injury to another person. This statement shall be maintained as a part of his/her scholastic record.

##### B. Age of Eligibility

1. Any person who will have reached five years of age on or before September 30 of the school year and who has not reached the age of twenty years on or before August 1 of the current school year is eligible for free education.
2. Disabled persons who will have reached the age of two years on or before September 30 of the school year and who have not completed a Board of Education approved secondary program or who have not reached their 22nd birthday are eligible for free education. The definition of disabled persons shall be in accordance with §22.1-213 of the Code of Virginia.

##### C. Residency

1. Students must be residents of Loudoun County to be eligible to attend Loudoun County Schools free of tuition charge.
2. Students under the age of eighteen years are residents if they meet one of the following requirements:

(continued)

## STUDENTS

### ADMISSION AND ATTENDANCE

§8-12      Persons Entitled to Free Education (continued)

- a.      Be actually residing with a natural parent or parent by legal adoption who actually resides in Loudoun County.
  - b.      If the parents are dead, be living with a person in loco parentis who actually resides in Loudoun County.
  - c.      If the parents are unable to care for the student and the student is living, not solely for school purposes, with another person who resides in Loudoun County and is the court-appointed guardian or has legal custody of the student.
  - d.      Be living in Loudoun County, not solely for school purposes, as an emancipated minor.
3.      Students eighteen years of age or older may establish their own residence in Loudoun County.

For requirements concerning health and immunizations of students seeking admission, see §8-50 and §8-51.

For policy governing other students who may be admitted free to Loudoun County Schools, see §8-13.

For policy governing the admission of students on payment of tuition, see §8-21.

Legal Reference: Code of Virginia §§22.1-3, 22.1-3.2, 22.1-213

Adopted: 8/11/70  
Revised: 2/13/89  
Current Revision: 6/22/93

## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-13 Persons Who May Be Admitted Free

##### A. Authority

State law permits local school boards to adopt regulations for discretionary admission of certain students who do not meet the age and residency requirements to be entitled to free public education.

##### B. Persons Twenty Years of Age and Over

Residents of Loudoun County who are twenty years of age or over and who desire to complete their regular high school program may be admitted by the Division Superintendent without payment of tuition provided they meet the following criteria:

1. Be reasonably close to completing graduation requirements
2. Demonstrate a serious intent to complete high school
3. Give assurance of regular attendance
4. Agree to abide by all rules for students

Failure to maintain the above standards shall be cause for the Division Superintendent to drop such student from school.

This policy shall not apply to post-graduate students nor to adult day-time students who desire to enroll in courses at the Monroe Technology Center.

##### C. Foreign Exchange Students

High school students from foreign countries who are participating in a foreign student exchange program approved by the Division Superintendent or his/her designee who have not met the requirements for high school graduation in their home country and are of the age of eligibility defined in §8-12 Paragraph B. 1 of this manual may be admitted free of tuition. Such admission shall be in accordance with the procedures outlined in Regulation §8-13. The number of foreign exchange students to be admitted free of tuition to any high school shall not exceed five (5) students. Exchange students admitted in excess of the total allowed in this policy shall be required to pay full tuition.

(continued)

## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-13 Persons Who May Be Admitted Free (continued)

##### D. Loudoun Youth Shelter

Nonresident children who are temporarily living in the Loudoun Youth Shelter may be admitted by the Division Superintendent without payment of tuition provided the following conditions are met:

1. They can be placed in a suitable program in which they can do the required work
2. Their previous school records are available to assist in placement
3. Placement will not cause overcrowding of any class or classes
4. The student gives assurance of regular attendance and good behavior.

Failure to maintain standards of attendance or behavior shall be cause for the Division Superintendent to drop the student from school.

##### E. Students Who Move During the School Year

Students whose parents move from Loudoun County to another political subdivision of Virginia during the school year may be permitted by the Division Superintendent to complete the semester in which they move provided that the student is left under supervision of a responsible adult or that the parents provide transportation to and from school and provided the students meet the following criteria:

1. Have been in regular attendance
2. Have demonstrated acceptable behavior
3. Have grades that enable them to successfully complete the semester.

Legal Reference: Code of Virginia §22.1-5

Adopted: 8/11/70

Revised: 11/21/91, 6/22/93, 6/25/96, 10/14/97

Current Revision: 1/22/2001

## STUDENTS

### ADMISSION AND ATTENDANCE

#### REGULATION

##### §8-13 Persons Who May Be Admitted Free

##### Foreign Exchange Students

The school principal may grant approval for high school students to attend Loudoun County Public Schools under an approved foreign exchange program. The list of approved foreign exchange programs is maintained by the Assistant Superintendent for Pupil Services. Additions to the list of approved exchange programs must be approved by the Division Superintendent or his/her designee at least six months prior to a request for the enrollment of specific students.

1. Foreign exchange students are admitted on a temporary, cultural exchange basis. Only those students who complete the graduation requirements of the Commonwealth of Virginia will be granted a high school diploma and will be permitted to participate in the graduation ceremony. Foreign exchange students will not be included in determination of class rank.
2. In compliance with Virginia High School League regulations, an exchange student shall be ineligible to participate in interscholastic athletics if he or she is 19 years of age prior to October 1st of the school year.
3. A certified translated transcript of all courses taken by the student must accompany a request for admittance to Loudoun County Public Schools as an exchange student.
4. Approval by the Division Superintendent or his/her designee of a foreign exchange program does not automatically guarantee enrollment for exchange program students. A high school principal may accept a student sponsored by an approved exchange program after determining the following:
  - a. The student will participate in the general curriculum and does not require ESL services.
  - b. The appropriate curriculum offerings exist for the student.
  - c. Adequate classroom space exists.

(continued)

## STUDENTS

### ADMISSION AND ATTENDANCE

#### REGULATION

§8-13 Persons Who May Be Admitted Free (continued)

5. Before a student is accepted, the exchange student coordinator and the host family must comply with the following:
  - a. Submit a request in writing to the school principal along with a letter of request from the foreign exchange organization that will be representing the exchange student. The student's visa status shall be indicated at this time. This request shall be submitted prior to August 1st of the school year.
  - b. Provide the school principal or designee with all immunization records required by the Commonwealth of Virginia.
  - c. Satisfy the school principal or designee that the student has a satisfactory level of English proficiency.
6. All foreign exchange students are required to attend the school served by the host family.
7. If a school principal is contacted for enrollment of a foreign exchange student and the number of exchange students enrolled at the school has reached the maximum level of five (5) students, the principal shall contact the Division Superintendent or his/her designee to obtain approval for admission of the exchange student on a tuition basis. Under no circumstances are tuition paying foreign exchange students to be admitted to Loudoun County Public Schools without such permission.

## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-14      Compulsory Attendance

##### A.            General

A student is entitled to a free, public education under the laws of the Commonwealth. To obtain the benefits of this free education, however, a student must be in regular attendance.

The School Board fully endorses the concept of compulsory attendance, in a free, public system of education where the cost of a student's education is borne by the general citizenry. The Board has therefore adopted an attendance policy which sets forth absences which may be excused by a principal and provides that appropriate disciplinary action be taken when students have unexcused absences, are truant, or are tardy. The Board also provides an attendance officer to investigate violations of the compulsory attendance law and enforce its provisions.

##### B.            Ages

The Virginia compulsory attendance law requires that every child who has reached the age of five years on or before September 30 of the school year and has not reached the age of eighteen shall regularly attend school unless exempt by law or excused by the School Board as provided in §8-18 of these policies.

##### C.            Duty of Parent

Parents, guardians, or other persons having control of the child are charged with the duty of causing the child to attend school or receive instruction as provided by the law.

##### D.            Kindergarten Exemptions

1. Any child who has not reached the age of six years by September 30 whose parent or guardian notifies the School Board that he/she 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.

(continued)

## STUDENTS

### ADMISSION AND ATTENDANCE

§8-14      Compulsory Attendance (continued)

2. Any child who enrolls in kindergarten and is later withdrawn until the following year by the School Board upon recommendation of the principal and with the consent of the child's parent or guardian is exempted from compulsory attendance.

E.      Nonresident Children

Children who are nonresidents of the State of Virginia but who are temporarily living with relatives or others in Loudoun County for a period of sixty days or more are required by state law to attend school. Persons having charge of such children must cause them to attend school and must pay tuition for such children, as provided in §8-21 of these policies, or must return them to their parents or legal guardians in the state in which they reside.

F.      Any person having charge of any child who permits the child to remain at home and not attend school shall be subject to prosecution under state law.

Legal Reference: Code of Virginia §§22.1-3, 22.1-254, 22.1-262, 22.1-263, 22.1-265, 22.1-267, 22.1-268, 22.1-269



## STUDENTS

## ADMISSION AND ATTENDANCE

§8-15      Admission RequirementsA.            Birth Certificate Required

No student shall be admitted for the first time to any school in Loudoun County unless the person enrolling the student shall present a certified copy of the student's birth record. The principal or designee shall enter the official state birth number in the student's permanent school record. If a certified copy cannot be obtained, the person enrolling the student shall submit an affidavit setting forth the student's age and explaining the inability to furnish a certified copy.

If the lack of a birth certificate prevents the principal from determining the student's age, he or she may still be admitted if the Division Superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of the student.

Any person enrolling a student who fails to present a certified copy of the student's birth record shall be reported to the local law enforcement agency by the principal or designee of the school. This notice shall include copies of the submitted proof of age and identity of the student and the affidavit explaining the inability to produce a certified copy of the birth record.

Within fourteen days after enrolling a transferred student, the principal of the school or designee shall request that the principal or designee of the school from which the student transferred submit documentation that a certified copy was presented upon the student's enrollment at that school.

B.            Age for Admission to Kindergarten or First Grade

To be eligible for admission to kindergarten, a child must be five years of age on or before September 30 of the school year.

Any child who is six years of age on or before September 30 of the school year is eligible for admission to first grade, provided he/she has the skills needed to do the work. If, in the opinion of the child's parents and the principal, the child is not ready for first grade, he or she shall be admitted to kindergarten. A birth certificate shall be presented on or before the first day of school as verification of the child's age.

C.            Admission of Transfer Students from Other Public Schools

A student transferring from another public school shall be admitted to the grade he or she would have attended in the school from which the student transferred. If there is reasonable uncertainty about the proper grade placement, special education needs, or other information needed to determine eligibility for admission or proper placement, the student shall

(continued)

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-15      Admission Requirements (continued)

not be admitted until previous school records or other sufficient information has been obtained. Every effort shall be made to obtain such records or information promptly.

D.            Admission of Students from Non-Public Schools

Students transferring from non-public schools may be tested to determine their proper grade placement. Testing shall be administered to children seeking admission to an elementary grade; other students may be tested if there is reason to doubt the correct grade placement or the student's ability to succeed at that grade level.

E.            Admission of Students from Home Instruction

§8-11.            For admission requirements for students from home instruction, see Policy

F.            Health and Immunization Requirements

Any student seeking admission to a Virginia school for the first time must meet state requirements for immunization before being admitted. Students seeking admission to a public kindergarten or elementary school must also have a physical examination. For specific requirements, see §8-50 and §8-51 of these policies.

G.            Tuberculosis Screening Requirement

Each student shall present satisfactory evidence of being free from communicable tuberculosis (TB) within three months prior to registration for admission into Loudoun County Public Schools. The screening procedure used will be guided by the recommendations from the Centers for Disease Control and Prevention. Documentation of this screening must be signed by a physician, nurse practitioner, physician's assistant, or registered nurse licensed in the United States.

This tuberculosis screening requirement applies to all children except (1) those whose parent or guardian submits an affidavit that the screening conflicts with the student's religious tenets or practices or (2) those whose parent or guardian presents written certification from a licensed clinician or nurse practitioner or local health department that the tuberculosis screening may be detrimental to the health of the child; if the exemption is temporary, the document must indicate the conditions of the exemption and the date the exemption expires or (3) students who have left Loudoun County Public Schools and returned in less than 12 months or (4) students who are homeless as defined under §22.1-3 until such time as arrangements can be made with the public health department, clinic or physician's office to obtain a tuberculosis screening.

(continued)

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-15      Admission RequirementsH.            Residency

Students seeking admission must meet residency requirements in §8-12 of these policies or apply for admission as non-resident tuition students under §8-21. Proof of residency and legal custody may be required.

Legal Reference: Code of Virginia §§22.1-1, 22.1-3, 22.1-3.1, 22.1-270, 22.1-271.1,  
22.1-272

Adopted: 8/11/70

Revised: 2/13/89, 6/22/93, 11/14/06

Current Revision: 8/11/09

## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-15.1 Student's School Status

##### A. Requirement to Complete Statement

Prior to admission of any student, the parent, guardian, or other person having control or charge of the student shall provide:

1. A sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or in another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record.

2. A sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of § [16.1-260](#) or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained as provided in § [22.1-288.2](#).

When the child is registered as a result of a foster care placement as defined in § [63.2-100](#), the information required herein shall be furnished by the local social services agency or licensed child-placing agency that made the foster care placement.

The principal should also request the student's scholastic record from the school he/she had formerly attended. This scholastic record should now include both the cumulative and confidential records, including the disciplinary record, of the student. If the principal finds the sworn statement or affirmation in error, the student shall be denied admission to school and a letter sent to the parent, guardian, or other person who signed the sworn statement or affirmation that the student may be subject to exclusion from school, the reasons therefore, and, in the event of such exclusion, of the right to petition the decision as outlined in section C above.

Legal Reference: Code of Virginia § 22.1-3.2

## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-16 Students Expelled Or Suspended By Other Than Loudoun County

##### A. Grounds for Exclusion

A student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in 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 Loudoun County Public Schools regardless of whether such student has been admitted to another school division or a private school in the Commonwealth (or in another state) subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division and after (i) written notice to the student and his parent or legal guardian that the student may be subject to exclusion, the reasons therefore, and, the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee; and (ii) a hearing of the case has been conducted by the division superintendent or his designee and the decision has been to exclude the student from attendance.

##### B. Procedure before the Division Superintendent

The exclusion provided for herein may be implemented by Division Superintendent upon a finding that the student presents a danger to other students or staff of the school division.

Written notice from the Division Superintendent to the student and his/her parents shall be provided that the prospective student may be subject to exclusion, including the reasons therefore and notice of the opportunity for the student or his/her parents to participate in a hearing to be conducted by the Division Superintendent or his/her designee regarding such exclusion.

1. In the event the student and or his/her parents desire such a hearing, they must file a written request to the Division Superintendent for such a hearing within five days of receipt of the written notice provided for herein.

## STUDENTS

### ADMISSION AND ATTENDANCE

§8-16      Students Expelled Or Suspended By Other Than Loudoun County  
(continued)

2.      The hearing by the Division Superintendent (or his/her designee) shall be conducted within fifteen days of the request of the hearing by the parents. The student and/or his/her parents shall have the right to be present at the hearing and to offer evidence as to why the prospective student should not be excluded.
3.      In the event that the Division Superintendent or his/her designee decides to exclude the prospective student he shall establish the period of such exclusion, such decision shall be final unless altered by the school board, upon timely written petition.

C.      Petition to School Board

In the event the decision of the Division Superintendent is to exclude such prospective student, the student or the parents shall have the right to petition the school board for a review of the record and the decision to exclude the student. The petition for review provided for herein must be filed with the Division Superintendent within fifteen days of receipt of the decision of the Division Superintendent to exclude student. The petition for review together with the decision of the Division Superintendent, the reasons therefore and any supporting documents shall be provided to the school board. The school board shall consider all such materials provided to them and render a decision to either affirm the decision of the Division Superintendent or to admit the student. The review of the school board shall be a closed session. It is not a hearing; neither the student nor his/her parents shall have the right to be present during such review by the school board.

The school board shall notify the student and the student's parents of its decision within fifteen days following its review of the record. Upon expiration of the exclusion period for an expulsion or withdrawal of admission, the student may petition the school board for admission. In the case of a suspension of more than thirty (30) days, the term of the exclusion may not exceed the duration of the suspension.

Legal Reference: Code of Virginia § 22.1-277.2

Adopted: 10/14/97

Revised: 5/13/08

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-17      Attendance: Absence and TardinessA.      Attendance.

All students have a responsibility to attend all scheduled classes and other assigned activities unless excused by the principal. Appropriate disciplinary measures may be taken against students who fail to accept this responsibility.

B.      Absence.

Absence from school for any period of time will result in loss of learning; it is important for each student to be present whenever possible to take full advantage of the educational opportunities offered by the school. All students who are absent will be required to make up all significant work missed, except as provided by the principal for suspension absences.

Excused absences.

There are circumstances that may prevent a student's attendance in school. Such absences, when justifiable, are classified as excused absences for which there is no penalty.

Principals shall excuse students who are absent for any of the following reasons:

1.      personal illness
2.      death in the family
3.      medical or dental appointments
4.      court appearances

In addition, Principals may excuse students who are absent for any of the following reasons:

5.      illness in the immediate family that requires the student to be absent
6.      emergencies that require the student to be absent
7.      trips or activities that enhance or extend the student's education, when approved by the Principal in advance.

(continued)

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-17      Attendance: Absence and Tardiness (continued)Observance of a Religious Holiday.

Any student excused for observance of a religious holiday, and for whom verification is received as hereafter provided, shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any the student missed by reason of such absence. The parent or guardian of such student shall provide written verification to the principal of the need for such absence and the participation by such student in the observance of the religious holiday.

Unexcused absences.

All absences not excused by the Principal or caused by a student's suspension from school are classified as unexcused absences, which shall result in appropriate disciplinary measures.

Suspension absences.

Absences caused by a student's suspension from school are classified as suspension absences. Principals shall establish procedures to be followed in their schools regarding suspension absences. Students removed from school may or may not be required to make up school work missed depending upon the length of the suspension, other individual considerations and circumstances and the policies established by the principal for such suspension absences.

C.      Make-up work missed because of absence.

Whenever a student is absent, whether an excused or unexcused absence or a suspension absence, if the principal requires make-up work, a reasonable amount of time, consistent with the length of the absence, will be given the student to make up the work missed. Upon return from absence, the student is responsible to initiate immediate action to make up the work. Upon such request of the student, the teacher is responsible to provide assignments, tests, and other work that must be made up and to inform the student clearly when make-up work for which grades will be given is due. Failure to complete such make-up work within the time allowed will result in a failing grade for those assignments, tests, or other work. Make-up work turned in within the time allowed will be graded on the same basis as other work.

(continued)



## STUDENTS

## ADMISSION AND ATTENDANCE

§8-17      Attendance: Absence and Tardiness (continued)D.      Truancy.

Truancy is the willful action of a student to absent himself or herself from school or from an assigned class or other required activity. Truancy is an unexcused absence but should be distinguished from other unexcused absences that are due to circumstances that may cause a student to be absent but which are not allowable excuses under this policy. Truancy is a serious offense that warrants stern corrective action on the part of the school and the parents or other adults having control of the student. All cases of truancy shall be reported to parents.

E.      Tardiness.

A student is tardy when he or she arrives at an assigned place after the time his or her school schedule requires him or her to be there. Tardiness may be caused by many things, and teachers and administrators should always determine the reason for tardiness. Occasional tardiness for valid reasons is not a serious offense and should not be dealt with harshly. Repeated or habitual tardiness, however, encourages the formation of undesirable personal habits and disrupts the orderly instructional process of the school. Therefore, corrective action is required and the principal and/or teacher should employ appropriate disciplinary measures.

F.      Excellent Attendance Certificates.

If a school awards certificates for excellence in attendance, that school must present such a certificate to any child having no unexcused absences and no more than five excused absences, exclusive of any properly verified excused absences for observance of a religious holiday as herein provided, in a regular school term.

Legal Reference: Virginia Code § 22.1-254

Adopted: 8/11/70

Revised: 6/8/76, 9/13/76, 9/13/88, 6/22/93

Current Revision: 9/28/10

## STUDENTS

## ADMISSION AND ATTENDANCE

**REGULATION**§8-17 Attendance: Absence and TardinessAbsences

All absences should be investigated by each teacher as far as possible. A written excuse from parents must be required in case of absence. Teachers will report through the principal to the Attendance Officer problem cases involving conduct and attendance. In many cases, a short talk with parents will secure better attendance or correct habits of tardiness.

Truancy

All cases of truancy should be promptly reported to the parents.

Students 18 Years of Age or Older

Students who are 18 years of age or older are not required by state law to attend school. If they choose to enroll, however, they are expected to be in regular school attendance under Policy §8-17.

Any such student whose attendance record shows a pattern of violation of the attendance policy shall be warned in writing that continued failure to attend school regularly will result in disciplinary action. If his or her attendance following that warning is still unsatisfactory, the principal shall notify the student in writing that he or she must come to the principal's office for a hearing on his or her violation of attendance regulations. If reasonable and acceptable explanations of absences are not produced at this hearing, or if the student does not appear for the hearing, the principal may take disciplinary action as authorized under Policy §8-27, Disciplinary Action by the Principal.

Unless the student is no longer under parental control, the notices, warnings, and hearings required by this regulation shall be given to both the student and his or her parents or guardians.

Issued: 8/11/70

Revised: 12/5/90, 6/22/93

Current Revision: 4/24/07

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-18      Release from Compulsory School AttendanceA.      Authority

Students who are subject to compulsory attendance requirements may be released from or excused from attendance under certain conditions prescribed by state law.

B.      Procedure for Obtaining Release

Parents who seek the release of their child from compulsory attendance shall do so in writing to the principal of the school the student attends, stating the reasons for their request. If the principal concurs with the request, he/she shall forward it to the Assistant Superintendent for Pupil Services along with his/her recommendation.

If a principal initiates the recommendation for release, he/she shall obtain the consent of the parents in writing and send his/her recommendation and the parents' consent to the Assistant Superintendent for Pupil Services.

Such requests and recommendations shall be presented to the School Board at a regular meeting with the Division Superintendent's recommendation.

Legal Reference: Code of Virginia §22.1-257

Adopted: 8/11/70

Revised: 5/13/80, 6/22/93

Current Revision: 1/22/2001

## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-19 Dismissal During the School Day

##### A. General

Students are expected to be in attendance every day for the entire school day. Parents are encouraged to arrange appointments, trips or other activities so their children do not miss instructional time.

Principals are authorized to approve occasional dismissals for good reason under paragraph B. No student may be regularly dismissed unless a waiver has been granted by the Division Superintendent under paragraph C.

##### B. Occasional Dismissals

Students may be dismissed during the school day by principals only for one of the reasons listed in Policy §8-17 for excused absences and only after approval of a parent or other person having legal control of the student has been obtained in one of the following ways:

1. a written excuse presented in advance
2. personal appearance at the school to pick up the student
3. a school-initiated telephone call

Students who are 18 years of age or over are presumed to have legal control of themselves and may be dismissed under this paragraph upon presentation of a signed written request.

##### C. Regular Dismissal

Waiver of the requirement that students be in attendance for the entire school day will be granted only in exceptional circumstances. Students who have not completed four years of high school will be expected to remain in school all day regardless of the number of courses they are enrolled in. Student who have completed four years of high school but have not graduated or who are post-graduate students may be granted a waiver after their last class period of the day.

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## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-19 Dismissal During the School Day (continued)

Any student desiring to apply for a waiver shall obtain a request for waiver form from the principal and return it to the principal. If the request is for employment, a statement from the employer certifying employment must accompany the request. If the request is based upon family needs, a statement of the need from the parent must accompany the request.

The principal is responsible for investigation and certification of the reasons for requests for waivers and shall enter his/her recommendation on the request form. This form and accompanying documentation shall be forwarded to the Division Superintendent for approval or disapproval.

There is no right of appeal of the Division Superintendent's decision to the School Board.

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-20      School Assignment

Students will attend the schools designated by the School Board to serve the area in which they reside, except as hereinafter provided:

1. A student whose residence changes from one school attendance area to another within the county during the school year may, upon request of the parent or guardian, complete that school year in the school in which the student was originally enrolled, provided that the parent or guardian provide any necessary transportation to and from school.
2. A student whose residence changes from one school attendance area to another within the county during his or her junior year of high school may, upon request of the parent or guardian, complete his or her senior year at the school in which he or she was enrolled prior to the change of residence, provided that the parent or guardian provide any necessary transportation to and from school.
3. A student may be assigned to a school other than that which he or she would normally attend if the regular assignment causes undue hardship upon the family or student or if the student is an elementary school student, whose parent or guardian is a full-time LCPS employee, at that school and who resides within Loudoun County. Such request for reassignments shall be initiated by the parent or guardian and shall be approved only if space is available at the school to which the student would be reassigned. Parents or guardians who make such request must agree to provide any necessary transportation to and from school. Full-time LCPS employees making a special assignment request for elementary school will be notified of the status or the decision on the request no later than May 30th based on the latest adopted projections for the following year.
4. A student may be assigned to attend a school other than that which he or she would normally attend for the purpose of placement in an appropriate instructional program. Transportation for such students will be provided by the school system.
5. A student who enters or transfers to any school after the beginning of the school year may be assigned to a school other than that which he or she would normally attend if the school to which he or she would normally be assigned is overcrowded. Transportation for such students will be provided by the school system.

(continued)

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-20 School Assignment (continued)

6. A student whose family is in the process of buying, building, renting, or leasing a home in an attendance area other than the one in which they presently reside may be assigned to the school that the student will attend when the family moves into its new home, provided that the parent or guardian requests such assignment, the purchase, construction, renting or leasing of such home will be completed within a reasonable time, and the parents provide any necessary transportation to and from school.
7. A student whose family is in the process of buying, building, renting or leasing a home in Loudoun County but is not presently residing in Loudoun County may be assigned to the school that the student will attend when the family moves into its new home, provided that the parent or guardian requests such assignment, the purchase, construction, renting or leasing of such home will be completed within a reasonable time, and the parents provide any necessary transportation to and from school.
8. A tuition student may be assigned to a school that best serves the needs of that student provided that space is available and the parents provide any necessary transportation.
9. A student whose family moves out of Loudoun County to another political subdivision of Virginia may complete the semester in which the move takes place in the school that he or she has attended without payment of tuition, provided that (1) the student is left under the supervision of a responsible adult living in the attendance area of that school or (2) the parents provide transportation for the student to and from school.
10. A family whose high school attendance boundary has been changed by the School Board and who:
  - a. has a senior who is required to attend the previous high school or has a senior who has elected and been granted permission to attend the previous high school rather than switch to another school for their senior year, and

(continued)

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-20 School Assignment (continued)

- b. has one or more siblings who are assigned to another high school in the same year the senior attends the previous high school,

will be given the option of having all such high school students in the family attend the high school that the senior is attending for that school year and, should they also choose, for the remainder of the younger sibling(s)' high school career.

Transportation will not be provided to any younger siblings qualifying for this option after the year of graduation of the senior who was initially required or permitted to remain at their previous school for their senior year.

11. A student whose residence has been reassigned to another elementary school by the School Board due to a boundary change, will be given the option of continuing to attend the previous elementary school if:
  - a. the student is attending the previous elementary school at the time of the boundary change,
  - b. the student resides within the walk zone for the previous elementary school at the time of the boundary change, and
  - c. the number of students residing in the walk zone of the previous elementary school at the time of the boundary change does not exceed the school's capacity, provided that the student remains eligible to walk to the previous elementary school.
12. All reassignments and transfers under this policy shall be done in a non-discriminatory manner, except that reassignments and transfers shall not have a cumulative effect of reducing desegregation.
13. All requests of parents or guardians for assignment of students under this policy shall be made in writing to the Assistant Superintendent for Pupil Services, and shall give complete particulars on the reasons for the requested assignment and other conditions stated in this policy.

(continued)



## STUDENTS

## ADMISSION AND ATTENDANCE

§8-20      School Assignment (continued)

14. Any parent or guardian who is dissatisfied with the decision of the Assistant Superintendent for Pupil Services with respect to an assignment made under this policy shall have the right to appeal this decision to the Division Superintendent.
15. Decisions of the Division Superintendent may be appealed to the School Board in accordance with Policy §2-20.

Adopted: 8/11/70

Revised: 1/11/89, 6/22/93, 7/1/97, 10/9/01, 8/9/05, 9/23/08

Current Revision: 9/14/10

## STUDENTS

### ADMISSION AND ATTENDANCE

#### §8-21 Admission of Nonresident Students

##### A. Criteria for Admission

Students who are not residents of Loudoun County, as defined in §8-12 of these policies, may be admitted as tuition students by the Division Superintendent provided the following criteria are met:

1. Their admission does not cause a class to exceed class size standards of §5-10 or §5-13 of these policies or the State's standards for special education class sizes
2. The students give assurance of serious intent, regular attendance, and good behavior

##### B. Procedure for Admission

The parents of a nonresident student shall request admission in writing to the Assistant Superintendent for Pupil Services, who shall investigate such student and recommend to the Division Superintendent as to the admission of the student.

If the criteria for admission are met, the student may be admitted under the following conditions:

1. Tuition shall be paid prior to the actual admission of the student
2. For students seeking to enroll for less than a full semester, a per-diem rate shall be charged
3. There shall be no refund of tuition for any student who does not remain enrolled for the full period for which tuition was paid, regardless of the reason for the withdrawal of the student.

##### C. Status of Student

Upon admission, a tuition student becomes a student of Loudoun County Schools and is therefore under control of the Loudoun County School Board. The student is subject to all state laws and regulations and to Loudoun County School Board policies and individual school rules. Tuition students are therefore subject to the same disciplinary procedures and punishments as resident students.

(continued)

## STUDENTS

### ADMISSION AND ATTENDANCE

§8-21      Admission of Nonresident Students (continued)

D.            Temporary Nonresident Students

1.        Children of school age, as defined in §8-12 of these policies, who are nonresidents of the State of Virginia but who are living temporarily with relatives or others within Loudoun County, may be admitted to Loudoun County Schools by the Division Superintendent, provided the expected length of stay is sufficient to benefit the child and justify the admission and provided the other criteria for nonresident students of this policy are met.
2.        Tuition shall be paid for temporary nonresident students as provided in paragraph B of this policy.
3.        Any person having charge of any nonresident child of compulsory attendance age for sixty days or more is required by state law to keep the child in regular attendance in school and be responsible for the payment of tuition required herein or must return the child to the home of the parents or legal guardians.
4.        This section shall not apply to foreign exchange students as provided in §8-13 of these policies.

Legal Reference: Code of Virginia §22.1-5, 22.1-255

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-22      Exceptions to School Assignment Due to Attendance Boundary Adjustments

Whenever boundaries are to be revised to accommodate the addition of a new high school, the parent(s) or guardian(s) of all students who will be juniors during the school year in which the school will open and who live in the new high school's attendance boundary, will be surveyed to determine if they would prefer to remain in their current high school. The School Board shall determine whether it will grant permission to such students to remain in their current high school.

Whenever a new high school is opened, the students who will be seniors during the first year that the school is open shall remain at their current high school for that year, unless the School Board decides that circumstances preclude doing so.

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-23      Readmission of Expelled Students

Any student who has been expelled from school attendance in this Division may petition the School Board for readmission.

- A.    Petition for Readmission. The petition for readmission shall include such information and material as the student may choose to submit, including any work or education experience the student gained during the expulsion, mental health or substance abuse counseling, reports, and any reasons for readmission.
- B.    Time of Filing. Such petition shall be filed with the Division Superintendent at any time after the expulsion has been in effect for at least 260 days but not more than 300 days.
- C.    Superintendent Action. The Superintendent or designee shall review the petition, gather such additional information as may be appropriate, and provide a recommendation to the Board or Committee thereof as to whether the student should be readmitted. With the recommendation, the Superintendent shall provide to the Board a copy of the Petition and any additional information he/she deems appropriate.
- D.    Hearing. The Board or a Committee thereof shall conduct a hearing upon such petition. The student shall be given notice of the time, date and place of the hearing. At the hearing, the student and Superintendent shall be given the opportunity to present such evidence as the Board or Committee deems relevant. The hearing shall be scheduled and conducted so that if the petition is granted, the student could resume school attendance one calendar year from the date of the expulsion. If the petition is denied, the Board or Committee may provide a subsequent date when the student may re-petition for admission.

## STUDENTS

## ADMISSION AND ATTENDANCE

§8-24      Admission of Non-Public Students for Part-Time Enrollment

The Loudoun County School Board acknowledges the provisions for equivalent instruction under Virginia law. The Board further observes that equivalent or acceptable alternative or home or private school instruction is not the same as the education delivered in the public school system.

The families of non-enrolled Loudoun County students in grades 7-12 who wish to enroll their students on a part-time basis in the Loudoun County Public Schools may be eligible to do so for participation in high school credit classes.

The Superintendent shall develop regulations necessary to provide for such enrollment in cases where the admission of non-enrolled students will have little/no impact on the admitting school's programs or services, as permitted in §22.1-253.13:1, H. of the Code of Virginia.

Legal Reference: Code of Virginia § 22.1-253.13:1

Adopted: 3-23-04

## STUDENTS

### ADMISSION AND ATTENDANCE

#### REGULATION

#### §8-24 Admission of Non-Public Students for Part-Time Enrollment

##### A. Admission

1. Students in grades 7-12 who are approved for home instruction under §22.1-254.1 of the Code of Virginia, or enrolled in private school, may be enrolled on a less-than-full-time basis in the Loudoun County Public Schools. Students admitted under this policy shall be designated as part-time students.
2. Students admitted under this regulation must be residents of Loudoun County.

##### B. Enrollment

1. Part-time students may participate in a maximum of two high school credit courses per school term in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course.
2. Part-time students must enroll in the full length of the course in the school that serves their place of residence.
3. Part-time students must participate in co-curricular activities that are required as a result of enrollment in certain courses (orchestra, band, chorus, drama, etc.).
4. Part-time students may not participate in extra-curricular activities, such as those sponsored by the Virginia High School League (athletics, cheerleading, One Act Plays, etc.).

## STUDENTS

### ADMISSION AND ATTENDANCE

#### REGULATION

§8-24      Admission of Non-Public Students for Part-Time Enrollment (cont'd)

C.      Procedures

1. Parents must submit a Part-Time Enrollment application to the principal of the attending school by August 1 for first semester courses and December 1 for courses beginning in the second semester.
2. The school principal will review this application and will notify the parent of the availability of the course requested no later than two weeks prior to the start of school or second semester.
3. In the event a requested course is not being offered in the school that serves a student's residence, the parent may request special permission to attend another school as provided for in School Board policy §8-20.

D.      Conditions

1. Part-time enrollment is determined annually and there will be no guarantee that it will be continued from one year to the next.
2. Part-time students shall abide by all the policies and regulations of Loudoun County Public Schools. These policies include, but are not limited to residency and enrollment requirements, requirements for conduct, the completion of all coursework in a satisfactory manner, and the attendance policy. The parent or guardian will be required to sign the Notice of Parental Responsibility. Violation of rules and regulations may be cause for the principal to review participation of the student in any program or activity, and could result in formal disciplinary action.
3. Part-time students must meet prerequisite requirements to be enrolled in a course by appropriate credits earned through an accredited program.



## STUDENTS

### ADMISSION AND ATTENDANCE

#### **REGULATION**

#### §8-24 Admission of Non-Public Students for Part-Time Enrollment (cont'd)

4. Class rank shall not be computed for part-time students, and such students shall not be eligible to graduate or receive a diploma from the Loudoun County Public Schools.
5. Transportation to and from school will be the responsibility of the family. However, when a student's class is scheduled in the first or last period of the day, permission may be granted to ride a regularly scheduled bus.
6. Full-time students will be given first consideration for parking on the high school campus. Those admitted under this policy will be subject to the same rules and fees regarding parking as full-time students.
7. Part-time students, when attending classes in the public schools, must sign in and out of the school by following the building level procedure.
8. Part-time students are to be present on school grounds during the school day only when their selected course or activity is in session. Exceptions to this requirement are to be made at the discretion of the principal or his/her designee. It is the responsibility of the part-time student to be aware of any changes in the schedule during inclement weather or for other reasons.
9. Part-time students must take all required tests in a course, including state end-of-course tests.

Legal Reference: Code of Virginia §253.13:1

Adopted: 5/3/04  
Current Revision: 5/25/04

POLICY  
STUDENTS

§8-25  
(a)

ADMISSION AND ATTENDANCE

§8-25      Transfer to Under-Enrolled Schools

A.            Elementary

Loudoun has a number of small, community elementary schools which from time to time are underutilized. In the interest of balancing enrollment in these schools, the School Board will consider allowing students who live outside the attendance zones served by these schools to attend these schools on a special permission basis. Such special permission, if granted, shall be for one year at a time. The approval will be based on not exceeding the grade-level maximum. Students who apply to attend these schools will be given preference if they are currently enrolled in a school whose membership is in excess of 95% of its capacity. Schools identified for possible receipt of transfers include Aldie Elementary, Hillsboro Elementary, Lincoln Elementary, and Middleburg Elementary.

Parents or guardians may apply between May 1 and up to ten days after the start of the school year. All decisions will be made no later than the tenth day of the school year and, if approved, shall be effective for that school year only. Parents shall be responsible for providing transportation in such instances. Administrative decisions under this policy are appealable only to the Superintendent.

B.            Middle and High Schools

LCPS opens new high schools without a senior class and offers other grandfathering options that create excess capacity that may not be utilized. At the same time, there may be middle and high schools in the district that are at or over their planned capacity. In the interest of providing students and their families a choice of attending a less crowded middle or high school, the School Board may consider, on a special permission basis, allowing students who live outside the attendance zones served by these schools to attend schools with both the physical space and appropriate staffing level to accommodate additional students. Such special permission shall be granted provided that:

1. The middle or high school to which the transfer applicant is currently assigned must be at or above 100% capacity without trailers, as designated by the Capital Improvement Plan (CIP) in effect at the time of the requested transfer, and

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ADMISSION AND ATTENDANCE

§8-25      Transfer to Under-Enrolled Schools (continued)

2. The middle or high school to which the applicant requests a transfer must not exceed 95% capacity at the time of transfer, and must be projected to remain at or below 95% of capacity during the complete tenure of the transferring student's middle or high school career, as designated by the Capital Improvement Plan (CIP) in effect at the time of requested transfer plus all special permissions previously granted.

A student granted a transfer under this policy shall:

1. Remain eligible for and subject to all other applicable School Board policies, and
2. Provide their own transportation to the transfer school for the duration of their tenure at the transfer school, and
3. Remain subject to the conditions that this assignment is made contingent on regular attendance and observance of school rules and regulations. Any attendance or discipline problems may result in reassignment to the home school.

Parents or guardians may apply for such student transfers between March 1 and April 30 for the upcoming school year.

Administrative decisions under this policy may only be appealed to the Superintendent.

Adopted: 12/14/04  
Revised: 12/12/06  
Current Revision: 4/13/11

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§8-26      In-School Disciplinary Measures

School personnel are authorized to employ the disciplinary measures contained in this policy to maintain appropriate behavior of students and enforce school rules. Except as authorized by this policy, all disciplinary measures shall be imposed by the principal of the school or a person designated by the principal. The principal or designee should use discretion in selecting disciplinary measures appropriate to the offenses and the behavior records of the students.

In addition to the disciplinary measures authorized herein, school personnel are authorized to use removal from school, as provided in Policy §8-27 and Policy §8-28, and exclusion from extracurricular activities, as provided in Policy §8-29.

A.            Reprimand and Counseling

Any licensed employee of the School Board may reprimand a student observed or otherwise known to have violated a school rule. Positive guidance on appropriate and inappropriate behavior and the reason for the school rule should accompany most reprimands. For serious violations of school rules, the employee should also refer the student to the principal for other disciplinary measures.

B.            Detention

A student may be detained at the school beyond regular school hours for violation of school rules and may be required during this time to engage in activities reasonably intended to correct his or her behavior. Students may be detained only by the principal or designee. Parents or guardians must be notified in advance of such detention so that they may fulfill their responsibility to provide necessary transportation for the student.

C.            Denial of School Privileges

A student may be denied normal school privileges for a specified period of time by the principal or designee when such denial of privileges is appropriate corrective action for the misconduct of the student.

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§8-26      In-School Disciplinary Measures (continued)D.            Work Assignments

A student may be assigned non-hazardous work before or after school or during the school day when not in class or at lunch. Work assignments should be made only by the principal or designee, and the student must be properly supervised during any work assignment. No student shall be assigned or allowed to operate any machinery or use any tool or instrument capable of inflicting injury to the student or others. No student will be required to perform a work assignment if such assignment is objected to by the parent(s) or guardian(s).

E.            Removal from Class

For improper behavior in any class or activity, a student may be temporarily removed by the principal or designee and assigned to work at school or study in another place. The parent(s) or guardian(s) of any student shall be notified if a student is removed from class for an extended period of time.

F.            In-School Restriction

For serious or repeated violations of school rules, a student may be assigned to in-school restriction at school by the principal or designee. During the period of assignment to in-school restriction, the student shall be isolated from normal school activities and shall be denied school privileges and participation in or attendance at school activities. The student shall be assigned corrective work and should be counseled on his or her behavior in school.

G.            Denial of Bus Transportation

Students who misbehave on school buses may be denied the privilege of being transported on school buses for a short period of time. Continued or serious misbehavior may be punished by a longer period of denial of transportation privileges and other discipline measures as appropriate. The principal or designee or the Director of Transportation may deny transportation privileges. The parents of any student denied transportation shall be notified.

H.            Procedural Requirements for Notice

The procedural requirements for notice provided for herein shall not apply in any case where such disciplinary measures are implemented during a field trip (see Policy §5-11) or a foreign trip (see Policy §5-12).

(continued)

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§8-26 In-School Disciplinary Measures (continued)

School personnel shall maintain order and discipline while on a field trip, foreign trip or other activity away from the school the student regularly attends. Once the field trip, foreign trip or other activity has ended and the students return to school, school personnel may additionally consider the discipline measures under Policy §8-27 and Policy §8-28, and exclusion from extracurricular activities, as provided in Policy §8-29.

I. Appeal Rights and Procedures

1. Disciplinary actions taken in accordance with paragraphs A-F of this policy are not appealable. Parents are encouraged, however, to discuss disciplinary actions with the principal of the school.
2. Disciplinary actions taken in accordance with paragraph G may be appealed as follows:
  - a. If the initial action was taken by a designee of a principal, it may be appealed to the principal.
  - b. If the initial action was taken by a principal, it may be appealed to the Superintendent or his/her designee.
  - c. If the initial action was taken by the Director of Transportation, it may be appealed to the Division Superintendent or his/her designee.
  - d. Parents or guardians may appeal a disciplinary action by notifying the office of the appropriate person to whom the appeal is made. Appeals shall be reviewed forthwith and the parents or guardians shall be notified of the decision on the appeal.
  - e. A student shall remain suspended from transportation services until a decision is reversed on appeal, or until the suspension expires.
3. There is no right of appeal of disciplinary actions under this policy beyond those listed above.

Adopted: 8/12/75

Revised: 5/10/83, 9/13/88, 6/22/93, 10/14/97, 9/22/09

Current Revision: 2/22/11

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#### **REGULATION**

§8-26      Teacher Removal of Students from Class - the following regulation references School Board Policy §8-26 E In-School Disciplinary Measures

Teachers shall have the initial authority to remove students from class for disruptive behavior. Disruptive behavior is defined as student conduct that interrupts or obstructs the learning environment. This regulation does not preclude school personnel from removing disruptive students from school, class or activities under existing policies and regulations. This regulation is enacted pursuant to state statute §22.1-276.2 of the Code of Virginia.

#### A.            Criteria for Removal

Prior to the removal of a student from class, **under this regulation**, the following criteria must be met:

1.      the student's behavior is disruptive as defined above.
2.      removal of the student from the class is necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior.
3.      teacher and/or administrative interventions have been attempted and failed to end the student's disruptive behavior.
4.      notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators have been provided to the student's parents as described below.

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

#### B.            Requirements for Incident Reports

No removal under this regulation shall occur unless two prior written incident reports have been filed with school administrators. Upon removal, the teacher shall file a "Student Removal Form" with school administrators and any other documentation to support the removal including, but not limited to the previous two incident reports.

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#### **REGULATION**

§8-26      Teacher Removal of Students from Class (continued)

C.            Procedures for Notification of Student and Parents

The teacher shall provide copies of any incident report and Student Removal Form to the student and his/her parents and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and the possible consequences if the behavior continues. Notice to meet with the teacher and/or school administrators shall occur in a timely fashion. The teacher shall document, in writing, his/her attempts to request and encourage the parents to meet with school administrators and/or the teacher. Notice and documentation shall be required for each incident report and student removal under this policy.

D.            Guidelines for Alternative Assignment and Instruction of Removed Students

The principal shall determine the appropriate placement of the student. The principal has several options regarding the placement of a removed student including, but not limited to:

1.      assigning the student to an alternative program within the school.
2.      assigning the student to another class within the school.
3.      sending the student to the principal's office or study hall. If the principal chooses this option, the teacher shall provide and evaluate appropriate make-up work for the student.
4.      suspending or expelling the student. If the principal chooses this option, alternative instruction and assignment, if any, shall be provided according to School Board policy and in the case of students with disabilities, in accordance with federal law.
5.      returning the student to class (see procedures).

(continued)



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#### REGULATION

#### §8-26 Teacher Removal of Students from Class (continued)

##### E. Procedure for the Student's Return to Class

The principal shall determine, after consultation with the teacher, the duration of the student's removal from class. The principal shall notify the teacher of the decision to return the student to class. The following procedure shall apply if the teacher disagrees with the principal's decision to return a student to the class:

1. the teacher and principal shall discuss the teacher's objection to returning the student to class and the principal's reason for returning the student.
2. the teacher, after meeting with the principal, may request, in writing, within one school day, that the Division Superintendent or designee resolve the disagreement concerning returning the student to class. The incident reports and removal form must accompany the request. After discussion with the principal and teacher or receiving their written comments, the decision of the Division Superintendent or designee shall be final. The decision shall be made within two (2) working days of the teacher's request. While the request is in process the student shall not be returned to class and the principal will determine an appropriate placement for the student.
3. once the decision has been made to return the student to class, the teacher and principal shall develop a plan to address future disruptive behavior.

##### F. Other Provisions

The principal shall ensure that students removed from class under this policy continue to receive an education in accordance with School Board policies.

Application of this regulation to students with disabilities shall be consistent with federal and state law and regulations as well as School Board policy regarding students with disabilities.

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**REGULATION**

§8-26      Teacher Removal of Students from Class (continued)

Teacher deficiencies in classroom management shall be addressed in teacher evaluations pursuant to Policy §7-21.

This regulation does not limit or restrict the ability of School Division employees to apply other policies, regulations or laws for maintaining order in the classroom.

Legal Reference: Code of Virginia §22.1-276.2

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§8-27      Short Term Suspension from School

The principal, assistant principal, or, in their absence, any teacher of a school is authorized by Virginia Law and this School Board Policy to suspend a student from school for a period of up to ten (10) school days.

A.      Short-term Suspension

1.      Initial Decision to Suspend. A student may be suspended for a period of not more than ten (10) school days by the principal, any assistant principal, or, in their absence, any teacher following an informal hearing. In the informal hearing the student shall be given oral or written notice of the charges against him or her and, if he or she denies them, he/she shall be given an explanation of the facts as known to school personnel and an opportunity to present his or her version of what occurred. When any student is suspended without prior hearing, the hearing shall be held as soon as practicable thereafter.

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/her version shall be given as soon as practicable thereafter.

If the suspension is imposed by a teacher or assistant principal, upon request by a parent or guardian, the principal may assess such action; this assessment may include a meeting with the student and parent or guardian. Such request shall not interrupt, delay, or stop the imposition of the suspension or review, if requested.

2.      Notification. Upon suspension of any pupil, the principal, assistant principal or teacher responsible for such suspension shall provide written notice to the parents or the student, if age 18 or older, which notice shall include the length of the suspension and the student's right to return to regular school upon the expiration of the suspension, the reasons therefore and the facts of the case. The notice also shall include information regarding the availability of community based educational programs, alternative educational programs or other educational options. A copy of such written notice shall be provided to the Director of Elementary School Education, Director of Middle School Education or Director of High School Education as the case may be, who are authorized to receive such reports on behalf of the Superintendent.

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§8-27      Short Term Suspension from School (continued)

3.      Petition for Review by Division Superintendent or Designee. Petitions for review of short-term suspension shall be made to the Division Superintendent, or designee.

Parent(s) or guardian(s) may petition for review of a short-term suspension by providing a written request for review within two (2) school days of the decision to be reviewed to the Division Superintendent or designee. Such written request for review may, at the option of the parents, include reasons the decision should be reversed. The Superintendent or designee shall review forthwith the action taken by the principal, assistant principal or teacher and either confirm, modify or disapprove such action. The parent(s) or guardian(s) shall be notified promptly in writing of the decision on any petition for review. The suspension imposed shall remain in effect and the student must serve such suspension notwithstanding that a review has been requested.

4.      No Appeal to School Board. The decision of the Division Superintendent or designee shall be final.
5.      Scholastic Records. If the decision on any petition for review is to modify or reverse the suspension, all scholastic records maintained by the school shall be modified to reflect the decision.

B.      Grounds for Removal from School

Conduct which may constitute cause for removal from school under this or any other policy shall include, but shall not be limited to:

1.      willful or continued disobedience of school rules and regulations or school personnel;
2.      defiance of the authority of any teacher, principal, or other person having authority in the school;
3.      conduct that endangers or threatens the physical well-being of themselves, other students, or school personnel;
4.      physical assault upon another person, including fighting and nonconsensual touching;

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## STUDENT CONDUCT

§8-27      Short Term Suspension from School (continued)

5.      damaging in any way property of the school or any person;
6.      theft or attempted theft of school property or the personal property of another person;
7.      participation in unauthorized occupancy of any part of a school building or grounds or presence on any school property in violation of a directive, or failure to leave promptly any school property after having been directed to do so by the principal or other person in charge;
8.      use or possession of any weapon or explosives, including fireworks, on school property;
9.      violation of attendance regulations, including leaving school without permission;
10.     cursing, verbal abuse, written abuse, bullying, intimidation, or harassment of another person by electronic means or otherwise as an individual event or a pattern;
11.     willful interruption or disruption of any school or part thereof;
12.     any threat to bomb, burn or damage in any manner a school building or other school property or the property of another person;
13.     violation of the alcohol policy;
14.     violation of the drug policy;
15.     violation of the policy on use of tobacco;
16.     violation of the policy on beepers or portable communication devices;
17.     lying or giving false information, verbally or in writing, to a school employee, including forgery or the knowing use of forged writing;
18.     failure to abide by restrictions or punishments of a lesser nature;
19.     violation of any law of the United States or the Commonwealth while on school property or of any policy for which the prescribed punishment is suspension;

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§8-27      Short Term Suspension from School (continued)

20. unauthorized or illegal use of, or access to, computers, software, telecommunications, and related technologies; any willful act that causes physical, financial, or other harm or otherwise disrupts information technology;
21. participation in a group, mob, or gang activity that involves inciting, intimidating, harassing, threatening, or committing an assault or other act of violence;
22. disruptive behavior;
23. other good and just cause; or
24. other sufficient cause.

Legal Reference:    Code of Virginia §22.1-277.04

Adopted: 8/12/75

Revised: 5/10/83, 9/13/88, 6/22/93, 10/25/94, 3/14/95, 10/14/97, 1/27/98, 10/9/2001, 9/22/09

Current Revision: 2/22/11

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STUDENT CONDUCT

§8-28 Disciplinary Action by the Division Superintendent

When, in the judgment of the school principal, the behavior of a student warrants (1) long-term suspension from school, (2) involuntary transfer to another school, or (3) expulsion from school, the principal will notify the Division Superintendent of that recommendation in writing with a copy to the parent(s) or guardian(s). The Division Superintendent will review such recommendation with the principal and such action as he/she deems appropriate to support the school's efforts to secure appropriate behavior and protect the physical safety and welfare of students and others and to prevent additional disruption of an orderly school environment conducive to the education of other students. In any case where the student behavior at issue involved an assault on a teacher or other school system employee that teacher or other employee will be permitted to attend any hearing held in accordance with the provisions of this Policy §8-28.

When a student has demonstrated by continued acts of misbehavior that he or she may become a chronic disciplinary problem, the student may be considered for referral for counseling services.

When, in the judgment of the Division Superintendent, disciplinary action beyond the authority of the school principal is required, the Division Superintendent shall implement one of three disciplinary measures:

A. Involuntary Transfer

1. Definition

The term "involuntary transfer" as used herein shall mean the assignment by the Division Superintendent of a student during the school year for adjustment or disciplinary purposes to a school in the district other than the school in which the student was originally enrolled.

2. Grounds for Involuntary Transfer

Students shall be involuntarily transferred by the Division Superintendent or designee from one school to another when they have committed acts specified in Policy §8-27, Subsection B and normal disciplinary measures, including suspension from school, have failed to correct such behavior or a single act of such behavior is deemed by the Division Superintendent or designee to warrant a transfer.

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(b)

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§8-28 Disciplinary Action by the Division Superintendent (continued)

3. Actions Prior to Involuntary Transfer

Prior to recommending to the Division Superintendent or designee that a student be involuntarily transferred, the principal should take care that the following actions occurred at the school level:

- a. Where appropriate, the parent(s) or guardian(s) has been advised in writing that such disciplinary action will or may be recommended.
- b. The principal and other school staff have advised the parent that the following conditions may prevail should such involuntary transfer be ordered by the Division Superintendent or designee. The Division Superintendent or designee shall have the authority to modify or alter any of the following.
  - (1) The parent will be given the opportunity to select any other school of the same educational level, but home to school transportation will only be provided to the school identified by staff of Loudoun County Public Schools. If the parent does not select a school, the Division Superintendent or designee will order attendance at another school.
  - (2) Transportation provided to a student involuntarily transferred will be revoked if misconduct occurs on the bus provided. Once revoked, such transportation shall be the responsibility of the student's parent or guardian.
  - (3) The student will not be allowed readmission to the school from which the student was involuntarily transferred and all school records will be transferred to the new school as if the student had moved into the attendance area of the new school.
  - (4) A student who is involuntarily transferred as a middle school or intermediate school student, may, upon promotion to high school, attend the high school served by the current or the former middle school.

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## STUDENT CONDUCT

§8-28 Disciplinary Action by the Division Superintendent (continued)

- (5) The student's full disciplinary record will be transferred to the new school and if the student receives any additional discipline including suspension by the principal of the new school, the student will be recommended to the Division Superintendent or designee for further disciplinary action of long-term suspension or expulsion.

4. Involuntary Transfer Procedure

Involuntary transfers shall take place in accordance with the following procedures:

- a. The student's parent(s) or guardian(s) shall be notified in writing of the principal's recommendation to the Division Superintendent or designee that the student be involuntarily transferred and the grounds for such involuntary transfer.
- b. The parent will be asked to indicate to the principal a new school of choice or the intention to request a review by the Division Superintendent or designee of the involuntary transfer recommendation made by the principal.
- c. If the parent(s) or guardian(s) selects a new school and decides to forego a review of the principal's recommendation, the principal will immediately make arrangements to transfer the student to the new school of attendance at the conclusion of the assigned suspension and to advise the receiving principal of his or her responsibility to admit the student and to conduct an initial intake conference with the student and the parent(s) or guardian(s).
- d. The receiving principal will review the student's academic record, attendance record, and disciplinary record and immediately assign the student to an appropriate school schedule. The principal will advise the parents in writing that in the event of an additional ten (10) school days of out of school suspension at the receiving school, it will be assumed that the pattern of chronic disruptive behavior has not changed and a recommendation will be made to the Division Superintendent or designee for a long-term suspension from school or an expulsion from the school district.

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§8-28 Disciplinary Action by the Division Superintendent (continued)

- e. If the parent(s) or guardian(s) wishes to contest the involuntary transfer, they shall give written notice thereof to the Division Superintendent or designee within ten (10) calendar days of the transfer. If a review is requested, the review will be conducted by the Division Superintendent or designee as expeditiously as possible. The full record of the student will be reviewed. The Division Superintendent or designee will promptly advise the parents of the decision. If the Division Superintendent acts to order an involuntary transfer, the student shall be enrolled in the new school at the conclusion of the assigned short-term suspension.
  - f. Any appeals of involuntary transfers shall be in accordance with the procedures set forth in LCPS Policy §2-20. The parent(s) or guardian(s) of the student shall have the right to request a review by a committee of the School Board by filing a written request within ten (10) calendar days of the decision of the Superintendent. The Committee shall review the action of the Superintendent, consider any written materials submitted by the Superintendent or parent(s) or guardian(s) and either affirm or reverse the decision.
5. When a student is subject to involuntary transfer, such involuntary transfer will be for the duration of the student's education, except as otherwise provided in this Policy §8-28(A)(3)(b)(4).

B. Long-Term Suspension

1. Definition of Long-Term Suspension

The term "long-term suspension" shall mean an action by the Division Superintendent to remove a student from attendance at school for a period of time longer than ten (10) school days, but less than three hundred sixty-five (365) calendar days.

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§8-28 Disciplinary Action by the Division Superintendent (continued)

2. Grounds for Long-Term Suspension

Students may be removed from school for a long-term suspension when the student has committed any of the acts specified in Policy §8-27, Section B. A student also may be assigned a long-term suspension in lieu of expulsion when in the judgment of the Division Superintendent a single act, or set of acts, warrants such a disciplinary action.

3. Procedure for Long-Term Suspension

- a. When in the judgment of the school principal a student's continued pattern of behavior or any single act, or set of acts, warrants such a recommendation, the principal shall provide written notice to the parent(s) or guardian(s) and the Division Superintendent of the recommended action and the reasons therefore.
- b. Upon receiving such recommendation, the Division Superintendent will review the recommendation of the principal and notify the parent(s) or guardian(s) in writing of his/ decision to recommend a long-term suspension which shall include a proposed period of time for the suspension if such is the decision, the reasons therefore and advise the parent(s) or guardian(s) of their right to appeal such recommendation decision to a committee of the School.
- c. Such notice above shall include a notification of the length of suspension; it shall provide information concerning the availability of community based educational, alternative education or intervention programs and 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.

If the parent does not desire to appeal the recommendation, the Division Superintendent will issue the final decision which may include such long-term suspension. The decision of the Division Superintendent shall be final unless reversed by order of the School Board or a committee thereof upon appeal.

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## STUDENT CONDUCT

§8-28 Disciplinary Action by the Division Superintendent (continued)4. Appeal to a Committee of the School Board

- a. The student and parent(s) or guardian(s) may appeal the decision of the Division Superintendent, or designee, to a committee of the School Board as provided in Policy §2-27. If the parent requests an appeal to a committee of the School Board, such request shall be in writing to the Division Superintendent within five (5) calendar days of receipt of the notice provided above.
- b. If, upon completion of the hearing before the committee of the School Board of at least three (3) School Board members, such committee reaches a unanimous decision, such decision shall be final. If the decision of the committee is not unanimous the student or parent(s) or guardian(s) may appeal the committee's decision to a quorum of the full School Board in accordance with Policy §2-27 in which event such appeal shall be decided by the School within thirty (30) calendar days after the appeal has been initiated by the parent(s) or guardian(s).

C. Expulsion by the School Board1. Definition of Expulsion

Expulsion means any disciplinary action imposed by the School Board or a committee thereof, whereby a student is not permitted to attend school and is ineligible for readmission for three hundred sixty-five (365) calendar days after the date of such expulsion. Students may be expelled by a committee of the School Board or the School Board and only in accordance with the procedures set forth in the following subsections of this policy and School Board hearing procedure set forth in Policy §2-27. Cause for expulsion may be any serious or repeated acts of misconduct listed in Policy §8-27, Section B, Grounds for Removal from School.

2. Referral by Principal

Principals may refer a student to the Division Superintendent when they believe that consideration of expulsion of a student to be in the best interest of the school and/or the student. A written report of the facts warranting the referral shall accompany the same to the Division

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§8-28      Disciplinary Action by the Division Superintendent (continued)

Superintendent. A copy of this referral shall be provided to the student and the parent(s) or guardian(s).

3.      Action by Division Superintendent

When the Division Superintendent receives a referral for consideration of expulsion, the Division Superintendent will consult with the principal and determine whether to process the referral as a possible recommendation for expulsion or whether to order a long-term suspension of the student, in lieu of expulsion. The Division Superintendent shall provide written notice to the student and parent(s) or guardian(s) of his/her decision to recommend expulsion, the reasons therefore and of the right to an appeal to a committee of the School Board of at least three (3) School Board members. The Superintendent shall order an indefinite long-term suspension pending the outcome of the expulsion proceedings.

The Division Superintendent shall make a recommendation for expulsion (for actions other than those specified in §§22.1-277.07 and 22.1-277.08) based upon consideration of the following factors:

- a.      the nature and seriousness of the violation;
- b.      the degree of danger to the school community;
- c.      the student's disciplinary history, including the seriousness and number of previous infractions;
- d.      the appropriateness and availability of an alternative education placement of programs;
- e.      the student's age and grade level;
- f.      the results of any mental health, substance abuse, or special education assessment;
- g.      the student's attendance and academic records; and
- h.      such other matters as the Division Superintendent deems appropriate.

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§8-28      Disciplinary Action by the Division Superintendent (continued)

No decision to expel a student shall be reversed on the grounds that such factors were not considered.

In the event the Division Superintendent determines to recommend expulsion, he/she shall provide written notice thereof to the pupil and parent(s) or guardian(s), the reasons therefore and of the right to a hearing before a committee of the School Board which committee shall be composed of at least three (3) members.

Such written notice shall include notification of the length of the expulsion and shall provide information to the parent(s) or guardian(s) of the student concerning availability of community-based educational, training and intervention programs.

Such notice shall state further 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.

4.      Action by a Committee of the School Board

If the parent(s) or guardian(s) or a student requests a hearing before a committee of the School Board within five (5) calendar days from the Superintendent's decision to recommend expulsion, such hearing shall be in accordance with the provisions of Policy §2-27.

If upon completion of the hearing before the committee of the School Board, such committee unanimously votes to expel the student, such decision shall be final.

If the decision of the committee is not unanimous, the student or parent(s) or guardian(s) may appeal the committee's decision to the School Board with Policy §2-27.

5.      In the event the parent(s) or guardian(s) or student does not elect to request a hearing, the School Board, or a committee thereof, shall confirm or disapprove the recommendation of the Division Superintendent.

(continued)

POLICY  
STUDENTS

§8-28  
(i)

STUDENT CONDUCT

§8-28      Disciplinary Action by the Division Superintendent (continued)

6.      Decision and Notice

The student and parent(s) or guardian(s) shall be notified in writing of the decision of the School Board, or a committee thereof, to expel a student or to impose a lesser punishment.

This notice shall include the following information:

- the length of expulsion;
- the availability of community-based educational, training, and intervention programs, with all costs borne by the parent(s) or guardian(s);
- whether or not the student is eligible to return to school or an alternative education program during or upon expiration of expulsion; and
- the terms and conditions of readmission to Loudoun County Public Schools upon expiration of expulsion.

Legal Reference: Va. Code §§ 22.1-276.01; 22.1-277; 22.1-277.05; 22.1-277.06

Adopted: 9/13/88

Revised: 8/13/91, 6/22/93, 6/13/95, 1/27/98, 6/23/98, 10/9/2001, 11/11/03, 9/22/09, 5/25/10

Current Revision: 2/22/11

## STUDENTS

## STUDENT CONDUCT

§8-29 Exclusion from Extracurricular Activities

When appropriate to an offense, a student may be excluded from participation in some or all extracurricular activities and/or attendance at school-sponsored events. Such exclusion may be for a fixed period of time or until assurances of acceptable behavior have been obtained. The parent(s) or guardian(s) of any student excluded from participation in extracurricular activities and/or attendance at school sponsored events shall be notified.

School principals or their designees, and the Division Superintendent or designee are empowered to exclude participation and/or attendance under this policy.

Decisions of principals or their designees may be appealed to the Deputy Superintendent. Decisions of the Deputy Superintendent, whether original or an appeal, or of the designee of the Division Superintendent may be appealed to the Division Superintendent. Parent(s) or guardian(s) may initiate an appeal by notifying the office of the person to whom the appeal is directed of their desire to appeal. Upon receiving notice of appeal, the person to whom the appeal is directed shall review forthwith the previous decision(s) and shall either affirm or reverse the decision within five days. The parent(s) or guardian(s) shall be informed promptly and in writing of the decision on the appeal.

The decision of the Division Superintendent may be appealed to the School Board by the parent(s) or guardian(s) in accordance with the procedures of Policy §2-20.



## STUDENT

## STUDENT CONDUCT

§8-30      Corporal Punishment Prohibited

No employee of Loudoun County Public Schools shall subject a student to corporal punishment.

This prohibition shall not be deemed to prevent:

1. The use of incidental, minor, or reasonable physical contact or other actions designed to maintain order and control.
2. The use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property.
3. The use of reasonable and necessary force to prevent a student from inflicting physical harm on himself/herself.
4. The use of reasonable and necessary force for self-defense or the defense of others.
5. The use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his/her control.

In determining whether a person was acting within the exceptions above, due deference shall be given to reasonable judgments at the time of the event which were made by a teacher, principal, or other employee of the School Board.

For the purposes of this policy "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

Legal Reference: Code of Virginia §22.1-279.1

## STUDENTS

## STUDENT CONDUCT

§8-31      Acts to be Reported

Each school principal or designee is responsible to see that certain acts of students against school employees or other persons are gathered and reported to the Division Superintendent semiannually. These acts shall include:

1.      Attempted or actual physical injury, including "unlawful woundings", maimings, and homicides, other than involuntary manslaughter, committed by a student on school personnel
2.      All incidents involving the death, shooting, stabbing, cutting, or wounding of any person or any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on school property, a school bus, or at a school-sponsored activity.

The Division Superintendent must report all such incidents to the State Department of Education for the purpose of recording the frequency of such incidents.

Legal Reference: Code of Virginia §22.1-280.1

Adopted: 8/10/82

Current Revision: 6/22/93

POLICY  
STUDENTS

§8-32  
(a)

STUDENT CONDUCT

§8-32      Weapons

Possession or use of a weapon by a student while under the control or supervision of school system personnel, at a school-sponsored activity, or on school property is prohibited. The term "weapon" is intended to be construed broadly and includes any instrument or device which, by its design or use, is capable of causing injury, harm, or threat of injury or harm to the physical well-being of another person. A "weapon" as used in this policy includes, but is not limited to, the following:

Category A:

1. Any stun weapon;
2. Any pistol, shotgun, rifle, revolver, or other weapon designed or intended to propel a missile of any kind whether loaded or unloaded, whether operable or inoperable;
3. Any dirk, Bowie knife, switchblade, ballistic knife, any knife, except a pocket knife having a folding blade of less than 3 inches, or razor, slingshot, spring stick, brass or metal knuckles, or blackjack;
4. 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 nunchahka, nun chuck, nunchaku, shuriken, or fighting chain;
5. Any disc of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown as a throwing star or oriental dart;
6. Any weapons of like kind as those enumerated in items 1 through 5 hereof;
7. Any weapon, including a starter gun, which will, or is designed or may readily be converted to, expel a projectile by the action of an explosive or the frame or receiver of any such weapon;
8. Any firearm muffler or firearm silencer;
9. Any "destructive device" defined as (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket; (ii) any weapon, including shotguns; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" shall not include any device which is not designed or redesigned for use as a weapon and which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device;

(continued)

POLICY  
STUDENTS

§8-32  
(b)

STUDENT CONDUCT

§8-32      Weapons (continued)

10. Any air rifle;
11. Any BB gun (including an Airsoft); or
12. Any pneumatic gun, including a paintball gun that uses pneumatic pressure.

Category B:

1. Any knife or other instrument or device, not included in Category A, having as a part thereof a blade designed to cut or a point designed to penetrate.
2. Any instrument or device, not included in Category A, which has as one of its designed purposes use thereof as a weapon.
3. Any chemical or chemical compound that produces an adverse effect on the normal functions of the human body.
4. Any instrument, device, or substance, not included in Category A, which could injure, harm, endanger, or induce fear in another person, including “toy” or “look-alike” weapons.

The prohibitions set forth above shall not apply to any student who possesses:

1. such weapon or weapons as a part of the school’s curriculum or activities; or
2. a knife customarily used for food preparation or service and is being used for such purpose; or
3. such weapon or weapons as part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs; and

provided that such weapons or knives are furnished by a school official to such student immediately prior to the use thereof and collected by or returned to the school official immediately upon conclusion of the use.

Nothing contained herein shall prohibit a Junior Reserve Officers Training Corps (JROTC) program from conducting marksmanship training when such training is a normal element of such programs; such programs may include training in the use of pneumatic guns. Such marksmanship training shall occur only at a location or locations approved by the Division Superintendent.

(continued)

## STUDENTS

## STUDENT CONDUCT

§8-32 Weapons (continued)

Penalties for Violation. Any student who violates this policy with respect to a Category A weapon shall be expelled from Loudoun County Public Schools. Notwithstanding the foregoing, given the facts of a particular case, special circumstances may exist indicating that other disciplinary action may be appropriate, and may be recommended by the Principal. The Superintendent, or the Superintendent's designee, shall conduct a preliminary review of all cases under this policy to determine if disciplinary action other than expulsion is appropriate. If the Superintendent or the Superintendent's designee determines that disciplinary action other than expulsion is appropriate, disciplinary action shall be taken in accordance with Policy §8-28. If the Superintendent or the Superintendent's designee determines that expulsion is appropriate, the School Board or a committee thereof shall review this determination and nonetheless may determine that based upon the facts of a particular case, special circumstances exist indicating that other disciplinary action is appropriate and may reverse or modify the determination of the Superintendent or the Superintendent's designee. This policy is applicable to students at all grade levels.

Any student who violates this policy with respect to a Category B Weapon or any other terms of this policy shall be subject to expulsion from Loudoun County Public Schools, or to such lesser disciplinary action, including long-term suspension, as may be deemed appropriate.

**SAFE HARBOR**

The following shall not constitute a violation of this policy:

- (a) The accidental or inadvertent possession of a weapon by such student if the student accidentally or inadvertently brought the weapon onto school property or to a school-sponsored activity, provided the student immediately reports the same to a teacher or administrator upon discovery thereof by such student and before it is discovered or seen by a teacher, administrator or other school employee or by another student; or
- (b) The possession of a weapon by a student if such weapon was found on school property or at a school-sponsored activity by such student, provided the student immediately reports the same to a teacher or administrator and before such weapon is discovered or seen by a teacher, administrator or other school employee or by another student.

Notwithstanding the foregoing, there may be a requirement to report such possession to law enforcement officials as provided in state law.

Legal Reference: Va. Code §§22.1-277.07, §18.2-308.1

Adopted: 5/10/83

Revised: 9/8/92, 10/12/93, 6/23/98, 9/14/99, 2/8/00, 10/14/03, 2/26/08

Current Revision: 5/25/10

## STUDENTS

## STUDENT CONDUCT

§8-33      Dress Code

The primary responsibility for the proper dress and grooming of students rests with the parent or guardian of each student.

The school has the responsibility, however, to see that the cleanliness, dress, and grooming of students do not present a danger to the health or safety of themselves or their fellow students, do not prevent them from performing regular required school activities, do not cause a disruption of the orderly functioning of the school, or do not cause excessive wear or damage to school property.

In addition, the wearing of any article of clothing that has a picture of or printed matter that advertises marijuana or other drugs, or any alcohol product is prohibited.

The principal of each school is authorized to develop and implement such regulations as are necessary to meet the responsibilities of the school as stated herein.

## STUDENTS

## STUDENT CONDUCT

§8-34 Personal Electronic Devices and Laser Pointers

Students may operate cell phones and other personal communication or electronic devices when authorized to do so by the principal or designee.

1. Authorization is required whether on school property, under school control or attending any school function or activity of any elementary, middle, high, academy, alternative or technical center school.

2. School officials may confiscate such devices in any instance where a student violates the provisions of this policy. Any violation of this policy by a student may result in the student's loss of privileges of possessing such devices while on school property, under school control or attending any school function or activity and may result in further disciplinary action.

3. Student use of such devices for unlawful or other prohibited purposes while on school property, under school control or attending any school function or activity may result in seizure of the device by school officials and disciplinary action, including expulsion.

4. Students are prohibited from possessing laser pointers while on school property, under school control or attending any school function or activity. Any student found to possess a laser pointer in violation of this policy may be subject to disciplinary action and the seizure of the device by school officials.

Legal Reference: Code of Virginia § 22.1- 279.6

Adopted: 6/22/93

Revised: 3/13/2001, 11/29/05

Current Revision: 10/26/10

## STUDENTS

### STUDENT CONDUCT

§8-35      Alcohol

A.            Students shall not possess, distribute, use or be under the influence of alcohol, alcoholic beverages, or any liquid or solid containing alcohol or alcoholic beverage capable of being consumed, on school property, including school buses, or during any school-sponsored activity at any time. For the purpose of this subsection the following definitions shall apply.

1.            "Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the United States Government.
2.            "Alcoholic beverages" shall mean alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol spirits, wine, or beer and capable of being consumed by a human being.
3.            "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and/or other substances, in solution, and includes, among other things, brandy, rum, whiskey, vodka, scotch, gin, or any one or more.

B.            Students shall not possess, use or consume any other product or liquid containing alcohol in any manner other than in strict accordance with the manufacturer's recommended use, or the customary usage of such product or liquid.

For the purposes of this subparagraph B, the term "alcohol" shall mean the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, synthetic ethyl alcohol, methyl alcohol and denatured alcohol or any other form of alcohol.

The terms "product or liquid" are intended to mean those terms in the broadest sense and shall include such products as cough syrup (whether prescription or otherwise), mouthwash, extracts, and any other such products or material, whether solid or liquid, which contain alcohol.

(continued)



## STUDENTS

### STUDENT CONDUCT

§8-35      Alcohol (continued)

C.                Violations of this policy shall result in the discipline outlined in the administrative regulation accompanying this policy.

D.                The provisions of this policy are intended to be and are hereby declared severable; in the event one or more portions are declared unenforceable by a Court of competent jurisdiction, such declaration shall not impair the enforceability of the remaining portions hereof.

## STUDENTS

## STUDENT CONDUCT

**REGULATION**§8-35      Alcohol

The first violation of Policy §8-35 by students in grades 6-12 or categorized as "ungraded" in middle or high school shall result in a ten day out-of-school suspension, three days of which must be fulfilled by attending a three day Substance Abuse Education class sponsored by Loudoun County Public Schools. Other students committing the first violation of this policy shall be subject to disciplinary action as may be deemed appropriate.

A second violation of this policy by students in grades 6-12 or categorized as "ungraded" in middle or high school shall result in a ten day out-of-school suspension and assignment to the Substance Abuse Education Program at Douglass Alternative School in accordance with the rules governing that program as outlined in the administrative regulations for Policy §8-36. Other students committing the second violation of this policy shall be subject to disciplinary action as may be deemed appropriate.

Any further violation of this policy may result in a recommendation by the Principal for long-term suspension from school by the Division Superintendent or expulsion from school by the School Board in accordance with Policy §8-28.

Issued: 8/13/91

Revised: 6/22/93, 9/9/94

Current Revision: 4/6/95

## STUDENTS

## STUDENT CONDUCT

§8-36        DrugsA.            School Responsibilities

Schools are responsible for maintaining an atmosphere conducive to learning and for protecting students from illegal and harmful influences. Students have a responsibility to obey the laws and school rules and to be free from the influence of drugs while in school. All members of the school community are subject to the laws, and school personnel have the obligation to report suspected violations of laws to proper authorities.

B.            Student Responsibilities

Students are strictly prohibited from possessing, distributing, selling, using, or being under the influence of any drug (including anabolic steroids), any chemical substance that affects the brain or nervous system, or any substance represented to be or believed to be a drug or chemical substance that affects the brain or nervous system or from possession of any drug-related paraphernalia while on school property, under school authority, or at a school sponsored activity.

Any student who brings, possesses, distributes, sells or uses:

- a) any drug (including anabolic steroid);
- b) a controlled substance or any imitation or look-alike drug or controlled substance;
- c) marijuana or imitation or look-alike marijuana;
- d) any chemical or other substance that affects the brain or nervous system;
- or
- e) any chemical or other substance represented to be or believed to be capable of affecting the brain or nervous system.

shall be expelled from school in accordance with Policy §8-28.

Notwithstanding the foregoing, given the facts of a particular case, special circumstances may exist indicating that other disciplinary action may be appropriate and may be recommended by the principal. The Superintendent or the Superintendent's designee shall conduct a preliminary review of all cases under this policy to determine if disciplinary action other than expulsion is appropriate. If the Superintendent or the Superintendent's designee determines that disciplinary action other than expulsion is appropriate, disciplinary action shall be taken in accordance with Policy §8-28 and the Administrative Regulations of this policy. If the Superintendent or the Superintendent's designee determines that expulsion is appropriate, the School Board or a committee thereof shall review this determination and nonetheless may determine that based upon the facts of a particular case, special circumstances exist indicating that other disciplinary action is appropriate and may reverse or modify the determination of the Superintendent or the Superintendent's designee. If the Superintendent or the Superintendent's designee, or the School Board finds that special circumstances exist, recommended action shall include (1) a disciplinary assignment to the Substance Abuse Education Program as specified in the Administrative Regulations to this policy, and may also include (2) long-term suspension from school. This policy is applicable to students at all grade levels. Any suspension together with an assignment to the Substance Abuse Education Program under this

(continued)

## STUDENTS

## STUDENT CONDUCT

§8-36        Drugs (continued)

policy may be appealed under Policy §2-27. A disciplinary assignment to the Substance Abuse Education Program under this policy is not a placement in an Alternative Education Program under Policy 8-40.

Students who are under the influence of drugs while under school authority, on a school bus, on school property, or at a school sponsored activity, and students who possess drug paraphernalia while under school authority, on a school bus, on school property, or at a school sponsored activity shall be subject to disciplinary action, which shall include (1) assignment to the Substance Abuse Education Program as specified in the Administrative Regulations to this policy, and may include (2) long-term suspension from school, or (3) referral to the School Board for expulsion in accordance with Policy §8-28.

All students who are required to attend the substance abuse education program as a result of a violation of this policy shall be required to undergo evaluation for drug or alcohol abuse by an appropriately licensed professional with expertise in substance abuse treatment. If recommended by the evaluator and with the consent of the student's parent, the student may be required to participate in a treatment program.

Students shall cooperate with school personnel who are investigating violations of the drug policy, including acceptance of school personnel's right to conduct reasonable searches of students' personal belongings in accordance with Policy §8-2 of the policies. Failure of any student to permit such reasonable search will be considered in defiance of school authority and may result in involuntary transfer, long-term suspension, or expulsion from school.

Publications or other printed matter which advocate the use of illegal drugs or the abuse of legal drugs, or which portray such use or abuse as socially acceptable behavior, or which advertise the sale of counterfeit or "look-alike" or "act-alike" drugs or drug-related paraphernalia are prohibited from sale or distribution on school property. Any student selling or distributing such matter on school property shall be subject to school discipline.

The provisions hereof which prohibit students from being under the influence of drugs shall not apply to any student who has taken medication (either prescription or non-prescription) in strict compliance with Doctor's orders or manufacturer's recommended dosage and in accordance with Policy §8-53, where applicable.

Adopted: 3/9/71

Revised: 8/12/75, 6/10/80, 11/16/90, 6/22/93, 4/6/95, 6/10/97, 6/23/98, 9/14/99, 1/8/2002, 12/9/03, 9/26/06, 12/8/09

Current Revision: 3/22/11

## STUDENTS

### STUDENT CONDUCT

#### **REGULATION**

##### §8-36      Drugs

A.            The first violation of Policy §8-36 involving paraphernalia or being under the influence shall result in a ten-day out-of-school suspension and a referral to the Division Superintendent for other action which may include the following:

Assignment to the self-contained Substance Abuse Education Program at Douglass School. The self-contained program will be comprised of:

1.      Class instruction equivalent to homebound instruction in a self-contained setting separate from the Alternative Education Program.
2.      Education about drug abuse, civil laws, and school consequences, including expulsion from school for a second violation of the policy.
3.      Assistance in drug abuse prevention. This assistance will include counseling from a school counselor and intervention by one of the drug abuse prevention specialists.

Students shall be assigned to the Substance Abuse Education Program for a minimum of thirty (30) school days following the ten-day out-of-school suspension. At the end of that time, the student's case will be evaluated to determine whether the student should:

1.      Return to the home school at that time.
2.      Return to the home school at the end of the current marking period.
3.      Continue in the self-contained Substance Abuse Education Program.
4.      Be considered for enrollment in the Alternative Education Program at Douglass School.

(continued)

STUDENTS

STUDENT CONDUCT

**REGULATION**

§8-36      Drugs (continued)

B.            Students who otherwise violate the provisions of Policy §8-36 may be subject to other disciplinary measures, including long-term suspension or expulsion, and a referral to the Division Superintendent for other action, which shall include attendance at the Substance Abuse Education Program.

C.            All students who are required to attend the Substance Abuse Education Program shall be required to undergo evaluation for drug or alcohol abuse by an appropriately licensed professional with expertise in substance abuse treatment. If recommended by the evaluator and with the consent of the student's parent, the student may be required to participate in a treatment program.

D.            The appeals procedures set forth in Policy §2-20 shall apply to assignments to the Substance Abuse Education Program.

E.            A disciplinary action in the form of long term suspension or expulsion taken under this policy is subject to the appeals procedures set forth in Policy §2-27.

Legal Reference: Va. Code §§22.1-277.08; 22.1-277.2:1 (A)

Issued: 8/13/91

Revised: 6/22/93, 4/6/95, 6/10/97, 6/23/98, 1/8/2002

Current Revision: 12/9/03

## STUDENTS

## STUDENT CONDUCT

§8-37      Use of Tobacco

It is generally recognized that smoking presents a health hazard which can have serious consequences for the smoker and the non-smoker. The School Board of Loudoun County believes that it has an obligation to eliminate the use of tobacco in Loudoun County Public Schools. Therefore, student use or possession of tobacco products is prohibited on school property or while under school jurisdiction.

Legal Reference: Code of Virginia §18.2-371.2

Adopted: 1/24/89

Revised: 6/22/93, 9/28/99, 10/10/2000

Current Revision: 9/26/06

Confirmed: 12/8/09

STUDENTS

STUDENT CONDUCT

**REGULATION**

§8-37      Use of Tobacco

Possession of tobacco products

Possession of tobacco products by students in violation of Policy §8-37 shall result in the following actions.

First offense                    -      Confiscation of tobacco product to be returned to the parent on request and student assigned to in-school restriction for three days.

Additional Offenses                    -      Confiscation of tobacco product to be returned to the parent on request and suspension of the student for three days.

Use of tobacco products by students in violation of Policy §8-37 shall result in the following actions.

First offense                    -      Suspension for three days.

Additional Offenses                    -      Suspension for five days.



## STUDENTS

### STUDENT CONDUCT

#### §8-38 Reporting of Offenses

- A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault and battery that results in bodily injury on a school bus, on school property, or at a school-sponsored activity; (ii) sexual assault, death, shooting, stabbing, cutting, or wounding of any person or stalking of any person as described in §18.2-60.3 on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm as defined in §22.1-277.07 onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in §18.2-85, or explosive or incendiary devices, as defined in §18.2-433.1, or chemical bombs, as described in §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; or (vii) any threats or false threats to bomb, as described in §18.2-83, made against school personnel or involving school property or school buses.
- B. Local law-enforcement authorities may report, and the principal or his designee may receive such reports, 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 (§54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (vii) of subsection A.
- C. The principal or his designee shall submit a report of all incidents required or authorized to be reported pursuant to this policy to the superintendent. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on such forms as may be provided by the Department and shall make such information available to the public.

(continued)

## STUDENTS

### STUDENT CONDUCT

#### §8-38 Reporting of Offenses

The principal or his designee shall also notify the parent of any student involved in an incident required by subsection A or authorized by subsection B 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 policy, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee.

- D. The principal shall immediately report to the local law-enforcement agency any act enumerated in subsection A that may constitute a criminal offense; the principal may report to the local law enforcement agency any incident involving the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school sponsored activity.

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in subsection A 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 local law enforcement for further information, if they so desire.

- E. For the purposes of this policy, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

Legal Reference: Va. Code § 22.1-297.3:1

Adopted: 10/22/2002

Revised: 10/14/2003

Current Revision: 4/24/07

## STUDENTS

## STUDENT CONDUCT

§8-39      Acceptable Use of Computer Equipment

Computer equipment and use of the Internet by students are subject to the following:

1. Use of computer equipment for sending, receiving, viewing or downloading illegal material via the Internet is prohibited.
2. Access by students to material deemed harmful to juveniles is prohibited.
3. Appropriate technology shall be selected and installed for the division computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity.
4. Internet safety for students shall be integrated into the division's instructional program.
5. Violations of the provisions hereof, or any regulation concerning the use of computers are grounds for appropriate disciplinary measures.
6. The Superintendent shall establish regulations to implement this policy, including Acceptable Use Agreements for students.

Legal Reference:    22.1-70.2, 18.2-390, 18.2-374.1:1, 18.2-372

Adopted: 4/24/07

## STUDENTS

## STUDENT CONDUCT

§8-40 Alternative Education Program Procedures

“Alternative education program” shall include, but shall not be 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. A disciplinary assignment to the Substance Abuse Education Program or other short-term assignment is not a placement under this policy.

The term “charged” means that a petition or warrant has been filed or is pending against a pupil.

A. The School Board may, in accordance with the procedures set forth in this policy, require any student to attend an alternative education program who has been:

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, or with an offense that is required to be disclosed to the Superintendent pursuant to subsection G of § 16.1-260 (see listing of offenses below); or,

found guilty or not innocent of an offense relating to the Commonwealth'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 subsection G of § 16.1-260; or,

found to have committed a serious offense or repeated offenses in violation of School Board policies; or,

long-term suspended or expelled in accordance with the policies and regulations of the School Board.

B. The School Board may require such student to attend such programs regardless of where the crime occurred.

C. A student who has been found, in accordance with the procedures above, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies may be required 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.

(continued)

## STUDENTS

## STUDENT CONDUCT

§ 8-40      Alternative Education Program Procedures (continued)D.            Definitions

Subsection G of Section 16.1-260 of the Code of Virginia requires the following offenses to be reported to the Superintendent by the Juvenile Court Intake Officer:

1.      A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2;
2.      Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3.      Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4.      Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5.      Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6.      Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7.      Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8.      Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9.      Robbery pursuant to § 18.2-58;
10.     Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11.     Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12.     An act of violence by a mob pursuant to § 18.2-42.1.

(continued)

## STUDENTS

## STUDENT CONDUCT

§ 8-40 Alternative Education Program Procedures (continued)

E. The Superintendent or his designee may require students to attend an alternative education program consistent with the above after:

written notice to the student and his parent that the student will be required to attend an alternative education program, and,

notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the Superintendent or his designee regarding such placement.

The decision of the Superintendent or his designee regarding such alternative education placement shall be final unless altered by the School Board, upon timely written petition by the student or his parent, for a review of the record by the School Board. The petition shall be in writing and submitted to the Superintendent or his designee within five (5) calendar days of the placement decision.

The petition review by the School Board shall be independently processed to the School Board which will conduct a review of the record as presented to the Superintendent or his designee.

F. Suspension Pending Assignment

A building principal or his designee may impose a short-term suspension of not more than ten (10) days upon a student who has been charged with an offense listed involving intentional injury to another student in the same school and which involves one of the offenses listed above under Subsection G of, §16.1-260 pending a decision as to whether to require such student to attend an alternative education program.

Legal References: Code of Virginia §§ 22.1-276.01; 22.1-277.2.1; 16.1-260

Adopted: 3/22/11

## STUDENTS

## ACTIVITIES

§8-42      Theatrical Presentations

All student theatrical presentations are of pedagogical concern to the Loudoun County Public Schools and shall adhere to a basic educational mission of imparting fundamental societal values.

The name and resources of a school are used to disseminate student expression in theatrical presentations, and such expression may be fairly attributable to the school.

The Division Superintendent shall develop and implement guidelines for the presentation of theatrical productions presented as part of the public school curriculum. Those guidelines shall be designed to support drama presentations that challenge, nurture and extend student skills while adhering to the basic educational mission of teaching students boundaries of socially appropriate behavior, the rights and responsibilities of the exercise of free speech, and the importance of taking into consideration the sensibilities of the community. Theatrical productions involving obscenity or advocating the commission of illegal acts or the violation of school rules or policies shall not be permitted. Disclaimers may not be used in place of observing this policy. The drama sponsor has the primary responsibility and the principal has the final authority for ensuring that this policy is followed.

Legal Reference: Code of Virginia §18.2-372

Adopted: 6/15/05

STUDENTS

ACTIVITIES

REGULATION

§8-42      Theatrical Presentations

Loudoun County Public Schools administrative guidelines are designed to support drama presentations that challenge, nurture, and extend students' skills while adhering to the basic educational mission of teaching students boundaries of socially appropriate behavior, the rights and responsibilities of the exercise of free speech, and the importance of taking into consideration the sensibilities of the community. The drama sponsor has the primary responsibility and the principal has the final authority for ensuring that this policy is followed.

To ensure that these criteria are met, drama sponsors should follow this protocol:

1. The drama sponsor will present a proposed play to the principal at least six weeks before any auditions are held or technical crews chosen. The final decision regarding a play's production will not be announced to the student body until it has been cleared by the principal.
2. When the drama sponsor presents a proposal to the principal, a discussion will be held as to the play's appropriateness. The discussion should allow consideration of:
  - a. the educational value of producing the play;
  - b. whether modes of expression expose minors to vulgar, indecent, lewd, or offensive language or acts;
3. The thematic content of a play should be appropriate to the emotional maturity of the target audience.
4. Plays with vulgar or lewd acts should not be presented.
5. Theatrical productions involving obscenity or advocating the commission of illegal acts or the violation of school rules or policies shall not be permitted.



## STUDENTS

### ACTIVITIES

#### §8-42      Theatrical Presentations (continued)

6.      The version of a script presented to the principal is the version to be performed. If modifications are made to an established script, they will be presented to the principal before the script is approved.
7.      If the play is written by a student, the script must be completed before it is submitted for review. If modifications to a student script are made, the principal will be informed of these modifications so that they may be reviewed prior to the performance.
8.      A principal may convene an advisory panel to discuss a play. If the work is student-generated, the student may be added to this panel. This will be an advisory panel only. The final decision on the play's production will be the principal's.
9.      Once a play has been approved by the principal for production, a brief summary of the play will be posted on the school's home page.
10.     Drama productions presented publicly will be videotaped unless prohibited by copyright law. All performances of student-written plays will be videotaped.
11.     All play programs, including artwork, will be submitted for the principal's review. The program will be in a traditional format.

## STUDENTS

### ACTIVITIES

#### §8-45 Interscholastic Activities Additions and/or Deletions

##### A. Assessment

Each high school principal shall be responsible for periodic evaluations of the following factors as they pertain to adding, deleting, and/or maintaining interscholastic activities.

1. Student/community interest
2. Student involvement
3. Facility/grounds availability
4. Staffing availability
5. Funding capability
6. Community programs available
7. Appropriateness for student age group
8. Contribution to the overall school mission
9. Compliance with Title IX requirements

##### B. Register of Interscholastic Activities

A register of interscholastic activities approved by the School Board shall be maintained and revised using the process outlined below. As with all school programs, continuation of an interscholastic activity is contingent on funding by the School Board.

##### 1. Recommendation by the Principal

The initial recommendation to add an interscholastic activity to or remove an interscholastic activity from the register shall be made by the current Loudoun County Public School high school principal after completing an assessment. The principal's recommendation will be forwarded to the Division Superintendent.

##### 2. Recommendation to the School Board

Upon receipt of the principal's recommendation to add an interscholastic activity to or delete an interscholastic activity from the register, the Division Superintendent or designee shall conduct an administrative review of the request and forward a recommendation to the School Board for consideration and action.

(continued)

## STUDENTS

### ACTIVITIES

#### §8-45 Interscholastic Activities Additions and/or Deletions (continued)

The administrative review will assess school and community benefits as well as potential capital and operational factors that will impact the district's ability to support the interscholastic activity including start up cost (e.g. uniforms, facility availability, coaching staff, rental fees, etc.), and ongoing operational costs (e.g. uniforms, lighting, transportation, salaries, and other).

#### C. Administrative Review Timeline

The Division Superintendent or designee will have 60 working days from the time of receiving a request to conduct an administrative review of the request to add an interscholastic activity to or remove an interscholastic activity from the register and to submit his/her recommendation to the School Board.

#### D. School Board Timeline

The School Board will have 60 working days from receipt of the recommendation to act upon the recommendation of the Division Superintendent. The decision of the School Board will be forwarded to the appropriate School Administrator(s).

#### E. Financial Support for Interscholastic Activities

The School Board will be responsible for determining the sources of funding necessary to support the costs for all new interscholastic activities placed on the register. Sources for initial and recurring funding must be identified prior to placing an activity on the register and should not place an undue hardship on schools. Typical startup and recurring cost categories are listed below:

1. Coaching/sponsor stipends
2. Maintenance of the facilities required in conducting interscholastic activities. To include:
  - (a) Running tracks (including jumping pits, shot put and discus areas)
  - (b) All field areas
  - (c) Bleachers

(continued)

## STUDENTS

### ACTIVITIES

#### §8-45 Interscholastic Activities Additions and/or Deletions (continued)

- (d) Press boxes
- (e) Dug outs
- (f) Lights
- (g) Public address systems
- (h) All indoor facilities
- (i) Locker rooms
- (j) Rental fees
- (k) Other

3. Transportation, to include transporting teams:

- (a) To and from practice sessions held away from the school site
- (b) To and from all contests

4. All start up costs related to the addition of new interscholastic activities placed on the register to include:

- (a) Initial uniforms and warm up suits (home and away when appropriate)
- (b) Initial equipment and supplies
- (c) Medical supplies

#### F. Register of Approved Interscholastic Activities

The current register of approved interscholastic activities shall be a part of this policy.

#### G. Adding or Deleting a Registered Interscholastic Activity from Individual Schools

After conducting an assessment as outlined in Regulation §8-48 D1, each high school principal may recommend to the Division Superintendent that a registered interscholastic activity be added to or removed from the activities in which that school participates. Upon receiving the principal's recommendation, the Division Superintendent will review the request and render a decision.

(continued)

STUDENTS

ACTIVITIES

§8-45 Interscholastic Activities Additions and/or Deletions (continued)

**Registry of Interscholastic Activities**

BOYS ATHLETICS

1. Baseball
2. Basketball
3. Cross Country
4. Football
5. Golf
6. Soccer
7. Tennis
8. Track
9. Swimming
10. Wrestling
11. Lacrosse

GIRLS ATHLETICS

1. Basketball
2. Cheerleading
3. Cross Country
4. Gymnastics
5. Soccer
6. Softball
7. Tennis
8. Track
9. Swimming
10. Volleyball
11. Lacrosse

\*Girls may participate in any sport when a comparable sport is not offered (e.g., football, wrestling, golf).

ALL STUDENTS

1. Academic Competition Sponsor
2. Debate
3. Drama/Theatre
4. Forensics
5. Magazine
6. Newspaper
7. Yearbook

The following are not VHSL activities:

1. Band
2. Chorus
3. Drill Team
4. Future Educators Association
5. Junior Class
6. Senior Class
7. Student Council Association
8. TV Production

Adopted: 10/27/98

Revised: 6/14/99

Current Revision: 1/9/2001

STUDENTS

ACTIVITIES

**REGULATION**

§8-45 Interscholastic Activities Additions and/or Deletions

A. Assignment of Interscholastic Activity Stipends

Funding for interscholastic activity stipends shall be approved by the School Board as part of the biennial budget. Coaching stipends for the athletic program will be determined according to the following criteria:

- |    |  |          |
|----|--|----------|
| 1. | Number of athletes participating in the program  | 5 points |
| 2. | Liability Issues   | 5 points |
| 3. | Number of hours spent with the athletes before the start of the school year; during holidays | 4 points |
| 4. | Amount of equipment to be issued and collected   | 4 points |
| 5. | Number of programs within the sport (JV, Freshman)   | 4 points |
| 6. | Number of days in the season   | 2 points |
| 7. | Number of hours spent after the end of the workday   | 2 points |
| 8. | Number of contests in the season   | 1 point  |

B. Stipend Categories

<u>Category</u>	<u>Points</u>	<u>Activity</u>
1	26-27	Head Football
2	23-25	Head Girls/Boys Basketball
3	20-22	Assistant Varsity Football Head Baseball/Softball Head Cheerleading Head Gymnastics Head Girls/Boys Lacrosse Head Girls/Boys Soccer Head Girls/Boys Track Head Volleyball Head Wrestling Head JV/Freshman Football

(continued)

STUDENTS

ACTIVITIES

**REGULATION**

§8-45 Interscholastic Activities Additions and/or Deletions (continued)

<u>Category</u>	<u>Points</u>	<u>Activity</u>
4	18-19	Assistant JV/Freshman Football Assistant Varsity Basketball Head JV Basketball
5	16-17	Head Cross Country Head Swimming
6	14-15	Assistant Baseball/Softball Assistant Gymnastics Assistant Varsity Girls/Boys Lacrosse Assistant Varsity Girls/Boys Soccer Assistant Wrestling Freshman Basketball Head JV Baseball/Softball Head JV Girls/Boys Soccer Head JV Volleyball Head JV Wrestling JV/Freshman Cheerleading (2 seasons)
7	12-13	Head Golf Head Girls/Boys Tennis
8	11-below	Assistant Cross Country Assistant Swimming Assistant Track Assistant JV Baseball/Softball Assistant JV Girls/Boys Soccer Freshman Volleyball

STUDENTS

ACTIVITIES

§8-46      High School Dances

Dances are part of the extracurricular program of the high schools. The administration is authorized to draw up reasonable regulations to govern these dances and has the authority to enforce them.



STUDENTS

ACTIVITIES

**REGULATION**

§8-46      High School Dance Regulations

Dances are a part of the extra-curricular program of the school primarily for benefit of students of that school. The following regulations shall apply to high school dances and shall be enforced by the principal:

1. All dances must be sponsored by a school organization.
2. Requests for all dances to be held during the school year are to be submitted to the principal in a timely manner.
3. No more than three formal or semi-formal dances may be held during any school year and no more than six informal dances may be held during any school year.
4. The sponsoring organization shall have the responsibility of providing chaperons and police protection. There must be at least seven chaperons (1 administrator, 4 teachers and 2 parents). At least two policemen must be provided, one of whom shall be stationed inside the building and the other outside.
5. Students shall go immediately to the dance location when they arrive on school property and shall remain there until they leave. Upon leaving the dance, students shall leave school property and may not return to either school grounds or the dance.
6. Formal or semi-formal dances shall be held between the hours of 8:00 p.m. and 12:00 midnight. Students may be permitted to bring one guest if approved by the school administration. Names of guests must be submitted to the school administration for approval at least three days prior to the dance. Students will be responsible for their guests' behavior.
7. The Homecoming dance shall be open to alumni of the school, who are official graduates. Each alumnus who wishes to invite a guest to the dance must submit the guest request to the school.

(continued)

STUDENTS

ACTIVITIES

**REGULATION**

§8-46      High School Dance Regulations (continued)

8.      Informal dances shall be held between the hours of 8:00 p.m. and 12:00 midnight, but shall not exceed three hours in length. Out-of-school guests are not permitted at informal dances.
9.      Any infraction of school regulations could result in suspension from all extra-curricular activities and/or other appropriate disciplinary action.
10.     Each school principal is authorized to establish such other regulations governing dances as he/she shall deem necessary.

## STUDENTS

## ACTIVITIES

§8-47      Student Cooperative Association

Each school is authorized to establish a student cooperative association that is duly elected by and representative of the student body. Each association shall establish its own election procedures and qualifications for office, subject to approval by the principal.

The purposes of the organization shall be to maintain cooperation between the student body and the faculty and/or administration, to promote leadership and responsibility and to train students in the principles of self-government.

In each school, the SCA shall be recognized as the student representative body of that school.

## STUDENTS

### ACTIVITIES

#### §8-48      Student Activities

Student activities are part of the total educational program and are subject to school supervision and regulation. Student conduct at such activities is therefore governed by the same rules for students as apply any other time they are under school supervision. In addition, students are expected to display good sportsmanship in competitive activities, whether they are participants or spectators, and they shall conduct themselves in a manner demonstrating respect for persons and property.

The administration is authorized to establish reasonable rules governing participation in student activities.

#### A.      Student Activity Guidelines

All student activities must be approved by the principal of the school and are subject to further review of the School Board. Student activities shall relate to the school's curriculum and shall not interfere with the operation of the school. Each activity may establish reasonable qualifications for membership and/or participation governed by the following guidelines:

1. It shall be open to all qualified students, except that certain athletics may be restricted to members of one sex in accordance with Federal regulations on sex discrimination
2. It shall have a faculty sponsor approved by the principal
3. The use of school facilities and equipment must be scheduled in accordance with the school's activities calendar and be approved by the principal
4. All monies raised or collected are school funds and shall be deposited promptly with the school. The principal shall be responsible for the accounting and auditing of activity funds. Such monies shall be used only for the purpose raised or for purposes approved by the faculty sponsor and the principal.

(continued)

## STUDENTS

### ACTIVITIES

§8-48      Student Activities (continued)

B.            Academic Eligibility Required for Participation

In order to be academically eligible to participate in any Virginia High School League competition (athletic and/or non-athletic) a student must be currently enrolled in five (5) credit subjects or their equivalent and must have passed five (5) credit subjects or their equivalent the previous semester.

Interscholastic athletics are not a part of the program for middle or elementary school students, except that eighth grade students who meet the requirements of the preceding paragraph and who become 14 years of age by September 1 are eligible for freshman athletics at the high school they would attend.

Academic eligibility for all other school sponsored/related activities shall be determined at the local school level in compliance with requirements established by superior (i.e., regional, state, or national) branches of such activities if such exist.

C.            Non-School Groups

No activity, club, or other student group which unlawfully restricts its membership or operates as a secret society may be approved as a school activity nor shall it be permitted to engage in any activity within the school.

## STUDENTS

### ACTIVITIES

#### REGULATION

§8-48      Student Activities

A.            Philosophy of Freshman and Junior Varsity Athletics

Freshman and junior varsity athletics in Loudoun County provide a healthy and desirable attitude towards athletic participation. They present an environment in which students can begin to learn all of the positive elements that can be gained by participation in sports.

Freshman and junior varsity athletics provide the opportunity for students to prepare for participation on the varsity teams. Such items as learning and refining skills, sportsmanship, strategy, teamwork, competition, conditioning and maturity are necessary for athletes to advance to higher levels of competition.

Maximum participation by students is highly desirable. This participation is to be encouraged in both practices and in competition with other schools. Coaches are strongly encouraged to give each student the opportunity to participate in as many games as practical.

B.            Philosophy of Varsity Athletics

The varsity athletic program in Loudoun County encourages each team and school to represent itself at the highest possible standard at every level of competition.

The varsity athletic program is intended to provide those students possessing a high degree of skill and talent in sports the opportunity to perform in the sport of their choice.

The varsity athletic program is seen as not only a program benefiting a specific group of athletes, but as a program, which also provides an opportunity for all students to enjoy athletics as spectators. It is through the athletic program that much of a school's spirit is generated.

C.            Rules and Regulations for Students Participating in High School Athletic Activities

1. All decisions concerning an athlete's or manager's eligibility to participate in the athletic program will be made by the local school administration subject to Virginia High School League Rules and Regulations.

(continued)

STUDENTS

ACTIVITIES

**REGULATION**

§8-48      Student Activities (continued)

2. All athletes and managers are to abide by all school rules for student conduct; they are to conduct themselves at all times in a manner that brings credit to themselves as athletes and as representatives of Loudoun County Schools while practicing for, participating in, or traveling to and from athletic events.
3. Athletic injuries must be reported by the athlete to the coach immediately upon occurrence and to the athletic trainer on the following school day. Failure to report injuries will result in the athlete's parents assuming responsibility.
4. Athletes and managers must travel to and from contests with their team, unless prior approval is given by the coach or local school administration.
5. Each school is responsible for establishing team rules regarding practice schedules and excused and unexcused absences from practice. Students are expected to abide by the rules established for each team.
6. Any athlete or manager who is participating in the athletic program and who becomes involved in a situation which is detrimental to the school, the coach, or the team will face suspension or dismissal from the team and/or disciplinary action in accordance with school rules for behavior of students deemed appropriate by the coach and local school administration.
7. In order to participate in an athletic activity or practice on any given day, an athlete or manager must report to school before homeroom ends and must remain in school that entire day. Exceptions may be made for doctor and dental appointments or reasons excused by the principal.
8. Any athlete or manager serving suspension or in-school restriction for violation of school rules will be ineligible to practice or play in a scheduled event on the day or days he/she is serving the punishment.

(continued)

## STUDENTS

### ACTIVITIES

#### REGULATION

§8-48      Student Activities (continued)

9. Any athlete or manager who possesses or uses tobacco, drugs, or alcohol during a sports season will be dismissed from the team.
10. Any athlete or manager may resign from a team anytime before the first game, match or meet without sacrificing his or her eligibility for any other sport during that sports season.
11. When an athlete or manager resigns or is dismissed from a team after the first game, match, or meet, he or she will be ineligible to participate in the school athletic program until the team from which he or she resigned or was dismissed has concluded all activities for that season.
12. Any athlete who is ejected from a game by an official during the regular season will automatically be suspended for at least one subsequent game. Additional disciplinary measures may be taken in accordance with school rules by the coach and administration.
13. An athlete may not participate in more than one sport per season.

D.      Title IX Regulations

Title IX guarantees that males and females will have equal opportunity to compete in athletics in a meaningful way. It does not ensure that male and female students will receive identical treatment in the areas of athletics.

1.      Equal Opportunity

Equal opportunity for males and females must be provided in the following areas:

a.      Supplies and equipment

A method of determining the specific supply and equipment needs of males and females must be developed by each school. Coaches will meet with the athletic director at the end of each season to inventory equipment and approve necessary replacement or additional items.

(continued)



STUDENTS

ACTIVITIES

**REGULATION**

§8-48 Student Activities (continued)

b. Game - practice schedules and facilities

Game schedules for the most part are determined by the district, regional, and state requirements of the Virginia High School League. The facilities for games must be of comparable quality for both males and females. Fair consideration must be given to both males and females in scheduling practices. Facilities as well as time deserve equal merit. The school shall provide male and female athletes equal access to gymnasiums, locker rooms, training rooms, and laundry facilities.

c. Transportation

Transportation to practices and games must be provided on an equal basis.

d. Assignment of coaches

Schools shall select the best available, qualified coaches for all athletic teams, male and female.

e. Medical and training services

Medical and training services must be provided on an equal basis. First aid supplies are a requirement for all teams. Medical and training personnel will be assigned on an equal basis when available.

f. Publicity

Press releases and advertising of athletic events shall place equitable emphasis on female and male sports. Particular attention shall be given to equitable emphasis in school publications.

(continued)

STUDENTS

ACTIVITIES

**REGULATION**

§8-48      Student Activities (continued)

g.      Recognition and awards

Comparable recognition for male and female athletes shall be given in all school displays.

Awards shall be presented to athletes on an equitable basis.

h.      Officials

The best available, qualified officials shall be hired by the school for all athletic contests for males and females. The ratings of the Virginia High School League shall be used for official qualifications.

2.      Complaints

Any coach, parent or athlete who seeks equity in the application of Policy §8-48 or its administrative regulation should follow normal administrative channels to resolve the issue at the lowest administrative level possible. Parents or athletes using this section shall first communicate their concern(s) to the coach.

The administrative channel is:

(1) coach, (2) athletic director, (3) principal, (4) deputy superintendent, (5) division superintendent, (6) school board.

## STUDENTS

## ACTIVITIES

§8-49      School Publications

Student publications, such as school newspapers, literary magazines, and yearbooks, are authorized at a level appropriate to the student body. All publications must be approved by the principal of the school.

The editorial staff and faculty advisor of each approved publication shall establish an editorial policy which promotes and guarantees responsible journalism and which must be approved by the principal. This policy shall be in accordance with the right to freedom of expression but shall prohibit publication of material which:

1. has caused, is causing, or reasonably leads the principal to forecast substantial disruption of or interference with school activities, or
2. advocates practices that endangers the health, or safety of students, or
3. advocates the violation of any federal, state or local law or official school policies, rules, or regulations or is a criminal act in itself, or
4. tends to besmirch the memory of the private life of one who is dead or the reputation of the private life of one who is alive, or exposes any person or group to public hatred, contempt, or ridicule, or invades the privacy of any person, or
5. is obscene in that:
  - a. the average person, applying community standards, would find that it, taken as a whole, appeals to prurient interest, or
  - b. is patently offensive to prevailing standards in the adult community as a whole with respect to what is appropriate for students of the age group for which it is to be published, or
  - c. taken as a whole, is without redeeming social importance for students of this age and lacks serious literary, artistic, political, or scientific value, or
  - d. violates the Virginia law on obscenity

Adopted: 9/13/76

Current Revision: 6/22/93

## STUDENTS

## HEALTH AND WELFARE

§8-50      Physical Examinations

State law requires that no pupil shall be admitted for the first time to any public kindergarten or elementary school unless a report from a qualified licensed physician, nurse practitioner, or physician's assistant acting under the supervision of a licensed physician of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed within twelve months of the date of entrance is provided. This report must be received prior to admitting the child to school.

If a child attended another school or school division and his/her school records show that a report of a physical examination was furnished at the time of his/her first admission, the principal may accept the school records as verification of the physical examination.

If a student is a homeless child as defined in §22.1-3 and for that reason cannot furnish the physical exam report, and the person seeking to enroll the student furnishes an affidavit so stating and also indicates that to the best of his knowledge, the student is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the local school division liaison, as described in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, who shall, as soon as practicable, assist in obtaining the necessary physical examination by the public health department or other clinic or physician's office and shall immediately admit the pupil to school, as required by such Act.

The physical examination is required of every child unless the parent or guardian objects on religious grounds and states in writing that, to the best of his/her knowledge, the child is in good health and is free from any communicable or contagious disease. In such case, the principal shall verify that the child shows no visual evidence of sickness.

The report of the physical examinations or the parent's statement of religious objection and the child's health shall be placed in the child's school records.

Health Information

Parents of children entering a Virginia public kindergarten or elementary school for the first time must complete a School Entrance Health Information Form and return it to the school before enrollment. Reasonable extensions may be granted by the principal for good cause, but such extensions should be only for a specified time necessary for the parents to complete the form.

(continued)

## STUDENTS

## HEALTH AND WELFARE

§8-50      Physical Examinations (continued)

Principals shall report to the Assistant Superintendent for Pupil Services or designee all cases in which they have been unable to obtain compliance of parents.

The Division Superintendent is authorized by state law to exclude from school any child whose parent fails to complete and return the form within the time allowed.

Legal Reference: Code of Virginia §22.1-270

Adopted: 10/14/80

Revised: 6/22/93

Current Revision: 6/23/09

## STUDENTS

## HEALTH AND WELFARE

§8-51        Immunization RegulationsA.            Initial Requirements

State law requires that no pupil shall be admitted for the first time to any school unless the school has been furnished with documentary proof of immunization from a licensed physician, registered nurse, or health department employee that the child either has been successfully immunized against communicable diseases as required by state law or has received at least the first series of all such vaccinations accompanied by a schedule of completion of the required doses. This certificate must be received prior to admitting the child to school.

If a child attended another school or school division and has school records which show that a certificate of immunization was furnished to the previous school, the principal may accept the school records as verification of proper immunization.

A student's immunizations shall be considered to be adequate if they meet the requirements as set forth in §32.1-46 of the Code of Virginia.

This immunization requirement applies to all children except (1) those whose parent or guardian submits an affidavit that this administration of immunizing agents conflicts with the student's religious tenets or practices or (2) those whose parent or guardian presents written certification from a licensed physician or health department that the administration of one or more of the immunizing agents may be detrimental to the health of the child or (3) a student who is a homeless child or youth and does not have documentary proof of necessary immunizations or has incomplete immunizations. This student will be admitted immediately and shall be referred to the local school division liaison, as described in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 who shall assist in obtaining the documentary proof of, or completing, immunization and other services required by such Act.

B.            Failure to Complete Immunization

Any student admitted conditionally and who fails to comply with the schedule for completion of the required immunizations shall be excluded from school until immunizations are resumed. The principal or his/her designee shall notify the parent or guardian of the exclusion and follow the specified protocol for exclusion.

(continued)

## STUDENTS

## HEALTH AND WELFARE

§8-51      Immunization Regulations (continued)C.            Record of Immunization

The certificate of immunization or the parent's affidavit of religious objection or the physician's statement that immunization may be detrimental to the child's health shall be placed in the child's school records. The certificate of immunization and school records should contain the dates of all immunizations.

Upon order of the State Health Commission, any child who has not been immunized may be excluded from school during an outbreak, potential epidemic, or epidemic of a vaccine-preventable disease.

Legal Reference: Code of Virginia §§22.1-270, 22.1-271, 32.1-46, 32.1-47

Adopted: 9/8/81

Revised: 6/23/92, 6/22/93

Current Revision: 6/23/09

(continued)

## STUDENTS

## HEALTH AND WELFARE

§8-52      Contagious or Infectious Diseases

Any student who is suspected of having a contagious or infectious disease, other than those infections of blood or bodily fluids, shall be examined by clinic personnel to confirm the presence or absence of the disease. If it is determined by clinic personnel that the student should be excluded from the school environment due to the suspected disease, the parent or guardian shall be contacted to remove the child from school until no longer contagious. In all cases, the affected individual should be isolated from other persons within the school environment until cleared by clinic personnel or removal occurs.

Medical diagnosis or treatment by a licensed physician or the public health department should be encouraged.

A student excluded from school due to a contagious or infectious disease may return to school at such time as the student's condition does not jeopardize the health and safety of other students or staff. A statement may be required from a licensed physician or the public health department certifying that the student's condition does not jeopardize the health and safety of other students or staff.

Legal Reference: Code of Virginia §22.1-271.3

Adopted: 9/8/81

Revised: 6/22/93

Current Revision: 6/23/09



## STUDENTS

## HEALTH AND WELFARE

§8-53      Student MedicationA.      General

All medicines should be administered to students at home by their parents if at all possible. Administration of medication at school will be done only in accordance with this policy. Any student who fails to follow this policy or whose parents fail to follow this policy will be excluded from school until compliance is obtained. The principal shall determine whether or not there is compliance with the provisions of this policy.

B.      Prescription Medication

If a student must take prescription medication at school, the medication will be administered by the school nurse, the principal, or the principal's designee in accordance with the provisions of this policy:

1. The parent must provide the principal with the medication, signed parental consent and written instructions from the physician to include:
  - a. student's name
  - b. name and purpose of medication
  - c. dosage and time of administration
  - d. possible side effects and measures to be taken if side effects occur
  - e. termination date for administering the medication
2. The parent is responsible for informing the principal or principal's designee of any change in the student's condition or any change of medication.

C.      Nonprescription Medication

Nonprescription medication may be taken by students only under supervision of the school nurse, the principal, or the principal's designee. The parent must provide the medication and:

1. the medication must be in an original package with the name of the medicine and instructions;
2. a signed and dated note or Authorization for Medication Administration form from the parent regarding when and how much medicine to administer must be on file; and

(continued)

## STUDENTS

### HEALTH AND WELFARE

#### §8-53      Student Medication (continued)

3. the medication will be given according to the instructions listed on the package for the child's age and weight unless written instructions from a physician is provided with the same information required for prescription medication.

#### D.            Herbal/Alternative Medications

Herbal or alternative medications need a physician's written authorization with dosage instructions, schedule of administration, reason for the drug (unless confidential), adverse reactions and potential drug interaction, as well as signed parental consent before the products can be administered.

#### E.            Emergency Life-Saving Measures

The parent of any student who has a condition that would require emergency, lifesaving medication or other measures must inform the principal of the condition and provide instructions from the attending physician on measures to be taken, including administering any medication. These instructions should cover measures to be taken while the student may be on a school bus or other times when medication is not immediately available.

#### F.            Safekeeping of Medication

All medication must be kept by the school nurse or the principal or designee in a secure, locked place known by and accessible to any person who may have to administer life-saving medication. Emergency medication may be unlocked during the school day, but must be locked once the clinic closes.

Legal Reference: Code of Virginia § 54.1-3408

Adopted: 7/10/84

Revised: 6/22/93

Current Revision: 6/23/09

## STUDENTS

### HEALTH AND WELFARE

#### §8-55 Child Abuse and Neglect

##### A. Duty to Report

Pursuant to State law any person employed in the Loudoun County School System shall report suspected cases of child abuse or neglect in accordance with the procedures set forth in paragraph C.

##### B. Definition of Abused or Neglected Child

An abused or neglected child shall mean any child less than eighteen years of age whose parent or other person responsible for his/her care:

1. creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions;
2. neglects or refuses to provide care necessary for his/her health; provided, however, that no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;
3. abandons such child; or
4. commits or allows to be committed any sexual act upon a child in violation of the law.

##### C. Reporting Procedures

1. Any teacher or other school employee who has reason to suspect abuse or neglect of a child shall report it to the principal of that school.
2. The principal may request the school nurse or public health nurse to examine the child for physical evidence of abuse or neglect.

(continued)

## STUDENTS

### HEALTH AND WELFARE

§8-55      Child Abuse and Neglect (continued)

3.      The principal or designee shall report the suspected abuse or neglect to the local department of social services. Upon making such report, the principal shall also inform the Division Superintendent or his/her designee.
4.      If any school employee is suspected of abuse or neglect of a school child, the principal shall report it to the Division Superintendent or his/her designee and to the local department of social services.
5.      If any principal is suspected of abuse or neglect of a school child, the school employee who has this suspicion shall report it to the Division Superintendent, who shall report it to the local department of social services.

D.      Records

1.      Any teacher or other school employee who reports suspected abuse or neglect of a child to a principal should make a written record of the name of the child, then date(s) of observations on which suspicion is based, and details of such observations. These records should remain in the personal possession of the teacher or other school employee and should be disclosed to no one except a child protective services worker who is investigating the report and who requests such records.
2.      Any principal who reports suspected abuse or neglect of a child to the local department of social services should make a written record of the name of the child, the date(s), of observation or reports on which suspicion is based, and details of such observations. These records should remain in the personal possession of the principal and should be disclosed to no one except a child protective services worker who is investigating the report and who requests such records.
3.      The principal shall, upon request, make available to the child protective services worker any school records or reports which document the basis of the report.

(continued)

## STUDENTS

### HEALTH AND WELFARE

§8-55      Child Abuse and Neglect (continued)

E.            Responsibility of School Principals

The principal of each school is responsible for ensuring that all personnel are fully informed of their responsibilities under the law and the procedures of this policy.

Legal Reference: Code of Virginia §§63.1-248.1 through 63.1-248.17

Adopted: 5/10/77

Revised: 7/10/84

Current Revision: 6/22/93

## STUDENTS

## HEALTH AND WELFARE

§8-56      Missing ChildrenA.            Duty When Enrolling A Student

The failure of any person enrolling a child to present a certified copy of the birth records of the child shall be immediately reported to the local law-enforcement agency by the principal or designee. The notice to the law-enforcement agency shall include copies of the submitted proof of the child's identity and age and the affidavit explaining the inability to furnish a certified copy of the birth record.

Within fourteen days after enrolling a transferred student, the principal or designee shall request that the principal or designee of the school previously attended submit documentation that a certified copy of the student's birth record was presented upon the student's initial enrollment.

The Division Superintendent or designee shall notify the local police or sheriff's department of any enrolled student whose cumulative record he has been unable to obtain within 60 days or sooner, if the Division Superintendent or designee has reason to suspect that the student is a missing child.

B.            Duty When Informed That A Child Is Missing

When informed of a child's disappearance by a local law-enforcement agency, the principal or designee shall indicate in the child's cumulative record that he or she has been reported missing. Upon receiving a request for the cumulative records and birth certificate of such a child, the school shall immediately notify the law-enforcement agency and the Deputy Superintendent or designee that reported the child's disappearance to the school of the location of the school or person requesting the cumulative records and/or birth certificate.

Legal Reference: Code of Virginia §§22.1-3.1, 22.1-288.1, 22.1-289

Adopted: 6/22/93

Revised: 6/23/09

STUDENTS

HEALTH AND WELFARE

§8-57      Parental Notification Concerning Sex Offender and Crimes Against Minors Registry

Annually, the parent of each student enrolled in the division shall be notified of the availability of information in the Sex Offender and Crimes Against Minors Registry and the location of the Internet website.

Legal Reference: 22.1-79.3

Adopted: 4/24/07

STUDENTS

COMMUNITY RELATIONS

§8-60      Noncurriculum Related Student Groups

All noncurriculum related student clubs and activities shall be conducted in compliance with the Equal Access Act (PL 98-377; 20 U.S.C. Section 4071, *et seq.*). The Superintendent shall develop and implement regulations consistent herewith.



## STUDENTS

### COMMUNITY RELATIONS

#### REGULATION

#### §8-60 Noncurriculum Related Student Groups

##### A. General

In compliance with the Equal Access Act, Title VIII of Public Law 98-377, the following regulation is established for meetings of noncurriculum related groups of secondary school students. Such noncurriculum related student groups shall have equal access to school facilities and shall not be discriminated against on the basis of the content of the speech at such meetings.

##### B. Groups and Activities

Noncurriculum related student groups are defined as those whose primary purpose is to foster student interest in political, religious, community service, or recreational activities. Such groups are not sponsored by the school or its agents or employees. Participation of students is voluntary and is neither encouraged nor discouraged by the school.

Any secondary school that permits meetings of noncurriculum related student groups shall establish appropriate times for these groups to meet. No group may be permitted to meet more often than once a week. All activities shall be student initiated and conducted. Nonschool personnel may not participate in these activities unless approved by the principal in advance.

Students shall abide by all policies, regulations, and rules for student conduct. Any group which interferes with the orderly operation of the school shall be denied the opportunity to meet on school premises.

Nothing in this regulation is intended to permit any meeting or activity which is otherwise unlawful.

##### C. Supervision

Noncurriculum related student groups desiring to meet on school premises must have a monitor who is a volunteer and a licensed employee and is approved by the principal. The monitor shall supervise the group and its activities to ensure that it operates in compliance with the Equal Access Act and all policies and regulations of the Loudoun County Schools. The monitors shall have the authority, under the supervision of the principal, to order any group or student which violates this policy to leave school premises.

(continued)

## STUDENTS

### COMMUNITY RELATIONS

### REGULATION

§8-60      Noncurriculum Related Student Groups (continued)

Monitors of religious groups may not participate in the form, content, or activity of the group.

D.      Application for Use of School Facilities

Noncurriculum related student groups desiring to meet on school premises shall submit their request to the principal of the school at least five (5) school days in advance of the desired meeting date. Such requests shall state the purpose of the meeting, the type of activities involved, the expected number of students who will attend, the time and length of the meeting, and the name of the voluntary licensed school employee who will act as monitor. If any nonschool person is desired to be present, this request should be made with the application for use of facilities.

The principal shall review each application and, if in accordance with this policy, shall assign the group a suitable meeting place. Applications not in accordance with this regulation shall be denied.

E.      Appeal

Groups which are denied permission to use school facilities by a principal may appeal the principal's decision to the Division Superintendent.

F.      Disclaimer

The Loudoun County Public Schools does not promote, endorse, or sponsor noncurriculum related groups. It is merely making facilities available to such groups of secondary school students on a nondiscriminatory basis.

## STUDENTS

## COMMUNITY RELATIONS

§8-61 Student Speech and Expression

Students have the right to freedom of speech during non-instructional times and outside of classrooms or other areas where instruction is occurring. Such freedom of speech includes not only oral communications, but other expressive conduct by students, such as publications. This right does not extend to or include speech or other expressive conduct that:

1. Advocates the commission of a crime or a violation of school board policies or regulations, or such speech or expressive conduct that would violate the law or School Board policy;
2. Is obscene, pornographic, or harmful to juveniles;
3. Is hate speech, defamatory or causes personal humiliation to others; or
4. Leads to, or is likely to lead to, substantial disruption or material interference with school activities.

Legal Reference: Code of Virginia: § 18.2-390, § 18.2-372

Adopted: 9/13/76

Revised: 6/22/93

Current Revision: 6/23/09

STUDENTS

COMMUNITY RELATIONS

§8-62        Students Not Required To Convey Certain Materials

Students shall not be required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body or the General Assembly of Virginia or the Congress of the United States.

This section shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational materials.

Legal Reference: Code of Virginia §22.1-278.3

Adopted: 9/12/2000

## STUDENTS

## COMMUNITY RELATIONS

§8-63      Questionnaires and Surveys

No questionnaire or survey shall be administered to students without written, informed parental consent for the student's participation when participation may subsequently result in the sale for commercial purposes of personal information regarding the student.

In any case in which a questionnaire or survey requesting sexual information of students is to be administered, notice shall be provided to the parent concerning the administration of such questionnaire or survey in writing not less than 30 days prior to its administration. The notice shall inform the parent regarding the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the survey, and whether and how any findings or results will be disclosed. Parents shall have the right to review the questionnaire or survey and to exempt their child from participating in the survey.

However, no questionnaire or survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six and, unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

Legal Reference: Va. Code § 22.1-79.3

Adopted: 4/24/07

## STUDENTS

## RECORDS

§8-71      GeneralA.            Responsibility

Accurate and complete records shall be kept for each student who attends Loudoun County Public Schools. These records shall be started when the student enters a Loudoun County school and shall cover each year or part of a year that the student attends school. Records from other schools the student has attended shall be transferred to the Loudoun County school record with appropriate notation of the school(s) from which these records were received. The principal of each school or the central office supervisor of any office that maintains records on students shall be responsible for the maintenance and safekeeping of the student records in that school or office and is designated as the record custodian.

Student records shall be kept up-to-date and shall be available to persons authorized under Policies §8-73 and §8-74. Record maintenance, retention, disposition, and destruction shall be in accordance with Policy §8-72.

Disclosure of information from student records shall be as authorized by and in accordance with Policy §8-74.

B.            Definition of Records

All information and data, manual or automated, maintained on a student by a school or the school system or by a person acting on behalf of the school or school system shall be considered the student's official records, unless otherwise excluded by school board policy for specific purposes and shall be referred to as the scholastic record. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs (IEPs). The scholastic record is maintained at the school the student last attended. Some duplicate records, such as attendance, suspension, and standardized test scores, are maintained in the central office. Records on students who are or have been in special programs, such as Title I, special education, homebound instruction, the elementary program for gifted children, and the alternative school program, may be maintained in the central office or in the school they attended for that program.

Legal Reference: Code of Virginia §22.1-289 adopted: 6/12/79

Revised: 6/22/93

Current Revision: 4/25/06

## STUDENTS

### RECORDS

#### §8-72 Contents, Location, and Disposition

##### A. Contents

The records maintained on students shall include data required by state law or regulation and other information necessary for the education and guidance of the student. All such records shall be considered confidential and may only be disclosed in accordance with Policies §8-73 and §8-74. These records shall be classified as the scholastic record and shall include:

1. Cumulative File. The cumulative file shall include information pertaining to the student's identification, attendance, education, testing, general health and physical fitness, student activity participation, and other information as may be required to maintain an accurate and complete record of the student. The contents of the cumulative file may be further defined by administrative regulation §8-72.
2. Specialized Information. In addition to the information that must be collected and maintained in every student's cumulative file, certain specialized information may be collected and maintained for some students. Such information may include but not be limited to: special education and related services documentation, attendance letters, legal documents, disciplinary information, court dispositions, 504 records, ESL records, Title I documentation, and gifted information. The types of specialized information may be further defined by administrative regulation §8-72.

##### B. Location

1. Scholastic Record. The scholastic record of a student shall be kept at the school the student attends or last attended. All records should be stored where they can be properly supervised and access permitted only to persons authorized under Policies §8-73 and §8-74. The administration may store old records in a central facility and such records may be microfilmed or otherwise imaged.

(continued)

## STUDENTS

### RECORDS

#### §8-72 Contents, Location, and Disposition (continued)

2. The existence and location of any and all files that comprise the scholastic record of a student must be clearly indicated in the cumulative file. Certain specialized information contained in the scholastic record (e.g., special education information) may be filed in a separate location in the school. Copies of such information may also be kept in central office files. Wherever such information is stored, it must be in a secure location.

#### C. Disposition

1. Scholastic Record. Essential identifying information, attendance data, health data, grades and levels of achievement and the record of disclosure shall be retained permanently on microfilm. Retention of other scholastic record information may be determined by administrative regulation.

Persons responsible for student scholastic records shall review the records of former students and destroy out-dated records as scheduled by administrative regulation.

List reports of standardized or other test results, records of students in special programs, graduation lists, and similar records listing students may be retained for evaluative and record-keeping purposes as long as required or deemed desirable.

Disposition of student scholastic records may be further defined by administrative regulation in accordance with state and federal law and regulation.

#### D. Destruction

Destruction of student records shall be in accordance with applicable administrative regulations. The method of destruction shall ensure that personally identifiable information cannot be obtained from the destroyed records.

No records may be destroyed if there has been a request by a person authorized under Paragraph D. 1 of Policy §8-73 to inspect and review the records and that inspection and review has not been accomplished.

(continued)



## STUDENTS

### RECORDS

§8-72        Contents, Location, and Disposition (continued)

E.            Transfer of Records within the County

When a student transfers to another public school within the county, the student's records shall be transferred to the school the student enters according to administrative regulations.

In no case are the original records of any student ever sent out of the county or to any private school.

For transfer of records outside Loudoun County or to a private school, see Policy §8-74, paragraph F.

Legal Reference: Code of Virginia §§22.1-287 through 22.1-289

Adopted: 6/12/79

Revised: 3/10/87, 6/22/93

Current Revision: 4/25/06

## STUDENTS

### RECORDS

#### REGULATION

#### §8-72 Contents, Location, and Disposition

##### A. Contents

##### 1. Cumulative Record.

a. Each student's cumulative record shall include the following records:

- (1) Loudoun County School Registration form
- (2) Certificate of School Health Examination (for students entered after July 1, 1972)
- (3) Cumulative Health-Physical Fitness Record
- (4) School Entrance Health Information Form (for students entered after July 1, 1983)
- (5) Scholastic Record (Elementary and/or Secondary, as applicable)
- (6) Standardized Test Data
- (7) Results of minimum competency tests provided and prescribed by the State Board of Education, grades 7-12
- (8) Program of studies plan
- (9) Grade point average (secondary students only)
- (10) Type of diploma (graduates only)
- (11) Record of employment counseling and placement (secondary students only)
- (12) Social Security number (if available)
- (13) Citizenship status (if other than United States)
- (14) Record of access to Student Scholastic Record (as applicable)
- (15) Student Rights and Responsibilities Receipt form

b. The cumulative record may also include other records concerning the legal status, achievement, routine discipline, attendance, testing, general health, educational plan, interests, work experience, school and community activities, employment evaluations for educational purposes, and awards and honors of the students as authorized by the Deputy Superintendent.

(continued)

## STUDENTS

### RECORDS

#### REGULATION

#### §8-72 Contents, Location, and Disposition (continued)

2. Confidential Record. A confidential record shall be maintained on any student requiring or considered for differentiated programs and/or special services, such as for gifted or disabled students. The following types of information shall be kept in a confidential file:
  - a. All records relating to the evaluation and/or placement of students for special education programs or services, including:
    - (1) Referrals to school screening committee and recommendations of that committee
    - (2) Educational, physiological, psychological, and sociological assessments
    - (3) Permission for testing, placement, and release of information
    - (4) Eligibility committee recommendations
    - (5) Parent conferences
    - (6) Annual review of placement
    - (7) Appeals
    - (8) Individualized Education Program (IEP)
  - b. All other confidential records maintained on any student including:
    - (1) Social histories
    - (2) Legal, psychological, and medical reports
    - (3) Records of sensitive physical problems
    - (4) Records of serious or recurrent atypical behavior
    - (5) Reports from other agencies and institutions, such as juvenile court, department of social services, and rehabilitation centers
    - (6) Case studies
    - (7) Confidential interviews and/or recommendations
    - (8) Vocational assessment data
    - (9) Discipline records of students who are involved in long term suspension or expulsion from school
  - c. Record of access of Student Scholastic Record (if applicable)

(continued)

## STUDENTS

### RECORDS

#### REGULATION

§8-72      Contents, Location, and Disposition (continued)

B.          Location

All records should be stored where they can be properly supervised and access permitted only to persons authorized under Policies §8-73 and §8-74.

C.          Disposition

1.      Cumulative Record.

a.      The following records are to be retained permanently:

- (1)      Name and address of student
- (2)      Birthdate
- (3)      Name and address of parent
- (4)      Program of studies plan
- (5)      Scholastic work completed
- (6)      Grades
- (7)      Grade point average (for secondary school)
- (8)      Type of diploma
- (9)      Attendance
- (10)     Scores on all state-required tests
- (11)     Cumulative health record, including Preschool Physical Examination Report, certificate of immunization, and School Entrance Health Information Form
- (12)     Social Security Number (if available)
- (13)     Citizenship status (if other than United States)
- (14)     Record of Access to Student Scholastic Record

b.      All other records are to be retained for five years after a student graduates or leaves school.

c.      Each student's cumulative record shall be reviewed before being transferred to another school and when the student graduates or leaves school to see that the record is up-to-date and complete. Records that are not required to be maintained and which serve no useful purpose should be destroyed.

(continued)

## STUDENTS

### RECORDS

#### REGULATION

#### §8-72 Contents, Location, and Disposition (continued)

##### 2. Confidential Record.

- a. All confidential records shall be reviewed annually.
- b. Expired Individualized Education Programs (IEP's) must be retained for five years after the student graduates or leaves school.
- c. Other confidential records shall be destroyed when they are no longer educationally useful or five years after the student graduates or leaves school. If a parent requests that such records be destroyed and they are no longer educationally useful, the records must be destroyed.
- d. Prior to destruction of confidential records, the custodian of the records shall make a reasonable effort to notify the parents or eligible students that they have a right to obtain a copy of the records.
- e. If duplicate confidential records are maintained by a school and central office department, the school record custodian must obtain approval of the department head prior to destruction of any record.
- f. When a confidential record is completely destroyed, the Record of Access to student Scholastic Record shall be retained in the cumulative record of the student.

##### D. Destruction

1. Destruction of student records shall be the responsibility of the record custodian and shall be done in accordance with paragraph C of this regulation.
2. Destruction shall be by burning or shredding.

(continued)

STUDENTS

RECORDS

**REGULATION**

§8-72      Contents, Location, and Disposition (continued)

3.      The custodian of the records shall personally supervise or designate a responsible person authorized to have access to the records to personally supervise the destruction of the records to ensure that personally identifiable information cannot be obtained from the destroyed records.

E.      Transfer of Records within the County

When a student transfers from one school to another within the county, the principal of the school the student enters shall request the records of the student from the previous school. The principal of the previous school shall send the student's cumulative and confidential records by pony express or hand delivery in a sealed, opaque envelope addressed to the principal of the school the student is entering. This shall be done as soon as possible by both principals to facilitate the transfer and continuity of the educational program of the student.

Before transferring any records, the principal shall ensure that they are complete and shall destroy outdated material.

## STUDENTS

### RECORDS

#### §8-73 Rights of Parents and Students

##### A. Statement of Principle

The Loudoun County School Board endorses the rights of parents and students to be made aware of the records kept by the school system on students, to have the right to inspect and review those records, to have those records explained to them, to be able to challenge the content of those records, and to have those records protected against disclosure.

##### B. Definition

For the purpose of policies concerning student records, the following definitions shall apply:

1. Parent. A parent may be a natural parent, legal guardian, or person acting as parent in the absence of a parent or guardian. Unless provided with evidence to the contrary, person responsible for student records may presume the parent has authority to exercise the rights provided in this policy.
2. Student. Unless otherwise stated, a student is any person on whom records are maintained by the school system or any school, including former students.
3. Eligible Student. An eligible student under these policies is any present or former student who is eighteen years of age or older. Unless otherwise stated, the rights of parents and consent required or parents under these policies shall pass exclusively to the student upon reaching the age of eighteen years.

##### C. Notification of Rights

The parents of students in attendance and eligible students in attendance shall be notified annually by such means as determined by the administration to be reasonably likely to inform them of their rights under this policy. These means shall include provisions to notify effectively parents or students identified as having a primary or home language other than English.

The annual notification shall include:

1. The right to inspect, review, and obtain copies of the students record, the procedures for doing so, and the cost of obtaining copies.
2. The right to challenge the content of those records and the procedures for doing so.

(continued)

## STUDENTS

### RECORDS

#### §8-73 Rights of Parents and Students (continued)

3. The location where copies of policies relating to the Family Educational Rights and Privacy Act can be obtained.
4. The right to file a complaint with the Family Educational Rights and Privacy Act office and the address of that office.
5. The categories of information designated Directory Information, the right to refuse to permit any or all of these categories to be so designated for that student, and the procedures, form of notification, and time period within which this notification must be given.

#### D. Inspection and Review

1. Rights of Individuals. Parents of a student under the age of eighteen years shall have the right to inspect and review the records of the student by following the procedure set forth in subparagraph 4. Eligible students assume these rights of parents when they reach the age of eighteen. Thereafter, their parents no longer have the right to inspect and review these records without consent of the eligible student. Students under the age of eighteen years may be given reports on their achievement, behavior, attendance, and standardized or other tests and may be shown other information from their scholastic records in a counseling session with a certificated staff member or, with written permission of the students' parents, may inspect and review materials in their school records upon their own request. No student, including eligible students, shall have access to any financial records of the parents.
2. Professional Assistance. A qualified licensed staff member shall be available to any parent or eligible student during inspection and review and shall give explanations and interpretations in response to reasonable requests. A qualified licensed staff member must be present during review of records by a student under the age of eighteen years and shall explain and interpret the records to the student.
3. Copies of Records. The right of a parent or eligible student to inspect and review records includes the right to obtain a copy of those records. A fee, not to exceed the cost of reproduction, may be charged for such copy, provided that the fee does not effectively prevent parents or eligible students from exercising their rights to inspect and review those records. No fee may be charged for the search or retrieval of the records.

(continued)



STUDENTS

RECORDS

§8-73 Rights of Parents and Students (continued)

4. Procedure. A person having the right to inspect and review student records as defined in subparagraph 1 shall follow the following procedure:
  - a. The person must appear in person before the principal or other custodian of the records and present identification. If the person is a student and is not an eligible student as defined in subparagraph B.3 of this policy, the student must present written authorization of a parent. Written authorization must be confirmed by the principal.
  - b. If practicable, and if identifications and authorizations are confirmed, the person may be permitted to inspect and review the records immediately. If immediate access to the records is not practicable, the principal or other custodian of the records shall schedule a time during the regular working hours of the office and within fourteen days of the request for the person to inspect and review the records.
  - c. If a copy of the records is requested and the custodian can not provide it immediately, the copy may be (1) mailed with permission of the person requesting it or (2) picked up within fourteen days from the date of request.
  - d. No copies of records shall be mailed in response to telephone requests to parents or eligible students. Copies may be sent when requested in writing and the custodian has no reason to doubt the authenticity of the request.
5. Limitations. The right to inspect and review shall not include:
  - a. Records of instructional, supervisory, or administrative personnel or other educational personnel ancillary thereto which are in the sole possession of the maker and are not accessible or revealed to any other person except a temporary substitute.
  - b. Records relating to an eligible student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional with respect to the provision of treatment of the student and are not disclosed to anyone other than individuals providing the treatment, provided however that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(continued)

## STUDENTS

### RECORDS

#### §8-73 Rights of Parents and Students (continued)

- c. Records which contain only information relating to the person after that person was no longer a student in the Loudoun County schools.
- d. Records which contain information on more than one student, except that the parent or student may inspect and review or be informed of only the specific information that pertains to that student.

#### E. Amendment of Records

1. Right to Seek Amendment. A parent of a student or any eligible student who believes that information contained in the records of that student is inaccurate, misleading, or in violation of the privacy or other rights of the student may request the custodian of those records to amend them. Within fifteen days after receipt of such request, the custodian shall decide whether or not to amend the records as requested and shall notify the parent or eligible student of the decision. If the decision is to refuse the request for amendment, the parent or eligible student shall be informed of the right to a hearing to challenge the contents of the student's records and the procedure to obtain a hearing.
2. Procedure
  - a. A parent or eligible student who desires a hearing to challenge the content of a student's record shall notify the Assistant Superintendent for Pupil Services, who shall schedule a hearing within thirty days and notify the parent of eligible student at least five days prior to the hearing of the time and place of the hearing and the rights of the parent or eligible student at the hearing.
  - b. The parent or eligible student shall be given full and fair opportunity to present evidence in support of a contention that the student's record is inaccurate, misleading, or in violation of the student's rights. The parent or eligible student may be assisted or represented by a responsible adult, including legal counsel.
  - c. The hearing shall be conducted by the Assistant Superintendent for Pupil Services or a person designated by him/her who has no direct interest of the outcome.

(continued)

STUDENTS

RECORDS

§8-73 Rights of Parents and Students (continued)

d. The decision reached as a result of the hearing shall be based solely upon evidence presented at the hearing. This decision shall be transmitted in writing to the parent or eligible student within five days of the hearing and shall include a summary of the evidence and reasons for the decision

3. Corrections and Explanations. If, as a result of the hearing, it is decided that the record is inaccurate, misleading, or in violation of the student's rights, the Assistant Superintendent for Pupil Services shall have the records corrected and shall inform the parents in writing.

If it is decided that the record is not inaccurate, misleading, or in violation of the student's rights, the parent or eligible student shall be notified of the right to place in the student's records a statement commenting upon the information in the record and/or setting forth reasons for disagreeing with the decision not to amend the records.

Any such statement or explanation placed in the student's record shall be maintained as part of the student's record as long as the contested portion of the record remains a part of the student's record. Any disclosure of the contested portion of the record shall include the statement or explanation of the parent or eligible student.

F. Waiver of Access Rights.

A parent or a student may waive his or her access rights under this policy, but may not be required to do so.

1. Conditions. A waiver must be in writing and signed by the parent or student to be valid. Waivers may be given by students of any age. A waiver by a student under the age of eighteen years does not deny the parents of that student of their access rights. A waiver by the parents of a student does not deny the student of his or her access rights when he or she reaches the age of eighteen years.

2. Confidential Recommendations. The parents of a student and the student may be requested to waive their rights to inspect and review confidential letters or statements of recommendations pertaining to admission to an educational institution, application for employment, or receipt of an honor or honorary recognition.

(continued)

## STUDENTS

### RECORDS

#### §8-73 Rights of Parents and Students (continued)

Waivers under this subparagraph must be executed by the student, regardless of age. If the student is under eighteen years of age a waiver must also be executed by the parents of the student.

Waivers under this subparagraph shall apply only under the following conditions:

- a. Upon request, the student shall be notified of the names of all person(s) providing letters or statements of recommendation.
  - b. The letters or statements are used only for the purpose intended.
  - c. The waiver may not be required as a condition to receiving any other service or benefit from the school.
3. Coverage. A waiver shall state the types of records to which the waiver applies. In the case of waiver of rights to confidential letters or statements of recommendation, the waiver shall state the purpose for which the letters or statements are intended.

A waiver may be made with respect to specified classes of records of persons or institutions.

4. Revocation. A waiver may be revoked at any time; however, the revocation shall not affect any actions taken during the period the waiver was in effect. A revocation of a waiver must be in writing.

A waiver executed by a parent may be revoked by a student when the student reaches the age of eighteen years.

#### G. Disclosure of Records to Other Parties

Except as provided in Policy §8-74, personally identifiable information from a student's record shall not be disclosed without consent of the parents of the student or the eligible student.

A parent or eligible student shall have the right to inspect the record of disclosure of personally identifiable information from the records of the student.

Legal Reference: Code of Virginia §§22.1-287 through 22.1-289

Adopted: 6/12/79

Revised: 3/10/87, 6/22/93, 7/1/97, 1/22/2001

Current Revision: 4/25/06

STUDENTS

RECORDS

**REGULATION**

§8-73 Rights of Parents and Students

A. Definitions

1. Parent. In addition to natural parents and legal guardians, the term parent includes a person acting as a parent in the absence of a parent or guardian. A relative, foster parent, or other adult person with whom a student lives may be accorded the rights of a parent if the parent lives elsewhere, is deceased, has abandoned the child or has had legal custody removed. If a student resides in an institution, that institution should designate some person to exercise parental rights with respect to the records of the student.

Both natural parents may be presumed to have equal rights concerning student records unless the school has been informed of the existence of a court order, separation agreement, or other legal document restricting the rights of one parent.

B. Notification of Rights

1. Annual notification of the rights of parents and eligible students shall be disseminated by appropriate publication of printed material and/or media announcements. The principal of each school shall make use of available communication means to inform parents of the method of notification and shall arrange assistance for persons who cannot read or understand the written notification. The principal of any school with an eligible student shall be responsible to see that the eligible student is notified of his or her rights with respect to student records.
2. Each principal shall make available for inspection by any parent or eligible student the policies of the Loudoun County School Board respecting student records. Copies of these policies may be obtained from the Pupil Services Department for parents or eligible students who desire them.
3. Unless informed by a parent or eligible student within fourteen days after notification of their rights under student record policies, a principal may assume the parent or eligible student has consented to the release of Directory Information on that student.

(continued)

STUDENTS

RECORDS

**REGULATION**

§8-73      Rights of Parents and Students (continued)

C.            Inspection and Review

The custodian of any records should ascertain the identity of any person who requests access to student records or otherwise seeks to exercise rights under this policy.

The fee for copies of records shall be the actual cost of reproduction.

D.            Amendment of Records

The right to seek amendment of a student's record is for the purpose of ensuring that the record is not inaccurate, misleading, or in violation of any rights of the student. This right does not include the right to challenge whether or not a student deserved a grade different from that assigned by a teacher. It does, however, include the right to determine whether or not the grade was correctly recorded.

## STUDENTS

### RECORDS

#### §8-74 Disclosure of Personally Identifiable Information

##### A. Consent Required

Except as otherwise authorized by this policy, written consent of the parent or the eligible student is required before disclosing personally identifiable information from the records of a student. Written consent is not required when disclosure is made to the parent of a student who is not an eligible student, to an eligible student, or to a student except as provided in Policy §8-73, Paragraph D.1.

Any parent or eligible student who consents to the disclosure of information under this policy shall be provided, upon request and payment of a fee not to exceed the actual cost of reproduction, with a copy of the records disclosed.

##### B. Definitions

1. Disclosure means permitted access to, releasing, transferring, or otherwise communicating by oral, written, or other means the records of a student or personally identifiable information contained in those records.
2. Access means the inspection, review, and copy of records.
3. Release means providing specific information from records upon receipt of proper request.
4. Transfer means the surrender of the entire record or a transcript of the record.
5. Parent, Student, Eligible Student. The definitions contained in Policy §8-73 shall apply to this policy.

##### C. Form of Consent

Written consent required in paragraph A must be signed and dated by the parent or eligible student giving consent and shall include:

1. Specification of the records to be disclosed
2. The reasons for disclosure
3. The party or class of parties to which records shall be disclosed.

(continued)

## STUDENTS

### RECORDS

#### §8-74 Disclosure of Personally Identifiable Information (continued)

##### D. Access to Student Records

1. Access to scholastic records without consent of the parents or eligible student is authorized to the following:
  - a. Professional personnel within the school or school division as authorized in paragraph G of this policy. Such personnel who copy data from student records shall be responsible to protect the confidentiality of these data.
  - b. Adult clerical personnel charged with responsibility for record maintenance.
  - c. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the U.S. Secretary of Education, or state and local educational authorities needing information in connection with the audit and evaluation of State and Federally supported education programs or the enforcement of Federal legal requirements related to such programs. Data collected shall exclude information (including social security numbers) which would permit the personal identification of such students or their parents after the data so obtained had been collected, except when personally identifiable data are specifically authorized by Federal law or are needed by the State Board of Education for such projects as student follow-up studies.
  - d. The principal or designee(s) of any school the student attends, has attended, or plans to attend.
2. Employees or officers of the State or local health department shall have access to the pre-school physical examination report, the immunization record, and the school entrance health information form.
3. Employees of a local department of welfare or social services shall have access to a student's daily attendance record to determine the eligibility of the student's family for public assistance.

(continued)



STUDENTS

RECORDS

§8-74      Disclosure of Personally Identifiable Information (continued)

4.      A parent of a student under the age of eighteen years or an eligible student, may authorize any party or class of parties to have access to that student's records by granting written consent as required by paragraph C of this policy.
5.      When any person other than an authorized employee of the Loudoun County Schools is granted access to any student records, the custodian of the records or qualified designee shall be present to explain and interpret those records.
6.      When authorized professional personnel of the school or school division have access to specialized information, the custodian of the records or qualified designee shall be present to explain and interpret those records.

E.      Release of Records

1.      Directory Information, as defined in paragraph I of this policy, may be released subject to the restrictions therein without written consent of the parent or eligible student.
2.      Scholastic Record information may be released without prior written consent of the parent or eligible student upon request to the following:
  - a.      Professional personnel within the school or school division as authorized in paragraph G of this policy. Such personnel to whom data are released shall have responsibility for protecting the confidentiality of these data.
  - b.      Appropriate persons in connection with a student's application for or receipt of financial aid, provided the information is requested to determine the eligibility of the student, the amount of aid or the conditions of the aid or to enforce the terms of the aid.
  - c.      Organizations conducting studies for, or on behalf, of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of these organizations and provided such information will be destroyed when no longer needed for the purpose for which it was collected.

(continued)

STUDENTS

RECORDS

§8-74      Disclosure of Personally Identifiable Information (continued)

- d.      Accrediting institutions involved in accreditation of Loudoun County Schools.
  - e.      Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986.
  - f.      The staff of a college, university, or educational research and development organization or laboratory, at the discretion of the Division Superintendent, if such information is necessary to a research project or study conducted, sponsored, or approved by that institution or organization, provided that no student will be identified by name.
  - g.      An officer or employee of the United States seeking information in the course of his/her duties about a student who is a veteran of military service with the United States, or is an orphan or dependent of a veteran, or is an alien.
3.      Scholastic Record information may be released without written consent of the parent or eligible student upon request from the following:
- a.      Representatives of the federal government, state educational authorities, or the Division Superintendent of Schools as authorized by and subject to the restrictions of law and regulations.
  - b.      An officer or employee of a city or county agency responsible for protective services to children in regard to a student referred to that agency as a minor requiring investigation or supervision by that agency.
  - c.      The Department of Corrections on children committed to the Department by the courts.
  - d.      State or local law-enforcement officers, including probation officers, parole officers, or administrators, or members of a parole board seeking information in the course of their duties.

(continued)

## STUDENTS

### RECORDS

#### §8-74 Disclosure of Personally Identifiable Information (continued)

- e. Appropriate parties in connection with an emergency if the knowledge of information in the student's records is necessary to protect the health or safety of the student or others. Before releasing personally identifiable information under this subparagraph, the custodian must take into account the seriousness of the threat to the health or safety of the student or others, the need for the requested records to meet the emergency, the position of the person to whom records are released in being able to deal with the emergency, and the extent to which time is critical in dealing with the emergency.
  - f. State and local officials and authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released.
4. Scholastic Record information shall be released in compliance with judicial order or pursuant to any lawfully issued subpoena, provided that the custodian of the records makes a reasonable effort to notify the parent of the student or the eligible student of the judicial order or subpoena in advance of compliance therewith.
  5. The names and addresses of students presently enrolled or who have terminated their enrollment may be released, without consent of the parent of eligible student, by the principal of any school to any officer or employee of a public or private school, college, or university or any official of a private business or professional school for purposes directly related to the academic or professional goals of the institution.

#### F. Transfer of Records

1. A copy of the scholastic record, including the disciplinary file, of any student transferring to any school outside the Loudoun County Schools, including institutions of post-secondary education, shall be sent promptly upon request to the appropriate official of the school in which the student seeks or intends to enroll.
2. The parent of any student, or an eligible student, whose records are transferred to another school under subparagraph 1 shall be provided with a copy of the records upon request and at the actual cost of reproduction and shall have an opportunity for a hearing to challenge the content of those records.

(continued)

## STUDENTS

### RECORDS

§8-74      Disclosure of Personally Identifiable Information (continued)

G.            Authorized Professional Personnel

1.      Professional personnel with a direct educational interest in a student shall include the present teachers, counselors, nurses, deans, assistant principals, and principals of the student; central-office personnel engaged in instructional supervision, student evaluation and placement, program evaluation and coordination, and pupil services; the Division Superintendent; and any other person the Division Superintendent determines to have a legitimate educational interest of the student or who is responsible to the School Board or Division Superintendent to handle reports from records of students. Access and release of records to professional personnel is restricted to those students in whom they have a legitimate educational interest.
2.      The intent of this policy is to restrict access to students' school records to professional personnel who need to know information contained in the school records to carry out their professional responsibilities.

H.            Record of Disclosures

1.      The custodian of all student records shall keep permanently with the student's cumulative and confidential files a record showing:
  - a.      Parties who have requested and/or obtained access to or release of records, except the parent or eligible student, professional personnel authorized in subparagraphs D.1.a and E.2.a, and adult clerical personnel authorized in subparagraph D.1.b of this policy.
  - b.      Parties who have requested and/or obtained transfer of records, as authorized in paragraph F of this policy, and the agency or institution represented.
  - c.      The date of disclosure.
  - d.      The specific legitimate purpose for disclosure and the purpose for which the data will be used.
  - e.      The signature of the custodian of the records or designee.

(continued)

## STUDENTS

### RECORDS

#### §8-74 Disclosure of Personally Identifiable Information (continued)

2. The record of disclosure shall be maintained as a permanent part of the student's record. If a student's confidential record is destroyed, the record of disclosure from the confidential record will be placed permanently in the student's cumulative file.
3. The record of disclosure shall be available to the parent or eligible student, to school officials responsible for the record system, and to federal, state, and local officials in connection with the auditing of the system.
4. The release of Directory Information under paragraph I of this policy shall not be entered on the record of disclosure.

#### I. Directory Information

1. The following items in a student's record are classified as Directory Information:
  - a. Name and address of student and parent(s) or guardian(s)
  - b. Telephone listing
  - c. Electronic mail address of parent(s) or guardian(s)
  - d. Date and place of birth
  - e. Participation in officially recognized activities and sports
  - f. Height and weight, if member of athletic team
  - g. Dates of attendance and grade level
  - h. Awards and honors received
  - i. Other similar information specified by administrative regulation
2. Directory Information may be released to others without written consent of the parent or eligible student under the following conditions:
  - a. Annual written and public notice of the categories of information designated as Directory Information and the right of refusal for disclosure shall be given.

(continued)

## STUDENTS

### RECORDS

#### §8-74 Disclosure of Personally Identifiable Information (continued)

- b. Any parent of eligible student may, within fourteen days after notice has been given, notify the school in writing that all or any part of the information classified as Directory Information about the student shall not be released without prior consent.
3. This policy conveys no rights to non-school organizations, agencies, or persons to copies of Directory Information.
4. Directory Information shall not be sold to any organization, agency, or person for use in mailing lists or other commercial purpose.

#### J. Redisclosure of Student Record Information

1. Personal information from student records, with the exception of Directory Information as defined in paragraph I, shall be disclosed to parties other than the parent or student authorized professional personnel defined in paragraph G only on the condition that said parties will not redisclose such information without the written consent of the parent or eligible student. Any disclosure of personal information to said parties shall have attached a written statement notifying the recipient of this limitation on redisclosure.
2. Written assurance of compliance with this limitation or redisclosure may be required by the custodian of any records before disclosing the records to any party.

Legal Reference: Code of Virginia §§16.1-287, 22.1-270, 22.1-271.2, 22.1-287 through 22.1-289

Adopted: 6/12/79  
Revised: 3/10/87, 6/22/93, 7/1/97  
Current Revision: 4/25/06

## STUDENTS

## RECORDS

**REGULATION**§8-74 Disclosure of Personally Identifiable InformationA. Consent Required

1. The written consent of a parent is required before a student under the age of eighteen years may request to inspect his or her school records. A student under eighteen years may be shown or given copies of information concerning achievement, attendance, behavior, standardized or other test results without parental permission and may be shown other information from the cumulative record in a counseling session with a certificated staff member.
2. No student shall have access to any financial records of the parents of that student without written consent of the parents.
3. The fee for copies of records shall be the actual cost of reproduction.

B. Authorized Professional Personnel

The present teachers of a student shall include, in addition to the classroom teacher, any resource, itinerant, homebound, or substitute teacher who works directly with a student.

C. Directory Information

It is not the policy of this administration to release lists of names, addresses, and/or telephone numbers of students and/or parents to anyone or any organization without specific permission of the Division Superintendent, or the Assistant Superintendent for Pupil Services. Although release of directory information without prior consent of parents is permissible under federal and state law, there is no obligation that the school must do so.

Issued: 6/13/79

Revised: 6/22/93

Current Revision: 1/22/2001

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