

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { } ACTION { X } CLOSED MEETING { }

SUBJECT: SUPERINTENDENT'S REPORT - ACTION

VSBA Policies – 1st Reading

BACKGROUND: May 2013 Policy Updates – Continued

REVISIONS

AC NONDISCRIMINATION

Policy updated for consistency with Policies GB Equal Employment Opportunity/Nondiscrimination and JB Equal Education Opportunities/Nondiscrimination and GBA/JFHA Prohibition Against Harassment and Retaliation

AD EDUCATIONAL PHILOSOPHY

Policy, Legal References and Cross References updated.

BBFA SCHOOL BOARD MEMBERS CONFLICT OF INTEREST (Option 1)

Policy updated to reflect amendment of Va. Code §2.2-3101 by SB 1119. (Bath County is in Planning District 6.)

BDD ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

Policy updated to reflect amendment of Va. Code §2.2-3708.1 by HB 2026.

BF BOARD POLICY MANUAL

Policy updated to reflect amendment of Va. Code §22.1-253.13:7 by HB 2019. Cross Reference added.

BFC POLICY ADOPTION (~~Option 1~~)

Policy updated to reflect deletion of BFC Option 2.

BFC POLICY ADOPTION (Option 2) – DELETED

DJ SMALL PURCHASING

Policy updated to reflect amendment of Va. Code §2.2-4308 by HB 2128.

EA SUPPORT SERVICES

Policy and Legal References updated.

GA PERSONNEL POLICIES GOALS

Policy and Legal References updated.

GBL PERSONNEL RECORDS

Policy updated to reflect amendment of Va. Code §22.1-295.1 by HB 1889 and enactment of Va. Code §40.1-28.7:4 by HB 1931. Legal Reference added.

GBLA THIRD-PARTY COMPLAINTS AGAINST EMPLOYEES

Policy and Cross References updated.

- GBMA SUPPORT STAFF GRIEVANCES**
Policy updated to reflect amendment of Va. Code §22.1-79(6) by HB 2151.
- GCL PROFESSIONAL STAFF DEVELOPMENT**
Policy updated to reflect enactment of Va. Code §22.1-291.4 by HB 1871.
- GCPA* REDUCTION IN PROFESSIONAL STAFF WORK FORCE**
Policy updated to reflect amendment of Va. Code §22.1-304 by HB 2151.
- GCPD PROFESSIONAL STAFF DISCIPLINE**
Policy updated to reflect amendment of Va. Code §22.1-307 by HB 2151. Legal Reference updated.
- IGBG* HOMEBOUND, CORRESPONDENCE AND ALTERNATIVE MEANS OF INSTRUCTION**
Policy and Legal References updated.
- JCC SCHOOL CHOICE FOR STUDENTS ENROLLED IN SCHOOLS IDENTIFIED FOR IMPROVEMENT – DELETED**
Policy deleted to reflect waiver of NCLB requirements. ESEA Flexibility Request Virginia Department of Education (as revised and submitted January 11, 2013).
- LC* CHARTER SCHOOLS**
Policy updated to reflect amendment to Va. Code §22.1-212.9 by HB 2076 and SB 1131. School Board initiated charter school applications no longer must be reviewed by the State Board of Education before approval.
- LI RELATIONS WITH EDUCATIONAL ACCREDITATION AGENCIES**
Policy updated to reflect amendment of Va. Code §22.1-253.13:3 by SB 1189 and HB 2098.

*** Regulations will be developed or updates for these policies.**

- JED-R SCHOOL ATTENDANCE REGULATIONS**
Regulation updated.

RECOMMENDATION: A second reading and policy adoption/deletion will occur in September.

School Attendance Regulations were approved by the Superintendent for inclusion in school handouts.

NONDISCRIMINATION

The **BLANK** School Board is committed to a policy of nondiscrimination with regard to ~~race, color, sex, age, religion, disability, national origin, or status as a parent~~ sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law. This attitude commitment will prevail in all of its policies and practices concerning staff, students, educational programs and services, and individuals and entities with whom the Board does business.

Adopted:

Legal Refs.: 20 U.S.C. sections ~~§§ 1400 et seq., 1681-1688 et seq.~~
29 U.S.C. sections ~~§ 621 et seq., 794.~~
42 U.S.C. sections ~~2000 et seq., 12101 et seq.~~ §§ 2000d-2000d-7, 2000e-2000e-17, 2000ff-1.

~~45 CFR Parts 81, 86.~~ 34 C.F.R. 106.9.

~~Executive Order 11246, as amended by Executive Orders 11375, 11478, and 12086.~~

Constitution of Virginia, article I, section 11.

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

Cross Refs.:	GB/JB	Equal Employment Opportunity/Nondiscrimination
	GBA/JFHA	Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion. <u>Prohibition Against Harassment and Retaliation</u>

EDUCATIONAL PHILOSOPHY

~~It shall be the philosophy of the BLANK School Board~~ is committed to provide providing equal opportunity for every student to achieve maximum intellectual, social, emotional and physical growth and to ensure ~~ensuring~~ that each individual student be equipped to communicate effectively with other people, to be competent both in the work place and in higher education and to feel confident of the ability to make creative and constructive decisions in his/her life.

~~It shall be the policy of the BLANK School Board to:~~

- ~~Provide~~ provides the necessary trained and dedicated leadership, qualified personnel, equipment and materials to assure an appropriate education for every student;
- ~~Treat all personnel~~ treats all members of the school community equitably with the highest degree of respect;
- ~~Appropriate funds~~ allocates and uses assets fairly and efficiently; and
- ~~Attend to the property and equipment of all schools to work toward achieving parity among schools in the division.~~

Adopted:

Legal Refs.: ~~Constitution of Virginia, article VIII, section 7.~~

~~Code of Virginia, 1950, as amended, sections § 22.1-78, 22.1-79, 22.1-293, 22.1-295.~~

~~8 VAC 20-131-20.~~

Cross Refs.:	AC	Nondiscrimination
	GA	<u>Personnel Policies Goals</u>
	GB/JB	Equal Employment Opportunity/Nondiscrimination
	GBA/JFHA	<u>Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion Prohibition Against Harassment and Retaliation</u>
	IGBC	Parental Involvement

SCHOOL BOARD MEMBERS CONFLICT OF INTEREST

A. Purpose

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

B. Areas of Regulation

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

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

C. Definitions

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

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

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

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

working relationship between the entities.

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

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

"Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.

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

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

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used. "Gift" does not include honorary degrees and presents from relatives. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse.

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

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

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

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

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

- ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
- annual income that exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business;
- salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed \$10,000 annually;
- ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income or salary, other compensation, fringe benefits or benefits from the use of property;
- personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
- an option for ownership of a business or real or personal property if the ownership interest will consist of (i) or (iv) above.

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

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

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

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

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

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

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

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

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

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

1. Prohibited Conduct

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

- solicit or accept money, or anything else of value, for services performed within the scope of his or her official duties other than his or her regular compensation, expenses or other remuneration;
 - offer or accept money, or anything else of value, for or in consideration of obtaining employment, appointment, or promotion in the school division;
 - offer or accept any money or anything else of value for or in consideration of the use of his public position to obtain a contract for any person or business with the school division.
 - use for his or her own economic benefit, or anyone else's, confidential information gained by reason of his or her office, and which is not available to the public;
 - accept any money, loan, gift, favor or service that might reasonably tend to influence the discharge of duties;
 - accept any business or professional opportunity from which a School Board member may gain a financial benefit, where the member knows or should know that there is a reasonable likelihood that the opportunity is being offered with intent to influence his or her conduct in the performance of official duties.
2. Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or other employee of BLANK School Board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

F. Prohibited Conduct Regarding Contracts

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

2. Exceptions - The above prohibition shall not be applicable to:

- a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board
- contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public
- a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract
- the sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof
- the publication of official notices
- contracts between the government or school board of a town or city with a population of less than 10,000 and an officer or employee of that town or city government or school board when the total of such contracts between the town or city government or school board and the officer or employee of that town or city government or school board or a business controlled by him does not exceed \$10,000 per year or such amount exceeds \$10,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in Va. Code § 2.2-3115
- an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$10,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract
- contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public

utilities in which the officer or employee has a personal interest provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating or approving the contract

- contracts for the purchase of goods or services when the contract does not exceed \$500
- grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency
- an officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee
- employment contracts and other contracts entered into prior to August 1, 1987, provided such contracts were in compliance with the Virginia Conflict of Interests Act (or the Comprehensive Conflict of Interests Act) at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. The employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of the persons is employed in a direct supervisory and/or administrative position with respect to the spouse or other relative residing in his household and the annual salary of the subordinate is \$35,000 or more

G. Prohibited Conduct Regarding Transactions

1. Each School Board member and School Board employee who has a personal interest in a transaction
 - a. shall disqualify himself from participating in the transaction if
 - (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interest; or
 - (ii) he is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d. of this policy.

Any disqualification under this subsection shall be recorded in the School Board's public records. The School Board member or employee shall disclose his personal interests as required by Va. Code § 2.2-3115E and shall not vote or in any manner act on behalf of the School Board in the transaction. The member or employee shall not

- (i) attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the matter in which he has a personal interest is discussed; or
 - (ii) discuss the matter in which he has a personal interest with other governmental officers or employees at any time.
 - b. may participate in the transaction if he is a member of a business, profession, occupation, or group of three or more persons, the members of which are affected by the transaction, and he complies with the declaration requirements of Va. Code § 2.2-3115 G;
 - c. may participate in the transaction when a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of Va. Code § 2.2-3115 H; or
 - d. may participate in the transaction if it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.
2. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this policy.
 3. If disqualifications under subsection 1.a. of this section leave less than the number required by law to act, the remaining member or members of the Board shall constitute a quorum for the conduct of business and have authority to act for the Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.
 4. The provisions of this section shall not prevent a Board member or employee from participating in a transaction merely because such a Board member or employee is a defendant in a civil legal proceeding concerning such transaction.

H. Disclosure Requirements for School Board Members

1. School Board members¹ will file, as a condition of assuming office, with the clerk of the school board a disclosure statement of their personal interests and other information as is specified on the form set forth in Va. Code § 2.2-3117 and shall thereafter file such statement annually on or before January 15.

Footnote is for reference only and should be removed from the Board's final policy.

¹ This provision applies to school board members in counties, cities, and towns with populations in excess of 3,500.

2. Any Board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate and such disclosure shall be reflected in the School Board's public records in the division superintendent's office for a period of five (5) years.
3. Any Board member or employee who is required to disclose his interest under Section G.1.b. of this policy shall declare his interest by stating:
 - the transaction involved;
 - the nature of the Board member's or employee's personal interest affected by the transaction;
 - that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction; and
 - that he is able to participate in the transaction fairly, objectively, and in the public interest.

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

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

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

Adopted:

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

Cross Ref.: GCCB Employment of Family Members

ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, the School Board shall not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

I. Quorum Physically Assembled

A school board member may participate in a meeting through electronic communication means from a remote location that is not open to the public:

1. if, on or before the day of a meeting, the School Board member notifies the chair of the School Board that he or she is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the School Board
 - a. approves the member's participation by a majority vote of the members present at a meeting and
 - b. records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated.

Such participation by a School Board member shall be limited each calendar year to two meetings or 25 percent of the meetings of the School Board, whichever is fewer; or

2. if a School Board member notifies the School Board chair that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the School Board records this fact and the remote location from which the member participated in its minutes.

A school board member may participate in a meeting by electronic means pursuant to this section only when:

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

II. Quorum Not Physically Assembled

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

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to address the emergency.

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

- give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the School Board;
- make arrangements for public access to the meeting;
- make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the School Board and that have been made available to the School Board's staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;
- record minutes of the meeting in accordance with Policy BDDG Minutes; and
- record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes of the meeting.

If the School Board meets by electronic means as provided in this section, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:

- the total number of electronic communication meetings held that year;
- the dates and purposes of the meetings;
- the number of sites for each meeting;
- the types of electronic communication means by which the meetings were held;
- the number of participants, including members of the public, at each meeting location;
- the identity of the members of the School Board recorded as absent and those recorded as present at each meeting location;
- a summary of any public comment received about the electronic communication meetings; and
- a summary of the School Board's experience using electronic communication meetings, including its logistical and technical experience.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3708, 2.2-3708.1, 2.2-3710.

Cross Ref.: BDDG Minutes

BOARD POLICY MANUAL

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

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

Adopted:

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

Cross Ref.: BFC Policy Adoption
CH Policy Implementation

POLICY ADOPTION

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

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

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

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

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

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

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

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

Adopted:

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

Underwood v. Henry County School Board, 245 Va. 127, 427 S.E.2d 330, (1993).

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

POLICY ADOPTION

Policy

~~BLANK School Board is a member of Virginia School Boards Association (VSBA) Policy Services. As a member, the Board receives new and revised policies from VSBA based on legal research and analysis. It is the policy of BLANK School Board that upon receipt by the division's Policy Contact person of new and revised policies developed by the VSBA legal and policy staff, such policies shall be the policy of the BLANK school division.~~

Rationale

~~Upon receipt of new and revised VSBA-developed policies, the division Policy Contact person shall immediately incorporate the new and revised policies into the division's policy manual (both electronic and hard copy versions) and ensure that all copies of the policy manual are current.~~

~~This policy does not replace the local review of new and revised policies. New and revised policies received from VSBA still will be provided to an editorial committee of staff and community members for review for the purpose of recommending editorial suggestions to the Board and Superintendent.~~

~~The purpose of this policy is to eliminate lag time between receipt of a new or revised policy and its implementation.~~

Adopted:

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

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

SMALL PURCHASING

Pursuant to written procedures not requiring competitive sealed bids or competitive negotiation, the School Board may enter into single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed \$100,000; however, such small purchase procedures shall provide for competition wherever practicable. Such small purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000.

~~If the School Board adopts such written procedures, it will post a public notice on the Department of General Services central electronic procurement website or other appropriate websites.~~

Adopted:

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

Cross Ref.: DJF Purchasing Procedures

SUPPORT SERVICES

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

~~Therefore, the School Board will ensure the proper operation, maintenance, and management of school buildings, grounds, vehicles, equipment, and services.~~

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

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79(3), ~~22.1-184,~~
22.1-253.13:2.

Cross Refs.: EBA Buildings and Grounds Inspection
 EC Buildings and Grounds Management and Maintenance

PERSONNEL POLICIES GOALS

~~The superintendent or his/her designee, is responsible for the appropriate recruitment, staffing, and employee relations of personnel of the BLANK School Division subject to the exclusive final authority of the school board and shall maintain a personnel record system for all employees of the school division.~~

The goal of the employment policies and practices of the BLANK School Board is to promote the employment and retention of highly qualified personnel to effectively serve the educational needs of students.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ ~~22.1-70, 22.1-78, 22.1-295, 22.1-313.~~

Cross Refs.:	AC	Nondiscrimination
	GB	Equal Employment Opportunity/Nondiscrimination
	GBL	Personnel Records
	GBN	Staff Hiring Procedure

PERSONNEL RECORDS

Present and past employees shall have access to their personnel files and records which are maintained by the BLANK School Division. No separate employee files shall be maintained which are not available for that employee's inspection.

If information relative to employment is requested by banks or other establishments or individuals, written permission from the employee to release such information is required, except to comply with a judicial order, a lawfully issued subpoena, the Virginia Freedom of Information Act (Va. Code § 2.2-2700 et seq.), or other law or court order. The employee will be notified of the request for records.

The superintendent is responsible for maintaining a system of personnel records for all employees of the School Board. Personnel files of all School Board employees may be produced and maintained in digital or paper format.

Teacher performance indicators, or other data used to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise is confidential but may be disclosed (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this policy prohibits the release of or limits the availability of nonidentifying, aggregate teacher performance indicators or other data.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3700 et seq., 2.2-3800 et seq., and 22.1-295.1 and 40.1-28.7.4.

Cross Ref.: GBLA Third Party Complaints Against Employees

THIRD-PARTY COMPLAINTS AGAINST EMPLOYEES

Any parent or guardian of a student enrolled in the BLANK Public Schools or any resident of BLANK may file a complaint regarding an employee of the BLANK Public Schools School Board. Such complaint will be filed with the superintendent or his/her designee. If the complaint involves allegations that an employee of the BLANK Public Schools has abused or neglected a child in the course of his educational employment, the complaint will be investigated in accordance with Va. Code §§ 63.2-1503, 63.2-1505, and 63.2-1516.1.

Information determined to be unfounded after a reasonable administrative review will not be maintained in any employee personnel file, but may be retained in a separate sealed file by the administration if such information alleges civil or criminal offenses. Any dispute over such unfounded information, exclusive of opinions retained in the personnel file, or in a separate sealed file, notwithstanding the provisions of the Government Data Collection and Dissemination Practices Act, Va. Code §§ 2.2-3800 et seq., will be settled through the employee grievance procedure as provided in Va. Code §§ 22.1-306 and 22.1-308 through 22.1-314.

Individuals lodging a complaint will be sent a letter noting that the complaint has been received and is in the process of being investigated.

The complaint must be filed within 30 days after the alleged incident and should be processed after a reasonable period of time, normally within 60 days or less.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3800 et seq., 22.1-70, 22.1-78, 22.1-295.1.

Cross Refs.: GB Equal Employment Opportunity/Nondiscrimination
 GBA/JFHA ~~Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion~~ Prohibition Against Harassment and Retaliation
 GBL Personnel Records
 JB Equal Educational Opportunities/Nondiscrimination
 JHG Child Abuse and Neglect Reporting

SUPPORT STAFF GRIEVANCES

The School Board adopts the attached Procedure for Adjusting Grievances (GBMA-R) in accordance with state law¹ to afford a timely and fair method of resolution of disputes regarding dismissal or other disciplinary actions arising between the School Board and employees who have completed the probationary period set forth in policy GDG, 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 Title 22.1 of the Code of Virginia. Such procedure ~~does not include a hearing before a fact-finding panel~~ but is otherwise consistent with the State Board of Education's procedure for adjusting grievances.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-79(6).

Cross Refs.: GBM Professional Staff Grievances
 GDG Support Staff Probation

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM THE FINAL VERSION OF THE POLICY.

¹ Virginia law requires school divisions which had not adopted a grievance procedure prior to January 1, 1991 to adopt a procedure in accordance with Va. Code § 22.1-79(6). The procedure created in VSBA Policy GBMA-R is designed for use by divisions which had not adopted a procedure prior to January 1, 1991.

PROFESSIONAL STAFF DEVELOPMENT

The BLANK School Board will provides a program of high-quality professional development

- (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers and administrators to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels;
- (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education;
- (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula, and
- (iv) for administrative personnel designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel, and
- (v) designed to educate School Board employees about bullying and the need to create a bully-free environment.

In addition, the Board will also provides teachers and principals with high-quality professional development programs each year in

- (i) instructional content;
- (ii) the preparation of tests and other assessment measures;
- (iii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives;
- (iv) instruction and remediation techniques in English, mathematics, science and history and social science;
- (v) interpreting test data for instructional purposes; and
- (vi) technology applications to implement the Standards of Learning; and
- (vii) effective classroom management.

All instructional personnel are required to participate each year in professional development programs.

The Board will annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:5.E, ~~22.1-253.13:5.G.~~

8VAC 20-450-10.

REDUCTION IN PROFESSIONAL STAFF WORK FORCE

A decrease in enrollment, abolition of particular subjects, a budget reduction or adjustment, a decrease in the School Board's budget as approved by the appropriating body, a consolidation of schools, the phasing out of programs, departments or grade levels and other conditions may cause a reduction in the number of staff needed in a building, program or department or in the entire school division.

General reduction in total personnel and redistribution of personnel within designated programs shall be done in accordance with regulations adopted by the Board. The regulations will not provide for reductions to be made solely on the basis of seniority; they will include consideration of the performance evaluations of the teachers potentially affected by the reduction in workforce.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304, ~~22.1-305(G)~~.

Cross Ref.: GCG Professional Staff Probationary Term and Continuing Contract

PROFESSIONAL STAFF DISCIPLINE

A. Probation and Dismissal

Teachers may be dismissed ~~or placed on probation~~ for incompetency, immorality, non-compliance with school laws and regulations, disability in accordance with State and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. "Incompetency" includes, but is not be limited to, consistent failure to meet the endorsement requirements for the position or ~~performance that is documented through evaluation to be consistently less than satisfactory~~ one or more unsatisfactory performance evaluations.

A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to Va. Code § 63.2-1505, and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the School Board to recommend that the Board of Education revoke such person's license to teach.

In those instances when licensed personnel are dismissed or resign due to a conviction of any felony; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; any offense involving drugs; or due to having become the subject of a founded case of child abuse or neglect, the School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

If a current employee is dismissed because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

Administrative regulations shall be developed for the dismissal or placing on probation of continuing contract teachers and probationary teachers during the school year.

No teacher shall be dismissed or placed on probation solely on the basis of the teachers' refusal to submit to a polygraph examination requested by the School Board.

B. Suspension

Employees of BLANK School Board may be suspended as provided in Policy GCPF Suspension of Staff Members.

C. Failure to Perform Nonemergency Health-Related Services

With the exception of school administrative personnel and employees who have the specific duty to deliver health-related services, no licensed instructional employee,

instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

"Health-related services" means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

D. Effect of Probation Pursuant to Va. Code §18.2-251

For purposes of this policy, a court's placing an individual on probation pursuant to Va. Code § 18.2-251 shall be treated as a conviction and as a finding of guilt.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-251, 22.1-274, 22.1-296.2, 22.1-303, 22.1-304, 22.1-307, 22.1-313, 22.1-315.

Cross Refs.:	GCE	Part-Time and Substitute Staff Employment
	GCG	Professional Staff Probationary Term and Continuing Contract
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCPF	Suspension of Staff Members
	JHC	Student Health Services and Requirement

HOMEBOUND, CORRESPONDENCE AND ALTERNATIVE MEANS OF INSTRUCTION

Homebound Instruction

The School Board shall maintain a program of homebound instruction for students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician, physician assistant, nurse practitioner, or clinical psychologist.

Credit for the work shall be awarded when it is done under the supervision of a licensed teacher, a person eligible to hold a Virginia license, or other appropriately licensed professional employed by the School Board, and there is evidence that the instructional time requirements or alternative means of awarding credit adopted by the School Board have been met.

Correspondence Courses

Students may enroll in and receive a standard and verified unit of credit for supervised correspondence courses with prior approval of the principal. Standard units of credit will be awarded for the successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia license, approved by the local School Board. Verified units of credit may be earned when the student has passed the SOL test associated with the correspondence course completed. The division superintendent will develop regulations governing this method of instruction in accordance with the regulations of the Board of Education.

Instruction through Alternative Technological Means

Standard units of credit will be awarded for the successful completion of courses delivered through emerging technologies and other similar means when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia license, and approved by the School Board. Verified units of credit may be earned when the student has successfully completed the requirements and passed the SOL test associated with the course. The division superintendent will develop regulations governing this method of delivery of instruction in accordance with the regulations of the Board of Education.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:2, 54.1-2952.2, 54.1-2957.02.

8 VAC 20-131-180.

Cross Ref.: IGBGA Online Courses and Virtual School Programs

~~SCHOOL CHOICE FOR STUDENTS ENROLLED IN SCHOOLS
IDENTIFIED FOR IMPROVEMENT~~

~~Students enrolled in a school which does not make "adequate yearly progress" after being identified for school improvement as provided by the No Child Left Behind Act of 2001 will, not later than the first day of the school year following such identification, be given the option of transferring to a division school which has not been so identified. The Superintendent will determine the school(s) to which students may transfer.~~

~~A student who transfers to another school pursuant to this policy may remain at that school until the student completes the highest grade at that school. Transportation will be provided until the end of the school year in which the student's original school ceases to be identified for school improvement.~~

~~The Superintendent or designee shall, to the extent practicable, establish a cooperative agreement with other divisions in the area to allow the transfer of any student at a school to which has failed to make "adequate yearly progress" after being identified for school improvement when there is no other district school to which the student may transfer~~

Adopted:

Legal Ref.: ~~20 U.S.C. § 6316.~~

Cross Ref.: ~~JC~~ ~~School Attendance Areas~~

CHARTER SCHOOLS

Purpose

In order to (i) encourage the development of innovative programs; (ii) provide opportunities for innovative instruction and student assessment; (iii) provide parents and students more choices; (iv) provide innovative scheduling, structure and management; (v) encourage the use of performance-based educational programs; (vi) establish high standards for teachers and administrators; and (vii) develop models for replication in other public schools, the **BLANK** School Board shall receive and consider applications for the establishment of charter schools.

Definition of Charter School

A charter school is a public, nonreligious, or non-home-based alternative school located within the **BLANK** School Division or operated jointly by multiple school divisions. A charter school may be created as a new school or by converting all or part of an existing public school. Conversions of private schools or home-based programs shall not be permitted. A charter school for at-risk pupils may be established as a residential school.

In establishing public charter schools within the division, the School Board will give priority to public charter school applications designed to increase the educational opportunities of at-risk students, particularly those at-risk students currently served by schools that have not achieved full accreditation.

All charter schools shall be subject to federal and state law, regulations and constitutional provisions prohibiting discrimination in admissions, employment or operation on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or the need for special education services. Charter schools shall also be subject to any court-ordered desegregation plan in effect in the school division. Charter schools, like all public schools, shall also be subject to all federal education the requirements. ~~of the federal No Child Left Behind Act of 2001.~~

Application Process

Any person, group or organization may submit an application for the formation of a charter school to the **BLANK** School Board. Prior to submitting a charter school application to the School Board, a public charter school applicant shall submit its proposed charter application to the Board of Education for review and comment and a determination as to whether the application meets the approval criteria developed by the Board of Education. Charter School applications initiated by the BLANK School Board must conform to the Virginia Public Charter School Application. However, such applications will not be required to receive Board of Education review and comment prior to local board action.

The Board of Education will examine such all applications other than those initiated by the School Board, for feasibility, curriculum, financial soundness, and other objective criteria it may establish, consistent with existing state law. The Board of Education's review and comment will be for the purpose of ensuring that the application conforms with such criteria. The school division may work with a charter school applicant before the application is submitted to the Board of Education for review and recommendation.

~~The applicant~~ All charter school applicants, other than those initiated by the School Board, must complete the entire application in the format provided in Exhibit LC-E. The School Board shall establish a "review team" consisting of appropriate school personnel, a local business representative and a resident charter school proponent to evaluate charter school applications. The School Board shall designate the chairman of the review team as the contact person for answering questions about the application process and receiving applications.¹ The review team shall work cooperatively with applicants for charter schools. When an application is incomplete, the review team shall request the necessary information; an incomplete application is not grounds for denying a charter. However, if the applicant does not provide the necessary information within a reasonable timeframe (established by the review team)² then the application may be denied.

The review team shall (1) recommend to the School Board appropriate criteria for reviewing charter school applications; (2) evaluate all charter school applications based on the review criteria adopted by the School Board; (3) recommend one of the following options to the School Board for each application: approve, reject, place on a waiting list or return with suggestions for improvement; (4) monitor charter school progress; and (5) make recommendations for revocation, renewal or non-renewal of charter contracts.

The BLANK School Board shall establish a regulation for receiving, reviewing and ruling on applications for the establishment of charter schools. Such regulation must include a timeline for the application and review process and the means for reviewing and evaluating each application, including the criteria on which the decision to grant or deny a charter will be based.³ To provide appropriate opportunity for input from parents, teachers, citizens, and other interested parties and to obtain information to assist the school board in its decision to grant or deny a public charter school

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM THE FINAL POLICY.

¹ The School Board must ensure a fair and objective process for receiving and evaluating applications. Fairness and objectivity can be accomplished by establishing a review team.

² The law does not address applicants who fail to provide the requested information. However, it seems logical to set some limit on the time for supplying incomplete information. Certainly, if the applicant does not provide the information within the timeframe for approval of applications, as established by the review team, then the application could not be recommended for approval for the next school year.

³ Virginia law leaves the entire application timeline and review process to the discretion of the School Board.

application, the regulation will provide for public notice and the receipt of comment on public charter school applications. The school board shall give at least 14 days' notice of its intent to receive public comment on an application. A copy of the regulation, including the review criteria, shall be posted on the division's website and a copy shall be made available to any interested party upon request.

School Board Decision

If the school board denies a public charter school application, or revokes or fails to renew a charter agreement, it shall provide to the applicant or grantee its reasons, in writing, for such decision, and it shall post such reasons on its website. A public charter school applicant whose application was denied, or a grantee whose charter was revoked or not renewed, shall be entitled to petition the school board for reconsideration. The petition for reconsideration shall be filed no later than 60 days from the date the public charter school application is denied, revoked, or not renewed. Such reconsideration shall be decided within 60 days of the filing of the petition.

The school board shall establish a process for reviewing petitions of reconsideration, which shall include an opportunity for public comment. The petition of reconsideration may include an amended application based on the reasons given by the school board for such decision. Prior to seeking reconsideration, an applicant or grantee may seek technical assistance from the Superintendent of Public Instruction to address the reasons for denial, revocation, or non-renewal.

Upon reconsideration, the decision of the school board to grant or deny a public charter school application or to revoke or fail to renew a charter agreement shall be final and not subject to appeal.

Nothing in this section shall prohibit an applicant whose application has been denied or a grantee whose charter has been revoked or not renewed from submitting a new application.

Charter Contract

Upon approval of a charter application, the School Board and the management committee of the charter school shall enter into a contract which contains all agreements between the School Board and the charter school; the approved application shall serve as the basis for the contract.⁴ The charter contract shall also include other provisions negotiated by the School Board or its designee. A charter may be granted for up to five years. Any material revision of the charter contract shall be made in writing and must be approved by the School Board and the charter school.

⁴ Incorporating the application into the contract is the best way to ensure all terms of the application are included in the contract.

Waivers of School Board Policy and State Regulation

A charter school may operate free from School Board policies and state regulations, except the Standards of Quality, the Standards of Accreditation and Standards of Learning, as agreed in the charter contract. The School Board shall designate in its regulation governing charter schools which School Board policies may not be waived. The School Board shall request from the Board of Education, on behalf of its charter schools, waivers from state regulation contained in each approved charter application. If the charter school is designed to increase the opportunities of at-risk students, then the School Board shall request that the Board of Education approve an Individual School Accreditation Plan.

Management and Operation

A charter school shall be administered and operated by a management committee in the manner agreed to in the charter contract. The management committee shall be composed of parents of students enrolled in the school, teachers and administrators working in the school and representatives of any community sponsors, or any combination thereof. A charter school shall be responsible for its own operations. However, a charter school may negotiate and contract with the School Board, or any other third party, for the provision of necessary services; services provided by the School Board must be provided at cost (See Section XXIV in the Application).

The applicant and members of the management committee, administrators, and other personnel serving in a public charter school must disclose any ownership or financial interest they may have in renovating, lending, granting, or leasing public charter school facilities.

Personnel

Charter school personnel shall be selected as agreed in the charter contract. Such personnel may, but are not required, to be employees of the School Board. However, all charter school personnel shall be subject to the provisions of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4.

Professional, licensed employees currently employed by the School Board may volunteer for assignment to a charter school and may be assigned by the School Board to a charter school for one contract year and reassigned annually upon the request of the employee and management committee. Professional, licensed employees assigned to a charter school shall receive the same employment benefits as such personnel assigned to noncharter schools. Professional, licensed personnel who request assignment to a noncharter school or who are not recommended for reassignment in

the charter school, other than for reasons cited in § 22.1-307 of the Code of Virginia, shall be transferred to a noncharter school according to School Board policy.⁵

The School Board may employ health, mental health, social services and other related personnel to serve in residential charter schools for at-risk students as determined in the charter agreement. However, the School Board is not required to fund the residential or other services provided by a residential charter school.

The School Board has the final authority to assign professional, licensed personnel to charter or other schools within the division.⁶

Funding

Charter schools shall be funded as provided by law and negotiated in the charter contract.

Revocation and Renewal of the Charter Contract⁷

The School Board may revoke a charter contract if:

- the charter school violates the conditions, standards or procedures established in the application;
- the charter school violates a material term of the charter contract (for example, failing to provide required reports to the School Board);⁸
- the charter school fails to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;
- the charter school fails to meet generally accepted standards of fiscal management; or
- the charter school violates any provision of law from which the public charter school was not specifically exempted.

A charter contract may be renewed for up to five years. The management committee must apply to renew the charter by **[INSERT DATE]** of the school year the charter expires.⁹

⁵ A provision dealing with the transfer of charter school personnel should be added to School Board policies governing personnel.

⁶ Unilaterally assigning personnel to a charter school may stifle the innovation and choice which were reasons for granting the charter. However, the ultimate authority to assign personnel rests in the School Board.

⁷ § 22.1-212.12(C) of the Code of Virginia states that nothing in this section shall be construed to restrict the authority of the School Board to decline to renew a charter contract. This section suggests that the School Board is not limited to the statutory criteria in making a renewal decision. However, if other criteria are used in the renewal decision, then they should be stated in policy or regulation.

⁸ Although not explicitly stated in the law, a charter could be revoked for a material violation of its terms.

The application for renewal shall contain:

- a report on the progress of the charter school in achieving the goals, objectives, program and performance standards for students and other conditions and terms the School Board required in the charter;
- a financial statement, on forms prescribed by the Board of Education, disclosing the costs of administration, instruction and other spending categories which is written in a way to allow the School Board and the public to compare such costs to the costs of other schools and comparable organizations; and
- other information the School Board may require.

If a charter contract is revoked or not renewed, or a charter school is dissolved, the management committee shall be responsible for all financial obligations of the charter school.¹⁰

Reports

The School Board shall report to the Board of Education the following:

- the grant or denial of charter applications, applications for renewal, and the revocation of any charter contract. For any such denial or revocation, the report to the Board of Education shall contain documentation as to the reason for the denial or revocation;
- whether a public charter school is designed to increase the educational opportunities of at-risk students or any students served by schools that have not achieved full accreditation; and
- an annual evaluation of each charter school.

The Board of Education will report the number of public charter schools established in Virginia, and the number of charters denied, in its annual report to the Governor and the General Assembly.

Adopted:

Legal Refs: 20 U.S.C. § 6311(b)(1)(B).

Code of Virginia, 1950, as amended, § 22.1-212.5 et seq.

⁹ There is no statutory deadline for submitting a renewal application. Wisdom suggests that the renewal application should be submitted at least six months before the expiration of the charter contract. Therefore, if the charter is not renewed, the conclusion of financial and administrative operations, including the reassignment of personnel may be accomplished.

¹⁰ This provision should be included in the charter contract.

RELATIONS WITH EDUCATIONAL ACCREDITATION AGENCIES

All BLANK Public Schools shall be accredited according to standards developed by the Board of Education. The School Board will review the accreditation status of each school in the division annually in a public session of a board meeting.

The School Board will recognize individual schools under the Virginia Index of Performance (VIP) program established by the Board of Education to recognize and reward fully accredited schools that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science, and other indicators of school and student performance that are aligned with Virginia's goals for public education. The recognition may include public announcements, media releases, and other appropriate recognition.

The School Board may ask the Board of Education for release from state regulations and or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C. A request for a waiver from state regulations that are not (i) mandated by state or federal law or (ii) designed to promote health or safety will be made by the superintendent and chairman of the School Board on behalf of the School Board. The waiver request will describe how release from state regulations is designed to increase the quality of instruction and improve the achievement of students in the affected school or schools.

The School Board, by the superintendent and chairman of the School Board, may also request that the Board of Education grant waivers of specific requirements in Va. Code § 22.1-253.13:2, permitting the School Board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by Va. Code § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of Va. Code § 22.1-253.13:2 are met. In its request, the School Board will demonstrate that the waivers from specific Standards of Quality staffing standards will increase the quality of instruction and improve the achievement of students in the affected school or schools.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-19, 22.1-253.13:3, 22.1-253.13:9.

~~8 VAC 20-131-5 et set~~

SCHOOL ATTENDANCE REGULATIONS

Elementary Schools

Regular school attendance is necessary for students to receive the full benefit of public education. In addition, state compulsory attendance laws mandate school attendance until age eighteen. As such, all parents and students must accept responsibility for regular student attendance in school.

When a student is absent from school, parents or guardians should call the school to report the student's absence by 10:00 am. If no telephone is available, then upon the student's return to school, the parent or guardian must send a written note stating the reason for the student's absence. Parents or guardians will be notified by telephone whenever a student does not attend school and the school is not aware of the reason for the absence.

All absences other than those listed below as unexcused shall be considered 'excused' if oral or written communication is received from the parent or guardian within two school days. Three types of absences are considered unexcused:

1. No oral or written communication regarding a student's absence is received from the parent or guardian within two school days
2. Skipping School
3. Out of school suspension

The following reasons given for excused absences will not affect a student's ability to earn course credit.

- ~~1. Personal illness or doctor/dentist appointment~~
- ~~2. Lawyer/court official meeting~~
- ~~3. Family illness~~
- ~~4. Death in family~~
- ~~5. Funeral~~
- ~~6. School-sponsored event~~
- ~~7. Pre-arranged absences with prior approval of building administrator.~~

1. Medical/dental appointments or personal illness (medical documentation required)
2. Illness, death, or funeral in the family limited to parents, siblings, aunts, uncles, and grandparents
3. Students sent home by the school nurse
4. Recognized religious holidays
5. Lawyer/court official meeting (court documentation required)
6. School-sponsored activities
7. Pre-arranged absences with prior approval of the building administrator

Elementary Schools, cont.

Attendance letters will be sent home to parents or guardians notifying them when a student has been absent a total of five and ten days during a school year. Upon accumulation of fifteen days of school absences, the principal will send a summary of absences and reasons given for the absences to the superintendent. Juvenile court officials will be notified of excessive student absences; court intervention will be sought after other strategies have proven ineffective.

A daily record will be maintained for tardies and early dismissals, noting the time and reason given by the parent/guardian. Parents or guardians will be notified in writing when tardies and early dismissals become excessive. Three tardies and/or early dismissals equal one absence.

Makeup work for ~~excused~~ absences will be due three days after the student returns to school (Example: If a student is absent on Monday, and returns on Tuesday, then makeup work is due on Friday). For absences of more than one day, students will be given an extra day (up to a maximum of five days) to complete makeup work for each additional day of absence. Grades for work turned in after that time will be reduced ten points for each day beyond the 'grace period.' The building administrator may make exceptions for extenuating circumstances (Example: hospitalization).

~~Makeup work will not be allowed for unexcused absences, although students will be able to makeup major unit tests/exams. For out of school suspensions, work assigned prior to the unexcused absence should be turned in upon return to school.~~

The following is used to define perfect and outstanding attendance.

Perfect Attendance*

Attending school all day constitutes perfect attendance. This includes no absences, no tardies, and no daily early departures during the school year.

Outstanding Attendance*

Students that miss three or less days during the school year have outstanding attendance. This may include full days missed and/or tardies or early departures.

Adopted: May 3, 2000

Revised: May 23, 2000;

*Modifications Adopted: August 2, 2005

Revised: August 6, 2013

SCHOOL ATTENDANCE REGULATIONS

Bath County High School

Regular school attendance is necessary for students to receive the full benefit of public education. In addition, state compulsory attendance laws mandate school attendance until age eighteen. As such, all parents and students must accept responsibility for regular student attendance in school.

When a student is absent from school, parents or guardians should call the school to report the student's absence by 10:00 am. When the student returns to school the parent or guardian must provide a written note stating the reason for the student's absence. Parents or guardians will be notified by telephone whenever a student does not attend school and the school is not aware of the reason for the absence.

All absences other than those listed below as unexcused shall be considered 'excused' if written communication is received from the parent or guardian within two school days. Three types of absences are considered unexcused:

1. No written communication regarding a student's absence is received from the parent or guardian within two school days
2. Skipping School
3. Out of school suspension

Attendance letters will be sent home to parents or guardians notifying them when a student has been absent a total of five and ten days during a school year. Upon accumulation of fifteen days of school absences, the principal will send a summary of absences and reasons given for the absences to the superintendent. Juvenile court officials will be notified of excessive student absences; court intervention will be sought after other strategies have proven ineffective.

A daily record will be maintained for tardies and early dismissals, noting the time and reason given by the parent/guardian. Parents or guardians will be notified in writing when tardies and early dismissals become excessive. Three tardies and/or early dismissals equal one absence.

Secondary Schools, cont.

Makeup work for excused absences will be due two days after the student returns to school (Example: If a student is absent on Monday, and returns on Tuesday, then makeup work is due on Thursday). For absences of more than one day, students will be given an extra day (up to a maximum of five days) to complete makeup work for each additional day of absence. Grades for work turned in after that time will be reduced ten points for each day beyond the 'grace period.' The building administrator may make exceptions for extenuating circumstances (Example: hospitalization).

~~Makeup work will not be allowed for unexcused absences, although students will be able to makeup major unit tests/exams. For out of school suspensions, work assigned prior to the unexcused absence should be turned in upon return to school.~~

The following reasons given for excused absences will not affect a student's ability to earn course credit.

- ~~1. Personal illness or doctor/dentist appointment~~
- ~~2. Lawyer/court official meeting~~
- ~~3. Family illness~~
- ~~4. Death in family~~
- ~~5. Funeral~~
- ~~6. College visitation~~
- ~~7. School-sponsored event~~
- ~~8. Pre-arranged absences with prior approval of building administrator~~

1. Medical/dental appointments or personal illness (medical documentation required)
2. Illness, death, or funeral in the family limited to parents, siblings, aunts, uncles, and grandparents
3. Students sent home by the school nurse
4. Recognized religious holidays
5. Lawyer/court official meeting (court documentation required)
6. School-sponsored activities
7. College/Technical School visits (letter from Admissions office required)
8. Pre-arranged absences with prior approval of the building administrator

Students absent from school more than five or more days for other than the above reasons during a ~~nine-week marking period~~ semester will receive a maximum grade of 69 ~~for that marking period~~.

Perfect Attendance*

Attending school all day constitutes perfect attendance. This includes no absences, no tardies, and no daily early departures during the school year.

Outstanding Attendance*

Students that miss three or less days during the school year have outstanding attendance. This may include full days missed and/or tardies or early departures.

Adopted: May 3, 2000

Revised: May 23, 2000;

*Modifications Adopted: August 2, 2005

Revised: August 6, 2013