

BATH COUNTY SCHOOL BOARD

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

SUBJECT: SUPERINTENDENT’S REPORT - ACTION

VSBA Policies – 1st Reading

BACKGROUND:

- BDA Regular School Board Meetings**
Policy updated to reflect amendment of Va. Code § 2.2-3707 and enactment of Va. Code § 2.2-3708.2 by HB 907.
- BDD Electronic Participation in Meetings from Remote Locations**
Policy updated to reflect amendment of Va. Code §§ 2.2-3701 and 2.2-3707, repeal of Va. Code §§ 2.2-3708 and 2.2-3708-1, and enactment of Va. Code § 2.2-3708.2 by HB 907.
- CMA Quality Profiles**
Policy renamed and updated to reflect amendments to the Standards of Accreditation. Legal References updated.
- GCCB Employment of Family Members**
(Option 1) This policy was adopted in June. Minor organizational and editorial changes to that version of the policy have been made in order for it to correspond precisely with former Policy GCCB Option 2.
- GCDA Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect**
This policy was adopted in June. Changes to that version of the policy have been made to correct typographical errors.
- IL Testing Programs**
This is a corrected version of the policy adopted in June. The word “elementary” was mistakenly underlined instead of being struck-through, and the third paragraph, which is new, was not underlined.
- JGD/JGE Student Suspension/Expulsion**
(Option 1) This policy was adopted in June. The change to that version of the policy corrects a typographical error on page 2.
- KKA Service Animals in Public Schools**
Policy updated to clarify procedures for requesting permission to bring service animals onto school property.

RECOMMENDATION: Policy updates are provided for first reading. A second reading may be waived since policy changes are minor.

REGULAR SCHOOL BOARD MEETINGS

The School Board transacts all business at School Board meetings. The School Board does not vote by secret or written ballot. However, nothing prohibits separately contacting the membership, or any part thereof, of the School Board for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting under the Virginia Freedom of Information Act.

All meetings of the School Board are open to the public, except as otherwise permitted by law.

No meeting is conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in Policy BDD Electronic Participation in Meetings from Remote Locations.

The School Board gives notice of its meetings in accordance with Policy BDDA Notification of School Board Meetings.

At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to the members of the School Board for a meeting are made available for public inspection at the same time such documents are furnished to the members of the School Board.

Any person may photograph, film, record or otherwise reproduce any portion of an open meeting. The School Board may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but does not prohibit or otherwise prevent any person from photographing, filming, recording or otherwise reproducing any portion of an open meeting. The School Board does not conduct any open meeting in any building or facility where such recording devices are prohibited.

Minutes of all regular School Board meetings are recorded in accordance with Policy BDDG Minutes.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 2.2-3708.2, 2.2-3710, 22.1-72 and 22.1-74.

Cross Refs.: KC Community Involvement in Decision Making
 BCA Board Organizational Meetings

BDD
BDDA
BDDG

Electronic Participation in Meetings from Remote Locations
Notification of School Board Meetings
Minutes

ELECTRONIC PARTICIPATION IN MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, the School Board does not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled.¹ This policy is applied strictly and uniformly, without exception, to the entire membership of the School Board and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

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

I. Quorum Physically Assembled

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

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

~~In deciding whether or not to approve a Board member's request to participate from a remote location, the Board shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting.~~

~~If a Board member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity.~~

~~Such participation by a School Board member shall be limited each calendar year to two meetings; or~~

- ~~2. if a School Board member notifies the School Board chair that he or she is unable to attend a meeting due to a temporary or permanent disability or~~

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

¹ The Virginia Freedom of Information Act requires school boards to adopt a policy allowing for and governing the participation of its members by electronic communication means in order for such participation to occur. This policy satisfies that requirement.

~~other medical condition that prevents the member's physical attendance and the School Board records this fact and the remote location from which the member participated in its minutes.~~

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

Participation by a School Board member by electronic communication means due to a personal matter is limited each calendar year to two meetings.

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

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

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

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

II. Quorum Not Physically Assembled

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

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

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

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

For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be are stated in the minutes of the meeting. ~~In addition, at such meetings the School Board will make available to the public a public comment form prepared by the Virginia Freedom of Information Advisory Council.~~

III. ~~Reporting~~

~~If the School Board meets by electronic means without a quorum physically assembled, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:~~

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

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3701, 2.2-3707, ~~2.2-3708~~,
~~2.2-3708.1~~, 2.2-3708.2, 2.2-3710.

Cross Ref.: BDDG Minutes

SCHOOL DIVISION ANNUAL REPORT CARD QUALITY PROFILES

I. Division Report Cards Information

The BLANK School Board will annually prepare and disseminate annually prepares and disseminates a division report card. The report card will contain, information on the school division and each school within the division. The information is concise, presented in an understandable and uniform format, and, to the extent practicable, presented in a language that parents can understand. The information is accessible to the public and shows how students in the division achieved on the state's student academic assessments compared to students in the state as a whole and how students at individual schools achieved compared to students in the division and in the state. but is not limited to, the following information:

- ~~Information, in the aggregate, on student achievement at each proficiency level on the Standards of Learning. The information will also be disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged and each combined subgroup, if any, identified by the Virginia Department of Education. Disaggregated information will not be provided if the number of students in a category is less than 10.~~
- ~~Information that provides a comparison between the actual achievement levels of economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency and Virginia's annual measurable objective for each such group of students on each of the Standards of Learning.~~
- ~~The percentage of students not tested (disaggregated by the same categories and subject to the same exception described in the first bullet above).~~
- ~~the most recent 2-year trend in student achievement in each subject area, and for each grade level, for which Standards of Learning tests are required.~~
- ~~Aggregate information on any other indicators used by Virginia to determine the adequate yearly progress of students in achieving Virginia's academic achievement standards.~~
- ~~Graduation rates for secondary school students. The graduation rates reported will include graduation rates for public school students who graduate from secondary school with a regular diploma in the standard number of years.~~
- ~~The names of reward schools, priority schools and focus schools.~~
- ~~The professional qualifications of teachers in the division, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the Division not taught by highly qualified teachers, in the aggregate and disaggregated by high poverty compared to low poverty schools which, for the purpose of this provision, means schools in the top quartile of poverty and the bottom quartile of poverty in Virginia.~~
- ~~Information showing how students served by the division achieved on the Standards of Learning tests compared to students in the state as a whole.~~
- ~~The state's percentage of students at each achievement level on the National Assessment of Educational Progress (NAEP) in reading and mathematics for~~

~~grades four and eight for the "all students" group. The data will be disaggregated by race, ethnicity, disability status, English proficiency and status as economically disadvantaged. The participation rates for English Learners and students with disabilities will also be reported.~~

~~The report card will also show, by the year following implementation of college and career ready standards, but no later than the 2014-2015 school year, college-going and college credit accumulation rates for all students and sub-groups of students in each high school and information that shows how the school's students' achievement on the Standards of Learning and other indicators of adequate yearly progress compared to students in the division and the state as a whole.~~

~~The BLANK School Board will publicly disseminate the information in the annual report card to all schools in the division and to all parents of students attending those schools in an understandable and uniform format. To the extent practicable, the information will be provided in a language that the parents can understand. The Board will also make the information widely available through public means such as posting on the Internet, distribution to the media, and distribution through public agencies.~~

II. School Performance Report Cards Quality Profiles

~~The BLANK School Board shall ensure that every school in the division, regardless of whether or not that school receives funds under Title I, Part A, shall provide annually to the parents and the community a School Performance Report Card containing information for the most recent three-year period. Such information shall include but not be limited to:~~

- ~~• Virginia assessment program results by percentage of participation and proficiency and disaggregated by student subgroups~~
- ~~• the accreditation rating earned by the school~~
- ~~• attendance rates for students~~
- ~~• information related to school safety to include, but not be limited to, incidents of crime and violence~~
- ~~• information related to qualifications and educational attainments of the teaching staff~~

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

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

In addition, School Performance Report Cards Quality Profiles for secondary schools shall include the following:

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

Adopted:

Legal Refs.: 20 U.S.C. § 6311.

34 C.F.R. 200.11.

~~Non-Regulatory Guidance, State and Local Report Cards: Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended, U.S. Department of Education (as Revised February 8, 2013).~~

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

8 VAC 20-131-270.

~~ESEA Flexibility Request Virginia Department of Education (as revised and submitted January 11, 2013).~~

EMPLOYMENT OF FAMILY MEMBERS

- A. The School Board may not employ or pay, and the superintendent may not recommend for employment, any family member of the superintendent or of a School Board member except as authorized in Subsection B below. This prohibition does not apply to the employment, promotion, or transfer within the school division of any family member who
- has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of the superintendent or any School Board member, or
 - has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of the family relationship, or
 - was employed by the ~~school board~~ 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~~ School Board or the superintendent.

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

- B. Notwithstanding the rules stated in ~~Subsection~~ Section A above, the School Board may employ or pay, and the superintendent may recommend for employment, any family member of a School Board member provided that
- 1) ~~The~~ the member certifies that he had no involvement with the hiring decision; and
 - 2) ~~The~~ the superintendent certifies to the remaining members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the Board had any involvement with the hiring decision.
- ~~C. A family member employed as a substitute teacher may not be employed to any greater extent than he was employed by the School Board in the last full school year prior to the taking of office of such board member or superintendent or to the inception of such relationship.~~
- D. ~~C.~~ No family member of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit is discouraged.

D. Family members are defined as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 2.2-3119.

Cross Ref.: BBFA Conflict of Interests and Disclosure of Economic
Interests
GCI Professional Staff Assignments and Transfers

EFFECT OF CRIMINAL CONVICTION OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT

Generally

The Board will not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are determined to be unsuited for service by reason of criminal conviction or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

I. APPLICANTS FOR EMPLOYMENT

A. Criminal Convictions

As a condition of employment for all of its public school employees, whether full-time or part-time, permanent, or temporary, the BLANK School Board shall require on its application for employment certification (i) that the applicant has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) whether the applicant has been convicted of a crime of moral turpitude.

Notwithstanding the requirements of the previous paragraph, the School Board may employ an individual who, at the time of the individual's hiring, has been convicted of a felony, provided that such individual (i) was employed in good standing by a school board on or before December 17, ~~2017~~ 2015; (ii) has been granted a simple pardon for such offense by the Governor or other appropriate authority; and ~~(ii)~~ (iii) has had his civil rights restored by the Governor or other appropriate authority. However, the School Board may employ, until July 1, 2020, such an individual who does not satisfy the conditions set forth in clauses (ii) and (iii), provided that such individual has been continuously employed by the School Board from December 17, ~~2017~~ 2015 through July 1, 2018.

The BLANK School Board shall also require on its application for employment, as a condition of employment requiring direct contact with students, whether full-time or part-time, permanent, or temporary, certification that the applicant has not been the subject of a founded case of child abuse and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with the BLANK School Board shall submit to fingerprinting and provide personal descriptive information. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information on applicants who are offered or accept employment.

To conserve the costs of conducting criminal history record checks to applicants and school boards, upon the written request of the applicant, BLANK School Board shall inform another school board with which reciprocity has been established and to which the applicant also has applied for employment of the results of the criminal history record information conducted within the previous ninety days that it obtained concerning the applicant. Criminal history record information pertaining to an applicant for employment by a school board shall be exchanged only between school boards in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect. Reciprocity agreements shall provide for the apportionment of the costs of the fingerprinting or criminal records check between the applicant and BLANK School Board as provided by statute.

If an applicant is denied employment because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information provided by the Central Criminal Records Exchange to the applicant.

B. Founded Complaints of Child Abuse or Neglect

The School Board requires, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. The School Board shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, the School Board requires as a condition of employment that such applicant provide written consent and the necessary personal information for the School Board to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The School Board shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards for use by local school boards. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the School Board. From such funds as may be available for this purpose, however, the School Board may pay for the search.

If the information obtained pursuant to the preceding paragraph indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment, or the employment shall be rescinded.

If an applicant is denied employment because of information appearing on his record in the registry, the School Board shall provide a copy of the information obtained from the registry to the applicant. The information provided to the School Board by the

Department of Social Services shall be confidential and shall not be disseminated by the School Board.

II. EMPLOYEE CHARGES AND CONVICTIONS

A. Criminal Proceedings

An employee who is charged by summons, warrant, indictment, or information with the commission of a felony or a misdemeanor specified in Va. Code § 22.1-315 may be suspended in accordance with Policy GCPF Suspension of Staff Members.

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

The superintendent shall inform the School Board of any notification of arrest of a school board employee received pursuant to Virginia Code §19.2-83.1. The School Board shall require such employee, whether full-time or part-time, permanent, or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee. The contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§22.1-307 and 22.1-315 of the Code of Virginia.

B. Founded Complaints of Child Abuse or Neglect

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

III. COURT ORDERED PROBATION

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

IV. COSTS OF FINGERPRINTING, CRIMINAL RECORD AND ABUSE AND NEGLECT CHECKS

[Insert one of the following three options for payment of the fingerprinting, criminal record check and abuse and neglect check.]

Option 1

The applicant or employee shall pay for the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy.

Option 2

The School Board shall pay for the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy.

Option 3

The School Board and the applicant or employee shall share the costs of the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy. The School Board shall pay [insert percentage] and the applicant or employee shall pay [insert percentage].

Adopted:

Legal Ref.: Code of Virginia, as amended, §§ 18.2-251, 19.2-83.1, 19.2-389, 22.1-78, 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 22.1-315, 63.2-1515.

Cross Refs.: GCPF Suspension of Staff Members
 GCPD Professional Staff Discipline

TESTING PROGRAMS

A program of standardized testing prescribed by the Virginia Department of Education is administered annually. Standardized tests are administered according to state and local directives.

In administering tests or other assessment instruments, School Board employees do not require any public elementary school students being tested to disclose their race or ethnicity on such tests. School division personnel, however, may obtain such information from a student's permanent record and place the information on the test or assessment.

No student or his parent is required to disclose information related to the student's race or ethnicity unless (i) the student or his parent is given an option to designate "other" for the students race or ethnicity or (ii) such disclosure is required by federal law.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-4.2, 22.1-253.13:3.

STUDENT SUSPENSION/EXPULSION

I. DEFINITIONS

As used in this Policy,

“Alternative education program” includes night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

“Destructive device” means (1) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. “Destructive device” does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

“Disruptive behavior” means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.

“Exclusion” means a Virginia school board’s denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

“Expulsion” means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

“Firearm” means (1) any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material; (2) the frame or receiver of any such weapon; or

(3) any unloaded firearm in a closed container. "Firearm" does not include any pneumatic gun as defined in this Policy.

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days.

"One year" means 365 calendar days as required in federal regulations.

"Pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

"School property" means any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.

"Short-term suspension" means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

"Superintendent's designee" means a 1) trained hearing officer or 2) professional employee in the administrative offices of the school division who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy.

Except as provided in subsection C of Va. Code § ~~277~~ 22.1-277 or Va. Code §§ 22.1-277.07 or 22.1-277.08, no student in preschool through grade three is suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

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

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

III. SHORT-TERM SUSPENSIONS

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal or teacher responsible for such suspension reports the facts of the case in writing to the superintendent or superintendent's designee and the parent of the pupil suspended. The superintendent or superintendent's designee reviews forthwith the action taken by the principal, assistant principal or teacher upon a petition for such review by any party in interest and confirms or disapproves such action based on an examination of the record of the pupil's behavior.

The decision of the superintendent or superintendent's designee **SELECT ONE** (1) may be appealed to the School Board **OR** (2) is final and may not be appealed.

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

IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for 11 to 45 school days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before **SELECT ONE**

the School Board

OR

the superintendent or superintendent's designee. The decision of the superintendent or superintendent's designee may be appealed to the full School Board. Such appeal shall be decided by the School Board within thirty days.

The written notice of a suspension for 11 to 45 school days includes notification of the length of the suspension and provides information concerning the availability of community-based educational, alternative education or intervention programs. Such notice also states that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension is borne by the parent of the student.

A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the School Board for the term of such suspension.

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the School Board in accordance with the regulations of the School Board. The School Board confirms or disapproves of the proposed expulsion regardless of whether the pupil has exercised the right to a hearing.

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

not a part of the educational program offered by the school division that the student may attend during his expulsion is borne by the parent of the student.

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

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

The School Board establishes, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule is designed to ensure that any initial petition for readmission will be reviewed by the School Board or the superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the superintendent denies such petition, the student may petition the School Board for review of such denial.

B. Conduct Giving Rise to Expulsion

Recommendations for expulsions for actions other than those specified below are based on consideration of the following factors:

- the nature and seriousness of the conduct;
- the degree of danger to the school community;
- the student's disciplinary history, including the seriousness and number of previous infractions;
- the appropriateness and availability of an alternative education placement or program;
- the student's age and grade level;
- the results of any mental health, substance abuse or special education assessments;
- the student's attendance and academic records; and
- other appropriate matters.

No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection precludes the School Board from considering any of the factors listed above as "special circumstances" for purposes of expulsions discussed in the following subsections.

Firearms

The School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may, by regulation, authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.¹ Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

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

Drug Offenses

The School Board shall expel from school attendance any student whom the School Board has determined to have brought a controlled substance, imitation controlled substance or marijuana as defined in Va. Code § 18.2-247 onto school property or to a school-sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. In addition, the School Board may, by regulation, authorize the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is

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

¹ If the School Board adopts such a regulation, it must ensure that any disciplinary action imposed is taken in accordance with the procedures set forth in Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

appropriate.² Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Hearing

The procedure for the School Board hearing is as follows:

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

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

² If the School Board adopts such a regulation, it must ensure that any disciplinary action imposed is taken in accordance with the procedures set forth in Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

VI. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol, or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G; (2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G; (3) found to have committed a serious offense or repeated offenses in violation of School Board policies; (4) suspended pursuant to Va. Code § 22.1-277.05; or (5) expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection C of Va. Code § 22.1-277, to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred. The School Board may require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

A principal or principal's designee may impose a short-term suspension, pursuant to Va. Code § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code § 16.1-260.G, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

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

VII. REPORTING

A. Except as may otherwise be required by federal law, regulation or jurisprudence, reports are made to the superintendent and to the principal or principal's designee on all incidents involving

- (1) the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property or at a school-sponsored activity;
- (2) the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property or at a school-sponsored activity;

- (3) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- (4) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
- (5) the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;
- (6) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85 or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property or at a school-sponsored activity;
- (7) any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses;
- (8) the arrest of any student for an incident occurring on a school bus, on school property or at a school sponsored activity, including the charge therefor; and
- (9) any illegal possession of weapons, alcohol, drugs or tobacco products.

B. The superintendent and the principal or principal's designee receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VII.A. of this policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code § 16.1-260 reports such information to the principal of the school in which the juvenile is enrolled.

C. The principal or principal's designee submits a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education.

In submitting reports of such incidents, principals and superintendents accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B. of this policy.

D. The principal or principal's designee also notifies the parent of any student involved in an incident required by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary

action. Such notice relates to only the relevant student's involvement and does not include information concerning other students.

- E. Whenever any student commits any reportable incident as set forth in this subsection, such student is required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee.
- F. Except as may otherwise be required by federal law, regulation or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. of this policy that may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy.

In addition, except as may be prohibited by federal law, regulation or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A of this policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal reports that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

- G. For purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

VIII. RE-ADMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS

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

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

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

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

If the parent fails to comply with this policy or Policy JEC School Admission, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board or superintendent or superintendent's designee, as the case may be at the relevant hearing, the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.

The School Board may permit students excluded pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such exclusion.

IX. DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities are disciplined in accordance with Policy JGDA Disciplining Students with Disabilities.

Adopted:

Legal Refs.: 20 U.S.C. § 7151.

Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119, 18.2-308.1, 18.2-308.7, 18.2-308.2:2, 22.1-200.1, 22.1-254, 22.1-276.01, 22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-279.3:1.

8 VAC 20-560-10.

Cross Refs.:	IGBH	Alternative School Programs
	JEC	School Admission
	JFC-R	Standards of Student Conduct

JFCD
JGDA
JGDB

Weapons in School
Disciplining Students with Disabilities
Discipline of Students with Disabilities for Infliction of
Serious Bodily Injury

SERVICE ANIMALS IN PUBLIC SCHOOLS

A. Service Animals

An individual with a disability is permitted to be accompanied by his/her service animal on school property when required by law, subject to the conditions of this policy.

A “service animal” means a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. (See, however, Section D regarding miniature horses.) The work or tasks performed by a service animal must be directly related to the individual’s disability.

School officials can ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person’s disability and may not require documentary proof of certification or licensing as a service animal.

B. Requirements That Must be Satisfied Before a Service Animal Will be Allowed on School Property

~~Request: A person who wants to be accompanied by his/her the person’s service animal must make a prior written request of the school’s principal if the service animal will come into a school. A person who wants to be accompanied by his/her service animal must make a prior written request of the superintendent for all other locations.~~ request. If a person wants to be accompanied by a service animal at a school, the request should be made to the school principal. If a person wants to be accompanied by a service animal at any other location, the request should be made to the superintendent. A request must indicate the scope of permission sought, including the time period and the location(s) at which the service animal will be present. Requests may be granted for a period of time up to one school year. These requests ~~Requests~~ must be renewed each school year.

Vaccination: The service animal must be immunized against diseases common to that type of animal.

Health: The service animal must be in good health. The owner or handler of the animal must submit to the school principal or superintendent, as appropriate based on the location for which the animal’s presence is requested, each school year documentation from a licensed veterinarian ~~of the following: a current veterinary health certificate; and~~ showing proof of the service animal’s current vaccinations and immunizations.

Control: A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack or vest identifying the dog as a trained service dog, a leash (blaze orange in color) for hearing dogs, a harness for guide dogs, or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

C. Service Dogs in Training

Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

Use of Harnesses, Vests, etc. A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

A dog that is in training to become a hearing dog or a currently trained hearing dog that is undergoing continuing training must be on a blaze orange leash.

A dog that is in training to become a service dog or a currently trained service dog that is undergoing continuing training must be in a harness, backpack, or a vest identifying the dog as a trained service dog.

The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.

All requirements of this policy which apply to service animals, such as ~~health certificates~~, annual written requests, and supervision, care and damages, also apply to dogs in training.

D. Miniature Horses

The school division will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the

miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school division must consider the following factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

E. Extra Charges

The owner or handler of a service animal cannot be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

F. Supervision and Care of Service Animals

The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up.

G. Damages to School Property and Injuries

The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

H. Removal of Service Animals From School Property

A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health or safety of others; or
4. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

I. Denial of Access and Grievance

If a school official denies a request for access of a service animal or a dog in training, the disabled individual or parent or guardian can file a written grievance with the school division's Section 504 Coordinator.

Adopted:

Legal Refs.: 28 C.F.R. Part 35

Code of Virginia, 1950, as amended, § 51.5-44.

Cross Refs.: DJG	Vendor Relations
GB	Equal Employment Opportunity/Nondiscrimination
JB	Equal Educational Opportunities/Nondiscrimination
JBA	Section 504 Nondiscrimination Policy and Grievance Procedures
JFHA/GBA	Prohibition Against Harassment and Retaliation
KK	School Visitors
KGB	Public Conduct on School Property
KN	Sex Offender Registry Notification
KNA	Violent Sex Offenders on School Property