

**BATH COUNTY SCHOOL BOARD**

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

**SUBJECT: SUPERINTENDENT’S REPORT - ACTION**

**VSBA Policies – 2nd Reading**

**BACKGROUND:**

- BBFA**                    **Conflict of Interests and Disclosure of Economic Interests**  
Option 1                Policy revised to reflect amendment of Va. Code § 2.2-3121 by SB 288.
- BDC**                    **Closed Meetings**  
Policy updated to reflect amendment of Va. Code § 2.2-3711 by HB 817/SB 494 and SB 493.
- BDDH**                **Public Participation at School Board Meetings**  
(also KD)              Policy and Legal References updated.
- DJ**                    **Small Purchasing**  
Policy revised to reflect amendment of Va. Code § 2.2-4303 by HB 1166/SB 362.
- EBB**                    **Threat Assessment Teams**  
Policy revised to reflect amendment of Va. Code § 22.1-79.4 by HB 1013.
- EBCB**                **Safety Drills**  
Policy revised to reflect amendment of Va. Code §§ 22.1-137 and 22.1-137.2 by HB 1279.  
Legal References updated.
- GBL**                    **Personnel Records**  
Policy revised to reflect amendment of Va. Code § 22.1-295.1 by HB 524 and Va. Code § 2.2-3705.1 by HB 817/SB 494.
- GBMA**                **Support Staff Grievances**  
Policy updated.  
Legal Reference and Cross Reference added.
- GBMA-R**            **Procedure for Adjusting Grievances for Support Staff**  
**POLICY DELETED.** The grievance procedures for support staff are now contained in Policy GBMA Support Staff Grievances.
- GC**                    **Professional Staff**  
Policy revised based on enactment of Va. Code § 22.1-299.5 by HB 682 and Va. Code § 22.1-299.6 by HB 279/SB 573.  
Legal References added.
- GCA**                    **Local Licenses for Teachers**  
**POLICY DELETED** based on amendment of Va. Code § 22.1-298.1 and repeal of Va. Code § 22.1-299.3 by HB 2151 (2013).
- GCG**                    **Professional Staff Probationary Term and Continuing Contract**  
Cross Reference deleted to reflect deletion of Policy GCA Local Licenses for Teachers.

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BATH COUNTY SCHOOL BOARD

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

**SUBJECT:** SUPERINTENDENT’S REPORT - ACTION  
VSBA Policies – 2nd Reading

**BACKGROUND:** (continued)

- GCPF**      **Suspension of Staff Members**  
Cross Reference deleted to reflect deletion of Policy GBMA-R Procedure for Adjusting Grievances for Support Staff.
  
- GDB**      **Support Staff Employment Status**  
Cross Reference deleted to reflect deletion of Policy GBMA-R Procedure for Adjusting Grievances for Support Staff.
  
- GDG**      **Support Staff Probationary Period**  
Cross Reference deleted to reflect deletion of Policy GBMA-R Procedure for Adjusting Grievances for Support Staff.
  
- IA**        **Instructional Goals and Objectives**  
Policy updated to reflect amendment of Va. Code § 22.1-253.13:1 by HB 36 and HB 831.
  
- IAA**      **Notifications of Learning Objectives**  
Policy updated to reflect amendment of Va. Code § 22.1-253.13:4 by HB 895/SB 336.
  
- IGAH**     **Family Life Education (FLE)**  
Policy updated to reflect amendment of Va. Code § 22.1-207.1:1 by HB 659.
  
- IGAI**     **Character Education**  
Policy and Legal References updated.
  
- IGBG**     **Homebound, Correspondence and Alternative Means of Instruction**  
Policy updated to reflect amendment of Va. Code § 22.1-253.13:4 by HB 895/SB336.  
Cross Reference updated.
  
- IHB**      **Class Size**  
Policy revised to reflect amendment of Va. Code § 22.1-153.13:2 by HB 1377.
  
- IKEB**     **Acceleration**  
Policy updated to reflect amendment of Va. Code § 22.1-253.13:4 by HB 895/SB 336.
  
- IKF**      **Standards of Learning Tests and Graduation Requirements**  
Policy updated to reflect amendment of Va. Code § 22.1-253.13:4 by HB 895/SB 336.
  
- IKFA**     **Locally Awarded Verified Credits**  
Policy updated to reflect amendment of Va. Code § 22.1-253.13:4 by HB 895/SB 336.
  
- JJAC**     **Student-Athlete Concussions During Extracurricular Activities**  
Policy updated to reflect amendment of Va. Code § 22.1-271.5 by HB 954.

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**BATH COUNTY SCHOOL BOARD**

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

**SUBJECT: SUPERINTENDENT’S REPORT - ACTION**  
**VSBA Policies – 2nd Reading**

**BACKGROUND: (continued)**

- JO Student Records**  
Policy revised to reflect amendment of Va. Code § 22.1-254.1 by SB 780.  
Legal and Cross References updated.
- JRCA School Service Providers’ Use of Student Personal Information**  
**NEW** policy reflecting Va. Code § 22.1-289.01 as amended by HB 519, HB 749 and HB 750.
- KBA Requests for Information**  
Policy revised to reflect enactment of Va. Code § 2.2-3704.2 by HB 818.  
Cross Reference added.
- KBA-R Requests for Information**  
Policy revised to reflect amendment of Va. Code § 2.2-3704 and enactment of Va. Code §.2.2-3704.01 by HB 817/SB 494 and enactment of Va. Code § 2.2-3704.2 by HB 818.  
Legal References and Cross Reference added.
- KBA-F1 Requests for Public Records**  
Form revised to reflect enactment of Va. Code § 2.2-3704.2 by HB 818.
- KD Public Participation at School Board Meetings**  
(also BDDH) Policy and Legal References updated.
- LC Charter Schools**  
Policy revised to reflect amendments of Va. Code § 22.1-212.7 and enactment of Va. Code § 22.1-212.6:1 by SB 734.  
Cross References added.
- LI Relations with Educational Accreditation Agencies**  
Policy revised to reflect amendment of Va. Code § 22.1-253:13.3 by SB 368.  
Legal References updated.

**RECOMMENDATION: Approve and delete policies as listed.**

## CONFLICT OF INTERESTS AND DISCLOSURE OF ECONOMIC INTERESTS

### A. Purpose

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

### B. Areas of Regulation

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

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

### C. Definitions

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

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

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

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

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



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

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

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

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

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan forbearance or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket, coupon or other admission or pass unless the ticket, coupon, admission or pass is used; honorary degrees; any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution or program's financial aid standards and procedures applicable to the general public; a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945 et seq.; any gift related to the private profession or occupation of the School Board member or employee or of a member of the School Board member's or employee's immediate family; food or beverages consumed while attending an event at which the School Board member or employee is performing official duties related to his public service; food and beverages received at or registration or attendance fees waived for any event at which the School Board member or employee is a featured speaker, presenter or lecturer; unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento or similar item that is given in recognition of public, civic, charitable or professional service; a devise or inheritance; travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945 et seq.); travel paid for or provided by the government of the United States, any of its territories or any state or any political subdivision of such state; travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or donee's spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother or step-sister or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the School Board member or employee knows or has reason to know is (a) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal

as defined in Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the School Board. For purposes of this definition, "person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

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

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

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

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

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

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

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

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

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

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

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

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

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

- was employed by the School Board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or superintendent.

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

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

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

##### 1. Prohibited Conduct

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

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

## 2. Prohibited Gifts

For purposes of this subsection:

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

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

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

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

- a gift of food and beverages, entertainment or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the Statement of Economic Interests;
- a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed;
- certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board if such gift was provided to such School Board member or employee or a member of the immediate family of the School Board member or employee on the basis of a personal friendship. A lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board may be a personal friend of such School Board member or employee or the immediate family of the School Board member or employee. In determining whether a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract

with the School Board is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in Va. Code §§ 2.2-3117 or 30-111; and

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

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

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

### 3. Awards to Employees for Exceptional Service

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

### F. Prohibited Conduct Regarding Contracts

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

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

- a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board
- contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public
- a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract
- the sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof
- the publication of official notices
- contracts between the School Board and an officer or employee of the School Board when the total of such contracts between the School Board and the officer or employee of the School Board or a business controlled by the officer or employee does not exceed \$10,000 per year or such amount exceeds \$10,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in Va. Code § 2.2-3115
- an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$10,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract
- contracts between an officer's or employee's governmental agency and a public service corporation, financial institution or company furnishing public utilities in which the officer or employee has a personal interest provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating or approving the contract
- contracts for the purchase of goods or services when the contract does not exceed \$500
- grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency

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

#### G. Prohibited Conduct Regarding Transactions

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



2. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this policy.
3. If disqualifications under subsection 1.a. of this section leave less than the number required by law to act, the remaining member or members of the Board shall constitute a quorum for the conduct of business and have authority to act for the Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.
4. The provisions of this section shall not prevent a Board member or employee from participating in a transaction merely because such a Board member or employee is a defendant in a civil legal proceeding concerning such transaction.

#### H. Disclosure Requirements for School Board Members

1. School Board members file, as a condition of assuming office, a disclosure statement of their personal interests and other information as is specified on the Statement of Economic Interests form set forth in Va. Code § 2.2-3117 and thereafter file such statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. The disclosure forms are filed and maintained as public records for five years in the office of the clerk of the School Board.
2. School Board members and employees required to file the Statement of Economic Interests who fail to file such form within the time period prescribed shall be assessed a civil penalty of \$250. The clerk of the School Board shall notify the attorney for the Commonwealth for the locality of any School Board member's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing.
3. Any Board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate and such disclosure shall be reflected in the School Board's public records in the division superintendent's office for a period of five (5) years.

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

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

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

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

## I. Advisory Opinions

School Board members or employees subject to the Act may seek written opinions regarding the Act from the local Commonwealth's attorney; the local county attorney; or the Council. Good faith reliance on any such written opinion of the Commonwealth Attorney or the Council bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. An opinion of the county attorney may be introduced at trial as evidence that the School Board member or employee did not knowingly violate the Act.

Adopted: March 26, 2002

Revised: August 5, 2003; September 5, 2006; June 26, 2007; June 24, 2008; June 24, 2010;  
June 23, 2011; September 3, 2013; December 2, 2014; April 8, 2015; June 2, 2015;  
April 5, 2016; June 27, 2016

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

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

## CLOSED MEETINGS

- A Closed meetings may be held by the School Board or any committee thereof only in accordance with Virginia law, for purposes including the following:
1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the School Board. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the School Board. The School Board may not, however, discuss the compensation of Board members in closed session.
  2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student in the Bath County school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents or guardians so request in writing and such request is submitted to the presiding officer of the School Board.
  3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board.
  4. The protection of the privacy of individuals in personal matters not related to public business.
  5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
  6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the School Board would be adversely affected.
  7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the School Board; and consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by such counsel. For purposes of this subsection, "probable litigation" means litigation which has been specifically threatened or on which the School Board or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. The closure of a meeting is not permitted merely

because an attorney representing the School Board is in attendance or is consulted on a matter.

8. Discussion or consideration of honorary degrees or special awards.
  9. Discussion or consideration of tests or examinations or other information excluded from public disclosure pursuant to Va. Code § 2.2-3705.1.
  10. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the School Board in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the School Board or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
  11. Discussion or consideration of medical and mental health records excluded from disclosure under Va. Code § 2.2-3705.5.
  12. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information excluded from mandatory disclosure pursuant to subdivision 3 or 4 of Va. Code § 2.2-3705.2 where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
  13. Discussion or consideration of information excluded from mandatory disclosure pursuant to subdivision 11 of Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by the School Board or any independent review panel appointed to review information and advise the School Board concerning such information.
  14. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the School Board.
- B No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the School Board, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

- C. The School Board or any committee thereof may permit nonmembers to attend a closed meeting of the Board or committee if such persons are deemed necessary or if their presence will reasonably aid the Board or committee in its consideration of a topic which is a subject of the meeting.
  
- D. School Board members may attend closed meetings held by any committee or subcommittee of the Board, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise the Board. School Board members shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of Va. Code § 2.2-3707, the minutes of the committee or other entity shall include the identity of the School Board members who attended the closed meeting.

Adopted: March 26, 2002

Revised: June 25, 2004; June 7, 2005; June 26, 2007; May 7 2013; June 2, 2015; June 27, 2016

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

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

## PUBLIC PARTICIPATION AT SCHOOL BOARD MEETINGS

Members of the community are invited and encouraged to attend meetings of the Bath County School Board to observe its deliberations. Any member of the community may address the Board on matters related to Bath County Public Schools at any regular meeting as provided in the accompanying regulation. Persons wishing to address the School Board are requested to contact the superintendent, the School Board chairman, or their designee for placement on the agenda.

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

A reasonable period of time, as determined by the School Board, will be allocated at each regular meeting for community members to present matters of concern.

Adopted: June 1996

Revised: June 1, 2004; June 24, 2008; May 6, 2014; June 27, 2016

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

Cross Ref.: BDDE                      Rules of Order

## SMALL PURCHASING

Pursuant to written procedures not requiring competitive sealed bids or competitive negotiation, the School Board may enter into single or term contracts for goods and services other than professional services and nontransportation related construction if the aggregate or the sum of all phases is not expected to exceed \$100,000 and transportation-related construction if the aggregate or sum of all phases is not expected to exceed \$25,000. However, such small purchase procedures shall provide for competition wherever practicable. Such small purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000. Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

Adopted: April 2, 2001

Revised: April 6, 2004; August 4, 2009; June 23, 2011; June 25, 2012; September 3, 2013;  
June 2, 2015; June 27, 2016

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

Cross Ref.: DJF Purchasing Procedures



## THREAT ASSESSMENT TEAMS

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

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

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

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

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

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

Each threat assessment team will report quantitative data on its activities according to guidance developed by the Department of Criminal Justice Services.

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

Adopted: June 24, 2013  
Revised: June 3, 2014; June 27, 2016

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

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

## SAFETY DRILLS

### Fire Drills

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

### Lock-Down Drills

Each school has a lock-down drill at least twice during the first 20 school days of each school session. Each school holds at least two additional lock-down drills during the remainder of the school session. Lock-down plans and drills are in compliance with the Statewide Fire Prevention Code, Va. Code § 27-94 et seq.

### School Bus Emergency Drills

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

### Tornado Drills

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

Adopted: June 1996

Revised: September 5, 2006; June 24, 2013; June 27, 2016

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

Acts 2006, c. 164.

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

## PERSONNEL RECORDS

Present and past employees have access to their personnel information maintained by the Bath County 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 § 2.2-3700 et seq.), or other law or court order. The employee will be notified of the request for records.

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

Teacher performance indicators, or other data collected by or for the Department of Education or the School Board or made available to and able to be used to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, is confidential but may be disclosed, in a form that does not personally identify any student or other teacher, (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this policy prohibits the release of or limits the availability of nonidentifying, aggregate teacher performance indicators or other data.

Adopted: March 26, 2002

Revised: May 6, 2003; June 1, 2004; September 5, 2006; September 3, 2013;  
December 3, 2013; October 6, 2015; June 27, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3705.1, 2.2-3800 et seq., 22.1-295.1.

Cross Ref.: CBA                   Qualifications and Duties for the Superintendent  
              GBLA                Third Party Complaints Against Employees

## SUPPORT STAFF GRIEVANCES

The Bath County School Board adopts the following procedure in accordance with § 22.1-79(6) of the Code of Virginia, as amended. Nothing in this procedure is intended to create, nor shall it be construed as creating, a property right in employment, nor shall this procedure be interpreted to limit in any way whatsoever the School Board's exclusive final authority over the employment and supervision of its personnel.

The following words and terms are defined as indicated when used in this procedure, unless the context clearly indicates otherwise.

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday or legal holiday, the period of time for taking action under this procedure shall be extended to the next day that is not a Saturday, Sunday or legal holiday. "Working days" means those days that the Bath County School Board office is open for business.

"Dismissal" means the termination of employment of any covered employee with or without cause during the term of such employee's employment.

"Employee" or "employees" means all full-time employees of the Bath County School Board who have completed the required probationary period except the division superintendent and those employees covered under the provisions of Articles 2 and 3 of Chapter 15 of Title 22.1 of the Code of Virginia, as amended. "Employee" does not mean a part-time or temporary employee.

"Grievance" means a complaint or dispute involving the dismissal or other disciplinary action of an employee. A dismissal, reassignment or other action pursuant to a Reduction in Force (RIF) is not a disciplinary action and is not grievable. Employee evaluations are not disciplinary actions and are not grievable. "Grievance" does not mean a complaint or dispute regarding the suspension of an employee. The procedure for the suspension of employees is set forth in Policy GCPF Suspension of Staff Members.

### Procedure

1. Written notice of the proposed action, along with a statement of the reasons for the action, shall be given to the employee by his building administrator/department head. Upon receipt of the recommendation, the employee is required to meet with a Human Resources administrator. During this meeting the employee will receive a copy of this policy as notice of his grievance rights. The employee may file a written request for a hearing with the superintendent within five (5) working days of receiving the written notice. The failure to file such a request within the prescribed time will constitute a waiver of the right to a hearing and the proposed action will become final without a hearing or further notice.

2. Upon receiving a timely written request, the superintendent shall select an external hearing officer to hear the grievance. The hearing officer will be selected from a list approved by the School Board. The hearing officer will hold a hearing within fifteen (15) working days of receipt of the employee's request. Notice of the hearing shall be given orally or in writing to the employee at least five (5) working days before the hearing. The employee and the school division will share the cost of the hearing officer and the cost of recording the hearing equally.
3. The employee and his supervisor may be represented by legal counsel or a lay advocate at the hearing, but not both. The division may also be represented by legal counsel at the hearing. The hearing will be private and the hearing officer will have full discretion over the conduct of the hearing. However, the employee and the division may make opening statements, may present all material and relevant evidence, including the testimony of witnesses, and may cross examine witnesses. Witnesses may be questioned by the hearing officer.
4. The hearing officer shall give the employee a written decision within five (5) working days after the completion of the hearing. The decision shall be based on the evidence relevant to the issues produced at the hearing in the presence of each party.
5. The employee may appeal the decision to the School Board by providing written notice of appeal to the superintendent within five (5) working days of receiving the decision of the hearing officer. Upon timely appeal, the School Board shall decide the appeal on the written record and render its decision within thirty (30) days of the appeal.

Adopted: January 6, 1998

Revised: August 4, 2009; September 3, 2013; June 27, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79(6), 22.1-313.

Cross Refs.: GCPF                      Suspension of Staff Members  
                  GDG                        Support Staff Probation

## PROFESSIONAL STAFF

No teacher is regularly employed by the School Board or paid from public funds unless such teacher

- holds a license or provisional license issued by the Board of Education,
- holds a three-year license to teach high school career and technical education courses in specified subject areas or
- is hired to teach in a trade and industrial education program and for whom the teacher licensure requirements have been waived by the Virginia Department of Education.

If a teacher employed under a provisional license is activated or deployed for military service within a school year (July 1 - June 30), an additional year will be added to the teacher's provisional license for each school year or portion thereof the teacher is activated or deployed. The additional year or years shall be granted the following year or years after the return of the teacher from deployment or activation.

The Board of Education prescribes, by regulation, the requirements for the licensure for teachers and other school personnel required to hold a license.

Adopted: June 28, 2002

Revised: June 24, 2008; April 6, 2010; June 2, 2015; June 27, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-298.1, 22.1-299, 22.1- 299.5 and 22.1-299.6.

PROFESSIONAL STAFF PROBATIONARY TERM  
AND CONTINUING CONTRACT

Teachers

Probationary Term

A probationary term of service of five years in the Bath County School Division is required before a teacher is issued a continuing contract. Service under a local teacher license does not count towards satisfying this probationary requirement. A mentor teacher is provided to every first year probationary teacher to assist him or her in achieving excellence in instruction. Probationary teachers with prior successful teaching experience may be exempt from this requirement with approval from the superintendent. Probationary teachers shall be evaluated at least annually in accordance with policy GCN Evaluation of Professional Staff. A teacher in his first year of the probationary period is evaluated informally at least once during the first semester of the school year. The superintendent shall consider such evaluations as one factor in making recommendations to the School Board regarding the nonrenewal of such teacher's contract. If a probationary teacher's evaluation is not satisfactory, the School Board shall not reemploy the teacher.

In order to achieve continuing contract status, every teacher must successfully complete training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. The Bath County School Board provides said training at no cost to teachers it employs. If such training is not offered in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

Once a continuing contract status has been attained in a school division in this state, another probationary period need not be served unless such probationary period, not to exceed two years, is made a part of the contract of employment. If a teacher separates from service and returns to teaching service in Virginia public schools by the beginning of the third year, the person shall be required to begin a new probationary period, not to exceed two years, if made part of the contract.

If a teacher who has not achieved continuing contract status receives notice of re-employment, he must accept or reject in writing within 15 calendar days of receipt of the notice. Unless a conference with the superintendent is requested as specified in the Code of Virginia, or in the case of reduction in force, written notice of nonrenewal of the probationary contract must be given by the Board on or before June 15 of each year. If the teacher requests a conference with the superintendent, then written notice of non-renewal by the School Board must be given within thirty days after the superintendent notifies the teacher of his intention with respect to the recommendation.



### Continuing Contract

Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service. Written notice of noncontinuation of the contract by either party must be given by June 15 of each year; otherwise the contract continues in effect for the ensuing year.

The School Board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.

Furthermore, nothing in the continuing contract shall be construed to authorize the School Board to contract for any financial obligation beyond the period for which funds have been made available.

As soon after June 15 as the school budget is approved by the appropriating body, the School Board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary.

Within two weeks of the approval of the school budget by the appropriating body, but no later than July 1, the School Board will notify any teacher who may be subject to a reduction in force due to a decrease in the School Board's budget as approved by the appropriating body.

### Principals, Assistant Principals, and Supervisors

A person employed as a principal, assistant principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve a probationary term of three years in such position in the same school division before acquiring continuing contract status as a principal, assistant principal or supervisor.

Continuing contract status acquired by a principal, assistant principal or supervisor shall not be construed (i) as prohibiting the School Board from reassigning such principal, assistant principal or supervisor to a teaching position if notice of reassignment is given by the School Board by June 15 of any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as principal, assistant principal or supervisor in the case of any such reassignment to a teaching position. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the superintendent, the superintendent's designee or the School Board. Before recommending such reassignment, the superintendent shall consider, among other things, the performance evaluations for such principal, assistant principal or supervisor. The principal, assistant principal or supervisor shall elect whether such meeting shall be with the superintendent, the superintendent's designee or the School Board. The School Board, superintendent or superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the School Board.

The intent of this section is to provide an opportunity for a principal, assistant principal or supervisor to discuss the reasons for such salary reduction and reassignment with the superintendent, his designee or the School Board, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause for the salary reduction and reassignment of a principal, assistant principal or supervisor.

As used in this policy, "Supervisor" means a person who holds an instructional supervisory position as specified in the regulations of the Board of Education and who is required to hold a license as prescribed by the Board of Education.

Adopted: June 29, 2001

Revised: August 5, 2003; June 24, 2008; June 23, 2011; June 25, 2012; June 24, 2013;  
June 27, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-294, 22.1-303, 22.1-304.

Cross Refs.: GBM Professional Staff Grievances  
GCB Professional Staff Contracts  
GCE Part-Time and Substitute Professional Staff Employment  
GCN Evaluation of Professional Staff  
GCPA Reduction in Professional Staff Work Force  
GCPB Resignation of Staff Members  
GCPD Professional Staff Discipline  
GCPF Suspension of Staff Members

## SUSPENSION OF STAFF MEMBERS

Employees of Bath County School Board, whether full-time or part-time, permanent or temporary, may be suspended for good and just cause

- when the safety or welfare of the school division or the students therein is threatened or
- when the employee has been charged by summons, warrant, indictment or information with the commission of
  - a felony; or
  - a misdemeanor involving
    - sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, of the Code of Virginia,
    - obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, of the Code of Virginia,
    - drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, of the Code of Virginia,
    - moral turpitude, or
    - the physical or sexual abuse or neglect of a child; or an equivalent offense in another state.

Except when an employee is suspended because of being charged by summons, warrant, indictment or information with the commission of any of the above-listed offenses, the superintendent or appropriate central office designee shall not suspend an employee for longer than sixty (60) days and shall not suspend an employee for a period in excess of five (5) days unless such employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with Va. Code §§ 22.1-311 and 22.1-313, if applicable. Any employee so suspended shall continue to receive his then applicable salary unless and until the school board, after a hearing, determines otherwise. No employee shall be suspended solely on the basis of the employee's refusal to submit to a polygraph examination requested by the School Board.

Any employee suspended because of being charged by summons, warrant, information or indictment with any of the above-listed criminal offenses may be suspended with or without pay. In the event an employee is suspended without pay, an amount equal to the employee's salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the above-listed criminal offenses or upon the dismissal or nolle prosequi of the charge, such employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the employee during the period of suspension, but in no event shall such payment exceed one year's salary.

In the event an employee is found guilty by an appropriate court of any of the above-listed criminal offenses and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the School Board.

If an employee is suspended because of information appearing on 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.

No employee will have his insurance benefits suspended or terminated because of suspension in accordance with this policy.

The placing of a school employee on probation pursuant to the terms and conditions of Va. Code § 18.2-251 shall be deemed a finding of guilt.

Adopted: June 25, 2012

Revised: June 27, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.2, 22.1-315.

Cross Refs.	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GDG	Support Staff Probationary Period
	GBMA	Support Staff Grievances
	GCPD	Professional Staff Discipline

## SUPPORT STAFF EMPLOYMENT STATUS

Support staff are not issued written contracts unless such contracts are required by law.

The school division employs three types of support staff:

- Temporary employees who are hired for short-term needs on a daily basis; these employees do not receive benefits and are paid only for hours worked.
- Probationary employees who are fully qualified new employees assigned to authorized positions; these employees are eligible for salary increases and receive benefits.
- Regular employees who have successfully completed the prescribed probationary period; regular employees receive all employment benefits available under School Board policy.

The employment of support personnel may be terminated with fifteen calendar days' notice. Support personnel may also be subject to immediate dismissal for just cause.

Support personnel who are removed from employment for just cause shall be ineligible thereafter for employment by the Bath County School Board.

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

Adopted: June 1996

Revised: October 7, 2003; April 3, 2012; June 25, 2012; June 27, 2016

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

Cross Ref.:	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GDG	Support Staff Probationary Period
	GBMA	Support Staff Grievances
	GCPF	Suspension of Staff Members

## SUPPORT STAFF PROBATIONARY PERIOD

The probationary period for all support staff positions is one (1) year.

Employees who have successfully completed the probationary period for one position will serve another probationary period if they move to another position.

Adopted: June 1996

Revised: April 5, 2005; June 24, 2010; April 3, 2012; June 6, 2012; June 27, 2016

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

Cross Ref.:	GBMA	Support Staff Grievances
	GD	Support Staff
	GDB	Support Staff Employment Status

## INSTRUCTIONAL GOALS AND OBJECTIVES

The Bath County School Board shall develop and implement a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning established by the Board of Education and that meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

The School Board shall also implement:

1. programs in grades kindergarten through three that emphasize developmentally appropriate learning to enhance success
2. programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school; such programs shall include components that are research-based
3. career and technical education programs incorporated into the kindergarten through grade 12 curricula
4. educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to Va. Code § 22.1-200.03
5. early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law
6. early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs
7. educational alternatives for students whose needs are not met in programs prescribed elsewhere in the Standards of Learning
8. adult education programs for individuals functioning below the high school completion level
9. a plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students

10. an agreement for postsecondary degree attainment with a community college in Virginia specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma; such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher

11. a plan to notify students and their parents of the availability of dual enrollment and Advanced Placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the Advanced Placement and International Baccalaureate examinations; this plan shall include notification to students and parents of the agreement with a community college in Virginia to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma

12. identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs

13. early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students

14. incorporation of art, music, and physical education as a part of the instructional program at the elementary school level

15. a program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year; such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the School Board

16. a program of student services for grades kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development

17. the collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program

18. a program of instruction in each government course in the school division on all information and concepts in the civics portion of the U.S. Naturalization test



Adopted: June 27, 2000  
Revised: May 7, 2013; June 27, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:1.

Cross Refs.: IGBI                      Advanced Placement Classes and Special Programs  
              JHCF                      Student Wellness

## NOTIFICATION OF LEARNING OBJECTIVES

### I. Annual Notice

At the beginning of each school year, each school within the Bath County School Division provides to its students' parents or guardians information on the availability of and source for receiving:

- the learning objectives developed in accordance with the Standards of Accreditation to be achieved at their child's grade level, or, in high school, a copy of the syllabus for each of their child's courses;
- the Standards of Learning (SOLs) applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing;
- an annual notice to students in all grade levels of all requirements for Board of Education-approved diplomas; and
- the board's policies on promotion, retention and remediation.

The superintendent certifies to the Department of Education that the notice required by this policy has been given.

### II. Notice of Credits Needed for Graduation and of the Right to a Free Public Education

- A. The School Board notifies the parent of rising eleventh and twelfth grade students of
  - the requirements for graduation pursuant to the standards for accreditation and
  - the requirements that have yet to be completed by the individual student.
- B. The School Board will notify the parent of students with disabilities who have an Individualized Education Program (IEP) and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Va. Code § 22.1-213 et seq.
- C. The School Board will notify the parent of students who fail to graduate or who fail to achieve graduation requirements as provided in the standards of accreditation and who have not reached 20 years of age on or before August 1<sup>st</sup> of the school year of the right to a free public education. If the student who does not graduate or complete such requirements is a student for whom English is a second language, the School Board will notify the parent of the student's opportunity for a free public education in accordance with Va. Code § 22.1-5.

Adopted: June 29, 2001

Revised: April 1, 2003; June 25, 2004; May 2, 2006; June 25, 2012; June 27, 2016

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

8 VAC 20-131-270.

Cross Refs.: IGBC  
IKF

Parental Involvement  
Standards of Learning Tests and Graduation  
Requirements

## FAMILY LIFE EDUCATION (FLE)

### Generally

The Bath County School Board provides Family Life Education (FLE) based on the FLE Standards of Learning (SOL) objectives developed by the Department of Education. The SOL objectives related to dating violence and the characteristics of abusive relations are taught at least once in middle school and at least twice in high school. The high school FLE curriculum incorporates age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment and sexual violence.

### Community Involvement Team

Under procedures approved by the School Board, a community involvement team is established. The team includes but is not limited to school administrators, teachers, parents, clergy, medical professionals, mental health professionals and others in the community.

### Staff Training

Teachers in the FLE program participate in the training program sponsored by the Department of Education.

### Separate Sessions

A plan for teaching sensitive conduct in gender-separated classes is announced publicly.

### "Opt-out" Procedures

An "opt-out" procedure is provided to ensure communication with the parent or guardian for permission for students to be excused from all or part of the program.

### Annual Review

The FLE curriculum is reviewed annually. Such review allows for community input.

### Right of Parental Review

A parent or guardian has the right to review the family life curricula, including all supplemental materials used in the program.

The School Board develops and distributes to the parents or guardians of students participating in the FLE program a summary designed to assist them in understanding the program implemented in its school division and to encourage parental guidance and involvement in the instruction of the students. Such information reflects the curricula of the program as taught in the classroom. The following statement is included on the summary: "Parents and guardians have the right to review the family life education program offered by their school division, including written and audio-visual educational materials used in the program. Parents and guardians also have the right to excuse their child from all or part of family life education instruction."

Adopted: June 28, 2002

Revised: August 4, 2009; June 7, 2011; June 2, 2015; June 27, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-207.1, 22.1-207.2.

8 VAC 20-131-170.

Virginia Department of Education, Family Life Education: Board of Education Guidelines and Standards of Learning for Virginia Public Schools (revised June 2011 Updated December 2014)

([http://www.doe.virginia.gov/testing/sol/standards\\_docs/family\\_life/familylife\\_guidelines\\_standards.pdf](http://www.doe.virginia.gov/testing/sol/standards_docs/family_life/familylife_guidelines_standards.pdf))

Cross Refs.:	BCF	Advisory Committees to the School Board
	IIA	Instructional Materials
	INB	Teaching About Controversial Issues
	KLB	Public Complaints About Learning Resources

## CHARACTER EDUCATION

The Bath County School Board provides, within its existing program or as a separate program, a character education program in its schools. The character education program may occur during the regular school year, during the summer in a youth development academy offered by the school division, or both. The purpose of the program is to foster civic virtues and personal character traits so as to improve the learning environment, promote student achievement, reduce disciplinary problems and develop civic-minded students of high character. The program shall be cooperatively developed with students, parents and the community. Specific character traits emphasized may include trustworthiness, respect, responsibility, fairness, caring and citizenship.

Character education shall be interwoven into the school procedures and environment so as to instruct primarily by example, illustration and participation, in such a way as to complement the Standards of Learning. Classroom instruction may also be used to supplement the program. The program shall also address the inappropriateness of bullying, as defined in Va. Code § 22.1-276.01.

The character education program

- specifies those character traits to be taught, selecting from those which are common to diverse social, cultural and religious groups;
- is implemented at the elementary and secondary levels;
- provides for relevant professional development and adequate resources; and
- includes a method for program evaluation.

Character education is intended to educate students regarding those core civic values and virtues which are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. It shall not include indoctrination in any particular religious or political belief. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in Va. Code § 1-500, may be taught as representative of such civic values.

Adopted: June 27, 2000

Revised: August 5, 2003; June 23, 2005; May 2, 2006; June 27, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-208.01.

Cross Refs.:	IKF	Standards of Learning Tests and Graduation Requirements
	INB	Teaching About Controversial Issues
	INDC	Religion in the Schools

## 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 who enroll in high school as freshmen before July 1, 2018, as sophomores before July 1, 2019, as juniors before July 1, 2020 or as seniors before July 1, 2021 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 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: April 2, 2001

Revised: June 7, 2005; June 24, 2010; June 23, 2011; September 3, 2013; June 27, 2016

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

8 VAC 20-131-180.

Cross Ref.: IGBGA  
IKFD

Online Courses and Virtual School Programs  
Alternative Paths to Attaining Standard Units of Credit



## CLASS SIZE

The Bath County School Board assigns licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors and librarians that are not greater than the following ratios:

- 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide will be assigned to the class;
- 24 to one in grades one, two and three with no class being larger than 30 students;
- 25 to one in grades four through six with no class being larger than 35 students; and
- 24 to one in English classes in grades six through 12.

After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this policy, the school division will notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. The notification shall state the reason that the class size exceeds the class size limit and describe the measures that the school division will take to reduce the class size to comply with this policy.

In addition, the Bath County School Board assigns instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools.

When determining the assignment of instructional and other licensed personnel for purposes of this policy, full-time students of approved virtual school programs are not included.

Adopted: June 28, 2002

Revised: June 25, 2004; June 24, 2010; June 27, 2016

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

## ACCELERATION

The curriculum and schedule of elementary, middle and high schools provides flexibility in placing certain students in programs or subjects normally considered above their grade level. Scheduling eighth grade students into subjects above the normal grade level is done with counseling based on evidence of ability, past scholastic achievement and cooperation of the individual student and his parents or guardian.

When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit is counted toward meeting the standard units required for graduation for students who enroll in high school as freshmen before July 1, 2018, as sophomores before July 1, 2019, as juniors before July 1, 2020 or as seniors before July 1, 2021 provided the courses are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students below ninth grade level must meet the same requirements applicable to other students.

In any high school credit-bearing course taken in middle school, a parent may request that the grade be omitted from the student's transcript and the student not earn high school credit for the course. Such request shall be made in the format and by the deadline set forth in regulations developed by the superintendent.

Adopted: June 28, 2002

Revised: May 9, 2011; June 2, 2015; June 27, 2016

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

8 VAC 20-131-50.

8 VAC 20-131-90.

Cross Ref.: IGBB                      Programs for Gifted Students  
                  JO                      Student Records

## STANDARDS OF LEARNING TESTS AND GRADUATION REQUIREMENTS

### I. Standards of Learning (SOL) Tests and Verified Units of Credit

The Board of Education has established educational objectives known as the Standards of Learning, which form the core of Virginia's educational program, and other education objectives, which together are designed to ensure the development of the skills that are necessary for success in school and in preparation for life in the years beyond.

The Bath County School Board has developed and implemented a program of instruction that is aligned to the Standards of Learning and that meets or exceeds the requirements of the Board of Education.

In kindergarten through eighth grade, where Standards of Learning (SOL) tests are required by the Board of Education, each student is expected to take the SOL tests. Students who are accelerated take the tests of the grade level enrolled or the tests for the grade level of the content received in instruction. No student takes more than one test in any content area in each year. Schools will use the SOL test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students.

Each student in middle and secondary school will take all applicable end-of-course SOL tests following course instruction. Students who enroll in high school as freshmen before July 1, 2018, as sophomores before July 1, 2019, as juniors before July 1, 2020 or as seniors before July 1, 2021 are required to earn standard and verified units of credit as specified in the regulations of the Board of Education and as described below. Students who achieve a passing score on an end-of-course SOL test will be awarded a verified unit of credit in that course in accordance with 8 VAC 20-131-110. Students may earn verified credits in any courses for which end-of-course SOL tests are available. Middle and secondary schools may consider the student's end-of-course SOL test score in determining the student's final course grade.

The standard unit of credit for graduation is based on a minimum of 140 clock hours of instruction and successful completion of the requirements of the course. A standard unit of credit may also be awarded based on a waiver of the 140-clock hour requirement as provided in Policy IKFD Alternative Paths to Attaining Standard Units of Credit.

A verified unit of credit for graduation is based on a minimum of 140 clock hours of instruction, successful completion of the requirements of the course, and the achievement by the student of a passing score on the end-of-course SOL test for that course or additional tests as described below.

A student may also earn a verified unit of credit by the following methods:

- in accordance with the provisions of the Standards of Quality, students may earn a standard and verified unit of credit for any elective course in which the core academic SOL course content has been integrated and the student passes the related end-of-course SOL test. Such course and test combinations must be approved by the Board of Education.
- upon waiver of the 140-clock-hour requirement according to the Board of Education's Guidelines for Graduation Requirements; Local Alternative Paths to Standard Units of Credit and Policy IKFD Alternative Paths to Attaining Standard Units of Credit qualified students who have received a standard unit of credit will be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.

Students may also earn verified credits by taking alternative tests to the SOL assessment. Such tests may only be those approved by the Virginia Board of Education, and the student may earn verified credits only by achieving that score established by the Board of Education.

Participation in the SOL testing program by students with disabilities will be prescribed by provisions of their Individualized Education Program (IEP) or 504 Plan. All students with disabilities will be assessed with appropriate accommodations and alternate assessments where necessary.

All students identified as limited English proficient (LEP) will participate in the SOL testing program. A school-based committee will convene and make determinations regarding the participation level of LEP students. In kindergarten through eighth grade, limited English proficient students may be granted a one-time exemption from SOL testing in the areas of writing, science, and history and social science.

## II. Graduation Requirements

### A. Generally

The School Board awards diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as are prescribed by the School Board and approved by the Board of Education.

### B. Types of Diplomas and Certificates

The Bath County School Board will award diplomas and certificates in accordance with state laws and regulations.

The requirements for a student to earn a diploma are those in effect when the student enters ninth grade for the first time.

Adopted: June 29, 2001

Revised: May 6, 2003; June 25, 2004; June 7, 2005; May 2, 2006; September 5, 2006;  
June 26, 2007; June 24, 2010; May 7, 2013; June 3, 2014; April 5, 2016; June 27, 2016;

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:1, 22.1-253.13:4.

8 VAC 20-131-30.

8 VAC 20-131-50.

8 VAC 20-131-110.

Guidelines for Graduation Requirements; Local Alternative Paths to Standard Units of Credit (Virginia Board of Education Oct. 2015)

Cross Refs.:	IAA	Notification of Learning Objectives
	IKFA	Locally Awarded Verified Credits
	IKFD	Alternative Paths to Attaining Standard Units of Credit

## LOCALLY AWARDED VERIFIED CREDITS

### Generally

The Bath County School Board awards verified credits to students who enroll in high school as freshmen before July 1, 2018, as sophomores before July 1, 2019, as juniors before July 1, 2020 or as seniors before July 1, 2021 toward a standard diploma in science and history/social sciences in accordance with this policy.

No student may earn more than four locally awarded verified credits except as noted below.

To be eligible to earn locally awarded verified credits, a student must

- pass the high school course and not pass the related Standards of Learning test
- take the Standards of Learning test at least twice
- score within a 375-399 scale score range on any administration of the Standards of Learning test
- demonstrate achievement in the academic content through the appeal process described below

### Locally Awarded Verified Credits as Credit Accommodations

In addition to verified credits in science and history/social sciences, the School Board may also award verified credits toward a standard diploma in reading, writing and mathematics to students with disabilities as credit accommodations for the standard diploma. To be eligible for such credit accommodations, students with disabilities must meet all criteria established by Virginia law or regulation and eligibility for such credit accommodations must be established in the student's Individualized Education Program (IEP) or Section 504 plan. There is no maximum number of locally awarded verified credits that a student with a disability may earn toward a standard diploma.

### Appeal Process

The Bath County School Board shall appoint a review panel comprised of at least three educators. Different panels may be appointed for individual schools or groups of schools.

The review panel will review information which provides evidence of the student's achievement of adequate knowledge of the Standards of Learning content. The panel will have discretion in determining the information it will consider. That information may include, but is not limited to, results of classroom assignments, divisionwide exams, course grades and additional academic assignments (e.g. papers, projects, essays or written questions) as the panel deems appropriate.

Based on the evidence it reviews, the review panel may:

- award the verified credit;
- deny the verified credit;
- suggest participation in a remedial program and retesting; or
- make additional academic assignments prior to determining whether to award the verified credit.

The decision of the review panel may be appealed to the School Board in accordance with regulations developed by the Board.

Adopted: December 3, 2002

Revised: May 6, 2003; June 1, 2004; January 2, 1007; June 24, 2013; December 3, 2013;  
May 6, 2015; October 6, 2015; June 27, 2016

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Legal Refs.: 8 VAC 20-131-5.

8 VAC 20-131-50.

8 VAC 20-131-110.

Guidelines for Standard Diploma Credit Accommodations for Students with Disabilities (Virginia Department of Education March 28, 2013) (attachment to Virginia Department of Education Superintendent's Memo No. 105-13 (Apr. 19, 2013)).

Additional Guidance on Credit Accommodations for Students with Disabilities July 2013 (Attachment A to Superintendent's Memo No. 191-13 issued July 26, 2013)

Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia 8 VAC 20-131 (as amended by the Board of Education January 13, 2011).

## STUDENT-ATHLETE CONCUSSIONS DURING EXTRACURRICULAR ACTIVITIES

### Definitions

**Concussion:** a brain injury that is characterized by an onset of impairment of cognitive and/or physical functioning, and is caused by a blow to the head, face or neck, or a blow to the body that causes a sudden jarring of the head (i.e., a helmet to the head, being knocked to the ground). A concussion can occur with or without a loss of consciousness, and proper management is essential to the immediate safety and long-term future of the injured individual.

**Licensed Health Care Provider:** a physician, physician assistant, osteopath or athletic trainer licensed by the Virginia Board of Medicine; a neuropsychologist licensed by the Board of Psychology; or a nurse practitioner licensed by the Virginia State Board of Nursing.

**Return-to-Learn:** instructional modifications that support a controlled, progressive increase in cognitive activities while the student recovers from a brain injury allowing the student-athlete to participate in classroom activities and learn without worsening symptoms and potentially delaying healing.

**Return-to-Play:** to participate in a nonmedically supervised practice, game, or athletic competition.

### I. Bath County Public Schools Concussion Management Team

- a. The Bath County Public Schools Concussion Management Team (“CMT”) shall be appointed by the superintendent and shall consist of a school administrator, an athletic administrator, a licensed health care provider, a coach, a parent or guardian of a student-athlete, a student-athlete and any such other person or persons the superintendent determines will assist the CMT in its actions.
- b. The CMT shall develop concussion training materials for school personnel, volunteers, student-athletes and parents of student-athletes. Those materials may address the proper fitting and maintenance of helmets. The CMT shall also develop concussion reporting, management and review protocols for the school division. The CMT shall maintain a record of all incidents where a student-athlete has been removed from a game, competition or practice because he or she has been suspected of sustaining a concussion.
- c. The CMT shall meet at least once per semester and shall evaluate the division’s training materials, concussion reporting, management and review protocols annually.

### II. Required Concussion Training for School Personnel and Volunteers:

- a. Every coach, assistant coach, school staff, adult volunteer, or other person serving in a coaching or advisory role over student-athletes during games, competitions or practices shall receive training in the signs and symptoms of sports-related concussions, strategies



to reduce the risk of concussions, how to seek proper medical treatment for concussions and the process by which a concussed student-athlete may safely return to practice or competition. Each school and the CMT shall maintain a written record of the names and dates of completion for all persons completing the school's concussion training.

- b. Each school shall ensure that no person is allowed to coach or advise a student-athlete in any practice, game, or competition who has not completed the school's concussion training within the previous twelve months.

### III. Distribution of Training Materials for Student-Athletes and Parent/Guardian:

- a. Prior to participating in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review concussion training materials developed by the CMT and sign a statement acknowledging receipt of such information. The concussion training materials shall describe the short-and long-term health effects of concussions.
- b. The signed statements acknowledging the receipt of concussion training materials shall be valid for one calendar year and will satisfy the concussion training requirements for all of a student-athlete's extracurricular physical activities for a calendar year.

### IV. Removal from Extracurricular Physical Activities

- a. A student-athlete suspected by a student-athlete's coach, athletic trainer or team physician of sustaining a concussion or brain injury in a practice, game or competition shall be removed from the activity immediately, evaluated and, if necessary, referred for further treatment. A student-athlete who has been removed from play, evaluated, and suspected to have sustained a concussion or brain injury shall not return to play that same day.
- b. In determining whether a student-athlete removed from play is suspected of having sustained a concussion, an appropriate licensed health care provider or other properly trained individual, shall evaluate the student-athlete at the time of removal utilizing a standardized concussion sideline assessment instrument (e.g., Sideline Concussion Assessment Tool (SCAT-II, SCAT III, ChildSCAT3), the Standardized Assessment of Concussion (SAC), or the Balance Error Scoring System (BESS)).
- c. The determination of whether a student-athlete removed from play is suspected of having sustained a concussion shall be the sole determination of the licensed health care provider or other properly trained individual conducting the concussion sideline assessment. Such determination is final and may not be overruled by another licensed health care provider or other properly trained individual, coach, assistant coach, school staff, or other person serving in a coaching or advisory role, the student-athlete or the parent or guardian of the student-athlete.

- d. The coach of a student-athlete may elect not to return the student-athlete to play, even if after the concussion sideline assessment it is determined that the student-athlete is no longer suspected of having sustained a concussion.

#### V. Return-To-Play Protocol

- a. No student-athlete shall be allowed to return to extracurricular physical activities, which includes the student-athlete's practices, games or competitions, until the student presents a written medical release from the student-athlete's licensed health care provider. The written medical release shall certify that (i) the provider is aware of the current medical guidance on concussion evaluation and management; (ii) the student-athlete no longer exhibits signs symptoms or behaviors consistent with a concussion at rest or with exertion; and (iii) that the student-athlete has successfully completed a progressive return to sports participation program. The length of progressive return to sports participation program shall be determined by the student-athlete's licensed health care provider but shall last a minimum of five calendar days.
- b. The coach of a student-athlete may elect not to allow a student-athlete to return to extracurricular physical activities, even after the production of written medical release from the student-athlete's licensed health care provider, if the coach observes signs and symptoms of sports-related concussions. If the student-athlete's coach makes such a decision, the coach shall communicate the observations and concerns to the student-athlete's parent or guardian within one day of the decision not to allow such student-athlete to return to extracurricular physical activities.

#### VI. Return-to-Learn Protocol

- a. School personnel shall be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning and problem solving.
- b. School personnel shall accommodate the gradual return to full participation in academic activities by a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom.

#### VII. Helmet Replacement and Reconditioning

- a. All helmets used in school physical activities must conform to the National Operations Committee on Standards for Athletic Equipment (NOCSAE) and certified as conforming by the manufacturer at the time of purchase.

- b. Reconditioned helmets that have been purchased must be recertified as conforming to the NOCSAE by the reconditioner.

VIII. Athletic Activities Conducted by Non-School Organizations on School Property

The school division may provide this policy and the Board of Education's Guidelines for Policies on Concussions in Student-Athletes to organizations sponsoring athletic activity for student-athletes on school property. The school division does not enforce compliance with the policy or Guidelines by such organizations.

Adopted: June 23, 2011

Revised: June 2, 2014; June 2, 2015; June 27, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-271.5, 22.1-271.6.

Virginia Board of Education Guidelines for Policies on Concussions in Student-Athletes (Adopted January 22, 2015).

Cross Refs.: KG Community Use of School Facilities  
KGB Public Conduct on School Property.

## STUDENT RECORDS

### Generally

The Bath County School Board maintains accurate and complete records for every student enrolled in the public schools in accordance with all federal and state laws.

The superintendent and/or his designee(s) is responsible for the collection of data, record maintenance and security, access to, and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The superintendent also provides for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of this policy.

### Definitions

For the purposes of this policy, Bath County Public Schools uses the following definitions.

Authorized representative – any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 CFR § 99.31(a)(3) to conduct, with respect to federal- or state-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Directory information - information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include information such as the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational institution attended. Directory information may not include the student's social security number. Directory information may include a student identification number or other unique personal identifier used by a student for accessing or communicating in electronic systems if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user or a student ID number or other unique personal identifier that is displayed on a student ID badge, if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity such as a PIN or password or other factor known or possessed only by the authorized user.)

Early childhood education program – a Head Start program or an Early Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children’s cognitive, social, emotional, and physical development and is a state prekindergarten program, a program under section 619 or Part C of the Individuals with Disabilities Education Act, or a program operated by a local educational agency.

Education program - any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Education records - any information recorded in any way including handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche maintained by the Bath County School Board or an agent of the school division which contains information directly related to a student, except

- records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record;
- records created and maintained for law enforcement purposes by the Bath County School Board’s law enforcement unit, if any. A law enforcement unit is any individual, office, department, or division of the school division that is authorized to enforce any local, state, or federal law, refer enforcement matters to appropriate authorities or maintain the physical security and safety of the school division;
- in the case of persons who are employed by the Bath County School Board but who are not in attendance at a school in the division, records made and maintained in the normal course of business which relate exclusively to the person in his capacity as an employee;
- records created or received after an individual is no longer in attendance and that are not directly related to the individual’s attendance as a student;
- grades on peer-graded papers before they are collected and recorded by a teacher; and
- any electronic information, such as email, even if it contains personally identifiable information regarding a student, unless a printed copy of the electronic information is placed in the student’s file or is stored electronically under an individual student’s name on a permanent and secure basis for the purpose of being maintained as an educational record. For purposes of this policy, electronic information that exists on a back-up server, a temporary archiving system, or on a temporary basis on a computer is not an education record and is not considered as being maintained.

Eligible student - a student who has reached age 18.

Parent - a parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Student - any person who is or has been in attendance at Bath County Public Schools regarding whom the school division maintains education records or personally identifiable information.

## Dissemination and Maintenance of Records About Court Proceedings

### Adjudications

The superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G. contained in a notice received pursuant to Va. Code § 16.1-305.1 to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the principal of the school in which the student is enrolled. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

A parent, guardian, or other person having control or charge of a student, and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 was based and the reasons therefor. The parent or guardian shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record.

Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 received by a superintendent, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260, the notice shall become a part of the student's disciplinary record.

Any notice of disposition received pursuant to Va. Code § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in Va. Code § 22.1-253.13:4.

### Petitions and Reports

The superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to Va. Code § 16.1-260 or report received pursuant to Va. Code § 66-25.2:1 except as follows:

- If the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department which sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.
- Prior to receipt of the notice of disposition in accordance with Va. Code § 16.1-305.1 the superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the

superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel within the division. The principal may further disseminate the information regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other educational services.

- If the superintendent believes that disclosure of information regarding a report received pursuant to Va. Code § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, he may disclose the information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

### Annual Notification

The school division annually notifies parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) including

- the right to inspect and review the student's education records and the procedure for exercising this right;
- the right to request amendment of the student's education records that the parent believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedure for exercising this right;
- the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
- the type of information designated as directory information and the right to opt out of release of directory information;
- that the school division releases records to other institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- the right to opt out of the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
- a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

### Procedure to Inspect Education Records

Parents of students or eligible students may inspect and review the student's education records within a reasonable period of time, which shall not exceed 45 days, and before any meeting regarding an IEP or hearing involving a student with a disability. Further, parents have the right to

a response from the school division to reasonable requests for explanations and interpretations of the education record.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or appropriate school official) will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.

#### Copies of Education Records

Bath County Public Schools will not provide a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review the records.

#### Fees for Copies of Records

The fee for copies will be \$0.25 per page. The actual cost of copying time and postage will be charged. Bath County Public Schools does not charge for search and retrieval of the records. Bath County Public Schools does not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

#### Types, Locations, and Custodians of Education Records

Bath County Public School shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

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

Types	Location	Custodian	Information
Permanent and Cumulative Records	School Office	Principal	Health, Academic, Discipline, etc.



## Disclosure of Education Records

Bath County Public Schools discloses education records or personally identifiable information contained therein only with the written consent of the parent or eligible student except as authorized by law. Exceptions which permit the school division to disclose education record information without consent include the following.

1. To school officials who have a legitimate educational interest in the records.  
A school official is:
  - a person employed by the School Board
  - a person appointed or elected to the School Board
  - a person employed by or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist
  - a contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education recordsA school official has a legitimate educational interest if the official is:
  - performing a task that is specified in his or her position description or by a contract agreement
  - performing a task related to a student's education
  - performing a task related to the discipline of a student
  - providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. If records or information are released under this provision, the student's parents will be notified of the release, receive a copy of the record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and

- local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which
    - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
    - requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
    - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
    - requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
  7. To accrediting organizations to carry out their functions.
  8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
  9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
  10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
    - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
    - the parties to whom the division disclosed the information.
  11. To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
  12. Directory information so designated by the school division.
  13. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

The school division will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records.

#### Unauthorized Disclosure of Electronic Records

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation federal or state law applicable to such information, the school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

#### Disclosure to Federal Agencies

Notwithstanding any other provision of law or policy, no member or employee of the Bath County School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

#### Disclosure of Information Relating to Home Instructed Students

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of Policy LBD Home Instruction or subdivision B 1 of Va. Code § 22.1-254. However, the superintendent or School Board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

#### Audit or Evaluation of Education Programs

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the federal Secretary of Education, and state and local educational authorities may have access to education records in connection with an audit or evaluation of federal- or state- supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

Any authorized representative other than an employee must be designated by a written agreement which

- designates the individual or entity as an authorized representative;
- specifies the personally identifiable information to be disclosed, specifies that the purposes for which the personally identifiable information is disclosed to the authorized

- representative is to carry out an audit or evaluation of federal- or state-supported education programs, or to enforce or comply with federal legal requirements that relate to those programs; and specifies a description of the activity with sufficient specificity to make clear that the work falls within the exception of 34 CFR § 99.31(a)(3) including a description of how the personally identifiable information will be used;
- requires the authorized representative to destroy personally identifiable information when the information is no longer needed for the purpose specified;
  - specifies the time period in which the information must be destroyed; and
  - establishes policies and procedures, consistent with FERPA and other federal and state confidentiality and privacy provisions, to protect personally identifiable information from further disclosure and unauthorized use, including limiting use of personally identifiable information to only authorized representatives with legitimate interests in the audit or evaluation of a federal- or state-supported education program or for compliance or enforcement of federal legal requirements related to such programs.

### Military Recruiters and Institutions of Higher Learning

Bath County Public Schools will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released without prior written parental consent. The school division will notify parents of the option to make a request and will comply with any request.

The school division will provide military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

### Record of Disclosure

Bath County Public Schools maintains a record, kept with the education records of each student, indicating all individuals (except school officials who have a legitimate educational interest in the records), agencies, or organizations which request or obtain access to a student's education records. The record will indicate specifically the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.

The requirements related to records of disclosure stated above do not apply to disclosures made pursuant to an ex parte order issued by a court at the request of the United States Attorney General (or any federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) seeking to collect education records relevant to an authorized investigation or prosecution of international terrorism as defined in 18 U.S.C. § 2331 or other acts listed in 18 U.S.C. § 2332b(g)(5)(B).

Personal information will only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party permits access to information, or fails to destroy information, the division will not permit access to information from education records to that third party for a period of at least five years.

#### Directory Information

The Bath County School Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information, and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

Parents and eligible students may not use the right to opt out of directory information disclosures to 1) prevent disclosure of the student's name, identifier, or institutional email address in a class in which the student is enrolled; or 2) prevent an educational agency or institution from requiring the student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information designated as directory information and that has been properly designated as directory information.

Directory information is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include information such as the name, gender, address, telephone listing, date and place of birth of students, the student's major field of study, participation in officially recognized activities and sports, the weight and height of members of athletic teams, dates of attendance, degrees or awards received by students, and photographs. Directory information may not include the student's social security number.

#### Correction of Education Records

The procedures for the amendment of records that a parent or eligible student believes to be inaccurate are as follows.

1. Parents or the eligible student must request in writing that Bath County Public Schools amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.
2. Bath County Public Schools shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the school division shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.

3. Upon request, Bath County Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.
4. The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. Bath County Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
7. If Bath County Public Schools decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
8. If Bath County Public Schools decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

#### High School Credit-Bearing Courses Taken in Middle School

For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course. The School Board specifies, by regulation, the deadline and procedure for making such a request. Notice of this provision is provided to parents.

#### Confidentiality of HIV and Drug and Alcohol Treatment Records

Bath County Public Schools complies with the confidentiality requirements of Va. Code § 32.1-36.1 providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the school division maintains confidentiality of drug and alcohol treatment records as required by federal and state law.

Adopted: March 26, 2002

Revised: August 5, 2003; May 2, 2006; September 5, 2006; June 26, 2007; June 24, 2008;  
April 9, 2009; June 1, 2010, February 7, 2012; December 3, 2013; June 3, 2014;  
December 2, 2014; June 2, 2015; June 27, 2016

Legal Refs.: 18 U.S.C. §§ 2331, 2332b.  
20 U.S.C. §§1232g, 7908.  
42 U.S.C. § 290dd-2.

34 C.F.R. 99.3, 99.7, 99.10, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33, 99.34,  
99.35, 99.36, 99.37.

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-  
305.1, 16.1-305.2, 22.1-254.1, 22.1-287, 22.1-287.01, 22.1-287.02, 22.1-287.1,  
22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23.1-405, 32.1-36.1.

8 VAC 20-131-90.

Cross Refs.:	IJ	Guidance and Counseling Program
	JEC	School Admission
	JEC-R	School Admission
	JECA	Admission of Homeless Children
	JFC	Student Conduct
	JGDA	Disciplining Students with Disabilities
	JGD/JGE	Student Suspension/Expulsion
	JHCB	Student Immunizations
	JHCD	Administering Medicines to Students
	JRCA	School Service Providers' Use of Student Personal Information
	KBA-R	Requests for Information
	KBC	Media Relations
	KNB	Reports of Missing Children
	KP	Parental Rights and Responsibilities
	LBD	Home Instruction
	LEB	Advanced/Alternative Courses for Credit

## SCHOOL SERVICE PROVIDERS' USE OF STUDENT PERSONAL INFORMATION

### Definitions

For the purposes of this policy:

"Elementary and secondary school purposes" means purposes that (i) customarily take place at the direction of an elementary or secondary school, elementary or secondary school teacher, or school division; (ii) aid in the administration of school activities, including instruction in the classroom or at home; administrative activities; and collaboration between students, school personnel or parents; or (iii) are otherwise for the use and benefit of an elementary or secondary school.

"Personal profile" does not include account information that is collected and retained by a school service provider and remains under control of a student, parent or elementary or secondary school.

"School-affiliated entity" means any private entity that provides support to the school division or a public elementary or secondary school. "School-affiliated entity" includes alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds and scholarship organizations.

"School service" means a website, mobile application or online service that (i) is designed and marketed solely for use in elementary or secondary schools; (ii) is used (a) at the direction of teachers or other employees at elementary or secondary schools or (b) by any school-affiliated entity; and (iii) collects and maintains, uses or shares student personal information. "School service" does not include a website, mobile application or online service that is (a) used for the purposes of college and career readiness assessment or (b) designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

"School service provider" means an entity that operates a school service pursuant to a contract with the school division.

"Student personal information" means information collected through a school service that identifies a currently or formerly enrolled individual student or is linked to information that identifies a currently or formerly enrolled individual student.

"Targeted advertising" means advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online behavior, use of applications, or sharing of student personal information. "Targeted advertising" does not include advertising (i) that is presented to a student at an online location (a) on the basis of such student's online behavior, use of applications or sharing of student personal information during his current visit to that online location or (b) in response to that student's request for information or feedback and (ii) for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising.



## Required Contract Terms

The contract between a school service provider and the School Board shall require the school service provider

- to provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses or shares such student personal information;
- to maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;
- to maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality and integrity of student personal information and makes use of appropriate administrative, technological and physical safeguards;
- to facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used or shared by the school service provider, or by such student's parent, either directly or through the student's school or teacher;
- to collect, maintain, use and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the School Board and the school service provider;
- when it collects student personal information directly from the student, to obtain the consent of the student or, if the student is less than 18 years of age, his parent before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, to obtain the consent of the school division before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service;
- to require any successor entity or third party with whom it contracts to abide by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information; and
- to require that, upon the request of the school or School Board, the school service provider will delete student personal information within a reasonable period of time after such request unless the student or, if the student is less than 18 years of age, his parent consents to the maintenance of the student personal information by the school service provider.

The contract will also prohibit the school service provider from knowingly

- using or sharing any student personal information for the purpose of targeted advertising to students;
- using or sharing any student personal information to create a personal profile of a student other than for elementary and secondary school purposes authorized by the school division, with the consent of the student or, if the student is less than 18 years of age, his parent, or

as otherwise authorized in the contract between the school division and the school service provider; or

- selling student personal information except to the extent that such student personal information is sold to or acquired by a successor entity that purchases, merges with or otherwise acquires the school service provider.

Nothing in this policy shall be construed to prohibit school service providers from

- using student personal information for purposes of adaptive learning, personalized learning or customized education;
- using student personal information for maintaining, developing, supporting, improving or diagnosing the school service;
- providing recommendations for employment, school, educational or other learning purposes within a school service when such recommendation is not determined in whole or in part by payment or other consideration from a third party;
- disclosing student personal information to (i) ensure legal or regulatory compliance, (ii) protect against liability or (iii) protect the security or integrity of its school service; or
- disclosing student personal information pursuant to a contract with a service provider, provided that the school service provider (i) contractually prohibits the service provider from using any student personal information for any purpose other than providing the contracted service to or on behalf of the school service provider, (ii) contractually prohibits the service provider from disclosing any student personal information provided by the school service provider to any third party unless such disclosure is permitted by Va. Code § 22.1-289.01(B)(7) and (iii) requires the service provider to comply with the requirements set forth Va. Code § 22.1-289.01(B) and the prohibitions set forth in Va. Code § 22.1-289.01(C).

Nothing in this policy shall be construed to:

- impose a duty upon a provider of an electronic store, gateway, marketplace, forum or means for purchasing or downloading software or applications to review or enforce compliance with this policy with regard to any school service provider whose school service is available for purchase or download on such electronic store, gateway, marketplace, forum or means;
- impose liability on an interactive computer service, as that term is defined in 47 U.S.C. § 230(f), for content provided by another individual; or
- prohibit any student from downloading, exporting, transferring, saving or maintaining his personal information, data or documents.

Adopted: June 27, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-289.01.

Cross Refs.:	ET	Educational Technology Foundation and Public School Foundations
	JO	Student Records
	KMA	Relations with Parent Organizations

## REQUESTS FOR INFORMATION

The Bath County School Board complies with the Virginia Freedom of Information Act. All requests for information are processed in accordance with KBA-R Requests for Information.

The name(s) and contact information for the person(s) the Bath County School Board has designated as its Freedom of Information (FOIA) Officer(s) is listed in regulation KBA-R Requests for Information. The FOIA Officer(s) serve(s) as a point of contact for members of the public in requesting public records and coordinate(s) the School Board's compliance with FOIA. The FOIA officer(s) receive(s) training at least annually from the School Board's legal counsel or the Virginia Freedom of Information Advisory Council.

Adopted: June 22, 1999

Revised: March 26, 2002; June 27, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, § 2.2-3700 et seq.

Cross Ref.: KBA-R Requests for Information

## REQUESTS FOR INFORMATION

The Bath County School Board is committed to full compliance with the Virginia Freedom of Information Act (FOIA) and processes all requests for information in accordance with the following procedures.

Sue Hirsh, Superintendent, is the Bath County School Board's FOIA Officer(s). The FOIA Officer(s) serve(s) as a point of contact for members of the public in requesting public records and coordinate(s) the School Board's compliance with FOIA. The FOIA Officer(s) may be reached at 12145 Sam Snead Highway, P. O. Box 67, Warm Springs, VA 24484, 540.839.2722.

### Access to Records

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

### Request Procedures

1. Requests for access to records shall be made with reasonable specificity.
2. Requests shall be directed to the Bath County Public Schools FOIA Officer at:  
**Sue Hirsh, Superintendent**  
**Bath County Public Schools**  
**P. O. Box 67**  
**Warm Springs, VA 24484**  
**Telephone: 540-839-2722 Fax: 540-839-3040**

3. Requesters should make their requests using Form KBA-F1 Request for Public Records. Requests received via telephone are transcribed onto Form KBA-F1 Request for Public Records by School Board staff. Written requests other than on Form KBA-F1 Request for Public Records are appended to a copy of the form by staff, who fill out as much of the form as possible.
4. School Board staff provide Form KBA-F1 Request for Public Records and a copy of this regulation upon request to any person interested in obtaining access to records, and shall instruct the requester to direct the request to the FOIA Officer. Telephone inquiries are redirected to the FOIA Officer. Any written requests received by building personnel are immediately forwarded to the FOIA Officer with a notation indicating the date and time the request was received.

### **Responding to Requests**

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

No public record is withheld in its entirety on the grounds that some portion of the public record is excluded from disclosure by law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion may be withheld, and all portions of the public record that are not so excluded are disclosed.

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

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

### **Processing of Requests**

1. The FOIA Officer, after receiving a request, promptly makes an initial determination as to whether the requested records will be provided to the requester, will be withheld, either completely or in part, or if it is practically impossible to provide the requested records or to determine whether they are available within five days.
2. If the FOIA Officer is unsure whether the requested documents should be provided to the requester, legal advice is promptly sought.
3. If the FOIA Officer is uncertain whether the requested records exist or where they may be located, efforts are promptly initiated to locate the records or determine whether they exist.
4. If the requested records will be made available either in whole or in part, the FOIA Officer promptly consults with School Board staff to determine the cost involved to assemble the records for inspection and copying. Where portions of individual records must be redacted prior to inspection and copying, the cost of doing this is taken into account. The following costs are charged at the rates indicated, not to exceed actual cost:
  - Staff member search time, charged by the quarter hour. Depending on the staff member(s) involved in the search, rates of \$2.90 to \$6.75 per quarter hour may apply.
  - Computer search time, charged at the rate of \$290 to \$6.75 per quarter hour
  - Computer printouts, charged at the rate of \$0.10 cents per page
  - Photocopies (including those necessary to perform redactions), charged at the rate of \$0.25 per page.
  - Incidental out-of-pocket costs necessary to assemble the records (for example: phone, postage, or courier charges).
5. If the requester has asked for an advance determination of the cost, or if the cost is expected to exceed \$ 200, the requester shall be notified in advance of the cost associated with the request. If the cost of the request is determined to exceed \$200, the School Board may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. No further action shall be taken until the requester responds, and the requester must agree to pay the estimated amount before any further processing of the request is performed.
6. Before processing a request for records, the FOIA Officer may require the requester to pay any amounts owed to the School Board for previous requests for records that remain unpaid 30 days or more after billing.
7. If school division records have been transferred to any entity, including any other public body, for storage, maintenance or archiving, the school division remains the custodian of the records for purposes of responding to requests and is responsible for retrieving and supplying the records to the requester.

8. Any records to be disclosed are assembled for inspection and copying by School Board staff, under the direction and supervision of the FOIA Officer.
9. School Board staff are responsible for recording the date the request was received, verifying photo identification and signature and recording and assembling additional information about the request as indicated on Form KBA-F1 Request for Public Records.

Adopted: March 26, 2002

Revised: May 6, 2003; June 3, 2003; June 26, 2007; June 24, 2010; April 8, 2015;  
June 27, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3704.01,  
2.2-3704.2.

Cross Ref.: KBA            Requests for Information



### REQUEST FOR PUBLIC RECORDS

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

E-mail address \_\_\_\_\_

Phone \_\_\_\_\_

I am a (check one):

- Citizen of the Commonwealth of Virginia
- Member of the Press referenced in Va. Code §2.2-3704  
News Organization \_\_\_\_\_

Identification must be presented prior to inspection of records or receipt of copies. A photocopy of identification is acceptable with a mailed/faxed request.

#### STAFF USE ONLY

Date Request Received: \_\_\_\_\_

Request was made (check one)

- by requester on this form
- by telephone
- in writing other than on form  
(attach original request)

Date Response Sent: \_\_\_\_\_  
(attach copy)

- Identification Verified  
Type: \_\_\_\_\_  
Number: \_\_\_\_\_
- Itemized Cost Estimate Attached

I am requesting access to the following records (please be as specific as possible, and attach additional paper if necessary):  
\_\_\_\_\_

Reasonable costs may be assessed in connection with this request. A current schedule of costs appears in Regulation KBA-R Requests for Information. If the costs associated with this request are expected to exceed \$200, the requestor will be asked to pay the estimated costs before the request is processed.

In addition, the requestor may ask for an advance determination of the cost of the request. Please indicate here if you would like an advance determination of cost.  
Yes \_\_\_ No \_\_\_

If you are requesting copies, please specify the format in which you would like to receive them. The Bath County school division will provide the record(s) in the requested format if that medium is used by it in the regular course of its business.

Specify format desired (if available):

- Photocopies
- Website posting
- E-mail (give address): \_\_\_\_\_
- Other (please specify): \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**RETURN COMPLETED FORM TO:**  
BATH COUNTY PUBLIC SCHOOLS  
Sue Hirsh, Superintendent  
P. O. Box 67  
Warm Springs, VA 24484

## PUBLIC PARTICIPATION AT SCHOOL BOARD MEETINGS

Members of the community are invited and encouraged to attend meetings of the Bath County School Board to observe its deliberations. Any member of the community may address the School Board on matters related to the Bath County Public Schools at any regular meeting as provided in the accompanying regulation. Persons wishing to address the School Board are requested to contact the superintendent, the School Board chairman or their designee for placement on the agenda.

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

A reasonable period of time, as determined by the School Board, will be allocated at each regular meeting for community members to present matters of concern.

Adopted: June 1996

Revised: June 1, 2004; June 24, 2008; May 6, 2014; June 27, 2016

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

Cross Ref.: BDDE Rules of Order

Policy and Legal References updated.

## CHARTER SCHOOLS

### Purpose

In order to (1) encourage the development of innovative programs; (2) provide opportunities for innovative instruction and student assessment; (3) provide parents and students more choices; (4) provide innovative scheduling, structure and management; (5) encourage the use of performance-based educational programs; (6) establish high standards for teachers and administrators; and (7) develop models for replication in other public schools, the Bath County School Board receives and considers applications for the establishment of charter schools.

### Definition of Charter School

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

In establishing public charter schools within the division, the School Board gives priority to public charter school applications designed to increase the educational opportunities of at-risk students. At least one half of the public charter schools in the division must be designed for at-risk students. However, conversions of existing public schools into public charter schools that serve the same community as the existing public school do not count in the determination of school division compliance with the one-half requirement.

Enrollment in a charter school is open to any child who resides within the school division or, in the case of a regional public charter school, within any of the relevant school divisions, through a lottery process on a space-available basis, except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students are given the opportunity to enroll in advance of the lottery process.

Public charter schools are subject to all federal laws and authorities as set forth in law and the charter contract. Public charter schools are subject to the same civil rights, health and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided by law.

Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the School Board approves such measures.

Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.

No public charter school shall discriminate against any student on the basis of limited proficiency in English and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.

No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies or operations.

### Application Process

Any person, group or organization may submit an application for the formation of a public charter school to the Bath County School Board. A complete application includes the applicant's Virginia Public Charter School Application package submitted to the Board of Education, the result of the Board of Education's review of the application and the Charter School Application Addendum (LC-E [School Division] Charter School Application Addendum). Prior to submitting a charter school application to the School Board, a public charter school applicant shall submit its proposed charter application to the Board of Education for review and comment and a determination as to whether the application meets the approval criteria developed by the Board of Education. Charter School applications initiated by the Bath County School Board must conform to the Virginia Public Charter School Application. However, such applications are not required to receive Board of Education review and comment prior to action by the School Board.

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

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

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

The Bath County School Board shall establish a regulation for receiving, reviewing and ruling on applications for the establishment of charter schools. Such regulation must include a timeline for the application and review process and the means for reviewing and evaluating each application, including the criteria on which the decision to grant or deny a charter will be based. To provide appropriate opportunity for input from parents, teachers, citizens, and other interested parties and to obtain information to assist the School Board in its decision to grant or deny a public charter school application, the regulation will provide for public notice and the receipt of comment on public charter school applications. The School Board shall give at least 14 days' notice of its intent to receive public comment on an application. A copy of the regulation, including the review criteria, shall be posted on the division's website and a copy shall be made available to any interested party upon request.

#### School Board Decision

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

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

## Charter Contract

Within 90 days of approval of a charter application, the School Board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the School Board and public charter school, including each party's rights and duties. The 90-day period may be extended by up to 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.

The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the School Board's evaluations of the public charter school. The performance framework shall include indicators, measures and metrics for:

- student academic proficiency;
- student academic growth;
- achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status and gifted status;
- attendance;
- recurrent annual enrollment;
- postsecondary education readiness of high school students;
- financial performance and sustainability; and
- the performance and stewardship of the management committee, including compliance with all applicable laws, regulations and terms of the charter contract.

The performance framework shall allow the inclusion of additional rigorous, valid and reliable indicators proposed by the charter school to augment external evaluations of its performance, provided that the School Board approves the quality and rigor of such indicators.

The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status and gifted status.

Annual performance targets shall be set by the public charter school and the School Board and shall be designed to help each school meet applicable federal, state and School Board expectations.

The charter contract shall be signed by the chairman of the School Board and the president or chairman of the public charter school's management committee. Within 10 days of executing a charter contract, the School Board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

No public charter school shall commence operations without a charter contract executed in accordance with this policy and approved in an open meeting of the School Board.

#### Waivers of School Board Policy and State Regulation

A charter school may operate free from School Board policies and state regulations, except the Standards of Quality, the Standards of Accreditation and Standards of Learning, as agreed in the charter contract. The School Board shall request from the Board of Education, on behalf of its charter schools, waivers from state regulation contained in each approved charter application. If the charter school is designed to increase the opportunities of at-risk students, then the School Board shall request that the Board of Education approve an Individual School Accreditation Plan.

#### Management and Operation

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

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

#### Personnel

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

Professional, licensed employees currently employed by the School Board may volunteer for assignment to a charter school and may be assigned by the School Board to a charter school for one contract year and reassigned annually upon the request of the employee and management committee. Professional, licensed employees assigned to a charter school shall receive the same employment benefits as such personnel assigned to non-charter schools. Professional, licensed personnel who request assignment to a non-charter 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 non-charter school according to School Board policy.

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

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

#### Funding

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

#### Revocation and Renewal of the Charter Contract

The School Board may revoke a charter contract if

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

A charter contract may be renewed for up to five years. The management committee must apply to renew the charter by January 1<sup>st</sup> of the school year the charter expires.

The application for renewal shall contain

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

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



## Reports

The School Board reports the following to the Board of Education:

- the grant or denial of charter applications, applications for renewal, and the revocation of any charter contract; for any such denial, revocation or failure to renew, the report to the Board of Education contains documentation as to the reason for the denial or revocation
- whether a public charter school is designed to increase the educational opportunities of at-risk students

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

Adopted: June 28, 2002

Revised: April 1, 2003; June 25, 2004; April 5, 2005; June 7, 2005; June 24, 2010; October 5, 2010; September 3, 2013; December 13, 2014; June 3, 2014; December 2, 2014; June 27, 2016

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

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

Cross Refs: KBA Requests for Information  
KBA-F1 Request for Public Records  
KBA-F2 Record of Inspection and/or Delivery of Copies  
KBA-R Requests for Information  
LC-E Bath County Public Schools Charter School  
Application Addendum

## RELATIONS WITH EDUCATIONAL ACCREDITATION AGENCIES

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

The School Board 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 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: June 28, 2002

Revised: June 25, 2004; June 24, 2010; June 23, 2011; September 3, 2013; June 27, 2016

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