POLICIES AND REGULATIONS

THE SCHOOL BOARD

OF THE

CITY OF CHESAPEAKE
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1-1. Governing Rules, State and Local

The operation of the Chesapeake Public Schools is governed not only by the policies and regulations of the School Board, but also by state law and the regulations of the Virginia Board of Education.

A. This manual includes:

1. The bylaws of the School Board of the City of Chesapeake.
2. All policies and regulations of the Chesapeake Public Schools.
3. The standards of quality for public schools in Virginia enacted for all schools by the General Assembly.
4. The standards for accrediting public schools in Virginia. All schools are required by law to meet these standards.

The Chesapeake Public Schools are also governed by the other state and school regulations and by state laws pertaining to public education. These may be found in the following manuals:

1. Regulations of the Board of Education of the Commonwealth of Virginia, As contained in the Virginia Administrative Code.

These documents are available in each public library. References to relevant code sections and state regulations are found throughout the policy manual.

Policies

A policy is a guide for action. Although reasons for the formulation of policy may arise on many levels in the community and in the schools, only the School Board can adopt policies. Through its policies, the Board establishes purposes and guidance for the School Division and directs the kinds of action the administration and staff may take. Where appropriate and possible, policies offer administration and teachers sufficient freedom to use their professional knowledge and judgment.

Regulations

A regulation is a guide for the implementation of policy. Regulations provide specific guides for required action and are formulated or approved by the Division Superintendent to carry out the policies of the School Board. The Superintendent may change regulations within the framework of the governing policy.

For the convenience of the user, regulations appear immediately after the policy which they are intended to implement.
Bylaws

A bylaw is a rule by which the School Board governs itself. Bylaws set forth the duties of members and officers of the Board, procedures for adopting policies and regulations, internal board operations and related matters.

Revised April 28, 2008
1-2. **Organization and Numbering**

Policies and regulations of the Chesapeake Public Schools are organized according to topic and are grouped under chapter headings numbered as follows:

<table>
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<tr>
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Chapters one and two are used for the introductory section and the School Board bylaws respectively.

Within each chapter, policies are numbered in sequence and prefixed with the letter P and the number of the series. For example, the first policy under Administration (Chapter 3 is designated P 3-1; the second is designated P 3-2; and so on.

If a policy has a regulation associated with it, the regulation carries the same designation as the policy, except that the P is replaced with R. For example, R 3-1 is used instead of P 3-1.

If a policy has more than one regulation, the second regulation is designated with a decimal, e.g. R 3-1.1.

If a new policy dealing with the same matter as an existing one is enacted, the usual procedure would be to replace the existing one with a revision. But, if desired, a new topic may be inserted next to an existing one by giving it the same root number but adding a decimal number. If the existing one is P 3-1, the new one would be numbered P 3-1.1 or P 3-1.2 as needed.

With this system, new policies and new regulations on existing topics may be inserted at their proper place or added to the end of a series without requiring a replacement of the table of contents or the topical index of all existing copies of the manual. Thus, the new policy or regulation can be found immediately following one already listed on that topic or at the end of the chapter for that subject. The table of contents and the index will be replaced annually or as needed.
Table of Contents

The table of contents, at the front of the manual, is a list of all policies in the order in which they appear in the manual. The index provides a link to the policies and regulations in the manual in sequential order.

Index

To look up a particular policy or regulation, first locate the policy or regulation, note its number, and then turn to that section in the manual.

The index, in the back of the manual, lists the names of all policies and regulations. Policy or Regulation titles are used as locators. A glance at the table of contents will show how the sequence of policy numbers may be followed to find the page on which the desired policy or regulation is located.
1-3. **Keeping the Manual Current**

The procedure for adding new policies and for maintaining all copies of the policy manual up to date is prescribed in Policy 3-13. The master copy is maintained electronically with a paper copy available in the office of the Clerk of the School Board.
CHAPTER 2

BYLAWS OF THE SCHOOL BOARD

ARTICLE 1. THE SCHOOL BOARD

B 2-1 Authority and Title
B 2-2 Powers and Duties of the Board

ARTICLE 2. MEMBERS

B 2-5 Qualifications
B 2-6 Membership
B 2-7 Compensations and Expenses

ARTICLE 3. ORGANIZATION

B 2-10 Board Organization, Officers and Their Duties
B 2-11 Duties of the Clerk and Deputy Clerk
B 2-12 Agent and Deputy Agent
B 2-13 Committees

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B 2-18 Board Actions and Activities
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B 2-30 Quorum, Order of Business and Rules
B 2-31 Board Minutes and Recording Votes
B 2-32 Public Participation
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ARTICLE 1.

THE SCHOOL BOARD

B 2-1. Authority and Title

The School Board constitutes a corporate body whose official title shall be “The School Board of the City of Chesapeake.”

References:


2. Code of Virginia:
   22.1-28
   22.1-71
   22.1-78

Adopted 1974
Revised August 1995
Revised April 28, 2008
B 2-2. Powers and Duties of the Board

The powers and duties of a School Board are prescribed by Virginia law.

Reference:

Code of Virginia:

22.1-79

Adopted 1974
Revised August 1995
Revised April 28, 2008
ARTICLE 2.

MEMBERS

B 2-5. Qualifications

All members of the School Board must be residents of the city. If a member ceases to be a resident of the city, the office of that member shall be deemed vacant.

References:

Code of Virginia:

22.1-29
22.1-30

Adopted    July 23, 1974
Revised    August 1995
Revised    April 28, 2008
B 2-6. Membership

The School Board shall consist of nine members selected in the manner provided by law. (22.1–48 et seq. and 22.1-57.1) Each member shall take the oath of office prior to service in the first Board meeting.

Board members shall have the authority only when acting as a Board officially in session. The Board shall not be bound in any way by any statement or action by any individual board member or employee except when such statement or action is pursuant to specific instructions or rules of the Board.

Each School Board member shall be responsible for individual compliance with the Virginia Conflict of Interests Act. The School Board attorney shall provide consultation as requested.

References:

1. City Charter of Chesapeake, 10.01 School Board. The Charter provides for nine members.

2. Code of Virginia:

   2.2-3100
   2.2-3131
   22.1-31
   22.1-32

Adopted July 23, 1974
Revised August 1995
Revised April 28, 2008
B 2-7. **Compensation and Expenses**

The Board shall pay its members an annual salary not to exceed the amounts set from time to time by state law (Section 22.1–32). Reimbursement for travel or other expenses shall be approved in advance by the Board.

Reference:

Code of Virginia:

22.1-32

**Adopted**  July 23, 1974  
**Revised**  August 1995
ARTICLE 3.

ORGANIZATION

B 2-10. Board Organization, Officers and Their Duties

At its regular meeting each July, the Board shall elect officers for a one year term as follows: chairman, vice-chairman, clerk and deputy clerk. In the event of a vacancy during the term of office, the Board shall elect a substitute to fill the unexpired term.

Board members are not limited to the number of terms they may serve as chairman or vice-chairman; however, each term in either position is limited to two consecutive years. It is not necessary that the chairman first serve as vice-chairman.

The chairman shall preside at all meetings of the Board, shall appoint committees, sign the records of the Board, and perform such other duties as may be prescribed by action of the Board. The vice-chairman shall act in the absence or inability of the chairman.

The Board shall employ legal counsel as it deems necessary.

References:

Code of Virginia:

    22.1-76
    22.1-82

Adopted 1974
Revised August 1995
Revised March 2009
B 2-11. **Duties of the Clerk and Deputy Clerk**

A. **Duties of the Clerk**

The duties of the Clerk of the Board shall be:

1. To attend all meetings of the School Board, unless otherwise directed, and to maintain in a bound volume a record of all meetings and proceedings of the Board.

2. To keep safely all books, papers, and reports pertaining to the office and to furnish copies of any papers or reports when required for publication or for other purposes by the School Board.

3. To cause written or printed notices of all regular and special meetings of the School Board, and committees to be sent to each member thereof.

4. To notify in writing the proper state and municipal authorities that School Board members have qualified before the proper authority following their election. The Clerk shall also notify them concerning the election. The Clerk shall also notify them concerning the election of the School Board, officers and all vacancies in the membership of the School Board.

5. To serve as custodian of the Seal of the School Board.

6. To establish and maintain a full and accurate description, including the location, of all real estate and an inventory of all property under the control of the School Board.

7. To perform such other duties as may be required by the School Board, or by the Superintendent.

B. **Duties of the Deputy Clerk**

The Deputy Clerk shall act in the absence of the Clerk or as otherwise provided by Board members.
Reference:

Code of Virginia:

22.1-77

Adopted    July 23, 1974
Revised    August 1995
Revised    April 28, 2008
B 2-12. Agent and Deputy Agent

The Board shall appoint annually an agent and a deputy agent whose duties shall be to act for the chairman or vice chairman when they are not available for certifying actions of the Board and signing official documents subject to confirmation by the Board.

Reference:

Code of Virginia:

22.1-122

Adopted August 1995
**B 2-13. Committees**

There shall be no standing committees of the Board. Special committees may be appointed by the chairman or created by action of a majority of the Board. Such committees shall be appointed or created for a specific purpose and shall have a stated assignment and a stated term. Each committee shall expire upon completion of assigned tasks unless Board action authorizes temporary continuance of such committees.

Adopted July 23, 1974
Revised August 1995
ARTICLE 4.  

INTERNAL OPERATIONS

B 2-18. Board Actions and Activities

The School Board shall represent the people of Chesapeake and apply its collective judgment to all policy issues affecting the conduct of the public schools.

No decision, resolution, or expressions of the Board’s intent shall be made except by action of the Board in official session. However, the Board may authorize a member, an agent, or the Division Superintendent to represent the Board in negotiating contracts, making purchases, and assisting others in the development of policy proposals, all subject to later confirmation or change by the Board.

Proposals, requests, and complaints shall be accepted by the Board from any citizens or group within the City of Chesapeake in accordance with its procedures for placing items on the agenda and for hearing complaints regarding employees.

Reference:

Code of Virginia:

22.1-87

Adopted July 23, 1974
Revised August 1995
Revised April 28, 2008
B 2-19. **Procedure for Action on Policies and Bylaws**

Enactment and revision of policies shall be the exclusive province of the School Board. Regulations shall in general be developed and issued by the Superintendent. The procedure for the action on all policies and bylaws shall be as follows:

1. All proposals shall be described in the written agenda provided to board members prior to each meeting.

2. Each item shall be presented with appropriate background at the Board meeting by the Superintendent and or others as may be designated in the agenda along with a recommendation from the Superintendent.

3. Proposals shall be reviewed on first reading and placed on the agenda for a vote at the next regular meeting unless the Board requests to schedule further study or public hearing, in which case a vote shall be scheduled at a subsequent meeting.

4. The suspension of an existing policy or bylaw shall require a majority vote of the membership of the board at a meeting in which the advance agenda carried a written description of the proposed action, or shall require a unanimous vote of all members of the Board when no such written notice has been given.

5. Proposed bylaws and amendments to bylaws shall require a majority vote of the membership of the Board at two consecutive regular meetings for which the proposed addition or revision shall have been described in writing.

*Adopted* July 23, 1974

*Revised* August 1995
B 2-20. **Board/Staff Communication**

The Board and its members shall deal with the Superintendent or designee with respect to all matters for which the Superintendent is responsible. The appropriate designees may include the Assistant Superintendents and the Clerk of the Board. All reports and recommendations to the Board from any officer or employee under the direction and supervision of the Superintendent shall be made through the Superintendent except when otherwise specifically directed by the Board. All Board actions requiring or authorizing an action by an officer or employee or requiring any report shall be directed to the Superintendent.

**Adopted**
July 23, 1974

**Revised**
August 1995
B 2-21. Complaints Regarding Employees

Any complaint against any employee which arises within the membership of the School Board or which comes to the attention of the School Board, except through the Superintendent, shall be referred to the Superintendent for decision. The complainant may appeal the Superintendent’s action to the School Board. The employee may appeal through the grievance procedure.

Adopted    July 23, 1974
Revised    August 1995
ARTICLE 5.

MEETINGS

B 2-27.  Business Meetings and Other Meetings

All business of the Board shall be conducted in regular or special meetings as herein defined. The Board may meet at other times for purposes of study or planning. All meetings of the Board, including public hearings, shall be publicly announced as to time, date and place.

A.  Regular Meetings

The School Board shall meet annually in July at which time the Board shall fix the time for holding regular meetings and shall select officers. The Superintendent shall act as chairman pro tem of the annual organization meeting for the sole purpose of electing a chairman.

B.  Special Meetings

Special or called meetings of the School Board shall be held whenever the Board in session may decide or at the call of the chairman or at the request of two or more members. Special meetings also may be held at the call of the Division Superintendent. No business other than that stated in the call shall be transacted at special meetings unless all members are present and unanimous consent is given.

References:

Code of Virginia:

22.1-72
22.1-69

Adopted        July 23, 1974
Revised        August 1995
B 2-28. Open Meetings and Closed Sessions

All meetings of the Board except closed sessions shall be open to the public. The order of business shall provide an opportunity for the public to address the Board in accordance with its rules for public participation. See B 2-32.

The Board reserves the right to call a closed session for the purpose of discussing and deliberating such matters as are permissible under the Virginia Freedom of Information Act.

References:

Code of Virginia:

2.2-3707
2.2-3708
2.2-3712

Adopted  July 1974
Revised  August 1995
B 2-29. Agenda Preparation

The Clerk or Deputy Clerk of the Board, under the direction of the Superintendent, shall prepare an agenda for the forthcoming meeting together with the minutes of the previous meeting and provide copies to members of the Board not later than four (4) days preceding the meeting date.

Items to be included in the printed agenda shall be submitted to the Clerk of the Board at least seven (7) calendar days prior to the meeting.

A Board member should present a request to the Superintendent for matters to be included in time to allow the Superintendent to prepare necessary background materials. Board members are discouraged from adding items to the agenda on the date of the meeting.

Patrons of the School Division who wish to suggest items to be included on the agenda of a particular meeting must submit such a request in writing to be received in the office of the Superintendent at least seven (7) calendar days prior to the day of the meeting.

In its agenda, the School Board shall review each year a minimum of six (6) instructional programs.

Adopted  July 23, 1974
Revised   May 8, 1979
Revised   August 1995
B 2-30. **Quorum, Order of Business and Rules**

A. **Quorum**

At any meeting of the School Board, a majority of the members of the Board shall constitute a quorum. Should a quorum not be assembled at the hour appointed for the meeting, the members present shall be competent to adjourn from time to time in order that an opportunity may be given for the assembly of a quorum.

B. **Presiding Officer**

At the hour and place appointed for the meeting, the chairman and vice chairman shall assume the chair and declare the meeting in order.

Should a quorum be assembled at the hour appointed and the chairman and vice-chairman be absent, a member chosen by the members present shall serve as presiding officer during the meeting or until the chairman or vice-chairman shall appear.

C. **Order of Business**

The normal order of business for School Board Meetings is as follows:

1. The Call to Order.
2. Roll Call.
3. Adoption of Agenda.
4. Closed Meeting (if needed).
5. Reconvene in Open Meeting.
6. Action - Closed Meeting.
7. Invocation.
8. Pledge of Allegiance to The Flag.
9. Awards and Recognitions.
11. Consent Agenda.
12. Information Agenda.
16. Board Members’ Items.
17. Adjournment.
18. Additional Resources
In other meetings, either scheduled or called, for such purposes as work sessions, public hearings, awards, etc. the order of business shall vary to suit the purpose of the meeting.

D. Rules

The Board shall follow standard parliamentary procedures and shall observe Robert’s Rules of Order, revised, except as otherwise provided by these bylaws and policies or by state law.

Reference:

Code of Virginia:

22.1-73

Adopted July 23, 1974
Revised August 1995
Revised September 23, 2019
B 2-31.  **Board Minutes and Recording Votes**

A.  **Generally**

The clerk shall take and keep the minutes of the deliberations and actions of the School Board. These minutes shall be a permanent record of the division. The minutes shall become official upon the approval of the Board and shall be maintained in the safekeeping of the clerk, who shall see that they are available for general public examination during the hours that the office is open.

B.  **Content and Style**

In content and style, the official minutes shall be as brief and simple as possible and shall retain the essential facts of each meeting. A record of all motions and amendments thereto which are offered, the disposition thereof and the vote thereon shall be recorded. All matters required by law, schedule of accounts and bills acted upon and approved by the Board shall be recorded properly.

A record of all persons making presentations and the subject of their presentation shall be noted. All items not specifically noted here but required by law or recommended by auditors or by the opinions of the Virginia Attorney General shall be recorded.

C.  **Procedure for Approval**

Following proper editing, the unofficial minutes taken by the clerk shall be sent to each board member prior to the next regular Board meeting.

Minutes of the previous Board meeting shall not be read to the Board except for purposes of correction. Minutes shall be approved by vote of the Board and signed by the chairman and the clerk.

**Reference:**

Code of Virginia:

22.1-74

**Adopted**  July 23, 1974

**Revised**  August 1995
B 2-32. Public Participation

A. Presentations to the Board

The School Board strongly encourages the public to attend Board meetings and to participate through presentations to the Board. However, the Board does not hereby obligate itself to act on any request or proposal whether or not it is informal or formal, or in writing or verbal. The Board reserves the right to limit presentations when it deems necessary, or to refuse to hear those which have not been entered into the approved agenda.

B. Advance Request Procedure

A person who wishes to address the Board should make a request, preferably in writing, to the Superintendent indicating the subject of the presentation. Such requests should be submitted at least one week prior to the Board meeting if possible.

C. Recognition from the Floor

Recognition from the floor in the case where no advance request was made by the person desiring recognition may be granted at the discretion of the chairman.

D. Addressing the Board

At the beginning of each hearing of citizens or scheduled public hearing, the chairman will announce the subject, (where applicable) time limitations, and any other instruction necessary. The chairman will also inform speakers that the Board may seek clarification of speakers’ comments or seek additional information from the Superintendent. These responses, however, will be made only at the end of the particular hearing segments of the meeting agenda.

Upon recognition by the chairman, the speaker should clearly state his name, address and the subject of his remarks. He shall address himself to the chairman and at the conclusion of his remarks, if any Board member desires further information; such member shall address the speaker only with the permission of the chairman. The courtesy of the Board shall be extended to the speaker, and the speaker shall respect the privilege extended by the Board or be ruled out of order by the chairman. The privilege of speaking before the Board shall not be used for personal attack against an individual.
E. Time Limitations

Persons addressing the School Board shall limit their remarks to three minutes. Additional time may be allotted at the discretion of the Chairman; however, the total time allotted to an individual shall not exceed five minutes.

F. Televising Meetings

Regular and special meetings of the School Board shall be televised to permit public viewing whenever possible.

Adopted July 23, 1974
Revised August 1995
Revised January 12, 1998
Revised January 11, 1999
B 2-33 Remote Participation at Meetings

A. State Code Provision

The Virginia Freedom of Information Act (Sections 2.2-3708 and 3708.01) of the Code of Virginia) permits a Member of the School Board to attend a meeting by electronic communication means from a remote location under the following limited situations:

1. An emergency or personal matter preventing a Member's attendance arises on or before the day of the meeting. The Member advises the School Board of the emergency and requests remote participation. The Chair determines whether to permit remote participation. If the Chair declines the request, the Member may appeal the Chair’s decision to the Members at the meeting who will then vote by simple majority whether to allow the Member to participate by electronic communication means from a remote location; and

2. A Member has a permanent or temporary disability or other medical condition that prevents such Member’s attendance, and such Member so advises the Chairman.

B. Remote Attendance By Electronic Means

The School Board, as a matter of policy, permits a Member to participate in a meeting by electronic communication from a remote location only under the two situations described above, provided that the following requirements are met.

With respect to the first situation above, (i) the request made by the Member is given to the Chairman by phone or written electronic communication on or before the day of the meeting, (ii) such request identifies the specific nature of the emergency or personal matter, (iii) the School Board's minutes disclose the specific nature of the emergency or personal matter and (iv) the decision of the Chair or, if necessary, the Board on the Member’s request for remote participation.

With respect to the second situation above, the nature of the permanent or temporary disability shall have been previously disclosed to the Chairman, and the minutes of the School board meeting must disclose the specific nature of the disability.

C. Board Approval of Attendance By Electronic Means

Participation shall be approved or denied by a majority vote of the Members at the meeting, and any such disapproval shall be recorded in the minutes with specificity.
D. **Additional Requirements**

A Member may use this reason (an emergency or personal matter) to participate remotely no more than twice in any calendar year.

It shall be the policy of the School Board that in each situation the School Board further shall record in its minutes the location from which the absent Member participates.

The School Board must also make certain that the comments of the Member participating remotely can be heard by everyone physically present at the meeting.

Should technological problems occurring during a meeting interrupt a Member’s remote participation, when the problem becomes known, the Chair, at his discretion, may briefly call a recess to address the problem. If the problem cannot be resolved at the end of a brief recess, the meeting will continue from the point of recess so as to complete the business of the School Board. The Member’s inability to participate remotely shall be recorded as an excused absence from the point of interruption.

**Except as provided in Section E below, no participation by electronic communication may occur unless a quorum of the Members is physically assembled at the School Board's primary or central meeting location.**

Staff, consultants or other non-member participants may participate remotely if the Members so permit by a duly adopted resolution prior to such participation unless otherwise prohibited by the Virginia Freedom of Information Act.

This policy shall be applied strictly and uniformly, without exception, to all Members and without regard to the identity of the Member requesting remote participation or the matters to be considered at the meeting in question.

E. **Meetings After Declaration of a City-Wide Emergency**

This policy recognizes that the School Board may meet by electronic communication means without a quorum of the School Board physically assembled at one location when the Governor has declared a state of emergency in accordance with §44-146.17 of the Code of Virginia, 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. The School Board shall (i) give public notice of such meeting using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided Members of the School Board; (ii) make arrangements for public access to such meeting insofar as feasible and safe; and (iii) otherwise comply with the provisions of Section 2.2-3708(G) (meetings during a time of emergency) of the Code of Virginia. 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 stated in the minutes.

The School Board shall in all respects not described herein fully comply with the public meeting provisions of the Virginia Freedom of Information Act and any amendments thereto.

References:

Code of Virginia:

2.2-3708
2.2-3708.1

Adopted June 26, 2017
CHAPTER 3
ADMINISTRATION

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ARTICLE 1.

GENERAL ADMINISTRATION

P 3-1. Purpose and Objectives

The primary purpose of school administration is to create an environment in which students can learn most effectively. All administrative duties and functions should be appraised in terms of the contribution that is made to better instruction and more effective learning.

The School Division shall have an administrative staff which shall be under the direction of the Superintendent of schools and shall be appointed by the Board upon the recommendation of the Superintendent.

The administrative staff shall maintain an instructional program which applies the full resources of the School Division in helping students to meet the educational objectives established in the Virginia Standards of Quality.

Reference:

Standards and Regulations for Public Schools in Virginia. Virginia Department of Education.

Adopted 1974
Revised August 1995
P 3-2. Responsibility and Compensation

A. Job Description

Every administrative and supervisory position shall have a specific role as defined in a job description for that position. The Superintendent shall be responsible for developing an effective job description for each such position in accord with the principles set forth in this policy.

B. Supervision

The Superintendent of schools shall provide for proper supervision of all personnel. Such supervision shall be designed to instruct each employee in the duties and responsibilities assigned, to improve the employee’s adjustment to and competence in the position and otherwise to promote the welfare of the employee and of the schools in general.

C. Responsibilities and Relationships

Responsibility for the entire program of each school rests with the principal.

All employees assigned part time to a single school shall be responsible to the principal while in that school. Central office supervisors of division-wide programs such as special education, food service or custodial service, shall assist the principal and provide technical direction and support for employees in these programs.

The school principal shall be directly responsible to the Division Superintendent or designee and all other employees shall respect the authority and the responsibility of the principal for the school and its activities.

All employees shall acquaint themselves with the policies of the Board and the regulations of the Superintendent, and shall observe and enforce them.

D. Line of Responsibility

The following principles shall govern the administrative operation of the School Division:

1. Each employee in the School Division shall be responsible to the School Board through the Superintendent.

2. Responsibility shall flow simply and clearly from students through teachers, principals, directors, assistant superintendents, and the Superintendent to the School Board.
3. Each employee shall be told to whom the employee is responsible and for what function.

4. Whenever possible, each member of the staff shall be made responsible to only one immediate supervisor for any one function.

5. Each staff member shall be told to whom an appeal can be made in case of disagreement.

6. Each staff member shall be told how to seek help or technical assistance.

7. All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises.

8. Referrals from administrative officers shall be made to the next higher authority.

The Superintendent administering this policy shall be guided by the knowledge that the School Board values the free exchange of ideas outside the established framework of direct responsibility. Nothing provided herein shall be interpreted as intending to interrupt the free and open flow of ideas and assistance among personnel at every level.

E. **Compensation**

The School Board shall adopt and maintain under regular review a system of compensation for administrative and supervisory personnel that is based upon the level of responsibility and the qualifications required.

Administrative and supervisory personnel shall include those positions which, in the judgment of the Superintendent, involve managerial duties (line or staff).

The initial placement of an individual upon the administrative salary schedule shall take into consideration:

3. Type and extent of training and experience in this or similar positions of responsibility.

4. Maintenance of the equilibrium of the present scale or relationship with other similar positions of like responsibility.

5. Recommendation of the Superintendent.
References:

1. Code of Virginia:
   
   22.1-28
   22.1 (Chapter 15)

2. CPS Policy Manual, Section 8, Human Resources

Adopted: July 23, 1974
Revised: August 22, 1989
Revised: August 1995
P 3-3. Consultants

1. Paid Consultants

The Superintendent may engage the service of paid consultants when such services are not available within the present staff, when there is substantial saving to the School Division, and/or when such a contractual arrangement will provide a unique benefit to the School Division.

2. Unpaid Consultants

The Board encourages the use of consultants from the State Department of Education and other organizations when no fee or obligation is required.

3. Staff Members as Consultants

Staff members who are requested to work as consultants to other school divisions or educational institutions may be permitted to do so under conditions approved by the Superintendent.

In general, the Board subscribes to the principle that no employee of the Board shall be paid twice for the same work period. The employees, therefore, may use leave time with pay, leave without pay or off-duty hours as may be, in the judgment of the Superintendent, consistent with the policy.

Any compensation received by a staff member for work performed for others during hours of paid service to the School Board shall be turned over to the School Board.

Staff members shall familiarize themselves with conflict of interest laws as needed to assure compliance with those laws.

Reference:

Code of Virginia:

2.2-3100 (et seq.)

Adopted July 23, 1974
Revised August 1995
Revised April 28, 2008
P 3-4. **Tobacco and Nicotine Vapor Products**

Smoking and the use or distribution of tobacco products, or nicotine vapor product, by any student, employee or visitor in any school system facility, in any school owned or rented vehicle under the jurisdiction of the school system, or at an on-site or off-site school-sponsored activity, are prohibited.

Employees or students who wish to overcome tobacco addiction should contact the following: Student Conduct and Support at 547-1318 for students and for staff the Knells Ridge Clinic at (757) 389-7300 or the Washington Shoppes clinic at (757) 389-7631 for free health coaching.

The School Board shall ensure adequate notice of this policy by placing it in visible places throughout its schools.

**Reference:**


- Code of Virginia 22.1-79.5

**Adopted** March 21, 1989  
**Revised** October 9, 1995  
**Revised** April 28, 2008  
**Revised** November 28, 2011  
**Revised** July 7, 2014  
**Revised** February 24, 2020
P 3-5. Naming of Schools

Schools shall be named according to their geographic location. Before naming any school, the School Board, acting as a committee of the whole, or any committee appointed by the Board to consider naming a school, will give citizens an opportunity to express their preferences.

If the Board elects to appoint an ad hoc committee, the following guidelines shall apply:

Guidelines for Naming Schools

A. The Chairman of the School Board shall appoint an ad hoc committee consisting of three members to consider naming schools on an individual basis. The Chairman will also appoint one of the members to serve as chairman of the committee.

B. Suggestions for names will be solicited from the public. Each suggestion must be submitted in writing and include the following information:

1. Suggested Name*
2. Name, address, and phone number of person(s) submitting suggestion
3. Rationale for suggested name

Suggested names should be submitted to the chairman of the committee via the Clerk of the School Board. Forms will be made available for suggested names at all schools serving the area in which the school is located, all branches of the public library, and in the office of the Clerk of the School Board.

C. The committee will conduct at least two public hearings on naming the school. These hearings should take place in the community in which the school is located. Reasonable efforts will be made to publicize the public hearings in advance on cable television, newspapers, and PTA and school newsletters in the area in which the school is located.

D. The chairman of the committee will make the committee’s recommendation(s) to the School Board at a regular meeting of the Board at which the committee’s report has been placed on the proposed agenda and request that final action to name the school take place at the meeting following the next regular meeting.

*Only written suggestions will be considered.
E. Renaming Facilities

The School Board may rename a school facility for a variety of reasons. The procedures for renaming a school shall be the same as those for naming a new school as outlined above, either by the board, acting as a committee of the whole or by an ad hoc committee appointed by the board.

F. Naming of Portions of a School Building or Campus

Only the School Board has the authority for the naming of a school building. The School Board delegates the responsibility for the naming of any portion of a school building or campus to the Superintendent. The Superintendent shall establish regulations for naming portions of a school building or campus. These regulations shall provide the opportunity for school and community input.

Adopted July 23, 1974
Revised March 3, 1993
Revised August 1995
Revised April 29, 1996
Revised August 26, 1996
Revised November 25, 1996
Revised March 29, 1999
Revised July 7, 2003
Revised March 12, 2007
R 3-5. Naming of Schools

A. Generally

The individual school principal, acting as the designee of the Superintendent and with the approval of the Superintendent, shall oversee the naming of portions of a school building or campus and shall follow the guidelines and procedures listed below.

B. Procedures

1. Any request for naming a portion of a school building or campus must originate within the school or school community and have the endorsement of the principal. Portions of the school building or campus to be named may include areas such as the library, auditorium, gymnasium, or playing fields.

2. A plan for such action shall be developed under the direction of the principal and shall include the rationale. The designated area to be named may be in honor of a person who has made an exceptional and extraordinary contribution to a school, a school program, or the school division as a whole. Details regarding any markers, plaques, portraits, etc. must be included in the plan.

3. The plan should permit for broad involvement by the school community. This shall include the schools internal and external publics, such as, but not limited to, the following: administrative staff and faculty, students, parent representatives e.g., PTA, band parents, civic leagues, and other community service clubs and other affected civic organizations.

4. The plan shall provide for a variety of methods of communicating with the broader school community including the use of the school marquee, PTA and school newsletters, cable television, newspapers, and the school web site.

5. Before implementation, the plan must receive prior approval by the Superintendent.

6. Once the plan is approved an appropriate ceremony shall be conducted under the supervision of the principal.

Adopted March 26, 2007
P 3-6. Discrimination

The School Board is committed to the principle of equal opportunity for all and does not permit discrimination or harassment on the basis of race, color, national origin, religion, sex, age, disability, military or veteran status, genetic information, or any other characteristic protected by applicable law. This policy applies to students, employees, patrons, vendors, and all others who serve or who are served by the school system. The Superintendent provides written assurances of non-discrimination in related policies, including, but not limited to, Policies 6-29, 8-36 and 9-23.

Any concerns or complaints regarding harassment and discrimination should be directed to the Director of Student Services at 312 Cedar Road, Chesapeake, Virginia, 23322, phone (757) 547-0585.

References:

1. Title VI and VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200d et seq.

Adopted August 1995
Revised June 24, 2013
P_3-7. School Crisis, Emergency Management, and Medical Emergency Response Plan

The School Board recognizes the importance of school safety training within its schools.

Reference:

   Code of Virginia

   22.1-279.8

Adopted       February 24, 2020
R 3-7. School Crisis, Emergency Management, and Medical Emergency Response Plan

The School Board requires that each school employs at least one (1) school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with Va. Code § 9.1-184(A)(1), so long as such training is available online.

Reference:

   Code of Virginia

   22.1-279.8

Adopted February 10, 2020
P 3-8. Safety Drills

The School Board recognizes the importance of developing safety procedures for various emergency situations that may occur on school property, including, fire drills, tornado drills and lock-down drills, and developing training for those safety procedures for the benefit of students and employees.

Reference:

Code of Virginia

22.1-137.3

Adopted: February 24, 2020
R 3-8. Safety Drills

The School Board shall develop safety procedures for emergency situations that may occur on school property, including, fire drills, tornado drills, and lock-down drills, and develop training for those safety procedures. The School Board shall deliver such training to students and teachers in each school at least once a school year.

Reference:

Code of Virginia

22.1-137.3

Adopted: February 10, 2020
P 3-10. Communication with the Staff

A. Generally

The Superintendent shall issue such administrative bulletins, circulars, manuals or booklets of instruction necessary for the effective administration of the schools, and shall distribute them to the employees directly concerned insofar as the provisions of such materials are consistent with officially adopted policies of the School Board. The provisions of such materials shall be binding upon all employees.

B. Advisory Councils and Committees

The Superintendent in cooperation with the staff, shall have the responsibility for organizing advisory councils, cabinets or committees in order to provide orderly channels through which all school employees may communicate their views to the School Board. This responsibility includes devising arrangements for the representation of staff members and for regular meetings of such councils, cabinets or committees.

Reference:

CPS Regulation R 3-10.

Adopted July 23, 1974
Revised August 1995
R 3-10. Communication with the Staff

A. The School Board supports and encourages communication between the Board and employees. These guidelines will establish a system for communication between the administrative offices and employees.

B. Memo Format

A. While memos can be in various formats, including printed on paper and electronic copies that may be received via e-mail, the division’s primary form for distribution of memos is in electronic format. Building administrators and department heads are responsible for distribution of electronic memos to employees, as appropriate, until such time as all employees have the capability to receive memos in electronic format.

B. Memos going out to the schools or circulated in the school administration building that are initiated from school administrators will include the name and title of the originator.

C. If the originator of the memo intends for copies be given to teachers or other staff members within the school, such personnel should be specified on the TO or address line of the memo.

   a. If the memo is in paper format the originator should provide sufficient copies for that distribution.

   b. If the memo is in electronic format, the originator should include all recipients in the TO section of the email template.

C. General Guidelines for electronic correspondences

   The email system for Chesapeake Public Schools is designed for correspondence and communications reflective of the educational goals and objectives of the school division.

   1. The school system’s Acceptable Internet and Telecommunications Use Policy addresses the most obvious of the inappropriate uses of e-mail. Below are some reminders on appropriate use of the division’s email system. While some uses of e-mail are not harmful, illegal, or otherwise against school board policy they are still considered inappropriate.

      a. Email should be sent to only those people that need to receive the notice.

      b. Individual users MAY NOT send mass emails to all accounts or public groups without permission from a member of the Superintendent’s staff.

      c. The division’s email system should not be used to

         i. announce fund-raising activities for individual schools to all accounts

         ii. sell or dispose of personal items

         iii. dispose of surplus school equipment or supplies

         iv. send or forward any kind of chain letters or notifications no matter what the message conveys

         v. send large attachments to a large number of recipients

         vi. send political messages

      d. Email should not be used as a means of official record keeping.

      e. Email messages will be automatically deleted 90 days after transmission/receipt.

      f. Email is subject to Freedom of Information and Records Retention Laws.
g. Email which requires retention should be printed out or saved as an electronic document or as an archived document.

2. Questions regarding the appropriate use of email should be referred to your principal or department head.

D. Types of Memos

1. Administrative memo
   a. An administrative memo is a memo that the school division is required by law or other enforcement authority to distribute to employees, parents, or students.
   b. All administrative memos for general issue shall be issued by the Superintendent who shall maintain a master file of such memos.
   c. All administrative memos will be assigned a sequential number which will be placed in the subject area of the memo followed by the subject of the memo.
      Example: **Subject:** ADM # 032 – Emergency Preparedness.
   d. The Superintendent shall approve and assign the numbers to administrative memos.
   e. The originator of an administrative memo will list the member of the Superintendent’s staff and the originator or other person who should be called if there are questions about the memo.
   f. Each person whose name is listed as sender shall initial the memo.
   g. Administrative memos sent via email should be sent with the “high priority” or “high importance” indication.
   h. The Superintendent’s Staff shall be copied on all administrative memos.
   i. The Superintendent will maintain the original copy of administrative memos. The memos will be kept in perpetuity.

2. Directive memos
   a. A directive memo is a written communication directing the recipients to perform some action. The action is typically required.
   b. Directive memos must be issued by members of the Superintendent’s Staff.
      i. Directive memos that are for recipients other than those for whom the originator has direct supervisory responsibility shall have the initials and approval of a member of the Superintendent’s Staff; i.e., directive memos sent from central office to the schools would require the initials and approval of a member of the Superintendent’s Staff.
      ii. The Superintendent’s Staff shall be copied on all directive memos sent outside of the originator’s area of direct supervisory responsibility.
      iii. The person that initiated the memo must maintain the original copy of the directive memo. The directive memo must be kept for 3 years.
3. Informative memos
   
   a. An informative memo is a written communication containing advisory or informative content. Typically no action is required.
   
   b. Informative memos can be issued by administrative or managerial staff. However, informative memos must be reviewed by a building level administrator, department head, or member of the superintendent’s staff prior to distribution.
   
   c. The person that initiates the memo must maintain the original copy of the informative memo. The informative memo must be kept until no longer administratively useful.

Approved   July 23, 1974
Revised     August 1995
Revised     February 10, 2014
P 3-11. Administrative Authority in Absence of Policy

In cases where action must be taken within the School Division and the Board has provided no guides for administrative action, the Superintendent shall have power to act, subject to review by action of the Board. The Superintendent shall promptly inform the Board of such action and, if necessary, of the need for policy guidelines.

Adopted July 23, 1974
Revised August 1995
P 3-12. **Review of Administrative Decisions**

Any question as to the propriety of a management decision shall be first discussed with the proper administrative officers and shall not be brought before the School Board before it has been reviewed by the Superintendent. However, pertinent communications directed to the School Board through the Superintendent shall be presented to the Board. Any employee may appeal a decision through the grievance procedure.

**Adopted** July 23, 1974  
**Revised** August 1995

The Chesapeake Public Schools shall be governed by written policies adopted by the School Board and published in a policy manual which is kept up to date and made available to all employees and citizens of the city.

Matters to be incorporated in written policy are determined by law and by the judgment of the School Board as to what is needed in order to provide guidance to employees, students, and citizens. The manual is not intended to be a detailed prescription for all school operations. Too much detail is sometimes worse than too little. Employees are expected to use reasonable intelligence and initiative in achieving the objectives of the school within the framework of school policy. As matters arise in which additional policy direction is needed, these should be brought to the attention of the Board by the Superintendent.

Each school library shall include a copy of the policy manual along with state laws pertaining to schools and regulations of the Virginia Board of Education.

References:

1. Regulations of the Board of Education of the Commonwealth of Virginia, i.e., Virginia Administrative Code.

2. Code of Virginia:

   22.1-253.13:7

Adopted  August 1995
Revised  April 28, 2008
ARTICLE 3.
ADMINISTRATIVE STAFF
AND ORGANIZATION

P 3-18. The Superintendent

A. Qualifications

The Superintendent shall possess or be eligible to obtain a valid license issued by the State Department of Education authorizing service as a Superintendent in the State of Virginia.

The Board may define additional qualifications for the Superintendent in light of the changing demands of the position.

B. Selection

The Board, by such means as it desires shall search diligently to find the person it feels can be most effective in carrying out the policies of the Board and meeting the aspirations of the community for the education of its children.

C. Appointment

The School Division shall employ and enter into contract with a qualified person for the position of Superintendent of schools upon the vote of a majority of the Board members present at a Board meeting for which due notice was given of the intended action. Such person shall agree to a contract period not to exceed four years with specified salary and conditions to be determined by the Board. Before assuming the duties of his office, the Superintendent shall take the oath of office as prescribed by law.

D. Responsibilities of the Superintendent

As chief executive officer of the School Division, the Superintendent is entrusted with full authority for the management of the schools. However, the Superintendent may delegate the implementation of policies to other staff members.

The Superintendent shall attend all meetings of the School Board unless excused in accordance with state law.

The Superintendent shall be responsible for achieving the objectives of the school system as stated in Policy 3.1. The Superintendent shall administer the policies of the School Board and the directives of the state and shall organize and direct the staff for efficient operation. The Superintendent shall keep the community informed and be responsive to its needs and concerns.
E. **Evaluation of the Superintendent**

The Board believes that the evaluation of the management of the Division is essential and establishes such evaluation as a basic requirement. The Board’s evaluation of the Superintendent is based upon effective leadership and the accomplishment of reasonable objectives outlined in advance. Such evaluation shall be both formal, in that some mutually agreeable instrument shall be used, and informal, in that the personal views of the Board members shall be included.

Any such evaluation shall have as its primary goal the improvement of the Division and shall be approached on the basis of open cooperation between the Board and the Superintendent.

**References:**

**Code of Virginia:**

22.1-58 through 22.1-70.3  
22.1-69

**Adopted**  July 23, 1974  
**Revised**  August 1995  
**Revised**  April 28, 2008
P 3-19. Organization

The organization and functions of the School Division shall be reflected in an organization chart maintained by the Division Superintendent and made part of this policy.

Adopted August 1995
Revised August 1997
Revised August 1998
Revised August 1999
Revised August 15, 2000
Revised August 21, 2004
Revised August 10, 2005
Revised August 2006
Revised August 2007
Revised August 2008
Revised August 2011
Revised August 2012
Revised January 2014
Revised August 2014
Revised August 2015
Revised August 2016
Revised August 2017
Revised August 2018
Revised August 2019
P 3-20. Administrative and Supervisory Personnel

A. Appointment

The Board, upon the recommendation of the Superintendent, shall appoint all other administrative and supervisory personnel. The Board shall employ administrative and supervisory personnel for the term stated in their contracts and at a salary in accordance with the administrative salary schedule.

B. Qualifications

The Board, upon the recommendation of the Superintendent, shall determine the qualifications for all other administrative personnel. Such qualifications shall be included in the job description and shall meet, at a minimum, the requirements of the State Board of Education where applicable.

C. Duties and Responsibilities

All other administrative and supervisory personnel shall be responsible to the Superintendent and, where applicable, to the immediate superior for the functions set forth in the job description for the position and for such other responsibilities as the Superintendent may assign.

D. Principals

Principals shall be directly responsible to the Superintendent for all matters relating to the operation of their schools. They are the professional leaders of their schools and, as such, are responsible for the instructional program, for building good school-community relations, and for managing all activities and physical facilities of the school. In cooperation with the faculty they must set the standards and establish the ideals of the school.

E. Assistant Principals

The assistant principal shall perform such duties as the principal may assign. In the absence of the principal, the assistant principal shall assume responsibility for the operation of the school and make any necessary emergency decision involving students, teachers, or other personnel. Where there is more than one assistant principal in the school, the principal shall designate the one who shall act as the executive officer in the absence of the principal.
References:

Code of Virginia:

22.1-293
22.1-294
22.1-297

Adopted July 23, 1974
Revised August 1995
Revised April 28, 2008
CHAPTER 4
BUSINESS AFFAIRS

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ARTICLE 7. FOOD SERVICE

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Responsibilities for School Funds

The School Board holds a position of public trust and is therefore responsible for the stewardship of all funds appropriated for public schools or collected by employees for school purposes. In accordance with this responsibility, the Board shall require the Superintendent to establish necessary financial procedures to ensure that all funds are properly and effectively administered in accordance with generally accepted accounting principles and regulations of all government agencies. Under the supervision of the Superintendent, reports of expenditures and revenues of appropriated funds shall be prepared and submitted monthly to the School Board.

School funds include (1) public funds, those appropriated by the city, and (2) school activity funds, those derived from school activities, including entertainment, athletic contests, club dues, student fees, or other activities conducted by school personnel or students but not included in city appropriations.

Public funds shall be managed by the administrative staff under the direction of the Superintendent, using the accounting system prescribed by the State Board of Education and such other measures as may be needed. The city treasurer shall be responsible for the receipt, custody, and disbursement of funds as provided by law.

School activity funds shall be managed, under the authority of the Superintendent, by the principal in each school using accounting and reporting procedures prescribed by the Superintendent and consistent with state regulations.

References:

1. Regulations of the Board of Education, 8 VAC 20-240-10 et seq.
2. Internal Accounts Manual for Chesapeake Public Schools.
4. Code of Virginia:

   22.1-88
   22.1-89
   22.1-89.1
   22.1-89.2
   22.1-90
   22.1-91
   22.1-115
   22.1-116
   22.1-122

Adopted 1974
Revised August 1995
Revised April 28, 2008
P 4-1.1. Audits

1. Public Funds

A certified public accountant or an accounting firm annually shall conduct a comprehensive audit of all School Board funds.

2. School Activity Funds

School activity funds shall be audited annually by a certified public accountant or an accounting firm in accordance with regulations of the State Board of Education. The principal will be held personally responsible for all funds. When a change occurs in the office of an employee handling these funds, such funds shall be audited prior to the assumption of the position by another employee.

3. Interim Audits

Interim audits will be performed as needed.

Reference:

Virginia State Board of Education, Regulations Governing School Activity Funds (Internal Accounts), 8 VAC 20-240-10 et seq.

Adopted July 23, 1974
Revised December 21, 1976
Revised August 1995
Revised April 28, 2008
P 4-2. **Conflict of Interests**

Members and employees of the Board shall be familiar with the Virginia Conflict of Interests Act and shall ensure the enforcement at all times of the provisions of that law.

Reference:

Code of Virginia:

2.2-3100 (et seq.)

**Adopted**  July 23, 2974  
**Revised**  August 1995
P 4-3. Fidelity Bonding

The Board shall purchase and maintain those surety bonds which are necessary to protect the Board and/or required by law. In general, all persons handling school funds shall be bonded.

Adopted July 23, 1974
Revised August 1995
P 4-4. **Monies in School Buildings**

All monies designated as school funds shall be accounted for and shall be deposited in the school bank account under the control of the principal. Any money collected for the school shall be accounted for and shall be deposited in the principal’s office each day. All funds under the control of the principal in excess of the dollar amount specified in the Internal Accounts Manual shall be deposited in the school bank account each day.

**References:**

1. Regulations of the Board of Education, 8 VAC 20-240-20
2. Internal Accounts Manual for Chesapeake Public Schools.
3. Regulations of the Board of Education – Student Activity Funds, 8 VAC 20-240-10

**Adopted** 1974  
**Revised** August 1995  
**Revised** April 28, 2008
P 4-5. Gifts, Bequests and Donations

A. Generally

The Superintendent may accept, on behalf of the Board, gifts, bequests and donations which are in accordance with the policies of the Board and regulations of the Superintendent. All gifts, bequests and donations shall become the property of the Board.

Gifts, bequests and donations shall:

1. Be free of any restriction which is inconsistent with School Board policy.
2. Be deemed fitting and appropriate for school use.
3. Contain no overt advertising of commercial interests.
4. Include installation costs, if any, unless waived by the Superintendent.
5. Not require excessive alteration or maintenance costs.

B. Class Gifts

The School Board approves of gifts by school classes to a school if the gift is in good taste and adds materially to the educational program. Gifts will be accepted with the understanding that they become the property of the School Board.

Reference:

Code of Virginia:

22.1-126

Adopted July 23, 1974
Revised August 1995
P 4-6. **Sales Representatives**

The Superintendent shall be responsible for developing guidelines that will allow sales representatives to provide staff members with information that may be beneficial to the School Division and its employees. The guidelines will ensure a proper balance between the presentation of appropriate information and the preservation of administrative and instructional time for normally assigned duties.

Adopted July 23, 1974
Revised August 1995
P 4-7. Commercial, Promotional, and Corporate Partnerships and Sponsorships

A. Generally

Corporate and other private sponsorship of programs and activities related to education can provide valuable enhancement of the educational program offered by the school system. The Superintendent or his designee may, on behalf of the Board, enter into commercial, promotional, and corporate sponsorship and partnership arrangements. The Superintendent shall develop guidelines to ensure that such arrangements are beneficial to and promote the interests of the School Division.

An educational partnership is a mutually beneficial, cooperative relationship in which partners share values, objectives, and human, material, or financial resources to enhance learning for students.

An educational sponsorship is an arrangement pursuant to which the sponsor provides money, price reductions, equipment, materials, or services in exchange for recognition of its products or entity for a specified period of time.

Partnerships and sponsorships shall not:

1. Promote hostility or violence, the use of drugs or alcohol, tobacco or firearms, sexual, obscene, or pornographic images.
2. Attack ethnic, racial, or religious groups.
3. Discriminate as prohibited by School Board policy or law.
4. Promote any image not in keeping with established School Board goals and objectives.

Reference:

Code of Virginia:

22.1-89.4

Adopted May 13, 2002
R 4-7. Commercial, Promotional, and Corporate Partnerships and Sponsorships

A. Generally

Corporate and other private sponsorship of programs and activities can provide valuable enhancement of the educational program offered by the division. For that reason, the school system may enter into commercial, promotional, and corporate sponsorship and partnership arrangements under certain conditions.

B. Definitions

An “educational partnership” is a mutually beneficial, cooperative relationship in which partners share values, objectives, human, material, or financial resources to enhance learning for students.

An “educational sponsorship” is an arrangement pursuant to which the sponsor provides money, price reductions, equipment, materials, or services in exchange for recognition of its products or entity for specified period of time.

C. Authority to Enter into Agreements

At the school level, principals may enter into commercial or corporate sponsorships or partnerships when the sponsorship or partnership does not exceed $5,000 annually in value to the school.

The Superintendent or his designee may enter into commercial or corporate sponsorships and partnerships that will benefit one or more schools or the Division as a whole and do not exceed $10,000 annually in value.

Commercial or corporate sponsorships and partnerships that exceed $10,000 annually in value shall require the approval of the School Board.

D. Conditions

The school or School Division has the right to terminate an agreement without penalty if it is determined that the agreement is having an adverse impact on the educational experience of students or the agreement is determined not to be in the best interest of the School Division. The School Division shall make such determination.
The school or the School Division retains the exclusive right to authorize the use of its name, logo, or other similar information and must approve its identification as a partner or co-sponsor in all publicity materials.

All partnerships and sponsorships shall be consistent with all federal and state laws, local ordinances and School Board policies and regulations with pre-existing School Division contracts.

E. Requirements

Any agreement to enter into a commercial or corporate sponsorship or partnership that exceeds $2,000 annually shall be in writing and in consultation with the Superintendent or his designee. At the individual school level, such sponsorship or partnership arrangements shall not exceed three years. However, such agreements may be renewed at the end of three years. Written agreements shall include:

1. A statement of the educational purpose for the relationship. This will include a statement detailing the specific benefits to the school or School Division from the agreement.

2. A statement of the monetary value to be received by the school or School Division pursuant to the agreement. Materials, supplies, property, services, or other items received by the school or School Division shall be valued at fair market cost.

3. A clear definition of the roles, expectations, rights, and responsibilities of all parties to the agreement. This shall include a statement of whether the agreement permits the sponsor or partner to advertise in connection with the agreement and if so, the extent of such advertising.

4. A statement clearly defining whether the agreement creates any exclusive rights for the sponsor or partner, and, if such rights are created, clearly defining those rights. If no exclusive rights are created, the agreement shall include a statement that the existence of the sponsorship or partnership will not limit the discretion of the school personnel in the use of the sponsored or non-sponsored materials. Only the School Board, the Superintendent, or his designee can enter into exclusive agreements.

5. A statement that the school or School Division reserves the right to cancel the agreement if it determines that the arrangement is either having an adverse impact on the educational experience of students, or is not in the best interest of the School Division.

6. The duration of the agreement.
F. **Record-keeping**

On an annual basis each school shall forward to the Superintendent or his designee a list of sponsorships or partnerships in effect during the school year. The procedure and the form to be used shall be outlined in the Chesapeake Public Schools Internal Accounts Manual.

Approved     August 12, 2002
P 4-8. Fees

Only fees which are allowed by state law or State Board of Education regulations shall be permitted. No fee may be charged which has not been specifically approved by the school board. Fees charged are to be consistent across the division, although there may be variation of fees assessed at the elementary, middle or high school level. The Superintendent shall develop appropriate regulations to ensure compliance with this requirement. Such regulations shall include the schedule of fees charged, provisions for reducing or waiving fees, and consequences for nonpayment of fees. The policy and fees schedule shall be provided to parents annually and posted on the division website.

Consequences for nonpayment of fees shall not include:

- Withholding a scholastic report card or diploma
- Withholding a class schedule
- Suspension or expulsion

This policy is not intended to address the operation of school stores or fund-raising activities where transactions are strictly voluntary.

Adopted July 13, 1974
Revised October 12, 1976
Revised August 1995
Revised April 28, 2008
Revised May 23, 2013
Revised June 10, 2013
R 4-8. **Fees**

A. **Fees – Generally**

Fees may be collected by school personnel in accordance with state law and Board of Education regulations. The school board during its annual budget process will determine whether fees shall be charged and will establish the maximum amount(s) for each fee for the upcoming school year. No organization (athletic booster, band booster, etc.) established to raise funds to assist in the support of a particular curricular or extra-curricular area may assess fees on students in the curricular or extra-curricular area supported.

Fees may be charged for:
1. Optional services such as parking or locker rental
2. Student-selected extracurricular activities
3. Class dues
4. Field Trips or educationally-related programs that are not required instructional activities
5. Musical instruments, as long as the instruction in the use of the instrument is not part of the request curriculum
6. Distance learning classes for enrichment which are not necessary to meet the requirements for a diploma
7. Summer school, unless the classes are required for remediation
8. Overdue, lost or damaged library books and media
9. Lost or damaged textbooks
10. Consumable materials
11. The behind-the-wheel portion of the driver’s education program
12. A fee not to exceed a student’s pro-rata share of the cost of transportation for voluntary extracurricular activities
13. Preparation and distribution of official paper copies of transcript; a reasonable number of copies of official paper copies must be provided for free, and all electronic copies of transcripts must be provided for free.

The fee schedule in section E is intended to be the maximum fee able to be charged. Discretion is permitted to assess a lesser amount.

Fees may not be charged
1. As a condition of school enrollment, except for students who are not of school age or who do not reside within the jurisdiction
2. For instructional programs and activities, or materials required for instruction except as specified in 8 VAC 20-720-80 H
3. For textbooks or textbook deposits; however a reasonable fee or charge for lost or damaged textbooks may be charged
4. For pupil transportation to and from school
5. For summer school programs or other forms of remediation required by the Standards of Quality
B. **Reduction of Fees**

Fees may be reduced or waived for economically disadvantaged students and students whose families are undergoing economic hardships and are financially unable to pay them, including but not limited to

1. Families receiving unemployment benefits or public assistance
2. Temporary Assistance for Needy Families (TANF)
3. Supplemental Nutrition Assistance Program (SNAP)
4. Supplemental Security Income (SSI) or Medicaid
5. Foster families caring for children in foster care
6. Families that are homeless
7. Families undergoing other hardships

Application for a waiver of fees must be made in writing and must be accompanied by documentation supporting the basis upon which the hardship is being requested.

The income stratification levels for purposes of requesting waivers will be the Income Eligibility Guidelines for the Child Nutrition Program as established annually by the Department of Agriculture. The income stratification levels are included in section E of this regulation.

C. **Consequences For Non-payment of Fees**

Students will be responsible for the care and return of textbooks, calculators, library and media materials and other non-consumable materials and equipment. As such, students will be responsible for payment of recovery costs relative to the loss or damage of textbooks, calculators, library and media materials and other non-consumable materials and equipment.

The consequences for nonpayment of fees include, but are not limited to:

1. Exclusion from the activity associated with the fee
2. Revocation of parking privileges
3. Inability to march at graduation ceremonies
4. Exclusion from class-wide voluntary activities such as junior ring dance or senior prom.

D. **Student Activity Fees**

In addition to the above fees, voluntary student activity fees may be collected by school personnel. In general, these fees should not be more than the cost of the materials and services provided. Such fees may include the following:

1. Field Trips
2. Other Voluntary Fees to Cover Materials, Supplies, or Services (for example, Art or Music, athletic uniforms, performance outfits, etc.)
Regulation 4-8 Fees Section E 2018/2019
(Regulation Approved June 11, 2018 School Board Meeting)

INCOME STRATIFICATION
Effective July 1, 2018 – June 30, 2019

Based upon Child Nutrition Programs, Income Eligibility Guidelines
Department of Agriculture
Federal Register, May 8, 2018

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<th>Level III-Free Meal 130% Income Parameters</th>
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For Each Add’l Family Member, Add
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<td>Middle School - Band, Orchestra, and Chorus</td>
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**Middle School - Band, Orchestra, and Chorus--Continued**

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**High School - Band, Orchestra, and Chorus**

| Performance Formal Attire                           | Up to $150 | Up to $150 | Up to $150 | Formal Performance Attire |
| Maintenance Fee - School Owned Instruments           | $30         | $30         | $30         | Maintain instruments loaned by the schools |
| Audition Fees - District, Regional, & All State      | $10 - $25   | $10 - $25   | $10 - $25   | Determined and Set by VBODA, VCDA, and VMEA* |
| Participation Fees - District & Regional            | $30         | $30         | $30         | Determined and Set by VBODA, VCDA, and VMEA* |
| Fees for Band & Chorus Assessments                  | $400        | $400        | $400        | Determined and Set by VBODA & VCDA* |
| Marching Band Fee                                   | $600        | $600        | $600        |
| Winter Guard Fee                                    | $600        | $600        | $600        |

*Acronyms - VBODA = Virginia Band and Orchestra Directors Association; VCDA = Virginia Choral Directors Association; VMEA = Virginia Music Educators Association*

**Library/Media**

<table>
<thead>
<tr>
<th>Lost Book or Media</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Damaged Book or Media</td>
<td>25% - 75% of Cost</td>
</tr>
<tr>
<td>Overdue Fine (per day)</td>
<td>$0.05</td>
</tr>
</tbody>
</table>

**Meal Prices**

<table>
<thead>
<tr>
<th>Breakfast</th>
<th>Lunch</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.35</td>
<td>$2.70</td>
</tr>
<tr>
<td>$0.30</td>
<td>$0.40</td>
</tr>
<tr>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

| Student |

**Physical Education**

**Shirts**

<table>
<thead>
<tr>
<th>Youth</th>
<th>Adult SM-XLG</th>
<th>Adult 2XL-5XL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4</td>
<td>$5</td>
<td>$6</td>
</tr>
</tbody>
</table>

**Shorts Mini Mesh – 7 or 9 inch**

<table>
<thead>
<tr>
<th>Youth</th>
<th>Adult SM-XLG</th>
<th>Adult 2XL-4XL (No 5XL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$7</td>
<td>$8</td>
<td>$9</td>
</tr>
</tbody>
</table>

**Student Insurance**

<table>
<thead>
<tr>
<th>School Time Coverage: Low Plan</th>
<th>School Time Coverage: Middle Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>$15</td>
<td>$36</td>
</tr>
<tr>
<td>$15</td>
<td>$36</td>
</tr>
<tr>
<td>$15</td>
<td>$36</td>
</tr>
<tr>
<td>Student Insurance-Continued</td>
<td>Level I</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>School Time Coverage: High Plan</td>
<td>$66</td>
</tr>
<tr>
<td>24-hour Coverage: Low Plan</td>
<td>$68</td>
</tr>
<tr>
<td>24-hour Coverage: Middle Plan</td>
<td>$144</td>
</tr>
<tr>
<td>24-hour Coverage: High Plan</td>
<td>$266</td>
</tr>
<tr>
<td>Interscholastic Football Annual: Low Plan</td>
<td>$109</td>
</tr>
<tr>
<td>Interscholastic Football Annual: Middle Plan</td>
<td>$294</td>
</tr>
<tr>
<td>Interscholastic Football Annual: High Plan</td>
<td>$435</td>
</tr>
<tr>
<td>Interscholastic Football Spring Only: Low Plan</td>
<td>$38</td>
</tr>
<tr>
<td>Interscholastic Football Spring Only: Middle Plan</td>
<td>$118</td>
</tr>
<tr>
<td>Interscholastic Football Spring Only: High Plan</td>
<td>$174</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summer School Tuition</th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Resident</td>
<td>$300</td>
<td>$150</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Non-resident</td>
<td>$600</td>
<td>$600</td>
<td>$600</td>
<td></td>
</tr>
<tr>
<td>Middle School Enrichment and Non-Credit</td>
<td>$150</td>
<td>$100</td>
<td>$75</td>
<td></td>
</tr>
<tr>
<td>Elementary Enrichment</td>
<td>$150</td>
<td>$100</td>
<td>$75</td>
<td></td>
</tr>
<tr>
<td>Summer Parking Decals (HS only)</td>
<td>$10</td>
<td>$7</td>
<td>$5</td>
<td></td>
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<table>
<thead>
<tr>
<th>Textbooks</th>
<th>Cost</th>
<th>Through life of textbook use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lost</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Damaged</td>
<td>25% - 75% of Cost</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Voluntary Student Activities/Clubs</th>
<th>Level I</th>
<th>Level II</th>
<th>Level III</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Honor Societies</td>
<td>$15</td>
<td>$15</td>
<td>$15</td>
<td>Drama, Language, Pep, Etc.</td>
</tr>
<tr>
<td>Special Interest</td>
<td>$5 - $15</td>
<td>$5 - $15</td>
<td>$5 - $15</td>
<td></td>
</tr>
<tr>
<td>Community Service Groups</td>
<td>$15</td>
<td>$15</td>
<td>$15</td>
<td>Key Club, etc.</td>
</tr>
<tr>
<td>T.S.A</td>
<td>$10</td>
<td>$10</td>
<td>$10</td>
<td></td>
</tr>
<tr>
<td>D.E.C.A</td>
<td>$15</td>
<td>$15</td>
<td>$15</td>
<td>Competing Member</td>
</tr>
<tr>
<td>D.E.C.A</td>
<td>$10</td>
<td>$10</td>
<td>$10</td>
<td>Non-Competing Member</td>
</tr>
<tr>
<td>F.B.L.A</td>
<td>$10 - $15</td>
<td>$10 - $15</td>
<td>$10 - $15</td>
<td></td>
</tr>
<tr>
<td>F.E.A.</td>
<td>$10</td>
<td>$10</td>
<td>$10</td>
<td></td>
</tr>
<tr>
<td>F.C.C.L.A.</td>
<td>$10</td>
<td>$10</td>
<td>$10</td>
<td></td>
</tr>
<tr>
<td>H.O.S.A.</td>
<td>$15</td>
<td>$15</td>
<td>$15</td>
<td></td>
</tr>
<tr>
<td>Skills USA</td>
<td>$17.50</td>
<td>$17.50</td>
<td>$17.50</td>
<td></td>
</tr>
<tr>
<td>Model United Nations</td>
<td>$15</td>
<td>$15</td>
<td>$15</td>
<td></td>
</tr>
<tr>
<td>ROTC</td>
<td>$20</td>
<td>$20</td>
<td>$20</td>
<td>Uniform cleaning</td>
</tr>
</tbody>
</table>

Approved: August 1995
Revised: May 23, 2013
Revised: October 9, 2018
ARTICLE 2.  

BUDGET  

P 4-12.  Budgets Required  

A. School Operations Budget  

1. Budget Approval and Adoption  

The formulation of the budget will be a continuous process and be based upon the educational needs and financial ability of the division as cooperatively identified by the Superintendent, other school personnel, the School Board and the community. 

The School Board annually shall approve an operating budget to be submitted to the City Council for adoption. After adoption by the City Council, the School Board shall adopt a final budget as a guide for spending.  

2. Budget Defined  

The school operating budget is a written document which presents the Board’s plan for the allocation of the available financial resources to an expenditure plan to sustain and to improve the educational function of the School Division. 

The budget shall be a guide for discretionary spending to achieve the objectives adopted by the School Board and shall be organized in accordance with state law and guidelines set by the State Board of Education.  

The budget shall contain the following three parts:  

a. The Education Plan  
   b. The Revenue Plan  
   c. The Expenditure Plan  

3. Responsibility for Administration  

The Superintendent shall be responsible for administrating the adopted budget. The Superintendent is authorized to make expenditures and commitments of funds as approved by the School Board in the adopted annual budget in accordance with the policies of the School Board and the laws of the State of Virginia.
4. Transfer of Funds

A. From Function to Function

Unless delegated by the Board, the transfer of funds within the budget from function to function shall be approved by the Board on recommendation of the Superintendent. The approval of such transfers shall be based upon need, emergencies, circumstances that were unforeseen at the time of the adoption of the budget or a reordering of priorities during the fiscal year.

B. Within a Function

The Superintendent is authorized to approve transfers as may be necessary within a function in the adopted budget.

B. Other Budgets

The Superintendent is responsible for the annual formulation of categorical, food services, and capital improvement budgets. These budgets shall be submitted to the School Board for final approval and to the City Council for the appropriation of funds. These budgets shall be administered by the Superintendent in accordance with state law and guidelines set by regulatory agencies.

References:

Code of Virginia:

15.2-2507
22.1-92
22.1-93
22.1-94
22.1-95
22.1-115

Adopted    July 23, 1974
Revised    August 1995
Revised    April 28, 2008
ARTICLE 3.

SPECIAL FUNDS

P 4-16. Special Funds

In addition to the general school fund which consists of public funds appropriated for support of the school operating and categorical budgets, separate fund accounts shall be maintained for the following programs. Management of these funds shall be in accordance with generally accepted accounting principles and regulations of all governmental agencies.

A. School Activities (School Internal Accounts)

Each school shall establish and maintain internal accounts to administer funds generated by school activities. Specific procedures for management of school internal accounts shall be in accordance with the Internal Accounts Manual published by Chesapeake Public Schools. This manual shall be revised in a timely manner as needed.

B. School Food-Services Fund

A separate fund for the operation of the School Nutrition Services program shall be established and maintained. The funds for the operation of the School Nutrition Services program are derived primarily from the sale of food items and special subsidies from the federal and state governments. Additional financial support may be provided from the school operating budget.

C. Textbook Fund

A separate fund for textbooks shall be established and maintained. Sources of this fund may include student fees, state allocations, and transfers from the school operating budget.

D. Building Fund (Capital Improvement Projects)

A separate fund shall be established and maintained for appropriations by the city council for approved capital improvement projects.

E. Cell Tower Fund

A separate fund shall be established and maintained for the rental income from leases of cell towers on school property. The funds collected shall be used to assist in supporting technology needs.
F. **Self-Insurance Fund**

A separate fund for the operation of the School Board self-insurance programs for health, dental and worker's compensation insurance shall be established and maintained. The source of funding will include transfers from the school operating and categorical budgets, payroll deductions from employees, and insurance premium collections from health and dental insurance plans for retirees and/or COBRA participants, interest earnings and other services and/or reimbursements that relate to the purpose of the fund.

G. **Other Post Employment Benefits (OPEB) Trust Fund**

A separate fund for the operation of the School Board Other Post Employment Benefits (OPEB) will be established and maintained. The source of funding will include transfers from the school operating and categorical budgets, payroll deductions from employees, and insurance premium collections from health and dental insurance plans for retirees and/or COBRA participants, interest earnings and other services and/or reimbursements that relate to the purpose of the fund.

**References:**


3. Code of Virginia:

   22.1-115
   22.1-116
   22.1-123
   22.1-238

**Adopted**  July 23, 1974  
**Revised**  August 1995  
**Revised**  April 28, 2008
ARTICLE 4.

PURCHASING

P 4-24. Purchasing Generally

A. Responsibility

The School Board authorizes the Superintendent to purchase and to supervise the purchase of all materials, equipment, supplies, services, and contracts for the School Division. The Superintendent shall maintain a system of purchasing in accordance with sound purchasing policies and procedures while protecting the best interest of the School Division.

B. Competitive Pricing and Bids

Competitive pricing will be secured on all materials, equipment, supplies, services, and contracts needed by the School Division within terms and limits of the Virginia Public Procurement Act. Competitive pricing may consist of formal bid, negotiation, written quotation or informal pricing such as letters or telephone quotations.

C. Local Preference

In the event of tie bids or quotations, all other factors being equal, preference shall be given to Chesapeake City firms if such a choice is available. Otherwise the tie is decided by lot.

D. Cooperative Purchasing

The School Board authorizes the Superintendent to participate in, sponsor, or administer cooperative purchasing of materials, equipment, supplies, services, and contracts where participation will serve in the best interest of the School Division.

E. Encumbrance of Funds

Funds may be encumbered from one fiscal year to another provided a validated purchase order has been issued prior to the expiration of the current fiscal year.

F. Awarding of Contracts

The School Division reserves the right to accept or reject any or all bids in whole or part. The award of all contracts will be made to the lowest responsive and responsible bidder. Construction and other major contracts will normally be awarded by the School Board.
G. The School Division may negotiate with the lowest responsible and responsive bidder when the bid amount exceeds the available funds budgeted. This provision shall be part of the Invitation to Bid.

Reference:

Code of Virginia:

2.2-4300 (et seq.)

Adopted July 23, 1974
Revised July 22, 1975
Revised June 28, 1977
Revised January 25, 1983
Revised August 22, 1989
Revised August 1995
Revised April 28, 2008
P 4-25. **Payment for Goods and Services**

The Superintendent is directed to organize and to administer a system for the payment of goods and services. The payment system shall provide for a proper recording and prompt payment of transactions and shall be in accordance with generally accepted accounting principles and regulations of all government agencies and shall assure the satisfactory receipt of goods and completion of services prior to the presentation of a claim for payment. Approval of all payments shall be authorized by the Agent or Deputy Agent of the Board, who shall be appointed annually by the Board to serve in this capacity.

**References:**

- Code of Virginia:
  - 2.2-4350
  - 2.2-4352
  - 22.1-122

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**Adopted** July 23, 1974  
**Revised** August 1995  
**Revised** April 28, 2008
P 4-26. Leasing of Equipment

The Superintendent is authorized to lease or lease-to-purchase equipment for use in the School Division when such lease is deemed expedient and to the best interest of the School Division.

Adopted: July 23, 1974
Revised: August 1995
ARTICLE 5.

BUILDINGS, GROUNDS AND EQUIPMENT

P 4-29. Ownership of Property

Title to all school property, real or personal, including property acquired by school groups, booster clubs, etc. shall be vested in the School Board.

Adopted    July 1974
Revised    August 1995
Revised    May 1999
P 4-30. Property and Inventory

The Superintendent shall devise and maintain a proper system of inventory for school property and equipment. It shall be designed to identify items for purposes of insurance, the control of loss of property, the assessment of the value of school property and the establishment of a schedule of replacement.

Adopted July 1974
Revised August 1995
Revised May 1999
P 4-31. Disposal of Surplus Property

Real property when declared surplus shall be exchanged, leased or conveyed to the City of Chesapeake as provided by Section 22.1-129 of the Code of Virginia. The Superintendent shall be authorized to dispose of obsolete equipment and materials in conformance with statutory requirements.

Property acquired under federal grants or purchased with federal money shall be disposed of in accordance with specific federal guidelines.

References:

Code of Virginia:

22.1-125
22.1-126
22.1-128
22.1-129

Adopted July 23, 1974
Revised August 1995
P 4-32. **Maintenance and Security**

The Superintendent is to maintain a proper program of maintenance for the safe, efficient, and economical operation of the School Division. Additionally, each school plant shall be protected by an adequate security system. Only authorized persons shall be permitted to enter school plants after the buildings have been secured. Unauthorized persons shall be subject to arrest.

References:

Code of Virginia:

18.2-119
18.2-128

Adopted   July 23, 1974
Revised   August 1995
Revised   April 28, 2008
P 4-33. Safety and Loss Control

The Superintendent shall establish and maintain a safety program to reduce the dangers to students, employees, and visitors of the school system as well as to minimize accidental damage to property. This program shall be designed in accordance with all applicable federal, state, and local regulatory requirements.

References:

The following references are also available.

1. Accident Reporting Procedures Handbook
2. Asbestos Management Plan
3. Boiler & Machinery Insurance Inspections
4. Bomb-Threat Procedures Document
5. Confined Space Program Manual
7. General Liability Engineering Loss Control Reports
8. Hazardous Communication Manuals
9. Maintenance, Supervision, and Purchase of Playground Equipment
11. Safe School Plan
12. Safety and Loss-Control Handbook

Adopted April 15, 1975
Revised August 1995
P 4-34. **Educational Facilities Specifications**

The School Board shall consult with the local building official and the state or local fire marshal to develop a procurement plan to ensure that all security enhancements to school buildings comply with the Uniform Statewide Building Code and Statewide Fire Prevention Code.

**Reference:**

Code of Virginia 22.1-138

**Adopted:** April 9, 2020
P 4-35. **Construction Planning**

The Division Superintendent must approve in writing the plans and specifications for any school building, addition or alteration, for either permanent or temporary use, before they are advertised for bid, erected, contracted for, or otherwise acquired. Those plans and specifications must be accompanied by a statement by an architect or professional engineer licensed by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects that such plans and specifications are, in the architect or professional engineer’s professional opinion and belief, in compliance with the regulations of the Board of Education and the Uniform Statewide Building Code, and have been reviewed by an individual or entity with professional expertise in building security and crime prevention through building design.

The package containing the Division Superintendent’s approval, architect’s or engineer’s statement, all reviewers’ comments, and a copy of the final plans and specifications must be submitted to the Superintendent of Public Instruction.

**Reference:**

Code of Virginia 22.1-140

**Adopted:** April 9, 2020
P 4-36. **Electronic Room Partitions**

The School Board recognizes the potential safety hazards associated with the opening and closing of electronic room partitions and shall implement procedures for their safe operation and review those procedures on an annual basis.

Reference:

    Code of Virginia 22.1-138

**Adopted:** April 9, 2020
R 4-36. Electronic Room Partitions

School employees shall not open or close an electronic room partition in a school building unless (i) no student is present in that building, (ii) (a) no student is present in the room or area in which such partition is located and (b) such room or area is locked or otherwise inaccessible to students, or (iii) such partition includes a safety sensor that automatically stops the partition when someone passes between the leading edge of the partition and a wall, an opposing partition, or the stacking area.

Any annual safety review or exercise for school employees shall include information and demonstrations regarding the safe operation of electronic room partitions based on model safety guidance from the Department of Education.

Reference:

Code of Virginia 22.1-138

Adopted: April 9, 2020
ARTICLE 6.

TRANSPORTATION

P 4-40. Use of School Vehicles

The Superintendent shall develop procedures for the use of school vehicles. Such procedures shall be established in accordance with local, state, and federal requirements.

Only employees of the Board shall be allowed to operate school vehicles. Such vehicles shall not be used for personal purposes. Employees who drive vehicles owned by the School Board shall be subject to a review of their driving records. The review shall be conducted by the Virginia Division of Motor Vehicles upon request by the school system. Employees who operate school vehicles shall be subject to the drug testing program under P 8-7 and all other laws and regulations governing the use of public-owned vehicles.

Adopted July 23, 1974
Revised August 1995
P 4-41. Student Transportation

A. Generally

The Superintendent shall establish procedures for a safe, economical, and efficient system of student transportation. Such procedures shall be in accordance with all local, state, and federal requirements. Safety shall be the primary consideration in all phases of the transportation system.

In general, only students and other individuals as approved by the Superintendent are permitted to ride buses to and from school activities.

B. Bus Routes and Stops

Bus routes and stops shall be established under the direction of the Superintendent. The establishment of bus routes and stops shall take into consideration time on the road, hazardous conditions, distribution of students, safety of students, and proximity of students’ homes. Safety of the students shall be the primary consideration.

C. Bus Drivers

1. Employment

All bus drivers shall meet the requirements of the State Board of Education and state and federal law. Drivers shall be subject to examination, with or without prior notice, for health or competence at any time.

Bus drivers shall be thoroughly investigated as to their reliability, stability, and ability to drive prior to their recommendation for employment.

2. Drug Testing

Bus drivers shall be tested for drugs in accordance with Department of Transportation regulations. See Substance Abuse, P 8-7 and R 8-7.

3. Age

Bus drivers must have reached the age of eighteen on the first day of the school year.
4. Responsibilities

All bus drivers shall operate their buses in accordance with state law, regulations of the State Board of Education and regulations of the Division Superintendent.

The driver shall be responsible to the director of public transportation for the care, maintenance, and safety of the bus, and for general supervision. The driver is responsible for the bus and the conduct of the students on the bus. The driver has authority to take limited disciplinary action; however, the driver shall report serious violations to the principal of the school attended by the student. The principal has the responsibility for disciplinary action in such cases.

References:

1. Code of Virginia:

   22.1-176 through 22.1-198
   22.1-221
   46.2-100
   46.2-111
   46.2., subsections 323, 334, 335, 339, and 340
   46.2-339
   46.2-340
   46.2., subsections 816, 844, 853, through 864; 870 through 878, 886, 893; and 917 through 919
   46.2-1091

2. Regulations of the Board of Education, 8 VAC 20-70-10 Governing Pupil Transportation.


Adopted July 23, 1974
Revised August 1995
Revised April 28, 2008
R 4-41. Student Transportation

Routes and schedules for buses are determined from information secured from ongoing surveys of existing routes, pupil enrollment, developers’ plats of approved subdivisions, and on-site observation of newly completed housing areas.

As far as possible, detailed schedules are set before the opening of school. Adjustments are made after the first few days of school to relieve overcrowding and to improve service.

In establishing a citywide system of bus stops, the following limitations will be observed.

A. To Load or Unload from a School Bus

1. Students will not be required to cross a street or highway which has more than two designated traffic lanes, exclusive of parking lanes, unless protected by traffic controls.

2. Students will not be required to walk more than one-tenth of a mile in any zone designated as a transportation zone. (This restriction may not apply when dead-end streets with inadequate turnaround areas extend beyond the above-stated limits.)

B. School Bus Stops

1. Will normally not be located in a cul-de-sac unless the diameter exceeds 100 feet and parking is not permitted in the cul-de-sac.

2. Will not be located in a cul-de-sac if there is another bus stop designated within the distances specified in section A2 above unless the cul-de-sac is a necessary turnaround point.

3. Will not be located where the bus must back into a heavily traveled street.

4. Will be placed, when possible, at the street intersections to provide controlled street crossing for students.

5. Will be located, when possible, on public or community property.

6. Will be located to avoid driving on privately owned streets or roadways.
7. Will be located to avoid high traffic-density intersections. (High traffic density will be determined by the city traffic department.)

8. Will be located to make maximum use of traffic signals when necessary to enter/exit main highways.

C. The aforementioned regulations may be temporarily adjusted to meet emergency conditions such as flood, snow, natural disaster, or extreme fuel shortage. During emergencies, it may be necessary to:

1. Declare certain areas within the city inaccessible to school buses.

2. Declare certain streets as “main arteries” and restrict school bus travel to those streets.

3. Designate limited load/unload stations.

4. Designate transfer stations.

5. Require students to travel to and from designated arteries and or load/unload stations.

6. Perform such other actions as may be necessary at the time.

The Superintendent may approve extensions and modifications to the bus routes for medical and other reasons provided the road conditions are such that the bus can operate safely and efficiently and that the families served shall provide a satisfactory place for the bus to turn around. The Superintendent may grant exceptions for health or medical reasons only upon the submission of an application which includes a physician’s certificate that the student merits special consideration.

Revised: August 1995
P 4-42. Use of School Buses

School buses may be used only for transporting students to and from school and for authorized activities.

Adopted July 23, 1974
Revised August 1995
ARTICLE 7.

SCHOOL NUTRITION SERVICES

P 4-49. School Meal Programs

D. Purpose

The School Board recognizes the National School Lunch Program (NSLP), School Breakfast Program (SBP), After School Snack Program (ASP), Child and Adult Care Feeding Program (CACFP), Community Eligibility Program (CEP) and the Summer Food Service Program (SFSP) as integral parts of the educational mission in Chesapeake Public Schools. All schools shall provide healthy and nutritious meals that meet program requirements of the NSLP and SBP. The following programs will be offered as schools are determined eligible: ASP, CACFP, CEP and SFSP.

B. Financial Operations

The School Nutrition Programs will operate according to the guidelines set forth by federal, state and local agencies.

C. Health Standards

School Nutrition kitchens shall be inspected a minimum of two (2) times per year to meet standard requirements set forth in Virginia Department of Education (VDOE) and Virginia Department Health (VDH) regulations.

D. National Program

The superintendent of Chesapeake Public Schools participating in the NSLP, SBP, ASP, CACFP, CEP and SFSP must sign an annual agreement with the VDOE to operate these programs in compliance of state and federal regulations in order to receive meal reimbursements. A copy of this agreement, along with full information for participation in the program, shall be available on request from each school.

A program of free and reduced price meals for certain students in accordance with the program adopted by the VDOE will be adopted annually.
E. Confidentiality

Information regarding a student meal eligibility for free, or reduced price or full price meals benefits is confidential information and may only be disclosed to certain agencies or organizations through a Memorandum Of Understanding (MOU) as outlined by the VDOE.

F. Eligibility

Only students, School Board employees and officers, and special guest of the school shall be served a meal(s) in school cafeterias.

G. Competitive Food Services

No extra food items other than those recognized and served as part of the NLSP or SBP shall be sold during the time of operation of the normal school lunch or breakfast program. The sale of foods of minimal nutritional value is prohibited anywhere in a school from 6:00 a.m. until the end of the schedule breakfast period and from the beginning of the first scheduled lunch to the end of the last scheduled lunch. The revenue from the sales of all foods and beverages during the protected periods will be credited to the School Nutrition Services Program Account.

Only food meeting approved nutrition standards shall be sold during the time of operation of the NSLP and SBP. Food items sold in schools at times other than meal periods should be of recognized nutritional value and in keeping with federal requirements for Smart Snack compliance and CPS Student Wellness Policy P-24 and R-24. Likewise, foods brought to school by non-school personnel to be distributed to students should be of recognized nutritional value and in keeping with federal requirements and CPS Student Wellness Policy P-24 and R-24.

H. Determination for Participation in the National School Lunch and Breakfast Programs

The School Board shall establish and post prominently on its website a web-based application for the determination of student meal eligibility for participation in the NLSP and SBP administered by the United States Department of Agriculture (USDA) but shall continue to provide a paper-based application.
Reference

1. Code of Virginia
   22.1-89.1
   22.1-207.3
   22.1-207.2:2

2. Regulations of the Board of Education, 8 VAC-20-290:8 VAC 29-580-1 School Breakfast Program, 8 VAC 20-580-1

3. Internal Accounts Manual for Chesapeake Public Schools

Adopted       July 23, 1974
Revised       August 1995
Revised       April 28, 2008
Revised       February 10, 2020
CHAPTER 5
COMMUNITY RELATIONS

ARTICLE 1. PUBLIC INFORMATION

P 5-1 Communication with the Public
P 5-1.1 Sex Offender Registry Notification
R 5-1.1 Sex Offender Registry Notification
P 5-2 News Media
P 5-3 School Division Sponsored Publications
R 5-3 School Division Sponsored Publications
P 5-4 Publications Not Sponsored by the Schools
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ARTICLE 1.

PUBLIC INFORMATION

P 5-1. Communication with the Public

The Superintendent shall maintain an open line of communication between the citizens and their schools. The Superintendent shall keep the community informed of the objectives, achievements, and the needs of the School Division and shall establish a channel through which citizens may make their desires and/or criticisms known to the Board.

Every person requesting information regarding the schools or visiting the schools shall be treated in a courteous manner and may expect a prompt and informative reply to legitimate questions. Parents shall be encouraged to participate in school activities.

Chesapeake Public Schools is dedicated to the concept of increased community involvement. The schools can serve as a resource to parents, businesses, and community organizations. The community can conversely serve as a resource to the schools by creating opportunities for students and school personnel. Ultimately, this broadened involvement benefits both the schools and the community by providing a quality educational program for all our citizens.

Citizens and community groups are invited to attend meetings of the School Board and to request placement on the agenda for presentation of matters of concern. Public hearings and advisory groups shall be used to enhance community involvement in school affairs. Bulletins and news releases shall be published for distribution to groups and interested persons. A web page for the division will be maintained.

References:

Code of Virginia:

22.1-253.13:7
2.2-3700 (et seq.)

Adopted July 23, 1974
Revised August 1995
Revised January 12, 1998
Revised May 12, 2008
P 5-1.1. Sex Offender Registry Notification

The School Division will notify the parent of each student enrolled in the School Division of the availability of information on the Sex Offender and Crimes Against Minors Registry and of the location of the Internet website:

http://sex-offender.vsp.virginia.gov/sor/offenderDetails.html?regId=3286

The Superintendent shall ensure that all schools within the School Division are registered with the State Police to receive electronic notice of the registration or re-registration of any sex offender within the same or a contiguous zip code area pursuant to Code of Virginia 9.1-914.

The Superintendent shall also develop protocols governing the release of children to a person who is not their parent or legal guardian.

Reference:

Code of Virginia:

9.1-914

Adopted August 28, 2006
Revised May 12, 2008
R 5-1.1.  Sex Offender Registry Notification

A. Generally

At the beginning of each school year, the Chesapeake Public Schools will notify parents and employees of this policy. The School Division will also annually notify the parent or guardian of each student enrolled in the School Division of the availability of information in the Sex Offender and Crimes Against Minors Registry and the location of the internet website: http://sex-offender.vsp.virginia.gov/sor/offenderDetails.html?regld=3286

B. Receipt of Sex Offender Registry Information

Each school shall be registered with the State Police to receive information on the sex offender registry.

C. Use of Sex Offender Registry Information

Registry information shall only be used for the purpose of the administration of law enforcement, for screening current or prospective School Division employees or volunteers, and for the protection of School Division students and employees.

1. Registered Sex Offender Sighted:

If an employee observes a registered sex offender on or near school property, around any School Division student, or attending any School Division activity, the Superintendent or his designee shall be notified immediately. The Superintendent or his designee may, at his or her discretion, notify local law enforcement.

2. School Volunteers, Student Teachers and Interns:

Each staff member shall submit to the principal the name and address of each volunteer the staff member may wish to use on school property or off school property at a school sponsored event as soon as the volunteer is identified. The principal or his designee shall screen each such volunteer against the registry information. The principal or his designee shall also screen each student teacher, or student intern against the registry information.

If a match is found, the principal shall notify the Superintendent or his designee, who shall confirm the match. If the match is confirmed, the Superintendent or his designee shall inform the individual, in writing, that he or she may not serve as a volunteer, student teacher or intern and further may not be on school property without permission of the Superintendent or his designee. The notice shall provide the reason with reference to P 5-1.1.
3. **School Division Employees:**

Each time sex offender registry information is received, the principal shall review it to determine if a School Division employee is registered. If a match is found, the Superintendent or his designee shall confirm or disprove the match with local law enforcement. If the match is confirmed, the Superintendent or his designee shall notify the School Board. The Superintendent shall take the appropriate action to comply with State law, which may include termination of employment.

4. **Applicants for Employment:**

Before hiring any person, the Superintendent or his designee shall determine whether the prospective employee is a registered sex offender. If the prospective employee is a registered sex offender, the division shall not hire him or her.

5. **Parents and Guardians of Students:**

A non-violent sex offender registrant who is the parent or guardian of a student shall, with the permission of the building principal or his designee, be permitted to participate in appropriate parent or guardian activities unless prohibited by court order.

A violent sex offender registrant who is the parent or guardian of a student is required to produce for the school an appropriate Chesapeake court order and obtained the permission of the Superintendent as prescribed by the Code of Virginia and obtain the permission of the building principal or his designee in order to be permitted to participate in appropriate parent or guardian activities.

6. **Precautions to Minimize Risk to Students:**

When, at the sole discretion of the Superintendent or his designee, it is determined appropriate, because of the presence of a registered sex offender, alternative arrangements may be made for bus and walking routes to and from school, recess and physical education periods, or any other activity in an endeavor to minimize the risk to Division students.

D. **Requests for Registry Information:**

Anyone requesting registry information from the School Division shall be referred to the State Police or the registry website.
References:

Code of Virginia:

22.1-79.3 (C)
9.1-914
9.1-918
19.2-390.1
18.2-370.2 through 18.2-370.5
Cross Ref (DJF) – Purchasing Procedures; KNAJ – Relations with Law Enforcement Authorities

Approved    August 28, 2006
Revised     May 12, 2008
Revised     March 11, 2013
Revised     April 25, 2016
P 5-2. News Media

A. Generally

The Board shall cooperate with the news media in providing the public with the pertinent facts concerning the schools. The Superintendent shall establish a basic and reliable source to which the news media may turn for information regarding schools and school affairs.

B. Attendance at Board Meetings

The Board encourages the attendance of the news media at all open board meetings.

C. Interviews

The Board does not permit the interviewing of students and teachers at school when such interviews, in the judgment of the principal or Superintendent, might disrupt or interfere with the educational program.

D. Broadcasting of Athletic Contests

The Superintendent may permit the broadcasting of home athletic contests by radio or television in accordance with the regulations of the Virginia High School League and provided that such broadcast is done as a public service or that the sponsor of such broadcast is appropriate. It shall be clearly understood that the Board does not endorse the product or products of any sponsor.

E. News Releases

In general, the central office shall release all information, not of a confidential nature, regarding the School Division. Each school shall handle the release of information of a local nature relevant to the school. The Superintendent shall ensure that each school has a proper authority by whom reliable information may be transmitted to the news media.

F. Notification of School Board Meetings

The Board, through the Superintendent or clerk, shall notify the residents of the city in advance, by whatever means the Superintendent or clerk deems appropriate, of all official meetings of the Board, including the time and place and, when possible, the subjects to be discussed.
G. Release of Reports Authorized by the Board

Written reports of studies and investigations authorized by the Board shall not be released to the public before the board members have received the information.

Adopted July 23, 1974
Revised August 1995
P 5-3. School Division Sponsored Publications

A. Informational Publications

The School Board encourages and supports the production and public distribution of appropriate informational publications designed to inform and to meet the needs of the public and school employees. All publications produced under the aegis of the Board must reflect the quality of education offered in our schools. These publications shall be accurate, attractive, well-written, and informative without being unduly expensive.

B. Internal Publications

1. Central Office:

The development, design, content, and format of central office publications for use primarily within the School Division shall be supervised with the same care as publications released to the public.

2. Individual Schools:

The Superintendent shall develop appropriate regulations to ensure that publications released through individual schools maintain the same standards required for publication of an informational nature released to the public.

C. Staff Directories

The names and addresses of employees may be compiled annually for use within the School Division. The Superintendent may supply such lists to colleges, universities, and other organizations supplying materials or services judged to be of significant value to staff members.

No names of employees or students may be released for commercial purposes.

Adopted July 23, 1974
Revised August 1995
Revised May 12, 2008
R 5-3. School Division Sponsored Publications

A. Individual School-Sponsored Publications

All school-sponsored publications shall be cleared for publication by the school principal. The school principal shall be responsible for format, style, composition, and accuracy of content.

B. Central Office Publications

All publications developed under the direction of the central office staff for distribution to the community shall be submitted to the office of the Division Superintendent for approval prior to publication.

Approved July 23, 1974
Revised August 1995
P 5-4. Publications Not Sponsored by the Schools

Publications which are not purchased, produced, or sponsored by the schools may not be sold or distributed in schools or on school property unless written approval is obtained in advance from the Superintendent by the principal of the school. Approval shall be required for each occasion and shall be limited to a specific time, place, and manner of distribution.

Materials to be prohibited shall include, but not be limited to, those which:

1. Contain obscenity or pornography or which use dashes or symbols to otherwise suggest unacceptable language.

2. Contain language which would materially change classwork or involve substantial disorder or invasion of the rights of others.

3. Advocate or portray the misuse of drugs as acceptable social behavior.

4. Advocate behavior which otherwise violates local, state, or federal laws.

All non-school-sponsored material shall bear the name of the organization who is responsible for producing or distributing the material.

Reference:

Policy 9-36 Student Publications

Adopted July 23, 1974
Revised August 1995
R 5-4. Publications Not Sponsored by the Schools

A. Publications by School-Oriented Groups

Publications by school-oriented groups are considered to be those produced by parent-teacher associations, athletic booster clubs, band booster clubs, and the like. Although these groups are not school-sponsored, they are usually, though not exclusively, comprised of parents and students.

The content of publications by school-oriented groups is the responsibility of the sponsoring group. The name of the group, as well as that of at least one member, preferably the editor, must appear on the publication. The manner and time of the dissemination of these materials must receive the approval of the building principal concerned.

B. Materials on Behalf of Individual Political Candidates

These materials are those publications, such as brochures and handbills, which proclaim the qualities of a particular candidate for a particular office.

The use of students to carry home to parents political handbills and brochures, as defined above, is prohibited since students should be protected from exploitation. This does not preclude the distribution of voting information which is general in nature, which does not advocate one faction or point of view and which may solicit voting as a civic duty.

C. Student Publications

Student publications not prohibited by Policy 5-4 or by regulation shall be reviewed by the principal or designee. Although the principal may advise students with respect to libelous, scandalous, or objectionable language, these publications shall not be abridged, censored, or subject to prior restraint except as provided in Policy P 5-4 or otherwise determined by the Superintendent as failing to further the educational interests of the school. Reasonable regulations, however, may specify the time, location, and manner of distribution.

D. Distribution

The principal shall establish the time and place for the distribution of literature. Additionally, the distribution of literature to students on school property shall be done by students or by employees of the School Board. See also Policy P 9-36.

Approved July 23, 1974
Revised August 1995
P 5-5.  Emergency Closing of Schools

In the event of a weather emergency or other conditions which threatens the safety or welfare of students, the Superintendent or designee shall decide when it is necessary to close the schools. The Superintendent shall establish a procedure which provides to the community at large and the staff notification of changes in the school schedule.

Adopted    July 23, 1974
Revised     August 1995
P 5-6. Internet Privacy

Chesapeake Public Schools provides information and services via the Chesapeake Public Schools’ website. Any personal information collected through the website shall be gathered in accordance with the law and only to the extent necessary to provide the information and services desired by the website visitor. Visitors to the website shall be given conspicuous access to an Internet privacy statement which shall list the types of personal information being collected, the reasons for the collection of that information, possible uses of any information gathered, and the procedure for examining any records of personal information being maintained by the Chesapeake Public Schools.

Reference: §2.2-3803

Adopted March 22, 2001
Revised June 23, 2014
R 5-6. Internet Privacy

These guidelines explain the Internet privacy statement which the Chesapeake Public Schools (CPS) has adopted for its website www.cpschools.com. This statement is intended to explain the School Division’s current Internet privacy practices but shall not be construed as a contractual promise. Chesapeake Public Schools reserves the right to amend the Internet privacy policy and Internet privacy statement at any time without notice.

Virginia Law

Chesapeake Public Schools maintains records in accordance with obligations as defined by applicable Virginia statutes, including, but not limited to the Virginia Privacy Protection Act of 1976, the Government Data Collection and Dissemination Practices Act, and as defined by any applicable U.S. federal laws.

Links to Other Websites

The CPS website may contain links to other public or private entities’ websites, whose privacy practices are not controlled by the School Division.

Information Collected

When the website is accessed, the information listed below is automatically collected.

- Routing information – the Internet domain and Internet address of the computer being used to access the website.
- Essential technical information – identification of the page or service requested, the type of browser and operating system being used, and the date and time of access.
- Nonessential technical information – the Internet address of the website from which the CPS website was accessed.

No other information is collected through the CPS website except when the user deliberately decides to send the information to CPS (for example, by clicking on a link to send e-mail). Such information is known as “optional information.”

- Optional information – when sending e-mail to CPS, optional information may include the user’s name, e-mail address, and the content of e-mail; when filling out online forms, optional information includes all the data the user chooses to fill in or confirm.

Cookies

The CPS website does not place “cookies” on the user’s computer.
Using Collected Information

- Routing information is used to route the requested web page to the user's computer for viewing. CPS sends the requested web page and the routing information to the CPS Internet Service Provider or other entities involved in transmitting the requested page to the user. CPS does not control the privacy practices of the Internet Service Provider or other entities. CPS may keep user information indefinitely, but ordinarily the routing information is deleted on a routine basis. No attempt is made to link routing information to the individuals browsing the CPS website. However, when a "hacker" attempts to breach computer security, logs of routing information are retained to permit a security investigation, and in such cases, may be forwarded together with any other relevant information to the appropriate law enforcement agency. CPS may also use routing information in a statistical summary-type format to assess site content and server performance. CPS may share this summary information with business partners when needed.

- Essential and nonessential technical information helps CPS respond to user requests in an appropriate format or in a personalized manner and helps CPS to plan website improvements.

- Optional information enables CPS to provide services or information tailored more specifically to the user's needs, permits CPS to forward messages or inquiries to another entity that is better able to meet the user's needs, and allows CPS to plan website improvements. Optional information is retained in accordance with the records retention schedules at the Library of Virginia.

Under FOIA, any records in the possession of CPS at the time of a Freedom Of Information Request may be subject to being inspected by or disclosed to members of the public for any purpose they may desire.

Choice to Provide Information

There is no legal requirement for a website user to provide any information at the CPS website. However, the CPS website cannot be accessed without routing information and the essential technical information. Failure of the user's browser to provide nonessential technical information may prevent the user from accessing or using certain features of the CPS site. Failure to provide optional information may mean that the particular feature or service associated with that part of the web page would not be available to the user.

Customer Comments or Review

Questions about this privacy statement or the practices of the CPS website or requests to review or correct any information collected by the website should be directed to the Department of Information Technology, Chesapeake Public Schools.

Approved     March 22, 2001
Revised       May 12, 2008
Revised       June 9, 2014
ARTICLE 2.

FUND RAISING AND ADVERTISING

P 5-7. Fund Raising

A. Fund Drives in the Schools

The schools shall not be used as a collection agency for outside organizations. The Superintendent may approve the program of an organization and may permit the solicitation of voluntary contributions and membership from students based upon the educational value of the program.

The Superintendent may approve the solicitation of voluntary contributions to local fund drives when such drives are of an emergency nature or for disasters which have a strong effect upon the community.

This policy shall not preclude the making of voluntary contributions by students and staff to community-supported activities.

B. Fund Raising by Students Outside of School

1. Non-school-Related Activities

Students may not participate, under the auspices of the schools, in the collection of money for any campaign or non-school-related activity not specifically approved by the Superintendent.

2. Sales by School Groups

School groups may sell goods outside of school with the advance approval of the principal. No door-to-door soliciting is permitted.

3. Solicitation of Advertisements

School organizations must secure approval from the principal before soliciting advertisement or contributions from merchants and business establishments. The frequency of such solicitations shall be kept to a minimum.

Adopted July 23, 1974
Revised August 1995
P 5-8. Advertising in Educational Materials

In general, the Board disapproves of commercialism within the public schools. However, the Board recognizes and approves the use of materials developed by commercial organizations when, in the judgment of the Superintendent, the educational value of the materials to be used outweighs their commercialism, when the advertising is in good taste, and when the materials used are not available elsewhere at a reasonable cost.

Adopted July 23, 1974
Revised August 1995
P 5-9. Distribution of Outside Communication

1. To the Community

   Generally students shall not be used to distribute notices or communications which do not originate within the schools or which are not of an official school nature. However, students may transmit communications to parents from parent organizations affiliated with the schools and communications which, in the judgment of the Superintendent, have significant educational value.

2. In the Schools

   The Board discourages the announcing of non-school-related events. However, the Superintendent may permit announcements or notices which have significant educational value or widespread community importance.

3. Use of School Mail Services

   The use of the School Division mail service shall be limited to school business. However, the Superintendent may extend the use of this service to parent-teacher organizations or other community organizations promoting activities of particular support to the educational program.

Adopted July 23, 1974
Revised August 1995
ARTICLE 3.

COMPLAINTS AND APPEALS

P 5-12. Complaints from the Public

All complaints regarding the School Division or individuals employed by the School Board shall be directed to the principal of the school involved or to the Superintendent or a designee. The individual making such complaints shall be given a courteous and prompt reply after an investigation of such complaints. The School Board shall be informed of such complaints when, in the opinion of the Superintendent, the issues involved could significantly affect the welfare or reputation of the school(s) or School Division.

A complaint involving a particular school shall be directed to the principal. If the complaint cannot be resolved at that level, it may be appealed to the Superintendent or a designee.

A complainant requesting an appeal to the School Board shall provide a clearly dated, Notification of Appeal to the Clerk of the Board. The Notification of Appeal must be in writing and transmitted via email, hand delivery, or U.S. mail within three working days of receipt of the Superintendent’s decision. If U.S. mail is used a legible postmark will indicate date of transmission. The Notification of Appeal need only indicate the complainant’s intent to appeal the Superintendent’s decision to the School Board.

Within five working days of transmitting the Notification of Appeal, a complainant must, using the same transmittal options listed above, submit a Written Appeal Packet. The Written Appeal Packet shall contain a letter to the School Board from the complainant explaining the basis for the appeal and the relief requested, and it may include any relevant documentary materials that the complainant wants the members of the School Board to review. Upon receipt of the Written Appeal Packet, the Superintendent shall supply the Board with a full Report regarding the matter and a recommendation which may be to sustain his decision. School Board action on the complaint shall be pursuant to the procedure developed for this purpose as set out in the accompanying regulation and will be taken as promptly as feasible at a designated School Board meeting.

Adopted July 23, 1974
Revised August 1995
Revised June 27, 2011
Revised January 30, 2017
R 5-12. Complaints from the Public

A. Appeals

School Board Policy P 5-12 establishes the framework and timelines for appeals before the School Board. A hearing before the School Board is granted only in such cases as required by law or in accordance with Policy P 5-12 and this regulation.

B. Procedures

The procedure for appealing a decision of the Superintendent to the Board under Policy P 5-12 is as follows:

1. The Clerk of the Board shall submit to the School Board, at least one meeting prior to the time at which action on the appeal is requested by the Superintendent, the Record of Proceedings (Record). Once such submission is made, the Record shall not be augmented by either the Superintendent or the complainant without good cause. Good cause may include the unavailability of a document or witness statement that, even in the exercise of due diligence, could not have been provided earlier. A determination whether to augment the Record may be made only by the School Board.

2. The record will consist of the following:
   
   a. A memo from the Clerk (i) identifying the complainant(s), (ii) specifically describing what action is being appealed, and (iii) the general circumstances surrounding the appeal;
   
   b. The Written Appeal Packet from the complainant which states the basis for the appeal and the relief sought;
   
   c. The report and recommendation prepared by the Superintendent.
   
   d. Any other document submitted by either party subject to the good cause requirement stated above; and,
   
   e. A letter from an attorney or advocate on behalf of the complainant provided such letter shall be received by the Clerk of the Board at least three working days before the School Board Meeting at which action is requested. Any such letter shall not include documents that could have been included in the Written Appeal Packet or do not meet the good cause requirement for late submission. Any documents not meeting these requirements will not be added to the Record.

3. The Superintendent, in consultation with the Clerk of the Board, shall place the appeal request on the agenda for the designated Board meeting under the New Business section of the Board agenda.
4. The members of the Board shall review and consider all materials in the record before the designated Board meeting. In so doing, the Board shall affirm the recommendation of the Superintendent unless such recommendation is arbitrary, capricious, or an abuse of discretion.

5. At the designated meeting of the School Board and at the appropriate time on the agenda, the Superintendent shall present a recommendation to the Board in regard to the appeal. Any member of the Board may request further discussion by the Board, and such discussion may be held in open session or, upon majority vote of the Board, in executive session if the appeal presents a permitted executive session subject. At the conclusion of such discussion, if any, upon a majority vote of the Board, and if neither arbitrary, capricious, nor an abuse of discretion, the Superintendent’s recommendation shall prevail.

6. In the event the recommendation of the Superintendent is not upheld, the Board must then vote either to reverse the decision of the Superintendent, modify the decision, or to grant a hearing on the appeal. A hearing is granted only if a majority of the Board wish to have additional information presented on the appeal.

7. In the event a majority of the Board votes to grant a hearing, the hearing will be scheduled for the next regular meeting of the Board. The hearing will be conducted in open session or, upon majority vote of the Board, in executive session if the appeal presents a permitted executive session subject.
   a. At a hearing before the Board, the complainant may be represented by another person who may or may not be an attorney. The Superintendent may also be represented by counsel.
   b. Subject to the Chair’s reasonable discretion on relevance, one or more witnesses may speak on the complainant’s or the Superintendent’s behalf.
   c. Any member of the Board may question a speaker. The complainant and Superintendent shall not have the right of cross-examination but may request that the Chair ask a particular question or inquire about a specific topic.
   d. Strict rules of evidence will not apply.
   e. At any such hearing, the School Board attorney may be present but shall not participate except in assisting the Board in preparing its decision.

8. The Clerk of the Board shall notify the complainant in writing of all actions and decisions of the Board as to the appeal.

Adopted       June 13, 2011
Revised       January 23, 2017
P 5-13. Political Activities

Employees of the Board are encouraged to exercise all rights as citizens including involvement in political activities. However, no employee shall use a position within the School Division to further a political cause, and no employee shall attempt to influence students or staff by virtue of a position during the time students or staff are under the supervision of the Board. The political activities of employees shall be restricted to their off-duty hours and outside their work environment.

Students are not required to convey or deliver materials that: (1) advocate the election or defeat of any candidate seeking public office; (2) advocate the passage or defeat of any referendum question; or (3) advocate the passage or defeat of any measure pending before a local school board, local governing body, the General Assembly, or Congress.

While this policy prohibits the use of students in delivering or conveying any materials that advocate a political position, it is not meant to prohibit the discussion of or use of political or issue-oriented materials as part of classroom activities or to prohibit the delivery of informational materials.

Reference:

Code of Virginia:

22.1-79.3

Adopted July 23, 1974
Revised August, 1995
Revised November 27, 2000
Revised May 12, 2008
P 5-14. Gifts to Staff Members

Acceptance by employees of gifts from commercial organizations is discouraged. The provisions of the law regarding conflict of interests shall be observed in the School Division.

References:

Code of Virginia:

2.2-3100 (et seq.)
2.2-4300 (et seq.)

Adopted July 23, 1974
Revised August 1995
Revised May 12, 2008
ARTICLE 4.

CITIZEN PARTICIPATION

P 5-18. Citizen’s Advisory Committees to the Board

The Board shall appoint such advisory committees of citizens of the community as it deems necessary and helpful or as required by law. Membership in these committees shall represent a broad cross-section of the community. Such committees shall have only such authority as the Board specifically shall assign and shall be given specific instructions as to the particular problem to which they are to address themselves. Such committees shall submit their advisory reports to the Board, and the life of the committees shall end at the discretion of the Board or upon rendering of the reports.

Adopted July 23, 1974
Revised August 1995
P 5-19. Parent Organizations

The Board encourages the formation of parent organizations whose primary purpose shall be to improve education in the public schools. Principals and teachers are urged to cooperate with parents in the organization and activities of these organizations.

Adopted July 23, 1974
Revised August 1995
P 5-20. **Title I Involvement**

Parents of children being served by Title I of the Education Consolidation and Improvement Act of 1981 shall have an adequate opportunity to participate in the design and implementation of the project.

- **Adopted** July 23, 1974
- **Revised** March 18, 1988
- **Revised** August 1995
- **Revised** May 12, 2008
P 5-21. School Visitors

A. Visitors to Schools

Schools in the division welcome visits by school patrons and other interested persons. In order to protect the students, staff, and property, visitors during the school day first will report to the principal’s office for authorization to be in the building or on the grounds. The Superintendent shall formulate such regulations as are necessary to ensure the safety of all students and shall notify such law enforcement officers as may be necessary to enforce this policy in the case of uncooperative violators.

B. Trespassing

No one shall be in a school building after school hours unless that person is on official school business, is participating in a supervised school activity, is authorized by the administration, or is a spectator at an activity open to the public. All unauthorized persons shall be deemed trespassers and as such may be punished under the law. Unauthorized persons loitering upon school property shall be treated as trespassers.

References:

Code of Virginia:

18.2-119
18.2-128
18.2-129

Adopted July 23, 1974
Revised August 1995
School Visitors

Parents who wish to visit classes must contact the school office to make an appointment at the convenience of the teacher. Although the school is eager to have parents become familiar with the school program, visitors must be scheduled carefully to minimize disruption of the ongoing educational program.

Parents are encouraged to visit the schools on days scheduled for conferences with teachers, special school programs and projects, parent-teacher meetings, and "back-to-school" nights.

Visitors during school hours must receive permission from the principal's office upon entering school property.

In order that every possible precaution may be taken to safeguard the students of the school, before parents or other visitors may visit classrooms they must report to the office to verify their appointment, sign the guest book, and secure a visitor's badge. When they leave, they must sign out in the office and return the badge.

Approved July 23, 1974
Revised August 1995
ARTICLE 5.

USE OF SCHOOL FACILITIES

P 5-25. Community Use of Schools

The School Board encourages the use of school facilities by community groups for civic, cultural, and recreational activities. The Board has a contractual agreement for this purpose with the City of Chesapeake Parks and Recreation Department. Other users should submit application to individual schools for date availability. The final approval, charges and billing on all building use applications will be processed by the Office of Student Services.

A. Generally

When school facilities are not required for use by the school or the city recreation program, resident citizens or organizations of the City of Chesapeake may apply to use the facilities as provided below.

Schools and school grounds are not available for private dances or private gatherings. Normally, school facilities are not available for business use for profit. The School Board reserves the right under this policy to cooperate with agencies of the city to consider on a case-by-case basis uses of the school facilities that may confer a special benefit to the citizens of Chesapeake. The past practice of permitting local recitals and recreational events shall continue and groups requesting building use to sponsor activities of a similar nature shall receive equal consideration. The School Board further directs the Superintendent to develop, maintain, and promulgate such regulations as are necessary to carry out the policy on community use of schools.

The School Board reserves the right to refuse any application when:

1. A requested use would likely result in violation of the Civil Rights Compliance Act (Form 441C) or any existing local, state, or federal law.
2. It conflicts with school functions in any manner.
3. It is not signed by a person who is 21 years of age or older.
4. The described use would contradict a policy or stated purpose of the schools of Chesapeake.
5. The previous use of facilities by the applicant was not satisfactorily completed or use restrictions were violated.
6. The applicant group engages in behavior in violation of local, state, or federal law.
B. **General Conditions for Use**

1. The group or organization using school facilities shall be responsible for all damage or loss to property and equipment.

2. The School Board reserves the right to charge additional fees for the use of buildings or facilities lasting beyond the hours prescribed in the building-use request.

3. Groups using school facilities must agree to conform to policies and regulations established by the School Board and representatives of the School Board.

4. No alcoholic beverages may be carried or consumed on school property.

5. Smoking tobacco or smoking e-cigarettes and the use of tobacco products is prohibited on school property.

6. The principal must give permission beforehand for outside organizations to sell refreshments or use school concession areas.

7. Only those facilities specified in the building-use request may be used.

8. No school facility may be used unless a representative of the School Division (custodian, cafeteria worker, teacher, principal, or other employee, or designated volunteer representative is present).

C. **Fees and Charges**

All applications for the use of school facilities will be classified into groups and will be subject to the assessment of fees as stated. Rates for various spaces are set annually and may be obtained from each school.

**Group I: School-Sponsored Organizations**

School-Sponsored Organizations shall include only the organizations to which a faculty advisor or other professional staff member has been assigned as sponsor, advisor, or leader and shall be intended to further some educational and/or recreational purpose of the school.

No charge will be made unless a special cost is incurred such as overtime or additional personnel who must be paid as a result of the use of school facilities.
Group II: Non-Profit Youth Organizations

Non-Profit youth organizations must serve school-aged youths resident in the City of Chesapeake. The residence requirement applies generally to the constituent members. For the rental of a large area within a school, such as the cafeteria, cafetorium, gymnasium, gymatorium, or auditorium, a 2-hour minimum charge will be assessed. The hourly rate will be set by the Superintendent with approval of the School Board.

A special cost will be incurred such as overtime for additional personnel who must be paid as a result of the use of school facilities.

Group III: Non-Profit Groups, Religious, Charitable, and Cultural Organizations

Non-Profit Groups, Religious, Charitable, and Cultural Organizations must be resident in Chesapeake or be providing a service that no resident group provides the citizens of Chesapeake. Commitments for long-term use shall be limited to one year. Renewal for an additional term shall be considered in the light of other needs.

The following charges are applicable:

1. Custodial time, if required.
2. Use fee for special equipment.
3. Other personnel cost, if required.
4. Rental of facilities approved for use.

D. Use of Equipment

Under normal circumstances, equipment owned by or under the care, custody, or control of the public schools shall not be loaned or rented to any individual or outside organization except through special permission in connection with the use of school facilities. Exceptions must be approved by the Superintendent or designee.

Approved July 23, 1974
Revised August 1995
Revised January, 1997
Revised June 9, 2008
Revised April 29, 2013
Revised March 11, 2019
R 5-25. Community Use of Schools

A. Application for Community Use of Chesapeake Public Schools Facilities and Grounds

An application form reflecting the policies and regulations of Chesapeake Public Schools regarding community use of school facilities and grounds shall be available in each school and the School Administration Building.

B. Regulations

Users are subject to the following regulations:

1. User shall provide a certificate of insurability in an amount specified by Chesapeake Public Schools with Chesapeake Public Schools or individual school being named as additionally insured for each date of usage.

2. User agrees to hold harmless and indemnify Chesapeake Public Schools with respect to any claim of loss, injury, or damage because of negligence of the user or user's employees or agents, including damage to School Board property for which the School Board is liable.

3. User shall arrange and pay for such security personnel as required by Chesapeake Public Schools. The number of security persons required as well as their duties will be specified on the application form by the principal or the Office of Student Services.

4. User agrees to comply with the safety regulations and policies of the Chesapeake Fire and Police Departments.

5. Use of a cafeteria for the preparation and/or serving of food shall be approved, priced, and paid for through the School Nutrition Services.

6. Placement of signs, banners, or other advertising devices on Chesapeake Public Schools property will be evaluated on a case-by-case basis. Any such use which has the potential to create damage to a facility or result in unusual clean up expense shall be prohibited. Such request must be in compliance with city ordinance regarding signage.
C. Business Use for Profit

A request to use a Chesapeake Public Schools facility by a commercial or business organization shall be forwarded to the office of the superintendent of schools. Requests will be evaluated on the basis of School Board policy as set forth in ARTICLE 5. USE OF SCHOOL FACILITIES, P5-25 Community Use of Schools. Section A, paragraph two (2). An approved request must conform to all other policies and regulations of the board regarding community use of schools.

D. Security

Security is defined as a Chesapeake Police Officer(s), Chesapeake Sheriffs’ Department Deputy, or a Chesapeake Public Schools security monitor. The cost for security will be borne by the user. The security requirement for usage will be determined by Chesapeake Public Schools considering:

1. The nature of the activity.
2. The time of day.
3. The length of time encompassing the activity.
4. Historical antecedents associated with the activity or a like activity.
5. Crowd analysis to include:
   (1) size, (2) mix of students and adults, (3) the likelihood that the activity will attract persons not interested in the activity (4) the presence of other groups using the facility at that time, (5) any special risk or danger to safety or property, and
6. Any other factors unique to the activity.

E. Personnel

The cost of classified school personnel who shall be required to work beyond the forty-hour week will be computed at the rate of one and one-half (1 1/2) times the regular hourly wage. The cost of classified school personnel not required to work beyond the forty-hour week and other school personnel not employed on a forty-hour week basis will be computed at the current average hourly rate for classified employees at the appropriate level of responsibility. Professional personnel shall be compensated at a rate determined by the Personnel Department. Personnel shall be employed in a number sufficient to promote satisfactory operation of the facility during its use and proper clean-up after conclusion of the activity.

F. Sound/Light Technicians

Sound and light technicians shall be paid an hourly rate established by the Personnel Department of Chesapeake Public Schools.
G. Equipment Cost

When approval is given for specialized equipment owned by Chesapeake Public Schools to be used for a non-school activity, a charge may be assessed for use of the equipment.

H. Insurance

Users will be required to furnish a Certificate of Insurability naming Chesapeake Public Schools or individual school as additionally insured for the date(s) of usage. The amount of the certificate will be determined by Chesapeake Public Schools taking into consideration all relevant information and the guidelines provided by the insurance consultant employed by Chesapeake Public Schools.

A standard building use request requires that the group or organization furnish a Certificate of Insurability to show the following:

Commercial General Liability –

- $1,000,000 Each Occurrence
- $2,000,000 General Aggregate
- $500,000 Each Occurrence

OR

A combined single limit of $1,000,000

Coverage is to include Products Liability, Personal Injury, Fire Damage, and damage to premises. The Certificate shall certify that the policy has been endorsed to name, as an additional insured, Chesapeake Public Schools with respect to the use of school premises. These amounts may be adjusted depending upon the risk exposure factors present.

I. Sale of Merchandise, Food, and Beverages

The sale of merchandise, food, and beverages by a non-school user must be cleared by the building principal. The building principal may request assistance from the Office of Student Services and/or the Director of Purchasing as needed.

J. Fees

Lists of fees charged for the use of various facilities are maintained at the school involved.
P 5-26. Planetarium Programs for Non-school Groups

A. Generally

The planetarium may be used to present scheduled programs to the general public on a free-admission basis if such programs do not interfere with Chesapeake school uses. The planetarium director, subject to the approval of the Superintendent of schools or designee, shall determine the frequency of such programs. Residents from the communities may attend these performances.

The planetarium may be used to present special programs for groups within the city of Chesapeake. The planetarium director shall determine the frequency of such programs. No charge will be made for such programs provided the group qualifies under the provisions concerning classification of users for the planetarium as stated in this policy.

The planetarium may be used to present requested special programs for nonresident groups if arrangements can be made. Such groups will be required to pay a fee to help defray the expenses involved in operating and maintaining the equipment and in staffing the planetarium. Such groups using the planetarium shall be held responsible for all damage and/or loss to property and equipment.

All payments made by groups for planetarium programs shall be in the form of a check made payable to the Chesapeake Public Schools. Payment must be made on or before the time of the visit. No cash will be accepted.

B. Classification Of Users for Planetarium Programs

1. Class I (No Fee)

Class I consists of school-sponsored organizations, youth organizations, civic leagues and clubs, cultural organizations and groups which draw from the Tidewater area including Chesapeake. All such groups must be nonprofit organizations and resident to the city of Chesapeake. Certain area-wide groups or clubs which are not resident to Chesapeake, but which serve Chesapeake citizens may be included in this class.

2. Class II (Fee Charged)

Class II consists of all other clubs, groups, and organizations which are not resident to Chesapeake and/or which are profit-making organizations.

3. Class III (Fee Charged)

Class III consists of public and private schools other than those resident to Chesapeake.

Adopted July 23, 1974
Revised August 1995
ARTICLE 6.

OUTSIDE AGENCIES

P 5-30. Outside Agencies

A. Community and State Agencies

The schools will cooperate with nonprofit and nonpartisan agencies, as approved by the School Board, in promoting the general public interest and the educational welfare of the students in such areas as social services, recreation, health, safety, fire, civil defense, and law enforcement.

B. Disaster Agencies

The Board desires to cooperate fully with all governmental, civic, and other agencies in times of local, state, or national emergencies. The Board directs the Superintendent to open the schools of the division as needed in times of such emergencies and to cooperate fully with the directors of these agencies in regard to the use of the schools, their equipment, and motor vehicles owned by the School Board.

C. Membership in National, Regional, and State Associations

The Board may hold membership in those national, regional, and state organizations which have as their goal the improvement of education.

The School Division shall maintain an active role in national, regional, and state organizations for which, upon the recommendation of the Superintendent, the Board approves membership.

Adopted July 23, 1974
Revised August 1995
P 5-31. Relations with Law Enforcement Authorities

The School Board recognizes the importance of having a memorandum of understanding (MOU) with the Chesapeake Police Department (CPD) that sets forth the powers and duties of the SROs.

The School Board and the CPD may modify the MOU in accordance with their particular needs, but the parties shall review and amend or affirm the MOU at least once every five years or at any time upon the request of either party.

Reference:

Code of Virginia

22.1-280.2:3

Adopted February 24, 2020
R 5-31. Relations with Law Enforcement Authorities

The School Board shall enter into a memorandum of understanding (MOU) with the Chesapeake Police Department (CPD) that sets forth the powers and duties of the SROs. The provisions of such MOU shall be based on the model MOU developed by the Virginia Center for School and Campus Safety pursuant to Code of Virginia 9.1-184(A)(12).

The School Board and the CPD may modify the MOU in accordance with their particular needs. The parties shall review and amend or affirm the MOU at least once every five years or at any time upon the request of either party.

Reference:

Code of Virginia

22.1-280.2:3

Adopted February 10, 2020
P 5-32. School Resource Officers

The School Board recognizes that it may be necessary for SROs to carry firearms in the performance of their duties. An SRO may do so if the SRO was a law enforcement officer or retired or resigned law enforcement officers prior to being employed by the School Board, is properly trained and qualified to carry a firearm, has completed certain training and courses and has proof thereof, and the School Board confirms with the Chief of the City of Chesapeake Police Department that the SRO is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm, and the School Board grants the SRO the authority to carry a firearm to perform the SRO’s duties.

Reference:

Code of Virginia

22.1-280.2:1

Adopted February 24, 2020
R 5-32. School Resource Officers

The School Board may employ SROs as defined in Code of Virginia 9.1-101 for the purposes set forth therein. An SRO may carry a firearm in performing the SRO’s duties if the following conditions are met:

(i) within 10 years immediately prior to being hired by the School Board, the SRO

   (a) was an active law-enforcement officer in the Commonwealth of Virginia; or

   (b) was employed by a law-enforcement agency of the United States or any state or local subdivision thereof and the SRO’s duties were substantially similar to those of a law-enforcement officer;

(ii) the SRO retired or resigned from the SRO’s position as a law-enforcement officer in good standing;

(iii) the SRO meets the training and qualifications described in Code of Virginia 18.2-308.016(C);

(iv) the SRO has provided proof of completion of a training course that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment to the Department of Criminal Justice Services, provided that if the SRO received such training from the City of Chesapeake Police Department, the SRO received the training in the City of Chesapeake;

(v) the School Board solicits input from the Chief of Police for the City of Chesapeake Police Department regarding the qualifications of the SRO and receives verification from the Chief that the SRO is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm; and

(vi) the School Board grants the SRO the authority to carry a firearm in the performance of the SRO’s duties.

Reference:

Code of Virginia:

22.1-280.2:1

Adopted  February 10, 2020
## CHAPTER 6

### INSTRUCTION

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ARTICLE 1.

INSTRUCTION, GENERAL PROVISIONS

P 6-1. Objectives

The objectives of the School Board with regard to the instructional program are:

1. To provide instructional services which meet or exceed the standards of quality and the accreditation standards prescribed by the state.

2. To help each student acquire not only knowledge and basic skills in the academic areas, but also acquire the power to reason and to develop strong moral character, respect for spiritual values, respect for property, respect for authority, respect for the rights of others, love of country, and vocational competence limited only by his own talents, interests and application.

3. To generate in each student a quest for learning which will continue beyond the classroom.

4. To help each student develop independence, self-respect, responsibility, and a desire to be a contributing member of his society.

Reference:

Code of Virginia:

22.1-253.13:1

Adopted July 23, 1974
Revised August 1995
Revised May 22, 2008
P 6-2. **School Day**

The Superintendent shall determine the hours for school operation and attendance for students and shall take into consideration state requirements, the ages of the students, the distances to and from school, bus scheduling, safety hazards, time needed to accomplish educational objectives and other factors deemed appropriate.

The weekly schedule for secondary schools shall provide no less than 30 hours exclusive of lunch breaks. The schedule for elementary schools shall provide no less than 27 1/2 hours exclusive of lunch breaks.

Reference:

8 VAC 20-131-150

Adopted July 23, 1974
Revised August 1995
Revised May 22, 2008
P 6-3. School Calendar

A school calendar shall be prepared annually to indicate pertinent dates and information essential to the operation of the schools. The calendar shall be planned by the Superintendent and approved by the School Board.

The establishment of the school calendar should take into consideration the number of school days and the opening date necessary to meet the requirements of the State Board of Education, nationally observed holidays, provisions for emergency closings of schools, and other pertinent factors.

The School Board shall set the school calendar so that the first day students are required to attend school shall be no earlier than 14 days before Labor Day. If the school calendar is such that the first day students must attend school is before Labor Day, the School Board shall close each of its schools from the Friday immediately before Labor Day through Labor Day. The Board of Education may waive this requirement if the School Board certifies that it has good cause. “Good cause” means that the School Board is providing its students, in the school year for which the waiver is sought, with instructional programs that are offered on a year-round basis by the School Board in one or more of its elementary, middle, or high schools. Any waiver shall only apply to the opening date for those schools where such year-round instructional programs are offered.

The Board of Education shall also waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor’s declaration of a state of emergency for up to five teaching days. If the School Board wants such a waiver, it shall notify the Board of Education and demonstrate the School Board’s efforts to reschedule as many days as possible. The Superintendent and Chairman of the School Board shall certify that the School Board exhausted every reasonable effort for making up lost teaching days or teaching hours. After receiving such notification, the Board of Education shall grant the waiver and there shall be no proportionate reduction in the amount the Commonwealth shall pay the School Board from the Basic School Aid Fund. Further, the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced due to any reduction in the length of the term of any school in this school division permitted by such waiver.

References:

1. Code of Virginia:
   22.1-79.1
   22.1-98

2. 8 VAC 20-131-150.
Adopted    July 23, 1974
Revised    August 1995
Revised    May 22, 2008
Revised    February 10, 2020
P 6-4. Emergency Drills

A. Fire Drills

Each school shall comply with state law regarding fire drills. Specific instructions shall be formulated so that each person in the building knows how to evacuate the building through the most expedient route.

B. Bus Drills

Every student riding a bus and the drivers of buses shall participate in emergency evacuation bus drills in accordance with state law.

C. Tornado Drills

In every public school there shall be at least one tornado drill every school year, in order that students may be thoroughly practiced in such drills.

Reference:

Code of Virginia:

22.1-137
22.1-137.1
22.1-184

Adopted July 23, 1974
Revised August 1995
Revised May 22, 2008
P 6-5. Ceremonies and Observances

A. Generally

The School Board encourages the observance throughout the School Division of special days and observances proclaimed by the Governor of the Commonwealth of Virginia and the President of the United States. Such observances should be of educational value to the students.

B. Flags

The flags of the United States and the Commonwealth of Virginia shall be displayed at each school. Each student shall be instructed in the history of each flag and the principles for which it stands (especially as contained in the Bill of Rights).

C. Daily Exercises

Daily observance of one minute of silence: In order that the right of every pupil to the free exercise of religion be guaranteed within the schools and that the freedom of each individual pupil be subject to the least possible pressure from the Commonwealth either to engage in or to refrain from religious observation on school grounds, the School Division shall establish the daily observance of one minute of silence in each classroom.

During such one-minute period of silence, the teacher responsible for each classroom shall take care that all pupils remain seated and silent and make no distracting display to the end that each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any other silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice.

D. Pledge of Allegiance

The Pledge of Allegiance shall be recited daily in each classroom of the School Division, and the flag of the United States shall be in each classroom. During such Pledge of Allegiance, students shall stand and recite the Pledge while facing the flag with the right hand over the heart or in an appropriate salute if in uniform; however, no student shall be compelled to recite the Pledge if the parent or legal guardian objects on religious, philosophical, or other grounds to the student’s participation in this exercise. Students who are thus exempt from reciting the Pledge shall remain quietly standing or sitting at their desks while others recite the Pledge and shall make no display that disrupts or distracts others who are reciting the Pledge. Appropriate accommodations will be provided for students who are unable to comply with the procedures described herein due to disability.

The code of conduct shall apply to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of such behavior.
References:

Code of Virginia:

22.1-133
22.1-202
22.1-203

Adopted July 23, 1974
Revised August 1995
Revised May 22, 2008
P 6-6. Evaluation of Instructional Program

The School Division shall plan, develop and implement a continuous process of evaluation of instructional programs. The primary goal is to establish expectation levels for students that are challenging, measurable and attainable.

Formal evaluations of each school shall be conducted in connection with accreditation requirements of the State and the Southern Association of Colleges and Schools.

Test results and other performance measures shall be reviewed annually by the faculty as part of instructional assessment and planning for each school.

References:

Code of Virginia:

22.1-253.13:3
22.1-253.13:4
22.1-253.13:6

Adopted July 23, 1974
Revised August 1995
Revised May 22, 2008
P 6-7. School Handbooks

The principal of each school shall maintain a handbook of school policies and procedures which includes the School Division’s standards of student conduct and procedures for enforcement. Such handbooks shall be made available to students and parents.

Reference:

8 VAC 20-131-260

Adopted  July 23, 1974
Revised  August 1995
Revised  May 22, 2008
P 6-8. Class Size

The Board believes that class size must be flexible. The number of students in a class depends upon available facilities, the age of the students, grade level, the subject to be taught and the financial capabilities of the Division. The Board shall maintain a class size which meets the accrediting requirements of the State Board of Education.

In addition, the Board sets the following guidelines:

1. Small classes are desirable at the primary grade level.

2. Larger classes are permissible in certain types of instruction, e.g., physical education, lectures, etc., where large group instruction is appropriate.

3. In all courses requiring specially designed facilities and equipment, enrollment shall be limited to the number of students who can be accommodated for full participation. Priority shall be given to those students needing such courses in order to meet graduation requirements.

References:

1. Code of Virginia:
   22.1-253.13:2

2. 8 VAC 20-131-10
ARTICLE 2.

CURRICULUM

P 6-13. Curriculum Offerings

A. Scope of Curriculum

The curriculum of the Chesapeake Public Schools shall meet or exceed state requirements for instructional programs including:

1. Emphasis on Basic Skills
2. Art, Music and Literature
3. Mathematics, Science and Technology
4. Health, Safety, Physical Education and Driver Education
5. Social Studies
6. Foreign Language
7. Practical Arts and Vocational Education
8. Special Programs:
   a. Alternative Education
   b. Remedial Education
   c. Special Education
   d. Gifted and Talented Education
9. Guidance and Counseling
10. Library and Media Services
11. Drugs and Drug Abuse

Specific learning objectives shall be established for each program at each grade level and for each subject or course of study. Achievement of these learning objectives shall be a basis for evaluation of each student's performance.

B. Curriculum Guides

Curriculum guides, including the state standards of learning or equivalent, shall be provided to help teachers understand what they are expected to teach and what students are expected to learn.

References:

1. Code of Virginia:
   22.1-253.13
2. 8 VAC 20-131-10
3. Code of Virginia, Title 22.1, Chapter 13:
   
a. 22.1-199 through 22.1-212.2
b. 22.1-213 through 22.1-221
c. 22.1-228 through 22.1-237
d. 22.1-205
e. 22.1-206
f. 22.1-207
g. 22.1-207.1 and 22.1-207.2
h. 22.1-208
i. 22.1-208.1
j. 22.1-209
k. 22.1-209.1
l. 22.1-209.1:1
m. 22.1-212.1:1

4. Regulations of the Board of Education:
   
a. 8 VAC 20-340-10
b. 8 VAC 20-40-10.
c. 8 VAC 20-310-10.
d. 8 VAC 20-80-10.
e. 8 VAC 20-120-10
f. 8 VAC 20-330-10

Adopted Jan. 23, 1974
Revised August 1995
Revised May 22, 2008
**P 6-14. Experimental and Innovative Programs**

The Superintendent is encouraged to search out and to initiate research into courses of study and other means by which the division might enhance the educational program for the students.

Experimental and innovative programs are encouraged. Proposals for such programs shall be submitted to the Superintendent and to the School Board for approval. Assessment of educational needs shall be the basis for each such program. After the first year, a report assessing the validity and success of the program shall be prepared for the School Board.

**Adopted**  July 23, 1974  
**Revised**  August 1995
P 6-15. Alternative Programs

The School Division shall provide alternative programs for students whose needs are not met by the regular program. In recommending such programs to the Board, the Superintendent shall consider instructional materials and teaching methods adjusted to the needs, interests and potential abilities of these students in order that they might become effective citizens.

Alternative programs may be scheduled during the school day or at other times and places as may be appropriate for students who work, or who need a setting different from that of a regular school program.

References:

1. Code of Virginia:
   - 22.1-253.13:1
   - 22.1-210
   - 22.1-279.1
   - 22.1-277.2:1

2. Regulations of the Board of Education:
   - 8 VAC 20-330-10

Adopted: July 23, 1974
Revised: August 1995
Revised: May 22, 2008
P 6-16. Controversial Issues

Partisan indoctrination shall be avoided.

The School Board accepts training for effective citizenship as one of the major purposes of education. A recognition that many important areas of study involve issues on which various individuals or groups hold differing positions will assist in the achievement of this purpose.

In considering such issues, the student shall have the right:

1. To study any controversial issue which has political, economic or social significance and which is within the range of maturity and competence of the student and which does not conflict with regulations of the State Board of Education and of the local school division.

2. To study under competent instruction in an atmosphere of freedom.

3. To form and express his own opinions on controversial issues without jeopardizing his position within his school.

The role of the teacher in the presentation of controversial issues is vitally important. All sides of the issue should be presented to the students in a dispassionate manner. The goal is that the students be taught to think clearly on all matters of importance and to make their own decisions in light of all available information. Practical as well as philosophical implications should be examined.

Adopted July 23, 1974
Revised August 1995
P 6-17. **Physical and Health Education**

An effective program of physical and health education shall be organized and maintained in each school in accordance with guidelines of the Virginia Department of Education.

Students shall be properly instructed prior to their participation in any form of activity in a physical education class. Participation in physical activities of the program shall be required of all students within the reasonable limits of their abilities and their physical condition.

The use of trampolines in the physical and health education program is prohibited.

Physical education shall include activities such as, but not limited to, cardiovascular, muscle building, or stretching exercises, as appropriate.

References:

1. Code of Virginia:
   
   22.1-200 (B)
   22.1-207

2. Regulation of the Virginia Board of Education:

   8 VAC 20-320-10

Adopted July 23, 1974
Revised February 14, 1978
Revised August 1995
Revised May 22, 2008
P 6-18. Extracurricular Activities

A. Generally

Organized extracurricular activities for the students shall be open to all students and shall be voluntary.

Extracurricular activities shall have the approval of the Superintendent and the School Board and shall be under the direction of the principal. They shall be operated in such a manner as to supplement and not to interfere with the regular classroom program.

B. Partisan Politics

Although the instructional program of the School Division includes many facets of the political party system in the United States, the School Board does not sanction as a part of the school program the involvement of students in activities that imply school endorsement of the cause of an individual political party or candidate. Individual class assignments and volunteer work for school credit involving students in political activities are permissible.

C. Interscholastic Competition

Interscholastic programs, including athletics, shall be available to all eligible students. Interscholastic activities in grades 9-12 shall be conducted in accordance with the rules of the Virginia High School League. Middle schools shall follow rules established by the middle school principals. Middle School Interscholastic competition shall be permitted in grades 6-8.

The primary consideration in all decisions regarding student athletics shall be the safety, health, and welfare of the students. Students should not be permitted to engage in competitive physical activities without assurances that they are able to participate without undue risk to their health.

D. Intramural Competition

The Board encourages intramural activity programs which are structured to meet the physical needs and interests of all students. Emphasis should be placed on participation. Students shall share the responsibility for planning and carrying out the program. Proper supervision and safety of the students shall be primary considerations.

Adopted July 23, 1974
Revised December 20, 1988
Revised August 1995
Revised March 9, 2009
P 6-19. High School Graduation Requirements

A. Generally

To be eligible for graduation from the Chesapeake Public Schools, a student must complete successfully the requirements prescribed by the State Board of Education and the requirements set forth in the Chesapeake Public Schools Secondary Student Catalog - A Student Handbook and Course of Study Guide. The Catalog is updated as needed to reflect changes such as State requirements for graduation and additions, deletions, or changes in course offerings.

B. Transfer Students

Every effort shall be made to review as soon as practical, the credits earned by students transferring to the Chesapeake Public Schools from private schools, home instruction, or other school divisions. Where acceptable, credits and weighted credits shall be awarded. Permission to waive any graduation requirement must be secured from the Superintendent.

In order to receive a diploma at the end of summer school from a high school in the Chesapeake Public Schools, a student must be a bona fide full-time student during the semester immediately preceding summer school. Permission to waive this requirement must be secured from the Superintendent.

C. Special Education Students

Officially identified special education students who successfully meet the graduation requirements specified in Section A shall be eligible for graduation from the Chesapeake Public Schools. The course of study must be consistent with the special education student's Individualized Education Program.

Officially identified special education students who do not meet the criteria specified in Section A shall be awarded a special diploma which states that the student has completed high school under a special program after meeting the following requirements:

1. Pursuit of a high school program for at least three years after grade nine.

2. Satisfactory completion of the Individualized Education Program for high school.

D. Seventh & Eighth Grade Credits

Seventh and eighth grade students who successfully complete courses designated for grade nine or above may count those credits toward graduation requirements.
E. **Weighted Credits**

Weighted credits shall be used in certain courses determined by the Superintendent or his designee to be demanding beyond normal classroom standards.

Certain courses have been approved for additional quality point weight which is added to the grade point average of students. These courses are approved because they are academically demanding. The courses are identified as honors or advanced placement classes. Dual enrollment and International Baccalaureate classes are also weighted. Students will earn the following quality points: A-4.0, B-3.0, C-2.0, D-1.0, and E-0. After the students' averages have been calculated with the above-stated quality points, a weight of .025 is added to the grade point average for each class designated as honors class completed successfully and a weight of .05 is added to the grade point average for each class designated as advanced placement class completed successfully.

**References:**

1. Code of Virginia:
   
   22.1-253.13:4

2. Standards for Accrediting Public Schools in Virginia:
   
   8 VAC 20-131-50, 8 VAC 20-131-60, 8 VAC 20-160-50, and 8 VAC 20-160-60.
P 6-20. Locally Awarded Verified Credits

Students who do not pass Standards of Learning (SOL) tests in English, mathematics, science and history/social studies may receive locally awarded verified credits by meeting certain requirements. Students with disabilities or Section 504 Plans may also be eligible to receive locally awarded verified credits. Only students with disabilities or Section 504 Plans may earn all verified credits as locally awarded verified credits.

The School Board shall authorize the Superintendent to determine the criteria for student eligibility to receive locally awarded verified credits. A local review panel will be required.

The decision of the Local Review Panel shall be final.

Reference:

8 VAC 20-131-110
Amendments (8 VAC 20-131) June 5, 2013

| Adopted       | January 27, 2003 |
|               | November 13, 2006 |
| Revised       | August 25, 2014 |
| Revised       | September 9, 2019 |
R 6-20. **Locally Awarded Verified Credits**

Students who do not pass Standards of Learning (SOL) tests in English reading & writing, mathematics, science and history/social studies may receive locally awarded verified credits by meeting certain requirements. No student may earn more than four locally awarded verified credits except as noted below.

**General Eligibility for All Students**

To be eligible to be considered for locally awarded verified credits in math, English reading & writing, science, or history/social studies, 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;
- Obtain a scale score of 375-399 on any administration of the Standards of Learning Test; and
- Demonstrate achievement in the academic content through the review process described below.

Students who entered the ninth grade for the first time prior to 2018-2019 are limited to three LAVC in any subject that may be applied toward a Standard Diploma. Students that are no longer in school who are eligible for a locally-awarded verified credit in English or mathematics may now earn a locally-awarded verified credit in those subjects, provided that all criteria is met. Students entering the ninth grade for the first time in 2018-2019 and beyond are limited to one LAVC in any subject that may be applied toward a Standard or Advanced Studies Diploma.

A student who meets all of the above requirements may be awarded verified credit(s) in the subject areas specified after the receipt of the second set of SOL scores. The student shall be required to demonstrate achievement in the academic content for which the verified credit is being requested through the review process.

**Students with Disabilities Locally Awarded Verified Credits as Credit Accommodations**

For students with disabilities to be eligible to be considered for locally awarded verified credits in mathematics, English reading & writing, science, or history/social studies, a student:

- Must have a current IEP or 504 Plan with standards-based content goals.
- Must have a disability that precludes him or her from achieving and progressing commensurate with grade level expectations, but is learning on grade level content.
- Needs significant instructional supports to access grade level Standards of Learning (SOL) content and to show progress.
- Based on multiple objective measures of past performance, might not be expected to achieve the required standard and verified units of credit within the standard time frame.
Students eligible for credit accommodations shall **not** be subject to the limitations on the number of verified credits that may be awarded through this process.

- Students who entered the ninth grade for the first time prior to 2018-2019 that **require more than three LAVC in any subject** must have the eligibility criteria for credit accommodations properly documented in the IEP or 504 Plan.
- Students entering the ninth grade for the first time in 2018-2019 and beyond that **require more than one LAVC** must have the eligibility criteria for credit accommodations properly documented in the IEP or 504 Plan.

**Special Permission Locally Awarded Verified Credit Accommodation (SPLAVC-A):** To be considered for SPLAVC-A, the student must participate in subject/course related SOL- non-modified curriculum, test and score below 375; meet requirements stated in the Eligibility Criteria Request for Review; and follow local school division’s LAVC appeal process.

**Review Process**

A Local Review Panel shall be appointed at each high school to review information that provides evidence of the student’s achievement of adequate knowledge of the Standards of Learning content. The Panel shall consist of the principal or designee, a guidance counselor, and the department head for the subject area in which the credit is being requested. The Panel will have discretion in determining the evidence it will consider; however, at least the following is required:

- Verify test scores from both failed attempts.
- The student must have attended class within the guidelines of School Board Policy 9-13, Attendance.
- Verify participation in and successful completion of a remedial program before awarding credit.
- Other evidence as appropriate.

In addition, the Local Review Panel shall consider the recommendation of the classroom teacher to determine whether or not the student requesting the credit has demonstrated achievement in the academic content for which the credit is requested.

Based on the evidence reviewed, the Local Review Panel may:

- Award the verified credit
- Deny the verified credit, or
- Require participation in and successful completion of an eight to ten day summer remedial program before awarding credit.

The decision of the Local Review Panel shall be final.

References:
8 VAC 20-131-110
Amendments (8 VAC 20-131) June 5, 2013

**Adopted** August 11, 2014
**Revised** August 12, 2019
P 6-21. Certificate of Program Completion

Students who successfully complete all academic coursework (standard units of credit) required for either the advanced studies or standard diploma, but who need to continue to take a Standards of Learning (SOL) test(s) for the required verified credits, will be awarded a Certificate of Program Completion.

Students who are awarded a Certificate of Program Completion may continue to take the necessary SOL test(s) for a period of up to three years from the date on which the Certificate of Program Completion was awarded in order to upgrade the certificate to a standard or advanced studies diploma. In extenuating circumstances, the three-year period may be extended by the Superintendent.

Reference:

8 VAC 20-131-50 - Part F

Adopted February 2004
Revised May 22, 2008
ARTICLE 3.

CURRICULUM EXTENSIONS

P 6-25. Summer School

A. Authority

Summer school programs shall be offered under the direction of the Superintendent for students who desire to enrich their educational program and students who need to earn credits for promotion or graduation.

B. Courses

The courses which comprise the summer school program shall be offered on the basis of the number of students desiring the course and the availability of teachers. Any course for which there is sufficient demand will be offered during summer school. Courses which are not offered during the regular school year also may be offered.

C. Tuition

In general, noncredit-bearing elementary and middle school courses are tuition free. Summer school is offered on a tuition basis for credit-bearing classes. The School Board shall approve the tuition charge.

Reference:

Code of Virginia:

22.1-211

Adopted: July 23, 1974
Revised: August 1995
R 6-25. **Summer School**

Summer school for grades 7-12 is conducted in the Chesapeake Public Schools for a period of approximately eight weeks. Seniors who need only two units of credit in order to graduate at the end of the summer school session will be given the opportunity to take those two units. Summer school classes meet each day for approximately four and one-half hours for each Carnegie unit taken in accordance with accreditation standards of the State Board of Education. Students who desire to attend summer school in Chesapeake should obtain an application form from the guidance counselor.

A student in grades 9-12 may take a required subject in summer school and thereby make room in the schedule to take a desired elective during the regular school year.

Reference:

8 VAC 20-131-120

Approved July 23, 1974
Revised August 1995
Revised May 22, 2008
P 6-26. **General Educational Development Test**

The general educational development test shall be administered in accordance with regulations of the State Board of Education and regulations of the Division Superintendent. This test, designed for persons who have not earned a high school diploma, shall qualify successful applicants for a certificate.

**Reference:**

8 VAC 20-360-10

**Adopted**
July 23, 1974

**Revised**
August 1995

**Revised**
May 22, 2008
P 6-27. **Homebound Instruction**

The Board shall maintain a program of homebound instruction for any elementary or secondary student who is unable to attend school for an extended period due to injury, illness, or other reasons but who is able to continue with guided studies.

Reference:

8 VAC 20-131-180

Adopted July 23, 1974
Revised August 1995
Revised May 22, 2008
R 6-27. Homebound Instruction

Students who are unable to attend the regular public day schools because of extended illness, or other reasons shall be referred to the school health advisor to apply for homebound instruction.

The principal of the school in which the student is enrolled is responsible for coordinating homebound instruction with the classroom teachers to assure proper recording of and credit for the student's progress.

A student receiving homebound instruction is counted present on the daily register of the class in which he is enrolled.

For a special education student to receive homebound instruction, the student's IEP team shall be convened to determine whether such service is appropriate.

Homebound instruction for pregnant students shall be available as long as the attending physician feels that the student is unable to attend school. Homebound instruction may be provided up to six weeks beyond the date of delivery.

Approved July 23, 1974
Revised August 1995
P 6-28. Adult Education

The School Division shall operate an adult education program. The Superintendent shall determine courses to be offered, enrollment, tuition, and salaries of teachers.

References:

1. Code of Virginia:
   22.1-223 through 22.1-226

2. 8 VAC 20-30-10

Adopted July 23, 1974
Revised August 1995
Revised May 22, 2008
R 6-28. **Adult Education**

The adult education program includes the following five areas of instruction:

1. **Adult Basic Education**
   
   This program has three parts as follows: Part I deals with basic reading and writing skills; Part II is an extension of Part I and includes oral skills; Part III is an extension of Parts I and II.

2. **Communications Technology**

   Classes offered in this program include lithography, photography, layout, and design for graphic arts.

3. **Marketing Education**

   The courses in this program deal with marketing, personnel relationships, real estate management, and sales.

4. **Trade and Technical Classes**

   The classes in this program provide the opportunity for workers in industry to gain new trade skills.

5. **Completion of High School**

   This program offers adults the opportunity to take those courses which will satisfy the requirements for a high school diploma.

6. **Business Education**

   This program offers courses in business, secretarial skills, and computers.

Approved: July 23, 1974
Revised: August 1995
P 6-29. **Special Education**

A. It is the policy of the Chesapeake Public Schools to adhere to federal law and to federal and state regulations as they have been promulgated by the United States Department of Education and the Virginia Board of Education to implement special education programs for children with disabilities, consistent with the Individuals with Disabilities Education Act (IDEA). Specifically, these mandates are detailed in the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (Virginia Regulations) and any additional documents that the Virginia Department of Education publishes to address federal and state statutes and regulations for delivering special education and related services to children. The School Board has also approved local procedures to guide implementation of its special education program.

B. The Chesapeake Public Schools does use the classification of developmental delay for the detection of students with disabilities for IDEA eligibility. This means a disability affecting a child ages two by September 30 through six inclusive.

C. The Chesapeake Public Schools prohibits discrimination against and/or harassment of children with disabilities in academic and nonacademic settings during the school day and for school-sponsored extracurricular activities.

D. Any concerns or complaints regarding harassment and discrimination under this policy should be directed to the Director of Special Education at 2107 Liberty Street, Chesapeake, Virginia, 23324.

**References:**

1. Code of Virginia:
   
   22.1-213 through 22.1-221

2. 8 VAC 20-81 through 8 VAC 20-81-340


**Adopted** July 23, 1974  
**Revised** August 1995  
**Revised** May 22, 2008  
**Revised** March 28, 2011  
**Revised** June 24, 2013
P 6-30. **Educational Media Services**

Libraries and educational media services shall be provided in all schools. These services shall include electronic media and computers as well as extensive collections of printed and audiovisual materials along with the equipment and technical support needed for access and use of these materials. Professional assistance and training shall be provided to students and teachers to help them make full use of these resources for individual study, for classroom instruction, and for pursuit of expanded personal interests.

The objectives of the school media center shall be:

1. To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and levels of maturity of the students served.

2. To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.

3. To provide a background of information which will enable students to make intelligent judgments in their daily lives.

4. To provide materials on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical analysis of all media.

5. To provide materials representative of the many religious, ethnic, and cultural groups and their contributions to the American heritage.

6. To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library media center.

References:

1. 8 VAC 20-131-190

2. Code of Virginia:

   22.1-212.2

3. CPS Policy P 6-31 Textbooks and Other Instructional Materials.
P 6-31. Textbooks and Other Instructional Materials

A. Definitions

1. A textbook is a book adopted by the School Board for use as the primary text for a given subject at a given grade level(s).

2. Supplementary materials are books or other materials which are adopted by the School Board for use in a particular course as a supplement to the textbook or as a substitute for the textbook in a course for which no textbook is adopted.

3. Resource materials are printed or audio visual materials or computer software used by teachers or students in connection with instructional activities and studies. This includes the school library collection, classroom collections, and materials obtained for temporary use or obtained by electronic transmission.

B. Selection of Materials

Textbooks and supplementary materials shall be reviewed by evaluation committees for various subject areas or grade levels and shall be approved by the School Board after recommendation by the Superintendent. Resource materials shall be selected for libraries and classrooms by teachers and librarians on approval of the school principal and administrative staff as deemed necessary by the Superintendent.

Evaluation committees shall be appointed as needed by the Superintendent and may include parents, students, teachers, supervisors, and others as appropriate.

Criteria to be considered in selection of materials shall include:

1. Content
2. Student interest and appeal
3. Clarity
4. Organization and format
5. Curriculum requirements

In evaluating the content of materials, first consideration shall be given to accuracy and appropriate coverage of the subject in relation to the school curriculum. In subjects which involve human relationships or values, either directly or incidentally, the evaluation shall consider the following factors wherever they are relevant:

1. Moral and ethical sensitivities of various groups.
2. Representation of minority group members in all areas of life, culture, and status.
3. Diversity of environments: social, economic, geographic.
4. Preservation of national values: freedom, civil responsibility, individual worth.
5. Personal integrity, honor, and service.

C. Challenged Materials

Any citizen or group who finds a textbook or other material objectionable may file a request for removing the material from the schools. The School Board shall refer such requests to the Superintendent for review according to regulations established for this purpose (R 6-31.1) and shall render a decision as promptly as possible.

D. Family Life Education Materials

All instructional materials of any kind used in family life education must be approved by the School Board. No materials relating to sex education may be made available for circulation through the school libraries or resource and media centers for students of the public schools unless the School Board has approved such materials.

References:

1. Code of Virginia:
   22.1-238 – 22.1-253
   22.1-253.13:7

2. Standards of Accreditation:
   8 VAC 20-131—170, 8 VAC 20-131-190

3. Board of Education Regulations:
   8 VAC 20-230-10, 8 VAC 20-170-10, and 8 VAC 20-131-530.

4. CPS Policy and Regulations:
   R 6-31. Selection Procedures.
   R 6-31.1 Procedures for Handling Challenges of Instruction Materials.

Adopted 1974
Revised August 1995
Revised May 22, 2008
R 6-31. **Textbooks and Other Instructional Materials**

A. **Textbooks**

1. Each evaluation committee shall be under the direction of a chairman appointed by the Superintendent. The chair shall organize the work of the committee, procure materials for evaluation, plan and maintain time schedules, make assignments for committee members, maintain records, and arrange for clerical support and office services.

2. Each committee shall develop or adopt any evaluation instruments or procedures which it deems appropriate.

3. Presentations by representatives of publishing firms, when desired, shall be arranged by the chairman within appropriate time limits. Representatives may not call on committee members at other times during the review period.

4. Public notice shall be given that materials under consideration may be seen by interested citizens at a designated location as required by state regulation.

5. Each committee member may make an independent recommendation for first choice and may rank any alternate choices in order.

6. When the members have completed their reviews and within the time frame established, the chairman shall convene the committee to share views and to arrive at a consensus or, if necessary, a majority recommendation with possible alternatives.

7. The chairman shall prepare a written report presenting the recommendations of the committees and its rationale in a form suitable for presentation to the School Board. The report shall specify grade levels and subjects for each textbook.

8. Reports from each committee shall be forwarded to the Superintendent or designee and reviewed for cost and procurement requirements.

9. The Superintendent shall present the final recommendation to the School Board along with the committee reports and a time schedule for phasing in the new adoptions.

B. **Supplementary Materials**

Supplementary materials, as herein defined, may be selected by the committee method described above if, in the judgment of the Superintendent, this method is warranted for the materials involved. If not, they may be selected on the basis of staff evaluation and subsequent recommendation by the Superintendent for adoption by the School Board.
C. **Resource Materials**

Library books and other resource materials, as herein defined in Policy 6-31, shall be selected by teachers and librarians with approval by the principal and the appropriate instructional supervisor for the subject or media service involved.

In those instances where they apply, the media specialist or librarian shall follow these procedures:

a. Gift materials are judged by basic selection standards and are accepted or rejected by these standards.

b. Multiple items of outstanding and frequently used media are purchased as needed.

c. Worn or missing standard items are replaced periodically.

d. Out-of-date or no longer useful materials are withdrawn from the collection.

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**Approved**  July 23, 1974  
**Revised**  August 1995
R 6-31.1 Procedure for Handling Challenges of Instructional Material

Complaints or challenges as to the suitability of instructional material used in a school shall be handled as follows:

1. All complainants shall be treated with courtesy, and complaints shall be given prompt consideration.

2. The principal, director of instruction, and appropriate supervisor shall be informed of the complaint or challenge.

3. The principal or appropriate supervisor shall discuss the issue with the complainant and explain why the material is being used in the school. If the complainant is not satisfied, a Citizen's Request for Reconsideration of a Work is provided so that a formal complaint may be made.

4. Upon receipt of a formal complaint relative to resource materials, the principal shall appoint a review committee composed of an administrator, the media specialist, teachers, and parents at the school where the complaint was made. The complainant does not serve on the review committee. The media supervisor serves as a consultant and nonvoting member of the committee.

Upon receipt of a formal complaint relative to a textbook or supplemental materials, the director of instruction shall appoint a review committee composed of administrators, supervisors, teachers and parents. The complainant does not serve on the review committee. The director of instruction serves as a consultant and nonvoting member of the committee.

5. The review committee shall consider the complaint, review the material and recommend appropriate action.

   a. Appropriate action relative to resource materials may include these options:

      1) Material remains in the school's collection.
      2) Material is removed from that school's collection.
      3) Access to material may be limited.
b. Appropriate action relative to textbooks and supplemental materials may include these options:

1) Material will remain in use by the school or schools.

2) Material will no longer be used by the school or schools.

3) Use of material may be limited.

6. The principal or director of instruction informs the complainant of the review committee's decision.

7. The decision of the committee shall remain in force for at least one year from the date the Citizen's Request for Reconsideration of a Work is received. After one year, the material may be reviewed again upon written request to the principal or director of instruction.

8. Complainants may appeal the review committee's decision to the office of the Superintendent or designee.

Approved August 1995
P 6-32. Homework

The School Board considers homework to be an important component in the learning process. Parents expect homework and it is a natural link between the home and the school. Appropriately planned homework assignments extend the time for learning. Correctly monitored, they give students an opportunity to learn how to work independently and how to be accountable. Homework provides the teacher another option to individualize instruction to the needs of the students in the class (i.e., more practice on specific skills, preparation for future lessons, extension activities, and creative activities).

Parents are encouraged to monitor closely their children's homework assignments. Parents are also encouraged to review homework with their children and, particularly with younger students, assist in activities such as oral reading and reviewing for tests.

Adopted July 23, 1974
Revised August 22, 1989
Revised August 1995
R 6-32. **Homework**

A. Generally

Homework assignments for individual students will depend upon the age and ability levels of the students. In making homework assignments, teachers should adhere to the following guidelines:

1. Not all students require the same kind of homework assignments. For example, in a study of contractions, one student may need practice in forming contractions whereas the more able student may be at the stage where writing contractions in original sentences is more appropriate.

2. Homework should be reasonable in length. For example, if a student can correctly multiply ten or twenty three-digit decimal problems, there is little validity to assigning more. When this is done, the assignment becomes busy work and has little educational value.

3. Clear, specific directions with step-by-step examples should be given when the assignment is made. In addition, the homework assignment should be displayed in a strategic place for students to copy so as to minimize confusion as to the specifics of the assignment.

4. Homework policies should be communicated to students and to parents so they will know what to expect. Teachers should apprise parents of evaluation procedures, the part homework will play in determining the student’s grade, and other information that may help avoid confusion. For example, if it is the teacher’s policy or the school’s policy to assign no homework over the weekend, parents need to know.

5. Homework should never be used for disciplinary purposes.

B. Evaluation

Written homework assignments should be evaluated and returned promptly to students. "Evaluation" does not necessarily require the "grading" of each assignment. Check marks, stickers for reinforcement, and written comments are examples of how the assignment can be graded without it becoming an impossible bookkeeping task for the teacher. The message the student should receive is that homework is important enough to be monitored. Non-written assignments such as a reading assignment in social studies may be monitored by assessing students' participation in class discussion on the previously read material.
C. Suggested Time Standards

The amount of homework assigned should be planned so that it is appropriate to the needs of the student.* While it is recognized that homework assignments may vary in length, the following daily homework standards are recommended based on four days of homework per week:

1. Primary grades (1-3) 20-45 minutes
2. Upper elementary (4-5) 30-60 minutes
3. Middle school (6-8) 20-30 minutes per class average
4. High school (9-12) 30-45 minutes per class average

*Students in accelerated, honors, and AP courses may require additional homework in order to meet course requirements.

Approved July 23, 1974
Revised August 22, 1989
Revised August 1995
P 6-33. Field Trips

A. Generally

A field trip can be defined as any off-campus, educationally-related experience that provides enrichment, performance, or competitive opportunities for students. Enrichment and performance field trips should enhance course objectives and align with city and state objectives and the Standards of Learning. Generally, field trips should be confined to a single day. In all cases, careful consideration should be given to the amount of instructional time lost. The Superintendent shall develop, maintain, and promulgate such guidelines as are necessary to ensure that field trips are beneficial to and promote the educational interests of participating students and the School Division.

B. Special Groups

Performing groups such as chorus, bands, and orchestra; delegate groups such as Key Club and DECA; and teams attending Virginia High School League events shall confine their trips to those days necessary to fulfill their obligations. All other groups must confine their trips to no more than two instructional days.

C. Privately-Sponsored Trips

The Board does not endorse any senior class excursions or other privately-sponsored trips for students or any student trips not a part of the instructional program. The faculty shall not solicit students for such trips during the school day or by using school facilities. The Superintendent or designee shall emphasize to any interested students and/or parents that trips of this nature are strictly private enterprises and are neither sponsored nor supported by the School System.

Adopted July 23, 1974
Revised February 18, 1975
Revised June 17, 1975
Revised December 13, 1977
Revised August 1995
Revised August 2004
Revised November 24, 2008
R 6-3.3  Field Trips

School-sponsored field trips are an extension of the school day. All Chesapeake Public Schools’ policies and regulations remain in effect during a field trip. While the purpose of a field trip is to provide educational enrichment, performance, or competitive opportunities for students, age-appropriate entertainment activities may be allowed. As time permits in the trip itinerary, entertainment activities may be planned provided that such activities do not become the purpose or focus of the field trip.

In addition, the following regulations shall apply:

A. Each field trip must have a sponsor(s). The field trip sponsor is a School Division employee who completes an application form and ensures that the field trip itinerary complies with all Chesapeake Public Schools’ policies and regulations. Additionally, the field trip sponsor attends the trip and is responsible for arranging adequate trip supervision.

B. The field trip sponsor(s) shall complete all necessary field trip forms and submit them to the designated building level department head or activities/athletics director and the principal for approval. All applications require the approval of the building principal. Field trip sponsors should receive a decision from building principals within seven working days from the date the principal receives the complete field trip application. Field trips not requiring an overnight stay require the approval of the building principal only. However, those field trips requiring an overnight stay must be submitted to the designated central office administrator and Assistant Superintendent for Curriculum and Instruction for approval. No money can be collected and no commitments made prior to the approval of a field trip. The building principal is responsible for maintaining records regarding day field trips.

C. Each principal shall establish the requirements for individual student participation in field trips. These requirements shall be consistent with state and federal guidelines related to the participation of special education students.

D. The field trip sponsor must prepare and retain a roster of participating students that includes pertinent parental contact information. A copy must be given to the building principal prior to departure.

E. Permission slips must be secured from the parent or guardian before a student is permitted to make a trip. Permission slips must be kept on file.

F. Unless otherwise approved, the chaperone to student ratio shall be at least one adult chaperone for each ten students. Consideration must be given to gender equity among chaperones, especially for overnight trips. All field trip chaperones must be screened using the Sex Offender Registry. At no time should a field trip
itinerary include activities without chaperones. Each building principal is responsible for ensuring that field trip chaperones have been screened and trained.

G. All School Board policies and established School Division procedures, including the Chesapeake Public Schools Code of Conduct and the Health Services Office Medication Procedures for Field Trips, shall be followed during the field trip. School discipline may result for violations occurring during the field trip.

H. Prior to departure, the sponsors shall prepare and send to parents, students, and chaperones a trip information sheet including all information pertinent to the trip. Any change in the purpose or itinerary of the field trip must have prior approval from the building principal.

I. If School Division transportation is to be used, the appropriate application should be submitted to the Transportation Department at least two weeks prior to the trip. If charter bus service is to be used and paid for using school funds, a copy of the contract shall be filed with the bookkeeper. All other Chesapeake Public Schools accounting and purchasing procedures must be followed.

J. No field trip shall be scheduled during a time when the school is administering national or state standardized tests or during the semester or final exam period. The Assistant Superintendent for Curriculum and Instruction may grant exceptions on an individual basis.

In addition to the regulations cited above, the following additional regulations shall apply to overnight field trips:

K. In addition to the building principal, overnight field trips require the approval of the designated central office administrator and the Assistant Superintendent for Curriculum and Instruction. Field trip sponsors should have a decision regarding the field trip request within thirty working days from the time the complete application is received in the office of the Assistant Superintendent for Curriculum and Instruction. No money can be collected and no commitments made prior to the approval of a field trip.

L. A signed parental consent form including health insurance information and a medical release statement must be obtained from each participating student at least three days prior to departure. These documents must be in the possession of the sponsor at all times during the trip.

M. Prior to the trip, the building principal, parents, students, and chaperones shall be provided with a detailed itinerary; transportation information including flight numbers if applicable; names, addresses, and phone numbers of all lodging; and a statement of behavior and expectations for all participants. Any change in the purpose or itinerary
of the overnight field trip must have prior approval from the Assistant Superintendent for Curriculum and Instruction.

N. Males and females may not fraternize in hotel rooms.

O. A curfew appropriate to the age of the students and hotel regulations shall be enforced.

P. Field trip sponsors must meet with chaperones prior to the trip to review guidelines and to answer questions. All field trip chaperones must be screened using the Sex Offender Registry.

Q. Overnight field trips are subject to specific travel guidelines and grade-level restrictions. Overnight trips involving elementary and middle school students and/or travel out of the forty-eight contiguous states are discouraged and will be considered on an individual basis by the Superintendent or his designee.

In the event an application for a field trip is denied, an appeal of the decision to deny can be made to the Superintendent. The following process shall apply:

R. The appeal shall be in writing.

S. Within ten working days of receipt of an appeal, the Superintendent or his designee will convene a divisionwide committee to review the appeal. The committee shall consist of a building principal, a representative from the Department of Curriculum and Instruction or Student Services, a member of the Superintendent’s staff, and any other individual(s) deemed helpful by special knowledge or experience.

T. Within seven working days, the divisionwide committee will review the appeal and will present the findings of the committee to the Superintendent.

U. Within three working days, the Superintendent will communicate in writing to the parties initiating the appeal the decision regarding the appeal.

Approved August 21, 1975
Revised August 1995
Revised August 2004
Revised September 11, 2006
Revised November 24, 2008
P 6-34.  Outside Speakers

A. Generally

The School Board encourages the practice of bringing in guest speakers who will offer thought-provoking addresses and will supplement local educational resources. The speaker must take into consideration the age and maturity of the audience. Speakers should be selected for their potential contribution to the educational objectives of the school.

Assemblies during the school day where professional groups or speakers are engaged shall be without cost to the students.

B. Classrooms

Teachers desiring to invite outside speakers to present pertinent information to their classes should be guided by the age of the students and the relationship of the material to be presented to the instructional program. Teachers shall obtain the permission and the advice of the principal prior to extending any invitations to outside speakers.

Adopted  July 23, 1974
Revised  August 1995
P 6-35. **Encouraging Parents to Assist Their Children at Home**

Parents shall be encouraged to take an active role in helping their children to achieve success at school. To this end, guidance and suggestions to parents shall be provided by schools and teachers in the following ways.

A. **Written Communications**

   1. At the beginning of each school year, a school newsletter or similar material provided to all parents shall include an article or other statement regarding the importance of parents talking with their children about school and assisting them with homework.

   2. Guidelines or a list of practical suggestions as to how parents may assist their children at home shall be provided.

   3. The school library shall maintain publications on the value of parental support for students and how parents can make a difference in school achievement. Parents shall be informed of these materials and encouraged to use them.

B. **Parent Conferences**

   Teachers shall consider including in their conferences with parents some suggestions as to what a student's needs are with respect to school work and how it might be possible to assist the student at home. In some instances a handout or booklet may be helpful.

C. **School Involvement**

   Parents shall be given opportunities to become involved with the school through membership in parent groups and attendance at school discussion groups; through volunteer service and participation in school activities; and through school visits and teacher conferences.

D. **Special Programs**

   On occasion a featured speaker or special program on how to help children at home may be scheduled with parent groups becoming involved in helping hard-to-reach parents to attend.

Reference:

   Code of Virginia:

   22.1-253.13:7

**Adopted** August 1995

**Revised** May 22, 2008
P 6-36. Acceptable Telecommunications and Internet Use for Students

Chesapeake Public Schools provides its students access to telecommunications networks, (including the Internet, together with the necessary hardware and software) to support research and education. All components of the telecommunications network shall be used in ways that are legal, respectful of the rights of others, and protective of juveniles and that promote the educational objectives of Chesapeake Public Schools.

This Policy prohibits any Division student from using the Chesapeake Public Schools telecommunications system for any unlawful purpose and from the sending, receiving, viewing or downloading of any unlawful material that the Division deems harmful to juveniles as defined in Section 18.2-390 of the Code of Virginia. The Division staff charged with designing and maintaining the Chesapeake Public Schools telecommunication system will select and install appropriate filtering devices to block Internet access to child pornography as set forth in Section 18.2-374.1:1 and obscenity as defined in Section 18.2-372.

The Superintendent shall establish guidelines for Acceptable Telecommunications and Internet Use. Violation of this policy or these guidelines by students of Chesapeake Public Schools may result in suspension and/or termination of access privileges, appropriate school disciplinary action, up to and including suspension and/or expulsion, and/or legal action. The Superintendent shall also assure that the Division’s instructional program shall include a component on Internet safety.

References:

Code of Virginia:

18.2-152.3  
18.2-152.4  
18.2-152.14  
22.1-70.2  
18.2-372  
18.2-374.1:1  
18.2-390

Adopted November 29, 1999
Revised March 14, 2005
Revised April 23, 2007
Applicability

These Guidelines shall apply to all student users of telecommunications systems, including the Internet (Network), that are entered via equipment and access lines located in Chesapeake Public Schools (CPS). Privately owned electronic devices used on school property and/or off school property at school sponsored events are also subject to this regulation. Student use of the Network, including Internet access, requires consent of the student (if 18 years or older) or the parent or guardian (if under 18 years) by signing an appropriate form indicating that the student, or parent, or guardian has received, read, understands, and agrees to abide by applicable policies and guidelines. The parent or guardian may withdraw his or her approval at any time.

Purpose

The purpose of these Guidelines is to encourage and promote appropriate knowledge, procedures, and use of the Network, when entered through CPS equipment and Internet resources, or through privately owned electronic devices used on school property or at school sponsored events.

Compliance

All students will comply with these Guidelines and policies adopted, changed, or implemented from time to time by CPS. All users will abide by proper Network etiquette (Netiquette), electronic communication ethics and rules, and user responsibilities. Netiquette requires users to be polite, use only appropriate language at all times, work efficiently so others may use the equipment, and avoid using or revealing personal information, especially when this might embarrass or harm another person.

Penalties for Inappropriate Behavior

Violations of these Guidelines may result in suspension and/or termination of access privileges. Violations may also result in appropriate school disciplinary action, up to and including suspension and/or expulsion, and/or legal action. Each user will be obligated to indemnify CPS from and against any and all liabilities, expenses (including attorney's fees) and damages arising out of claims based upon the user's use (or the use by anyone who gains access to the Network through the user's account) of the Network, including any claim of libel, defamation, violation of rights of privacy or publicity, or infringement of intellectual property or other rights.

No Expectation of Privacy

The use of the Network carries no right or expectation of privacy. CPS reserves the right to monitor, review, and restrict any user's Network access and use. The Network and all files on this system, including personal files, are the property of and belong to CPS, and the contents are subject to review at any time for any reason.
Acceptable Network Use

CPS’ objective in providing and accessing the Network is to support research and educational activities, and use must be in support of this objective. Specific guidelines shall be as follows:

1. Sending, knowingly receiving, viewing, storing, or downloading material via the Network which might reasonably be determined unlawful or inappropriate for or harmful to juveniles, including defamatory or obscene or pornographic materials, is prohibited.

2. The Network, including the Internet, may not be used to make or disseminate hate mail, threats, personal attacks, defamatory statements, harassment, or discriminatory remarks; to violate any person's rights of privacy or publicity; or to engage in similar behaviors. Harassment or discrimination is conduct that is intended or has the effect of identifying or affecting another person in an unfavorable way on the basis of race, sex, age, religion, national origin, disability or other factors.

3. Use of the Network for personal and private business or use, including product advertisement or financial gain, is prohibited.

4. Use of the Network for political lobbying is prohibited. Communications concerning political issues for educational purposes is permissible.

5. Use of the Network for advancing a private or non-profit cause, however worthwhile, is prohibited. The Network is not a public place for the user to express his or her personal beliefs or opinions. The use of the Network as a public forum is prohibited.

6. Network users must abide by the rules of any other network that is accessed from CPS Network.

7. Each user is responsible for his or her own password and Network use and shall not intentionally seek information on or use passwords belonging to other users, or misrepresent themselves as other users on the Network. A user shall not allow others to use his or her password or allow Network access by anyone else under the user's own password.

8. Any improper use of the Network or any other system such as developing or using programs or any other means to threaten or harass others; intercept e-mail; infiltrate a computer or computing system (e.g., hacking); interfere, clog, or damage the performance, files, data, or the software components of a computer or computing system (e.g., introducing a computer virus or "spamming"); or to attempt any of the foregoing, is prohibited. Users shall not disrupt any discussion group, mailing list or newsgroup with frivolous, vulgar, or repetitious postings; by posting of binary, or excessively large, unrelated text files; or by posting articles that are off-topic according to the charter or other public statement of the forum. Any breach or suspected breach of Network security must be reported to the teacher. Users should not attempt to locate or duplicate a security breach because this may be construed as improper use.

9. The illegal installation, copying, distribution, or downloading of material (e.g., without authorization of the owner of such material) that has not been made generally available, or the unauthorized use of copyrighted or marked materials, including those containing trade secrets, on the network or with CPS computers is prohibited. Academic use of materials obtained from the Network shall be properly cited.
10. The unauthorized installation of hardware or software to the Network or any of its components is strictly prohibited.

11. CPS maintains the right to determine whether specific uses of the Network are consistent with these Guidelines, its educational objectives, and generally acceptable practices.

12. Personal information regarding minors should not be provided or used across the Network through electronic mail, chat rooms, bulletin boards, or other direct electronic communication methods (e.g., last name, pictures, video files, audio files, address, telephone numbers, Social Security numbers, date of birth) unless specifically authorized by the principal.

13. The Network may not be used to send unsolicited bulk e-mail, or otherwise unsolicited e-mail messages where the recipient objects to the content of the message or to receipt of the message in general. Each user should understand that unauthorized use of the Network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the user.

14. CPS has implemented appropriate software to block and/or filter Network access provided by CPS, and such software is designed to filter or block obscene material, pornographic material, and other material that is harmful to minors. Efforts to disable, tamper with, or otherwise interfere with the filtering software shall be deemed by CPS to be an improper and unacceptable use of the Network by the user for which the user can be disciplined.

15. Users shall not agree to meet with persons contacted online. Users shall promptly disclose to a teacher or other school employee any message received that is inappropriate or makes the user feel uncomfortable.

16. Specific exceptions to these Guidelines that are consistent with CPS research and educational objectives may be proposed. Any requested exception must be submitted in writing with an explanation and justification of the exception and must be approved in advance by the Superintendent or designee.

17. The following document titled Telecommunications and Internet Terms and Conditions: Student Consent Agreement shall be reviewed, signed and returned by students and their parent or guardian prior to usage of the CPS Network.

Approved November 29, 1999
Revised August 9, 2001
Revised May 24, 2010
Revised June 10, 2013
Telecommunications and Internet Terms and Conditions

Student Consent Agreement

PLEASE READ THE FOLLOWING BEFORE SIGNING THE CONSENT FORM.

1. Acceptable Use - The purpose and educational objectives of using the Chesapeake Public Schools (CPS) Telecommunications network, including access to the Internet (Network), is to support research and education. All use of the Network must be in support of and be consistent with the educational objectives of CPS.

2. Privileges - Each student accessing the Network will be trained on its proper uses. Teachers and staff will make reasonable efforts to provide Internet Safety training and supervise student use of the network and Internet access. However, use of the Network is a privilege, and inappropriate use may result in a suspension and/or termination of that privilege and further school discipline, up to and including suspension and/or expulsion, if appropriate. CPS Guidelines for Acceptable Telecommunications and Internet Use (Guidelines) are attached to this Consent Form.

3. Netiquette - Students using the Network will follow the generally accepted rules of network etiquette. These include the following:
   a. Be polite.
   b. Use appropriate language at all times. Inappropriate language includes obscene, abusive or threatening language and/or profanity or obscenity.
   c. Work efficiently so that others may use this shared resource.
   d. Do not reveal any personal information about yourself or others (e.g., last name, pictures, video files, audio files, address, telephone numbers, Social Security numbers, or date of birth).
   e. Do not place any information on the Internet that might upset or embarrass you or anyone else.

4. Remember that electronic mail (e-mail) is not guaranteed to be private. People who operate various e-mail systems have access to all mail. Any messages relating to or in support of illegal activities may be reported to the authorities. The contents of all files that reside on CPS equipment are the property of CPS, and the student has no expectation of privacy for his or her use of the Network.

5. Security on any computer system is a high priority, especially when the system involves many users. If you identify a security problem, you must notify your teacher or the school principal. Do not demonstrate the problem to other users. Attempts to access the Network without permission will result in cancellation of user privileges.
6. It is important that student users develop respect and appreciation for the privilege of using
the Network. To further this goal, CPS requires improper use to be reported to a teacher or
principal if observed.

7. If you have any questions about the acceptable use of the Network, please contact the Director
of the Department of Information Technology at (757) 482-5635.

8. Parents and/or guardians for students under the age of 18 have the right to opt out of allowing
their children to have access to the Internet services provided by Chesapeake Public Schools.
If a parent and/or guardian choose to exercise such option, he or she should provide written
notice to the student's school principal.

By signing the cover sheet to the school information packet, all students, parents and/or guardians
are affirmatively stating that they have received, read and fully understand the Acceptable
Telecommunications and Internet Use for Students and have reviewed and explained the policy to
their children, if applicable. By signing the cover sheet to the school information packet, all students,
parents and/or guardians also are agreeing that they understand that any violation of the policy may
result in the student's access to the Network being suspended and/or terminated and that disciplinary
action and/or appropriate legal action may be taken. The students, parents and/or guardians
understand that Network access is a privilege as opposed to a right and may be terminated at any
time. The student, parent and/or guardian further understand that this access is designed for
educational purposes and that CPS has taken reasonable precautions to eliminate Network use for
non-educational purposes. The student, parent and/or guardian also recognizes, however, that it is
impossible for CPS to restrict access to all controversial or inappropriate materials, and the student,
parent and/or guardian will not hold CPS, the School Board, or any individuals employed by CPS
responsible for damages related to the student's use of the Network or for material reviewed by any
student on the Network.

Revised June 9, 2008
Revised May 24, 2010
Revised June 10, 2013
P 6-37. Charter Schools

A. Generally

The School Board of the City of Chesapeake shall receive, consider, and rule upon applications for the establishment of charter schools. The decision of the School Board on any such application is final and not subject to appeal. The Superintendent shall establish regulations, an application process, and review criteria for the receipt and consideration of such applications.

A copy of the policy, regulation, application, and review criteria shall be available to any interested party upon request.

B. Charter School Defined

A charter school is a public, nonsectarian, nonreligious, or non-home-based alternative school located within the school division. A charter school may be created as a new public school or by converting all or part of an existing public school; however, no charter school shall be established through the conversion of a private school or a nonpublic home-based educational program.

All charter schools shall be subject to federal and state laws and regulations and operation on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or the need for special education services.

Enrollment in a charter school shall be open to all students who reside in the school division. If adequate space is not available to accommodate all students, a waiting list, prioritized through a lottery process, shall be established and parents shall be informed of their child's position on the list.

C. Application

Any group or organization may submit an application for the formation of a charter school in accordance with policy and regulations. Priority will be given to applications designed to benefit at-risk students, particularly those at-risk students currently served by schools that have not achieved full accreditation. For purposes of this policy, an at-risk pupil is a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board of Education criteria, which research indicates may negatively influence educational success.
D. **School Board Decision**

Written notice of the School Board decision to accept or deny an application shall be sent to each applicant. The decision of the School Board on whether to reject an application or to move forward with contract negotiations with an applicant shall be final and not subject to appeal.

**References:**

**Code of Virginia:**

22.1-212.5 through 22.1-212.11

**Adopted:** April 28, 2003
**Revised:** February 28, 2005
**Revised** May 22, 2008
R 6-37. Charter Schools

A. Application

Any person, group, or organization may submit an application for the formation of a charter school. The applicant must complete the entire application according to guidelines specified in the application packet. Charter applicants may submit the completed application to the Virginia Board of Education for review and comment. Comments from the Virginia Board of Education must be included in the charter school application which shall be submitted to the Superintendent or designee along with a nonrefundable application fee to be determined by the School Board.

B. Application Review

A review team shall be appointed by the Superintendent to evaluate charter school applications and to recommend the acceptance or rejection of the application based upon the criteria set forth in regulation. A designee of the Superintendent will serve as the division contact for questions about the charter school application process.

The review team will serve in an advisory capacity to the Superintendent and will be responsible for: (1) evaluating all charter school applications based upon the criteria set forth in this regulation; (2) recommending that the charter school application either be rejected or that contract negotiations with an applicant be conducted; (3) monitoring charter school progress; (4) making recommendations regarding the revocation, non-renewal or renewal, including renewal term, of charter contracts.

C. School Board Decision

Annually, during the month of November, the Superintendent shall present all charter school applications with an accompanying recommendation to the School Board for consideration and final action. Written notice of the School Board decision shall be sent to each applicant. The decision of the School Board on whether to reject an application or to move forward with contract negotiations with an applicant shall be final.

D. Charter Contract

Once the School Board decides to move forward with contract negotiations, the charter school applicant and the Superintendent or designee, with the assistance of legal counsel as needed, shall negotiate a contract which contains all agreements between the School Board and the charter school. Such contract shall become part of the charter school application that will then be either approved or disapproved by the School Board. The School Division and the charter applicant must sign a final contract no later than ninety (90) days prior to the opening of the school year for which the charter school is scheduled for operation.
Upon approval of an application that includes the charter contract by the School Board, a charter shall be granted for a period not to exceed five years.

Any material revisions of the charter contract shall be made in writing and must be approved in writing by the School Board and the charter school management committee.

E. Release from Policies and Regulations

A charter school may operate free from School Board Policies and Division Regulations and state regulations to the extent specifically waived in the charter contract, except that the Standards of Quality prescribed in Virginia Code 22.1-253.13:1 et seq., and by reference the Standards of Learning and the Standards of Accreditation, may not be waived. All Chesapeake Public School Board policies and regulations apply to each charter school unless there has been a specific waiver agreed to in the charter contract. Additionally, new and revised School Board policies and regulations apply to all charter schools unless a waiver is requested by the charter school management committee through the Superintendent or designee within sixty days of the passage of such policy or regulation and the waiver is approved by the School Board.

The School Board, on behalf of each charter school, shall request from the Board of Education waivers from those state regulations agreed to in the charter school contract. If the charter school is designed to increase the educational opportunities for at-risk pupils, the School Board shall request that the Board of Education approve an Individual School Accreditation Plan.

F. Management and Operation

A charter school shall be administered and operated by a management committee in the manner agreed to in the charter contract and as prescribed by law.

A charter school shall be responsible for its own operations, including, but not limited to, budget preparation, contracts for services, and personnel matters as specified in the charter contract. The charter school shall have no authority to enter into contracts or agreements on behalf of the School Board. All contracts entered by the charter school shall prominently state that the contract is not binding upon the School Board of the City of Chesapeake unless it is signed by the Superintendent with the approval of the School Board. A charter school may negotiate and contract with the School Division or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the charter school is required to perform in order to carry out the educational program set forth in the charter contract. Services provided by the school division to the charter school shall be provided at cost.
G. **Personnel**

Charter school personnel shall be employees of the School Board and shall be selected and/or hired as agreed in the charter contract. Such employees shall be subject to all conditions of employment specified in School Board Policy. Professional, licensed employees currently employed by the School Board may volunteer for assignment to a charter school and may be assigned by the Superintendent 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 in accordance with School Board policy and regulations.

The Superintendent has the final authority to assign professional, licensed personnel to a charter school or other schools within the division.

H. **Funding**

Charter schools shall be funded as provided by law and as negotiated in the charter contract. Notwithstanding any other provision of law, the proportionate share of state and federal resources allocated for students with disabilities and school personnel assigned to special education programs shall be directed to the charter school enrolling such students. The proportionate share of money allocated under other federal or state categorical aid programs shall be directed to the charter school serving students eligible for such aid. Local money shall not be apportioned unless agreed to in the charter school contract.

The management committee of a charter school may accept gifts, donations, or grants of any kind made to the charter school and may spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the management committee of a charter school if the conditions for such funds are contrary to law, School Board policy, or the charter contract.

A public charter school shall not charge tuition.

I. **Fiscal Management**

Each charter school will be required to utilize a Chart of Accounts designated by the School Division. Financial information and reporting will be required to conform to generally accepted accounting procedures and governmental accounting and financial reporting standards. Each charter school will be required to provide a monthly financial statement to the Department of Budget and Finance in the format designated by the Superintendent.
Each charter school will be required to provide a proposed annual operating budget to the Department of Budget and Finance in a form and manner prescribed by the department and in accordance with timelines established by the Superintendent.

Each charter school will be required to participate in annual audits of funds as required by School Board Policy and state and federal law.

J. Charter School Reporting Requirements

Charter schools are required to report to the Superintendent with the same frequency and in the same format as other division schools on fiscal matters, student progress, personnel, and any other relevant issues.

K. Charter School Contract Renewal

A charter school contract may be renewed for up to five years at the discretion of the School Board. At the time of renewal, the Superintendent shall submit to the Board all relevant information including a recommendation as to the renewal of the charter. The management committee must apply to renew a charter by October 1 of the school year in which the charter expires. A charter school renewal application shall contain, but shall not be limited to:

1. A report on the progress of the charter school in achieving the goals, objectives, program and performance standards for students and any other terms and conditions agreed to in the charter contract;

2. A financial statement, on forms prescribed by the Board of Education, that discloses the costs of administration, instruction, and other spending categories for the charter school and that has been concisely and clearly written to enable the School Board and the public to compare such costs to those of other schools or comparable organizations;

3. Any other information required by the School Board in its application for renewal.

If the charter is not renewed or the charter school is dissolved, the management committee is responsible for all financial, contractual, and other obligations of the charter school.

L. Charter Contract Revocation

The School Board may revoke a charter contract if:

1. The charter school violates the conditions, standards, or procedures established in the charter school application;
2. The charter school fails to meet or make reasonable progress toward achievement of the content standards identified in the charter contract;

3. The charter school fails to meet generally accepted standards of fiscal management;

4. The charter school, through any member of its management committee or through any member of its senior management, violates any provision of law from which the charter school was not specifically exempted;

5. The charter school violates a material term of the charter contract; or

6. It is determined that it is not in the public interest or the welfare of the students within the division to continue the operation of the charter school.

The Superintendent shall be responsible for submitting to the Board all relevant information including a recommendation as to whether or not the charter should be revoked.

If a charter contract is revoked, the management committee shall be responsible for all financial, contractual and other obligations of the charter school.

M. School Board Reporting Requirements

The School Board shall make the following reports to the Board of Education as required by law:

1. Information on the status of charter school applications in the school division, the number of charters granted and denied; the reasons for any such denials, and whether a charter school is designed to benefit at-risk students, particularly those at-risk students currently served by schools that have not achieved full accreditation;

2. An annual evaluation of each charter school;

3. An annual report comparing the performance of charter school students and students enrolled in the regular schools of the school division; and

4. A report of the number of students enrolled in each charter school at the end of the school year.

N. Criteria for the Evaluation of Public Charter School Applications

Criteria included in the application packet are established as guidelines for the applicants and the review committee. The list is not intended to be exhaustive.

Approved April 28, 2003
Revised February 28, 2005
P 6-38. Home Instruction

Chesapeake Public Schools recognizes that, when the requirements of 22.1-254.1 of the Code of Virginia have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia.

General Eligibility

Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if the parent (i) holds a high school diploma; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

Reference:

Code of Virginia:

22.1-254.1 (A)

Adopted January 2004
Revised May 22, 2008
R 6-38.  **Home Instruction**

**Definition**

For the purposes of this section, "parent" means the biological parent or adoptive parent, guardian or other person having control or charge of the child.

**Notification**

Any parent who elects to provide home instruction in lieu of school attendance shall annually (1) notify the Division Superintendent no later than August 15 of the intention to instruct the child; (2) provide a description of the curriculum to be followed for the coming year; and (3) provide evidence of having met one of the criteria for providing home instruction.

Any parent who moves into the school division or begins home instruction after the school year has begun shall notify the Division Superintendent as soon as practicable of the intention to provide home instruction and shall comply with the requirements of this policy within thirty days of such notice.

The Division Superintendent shall notify the State Superintendent of Public Instruction of the number of students in the School Division receiving home instruction.

**Evidence of Progress**

The parent who elects to provide home instruction shall provide the Division Superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, or (ii) an evaluation or assessment which the Division Superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master’s degree or higher in an academic discipline, having knowledge of the child’s academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

In the event that the parent does not provide evidence of progress, the home instruction program for that child may be placed on probation for one year. Within 15 days following a placement or probation, parents shall file with the Division Superintendent evidence of their ability to provide an adequate education for the child and a remediation plan for the probationary year indicating that the home instruction provided is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the Division Superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the
child that comply with the compulsory attendance requirements of the Commonwealth of Virginia (Va. Code 22.1-254).

The requirements of this section shall not apply to children who are under the age of six as of September 30 of the school year.

The Chesapeake Public Schools will notify students receiving home instruction pursuant to this section and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations, and other standardized tests or assessments used as part of the requirements for a student’s acceptance, and/or the acceptance of credits, to an institution of higher learning, and the availability of financial assistance to low-income and needy students to take these examinations.

Placement of Home Instruction Students in the Chesapeake Public Schools

Parents of students receiving home school instruction who wish to enroll children in Chesapeake Public Schools may do so by contacting the principal of the school in the attendance zone in which the parent resides. Grade-level placement of students will be determined by the principal in accordance with the Regulations Establishing Standards for Accrediting Public Schools in Virginia and will depend upon age-appropriateness as well as upon emotional adjustment and academic success.

To assist the principal in making the proper placement, the parent will be required to provide the following:

1. A description of course work completed
2. Evidence of achievement in course work
3. Documentation of hours of study
4. Standardized test scores
5. Awarding of Credits

Awarding of Credits

Students entering a Chesapeake public high school from a non-accredited school or home school and seeking credits for previously completed course work must verify credits earned in grades nine or above by one of the following:

1. Presenting an official transcript from a correspondence school or other private institution approved by the Superintendent of Public Instruction; or

2. Successfully completing a Chesapeake Public Schools end-of-course examination in the appropriate content areas of English, history and the social sciences, mathematics, and science; or
3. Meeting the following requirements:

a. Providing evidence of attainment of a percentile rank of 80 or above on achievement tests which have been approved by the Board of Education and which have been administered in the previous twelve months; and

b. Providing evidence of successful academic performance in previous public or accredited private school experiences (e.g., report cards, school records, work samples); and

c. Successfully completing a semester (high school term) of course work in Chesapeake Public Schools.

High school credits granted will be recorded as pass/fail, and they will not be used in determining the cumulative grade point average or class rank.

If determining the appropriate placement of the student requires more than one day, the student will be placed in the grade level or in the courses that seem appropriate based on evidence available. Such placement, however, may be temporary, and parents or legal guardians should be so informed in writing by the principal.

References:

Code of Virginia:

22.1-254
22.1-254.1

8 VAC 20-131-60 (A)

Approved January 2004
Revised May 22, 2008
Revised August 14, 2017
ARTICLE 4.

GUIDANCE AND EVALUATION

P 6-40. Guidance

Pursuant to the Standards of Quality, guidance and counseling services will be made available to all students enrolled in the Chesapeake City Public Schools.

1. Description of Services

   a. Academic Guidance and Counseling

      Academic guidance and counseling assists students and their parents to acquire knowledge of the curricular choices available to students, to plan a program of studies, to schedule and interpret academic testing, and to seek post-secondary academic opportunities.

   b. Career Guidance and Counseling

      Career guidance and counseling assists students and their parents to acquire information and plan action about work, jobs, apprenticeships, and post-secondary educational and career opportunities.

   c. Personal/Social Guidance and Counseling

      Personal/social guidance and counseling assists students to develop an understanding of themselves, the rights and needs of others, and how to resolve conflict. Such counseling will assist students to define individual goals which reflect their interests, abilities, and aptitudes.

2. Annual Notification

Written notification, at least annually, shall be sent to parents about the academic, career, and personal/social guidance and counseling programs which are available to their children. The notification shall include the purpose and general description of the programs, information regarding ways parents may review materials to be used in guidance and counseling programs at their child's school, and information about the procedure by which parents may limit their child's participation in such programs. Parents can elect in writing to have their child not participate in classroom guidance lessons, small group counseling, or ongoing structured individual counseling in the personal/social domain following initial contacts.
3. **Techniques**

Guidance counselors are prohibited from using counseling techniques which are beyond the scope of the professional certification or training of counselors. The use of hypnosis or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology is prohibited.

1. **Confidentiality**

Any information and records of personal/social counseling shall be kept confidential and separate from a student's education records and shall not be disclosed to third parties without prior parental consent or as otherwise provided by law.

References:

1. Code of Virginia:
   - 22.1-209
   - 22.1-209.1
   - 22.1-253.13:2

2. 8 VAC 20-620-10, 8 VAC 20-131-10, and 8 VAC 20-620-10

Approved  August 1995
Revised     May 13, 1996
Revised     May 22, 2008
R 6-40. **Guidance**

1. **Delivery of Services**
   
   a. **Classroom Guidance**
      
      Classroom guidance is a series of classroom lessons conducted by the guidance counselors in the classroom at various grade levels to include learning experiences designed to promote academic, personal/social, and career development of all students.

   b. **Small Group Counseling**
      
      Small group counseling is available to students experiencing commonly shared concerns. Emphasis is upon problem solving and the development of positive attitudes and effective personal skills.

   c. **Individual Counseling**
      
      Individual counseling provides direct assistance to individual students. The focus is upon helping students learn more efficiently and effectively, with an emphasis on identifying concerns before they become overwhelming.

2. **Notification**

   a. **Annual Notification**
      
      The annual notice will be provided to parents in the annual school information packet distributed at the beginning of the school year. The parents of transfer students will receive the annual school information packet when the student is enrolled.

   b. **Notification of Guidance Activities**
      
      In addition to the annual notification, information concerning guidance activities will be provided to parents by means such as parent bulletins, school calendars, school newsletters, or information lines.

   c. **Notification of Consent for Counseling Activities**
      
      Parental consent is required for personal/social counseling which assists students to develop an understanding of themselves, the rights and needs of others, and how to resolve conflict. Such counseling will assist students to define individual goals which reflect their interests, abilities, and aptitudes. Counseling activities may be provided in groups in which generic issues of social development are addressed or
through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant(s).

3. **Student Participation**

Parents will receive notice if their child is to participate in planned guidance activities. Parents may elect in writing to have their child not participate in structured small group counseling or individual counseling in the personal/social domain. Parents who consent to their child's participation in counseling may withdraw consent by providing written notification to the school principal or designee.

School officials may permit ongoing, structured personal/social counseling for children whom they believe would benefit from such, but whose parents fail to respond affirmatively or negatively to reasonable requests for consent. Reasonable requests for this purpose is defined as a minimum of two documented requests.

Parental permission is not required for short duration personal/social counseling which is needed to maintain order, discipline, or a productive learning environment or to assist a child in crisis.

**Adopted** June 24, 1996
P 6-41. Student Records

Complete and cumulative records shall be maintained for each student containing information needed for monitoring and guiding the student's progress through school and for providing placement and follow-up services. Custody of these records shall impose legal and moral obligations upon school officials for protection of privacy rights and the best interest of students and former students.

References:

1. Code of Virginia:
   22.1-287 through 22.1-289

2. 8 VAC 20-150-10,

Adopted August 1995
Revised May 22, 2008
R 6-41. **Student Records**

The content and handling of student records in the Chesapeake Public Schools shall be governed by requirements derived from the Family Educational Rights and Privacy Act of 1974. These requirements are contained in state regulation 8 VAC 20-150-10, Management of the Student's Scholastic Record.

This regulation shall serve only to supplement the state regulation by providing certain required designations and a summary of selected items. The state regulation is available in each school library.

A. **Location**

Individual records shall be maintained in a safe and secure location for each student in the school or center to which the student is assigned. Records of former students may be relocated at appropriate times to secure storage in a central location within the School Division.

B. **Content**

The scholastic record means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. A notice of adjudication or conviction received by a superintendent relating to an incident, which did not occur on school property, or during a school-sponsored activity shall not be a part of a student's scholastic record.

The term "scholastic record" does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute of the maker of the record.

C. **Directory Information**

Directory information relating to a student includes any or all of the following: The student's name, address, date and place of birth, telephone number, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, major field of study, awards and honors received, and the most recent previous educational facility attended by the student. Written public notice of these categories of directory information shall be given annually. Directory information may be released as indicated in Section D., *Release of Student Information*, unless the parent, guardian, or emancipated student submits a request to the school in writing within fifteen
days after the public notice that all or part of such information concerning the student not be released without prior written consent.

D. Release of Directory Information

Unless the parent, guardian, or emancipated student has requested otherwise, in accordance with Section C. above, directory information may be released by the principal or designee to the media or schools, colleges, armed services, and other organizations which offer educational or employment opportunities to students. In addition, requests for information for large groups of students may be released by the Department of Information Technology, in accordance with Section C., to the following: (1) commercial organizations if the release of such information benefits the school or the students and is requested by the principal and (2) bona fide civic and community organizations offering a legitimate service to students or the schools and as approved by the Superintendent or designee. Organizations requesting such information must sign an agreement specifying that the information will be used for only the purpose requested, will not be sold or provided to any other organization(s) or transferred to any subsidiary or affiliate of the vendor, and will be destroyed immediately following use.

E. Amendment of Scholastic Records

The parent(s) of students who are, or have been, in attendance at a school in the division who believe that information contained in the scholastic records of their child is inaccurate or misleading may request the principal of the school which maintains that child's records to amend those records in accordance with Management of the Student's Scholastic Records.

F. Maintenance and Security

The Superintendent and the principal are charged with the responsibility for the collection of data and the maintenance and security of scholastic records.

G. Disclosure of Record

Scholastic records will not be disclosed without written parental consent, except in accordance with Management of the Student's Scholastic Records.

The parent(s) of students who are, or have been, in attendance at a school in the division shall have the right to inspect the scholastic records directly relating to their children. When a request for access is made, the request shall be granted immediately, if practical, but in no case more than 45 calendar days after the receipt of the request. The parent(s) may request copies of items in their child's scholastic records. A fee for copying scholastic record data may be charged, provided that the fee does not exceed the actual cost of reproduction.

The parent(s) of students enrolled in the division shall be given annual written notice of the rights accorded them with regard to scholastic records.
If a student is eighteen years of age, or is an emancipated minor, or attends an institution of post-secondary education, the student will receive all rights formerly given to the parent(s).

Teachers, administrators, and other professional school personnel who have a legitimate educational interest in a student may have access to that student's scholastic records. A legitimate educational interest exists when the records are needed to assist a student in personal, social, educational, or vocational development or placement.

Scholastic records will be forwarded, on request, to another school division in which a student seeks to enroll. The school transferring the data shall make a reasonable effort to notify the parent(s) of such a transfer of records.

H. Record of Requests for Disclosure

The Chesapeake Public Schools shall maintain a record, kept with the education records of each student, indicating all individuals, agencies, or organizations which request or obtain access to a student’s education records, except those who receive records with consent. The record will indicate the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.

The requirements related to records of requests for disclosure stated above do not apply to requests 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.

References:

2. Code of Virginia:
   22.1-287 - 22.1-289
3. 8 VAC 20-150-10
Approved July 23, 1974
Revised August 26, 1980
Revised August 1995
Revised February 2003
Revised May 2004
Revised May 22, 2008
Revised June 12, 2017
P 6-42. **Student Course Load and Attendance**

A. **Generally**

All students shall be expected to carry the normal load of classroom work required to meet the minimum standards necessary for graduation. All students shall attend a full day schedule of classes unless a waiver is granted by the Superintendent. Application for waiver in cases of hardship may be submitted to the school principal.

B. **Additional Course Load**

Students on the high school level may be permitted to carry additional courses provided that their records indicate their ability to handle such courses, that their presence in the class will not cause overcrowding and that the needs of students requiring the courses have been fulfilled.

C. **Medical Exemption**

A student whose health demands it, upon presentation of a physician's certificate and with the consent of the principal, may be permitted to carry less than a normal class load and to restrict his activities to those recommended by a physician.

**Reference:**

8 VAC 20-131-20 et seq.

**Adopted** July 23, 1974  
**Revised** August 1995  
**Revised** May 22, 2008
P 6-43. Grouping

The grouping of students within individual schools shall be based on:

1. The interest of the student.
2. The educational achievement level of the student.
3. The availability of space.
4. The best educational climate for learning.
5. The student's best chance for success.
6. The avoidance of isolation by race.
7. The offering of differentiated instruction.

Grouping shall remain flexible in order to take advantage of the best educational research available. Assignment of students to teachers shall be the responsibility of the principal.

Adopted July 23, 1974
Revised June 28, 1977
Revised August 1995
P 6-44. Student Evaluation/Grading

Generally

Grades shall be based on student achievement and the timely completion of work. The classroom teacher shall be responsible for the grading or evaluation of each student's performance in accordance with regulations established by the Superintendent.

The Superintendent shall develop procedures for reporting student progress to parents and shall inform teachers of expectations regarding the evaluation of a student's academic performance.

References:

Code of Virginia:

22.1-253.13:3
22.1-253.13:4

Adopted July 23, 1974
Revised December 20, 1988
Revised January 11, 1996
Revised May 22, 2008
R 6-44. **Student Evaluation/Grading**

A. **Generally**

The classroom teacher is responsible for the evaluation of student academic performance and the awarding of grades. Teachers are expected to use a variety of methods in evaluating students. Examinations, teacher-made tests, homework, projects, and student classroom participation are examples of methods which may be used to evaluate students. Teacher-made tests should be appropriate for the subject matter and the age or maturity level of the students and should reflect a variety of techniques such as multiple choice, true/false, matching, fill in the blanks, short answer, and essay.

The teacher shall describe clearly the evaluation criteria to be used so that students understand what is expected of them. Students must also understand how the criteria are applied to produce the resultant grade. If a student has reason to feel that an error has been made in the initial grade, the student may request the teacher to review it.

B. **Make-Up Work**

Students shall be permitted to make up work because of excused or unexcused absences, including in-school or out-of-school suspensions, in accordance with the following guidelines:

1. The student is responsible for requesting and completing all work missed in a timely manner. Timeliness shall be determined by the nature of the assignments missed, the number of days of absence, and the grade level of the student. Work not made up will receive a zero. The procedures for make-up work shall be established as appropriate to the age level of the students and the content of the work missed.

2. Work missed that cannot be made up at home (e.g., laboratory experiments, laboratory experience, direct teaching) shall be made up at the discretion of the teacher through alternative assessment or during time provided before and after school or during lunch. In some cases, it may be necessary to allow the work to remain ungraded and to average the student's nine-week, semester, or annual grade based on the work submitted. In such cases, the student's grade shall reflect the degree to which the student met the aims and objectives of the course. In the case of intentional absences (e.g., skipping an individual class or an entire school day), students shall not be permitted to make up work for credit and shall receive a zero for any graded work assigned on the day of the absence.
C. Cheating

Each student shall be responsible for his or her own academic growth, performance, and honesty. Each school shall encourage honesty, discourage cheating, and articulate consequences for cheating in accordance with the following guidelines:

1. Each school shall establish a definition of cheating which shall be clearly communicated to students and parents.

2. Teachers shall clearly specify the conditions under which assignments are to be completed in order to minimize the possibility of cheating.

3. Teachers shall create an environment that is unfavorable to cheating (e.g., adequate spacing of desks, multiple forms of tests, adequate monitoring during test administrations).

4. If a student is found guilty of cheating, including improperly sharing information with another student either by giving or receiving information in oral, written, or electronic form, a zero shall be assigned and the student will not be allowed to make up the work for credit.

5. Additional sanctions may be applied upon consultation with a guidance counselor or a building principal or assistant principal.

D. Grade Reduction

Teachers shall not reduce student grades as a punishment for inappropriate classroom behavior, including tardiness to class.

Approved December 20, 1988
Revised January 11, 1996
Revised March 2008
Revised May 22, 2008
P 6-45. Testing

A. Tests

The School Board endorses the state testing program of norm-referenced tests, criteria-referenced tests and literacy tests, as well as teacher-made tests to provide a means of evaluating both the students and the educational program.

B. Test Results

Results of the state testing program shall be released to the public in accord with criteria established by the Virginia Board of Education. The School Board shall refrain from releasing to the public individual standardized test results for comparative purposes. Individual test scores may be discussed with interested parents.

C. Individual Testing

Psychological evaluations and highly sophisticated individualized testing shall be undertaken only by qualified personnel and with the permission of the parent or guardian of the student.

References:

1. Code of Virginia:
   
   22.1-253.13:3

2. 8 VAC 20-131-30

Adopted    July 23, 1974

Revised    August 1995

Revised    May 22, 2008
R 6-45. **Testing**

A. **Standardized Testing**

The standardized testing program prescribed by the State Department of Education shall be administered in accordance with state and local regulations.

Standardized tests and tests devised by teachers which are designed to measure achievement and potential for learning should be used. The results of standardized tests should be used by the school for evaluation and improvement of the instructional program.

B. **Psychological and Educational Tests**

All standardized psychological and clinical tests* administered to Chesapeake Public School students by Chesapeake school personnel must be issued or approved by the Department of Special Education services.

Psychological and/or clinical tests* shall not be administered to Chesapeake students without prior parental consent.

All referrals for individual testing should be forwarded to the Department of Special Education in order that proper disposition of the referral can be made.

Copies of Chesapeake psychological or educational reports shall not be released to any agency or person without the written consent of the parent or guardian of the student concerned. However, at times the courts or other legal agencies, such as Child Protective Services, may order the release of records without parental notification. Information contained in these reports is often of a confidential nature and should be treated accordingly. Requests for the release of psychological or educational reports should be forwarded to the Department of Special Education or the student's home school.

* Clinical tests include such instruments as the Wechsler Intelligence Scale, Stanford-Binet Intelligence Scale, Bender-Gestalt, Human Figure Drawing, Sentence Completions, Woodcock-Johnson Tests of Achievement, etc.
C. Reporting Test Scores to Parents

1. There is no one prescribed rule for reporting test scores to parents. Parents have the right to access information about their child's school performance. Effective home-school collaboration will assist in setting appropriate goals for students.

2. Information regarding the student's abilities, strengths, weakness, and academic skills should be explained in an easily understandable manner which is free from jargon and technical terms.

3. Results of the evaluation should be conveyed in a manner which integrates various sources of information about the student including test results, classroom performance, educational history, medical history, etc.

4. Test results should be presented in a context that facilitates acceptance of appropriate school and home expectations, recommendations and interventions regarding the student.

Approved    July 23, 1974
Revised      August 1995
P 6-46. Administration of Surveys and Questionnaires

Chesapeake Public Schools recognizes the importance of protecting the privacy of students and parents. Protection of the privacy rights of students and families shall be maintained by obtaining the consent of parents or students who are 18 or emancipated minors before participating in certain surveys, and providing notice of and the opportunity to opt out of participation in certain other surveys.

Furthermore, parents and students who are 18 or emancipated minors shall be permitted, upon request and prior to administration, to review surveys and instruments used to collect personal information, as well as any instructional materials used as part of the educational curriculum.

Reference:


Adopted May 2004
R 6-46. Administration of Surveys and Questionnaires

The handling of student surveys that concern certain protected information in the Chesapeake Public Schools shall be governed by requirements derived from the Protection of Pupil Rights Amendment (PPRA).

These regulations shall serve only to supplement the provisions identified in the PPRA. A copy of the PPRA shall be available in each school library.

A. Instructional Materials and Surveys

1. Inspection of Instructional Materials

   All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used as part of the educational curriculum in connection with any survey, analysis, or evaluation as part of any federally funded program shall be available for inspection by the parents or guardians of the student.

2. Participation in Surveys and Evaluations

   No student shall be required, as part of any federally funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:

   a. political affiliations or beliefs of the student or the student's parent,
   b. mental or psychological problems of the student or the student's family,
   c. sex behavior or attitudes,
   d. illegal, anti-social, self-incriminating, or demeaning behavior,
   e. critical appraisals of other individuals with whom respondents have close family relationships,
   f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
   g. religious practices, affiliations, or beliefs of the student or student's parent, or
   h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior written consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

3. Additional Protections

   A parent or emancipated student may, upon request, inspect any instructional material used as part of the educational curriculum in connection with any survey created by a third party before the survey is administered or distributed to a student. Requests to inspect such materials must be received within 48 hours of the issuance of notice regarding the survey.
In addition, in the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection A.2., the privacy of students to whom the survey is administered will be protected.

B. Physical Examinations and Screenings

If the Chesapeake Public School Division administers any physical examinations or screenings other than

- those required by Virginia law, and
- examinations and screenings administered to a student in accordance with the Individuals with Disabilities Education Act, policies regarding those examinations or screenings will be developed and adopted in consultation with parents.

C. Commercial Use of Information

Questionnaires and surveys shall not be administered to public school students during the regular school day or at school-sponsored events without written, informed parental consent when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student.

This subsection does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- college or other postsecondary education recruitment, or military recruitment;
- book clubs, magazines, and programs providing access to low-cost literary products;
- curriculum and instructional materials used by elementary schools and secondary schools;
- tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- the sale by students of products or services to raise funds for school-related or education-related activities; and
- student recognition programs.

D. Notification

1. Notification of Policies

The Board shall provide notice of this policy directly to parents of students annually at the beginning of the school year and within a reasonable period of time after any
substantive change in the policy. Board will also offer an opportunity for the parent (or emancipated student) to opt the student out of participation in:

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection A.2. above; or
- any non-emergency, invasive physical examination or screening that is required as a condition of attendance;
- administered by the school and scheduled by the school in advance; and
- not necessary to protect the immediate health and safety of the student, or of other students.

2. Notification of Specific Events

The Board will directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled, or expected to be scheduled:

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection A.2. above;
- any non-emergency, invasive physical examination or screening that is required as a condition of attendance;
- administered by the school and scheduled by the school in advance; and
- any screening or physical evaluation not necessary to protect the immediate health and safety of the student, or of other students.

E. Definitions

Instructional material: the term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Invasive physical examination: the term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during
such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Parent: the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

Personal information: the term "personal information" means individually identifiable information including:

- a student or parent's first and last name;
- a home or other physical address (including street name and the name of the city or town);
- a telephone number; or
- a Social Security identification number.

Survey: the term "survey" includes an evaluation.

References:


2. Code of Virginia:

   22.1-79.3

Approved May 2004
CHAPTER 8
HUMAN RESOURCES

ARTICLE 1. GENERAL PERSONNEL MATTERS

P 8-1 Reserved
P 8-2 Definitions
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ARTICLE 1.

GENERAL PERSONNEL MATTERS

P 8-2. Definitions

A. Licensed Personnel

Licensed personnel are defined as persons employed by the School Board who hold licenses issued by the State Board of Education.

1. Classified Personnel

Classified personnel are defined as employees of the School Board who do not hold educational licenses.

2. Teachers

The term "teacher" is sometimes used to include various groups of licensed instructional personnel, such as director of instruction, supervisor, principal, visiting teacher, classroom teacher, media specialist or guidance counselor.

3. Classroom Teachers

Classroom teachers are those who are assigned to elementary grade classrooms or who teach subject area courses in the middle schools or high schools. They do not include special education teachers.

4. Resource Teachers

Resource teachers are those elementary teachers who teach students who are drawn from their regular classes for short periods. These include itinerant or assigned teachers of reading, music, art, physical education, Title I and gifted students.

5. Special Education Teachers

Special education teachers, including therapists, are those who teach students with disabilities and who are assigned to a special education program.
6. **Teacher Assistants**

Teacher assistants are classified employees who are employed to perform duties under the direction of teachers in both instructional and noninstructional areas. Their primary purpose is to assist teachers with the instruction of students.

*Adopted* July 23, 1974  
*Revised* August 1995  
*Revised* June 9, 2008
P 8-3. Nepotism: Employment of Relatives

Employment of relatives is limited by the provisions of 2.2-3119 of the Code of Virginia. Employees shall be assigned so as to avoid the direct supervision of one employee by another if the employees are related as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, brother-in-law, or sister-in-law. A relative, as described above, of the Superintendent may be employed provided that (i) the Superintendent certifies that he or she had no involvement with the hiring decision and (ii) an Assistant Superintendent or Department Chief certifies to the members of the School Board in writing that the employment is based upon the merit, fitness, and the competitive rating of the qualifications of the individual, and that the Superintendent was not involved with the hiring decision.

In the event of a promotion which brings about the supervision of a relative as described above, the employee of lower rank may be offered the option of moving to a similar position when an opening is available.

Reference:

Code of Virginia:

2.2-3119

Adopted July 23, 1974
Revised February 28, 1989
Revised August 1995
Revised June 9, 2008
Revised February 10, 2020
P 8-4. Grievance Procedures

The grievance procedures adopted by the State Board of Education shall be the procedures under which all formal grievances of teaching personnel are processed. See Appendix. The Superintendent shall develop procedures under which the formal grievances of all other employees shall be processed. See Appendix.

The Board encourages all personnel to discuss their problems openly with their immediate supervisors in order that problems may be resolved at that level.

References:

1. Code of Virginia:
   22.1-79
   22.1-306 (et seq.)

2. VAC 20-90-10

Adopted July 23, 1974
Revised August 1995
Revised June 9, 2008
Revised January 13, 2014
P 8-5. **Work Hours**

The School Board reserves the right to establish work hours for all employees.

The workday is defined as hours worked exclusive of lunch.

Full-time employees are those employees who work all hours defined as the total workday for a specified position.

Part-time employees are those employees who work less than the number of hours determined to be full-time for a specified position.

Teachers and other teacher-scale personnel may be assigned responsibilities beyond the regularly scheduled workday. Such responsibilities shall be assigned by the principal or supervisor and shall normally relate to, but not be limited to, student activities, parent conferences, or supervision of students. A teacher's primary responsibility shall be to teach and the assignment of non-teaching duties shall be limited. See also policies 8-32, 8-33, and 8-34.

Adopted August 1995
P 8-6. **Personnel Records**

A. **Confidentiality of Files**

The School Board shall protect the confidentiality of personnel files, personnel references, academic credits and other similar documents. It shall establish no separate central office file which is not available for the employee's review. An employee shall have the right, upon request, to review the contents of the personnel file in accordance with the Freedom of Information Act.

References, transcripts, placement folders, etc., which are received on the basis of pledged confidentiality as a part of pre-employment routine, shall not be considered as part of the file material for the purpose of this section.

B. **File Contents**

Following the date of employment, no material derogatory to an employee's conduct, service, character, or personality shall be placed in the personnel file unless the employee has had an opportunity to review the material.

Reference:

Code of Virginia:

2.2-3705.1

**Adopted**  July 23, 1974  
**Revised**  August 22, 1989  
**Revised**  August 1995  
**Revised**  June 9, 2008
P 8-7. Substance Abuse

A. Generally

Employees shall not enter school property or report for work in possession of or under the influence of alcoholic beverages, marijuana, anabolic steroids, or other controlled substances as defined in Code of Virginia, 18.2-248 et seq.

The unauthorized use of prescription drugs is prohibited. "Unauthorized use of prescription drugs" means use of a drug by anyone other than the person for whom the drug was prescribed or in any manner other than that prescribed by the physician or in any manner prohibited by law.

As a condition of employment, employees must abide by the terms of the following statements:

The manufacture, distribution, dispensing, possession, or use of alcoholic beverages, marijuana, anabolic steroids, or other controlled substances or the unauthorized use of prescription drugs is prohibited in any workplace maintained by Chesapeake Public Schools.

Employees are required to notify the Human Resources and School Services Department of any criminal drug statute convictions which were the result of a violation occurring in the workplace. Notification must be made no later than five days after such conviction.

Appropriate personnel action up to and including termination will be taken against any employee who is in violation of this policy.

B. Reporting

All employees of the Board shall report to their immediate supervisor or to the principal any evidence of the use or possession of alcoholic beverages, marijuana, anabolic steroids, or other controlled substances (as defined in Section A) or drug paraphernalia or the unauthorized use of prescription drugs in the workplace. As used in this policy, drug paraphernalia will mean those items described in Section 18.2-265.1 of the Code of Virginia. All such reports shall be investigated in accordance with the guidelines established by the Superintendent. When the evidence reveals a violation of the law, the Superintendent and the proper law enforcement agencies shall be notified. All employees shall cooperate with officials in the investigation.
C. **Substance-Abuse Testing**

Upon reasonable individualized suspicion that an employee is using or is under the influence of alcohol, marijuana, anabolic steroids, or other controlled substances (as defined in Section A) or the unauthorized use of prescription drugs on the job, such employee shall be required to submit to a urinalysis, blood test, or other drug/alcohol screening at public expense and in accordance with guidelines established by the Superintendent.

The Superintendent shall establish procedures for standardized testing of employees who are drivers of commercial motor vehicles in accordance with requirements of the Omnibus Transportation Employee Testing Act of 1991.

References:

1. Code of Virginia:
   - 8.01-47
   - 18.2-248
   - 18.2-248.1

2. Chesapeake City Code, 17-6.


*Adopted* July 23, 1974

*Revised* August 22, 1989

*Revised* August 1995

*Revised* June 9, 2008
R 8-7. Substance Abuse

A. Testing Program

The testing program for alcohol and illegal drugs shall be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991 for all drivers of school buses and school-owned vehicles and for other employees who transport students in connection with school activities. The same testing program shall be required for any employee when there is reasonable suspicion of a policy violation or when there is an accident on the job which might have been drug or alcohol related.

B. Training

A training session on the substance-abuse program, its requirements for employees and its administration shall be provided to all employees. This training shall include discussion of the policy and intent of the School Board relative to drug-free schools, possible violations, penalties, individual rights, and treatment programs as well as the testing program. Written instructions shall be provided as well.

Heads of administrative departments and school principals shall schedule initial meetings and require all employees under their supervision to attend. The Department of Human Resources shall provide instructors and printed matter for these meetings and shall be responsible for subsequent scheduling of similar meetings for all new employees as needed.

Approved August 1995
P 8-8.  **Firearms**

Employees of the School Board shall not carry, brandish, possess, store or use firearms of any kind on school premises, including parking lots, driveways and sidewalks adjacent to school owned or operated buildings, or at any location when involved in school-sponsored activities.

- **Adopted** July 23, 1974
- **Revised** August, 1995
- **Revised** October 27, 2014
P 8-9. Use of School Board Property

The Chesapeake School Board provides equipment, materials and supplies for use by employees in carrying out their jobs as assigned by the administration. Those items are public property and are for use only in performing public duties. Any misuse of equipment, materials, or supplies by employees, such as private use, shall be considered grounds for dismissal from employment.

Adopted May 24, 1983
Revised August 1995
P 8-9.1 No Employment Assistance For Persons Known To Have Engaged in Sexual Misconduct

A. Policy Prohibiting Assistance

It is the policy of the Chesapeake Public Schools that no individual who is an employee, contractor or agent of the School Division (First Individual) shall assist another individual who is an applicant, employee, contractor or agent (Second Individual) in obtaining employment or a new position of employment with the School Division if the First Individual knows or has probable cause to believe that the Second Individual has engaged in sexual misconduct regarding a minor or any student of the School Division, regardless of age, in violation of law.

B. Reporting A Suspected Violation of Policy

Any employee, contractor or agent of the School Division who has probable cause to believe or knowledge that a person who has engaged in sexual misconduct with a minor or student of this School Division, whether or not such person has been convicted of a sexual offense regarding a minor or student, has applied for employment or a new position of employment within the School Division, shall promptly report such information to the Director of Human Resources or, if a reporting individual is assigned to a school, either to the Director of Human Resources or to the principal of such school, who shall promptly forward such report to the Director of Human Resources.

C. Failure to Report/No Adverse Action

An employee, contractor or agent who fails to make a Report required by this Policy shall be subject to an appropriate response or, if an employee, disciplinary action. No person who makes a Report required by this Policy shall be subject to an adverse action if the information provided is determined to be inaccurate unless such person knowingly provided false or misleading information. Information reported pursuant to this Policy will be kept confidential on a need to know basis.

Reference


Adopted February 11, 2019
ARTICLE 2.

EMPLOYMENT

P 8-10. Qualifications

A. Licensed Personnel

1. Licensing

   All teaching personnel shall meet the licensing requirements of the State Board of Education. This requirement may be waived for those employed on a temporary basis as substitutes.

2. Discrimination

   The School Board of the City of Chesapeake is an equal opportunity employer. No person shall be denied employment upon the basis of race, color, religion, national origin, gender, or age.

3. Position Qualifications

   Specific qualifications or competencies required for various positions shall be established by the Superintendent. These shall be set forth in job descriptions and announcements of vacancies.

4. Tuberculosis Certificate

   As a condition of employment every employee shall submit, within a specified period of time, a certificate from a physician or the local health department showing that the employee appears free of communicable tuberculosis.

B. Classified Personnel

The Board shall apply the same criteria for the employment of classified personnel as for licensed personnel with the exception of the licensing requirement. Classified personnel includes all other employees. In addition, special requirements shall apply to bus drivers.
References:

Code of Virginia:

22.1-299
22.1-300
22.1-301

Adopted  July 23, 1974
Revised  November 27, 1984
Revised  April 21, 1987
Revised  August 1995
P 8-11. Health Examinations and Communicable Disease

A. Medical Examination and Medical Records

The Superintendent or designee may require an employee to submit to a medical examination when:

1. Information suggests that a health condition may be negatively influencing the employee's work performance.
2. Information suggests that the employee has a health condition which may endanger the health of students and other employees.

B. Physician's Certificate

Employees shall not be required to pay the cost of medical examinations and medical records required as a condition of continued employment. However, an employee's supervisor may require a physician's certificate at the expense of the employee if there is reason to question whether or not an absence is necessary because of illness or medical treatment.

When the Superintendent or his designee has required an employee to submit to a medical examination, a copy of the physician's report shall be submitted directly to the Superintendent or his designee by the physician.

When this policy is applied, employees shall receive written notification of this requirement from the Department of Human Resources. Upon receipt of notification, it shall be incumbent upon the employee to make arrangements for the physical examination and promptly to advise the Department of Human Resources as to when the examination is scheduled. Failure to do so may be considered as cause for termination of employment.

C. Communicable Disease

Section 22.1-272 of the Code of Virginia states: "Persons suffering with contagious or infectious disease shall be excluded from the public schools while in that condition." The Superintendent shall develop regulations for compliance with this requirement.

References:

Code of Virginia:

22.1-272 and 22.1-301

Adopted July 23, 1974
Revised August 28, 1984
Revised February 28, 1989
Revised August 1995
R 8-11. **Health Examinations and Communicable Disease**

A. **Identification**

An employee who is a carrier of or who is infected with a disease which the employee believes might require exclusion from school has an obligation to notify the Department of Human Resources. When there is reasonable suspicion that an employee is infected with a communicable or infectious disease, the Superintendent may require an employee to submit to a medical examination. Payment for the medical examination, if required, will be made by the School Board.

If there is a question as to whether the condition of an employee should be defined as contagious or infectious, the Superintendent may seek advice from the director of public health. If there is a question as to whether the condition requires the action stipulated in Section 22.1-272 or the Americans with Disabilities Act or the Family and Medical Leave Act, the Superintendent may convene a medical-occupational advisory panel.

B. **Employment Status**

The Superintendent may place an employee on administrative leave with pay during the period of time in which his case is being reviewed.

C. **Medical-Occupational Advisory Panel**

1. **Purpose**

   The purpose of the panel is to review all medical and situational factors. Following such review, the panel will provide the Superintendent with a recommended employment status for the employee who is infected with a communicable or infectious disease.

2. **Panel Members**

   The medical-occupational advisory panel will be chaired by the Director of Human Resources. Other members of the panel shall include a representative of the public health department, the School Board attorney, and an administrator who supervises the employee. The panel may include the employee's physician and others the Superintendent deems necessary.

3. **Considerations**

   The panel will consider the following factors: (a) the nature of the disease and how it is transmitted; (b) the length of time the employee is likely to remain infectious; (c) the possible contact situations; (d) the risk of transmitting the disease to others; (e) the physical condition of the employee to perform assigned job responsibilities; and (f) any other related factors.
4. Timeline

The panel will convene in a timely manner and expedite a recommendation to the Superintendent.

D. Superintendent's Decision

Within five working days after the medical examination or receipt of the recommendation from the medical-occupational advisory panel, the Superintendent will inform the employee of a decision. Extenuating circumstances may require a modification of the timeline.

E. Appeal

1. The employee may request a hearing before the School Board to appeal the Superintendent's decision. The hearing must be requested in writing within ten working days of the receipt of the Superintendent's decision. The hearing will be held during an executive session of the next regularly scheduled School Board meeting if more than five working days precede the Board meeting. The decision of the School Board will be requested during that board meeting and will be final.

2. If the employee is to be dismissed or suspended without pay, the appeal may be made through the grievance procedure.

F. Review

If the employee is suspended, the employment status of the individual shall be reviewed at least annually. The annual review shall be initiated by the Superintendent. The employee may request a review when additional medical documentation indicates that the medical circumstances of the employee warrant a review. The request shall be made in writing to the Superintendent. All reviews shall follow the same procedures as outlined in B and C of this regulation.

Approved December 20, 1988
Revised August 1995
P 8-13. **Assignment and Transfer**

A. **Assignment**

The Superintendent shall have the authority to assign employees of the Board to their respective positions in the school or location wherein they have been placed by the Board.

B. **Transfer**

The Superintendent shall have the authority to transfer employees of the Board to any school or location within the division whenever such transfer will contribute to the improvement of the operations of the School Division. Such transfers shall be in accordance with regulations established by the Superintendent.

References:

Code of Virginia:

22.1-295
22.1-297

Adopted July 23, 1974
Revised August 1995
R 8-13. **Assignment and Transfer**

A. **Definitions of Transfer**

1. Voluntary transfers are transfers requested by employees.

2. Administrative transfers are transfers which originate with the Superintendent or designated representative.

B. **Time of Transfer**

In order to preserve and enhance the continuity of instruction, transfers will normally be made in the summer months when schools are not in session.

C. **Voluntary Transfer**

1. Requests for voluntary transfers will be submitted to the Director of Human Resources using the appropriate transfer request form. Requests should be filed on or before March 15 in order to receive maximum consideration. Transfer requests must be renewed annually if continued consideration is desired.

2. When a transfer vacancy occurs, those persons who are qualified and are seeking or would accept a transfer to that vacancy will be referred to the principal or supervisor for consideration. If more than three persons are interested, the principal or supervisor may choose to interview all transfer candidates or the three most qualified transfer candidates and defer other candidates to a second round of interviews if the vacancy remains open.

3. Itinerant teachers who have requested a transfer and who qualify for vacant positions shall be given priority consideration for interviews.

4. An employee who has requested a transfer will be notified of the Human Resources action on the request. Such notification shall include verification of receipt of the transfer request, notice of consideration for a specific vacancy, and notification of approval or disapproval.

D. **Administrative Transfer**

1. When overstaffing occurs and a reduction of employees is necessary, affected employees will be given first priority for interviews for vacant positions.

2. In resolving overstaffing problems, consideration will be given to granting voluntary transfer requests in order to effect the necessary staff reduction.
3. A principal or other appropriate administrator may recommend the transfer of an employee. The Assistant Superintendent for Human Resources and School Services will review the recommendation and will advise the Superintendent of the best disposition.

4. Except in extenuating circumstances, employees will be given thirty calendar days' notice of an administrative transfer. If ninety days have passed since the employee's last performance evaluation, an evaluation will be completed prior to the transfer.

5. The Assistant Superintendent for Human Resources and School Services will provide an employee who is to be administratively transferred with a written explanation of the reasons for the transfer.

E. Announcement of Vacancies

At the discretion of the Superintendent, all administrative and supervisory vacancies may be announced. All personnel will be surveyed yearly using the Career Interest Inventory to determine their interests in administrative or supervisory vacancies.

F. Notification of Assignment

Principals will be encouraged to provide teachers with their teaching assignments, including grade level, specific courses, and as much available information as possible prior to July 15. In cases where changes in assignments are made or previously unavailable information becomes known after July 15, teachers will be informed as soon as possible.

G. General

Nothing in this regulation shall be interpreted to limit the Superintendent's right to transfer employees in the best interest of the School Division.

Approved August 1995
Revised June 9, 2008
Revised September 12, 2016
Revised September 10, 2018
P 8-14. **Probation, Suspension, and Dismissal**

A. **Licensed Personnel**

The Superintendent may recommend to the School Board the placement on probation or dismissal of employees licensed by the state who are in violation of Section 22.1-309 of the Code of Virginia (grounds for dismissal), and shall provide the Board with all documented evidence to support the recommendation along with the evidence of the corrective steps, where appropriate, that the administration has taken to assist the employee and/or to address the prior unsatisfactory performance or conduct of such employee.

The employee, in accordance with Section 22.1-309, shall be informed in writing of the action and that within 10 working days of receipt of such notice, the employee may request a hearing before the Board or the Board’s appointed hearing officer, with counsel if desired. If requested by the employee, the Superintendent will provide either the reason(s) for the proposed action in writing or in a personal interview.

If a hearing is requested, the Board shall indicate whether the Board shall conduct such hearing and decide the issue in accordance with Section 22.1-311 or a hearing officer will be appointed by the Board and make its findings of fact and recommendations to the School Board. All subsequent proceedings shall be in accordance with the Code of Virginia and this Policy Manual.

Licensed employees may be suspended by the Superintendent for up to five working days with pay and without further recourse. A suspension of longer than five days with pay may be imposed upon recommendation of the Superintendent, subject to the employee’s right to a hearing by the School Board. A suspension without pay may be imposed (1) for up to 60 days upon the recommendation of the Superintendent and the decision of the School Board, or (2) for an indefinite period if in accordance with the reasons enumerated in Section 22.1-315. Further information regarding suspensions for longer than five days appears in Regulation R 8-14.

B. **Classified Personnel**

The Superintendent may place on probation or dismiss classified employees when such action is deemed to be in the best interests of the School Division. Every classified employee has the right to appeal such a decision of the Superintendent through the grievance procedure available to classified employees.
The Superintendent may suspend classified employees with pay in the same manner as licensed employees in accordance with the reasons enumerated in Section 22.1-315 or without pay for up to 5 working days without recourse.

B. Regulations

The Superintendent shall develop regulations for compliance with this policy.

References:

Code of Virginia:

22.1-79 (6)
22.1-306 (et seq.)
22.1-315

Virginia Supreme Court:

Payne vs. Fairfax County School, 764, S.E.2d 40 (2014)

Adopted  August 1995
Revised  July 7, 2008
Revised  January 27, 2014
Revised  July 6, 2015
R 8-14. Probation, Suspension, and Dismissal

A. Employee Misconduct

Disciplinary action shall be consistently applied and shall be taken for the primary purposes of correcting unsatisfactory performance or, if necessary, terminating employment. The severity of the disciplinary action shall be determined by the severity of the misconduct. In general, disciplinary actions shall be progressive in nature, ranging from an oral warning for an initial violation to stronger actions that may include a letter of reprimand, suspension, and recommendation for dismissal when corrective behavior fails to occur. However, progressive discipline is not always appropriate, and supervisors and administrators may recommend stronger action, including dismissal, based on the severity of the violation for the first offense.

Supervisors may also refer employees to the Employee Assistance Program, as appropriate. Referral to the Employee Assistance Program shall not be considered a disciplinary action but may be required at the time a disciplinary action is imposed for the commission of an offense. Policy 8-45 and Regulation 8-45 provide details on the types of referrals available.

B. Disciplinary Actions

Disciplinary actions available to supervisors and administrators to correct inappropriate behavior are listed below. Supervisors should use these actions in a progressive order for most disciplinary matters.

1. Oral Warning

Once it has been determined that disciplinary action needs to be taken, including but not limited to clarifying a supervisor’s expectation for an employee, a confidential discussion between an employee and his/her supervisor regarding the desired course of action to improve the employee’s performance and/or behavior should be held. This oral warning should be documented by the supervisor in a memorandum for the supervisor’s record. While it is hoped that most performance and behavior problems can be resolved through the use of the oral warning, this form of counseling is not a prerequisite to other formal disciplinary action.

2. Letter of Reprimand

Should the oral warning not resolve the issue, or should a more serious, different issue arise, a letter of reprimand should be sent to the employee from the supervisor. The written letter of reprimand should be kept in the supervisor's files, not in the employee’s
personnel file housed at the central office, except as necessary to support subsequent formal disciplinary action.

3. **Referral to the Director of Human Resources**

Once an oral warning and a letter of reprimand have been used, or in more serious cases, just a letter of reprimand, and these actions have not produced a satisfactory resolution of a disciplinary issue, a referral to the Director of Human Resources or his/her designee should be made. The referral should include reference to the oral warning and the letter of reprimand unless the severity of the performance or misconduct causes this referral to be the first action taken. The Director or a designee will advise the employee of the specific poor performance, infraction(s) of the rules, or allegation(s) of misconduct, and the date(s) or, in some cases, the time period such occurred. The employee will be allowed an opportunity to present his/her response to the allegations. The Director may order an investigation if necessary.

Following full consideration and, if directed, an investigation report, the Director of Human Resources may impose the following disciplinary actions as necessary:

a. Letter of reprimand retained in the employee’s personnel file;

b. Suspension, transfer, demotion, recommendation for dismissal; or

c. Other actions deemed necessary by the Superintendent or his designee.

4. **Suspension**

a. **Definition** - Suspension is a period of enforced leave with or without pay.

b. **Conditions of suspension** - Employees may be suspended when the safety and/or welfare of the School Division or its students are threatened; when the employee has been charged with a felony, crime of moral turpitude, or any offense involving sexual assault, obscenity, or physical or sexual abuse of a child; or when the employee’s conduct requires disciplinary action or constitutes just cause for suspension.

c. **Procedures for Suspension**

i. Suspensions with or without pay for up to five days. Any employee may be suspended by the Superintendent or his central office designee for up to five working days with pay but without further recourse. Any classified employee
may be suspended by the Superintendent without pay for up to five working days without recourse.

ii. Suspensions with pay for up to 60 days. Any employee may be suspended for up to 60 days with pay in accordance with procedures outlined in Virginia Code Section 22.1-315. In such cases, the employee will be provided notice of such suspension in writing and will be given an opportunity to be heard before the School Board.

iii. Suspension without pay for up to 60 days. Any employee may be suspended without pay for up to 60 days for good and just cause when the safety or welfare of the School Division or the students therein is threatened as provided in Virginia Code Section 22.1-315. The employee shall receive written notice of the charges, and pay will be suspended if, upon a hearing conducted by the School Board, a determination is made that the suspension will be without pay. The employee may appear before the School Board to provide his or her opposition to a suspension without pay. The employee may be represented by counsel if desired.

iv. Suspensions without pay of indefinite length. Any employee may be suspended indefinitely and without pay for a violation of any of the offenses identified generally in Section 22.1-315 of the Code of Virginia. These include a felony and/or (1) sexual assault, (2) obscenity and related offenses, (3) use of illegal drugs, (4) any act of moral turpitude or (5) physical and/or sexual abuse or neglect of a child. In such cases the employee’s pay will be held in an interest-bearing escrow account pending resolution of the charges. If an employee is found not guilty or the matter is dismissed and the employee promptly notifies the Director of Human Resources, the escrowed pay will be returned with interest earned, less earnings from other employment during the suspension. Upon a conviction, the escrowed pay will be returned to the School Division.

5. Transfer or Demotion

a. A demotion is a change in duty assignment from a position in one classification to a position in another classification in a lower pay grade, which involves a lower level of responsibility or requires lower qualifications.

b. A lateral transfer is considered to be a move to another position with the same classification level (pay grade) and salary range. There is no change of compensation associated with this change.
c. School Board Policy and Regulation 8-13 provide direction on transfers that are not part of a disciplinary action.

d. A supervisor may request a demotion and/or transfer for disciplinary reasons when work performance does not meet pre-established standards. A demotion and/or transfer for disciplinary reasons must be submitted to the Director of Human Resources and approved by the Superintendent or his designee.

6. **Dismissal**

The dismissal of an employee constitutes the most severe type of disciplinary action authorized under this policy. See School Board Policy 8-14 for direction on probation and dismissal of both professional and classified personnel. See School Board Policy 8-4 for Grievance Procedures.

**References:**

Code of Virginia:

22.1-306 (et seq.)

**Approved**  July 7, 2008  
**Revised**  January 13, 2014  
**Revised**  November 17, 2014  
**Revised**  June 22, 2015
P 8-14.1 Notification of Criminal Charges, Serious Traffic Charges, and Resolution

When any teacher or other public school employee of this division, whether full or part-time, or temporary, has been charged by summons, warrant, indictment, or information with the commission of a felony; a misdemeanor involving (1) sexual assault as defined in Section 18.2-61 of the Code of Virginia; (2) obscenity and related offenses as defined in Section 18.2-372 of the Code of Virginia; (3) drug-related offenses including but not limited to possession of marijuana or possession of drug paraphernalia as defined in Section 18.2-247 of the Code of Virginia; (4) moral turpitude; (5) the physical or sexual abuse or neglect of a child; assault and or battery; public drunkenness; driving under the influence of alcohol or drugs; reckless driving and driving while the employee’s operator’s or commercial driver’s license is suspended or revoked; disturbing the peace; or an equivalent offense in another state; or is the subject of a Department of Social Services (CPS) investigation into an allegation of child abuse or neglect or a Department of Social Services (CPS) founded disposition of child abuse or neglect, that employee shall notify the Superintendent of the charge.

A. The notification to the Superintendent required by this Policy shall be in writing and shall be accompanied by the name and address of the complainant, which may be the Commonwealth of Virginia, date and location of the alleged offense and a copy of the summons, warrant, indictment, information, or other document served upon the employee notifying the employee of the charge.

B. For the purposes of this Policy, a criminal charge includes any felony, misdemeanor, and the traffic offenses of driving under the influence or while intoxicated, reckless driving, leaving the scene of an accident, and driving while the employee’s operator’s or commercial driver’s license is suspended or revoked.

C. The written notification to the Superintendent from the employee shall be delivered to the Superintendent as soon as practical, and in no event later than the first working day following the service of the summons, warrant, indictment, information or other document upon the employee. In addition, employees must submit to fingerprinting for the purpose of obtaining criminal history record information as prescribed by the Code of Virginia in Section 22.1-296.2. Failure of the employee to give the Superintendent written notice or submit to fingerprinting, as set forth above, may be cause for disciplinary action up to termination of the employee. In determining a disciplinary response, the Superintendent, or his designee, may consider the seriousness of the charge, the extent and reason, if any, for the delay in reporting, and whether the employee has previously failed to report an offense as required by this Policy.

D. Employees who have been charged with any of the foregoing offenses must notify the Superintendent of the resolution of the charge. A resolution may occur as a result of a decision not to prosecute further (commonly called a nolle prosequi or nol pros), a plea bargain, or the result of a trial. The employee must provide the Superintendent written notice no later than the next business day following the resolution. Failure to report a resolution may result in disciplinary action as set forth in Paragraph C.
E. If an employee is prevented from providing notice of the resolution of a charge described above due to incarceration, he or she shall provide such notice as soon as reasonably possible by phone or through another person.

**Adopted**  May 24, 2012  
**Revised**  June 23, 2014
P 8-15. Retirement

The normal retirement date for employees of the School Board shall be the end of the school year (July 1- June 30) in which the employee plans to retire. Retirement may be approved on request under provisions of the Virginia Retirement System. Employees nearing retirement should consult with the Department of Human Resources.

Adopted July 23, 1974
Revised August 1995
P 8-16. **Resignation**

A person desiring a release from a valid contract must submit to the Superintendent a written request for release at least two (2) weeks before the intended date of resignation and must state the reason for the request.

If the Superintendent determines the request to be in the best interest of the School Division, the Superintendent shall present the request to the School Board. If mutually satisfactory arrangements cannot be made and the School Board does not approve the request, the contract remains binding. Breaking a contract without approval of the School Board may result in a request to the State Board of Education for suspension of the person's license to teach in the public schools of Virginia for the next school year. The School Board may apply other remedies appropriate under law or contract.

References:

1. Code of Virginia:
   22.1-304

2. VAC 20-440-10

Adopted July 23, 1974
Revised January 24, 1989
Revised August 1995
Revised June 9, 2008
P 8-17. Evaluation

The Superintendent of schools shall establish and maintain a suitable procedure for an adequate and periodic evaluation of the work of each employee and shall maintain suitable records of such evaluations. All evaluations shall be based on appropriate documentation or professional judgment. They shall be signed by both the evaluator and evaluatee and shall be held in confidence to be released only by the employee.

Right of appeal is provided for in the grievance procedures found in the appendix of this manual.

These evaluations shall form the basis for recommendations of the Superintendent as to continued employment of the individuals and their positions on the administrative salary schedule.

References:

Code of Virginia:

22.1-253.13:5

Adopted July 23, 1974
Revised July 12, 1977
Revised February 28, 1989
Revised August 1995
Revised June 9, 2008
R 8-17. Evaluation

All regular employees shall be evaluated by the administrator or supervisor to whom they are responsible. Prescribed evaluation procedures and forms shall be used and shall be available on request from the Director of Human Resources.

Approved August 1995
Revised June 9, 2008
P 8-18. Substitute Teachers

When regular teachers are absent from work, substitute teachers may be employed as temporary replacements. A screening of credentials must be completed prior to the assignment of any substitute teacher. All approved persons will be placed on an approved substitute teacher list. Approved status as a substitute teacher shall be granted for a period not to exceed one school year and may be renewed. Approved status may be denied for cause.

Adopted    July 23, 1974
Revised    August 22, 1989
Revised    August 1995
R 8-18. Substitute Teachers

A. Generally

It shall be the responsibility of the Superintendent's designee to maintain a list of eligible substitutes who may be called to serve in the school system. The issuing of a call to a substitute is in the nature of authorizing temporary employment and, therefore, is clearly an administrative function. Principals shall have the responsibility of contacting the substitutes needed to fill the instructional obligations of the schools on any given day. If a principal chooses to delegate all or any portion of this responsibility, such delegation shall be clearly outlined so that all staff members will know the line of responsibility. However, in no instance will the administrative responsibility be delegated to any teacher to the effect that a teacher becomes responsible for obtaining his or her own substitute.

A substitute teacher list shall be sent to each principal at least annually. No person shall be allowed to substitute unless approved to substitute by the Superintendent's designee.

B. Health Certificates

It shall be the responsibility of the Superintendent's designee to have on file a health certificate for each person who is approved for the substitute list at the time of employment. If the approved status of a substitute teacher is allowed to lapse, a new health certificate may be required before reapproval may be obtained.

Substitute teachers shall meet the same health requirements as other personnel. This shall include an initial health certificate signed by a licensed physician or by a registered nurse employed by a local health department stating that the individual is free of communicable tuberculosis.

C. Orientation and In-Service

Orientation programs for persons seeking approved status as a substitute teacher shall be held periodically during the year. Persons who have met all other requirements for approval, but who seek approval at a time when an orientation session is not immediately available, may be granted provisional approval for one quarter. Orientation programs will deal with general topics. Principals may provide additional information as needed for individual schools.

In-service programs for approved substitute teachers shall be offered periodically during the year. Substitute teachers must attend at least one in-service session each year. Failure to meet the requirement shall result in loss of approved status. Exceptions must be approved by the Superintendent's designee.

Participants in orientation sessions and in-service sessions will not receive compensation.
D. Compensation

Substitute teachers who are employed on an hourly basis shall be compensated as provided in the school budget. When a substitute teacher is employed on a continuing basis for a regular teacher, there may be a differential in the rate of compensation.

E. Education Requirements

The educational requirements for approved substitute teacher status may be met by providing a transcript reflecting thirty college credit hours or a diploma. Experience in an educational setting may be considered in lieu of college credits. Explanation of the experience and names of references who will verify the experience must accompany the application for employment. Priority shall be given for teachers who have qualifications to fit the duties involved.

F. Employment Eligibility Verification

All personnel shall be required to complete the Employment Eligibility form (I-9 form) prior to employment. Only individuals who are United States citizens or lawfully authorized aliens will be eligible for employment.

G. Criminal History

A Criminal History Record Check will be requested for employed substitutes.

Approved March 16, 1976
Revised August 22, 1989
Revised August 11, 1994
Revised August 1995
Revised June 9, 2008
P 8-19. **Student Teachers**

The following guidelines shall be followed for the implementation of the student teacher program.

1. Student teachers shall be accepted from only accredited institutions and shall meet the same health requirements as other school personnel. The Superintendent or designee shall determine the maximum number of student teachers which can be accepted effectively into the public schools during a given year. The Superintendent or designee shall have the responsibility for the assignment and placement of student teachers within the School Division.

2. The school administration shall select those faculty members who are professionally qualified to serve as cooperating teachers.

3. The cooperating teacher at all times shall be legally and professionally responsible for the instruction and personal welfare of the students in the class. Student teachers shall be under the administrative direction of the principal of the school.

*Adopted* July 23, 1974  
*Revised* Feb. 28, 1989  
*Revised* August 1995
P 8-20. Exchange Teachers

When teachers come to the School Division on an exchange basis, the requirement for a health certificate for tuberculosis shall apply; however, the Superintendent may waive other requirements of the policies and regulations relative to appointment and qualifications within the limitations of state law and subject to the approval of the School Board.

Adopted July 23, 1974
Revised August 1995
P 8-21. Volunteers

The Board encourages the use of volunteers to assist in the educational program as the Superintendent deems appropriate. See Regulation 8-22 for voluntary services by employees.

Adopted July 23, 1974
Revised August 1995
Revised June 9, 2008
P 8-22. Overtime

All employees of Chesapeake Public Schools shall be classified as exempt or nonexempt in compliance with the Fair Labor Standards Act of 1938 and subsequent amendments.

The authorization and control of straight time and overtime is the direct responsibility of each department head. Work assignments beyond the scheduled workweek shall be authorized prior to the start of such work by a department head and only when such work is required as an operational necessity. Department heads must use discretion to determine when straight time or overtime may be granted and will assign this work in a fair and consistent manner. Department heads are responsible for the maintenance of accurate records. The Superintendent shall provide regulations to ensure accurate record keeping of non-exempt employees’ time.

Reference:

29 U.S.C. 201-219

Adopted December 20, 1988
Revised August 1995
Revised June 9, 2008
R 8-22. Overtime

A. Generally

The method for compensating employees for overtime hours worked will be as defined in the Fair Labor Standards Act of 1938, as amended, and Title 29, Code of Federal Regulations.

B. Definitions

1. Eligible Employees – All classified personnel, except those holding exempt positions, are covered by this policy. A list of non-exempt employees is maintained in the Department of Human Resources at each school or office.

2. Work Period – The work period for determining overtime compensation for eligible employees shall be a regular workweek commencing on Sunday at 12 midnight and continuing for 168 hours until 11:59 p.m. on the following Saturday.

3. Overtime Hours – Overtime hours for determining overtime compensation are defined as time actually worked by a non-exempt employee over forty hours in a workweek. If the scheduled workweek is less than forty hours, all hours worked up to forty will be counted as straight time. Any hours worked over forty will be calculated at a rate of time and one half. Although not required by the Fair Labor Standards Act, for the purpose of this policy, hours worked include approved vacation leave, approved court appearance/jury duty, and holiday leave. Overtime may not be earned by taking vacation leave for some part of the workday and then working additional hours beyond the workday. Supervisors approving working time should not permit this to occur. Sick leave, compensatory time off, and bereavement leave shall not be counted as hours worked.

4. Compensatory Time – A non-exempt employee may choose to convert overtime hours into compensatory time in lieu of being paid. When this occurs, one overtime hour shall convert to 1.5 compensatory time hours.

5. Traded Work Time – An employee and the supervisor may agree that the employee will work additional time on a workday for equivalent time off during the same workweek. (The total number of hours for the workweek remains the same although work times are traded.)

C. Use of Compensatory Time

1. In General – Compensatory time shall be granted to eligible employees at a rate of one hour for each hour up to forty hours per workweek and one and one-half hours for each hour of overtime as defined in B-3. No employee may accrue more than sixteen (16) hours of compensatory time in a school calendar year (July 1 to June 30). Any hours over sixteen (16) will be paid unless the Director of Human Resources approves an exception.
2. Employees are notified by June 1 each year whether they will be paid for any compensatory time greater than sixteen (16) hours as of June 30. They will be paid at the current year rate of compensation.

3. Termination of Employment – Any employee, who has accrued compensatory time shall, upon termination of employment, be paid for the compensatory time at the current year rate of compensation.

4. Use of Compensatory Time - Any employee who has accrued compensatory time and who has requested the use of such compensatory time, should be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operation of the School Division.

5. Non-exempt employees will not receive compensatory time for “traded” work time.

6. Compensatory time must be earned before it can be used.

D. Authorization and Eligibility to Work Beyond the Scheduled Workweek

1. All administrators must maintain accurate records of employees’ time at work. These records must be retained for a three-year period.

2. All administrators must approve in advance any additional hours. If an employee works additional hours without prior approval, the administrator must compensate the employee. In appropriate cases, the employee shall be reprimanded for failing to obtain approval and the administrator shall document the reprimand.

3. The administrator must allow the employee to choose in advance whether overtime pay or compensatory time is the preferred method of payment for overtime hours, except as defined in D-2. If the method selected is overtime pay, the administrator must receive prior approval from the Superintendent or his designee as indicated in the Pay and Classification Plan. Either compensatory time or overtime pay will be credited on the next pay cycle. Principals will have the authority to approve overtime for non-exempt employees they supervise when such overtime is an operational necessity.

4. Overtime worked amounting to fewer than seven (7) minutes on a regular workday shall not be compensated. Overtime work amounting to eight (8) minutes or more shall be compensated to the nearest quarter hour.

5. Overtime compensation may not be waived by any agreement between the School Board and its eligible employees.
E. Voluntary Services

The volunteering of services by employees as “non-paid” volunteers to perform the same type of work for which they are normally paid shall be prohibited. Each person performing a volunteer service will be required to sign the Volunteer Waiver statement indicating that the volunteer responsibilities are not the same as or similar to the employee’s normal work responsibilities.

References:

29 C.F.R. 516, 541, 553, 778, 785

Adopted June 9, 2008
Revised September 12, 2016
P 8-23. Reduction in Force

It is the policy of the Chesapeake School Board that in the event of reduced enrollments or reduced funds from federal, state, or local government which would necessitate a reduction in force, the Superintendent shall recommend reductions in positions according to the following guidelines.

1. Effective efforts shall be made to reduce non-personnel costs prior to reducing the staff.

2. Except in compelling circumstances, no new personnel shall be employed until all current, qualified personnel have been assigned and a determination is made that no current employee is qualified to fill a vacancy.

3. When the reduction in force is needed, consideration shall be given to impacting approximately the same percentage of administrative/ supervisory staff and teaching staff to the extent feasible while still fulfilling the needs of the school system.

4. Along with a reduction in teaching personnel, reductions shall be considered and made where feasible in support personnel toward a level that will not jeopardize the effectiveness of the teaching process and the maintenance and operation of the school system. The effects of natural attrition shall be carefully considered before a reduction is implemented.

5. Reduction of positions and accordingly of staff will be based on the overall needs of the school system. For purposes of implementing a reduction in force, matters such as timing, classification of positions and necessary actions not covered herein shall be within the discretion of the Superintendent. The Superintendent’s recommendations shall be presented to the School Board for final action.

6. Reduction of force in each classification shall not be based solely on seniority. In each classification identified for reduction in force, the Superintendent will consider seniority, employees’ respective qualifications, employee performance, and the overall needs of the Chesapeake Public Schools. For purposes of the Policy, the seniority of an employee is determined by the total years, months and days of continuous service as an employee of the Chesapeake Public Schools, regardless of the position(s) held. Approved leave for sabbaticals, military service, Family and Medical Leave or other purposes shall be included as periods of continuous employment.

7. The Superintendent or his designee shall make reasonable efforts to provide employees to be laid off with as much advance notice as practical. The amount of notice may be dictated, however, by the rapidity with which certain funds and/or programs are reduced or eliminated by external forces beyond the control of the school system.
8. After receiving notice but prior to being laid off, personnel may apply for vacancies in another classification if they have the qualifications for such positions. Selection for such vacancies shall be based on employee seniority, employees’ respective qualifications, employee performance, and the overall needs of the Chesapeake Public Schools.

9. Any recall of laid off employees shall be done in reverse order of the reduction process. The last to be laid off will be the first to be offered a recall.

10. A recall list shall be maintained for two school years from the date of the reduction in force.

11. Persons on the recall list shall be obligated to notify the school system of any change of address during the period of recall and may be notified of a recall by hand delivery, overnight mail, or certified mail. A laid off employee’s failure to provide a current address may, at the school system’s option, render such employee ineligible for recall.

12. A person offered recall must notify the school system of his or her acceptance of an offer within five business days. Failure to accept the offer for recall in the specified time to the same or a similar position as that previously held, regardless of location, will result in loss of recall status. Such persons will be eligible to apply for any vacant position but without any recall right.

13. Within two weeks of the approval of the school system’s budget by the governing body, or June 1 of any year, whichever comes later, the School Board, through its designee, will notify all administrative staff and teachers who may be subject to a reduction in force due to a decrease in the School Board’s budget. All other personnel shall be notified as soon as practical.

Reference:

Code of Virginia:

22.1-304 (D), (E).

Approved October 11, 1977
Revised August 1995
Revised June 9, 2008
Revised February 9, 2009
Revised January 27, 2014
P 8-24. Employment Contracts

Employment contracts for teachers and other instructional personnel are prescribed by the Code of Virginia in Sections 22.1-302 through 22.1-305. See References below.

Locally developed contracts shall be used for the Superintendent (See Policy 3-18) and for such other employees as may be designated by the School Board.

For contracted employees, the contract shall specify the number of days to be worked in the school year for which it is issued or renewed and shall specify the annual salary according to the appropriate salary scale. Employees who serve less than a full term, as designated in the annual school calendar, shall have their salaries and benefits prorated on a per diem basis for the number of days served.

For purposes of placement on the salary scale, teachers who complete a contractual term of less than the assigned days shall be credited with a full term of experience for subsequent salary determinations provided that they have been employed for fifty percent or more of the working days in the school calendar.

References:

1. Code of Virginia:
   - 22.1-302
   - 22.1-303
   - 22.1-303.1
   - 22.1-304
   - 22.1-305

2. VAC 20-410-10
   - VAC 20-440-10

Adopted July 23, 1974
Revised August 1995
Revised June 9, 2008
ARTICLE 3.

ACTIVITIES

P 8-30. Professional Growth

A. Generally

The Board believes that the continuing educational growth of staff members is a necessity for the continued improvement of the School Division. The Board, therefore, encourages and shall support the professional growth of members of the staff through college courses and other means.

B. Professional Development

There shall be an organized program of professional development for all employees of the Board directed toward increasing their knowledge, improving their performance and generally upgrading the performance of the School Division.

Adopted July 23, 1974
Revised August 1995
P 8-31.  Conventions, Meetings, and Institutes

The School Board encourages the attendance of employees and School Board members at various conventions, meetings, and institutes which provide for enrichment, professional growth, and increased knowledge of educational issues. All such attendance by employees and School Board members must be approved in advance, with payment for expenses for attendance adhering to proper accounting procedures. Prior approval for the Superintendent to attend meetings outside the state of Virginia shall also be required. Prior approval for employees shall be in accordance with procedures established by the Superintendent. The Superintendent shall ensure that established procedures are in accordance with good business practices and all local, state, and federal regulations.

Adopted  July 23, 1974
Revised  February 28, 1989
Revised  August 1995
P 8-32. **Extracurricular Activities**

Teachers may be assigned, without extra compensation, to those extracurricular activities regarded as part of the teaching assignment. The Superintendent may recommend to the Board extra pay for certain assignments. Assignments which offer pay supplements shall be made by the principal and be distributed equitably among the qualified employees of any given school.

Adopted July 23, 1974
Revised August 1995
P 8-33. **Student Assisting and Tutoring**

Teachers are not permitted to receive pay for tutoring in the same subject those students whom they currently teach and to whom they issue a grade. Teachers are not permitted to receive pay for tutoring in the same subject those students whom they taught the previous semester and to whom they issued a grade.

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P 8-34. Staff Meetings

Attendance at staff meetings called by various members of the administrative staff shall be considered as part of the requirements of employment for those employees asked to attend. Meetings should not become an undue burden upon the staff members and should be called according to the guidance of the Superintendent as to the frequency and necessity for such meetings.

Adopted July 23, 1974
Revised August 1995
P 8-35. Conflict of Interests

A. Selling to Students or Parents

No employee of the Board shall take advantage of a position in the School Division to promote or sell educational aids or any other goods or services to students or parents of students enrolled in this division.

B. Commissions

No employee of the Board may accept any commission, gift, or other favor as a result of sales to the Board or for services performed within the scope of the employee's official duties.

C. Outside Employment

Employees of the Board may accept outside employment provided that such employment does not interfere with or affect the quality of the employee's performance in the discharge of his duties and provided that the outside employment does not reflect adversely upon the School Division. The Superintendent may require employees to report all outside employment.

D. Referring Work Affecting Students to Relatives

Employment as an administrator, guidance counselor, teacher, or teacher assistant often requires the use of utmost independence, judgment and discretion, particularly when one’s duties involve the instruction or welfare of a student. Accordingly no administrator, guidance counselor, teacher, or teacher assistant may arrange or refer outside work, potentially or actually affecting a student under his or her supervision or instruction, with or without compensation, to a relative. For purposes of this section the term relative shall include persons related as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, brother-in-law, or sister-in-law. Work prohibited by this policy at the time of its enactment must be discontinued promptly and in no event no longer than 30 calendar days.

References:

Code of Virginia:

2.2-3100
2.2-3103
2.2-4300
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P 8-36. **Workplace Harassment and Discrimination**

Chesapeake Public Schools is committed to maintaining a learning/working environment free from unlawful harassment and discrimination based on race, color, national origin, age, sex, disability, genetic information, military or veteran status, religion, or any other characteristic protected by applicable law. Therefore, Chesapeake Public Schools prohibits discrimination and harassment of school personnel at a school or any school-sponsored activity. Such misconduct may result in disciplinary action up to and including dismissal of employees. The Superintendent shall develop regulations for compliance with this policy.

This policy shall be interpreted so as to protect the rights and interests of both students and employees of the School Division. With respect to matters involving discrimination and harassment of or against students, Policy 9-23 and Regulation 9-23 govern.

Any concerns or complaints regarding harassment and discrimination should be directed to the appropriate supervisor, to higher management, and/or to the Director of Human Resources at 312 Cedar Road, Chesapeake, Virginia, 23322, phone (757) 547-0001.

**References**


5. Executive Order 11246.

**Adopted**
- August 1995

**Revised**
- February 2001
- January 2005
- June 30, 2008
- March 8, 2010
- June 24, 2013
R 8-36. Workplace Harassment and Discrimination

It shall be a violation of this regulation for any person associated with the school division, whether as a student, employee, vendor, or guest, to harass or discriminate against an employee based on race, color, national origin, sex, age, disability, genetic information, religion, military or veteran status, or any other characteristic protected by applicable law. Further, it shall be a violation for school personnel to tolerate such harassment or discrimination by participating in, observing, or otherwise engaging in such conduct.

For the purpose of this regulation, the term harassment shall include, but not be limited to, abusive and/or unwelcome conduct adversely affecting the terms and/or conditions of employment, including but not limited to, when such conduct is based on race, color, national origin, age, sex, disability, genetic information, religion, military or veteran status, or any other characteristic protected by applicable law. The term discrimination, shall include but not be limited to, supervisory decisions adversely affecting the terms and conditions of employment on the same bases.

Chesapeake Public Schools shall: (1) promptly investigate all complaints, written or oral, of harassment and/or discrimination; (2) promptly take appropriate action to stop any harassment and/or discrimination; (3) take appropriate action against individuals who violate this regulation and take any other action reasonably calculated to end and prevent further harassment and/or discrimination of employees or students; (4) maintain confidentiality to the extent practical, (5) ensure that no complainant or witness is subjected to retaliation; and (6) follow established Chesapeake Public Schools Grievance Procedures for professional and classified employees in the appendix of the School Board Policy Manual.

Definitions:

A. Sexual Harassment

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

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; or
2. submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment (i.e., the conduct is sufficiently severe, or pervasive to limit an employee's ability to perform his or her job or a student’s ability to participate in or benefit from his or her educational program).

Examples of Sexual Harassment

Examples of conduct which may constitute sexual harassment include
unwelcome, sexually motivated or inappropriate patting, pinching, or other physical contact (other than necessary restraint of students by school personnel to avoid physical harm to people or property)

- unwelcome sexual flirtation or propositions
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
- oral comments about an individual's body or overly personal conversation of a sexual nature
- sexual jokes, notes, stories, drawings, gestures, or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexually suggestive objects, pictures, cartoons, or posters
- impeding or blocking movement in a sexually suggestive or motivated manner

B. Harassment Based on Race, Color, National Origin, Age, Disability, Genetic Information, Religion, Military or Veteran Status or Other Characteristics Protected by Applicable Law

Harassment, for the purposes of this Policy, consists of verbal, visual, physical, or other conduct relating to a protected characteristic when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; or
2. has the purpose or effect of substantially interfering with the terms and conditions and conditions of employment.

Examples of Other Harassment

Examples of conduct which may constitute harassment under this Policy include, but are not limited to:

- graffiti containing racially or culturally inappropriate language
- name calling, jokes, or rumors
- physical acts of aggression against a person or his property
- slurs, negative stereotypes, and hostile acts
- written or graphic material containing comments or stereotypes which is posted or circulated and is intended to degrade
- age-related comments

C. Discrimination Based on Race, Color, National Origin, Age, Disability, Genetic Information, Religion, Military or Veteran Status, or Other Characteristics Protected by Applicable Law

Discrimination, for purposes of this Policy, is the different treatment or exclusion of an employee by supervisors on the basis of one of these protected characteristics.
Examples of Discrimination

Examples of conduct that may constitute discrimination under this Policy include, but are not limited to:

- preference of one person over another on the basis of a protected characteristic in hiring, evaluating, or declining to discharge
- discrimination against or exclusion of any person on the basis of pregnancy or childbirth, or
- pre-employment inquiries as to the protected characteristic of any applicant where such inquiry is not job-related
- compensation practices or policy that discriminate on the basis of a protected characteristic
- fringe benefits, job classifications, or other practices or policies that discriminate on the basis of a protected characteristic

Complaint Procedure:

1. Any person who has been subjected to harassment or discrimination as defined in this regulation should report the alleged act immediately, or in any case, within 30 school days, to the appropriate supervisor or to higher management and/or to the Director of Human Resources, if the complaint involves the supervisor. In no instance, will an employee alleging harassment or discrimination be forced or required to report the problem to the alleged harasser or discriminator. It is not necessary that an initial report of harassment or discrimination be made in writing. The Department of Human Resources is responsible for the official investigation of all allegations and shall advise the employee filing the complaint of all findings and conclusions.

2. Under no circumstances shall school personnel retaliate in any way against a victim, school personnel, or against any witness or participant in an investigation who has provided information as a witness to an incident of harassment or discrimination.

3. Any administrator, and the Director of Human Resources, or designee shall maintain confidentiality in investigating any claims of alleged harassment or discrimination so that privacy and individual rights are protected to the extent reasonably practical. The Director of Human Resources or designee will provide the complaining employee with a written report on the conclusions of the investigation within 30 school days of receiving the Complaint, or a reasonable longer period, if circumstances require additional time to complete the investigation.
4. Following the investigation, appropriate action will be taken in response including disciplinary action where indicated.

5. All students and employees shall cooperate with an investigation of alleged harassment or discrimination under this policy by the School Division or by an appropriate federal or state agency.

Should an employee believe that a complaint of harassment or discrimination is grievable under the terms of the School Division’s Grievance Procedure for classified or professional, he or she should also follow the procedures dictated in the applicable classified or professional Grievance Procedure. These procedures are located in the Appendix of the Chesapeake Public Schools School Board Policy Manual. The School Board Manual is also accessible online through the School Division’s website.

Approved  August 1995
Revised    February 2001
Revised    January 2005
Revised    June 30, 2008
Revised    March 8, 2010
Revised    June 10, 2013
Revised    September 10, 2018
P 8-37. **Acceptable Telecommunications and Internet Use for School Board Members, Faculty, Employees, and Administrative Staff**

Chesapeake Public Schools provides School Board members, faculty, employees, and administrative staff access to a telecommunications network including the Internet and e-mail, together with the hardware and software necessary to support the use of this technology for research, education, and the general administration of the Division. All components of the telecommunications network shall be used in ways that are legal, respectful of the rights of others, protective of juveniles, and promote the educational objectives of Chesapeake Public Schools.

This policy prohibits any Division employee or School Board members, from using the Chesapeake Public Schools telecommunications system for any unlawful purpose and from the sending, receiving, viewing, or downloading of any unlawful material that the Division deems harmful to juveniles as defined in Section 18.2-390 of the Code of Virginia. The Division staff charged with designing and maintaining the Chesapeake Public Schools telecommunication system will select and install appropriate filtering devices to block Internet access to child pornography as set forth in Section 18.2-374.1:1 and obscenity as defined in Section 18.2-372.

Violation of this policy, or such guidelines as may be further developed by the Superintendent, by any of the persons granted access to the Chesapeake Public Schools telecommunication network, including students, may result in appropriate disciplinary and/or legal action. Following existing disciplinary procedures, any such action may include suspension or termination of access privileges, and other disciplinary responses depending on whether the violator is an employee or student of the Division.

References:

Code of Virginia:

22.1-70.2
18.2-372
18.2-374.1:1
18.2-390

**Adopted** November 29, 1999
**Revised** March 14, 2005
**Revised** June 30, 2008
R 8-37. Acceptable Telecommunications and Internet Use for School Board Members, Faculty, Employees, and Administrative Staff

Applicability

These guidelines shall apply to all School Board members, faculty, employees, and administrative staff users (users) of telecommunications systems, including the Internet (Network), that are entered via equipment and access lines provided by Chesapeake Public Schools (CPS). Privately owned electronic devices used on school property and/or off school property at school sponsored events are also subject to this regulation.

Purpose

The purpose of these guidelines is to encourage and promote appropriate knowledge, procedures, and use of the Network, when entered through CPS equipment and access. Specific acceptable uses of the Network include:

1. Purposes directly related to CPS mission, goals, and the user's assigned tasks;
2. Professional development, training or education, or discussions related to the user's job or responsibilities to CPS;
3. Research related to issues pertinent to CPS or assigned tasks; and
4. Research related to new laws, procedures, policies, rules, or information that pertain to CPS interests.

Compliance

All users will comply with these guidelines and policies adopted, changed, or implemented from time to time by CPS. All users will abide by proper Network etiquette (Netiquette), electronic communication ethics and rules, and user responsibilities. Among other things, Netiquette requires users to be professional and polite at all times, use only appropriate language, work efficiently so others may use shared equipment, and avoid using or revealing personal information, especially when this might embarrass or harm another person.

School Use

The Network is for school use. Use that supports research and educational activities, including, but not limited to, e-mail, is permitted. When using the Network, users are acting as agents of CPS and must abide by these standards. Use for personal, private, or political business, including product endorsement or for financial gain, must be conducted elsewhere. Brief, incidental use for personal communication is not prohibited herein, but such use is not private, is subject to administrative review, and shall not affect performance of a user's duties and responsibilities.
No Expectation of Privacy

The use of the Network carries no right or expectation of privacy. CPS reserves the right to monitor, review, and restrict any user's Network access and use. The Network and all files on this system, including files created by an employee or School Board member, are the property of CPS, and the contents are subject to review at any time for any reason.

Acceptable Network Use

CPS objective in providing and accessing the Network is to support research and educational activities and use should be in support of this objective. Specific guidelines shall be as follows:

1. Sending, knowingly receiving, viewing, storing, or downloading material via the Network that might reasonably be determined unlawful or inappropriate, including obscene or pornographic materials, is prohibited. The Network, including the Internet, may not be used to make or disseminate hate mail, threats, personal attacks, defamatory statements, harassment, or discriminatory remarks; to violate any person's rights of privacy or publicity; or to engage in similar behaviors. Harassment or discrimination is conduct that is intended or has the effect of identifying or affecting another person in an unfavorable way on the basis of race, sex, age, religion, national origin, disability, or other factors.

2. The Network is not a public place for the user to express his or her personal beliefs or opinions, and use of the Network as a public forum is prohibited.

3. Each user is responsible for his or her own password and Network use and shall not intentionally seek information on or use passwords belonging to other users, or misrepresent themselves as other users on the Network. A user shall not allow others to use his or her password or allow Network access by anyone else under the user's own password.

4. Network users must abide by the rules of any other network that is accessed from CPS equipment.

5. Any improper use of the Network or any other system such as developing or using programs or any other means to threaten or harass others; intercept e-mail; infiltrate a computer or computing system (e.g., hacking); interfere, clog, or damage the performance, files, data, or the software components of a computer or computing system (e.g., introducing a computer virus or "spamming"); or to attempt any of the foregoing, is prohibited. Users shall not disrupt any discussion group, mailing list, or newsgroup with frivolous, vulgar, or repetitious postings; by posting of binary, or excessively large, unrelated text files; or by posting articles that are off-topic according to the charter or other public statement of the forum. Any breach or suspected breach of Network security must be reported to the network administrator. Users should not attempt to locate or duplicate a security breach because this may be construed as improper use.
6. The illegal installation, copying, distribution, or downloading of material (e.g., without authorization of the owner of such material) that has not been made generally available, or the unauthorized use of copyrighted or trademarked materials, including those containing trade secrets, on the Network or with CPS computers is prohibited. Academic use of materials obtained from the Network shall be properly cited.

7. The unauthorized installation of hardware or software to the Network or any of its components is strictly prohibited.

8. The Network may not be used to send unsolicited bulk e-mail, or otherwise unsolicited e-mail messages where the recipient objects to the content of the message or to the receipt of the message in general. Each user should understand that unauthorized use of the Network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, might result in civil and criminal penalties against the user.

9. CPS has implemented appropriate software to block and/or filter Network access provided by CPS, and such software is designed to filter or block obscene material, pornographic material, and other material that is harmful to minors. Efforts to disable, tamper with, or otherwise interfere with the filtering software shall be deemed by CPS to be an improper and unacceptable use of the Network by the user for which the user can be disciplined.

10. A user should promptly disclose to the supervisor any message received that the user deems inappropriate.

11. Laws and regulations on confidential student records and their disclosure, including those sent to parents, apply to electronic communications and the Network.

12. Specific exceptions to these guidelines that are consistent with CPS research and educational objectives may be proposed. Any requested exception must be submitted in writing with an explanation and justification of the exception and must be approved in advance by the Superintendent or designee.

Records Retention

1. Under some circumstances documents created or communicated on the Network may constitute public records which must be maintained under the Virginia Freedom of Information Act or other records retention requirements. Examples may include correspondence or memos regarding School Board business, messages that authorize, initiate, or complete business transactions and reports or recommendations on CPS issues.
2. A user who has a question about whether a document he or she has received, sent, or created is subject to records retention, should contact the Records Manager for CPS for assistance.

Personal Websites and Internet Postings

1. CPS employees are required to comply with various federal and state laws regarding student privacy and the protection of student educational records, as well as, CPS policies that otherwise address employee conduct.

2. Employees need to be aware that posting images or information created and/or obtained about students in an educational context may violate a student’s privacy rights. Such information includes any personal information about a student that is created within or would not otherwise be disseminated outside of the educational environment.
   
   a. Such information may not be posted on the Internet without express permission of the administration and the student (If 18) or the student’s parent (If under 18). Photographs and/or video, and any other type of information regarding a student in the educational context, whether taken or created at school functions, on school property, or in any other venues related to the CPS educational mission, may not be posted on the Internet in any manner.
   
   b. This prohibition includes school websites and personal websites such as, but not limited to, personal social networking websites such as Facebook, YouTube, and Flickr, regardless of whether such sites are private or public. School functions include, but are not limited to, field trips, sporting events, and social events (prom, ring dance, etc.).
   
   c. In short, employees must understand that most information about students is protected as an educational record, and such information may not be disclosed by CPS employees without the authorizations identified in this policy.

3. CPS recognizes that many employees have interactions with students outside of the educational context, such as in community settings outside of the school environment. While all such interactions should be conducted with an awareness of the policies of CPS, and some conduct in such contexts could be a violation of CPS policies, CPS does not generally control Internet postings related to these non-educational contexts. As an example, if a teacher and a student are members of the same community sports complex, the teacher may choose to post photographs taken in such a context on his or her personal website without violating this policy, so long as the photographs do not otherwise violate CPS policy.
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<td>Revised</td>
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P 8-38. Sexual Misconduct

The important responsibility for protecting students from sexual misconduct and abuse is shared by the School Board, Superintendent, administrators, teachers, and other school employees, as well as school volunteers and parents.

Personal contact between adults and students must always be nonsexual, appropriate to the circumstances, and unambiguous in meaning. Staff and volunteers should respect boundaries consistent with their roles as educators, mentors, and caregivers.

Digital technology and social networking provide multiple means for educators and other school employees to communicate with students and personalize learning. Electronic and online communications between employees, volunteers, and individual students should be clear as to intent and meaning, accessible to supervisors and parents, and professional in content and tone. As with in-person communications, staff and volunteers should avoid appearances of impropriety and refrain from inappropriate electronic communications with students.

Inappropriate conduct of a sexual nature, whether physical, oral, written, or electronic shall be reported immediately to the appropriate supervisor or administrator, and to Child Protective Services and/or the police when appropriate. A failure to make such a report is itself a violation of this policy.

Adopted September 12, 2011
R 8-38. **Sexual Misconduct**

School Board employees and volunteers should avoid actual and even the appearance of impropriety when interacting with students. Interaction may occur at any location, sometimes without prior planning or intent, and so conduct of school staff must always be appropriate and professional. Staff and volunteers never step out of their position as role models and mentors, uniquely capable of influencing students.

When communicating with students either personally or digitally, the subject, content, purpose, timing, and frequency of the communication must be appropriate and accessible to parents and school officials. Digital communication includes but is not limited to e-mail, text messaging, chat rooms, and video conferencing. Communication via social networks with students must be of an educational nature and should be limited to sites available on the school network. Employees should not communicate with students via sites such as Facebook, Twitter, My Space, etc.

Educators, other employees, and volunteers should be aware of behaviors often associated with inappropriate conduct that can create an appearance of impropriety, including:

- conducting ongoing, private, conversations with individual students when those conversations are unrelated to school activities or the well-being of the student and/or that take place in locations inaccessible to others;
- inviting a student or students for home visits without informing parents;
- visiting the homes of students without the knowledge of parents;
- inviting students for social contact off school grounds without the permission or knowledge of parents;
- transporting students in personal vehicles without the knowledge of parents or supervisors;
- communicating in a sexually explicit manner or one that could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- having physical contact with a student that could be reasonably interpreted as constituting sexual harassment;
- showing pornography or any other image containing nudity or sexual conduct to a student;
- invading a student’s personal privacy;
- singling out a particular student or group of students for personal attention and friendship beyond the bounds of an appropriate educator/mentor-student relationship;
- having conversations of a sexual or flirtatious nature with students not related to the employee’s professional responsibilities; and
- participating in a flirtatious, romantic, or sexual relationship with a student.

Because the avoidance of sexual misconduct is an imperative for everyone associated with the School Division, all persons, including students and parents, who reasonably suspect or who have witnessed inappropriate conduct should report such actions. School based employees may report sexual misconduct to a principal, assistant principal or the Central Office Director of
Human Resources. All other employees should report to their immediate supervisor, a higher supervisor if the immediate supervisor is involved in the misconduct, or the Director of Human Resources.

Students or parents who wish to report sexual misconduct should report information to either a school based guidance counselor or to the principal or an assistant principal.

Any report of sexual misconduct will be promptly investigated and appropriate action taken in response.

Adopted August 29, 2011
P 8-39 Medication Recommendation by School Personnel

In accordance with Code of Virginia §22.1-274.3 school personnel are prohibited from recommending the use of psychotropic medications for any student. For the purpose of this regulation, “psychotropic medications” means those medications that are prescribed with the intention of altering mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication including that prescribed for attention deficit disorders.

School health staff, classroom teachers, or other school professionals may recommend that a student be evaluated by an appropriate medical practitioner. In making a recommendation, school personnel may share academic or behavioral information with the parent or, with the parent’s consent, personnel who may evaluate the student to document the reason for the recommendation.

In addition, school personnel may consult with a medical practitioner who is serving the student with the written consent of the student’s parent.

No school personnel shall deny services to any student because a parent chooses not to have psychotropic medication administered to a student.

Adopted: September 11, 2017
ARTICLE 4.

COMPENSATION

P 8-40. Salary Guides

A. Licensed Personnel

1. Basic Salary Guide
   a. Salary schedules for teachers and other professional personnel shall be competitive with other comparable communities in the state.
   b. The salary schedule shall consist of steps which shall be determined by such criteria as years of experience, degree of educational training, level of education, in-service education, and any other criteria determined by the board.
   c. Full credit for outside teaching experience, including any military credit, may be allowed at the time of employment.
   d. A three-year maximum of credit will be permitted for approved service in the armed forces.

2. Salary Supplements
   a. Academic Degrees

      The Chesapeake School Board desires to provide salary supplements for professional personnel who hold master's degrees, certificates of advanced study, or doctoral degrees. For employees hired after July 1, 2012, in order to be eligible for the salary supplement, the advanced degree shall be in the field of education or in a subject reasonably related to the employee assignment. The Board annually shall approve the amount of these supplements as elements of the salary schedule for teaching personnel.

      Administrative and supervisory personnel shall not be eligible to receive pay supplements for the master's degree if their salaries are determined from administrative or supervisory salary schedules.

      The successful completion of thirty (30) semester hours of credit beyond the master's degree in a bona fide doctoral program shall be considered as equivalent to the certificate of advanced study.

   b. Advanced Study

      Professional personnel who earn credits beyond the baccalaureate degree or master's degree shall be entitled to receive a salary supplement for each nine (9) hours of credit earned. The Board annually shall approve the amounts of these supplements as
an element of the salary schedule for teaching personnel. The following limitations shall apply:

1) Credits earned should be in the subject field in which the employee teaches or which have been approved as part of a degree program.
2) Credits earned must be graduate level.
3) Personnel holding the baccalaureate degree may be granted no more than three (3) supplements.
4) Personnel holding the master's degree may earn no more than five (5) supplements.
5) Supplements granted under the provisions of this section shall be terminated when an employee earns a master's degree, a certificate of advanced study or a doctor's degree and qualifies for a supplement provided for academic degrees.
6) Only credits earned after the date the highest degree held was awarded may be used to qualify for supplements provided for advanced study.

c. Accreditation

All credits or degrees shall be earned in an institution which is accredited by an agency that is recognized for this purpose by the United States Department of Education.

Personnel applying for supplements provided for academic degrees and advanced study shall be required to provide official transcripts or other documents as proof of eligibility.

3. Extra Pay for Extra Work

Certificated employees who agree to or are assigned to certain extra duties beyond the ordinary requirements of their positions may receive compensation for the additional time and responsibility required.

The Board shall determine which extra duties are beyond the ordinary responsibilities and duties required of a teacher based on the following:

b. Level of responsibility of the extra duty.
c. The emphasis that the Board places on a particular activity.
d. The Board also may consider the use of compensatory time from duties ordinarily assigned such as additional free classroom time, etc.
B. **Classified Personnel**

The Board shall adopt a salary guide for full-time and part-time classified personnel. A salary guide will be the basis for a salary schedule based upon the position held, skills required, level of responsibility, experience on the job, competitive pay in the community and surrounding areas, and other criteria as the Board may determine.

Each classified employee should be told what classification the employee is in and the minimum and maximum levels of pay for that classification. This applies to employees paid on an annual basis as well as those paid on an hourly basis.

Each position shall have a job description.

All classified personnel shall be placed on a pay scale noting a maximum and minimum for each position.

Each position shall have a maximum based upon the level of responsibility for that position.

Each position shall be classified. Each classification shall have a salary range depending upon years of experience and training.

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Adopted July 23, 1974
Revised July 15, 1980
Revised July 8, 1982
Revised August 1995
Revised May 24, 2012
R 8-40. Salary Guides

A. Payroll deductions will be made for those purposes required by law. Optional deductions may be made for insurance, investments, charity or other purposes that the School Board has approved and the employee has authorized in writing.

1. Pay Options

   Employees working a ten-month term may elect a ten-, eleven-, or twelve-month pay option. Employees working an eleven-month term may elect an eleven- or twelve-month pay option. An elected pay option which is greater than the work term authorizes the School Division to withhold a sum of money from each pay period to allow for the distribution of the salary over the selected eleven or twelve months.

   All twelve-month employees will be paid over twelve months and they are not required to make an election.

   A schedule of paydays shall be established by July 1 of each school year with payment to be made at least monthly, semimonthly, or biweekly, as may be determined by the School Board.

   If the School Board sets the school calendar such that the first day that students are required to attend occurs prior to August 15, the schedule of paydays shall ensure that all contract personnel are compensated for time worked within the first month of employment.

   a. Direct Deposit

      Employees will receive pay through direct deposit.

   b. Garnishments

      Should a garnishment be imposed by a judicial process upon an employee, the Superintendent shall be required to withhold pay as necessary to comply with the terms of the judicial orders.

B. Pay and Classification

   The Pay and Classification Plan will be published annually.
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P 8-41. **Travel Allowance**

Generally

Employees who are required to use their personal vehicles for travel on official school business within and outside the division shall be paid a travel allowance at a rate to be approved by the Board. The Superintendent shall establish guidelines and procedures for travel reimbursement.

Adopted July 23, 1974
Revised August 1995
R 8-41. Travel Allowance

A. Within the Division

Employees who use their personal cars for required travel within the School Division shall be reimbursed for the distances traveled between schools, and for the distance between the employee's base office and the schools or from the employee's home to the school nearest the employee's residence, whichever is shortest. The Board annually shall set the allowance for mileage reimbursement.

B. Outside the Division

Employees traveling outside the limits of the Division on official business shall be reimbursed for travel, food, lodging, fees, and other necessary miscellaneous expenditures as are approved by the Superintendent. When more than one employee must travel to the same place at the same time, the employees should travel together whenever possible; and the owner of the car should be reimbursed on a per mile basis at the same rate as stated above in section A.

Revised August 1995
P 8-42. **Insurance**

A. **Group Insurance Plans**

The School Board shall provide employees and retired employees who meet the eligibility criteria the opportunity to participate in group medical, dental, and life insurance programs approved by the Board. The Board will determine on an annual basis the portion of the cost to be funded by the School Board.

B. **Workers’ Compensation**

The School Board shall select a carrier for workers’ compensation to cover all employees of the Board. The Board shall pay the premiums for such coverage.

Adopted July 23, 1974
Revised January 24, 1989
Revised August 1995
Revised June 9, 2008
R 8-42. Insurance

A. Generally

Chesapeake Public Schools (CPS) offers the opportunity for eligible retirees who meet the eligibility criteria delineated herein to participate in a school division-sponsored health and dental insurance program. Eligible retirees who are not eligible for Medicare may continue coverage by participating in the Pre-Medicare health and dental insurance plans. Eligible retirees who are eligible for Medicare may continue health coverage by participating in the CPS Medicare Eligible plan. Retirees currently enrolled in a CPS Medigap plan may continue, but this option is closed to new retirees or retirees currently enrolled in the CPS Medicare Eligible plan. All of these plans serve as a supplement to Medicare. Medicare eligible retirees may not, however, participate in the group dental plan. The terms “professional” and “non-professional” as used herein, are defined in accordance with the Virginia Retirement System regulations. The terms of coverage described herein are offered at the discretion of the Chesapeake Public School Board, which reserves the right to amend the terms of coverage, or to eliminate coverage altogether, at any time. The CPS “intended contribution” as referenced throughout these regulations will be established at the discretion of the Chesapeake Public School Board.

B. General Conditions for Determining Eligibility

In order to establish eligibility to participate in the CPS-sponsored health and dental insurance plan(s) for retirees, the retiree must meet the following general conditions:

1. The retiree must be eligible to retire and receive benefits in accordance with requirements of the Virginia Retirement System (VRS).

2. The retiree must be ending full-time employment with CPS and VRS for retirement purposes only. Should the employee elect to end VRS benefits, the retiree health benefits will end also.

3. The retiree must enroll in the appropriate retiree plan within 31 days after retirement or 31 days from the lapse of CPS health and/or dental insurance coverage, whichever is later.

4. The retiree must meet the established minimum years of full-time employment with CPS in a VRS eligible position.

5. The retiree must be a participating member in each of the CPS health and CPS dental insurance plans at the time of retirement, and for at least 24 continuous months prior to retirement in order to continue in both plans. Failure to be enrolled in either option for less than 24 months prior to retirement will disqualify the retiree from continuing in that particular plan option. Medicare eligible retirees and eligible spouses and/or dependents are not eligible to continue in the dental insurance plan.
6. Creditable military service will be included when calculating the retiree’s length of employment with CPS as required by the Uniformed Services Employment and Re-employment Rights Act (USERRA).

7. If the retiree is retiring on VRS disability, he or she must meet the same eligibility requirements as the non-disabled participant.

8. Eligibility requirements for retirees’ dependents shall be the same as those for dependents of active employees.

9. Payment of the retiree, spouse, or eligible dependent portion of the premium for the health and/or dental insurance plan(s) must be made in accordance with procedures established by the school division. Failure to pay required premiums will result in cancellation of the health and/or dental insurance.

C. School Division Payment Procedure

Payment of the retiree, spouse or eligible dependent portion of the premium for the health and/or dental insurance plans must be made by the first of each month. If payment is not made by the fifteenth of the month, a reminder notice will be sent by regular USPS mail. If payment is not made by the thirtieth of the month, enrollment in the health and/or dental insurance plan(s) will be cancelled retroactive to the first of that month, and recovery will be sought for all paid claims for services rendered for that month. A cancellation notice will be sent by certified mail. Any other payment arrangements must be approved by the Superintendent or his designee. Failure to pay required premiums in accordance with the procedures established by the school division will result in cancellation of the retiree’s participation in the health and/or dental insurance plan(s). Once cancelled, participation in the health and/or dental insurance plan(s) cannot be reinstated without approval by the Superintendent or his designee.

D. Health and Dental Insurance for Retirees of Chesapeake Public Schools Not Eligible for Medicare (Pre-Medicare)

Pre-65 health and dental insurance is available to retirees who are not eligible for Medicare. In order for the spouse/dependent of the retiree to participate in this Pre-Medicare plan, the spouse/dependent also shall not be eligible for Medicare. If the spouse/dependent is eligible for Medicare, the spouse/dependent shall be given the option to enroll in the CPS Medicare Eligible plan. New retirees and/or eligible spouses and/or dependents or current enrollees in the CPS Medicare Eligible plan may not enroll in the current CPS Medigap plans. The amount of contribution by CPS toward the payment of the premium for the health and/or dental insurance plans is based upon the retiree’s length of employment. Upon the death of the eligible retiree, the contribution from the CPS and the VRS health care credit will cease.
Existing Retirees as of June 30, 2012, and Employees Hired Prior to July 1, 2012, Who Retire Prior to July 1, 2013

a. In order to be eligible to participate in the health and dental insurance plan(s), retirees must meet all the General Conditions for Determining Eligibility as stated in section “B”, and have a minimum of 24 months of service with CPS in a VRS covered position.

b. In order to be eligible to receive a contribution toward the premium, the retiree must have a minimum of 10 years of service with CPS in a VRS covered position. The contribution amount will be as follows:

1.) 50%: A retiree with at least 10 years, but fewer than 15 years of service with CPS is eligible to receive a contribution equal to 50% of the intended contribution.

2.) 75%: A retiree who meets either of the following tests will be eligible to receive a contribution equal to 75% of the intended contribution: (a) the retiree completed at least 15 but fewer than 20 years of full-time service with CPS; or (b) the retiree was a full-time employee of CPS for a minimum of 10 years and also completed an additional 5 years (15 years total) of full-time employment with either CPS or another creditable VRS covered position.

3.) 100%: A retiree who was a full-time employee of CPS for a minimum of 10 years, plus an additional 10 years (20 years total) of full-time employment with either CPS or another creditable VRS employer will be eligible to receive a contribution equal to 100% of the intended contribution.

   (i) An eligible retiree may have the option for spouse and dependent coverage.

4.) Retirees with fewer than 10 years of full-time employment with CPS at the time of retirement who meet the General Conditions for Determining Eligibility as stated in section “B” may participate in the health and dental insurance plan(s), but do not qualify to receive any portion of the intended contribution.

5.) Upon the death of a covered retiree, the covered spouse/dependent(s) may continue with the school division’s health and/or dental insurance plan(s) under COBRA continuation of coverage rights or until otherwise ineligible with no School Board contribution.

Employees Hired Prior to July 1, 2012, Who Retire On or After July 1, 2013

a. In order to be eligible to participate in the health and dental insurance plan(s), retirees must meet all the General Conditions for Determining Eligibility as stated in section “B” and have a minimum of 10 years of service as a full-time employee with CPS in a VRS covered position.
b. In order to be eligible to receive a contribution toward the premium, the retiree must meet the minimum service requirements specified below:

1. **50%**: A retiree who was a full-time employee for a minimum of 15 years of service with CPS who qualifies for _early_ retirement in accordance with VRS regulations is eligible to receive a contribution equal to 50% of the intended contribution.

2. **75%**: A retiree who was a full-time employee of CPS for a minimum of 20 years of service with CPS who qualifies for _early_ retirement in accordance with VRS regulations is eligible to receive a contribution equal to 75% of the intended contribution.

3. **100%**: A retiree who was a full-time employee of CPS for a minimum of 10 years of service with CPS who qualifies for _full_ retirement in accordance with VRS regulations is eligible to receive a contribution equal to 100% of the intended contribution.

4. Upon the death of the covered retiree, the covered spouse/dependent(s) may continue with the school division’s health and/or dental insurance plan(s) under COBRA continuation of coverage rights or until otherwise ineligible with no School Board contribution. A covered spouse/dependent(s) who is enrolled in the CPS Medicare Eligible plan at the time of a covered retiree’s death may continue their coverage until death or until they become eligible for other coverage.

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**Hired On or After July 1, 2012, Who Retire On or After July 1, 2013**

a. In order to be eligible to participate in the health and/or dental insurance plan(s), retirees must meet all of the **General Conditions for Determining Eligibility** as stated in section “B” and have a minimum of 20 years of full-time service with CPS in a VRS covered position.

b. In order to be eligible to receive a contribution toward the premium, the retiree must have a minimum of 20 years of full-time service with CPS in a VRS covered position. The contribution amount will be as follows:

1. **75%**: A retiree who was a full-time employee of CPS for a minimum of 20 years who qualifies for _early_ retirement in accordance with VRS regulations is eligible to receive a contribution equal to 75% of the intended contribution.

2. **100%**: A retiree who was a full-time employee of CPS for a minimum of 20 years who qualifies for _full_ retirement in accordance with VRS regulations is eligible to receive a contribution equal to 100% of the intended contribution.
3.) Upon the death of the covered retiree, the covered spouse/dependent may continue with the school division’s health and/or dental insurance plan(s) under COBRA continuation of coverage rights or until otherwise ineligible with no School Board contribution. A covered spouse/dependent(s) who is enrolled in the CPS Medicare Eligible plan at the time of a covered retiree’s death may continue their coverage until death or until they become eligible for other coverage.

E. Medical Benefits for Retirees of Chesapeake Public Schools Eligible for Medicare

Eligible retirees who are eligible for Medicare may participate in the CPS Medicare Eligible plan. This plan serves as a supplement to Medicare. In order to be eligible to participate in either of these plans, the retiree must enroll in Medicare parts A and B and meet the General Conditions for Determining Eligibility as stated in section “B” of these regulations. Upon the death of the eligible retiree, the contribution from the school division and the VRS health care credit ceases. Retirees eligible for Medicare are not eligible to participate in the group dental plan offered by CPS.

a. Medicare Eligible Plan

Existing Retirees as of June 30, 2012, and Employees Hired Prior to July 1, 2012, Who Retire Prior to July 1, 2013

1.) In order to be eligible to participate in either the CPS Medicare Eligible plan, the retiree must have been a full-time employee of CPS for a minimum of 10 years and eligible to retire in accordance with VRS regulations.

2.) 50%: A retiree with at least 10 years, but less than 15 years of service with CPS as a full-time employee is eligible to receive a contribution equal to 50% of the intended contribution.

3.) 75%: A retiree who meets either of the following tests will be eligible to receive a contribution equal to 75% of the intended contribution: (a) the retiree completed at least 15 but less than 20 years of full-time service with CPS; or (b) the retiree was a full-time employee of CPS for a minimum of 10 years and also completed an additional 5 years (15 years total) of full-time employment with either CPS or another creditable VRS employer.

4.) 100%: A retiree who was a full-time employee of CPS for a minimum of 10 years, plus an additional 10 years (20 years total) of full-time employment with either CPS or another creditable VRS employer will be eligible to receive a contribution equal to 100% of the intended contribution.
ii.) Employees Hired Prior to July 1, 2012, Who Retire on or After July 1, 2013

1.) In order to be eligible to participate in the CPS Medicare Eligible plan, the retiree must have been a full-time employee of CPS for a minimum of 10 years and eligible to retire in accordance with VRS regulations.

2.) 50%: A retiree with at least 15 years of full-time service with CPS who qualifies for early retirement in accordance with VRS regulations is eligible to receive a contribution equal to 50% of the intended contribution.

3.) 75%: A retiree with at least 20 years of full-time service with CPS who qualifies for early retirement in accordance with VRS regulations is eligible to receive a contribution equal to 75% of the intended contribution.

4.) 100%: A retiree with at least 10 years of full-time service with CPS who qualifies for full retirement in accordance with VRS regulations is eligible to receive a contribution equal to 100% of the intended contribution.

5.) Spouses and other eligible dependents of eligible retirees may participate in the CPS Medicare Eligible plan. No CPS contribution shall be applied to spouse or dependent coverage.

6.) Upon the death of the covered retiree, the covered spouse/dependent may continue with the school division’s health and/or dental insurance plan(s) under COBRA continuation of coverage rights or until otherwise ineligible with no School Board contribution. A covered spouse/dependent(s) who is enrolled in a CPS Medicare Eligible plan at the time of a covered retiree’s death may continue their coverage until death or until they become eligible for other coverage.

iii.) Employees hired on or after July 1, 2012 who retire on or after July 1, 2013

1.) In order to be eligible to participate in the CPS Medicare Eligible plan, the retiree must have been a full-time employee of CPS for a minimum of 20 years and eligible to retire in accordance with VRS regulations.

2.) 75%: A retiree with at least 20 years of full-time service with CPS who qualifies for early retirement in accordance with VRS regulations is eligible to receive a contribution equal to 75% of the intended contribution.

3.) 100%: A retiree with at least 20 years of full-time service with CPS who qualifies for full retirement in accordance with VRS regulations is eligible to receive a contribution equal to 100% of the intended contribution.
4.) Spouses and other eligible dependents of eligible retirees may participate in the CPS Medicare Eligible plan. No CPS contribution shall be applied to spouse or dependent coverage.

5.) Upon the death of the covered retiree, the covered spouse/dependent(s) may continue with the school division’s health and/or dental insurance plan(s) under COBRA continuation of coverage rights or until otherwise ineligible with no school board contribution. A covered spouse/dependent(s) who is enrolled in a CPS Medicare Eligible plan at the time of a covered retiree’s death may continue their coverage until death or until they become eligible for other coverage.

b. Medigap Plans

The plans offered by the school division are locally funded plans only available to retirees who reside in the state of Virginia that are currently enrolled in a plan through CPS. No other retirees may enroll in this retiree benefit plan option through CPS. Professional retirees are eligible to receive their VRS health care credit from VRS to assist with the payment of the Medigap premium.

Non-professional retirees (as defined by VRS) currently enrolled in a CPS Medigap plan will receive the equivalent VRS health care credit at the rate established by the state, from CPS using the same criteria that VRS uses for professional retirees to assist with the payment of the Medigap premium. There is no other contribution from CPS.

i.) Other General Conditions

1.) Professional retirees (as defined by VRS) who are currently enrolled in a CPS Medigap plan with a minimum of 10 years of full-time employment with CPS and 5 years of other VRS creditable service (15 years total) who participate in this plan do not receive a CPS contribution, as they are eligible to receive the VRS health care credit toward the payment of the Medigap premium.

2.) Non-professional retirees (as defined by VRS) who are currently enrolled in a CPS Medigap plan with a minimum of 10 years of full-time employment with CPS and 5 years of other VRS creditable service (15 years total) are eligible for the equivalent VRS health care credit from CPS toward the payment of the Medigap premium based on the same guidelines used by VRS for a professional retiree.
F.) Retiree Health and Dental Contributions from CPS and/or VRS

1.) The VRS health care credit, at the rate established by the state, will be available to professional retirees to assist with the payment of the CPS Pre-65, CPS Medicare Eligible, Medigap and dental insurance premium(s) as applicable.

2.) Non-professional retirees (as defined by VRS) will receive their equivalent VRS health care credit at the rate established by the state from CPS using the same criteria that VRS uses for professional retirees to assist with the payment of the Pre-65, Medicare Eligible, Medigap and dental insurance premium(s) as applicable.

3.) An eligible retiree may pay full premium to cover a spouse and eligible dependent in an appropriate CPS sponsored health and/or dental insurance plan(s).

4.) A covered spouse/dependent(s) who is not yet Medicare eligible would remain in the Pre-65 health and/or dental plan(s) with no School Board contribution until otherwise ineligible.

Approved January 2003
Revised July 9, 2007
Revised June 8, 2009
Revised June 11, 2012
P 8-43. Terminal Pay

A. Generally

The terminal pay for an employee leaving the Division shall be computed by multiplying the number of days actually worked during that fiscal year by the per diem rate of pay. The difference between this total and the total salary paid through the previous pay period shall be the amount of the employee's final paycheck. This shall not include payment for accumulated leave if any.

B. Deceased Employees

The auditor is authorized to pay to the estate of the deceased employee the full salary for the pay period during which the death occurred.

Adopted July 23, 1974
Revised January 24, 1989
Revised August 1995
P 8-44. **Holidays**

A. **Twelve-Month, Full-Time Personnel**

   All personnel employed on a full-time basis and for twelve-month terms shall regard the calendar of the school administration building as the official work calendar.

B. **Ten-Month and Eleven-Month Personnel**

   Full-time personnel employed for terms of ten or eleven months shall follow the special calendars established for their department or assignment.

Adopted July 23, 1974
Revised August 1995
P 8-45. Employee Assistance Program

The Employee Assistance Program is a confidential counseling service for School Board employees and their family members. It is designed to help resolve personal and job-related problems that could have a detrimental effect on job performance, thereby enhancing productivity and reducing absenteeism and turnover. The Superintendent shall establish regulations for the implementation of the Employee Assistance Program.

Adopted July 7, 2008
**R 8-45. Employee Assistance Program**

A. **Generally**

   The Department of Human Resources administers the Employee Assistance Program (EAP). Issues handled by the EAP include but are not limited to: stress management, nutritional awareness, drug and alcohol addiction, marital counseling, depression, smoking cessation, weight loss, relationships, parenting, and financial planning.

B. **Eligibility**

   The Employee Assistance Program is available to all permanent employees and immediate family members, or any individual for whom an eligible employee is legally responsible.

C. **Confidentiality**

   EAP provides complete confidentiality for employees and their family members. All records, contacts, and referrals will be treated in a strictly confidential manner. Notwithstanding any other provisions of this regulation, exceptions regarding confidentiality may be made in cases where the individual being treated is a threat to himself or other individuals; or in cases of suspected child abuse where state law mandates reporting.

D. **Supervisor Responsibility**

   It will be the responsibility of all supervisors to implement this regulation. Procedures shall be followed to ensure confidentiality. The employee’s request for or agreement to seek assistance or treatment will not jeopardize his job standing provided that his job performance is satisfactory.

E. **Cost of Services**

   Cost for the assessment interview and follow-up interviews (eight sessions) with the EAP Counselor will be paid by the School Board.

F. **Types of Referrals**

   There are three types of referrals to the EAP: self-referral (informal), supervisor-suggested referral (informal), and the mandated referral (formal). The EAP is to be used as a tool to assist the supervisor and employee in taking steps to improve the employee’s work performance.

   1. **Self-referral (informal)** – An employee refers himself or herself to the EAP. All communication between the employee and the EAP Counselor will be held in confidence, except when the individual being treated is a threat to himself or other individuals.
2. Supervisor-suggested referral (informal) – The supervisor, in accordance with normal management practice, may, in addition to other action, conduct an interview with the employee to discuss a work performance problem or a workplace incident that appears to warrant management intervention. The supervisor may suggest or advise the employee that help is available, on a confidential basis, through EAP. The focus of the supervisor should be on the employee’s job performance and capacity to perform, and the supervisor should not attempt to determine the nature of or personally treat the problem. The employee may accept or reject the offer of services. All communication between the employee and the EAP Counselor will be held in confidence, except when the individual being treated is a threat to himself or other individuals. There will be no record kept by the supervisor of this offer of services to the employee.

3. Mandated referral (formal) – A formal supervisory referral to the EAP may be used in instances where the supervisor has reason to believe that a personal problem may be contributing to the employee’s poor job performance. A Formal Referral may be used in conjunction with the School Division’s discipline policy. Formal Referrals may be used in any of the following circumstances: (1) continued decline in job performance after normal disciplinary action; (2) continued job-related incidents after normal disciplinary action; or (3) a single, serious, job-related incident or sudden decline in job performance.

   (a) Procedures

   i. The supervisor shall contact the Department of Human Resources and provide information on the circumstances supporting the formal referral. The Director of Human Resources will evaluate the information and, if one or more of the criteria for a formal referral are met, will provide the supervisor with the EAP formal referral form. The supervisor will counsel the employee and provide written documentation of poor work performance. The supervisor should not attempt to determine the specific nature of or personally treat the problem.

   ii. During the interview, the supervisor will direct the employee to seek assistance through the EAP. The supervisor will complete the EAP formal referral form and will schedule the initial assessment appointment with the EAP counselor. If the employee complies with the referral, he must authorize the EAP Counselor to release certain information specified in F.3 (b) to his supervisor. The supervisor will accompany the employee to the initial assessment appointment. If the employee does not comply with the referral or does not authorize the release of the specified information concerning treatment, such refusal may result in further disciplinary action due to the employee’s failure to follow his or her supervisor’s instructions as related to job performance or attendance.
iii. The supervisor should continue job performance evaluation and/or disciplinary action as appropriate.

(b) A formal referral is the direct result of an employee’s job performance and may be accompanied by disciplinary action. Documentation must be kept to show an offer of assistance was made. The supervisor will document the offer of services to the EAP by completing the EAP formal referral form. A copy of this documentation indicating formal referral to the EAP for an evaluation and the results of the evaluation and/or recommended treatment, as specified below, will be kept in the employee’s personnel file. The supervisor will provide the original formal referral form to the EAP counselor at the assessment appointment. The following information will be made available to the supervisor making the formal referral:

i. The employee is or is not working with the EAP.

ii. If recommendations were made and whether or not the employee is following the recommendations.

No other information will be released unless the employee gives written permission.

G. Use of Leave for EAP Appointments

A formal referral initial assessment appointment will be considered a job assignment. The employee is to be given time off during normal scheduled work hours to attend the initial assessment appointment with the EAP Counselor. For all other appointments other than a formal initial assessment, approved sick leave, annual leave, and leave without pay, or appointments made on the employee’s own time may be used.

Approved       July 7, 2008
The School Board is subject to the Patient Protection and Affordable Care Act (ACA) in its provision of healthcare options to eligible employees. Healthcare coverage is offered to qualifying employees under the terms of the School Board’s self-insured Plans, which may change from time to time.

The School Division has several different employment categories, only some of which are subject to the ACA. Generally, all “full-time” employees (as defined under the ACA) are eligible for coverage under the Act. Other categories may qualify for or result in coverage based upon consistently reaching 30 hours worked per week or 130 hours worked per month. Eligible employees will receive detailed information on our health Plans at the time of hire or upon becoming eligible. All employees will receive information on the option to purchase health insurance through the government’s Marketplace at the time of hire and annually thereafter.

Under the terms of the ACA, eligible employees will receive various protections, such as the ability to enroll in health insurance despite pre-existing conditions; the ability to cover their dependents until the dependents are twenty-six (26) years of age; and the option to obtain various preventive services at no or reduced cost. The terms of the ACA may change from time to time. Should employees have any questions about this Policy, our health Plans, or the ACA, they should contact the Department of Financial Services/Risk Management.

Reference:


Adopted October 27, 2014
ARTICLE 5.

LEAVES AND ABSENCES

P 8-51. Leaves of Absence

Leaves of absence are periods when an employee is excused from duties without pay or paid benefits but with the privilege of returning to work at the end of the period. They may be granted on an individual basis for such purposes as military service, educational purposes, travel, personal illness, or rest and recuperation.

Leaves of absence are not normally considered as a period of service for the purpose of determining placement on the salary scale. However, credit may be given for military service.

Adopted July 23, 1974
Revised May 8, 1979
Revised August 1995
P 8-51.1 Court Appearance and Jury Duty

A. Court Appearances

When employees need to be absent from their jobs to appear in court on behalf of themselves or a family member or an entity in which they have an economic interest, the absence will be charged to personal leave, vacation leave, or leave without pay. In other instances, leave with no deduction in pay may be granted for court appearances required by a subpoena.

If the employee is subpoenaed to serve as a witness because of the employee's position in the school system, and the subpoena is issued for a time other than a regularly scheduled work day, the employee will be reimbursed at the contracted rate of pay for the amount of time missed.

Employees are required to submit a Notification and Verification of Leave form and a copy of any subpoena to the Department of Human Resources.

B. Jury Duty

Employees called for jury duty during the term of the contract or agreement shall be given a leave of absence. Such employees shall be paid on a per diem basis a sum equal to the difference between their pay for jury duty and their daily rate provided that the Superintendent has been notified in advance.

Adopted July 23, 1974
Revised August 1995
Revised June 9, 2008
Revised May 23, 2011
P 8-51.2  Religious Holiday Leave

All Chesapeake Public Schools employees are eligible to request leave to observe religious holidays in accordance with regulations established by the Superintendent.

Adopted July 23, 1974
Revised August 1995
Revised May 1999
Revised June 30, 2008
R 8-51.2 Religious Holiday Leave

All Chesapeake Public Schools employees are eligible to request up to three days of leave per school year to observe religious holidays. Employees may use any of the following types of leave to cover the absence:

a. Vacation Leave
b. Personal Leave
c. Compensatory Time
d. Unpaid Leave

Employees must complete a Notification and Verification of Leave form and secure approval from their administrator in advance of the need for leave. Personal leave requests immediately before or after a school holiday or school break must be submitted to the Department of Human Resources at least 5 days in advance of the leave being taken.

Employees who have paid leave available may request either to use paid leave or a schedule adjustment to make up time missed due to observance of religious holidays. Employees who do not have paid leave available may request either unpaid leave in full day increments or a schedule adjustment to make up time missed due to the observance of religious holidays.

Any such schedule adjustments must be approved in advance and will be granted at the discretion of the employee’s administrator. Any administrator approving such leave must account for the adjustment in a written memorandum to be submitted to the Department of Human Resources for record-keeping. (The Department of Human Resources need not approve the adjustment in advance.) Schedule adjustments will be arranged in the following priority:

a. Typically, the adjustment will occur in the same workweek during which the leave was taken. Such an adjustment exchanges one schedule for another, but does not change the total hours worked in the week.

b. If a same-week adjustment is not possible, time missed from work may be made up in subsequent workweeks. Under no circumstances, however, may a non-exempt employee be scheduled for more than forty hours in a single workweek.

Administrators will make every effort to grant leave that has been properly requested. However, such requests may be denied if granting the leave would create an undue hardship on Chesapeake Public Schools.

Approved August 1995
Revised May 1999
Revised June 30, 2008
Revised May 9, 2011
Revised January 13, 2014
P 8-51.3  Medical Leave of Absence

The School Division will consider a written request for a medical leave of absence without pay from employees not eligible for job-protected Family and Medical Leave (FMLA). Such employees must be temporarily unable to work due to a nonwork-related medical condition which may include pregnancy. Unlike FMLA, the granting of a medical leave of absence is within the discretion of the School Division and is not job-protected.

Approved    July 7, 2014
R 8-51.3 Medical Leave of Absence

Employees who are not covered by the Family and Medical Leave Act (FMLA) and seek approved, unpaid leave for compelling or necessary reasons may apply for leave as indicated below. Unlike leave required by the FMLA, leave granted under this Policy and Regulation is at the discretion of the School Division and is not job-protected.

A. Request for Leave

As soon as an employee becomes aware of the need for a medical leave of absence, the employee should notify his or her supervisor and send a written request for a medical leave to the Department of Human Resources, Personnel Technician. The employee must identify the medical condition(s) and explain why his or her condition prevents him or her from working.

B. Physician’s Statement

A physician’s statement must be provided which (1) identifies the condition(s), (2) indicates that the employee is unable to work, (3) recommends medical leave and (4) specifies its beginning and expected ending dates. Any changes in this information should be promptly reported to the Personnel Technician. If a medical leave of absence is approved, a representative of Human Resources will be assigned to monitor the leave and serve as a point of communication with the employee. An employee who is granted a medical leave of absence will not be allowed to return to work until a communication is received in Human Resources from his or her physician indicating that the condition(s) necessitating the leave are no longer a bar to full performance of duties with or without a reasonable accommodation.

C. Use of Available Paid Leave; Extension of Leave

Employees must use any available paid personal, sick, and vacation time as part of the approved period of medical leave of absence. If the initial period of the approved leave expires and the employee is still unable to return, consideration may be given to a request for an extension. The School Division may refuse to grant the extension or require updated medical information prior to making a decision.

D. Health Insurance

Subject to the terms, conditions, and limitations of the applicable plans and policies, health insurance benefits may be provided by the School Division for a maximum of two months after the month in which the medical leave of absence begins. After that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from a medical leave of absence, benefits may again be provided by the School Division according to the applicable plans and policies.
E. **Return to Work**

When a medical leave of absence ends and return to work documentation has been received, an effort will be made to return the employee to the same position, if it is available, or to a similar, open position for which the employee is qualified. If the same or a similar position are not available, the Human Resources Director or designee will meet with the employee and discuss any available options which may include remaining on unpaid leave. Unlike job-protected FMLA, the School Division does not guarantee immediate reinstatement. If return to a position for which the employee is qualified, and which offers the same or higher current rate of pay as the position previously held, is offered by the School Division and not accepted by the employee, separation of employment may result.

Employees should confirm their availability and intent to return to work by notifying Human Resources at least seven calendar days prior to the end of a medical leave of absence. If an employee fails to notify Human Resources, his or her return may be delayed or denied. If, after notification of intent to return and the approval of a specific return date, the employee does not report to work on the first business day following the end of the medical leave of absence and does not request an extension, that employee will be in violation of this Policy. After follow-up inquiry by Human Resources, if the failure to return is not excused, disciplinary action up to and including termination may occur.

Approved    July 7, 2014
P 8-51.4  Wellness Leave

All Chesapeake Public Schools Employees that participate in a CPS-sponsored health plan are eligible to use the Health Centers (Clinics) located at Washington Shoppes and/or Knell’s Ridge, or at such other Health Center locations as may hereinafter be provided. Eligible employees are provided a maximum of 90 minutes of Wellness Leave during the working day to use these CPS-sponsored facilities. Time in excess of 90 minutes will be charged as sick leave to the extent available.

Wellness Leave need not be earned in advance, but will be tracked. Wellness Leave must be requested and approved in advance by the employee’s principal or designee for school-based employees, and by the employee’s immediate supervisor at the Director level or above or such person’s designee for all other employees. Instructional employees whose absence from work requires a substitute must ensure with their supervisor that adequate and appropriate coverage of instructional responsibilities has been arranged.

The use of Wellness Leave will be subject to the accompanying regulation R 8-51.4 which shall provide, in part, that the privilege granted in this policy may be revoked without prior warning for a specific or indefinite period of time by the administrator or supervisor of an employee who abuses this privilege.

Adopted  January 30, 2017
R 8-51.4 Wellness Leave

A. Definition

Wellness Leave is provided by Chesapeake Public Schools in order to facilitate eligible employees’ use of the Health Centers located at Washington Shoppes and/or Knell’s Ridge, or at such other Health Centers locations as may hereinafter be provided by Chesapeake Public Schools.

Wellness Leave without deduction from pay or sick leave will be granted for a maximum of 90 minutes per day and is meant to cover travel to and from the Health Centers as well as the time to receive care at the Health Center and fill any recommended prescriptions at the Wellness Center (Pharmacy) co-located with the Health Centers.

Wellness Leave is intended for employees to receive time off during the school work day for counseling or treatment for their own minor, acute care and timely treatment or counseling for chronic medical conditions, sometimes referred to as Condition Care. Treatment and/or counseling for Condition Care must have been identified through the Health Center’s own Health Risk Assessment program which includes a multi-point biometric screening.

Wellness Leave will count as hours worked for non-exempt employees but only to the extent of meeting the time required to achieve the contracted daily hours.

Wellness Leave will not count as hours worked for non-exempt employees for purposes of meeting the overtime threshold of the Fair Labor Standards Act.

B. Eligibility

All Chesapeake Public Schools Employees that participate in a CPS-sponsored health plan are eligible to use the Health Centers (Clinics) located at Washington Shoppes and/or Knell’s Ridge, or at such other Health Center locations as may hereinafter be provided. Such employees will be eligible to request and, if approved, take Wellness Leave during the working day to use these facilities.

C. Use of Leave

Wellness Leave need not be earned but its use will be recorded and tracked. Wellness Leave must be requested and approved in advance by the employee’s principal or designee for school-based employees and by the employee’s supervisor at the Director level or above or such person’s designee for all other employees. Instructional employees whose absence from work requires a substitute must ensure with their supervisor that adequate and appropriate coverage of instructional responsibilities has been arranged.
It is the intent of P 8-51.4 and this Regulation that eligible employees make full use of the Wellness and Health Centers provided for their benefit and that the necessary amount of time needed to travel from the employee’s place of work to one of the Centers and time spent at the Center may be granted as Wellness Leave with no reduction in pay provided the employee secures prior permission. In most cases permission should be granted if proper coverage can be arranged for an employee’s absence without undue disruption of educational and staffing needs.

The length of time to be used for Wellness Leave shall be only so much time as is necessary to travel to and from the Health Center and to be seen by a provider and, if so prescribed by the Health Center, to pick up a prescription or other over-the-counter medicine at the Wellness Center (Pharmacy). The maximum amount of Wellness Leave to be granted for any visit is 90 minutes. Any absence from work which exceeds 90 minutes will result in a charge to the employee’s available sick leave balance. An employee who exceeds 90 minutes in a visit and has no available sick leave may use compensatory time, vacation or personal leave to cover the time in excess of 90 minutes. If no leave is available, the employee will be charged leave without pay.

Wellness Leave may be requested and granted at any time of the school day including before reporting to work and extending into the school day or as the basis for an early departure. Administrators and Directors will, however, be careful not to allow use of this privilege to frustrate timely reporting to work or permit unnecessary early departures.

D. Frequency and Abuse of Leave

It is understood that the frequency of use of Wellness Leave may be difficult to predict. With this in mind, employees are expected to plan their visits in advance to avoid multiple or excessively frequent visits, and administrators and supervisors at the Director level and above may decline permission when they determine that granting the use of Wellness Leave would unduly disrupt educational or staffing needs. Principals or their designees and management staff at the Director level and above may make such determinations without appeal.

The use of Wellness Leave will be regarded as a privilege granted by the accompanying Policy which, as with most privileges, may be revoked with or without prior warning for abuse. A revocation may be for a specific or indefinite period of time and be imposed by building principal or Director or above of an employee who abuses this privilege. Generally abuse will occur when an employee uses Wellness Leave too frequently or takes more time away from work than is necessary to travel to and from a Health Center for a visit or to pick up a prescription or other over the counter items. Other forms of abuse may include stopping to do other errands, even if the 90 minutes allowed away from work is not exceeded.
E. Disciplinary Action

Any employee who requests and takes Wellness Leave and does not abide by the policy and regulations will be subject not only to the loss of the privilege of taking Wellness Leave, but also to other disciplinary action up to and including discharge. Any such matter should be referred by a building principal or a Director to the Director of Human Resources for further consideration and action.

Approved  January 30, 2017
Revised    April 24, 2017
P 8-52. Sick Leave

A. Licensed Personnel

Each regular status, licensed, or full-time employee shall be allowed ten days' absence from school the first year because of illness with no deduction from salary. Ten days shall be allowed for each succeeding year and except as provided below may accumulate without limit. Leave is accumulated at the rate of one day per month; therefore, eleven-month employees accumulate sick leave at the rate of 11 days a year and twelve-month employees accumulate sick leave at the rate of 12 days a year. A sick leave day is equal to the employee's scheduled workday. Employees starting mid-year will receive a pro-rata accrual of sick leave.

Sick leave for the full year is credited to the account of each eligible employee at the beginning of the school year. No other advance of leave is permitted. An employee who leaves before the end of the school year and has used more than the earned sick leave shall have the terminal pay reduced accordingly.

Sick leave shall be allowed for personal illness, injury, pregnancy, illness or injury in the employee's immediate family, and necessary appointments with health care providers. Sick leave shall not be allowed for a death in the family. The immediate family of the employee shall be interpreted to include the parents, wife, husband, children, brother or sister, step or foster parents or children, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparents and grandchildren of the employee, or any relative living in the household of the employee.

For VRS Plan 1 and Plan 2 employees, an unlimited number of sick leave days may be accrued. For VRS Hybrid employees, sick leave accumulation is limited to 120 days.

All full-time employees shall be paid for accumulated sick leave upon separation from the School Division per Regulation R 8-52.

B. Classified Personnel

The provisions for sick leave for classified personnel, including bus drivers, shall be the same as those provided for licensed personnel.

C. Medical Documentation

If an employee is on sick leave for more than five consecutive workdays, the employee may be required to submit medical documentation. In a case where the immediate supervisor or administrator suspects abuse of sick leave privileges, the supervisor or administrator may require reasonable proof of illness or injury for any absence including medical documentation. Falsification of information related to sick leave may be grounds for disciplinary action including suspension or dismissal.
D. Sick Leave Bank

Sick leave bank policies are provided under Policy 8-59.

Reference:

8 VAC 20-460-10 et seq.

Adopted: July 23, 1974
Revised: December 16, 1975
Revised: February 17, 1976
Revised: April 27, 1976
Revised: July 15, 1980
Revised: August 18, 1981
Revised: August 13, 1983
Revised: January 14, 1988
Revised: August 1995
Revised: June 9, 2008
Revised: June 24, 2013
Revised: June 23, 2014
Sick Leave - Payment for Sick Leave Upon Retirement

All full-time, licensed and classified, employees in the Chesapeake Public Schools, including bus drivers, shall be paid for accumulated sick leave based on any creditable VRS service, up to 60 days, upon retirement, as limited by the terms of this regulation. Payment shall be made on the basis of the employee’s daily rate of pay at the time of retirement. The following regulations shall apply:

1. Employees who have completed 20 years of VRS service shall be eligible to receive their full entitlement at the time of retirement, regardless of age.

2. Employees who retire with less than 20 years of VRS service shall be paid for accumulated sick leave on a pro-rated basis. For example, ten years of service would entitle a person to one-half of the entitlement which would be due to them for a period of 20 years of service.

3. Employees who retire with less than ten years of service shall not be eligible to receive payments for accumulated sick leave.

4. Employees who do not retire, but separate from service regardless of reason, will not be paid for accumulated sick leave.

5. Part-time and temporary employees are not eligible for paid sick leave during employment or upon separation.

The transfer of accumulated sick leave under the State sick-leave program shall be accepted from other Virginia public school divisions. For VRS Plan 1 and Plan 2 employees, CPS will accept unlimited sick leave from other Virginia public school divisions. For VRS Hybrid employees, sick leave days that are accepted from other Virginia public school divisions will be limited to 120 days.

Approved June 10, 2013
Revised June 23, 2014
Revised May 11, 2017
P 8-53. **Personal Leave**

A. **Generally**

Personal leave is provided so that employees who are not eligible for vacation leave may conduct personal business which cannot be conducted except during scheduled work hours.

Personal-leave absences which exceed the number of days allowed shall be deductible at the full per diem rate of pay.

Unused personal-leave days can be credited toward accumulated sick leave.

In general, personal leave shall not be granted on the last work day before a holiday or school vacation nor on the first day following a holiday or school vacation. Employees may request that an exception be granted through the Department of Human Resources for extenuating circumstances such as employee attendance at graduations and weddings. Such requests must be submitted 5 work days prior to the day requested.

Requests for personal leave should be submitted prior to the leave date(s).

B. **Eligible Employees**

All full-time employees who are not eligible for vacation leave shall be allowed a maximum of three days of non-cumulative personal leave each year with no pay deduction.

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**Adopted** November 19, 1974  
**Revised** October 14, 1975  
**Revised** November 27, 1979  
**Revised** August 1995  
**Revised** May 12, 1997  
**Revised** June 9, 2008  
**Revised** May 14, 2012
P 8-54. Family and Medical Leave

Employees who have been employed for at least 12 months and who have worked at least 1,250 hours during the immediately previous 12 months shall be entitled to up to 12 workweeks of unpaid leave during any 12 month period measured forward from time of use in accordance with the regulations of the Family and Medical Leave Act of 1993 (the Act) or (FMLA). Employees are required to use available paid sick leave for their own illness or injury and available sick, personal, and vacation leave during a period of Family and Medical Leave to care for a covered family member. In addition, any employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave per year to care for the service member in accordance with the regulations of the FMLA as amended in 2010. Family and medical leave without pay is available only to the extent that the absence for the employee’s own illness or injury cannot be covered by sick leave or the absence for a family member cannot be covered by all available leave with pay. The Superintendent shall establish regulations for unpaid leave which are consistent with the Act.

Reference:

The Family and Medical Leave Act of 1993, as amended

Adopted August 1995
Revised June 9, 2008
Revised June 23, 2014
R 8-54. **Family and Medical Leave**

A. **Eligibility**

Employees are eligible for up to 12 workweeks of unpaid leave during any 12 month period measured forward from time of use, if they have been employed for at least 12 months and have worked for at least 1,250 hours during the previous 12 months.

When both husband and wife work for Chesapeake Public Schools, each employee is entitled to the full 12 weeks of leave whether the leave is taken for personal illness of the employee or under the family care provisions. Not more than 12 weeks combined may be taken by husband and wife employees for the birth or adoption of a child.

Employees using unpaid leave will be required to use any accumulated sick leave prior to taking unpaid leave for personal illness. Employees will be required to use any accumulated sick leave, personal leave, or vacation time before beginning unpaid leave for the care of covered family members. Such sick leave, personal leave, or vacation time will count against the 12 weeks of available unpaid leave. Any use of the sick leave bank will also count against the total 12 weeks of leave. The period of sick leave required for disability during pregnancy shall also count against the 12 weeks.

B. **Reasons for Leave**

Leaves may be granted for the following reasons.

1. The birth or adoption of a child (includes the state placement of a foster child).
   
   Leave for birth or adoption must be completed within 12 months following the birth or adoption date.

2. A serious health condition of a spouse, child, or parent which requires the employee to provide care.

3. A serious health condition (physical or psychological) which makes the employee unable to perform essential job functions.

   Serious health condition is defined as follows:
   
   a. any period involving overnight inpatient care at a health facility.
   
   b. any incapacity requiring an absence of more than three days and requiring two or more visits to a health care provider or surrogate.
   
   c. supervision by a health care provider (without visits) for a chronic or long-term health condition or prenatal care.
d. treatment for a serious chronic health condition which, if left untreated, would likely result in three or more days of absence from work.

e. inpatient treatment for drug abuse under guidelines similar to the ADA.

4. Any qualifying exigency as defined in Department of Labor regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

5. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of leave per year to care for the service member in an exigency. Leave under this paragraph is available only during a single year. During that year the employee is entitled to a combined total of 26 workweeks of leave under this policy.

C. Definition of Terms

The term spouse shall be defined to mean two people lawfully married under the laws of the state of Virginia.

The terms son and daughter shall be defined as biological or adopted children, stepchildren, legal wards, and children of a person standing in loco parentis (for example, foster children). The term includes not only children under 18, but also older children who are incapable of self-care because of physical or mental disability.

The term parent shall be defined as the biological parent or other person who stands in loco parentis to the employee. Parents-in-law are not included.

The term Health Care Provider includes medical doctors, podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist), nurse practitioners, nurse-midwives as licensed by state law, and Christian Science practitioners.

Questions concerning any other terms included within the Family Medical Leave Act or its regulations may be directed to the Department of Human Resources.

D. Leave Schedule

Unless Chesapeake Public Schools and the employee agree otherwise, leave for birth or adoption must be scheduled for consecutive weeks. However, leave may be taken without prior agreement "when medically necessary for the employee or a family member." Upon return the employee may be required to transfer to an available alternate position for which the employee is qualified.

If an employee requests intermittent leave, or
leave on a reduced schedule, the employee may be required to transfer to an available alternative position for which the employee is qualified. The alternative position shall be similar and may be one which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's regular employment position.

Teachers and other instructional employees may be required to take continuous leave or be placed in a less disruptive position when intermittent leave would cause the absence of the employee for more than 20% of the classroom time. Where a teacher or other instructional employee would return from leave during the last two to three weeks of the semester, the employee may be required to extend the leave through the semester's end.

E. Notice Requirement

When the need for leave is foreseeable, such as the birth or adoption of a child or planned medical treatment, the employee must provide Chesapeake Public Schools with 30 days notice. If the leave is not reasonably foreseeable, notice should be given as soon as practicable. Any failure to give a timely notice may cause the leave to be delayed.

F. Medical Certification

If leave is requested because the employee or covered family member has a serious health condition, the employee must provide a doctor's certification before taking leave. If the certification cannot be provided before taking leave, it must be sent to the Department of Human Resources as soon as possible.

The medical certification must be executed on a form provided by the Department of Human Resources within 15 days of the application for leave. If the leave is requested because of a serious health condition of the employee, the certification must include a statement that the employee is unable to perform the functions of the position. If the leave is requested to care for a seriously ill child, spouse, or parent, the certification must state that the employee is needed to care for the family member and it must include an estimate of the duration needed to provide care.

When Chesapeake Public Schools has reason to doubt the validity of a medical certification, a second opinion may be required. Selection of a new physician is subject to the approval of Chesapeake Public Schools. If the two health care providers disagree, Chesapeake Public Schools may require the opinion of a third jointly approved medical provider who shall be the final authority on the question. Second and third opinions shall be at the expense of Chesapeake Public Schools.

Chesapeake Public Schools may also require the employee to provide recertification on a reasonable basis. Ordinarily, representatives of the School Division will not contact an employee’s health care provider without the employee’s consent. Contact may be made, however, by the Department of Human Resources to authenticate the documents which have been offered by the employee.
G. Benefits Continuation

During an approved FMLA leave of absence, Chesapeake Public Schools will maintain the employee's group health coverage at the same level of contribution as provided prior to the period of the absence. It shall be the employee's responsibility to pay the employee's premium contributions during the period of absence. If the employee does not return to work after an approved absence, the employee may be required to reimburse Chesapeake Public Schools for full costs of premiums that were paid to maintain the employee's insurance coverage during the absence, unless the failure to return to work was for reasons beyond the employee's control. Other benefits, such as vacation, sick leave, or serviceable retirement time, do not accrue during an unpaid FMLA leave of absence.

H. Return from Leave

Generally, an employee who takes leave under this policy shall be entitled to return to the employee's regular employment position, if available, or to an equivalent position with the same pay and benefits. Restoration provisions may not apply to highly compensated employees (top 10%) where restoration would cause substantial economic injury to Chesapeake Public Schools.

If the leave was taken because of the employee's own illness or injury, the employee may be required to provide a fitness-for-duty certification from a health care provider before returning to work. Notice of readiness and intent to return to work should be provided as soon as possible so the proper arrangements can be made.

I. Procedures

Request for FMLA leave forms and Certification of Physician or Practitioner forms may be requested from the Department of Human Resources. If possible, the completed leave request form, signed by the employee's supervisor, should be submitted to the Department of Human Resources 30 days in advance of the effective date of the leave. The medical certification form should be completed and sent directly to the Department of Human Resources within 15 days of the application for leave.

J. Fraudulent Leave Requests

An employee who fraudulently obtains leave under the FMLA is not protected by the Act's restoration or maintenance of health benefits provisions and will be subject to appropriate disciplinary action including possible discharge.

K. Outside Employment

An employee who is on FMLA leave or other medical leave may not engage in employment for any other employer or self-employment while on leave.

Approved August 1995
Revised June 9, 2008
Revised June 23, 2014
P 8-55. Sabbatical Leave

On the recommendation of the Superintendent, the School Board may grant sabbatical leave for professional study to qualified personnel. This leave shall not exceed one year.

Professional study shall be defined as course work which increases the employee's professional competence and which is necessary to pursue an advanced degree.

The Superintendent shall establish procedures for the regulation of sabbatical leave.

Adopted July 23, 1974
Revised September 27, 1977
Revised August 1995
R 8-55.  **Sabbatical Leave**

**Eligibility**

To be considered for sabbatical leave, an employee shall have completed seven years of continuous and satisfactory service in the School Division and shall hold the minimum of a master's degree from an accredited college or university. An employee who has been granted previous sabbatical leave shall return for service for a period of seven years before applying for a second leave.

**Selection of Recipient**

The selection of employees to whom sabbatical leave is granted shall be at the discretion of the Superintendent and the School Board. Application for sabbatical leave shall be filed in writing and sent to the Superintendent.

**Provisions of Leave**

Sabbatical leave shall be granted for a period not to exceed one year. During the period of leave, the employee on leave shall be entitled to all rights, privileges, and opportunities to which the employee would have been entitled as a regular employee of the School Division. Such rights shall include a return to employment with the School Division; however, return to the same position is not guaranteed.

**Compensation During Leave**

During the period of leave, the employee shall be paid one-half of the salary for which the employee would have been compensated on regular status. All employment benefits shall be retained during the leave period.

**Obligation of Recipient**

An employee to whom sabbatical leave is granted shall agree to return to the School Division for at least three years following the expiration of the leave. If an employee does not return to employment with Chesapeake Public Schools, the full amount of salary paid during the leave period shall be repaid with interest. If the employee returns to Chesapeake but does not complete the three years of required employment following the sabbatical leave, the amount due shall be computed on a per diem basis at the prevailing rate of interest. All money shall be repaid immediately upon resignation.

**Approved**    August 1995
P 8-56. Military Leave

Upon written or verbal notice however practicable, an employee who is a member of an officially recognized military reserve unit or who voluntarily enlists or accepts a commission in the uniformed armed services shall be entitled to three (3) weeks (fifteen [15] working days) of military leave each year. During the leave period, the employee shall receive full pay. In the event that a military-related absence must exceed such period, additional paid military leave will not be granted. Personnel are expected to make every effort to schedule military leave at times when the schools are not in session.

After the exhaustion of paid military leave, employees who are ordered to or who voluntarily enlist or accept a commission for active military service as a result of a national crisis shall be placed on active duty military leave. The cumulative length of the military leave including leave to serve on active duty in the uniformed service combined with any previous leave taken due to other duty in the uniformed service shall ordinarily not exceed five (5) consecutive years but may be extended based on the continuation of the said crisis.

Eligible employees may draw against their accumulated leave in order to receive any difference between their gross school system salary and military compensation during the period of absence. If annual or compensatory leave has been exhausted or if the employee is ineligible for such leave, the employee may draw against the monetary value of accrued sick leave or personal leave in an amount equal to the difference between the employee's gross school system salary and military compensation for the same period. Military compensation shall be defined as F.I.C.A. wages received for serving on active duty. Accrued sick leave shall not be defined to include days earned through participation in the sick leave bank.

The School Division, upon request of the employee, shall continue to pay health and dental insurance for the period of absence. In addition, the School Division shall pay group life insurance for up to 24 months in accordance with Virginia Retirement System regulations. The amount paid by the School Division shall be equal to the amount that would have been paid if the employee had not been called to or volunteered for active duty.

Reference:

Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301

Adopted September 14, 1976
Revised April 21, 1987
Revised February 26, 1991
Revised August 1995
Revised October 29, 2001
Revised June 9, 2008
Revised June 23, 2014
P 8-57. **Workers' Compensation**

An employee incapacitated by injury or occupational disease as defined by the Virginia Workers’ Compensation Act (Title 65.2 of the Code of Virginia as amended) is entitled to the benefits provided by the Act. Workers’ compensation leave with pay shall be provided in such instances as set forth in Regulation 8-57.

- **Adopted** July 23, 1974
- **Revised** January 24, 1989
- **Revised** August 1995
- **Revised** August 10, 2009
R 8-57. **Workers’ Compensation**

Chesapeake Public Schools is committed to the safety and well-being of all students, staff, and the public. In order to ensure the safety of all stakeholders, compliance with safety rules is required. Specific rules may apply to specific equipment or materials, and it is the responsibility of each department to communicate, train, and monitor the specific safety requirements of the work performed. The general safety rules are to be observed by all employees. Failure to follow general or specific safety rules may result in the denial of a worker’s compensation claim.

**General Safety Rules**

1. Approved eyewear and other approved personal protective equipment (PPE) as required must be worn when grinding, sanding, using power tools, mowing, conducting general maintenance and repair, applying or using chemicals and fertilizers, and doing vehicle or equipment repair.
2. Approved ladders and stepstools are to be used to reach high places. Use of chairs, desks, buckets, countertops, and shelves is strictly prohibited.
3. Seat belts, where installed, must be used at all times when operating or riding in vehicles while conducting school business.
4. Machinery safeguards must be used while operating power tools and motorized equipment.
5. Only approved cleaning/disinfecting products per Virginia Occupational Safety and Health’s (VOSH) Hazard Communication Standard are to be used.
6. Specific rules, guidelines, and safety procedures as directed by department supervisors are to be followed without exception.

A. **Workers’ Compensation Benefits**

In work-related injury or occupational disease cases which qualify as compensable under the Virginia Workers’ Compensation Act (the Act) and require absence from work, the injured employee’s salary will be paid in accordance with the requirements as stipulated in the Virginia Worker’s Compensation Act. The School Board will require the use of the employee’s available vacation, personal, compensatory and/or sick leave in order to continue an employee’s salary/or average hourly wage and fringe benefits (if applicable) in full, less workers’ compensation wage replacement payment. Employees receiving worker’s compensation benefits are not eligible to use the sick leave bank to be compensated for an absence.

1. Compensation and Benefits:
   
   a. The first seven full and/or partial calendar days of absence from work will be charged to the employee’s accumulated leave for a compensable injury or occupational disease under the Act.
   
   b. While temporarily unable to perform any work, an employee will be paid 2/3 of his or her gross average weekly wage up to a set maximum weekly limit as established by the Virginia Worker’s Compensation Commission for claims that
are deemed to be compensable. There must be seven calendar days of disability before benefits are payable. However, if disabled for more than three weeks, the employee receives payment for the first seven days. If the injured employee cannot return to regular work and is given light duty at a lower wage, benefits are 2/3 of the difference between the pre-injury wage and the current pay up to the maximum weekly limit. Allowable compensation will be paid directly from the school division’s third party administrator responsible for paying worker’s compensation benefits on behalf of the division. With the approved physician’s written concurrence, an employee may be required to return to work on temporary alternative duty prior to resuming regular assigned full duties.

c. Periodic medical reports shall be required for work-related absences due to injury or occupational disease. If the Superintendent or designee requires an employee to receive a second medical opinion/prognosis, the cost of the second opinion will be paid by the School Board. If the employee requests a second medical opinion/prognosis, the employee will pay the cost of the second opinion.

d. With an approved physician's written concurrence, an employee may be required to return to work on temporary alternative duty prior to resuming regular assigned full duties.

2. Beyond 60 days

a. Once 60 full and/or partial workdays of work-related absences and/or temporary alternative duty workdays have elapsed, the employee will be counseled with regard to his or her employment options.

b. If an employee is medically released to return to his or her regular job after 60 full and/or partial workdays of work-related absences and/or temporary alternative duty, and subsequently has a recurrence or aggravation of the same injury or occupational disease, the employee will be counseled with regard to his or her employment options, but the partial pay provided herein will not be renewed.

c. With an approved physician's written concurrence, an employee may be required to return to work on temporary alternative duty prior to resuming regular assigned full duties.

3. Administration by Risk Management

The Office of Financial Services and Risk Management (Risk Management) shall be responsible for the administration of this policy. Risk Management also reserves the right to require medical documentation for all compensable absences.

B. Temporary Alternative Duty

1. Purpose

a. To assist Chesapeake Public Schools in receiving productive work from an employee who is temporarily partially disabled due to a work-related injury or occupational disease, by means of a modification in the range of the employee's required duties or through the temporary reassignment to an alternate, temporary task, the School Division may make temporary alternative duty available.
b. To determine, with due consideration to the employee’s work capacity as determined by the approved treating physician(s), whether appropriate assignments are available and in the best interest as determined by the School Division.

2. Definitions

a. Temporary Alternative Duty: a modification in the range of the required duties for an employee or the temporary reassignment of an employee to an alternate and temporary task due to an employee's inability to fulfill all the essential functions of his or her position for a limited time period due to a work-related disability.

b. Work-Related Disability: the inability to perform the full requirements of the employee's regular job as a result of a work-related injury or occupational disease as defined in the Act.

3. Eligible Employee

Employees affected by a work-related disability as defined above may be eligible for temporary alternative duty.

4. Terms and Conditions

a. Temporary alternative duty shall be conditioned upon the presentation of a written medical statement by the approved treating physician(s) to the School Division substantially stating that:

i. The employee is unable to perform the full range of essential functions of his or her regular job;

ii. The disability is temporary in nature;

iii. The employee is able to safely perform the essential functions of the proposed temporary alternative duty; and

iv. The temporary alternative duty poses no foreseeable health or safety risks to the employee or to others.

5. Temporary Alternative Duty may be discontinued when:

a. The employee is medically released to return to his or her regular job; or

b. The employee reaches maximum medical improvement and remains unable to perform the full range of duties of his or her regular job; or

One hundred twenty full and/or partial workdays of work-related absences and/or temporary alternative duty workdays have elapsed. In such cases, the employee will be counseled with regard to his or her employment options. Further, if an employee is medically released to return to his or her regular job after 120 full and/or partial workdays of work-related absences and/or temporary alternative duty and subsequently has a recurrence of the injury occupational disease, the employee will be counseled with regard to his or her employment options.
6. Other requirements
   a. While on temporary alternative duty, an employee may be required to turn in any assigned take-home vehicle.
   b. An employee on temporary alternative duty shall immediately notify his or her temporary duty supervisor and his or her regular supervisor if there are any changes to his or her condition which necessitate additional or different limitations on temporary alternative duty, as described by his or her approved treating physician(s).
   c. Employees on temporary alternative duty generally will be prohibited from working overtime hours or performing duties not permitted by the approved treating physician. Other duties which are similar to approved duties and/or overtime hours may be assigned with the written consent of the approved treating physician and the Assistant Superintendent for Human Resources and School Services or his or her designee.
   d. It shall be the practice of Risk Management to assess for possible return to full duty employees on temporary alternative duty every 30 days by receiving an update from the approved treating physician(s).

5. Employees on temporary alternative duty will be expected to cooperate fully with Risk Management in securing such updates.

7. Disqualification
   a. An employee on temporary alternative duty who is receiving temporary partial disability benefits under this Policy must notify the Director of Financial Services and Risk Management and the Director of Human Resources or their designees of any employment not with the School Division (including self-employment) during that time period.
   b. Failure to provide notification of such employment not with the School Division will subject the employee to disqualification from the temporary alternative duty and/or disciplinary action up to and including termination.
   c. An employee who willfully engages in activities which are prohibited by the employee's approved treating physician(s) or which could reasonably be expected to aggravate the employee's medical condition will be subject to disqualification from the temporary alternative duty and may be subject to disciplinary action up to and including termination.
8. Procedure
   a. All requests for temporary alternative duty will be forwarded to the Director of
      Financial Services and Risk Management or designee in conjunction with the
      employee’s supervisor and when necessary, coordinated with the Director of
      Human Resources and/or designee. The Director of Financial Services and Risk
      Management or designee is responsible for continuously monitoring the
      temporary alternative duty requirements.
         i. An employee on temporary alternative duty requiring coordination
            between Risk Management and Human Resources shall not return to
            regular duty without first receiving approval from the Director of
            Financial Services and Risk Management and the Director of Human
            Resources or their designees and written approval from his or her
            approved treating physician(s).
         ii. Upon receiving such approval, the employee must timely notify his or
             her immediate supervisor before returning to regular duty.

C. Coordination with other Laws.
   The requirements of all applicable laws, including the Family and Medical Leave Act and the
   Americans with Disability Act will be considered in the administration of School Board Policy
   8-57 and this Regulation.

Adopted        August 10, 2009
Revised        June 23, 2014
P 8-58  Vacation

A.  Vacation Accrual

Full time 12-month employees shall accrue vacation leave at the rates specified below. Experience as a 12-month Chesapeake School Board employee may be used to establish eligibility for a specific rate. Twelve-month experience with other school systems or state institutions and agencies also may be used to gain eligibility provided that the experience immediately precedes employment with Chesapeake Public Schools.

Newly appointed administrative personnel shall be credited with five day of vacation leave upon appointment as administrators.

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<thead>
<tr>
<th>Experience in Years</th>
<th>Days/Months</th>
<th>Days/Years</th>
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<tr>
<td>Up to 3 years</td>
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<td>12</td>
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<tr>
<td>At least 3 but less than 6 years</td>
<td>1 ¼</td>
<td>15</td>
</tr>
<tr>
<td>At least 6 but less than 12 years</td>
<td>1 ½</td>
<td>18</td>
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<tr>
<td>At least 12 but less than 20 years</td>
<td>1 ¾</td>
<td>21</td>
</tr>
<tr>
<td>Twenty years or more</td>
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<td>24</td>
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</table>

Vacation days will be accrued as hours for all employees. One day will be equal to the number of hours in an employee’s regularly scheduled work day.

B.  Vacation Accumulation

Vacation may be accumulated to a maximum of 42 days. Vacation balance shall be reduced to this maximum each year on January 1. Any days stricken from the vacation balance shall be converted to sick leave.

C.  Pay for Accumulated Vacation

When an employee separates or retires from active service, the employee may be compensated, at a final rate of pay, for a maximum of 20 days of accumulated vacation. For purposes of applying this policy, payment shall be made on the basis of the employee’s daily rate of pay at the time of retirement.
D. **Scheduling**

Vacation leave will be scheduled at times when schools are not in session or when activity permits. Whenever possible, vacation leave should be scheduled as requested by the employee.

E. **Records**

The Superintendent shall establish and maintain records of vacation leave, accrual, accumulation, and utilization.

<table>
<thead>
<tr>
<th>Action</th>
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<tr>
<td>Adopted</td>
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<tr>
<td>Revised</td>
<td>December 15, 1981</td>
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<td>Revised</td>
<td>November 26, 1985</td>
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<td>August 1995</td>
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<td>June 9, 2008</td>
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<td>Revised</td>
<td>September 24, 2018</td>
</tr>
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R 8-58. Vacation

1. Requesting Vacation

Employees who wish to use vacation time should state their intentions using the Notification and Verification of Leave form.

2. Reporting Vacation Absences

In addition to requesting vacation, all vacation absences should be reported using regular absence reporting procedures.

Adopted July 23, 1974
Revised July 1, 1980
Revised November 26, 1985
Revised August 1995
Revised June 9, 2008
P 8-59. **Sick Leave Bank**

A. **Licensed Personnel**

The Chesapeake Public Schools shall maintain a sick leave bank to be used when a regular employee is incapacitated by long-term illness or injury, as long as at least one-third (1/3) of those eligible agree to participate in accordance with the provisions of this policy.

1. Membership in the sick-leave bank shall be voluntary for VRS Plan 1 and Plan 2 members.

2. Membership in the sick leave bank shall be mandatory for VRS Hybrid Plan employees. Hybrid employees are only eligible for the sick leave bank during their first year (12 consecutive months) of employment.

3. VRS Plan 1 and Plan 2 employees may enroll prior to September 30 of each school year or within thirty days of the beginning date of employment. An employee who does not enroll when first eligible may do so by making application and providing satisfactory evidence of good health to the Department of Human Resources. An employee may enroll in the bank by donating one day of sick leave earned during the then current school year.

4. The first thirty (30) consecutive contract days of illness or disability will not be covered by the bank, but must be covered by the employee's own accumulated leave or taken as leave without pay. This requirement may be met in those cases in which thirty (30) contract days of absence, although not consecutive, for the same illness/injury occur within sixty (60) contract days.

5. A maximum of forty-five (45) contract days each school year can be drawn by any one member.

6. Days drawn from the bank, for any one period of eligibility, resulting from recurrence or relapse of the original illness, will be covered fully on a continuing basis up to the annual maximum of forty-five (45) days. Otherwise, members must return to work and must meet the requirements of item (3) before becoming eligible to utilize sick leave bank benefits again.

7. A member of the sick leave bank will not be able to utilize sick leave bank benefits until the member's own sick leave balance declines to three (3) days.

8. Members of the sick leave bank will be assessed an additional day or days of sick leave at such times as the bank is depleted to three hundred (300) days, unless they choose not to participate further in the bank. VRS Hybrid members will not be assessed additional days of sick leave.
9. Members utilizing sick leave days from the sick leave bank will not have to replace these days, except as a regular contributing member to the bank.

10. Upon termination of employment, or withdrawal of membership from the bank, a participating employee will not be permitted to withdraw or be paid for his contributed days. Payment for accumulated sick leave, which should not be confused with days contributed to the sick leave bank, is addressed in Policy P 8-52.

11. Employees cannot qualify for use of the sick leave bank after giving notice of resignation or retirement, nor may they use days after the effective date of separation. The sick leave bank is not intended as a form of terminal leave, and the Human Resources Director should deny a request which would create this result.

12. Extenuating circumstances will be considered by the Superintendent or his designee.

B. Classified Personnel

The provisions of the sick leave bank for full-time classified personnel shall be the same as those stated for licensed personnel in this policy.

Adopted July 15, 1980
Revised August 1995
Revised June 23, 2014
Revised September 26, 2016
Bereavement Leave

Each full or part-time contract or classified employee shall be allowed full pay for any scheduled work hours missed during the date of death and up to the next three work days of the affected employee following the date of death of an immediate family member. If the funeral or memorial service of the deceased occurs more than three (3) work days, after the date of death, the employee shall be paid for one (1) additional day for the purpose of attending a funeral or memorial service within an approximate 150 mile radius of the Chesapeake Municipal Complex and two (2) days if reasonably necessary for out of town travel beyond 150 miles.

In cases of particular hardship, the one or two scheduled work days that may otherwise be available for attending a funeral or memorial service may instead be used to care for or make arrangements for family members immediately and significantly impacted by the death. Such days may be paid provided a request has been made to and approved by the Human Resources Department prior to a requested absence.

In no instance will an employee receive paid Bereavement Leave for more than five scheduled work days for any one death.

Adopted  August 1995
Revised  May 12, 1997
Revised  November 19, 2018
R 8-60. **Bereavement Leave**

Pay covering an absence because of a death in the immediate family which exceeds the next three work days immediately following the date of death shall require the use of personal leave days, vacation days, or sick leave days, if applicable. Such charged leave will be considered and may be approved by a supervisor based on the circumstances. If no chargeable leave is available to an employee, such an absence, if approved, may be recorded as leave without pay.

Within 30 days of the date of death, additional paid Bereavement Leave days not to exceed two days may be approved for extenuating circumstances or family hardship and may be requested through the Department of Human Resources. Extenuating circumstances or family hardship may include, but are not limited to, a need to secure property, make arrangements for different housing, or for child care for an impacted family member. Alternatively, one or two paid days may be granted based on the travel distance to a funeral or memorial service which is not held during the first three work days following the day of death.

The immediate family of the employee shall be interpreted to include parents, wife, husband, children, brother, sister, step or foster parents, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandchildren, and grandparents of the employee or his spouse, or any relative whose principal residence was in the household of the employee.

**Approved** August 1995
**Revised** May 12, 1997
**Revised** October 29, 2018
P 8-61. Sick Leave Donation

The voluntary transfer of sick leave may be authorized on a case-by-case basis when an employee has exhausted all other leave and still has a legitimate need for sick leave. The intent of this policy is to ensure continuation of salary and benefits for those employees, who because of a catastrophic illness, will have to be absent for an extended period of time. Such transfer of leave shall be authorized by the Assistant Superintendent for Human Resources and School Services and shall be in accordance with regulations established by the Superintendent.

Adopted August 1995
Revised June 9, 2008
R 8-61. Sick Leave Donation

The donation and transfer of sick leave from one employee to another shall be carried out according to the following procedures and conditions.

1. An employee who wants donated leave must submit a written request to the Assistant Superintendent for Human Resources and School Services who will authorize sick-leave donations. The request must include the reason why donated leave is requested and the approximate duration of the employee's absence. A doctor's certificate verifying this information should accompany the request.

2. An employee to whom sick leave is donated must have used all available leave, including annual or personal leave and leave resulting from membership in the sick-leave bank. If the employee is not a member of the sick-leave bank or is ineligible to use the sick-leave bank, the following provisions of the sick-leave bank shall apply.
   a. Transferred leave may not be used to cover the first 40 days as defined in the sick-leave bank.
   b. Transferred leave may not be used to cover the 45 days per year that would otherwise be available from the sick-leave bank.
   c. Transferred leave may not be used for illness in the family.

3. If the employee's request is approved, the Department of Human Resources will send sick-leave donation authorization forms to the employee's principal or supervisor to coordinate the donations. Employees may not solicit donated sick leave from other employees. Completed forms must be returned to the Department of Human Resources.

4. No employee may donate more than 5 days of earned sick leave to another employee during a fiscal year. Sick leave credited at the beginning of the school year may not be donated unless the employee has worked the required number of days necessary to have earned such leave.

5. Once the employee returns to work, unused donated leave will be distributed equally among all donors. Employees may not save unused donated leave for follow-up checkups or subsequent absences.

6. The total number of days donated shall not exceed the number of days required to provide sick-leave coverage through the end of the school year or fiscal year.

Approved August 1995
Revised June 9, 2008
P 8-62    Lactation Support

The Superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the Chesapeake Public Schools may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view.

Reference:

Code of Virginia, 1950, as amended, §22.1-79.6

Adopted    July 7, 2014
CHAPTER 9
STUDENTS

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ARTICLE 1.

GENERAL TOPICS

P 9-1. Student Rights and School Authority

Each resident child of school age shall have the right to a free public education and shall be compelled to attend school unless excused under the Code of Virginia 22.1-254 or excluded by the School Board. Students shall be required to apply themselves to the pursuit of an education and to conduct themselves in an orderly manner. While in school, students shall enjoy full constitutional rights and freedoms.

The School Board shall provide for the governance of the schools and for the discipline of students, including the time when they are going to and returning from school. The Superintendent and the school staff shall carry out the provisions of the School Board and establish rules for maintaining a safe learning environment which is free of disruption or threat from others.

Lines of Communication and Appeal

Within each school, avenues of communication with the administration and faculty shall be open to students to discuss conditions affecting their welfare.

Whenever a parent feels that a student’s rights have been abridged, the parent should bring this matter to the attention of the school principal. If not satisfied with the action taken by the principal, the parent (or guardian) may appeal the decision in turn to the Division Superintendent and finally to the School Board. Note Policy 3-12.

References:

1. Constitution of Virginia, Article VIII
2. Code of Virginia:
   22.1-78
   22.1-79
   22.1-253.13:7
   22.1-254 through 22.1-269
   22.1-277

Adopted July 23, 1974
Revised August 1995
Revised June 30, 2008
P 9-2. **Student Photographs**

The Board approves of the inclusion of student photographs at various ages as part of their school record. The program of photographing students shall be organized and administered by the school principal.

Individual pictures of students may be made available for sale to the students, but no students shall be required to purchase them.

*Adopted*    July 23, 1974  
*Revised*    August 1995
P 9-3. Student Directory

The Superintendent may authorize the release of the names and addresses of senior class members in accord with Regulations of the Board of Education governing management of the student's scholastic record, 8 VAC 20-150-10. Such lists may be made available to schools, colleges, armed services, and other organizations which offer educational or employment opportunities of sufficient merit.

Reference:

8 VAC 20-150-10

Adopted July 23, 1974
Revised August 1995
Revised June 30, 2008
P 9-4. **Exchanging Gifts**

The School Board discourages the exchanging of gifts between students or between students and teachers because of the competition that often develops.

**Adopted**  July 23, 1974  
**Revised**  August 1995
ARTICLE 2.

ATTENDANCE

P 9-10. Admission Requirements

A. Residence and Age

Persons of school age who are residents of the city of Chesapeake shall be eligible to attend the public schools on a full-time basis without tuition. A person of school age is one who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year. A school-age resident is one who resides with a parent or guardian who is a resident or one who is an emancipated minor residing in the city. Eligible persons with disabilities shall be aged two, on or before September 30 of the school year, through age twenty-one. School-age dependents of military personnel living in Chesapeake but maintaining residence in another state shall be eligible to attend.

B. Birth Certificate

A birth certificate shall be required for first-time enrollment. If a birth certificate cannot be presented to school officials, the person enrolling the child shall submit an affidavit which explains why the birth certificate cannot be obtained and which provides information as to the child's age.

C. Physical Examination

A report of a physical examination conducted by a qualified licensed physician within twelve months prior to enrollment shall be submitted for first-time enrollment in Chesapeake Public Schools. The examination report shall meet the requirements of Section 22.1-270 of the Code of Virginia or the special exemption provided therein.

D. Immunization

Proof of immunization shall be provided as required by Section 22.1-271.2 of the Code of Virginia unless excused by the special exception provided therein or by reason of HIV infection.
E. **Nonresident Student**

As a general policy, nonresident students may not attend the Chesapeake Public Schools. Exceptions may be made on an individual basis, upon approval by the Superintendent, and may require the payment of tuition. It is a violation of Section 22.1-264.1 to make a false statement as to residence.

F. **Reciprocal Agreement with Surrounding School Divisions**

Certain Chesapeake students may be permitted, upon approval by the Superintendent, to enroll on a part-time basis in certain courses taught in other school divisions. These courses must be considered necessary to the student's overall educational program and not generally offered within the curriculum of Chesapeake Public Schools. Tuition, if required, will be paid by the Chesapeake Public Schools.

Certain students from surrounding cities may be permitted, upon approval by the Superintendent and in agreement with the sending Superintendent, to enroll on a part-time basis in certain courses taught in Chesapeake and not generally available in the curriculum of the sending school division. Tuition will be based upon an hourly rate. Acceptance of students will be permitted only when there is space available. In all cases, Chesapeake students will be given first priority. Courses available to nonresident students under the reciprocal agreement will be limited to the Chesapeake Center for Science and Technology.

G. **Students Twenty Years of Age and Older**

Except for eligible persons with disabilities, students who reach their twentieth birthday shall be permitted to attend the public day schools only with special permission of the Superintendent. The School Board, at its discretion, may charge tuition to students twenty years of age or older. A person who reaches his twentieth birthday after August 1 may complete that school year with no tuition charge, and special permission is not required.

H. **Postgraduates**

High school graduates may be admitted as postgraduates for advanced work upon recommendation of the principal and approval of the Superintendent. No postgraduate will be permitted to compete for prizes or other honors. The School Board, at its discretion, may charge tuition for those over school age.

I. **Active Duty Military**

When an active duty military parent, living in permanent housing within the division, receives orders to relocate to military housing located in another school division in the Commonwealth, the child of the active duty military parent will be allowed to continue in his or her current school.
Students of active duty military parents receiving new orders to relocate or to be deployed shall be allowed to remain enrolled in the current school through the end of the current school year.

The following general rule shall apply provided the site of intended residence is in the City of Chesapeake.

When an active duty military parent receives new orders to the area, his or her child shall be permitted to enroll in the school division of the intended residence with the active duty military parent providing military orders or an official letter from the military member’s command supporting the relocation. The assignment of the school such child will attend shall be determined by the school division. Proof of permanent residency within the school division shall be provided to the school within 120 days of the child’s enrollment or tuition may be charged from the time the child was enrolled in school. If the military parent is ordered to relocate before the 120th day following the child’s enrollment, the school division shall not charge tuition.

References:

Code of Virginia:

22.1-1
22.1-3
22.1-3.1
22.1-4.3
22.1-5
22.1-199
22.1-264.1
22.1-270
22.1-271.2
22.1-319

Adopted July 23, 1974
Revised October 26, 1982
Revised August 1995
Revised June 30, 2008
Revised October 29, 2018
P 9-11. School Attendance Areas

A. School Districting

The School Board, upon the recommendation of the Superintendent, shall designate school attendance areas within the city. The designation of such areas shall be based upon factors such as the number of students in the area, the distance from home to school, the age of students and grades attended, geographic and hazardous conditions, and such guidelines as may be established by the courts.

B. Change of Residence During the Year

If the parents or guardian change residence within the city during a school year, their child may continue in the same school for the remainder of the year and need not transfer to a new school provided the parents or guardian can arrange adequate transportation.

C. Anticipated Change of Residence

Prior to the first day of any school year, a student may be registered and may attend the school in the attendance area of his proposed residence if both the following requirements are met.

1. Documentary evidence is submitted confirming that the parents or guardians have an executed contract to occupy a dwelling within the school attendance area.

2. The parents or guardian can provide transportation to and from school while residing outside the school attendance area.

Adopted July 23, 1974
Revised August 1995
P 9-12. **Registration, Placement and Transfers**

A. **Beginning Students**

Pre-registration of children entering kindergarten shall be arranged at times and places established annually by the Superintendent. Every reasonable effort shall be made to encourage parents of such children to pre-register them at those times or to notify the Superintendent that other arrangements are being made to comply with the Code of Virginia Section 22.1-254. New arrivals or others who are unable to meet the pre-registration schedule may register their children at the school serving the attendance area in which they reside.

Academic placement of each child shall be based on the school's professional judgment as to the most appropriate educational program and may involve formal evaluations if necessary.

B. **Transfer Students**

Students who transfer into the Chesapeake Public Schools from another school system or educational program shall be registered at the school serving the attendance area in which they reside. (See Policy 9-11 for Anticipated Change of Residence). Student records shall be accepted only by direct transfer from the previous school or program.

Academic placement shall be made on the basis of an evaluation of the student's previous record, the interests of the student, and the programs available. Additional evaluations of the student's achievement or abilities may be required. Preliminary placement prior to receipt of the student's records may be made on the basis of a report card or other information furnished by the parent or student.

C. **Transfer Within the Division**

Students transferring from one school to another within the Chesapeake Public Schools shall continue with their same academic placement and special services, if available, as provided in the previous school. (See also Policy 9-11 School Attendance Areas.)

For students moving from elementary school to middle school or from middle school to high school, preliminary registration shall be made prior to the close of their last year in the previous school based on their scholastic record and their elective preferences. To assist in the process, orientation sessions shall be held for parents and students prior to the end of the school year in the previous school.
D. Transfer to Another School System

Students transferring out of the Chesapeake Public Schools to another school system shall have their records transferred to the new school only upon request of the new school. The student or a parent should ask the new school to send an official request for such transfer of records.

If the student is transferring during the course of a school term, the parent may obtain a letter from the Chesapeake school stating the grade or program placement of the student and advising that student records will be forwarded directly when requested by the new school.

E. School Board Full-Time Employees

Parents or Guardians who are full-time School Board employees at the elementary, middle, and high school levels and residing in the City of Chesapeake, will be allowed to request enrollment of their child(ren) at the home-based school to which such parent or guardian is assigned by the Department of Human Resources. As part of this policy, a home-based school is the primary elementary, middle, or high school work location to which the full-time employee is assigned. Furthermore, there shall be only one home-based place of employment, designated by the School Division, for each itinerate employee.

References:

Code of Virginia:

22.1-6
22.1-289
22.1-254

Adopted August 1995
Revised June 30, 2008
Revised March 25, 2013
Revised April 25, 2016
**R 9-12. Registration, Placement, and Transfers**

**A. Transfer Students**

Any student who transfers from one school to another within the city, without a change of address, will be ineligible to participate in any VHSL activity for a period of one year from the date of enrollment unless granted an exception by the Superintendent or the Board. This regulation becomes effective on January 29, 1996.

**B. School Board Full-Time Employees**

Out-of-zone requests under this policy must be submitted in writing by July 1 of the coming school year and will be reviewed on a yearly, case-by-case basis. Full-time employees hired after July 1 will have a one-month time period from the date of hire to request an out-of-zone placement for their child(ren) which will be reviewed on a case-by-case basis. Considerations for determining approval shall include capacity/class size in the requested school, the impact on special education services, and enrollment numbers. If an out-of-zone placement is approved and it is subsequently determined that the approval creates circumstances that are detrimental to the student, administration, school staff, or the orderly operation of the school, the out-of-zone approval may be rescinded at any time.

Students attending an out-of-zone school where their parent or guardian is assigned may not move to the next school level in that feeder pattern zone unless their parent or guardian is transferred to that school. If the parent or guardian is transferred during the school year, the parent or guardian may request that the child(ren) remain at the out-of-zone school(s) until the end of the school year. The following school year, the child(ren) must transfer to the parent’s or guardian’s home-based school or back to their zoned school of residence. If an out-of-zone placement is approved, transportation must be provided by the parent or guardian and the student must maintain acceptable behavior, attendance, and academic standing.

Identifying and evaluating all other ramifications of changing schools by special permission are the responsibilities of the parent or guardian prior to submitting a request. Ramifications may include, but are not limited to, changes in future-year capacity that preclude renewal of the request for out-of-zone placement and certain athletic or league participation restrictions. Please note the following two examples:
Middle school athletic eligibility is determined by the Chesapeake Middle School League (CMSL). All students will be immediately eligible upon the initial move provided that all CMSL and 2.0 eligibility requirements are satisfied. Under CMSL rules, subsequent student-requested transfers (or returning to the school zoned for the student’s residence) will generally result in one complete nine weeks of ineligibility unless there is an actual corresponding change of residence of the parent or guardian. For transfers required by the School Division, waivers from these restrictions may be considered by the Executive Secretary as well as the sending and receiving principals in accordance with CMSL rules. Parents or guardians are responsible for understanding all potential repercussions of changing schools by special permission.

High school athletic eligibility is determined by the Virginia High School League (VHSL). All students will be immediately eligible upon the initial move provided that all VHSL and 2.0 eligibility requirements are satisfied. Under VHSL rules, subsequent student-requested transfers (or returning to the school zoned for the student’s residence) will generally result in 365 days of ineligibility (VHSL transfer rule) unless there is an actual corresponding change of residence of the parent or guardian. For transfers required by the School Division, waivers from these restrictions may be considered by the Superintendent in accordance with VHSL rules. Parents or guardians are responsible for understanding all potential repercussions of changing schools by special permission.

Approved  October 30, 1995
Revised    March 14, 2016
P 9-13. Attendance

A. Attendance Requirements

Code of Virginia 22.1-254 prescribes requirements and exceptions for the education of school-age children. This act is contained in Sections 22.1-254 through 22.1-269 of the Code of Virginia. A copy is available in each Media Center. (See also Policy P 9-10 Admission Requirements.

Student attendance is a cooperative effort, and the Chesapeake School Board involves parents and students in accepting the responsibility for good attendance.

Each parent/guardian or person having control or charge of a child within the compulsory attendance age is responsible for such child’s regular and punctual attendance at school as required under provisions of the law.

Teachers and principals require students to be regular and punctual in attendance. Regular school attendance is important in the academic development of the student. Excessive and unexcused absence from school is harmful to such development.

Students shall attend school for a full day unless excused by the principal or principal’s designee. The Superintendent by regulation establishes procedures for appropriate interventions when a student engages in a pattern of absences for less than a full day, the explanation of which, if it were a full day absence, would not be an excused absence.

B. Absences

Illness of a student, a student’s medical, dental, substance abuse or mental health appointments, severe illness, death or funeral in the family, exposure to contagious disease, religious holidays, official court obligation or extenuating circumstances such as fire, accident, or extremely inclement weather shall be considered the only legitimate excuses for absence or tardiness unless an exception is authorized by the principal. In all cases of absence or tardiness, the parent or guardian shall give an excuse, in writing, stating the cause of the absence or tardiness. Absence for any reason other than those stated above must be with the advance permission of the principal or his representative. Such absence requests must be made in writing stating the reason and time of absence.

To receive course credit, a student enrolled in a traditional class schedule shall attend at least 150 class meetings for a full-year course and 75 class meetings for a semester course and a student enrolled in a 4x4 course schedule shall attend at least 81 class meetings each term unless extenuating circumstances are established, such as a long illness, that would affect the student's school attendance. The principal shall be the judge of extenuating circumstances.
The Superintendent shall develop a system of monitoring student absences, and the parents shall be notified of unexcused absences at the earliest possible time.

Students shall be encouraged to make up reading and written assignments missed due to any absence from school.

C. Early Dismissal

The safety of each student placed by law in the care of the school is of primary importance to the Board.

Students may be given an early dismissal only upon the expressed and verified request of the parent or guardian.

Principals are not to release a student during the school day to any person not authorized by the student’s parent/guardian to assume responsibility for the student. Students are released only on request and authorization of parent or guardian. The Superintendent establishes procedures for the release of students who are not residing with or under the supervision of a parent/guardian. The burden of proof on the authority of a person not the parent or guardian to receive the student is on the requesting party. A formal check-out system shall be maintained in each school.

An appropriate administrator in each school shall be responsible for releasing students to persons authorized to meet or to pick up released students.

Nothing in this Policy shall be construed to limit in any way the authority of any attendance officer or the division Superintendent to seek immediate compliance with the compulsory school attendance law.

References:

1. Code of Virginia:
   22.1-227.1
   22.1-254 through 22.1-269
   22.1-253.13:7
2. CPS Regulation R 9-46
3. CPS Regulation P 9-47

Adopted July 23, 1974
Revised August 27, 1981
Revised August, 1995
Revised January 10, 2000
Revised June 30, 2008
Revised October 29, 2018
R 9-13. **Attendance**

A. **Notification of Absences**

Whenever any pupil fails to report to school on a regularly scheduled school day and no information has been received by school personnel that the student’s parent [or guardian] is aware of and supports the pupil’s absence the school principal, principal’s designee, attendance officer or other school personnel or volunteer notifies the parent by phone, email or other electronic means to obtain an explanation. School staff records the student’s absence for each day as “excused” or “unexcused.” Early intervention with the student and parent [or guardian] takes place for repeated unexcused absences.

**Upon Fifth Absence Without Parental Awareness and Support**

If (1) a pupil fails to report to school for a total of five scheduled school days for the school year and (2) there is no indication that the pupil’s parent [or guardian] is aware of and supports the pupil’s absence; and (3) reasonable efforts to notify the parent [or guardian] has failed, then the principal or his designee shall make a reasonable effort to ensure that direct contact is made with the parent [or guardian], in person, through telephone conversation, or through the use of other communication devices to obtain an explanation for the pupil's absence and to explain to the parent [or guardian] the consequences of continued nonattendance. The school principal or principal’s designee, the pupil, and the pupil’s parent [or guardian] shall jointly develop a plan to resolve the pupil’s nonattendance. Such plan shall include documentation of the reasons for the pupil’s nonattendance.

**Additional Absences Without Parental Awareness and Support**

If the pupil is absent for more than one additional day after direct contact with the pupil's parent [or guardian] and school personnel have received no indication that the pupil's parent [or guardian] is aware of and supports the pupil's absence, the school principal or the principal’s designee shall schedule a conference with the pupil, the pupil’s parent [or guardian] and school personnel. Such conference may include the attendance officer and other community service providers to resolve issues related to the pupil’s nonattendance. The conference shall be held no later than 10 school days after the tenth absence of the pupil, regardless of whether the pupil’s parent [or guardian] approves of the conference. The conference team shall monitor the pupil’s attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent [or guardian] is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or principal’s designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and pupil’s parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision as defined in Va. Code § 16.1-228 or (ii) institute proceedings against the parent pursuant to
Va. Code § 18.2-371 or §22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this policy. In the event both parents have been awarded joint physical custody pursuant to Va. Code § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

In Chesapeake Public Schools, responsibility for compliance with this legislation shall be assigned to the school principal who may assign specific duties to other school employees or to volunteers. Other duties of the school attendance officer, as defined in the Compulsory School Attendance Act, sections 22.1-254 through 22.1-269, shall be assigned to the Director of Student Services, and cases of chronic or flagrant absenteeism shall be referred to the Office of Student Enrollment.

B. **Maintaining Regular Attendance**

Teachers and principals shall encourage students to maintain regular attendance and ensure that parents are informed of the School Board policy and state law concerning attendance. Parents shall be advised that poor attendance is an impediment to student achievement.

The parent of any student who is repeatedly absent without excuse, shall be asked to visit the school for a conference as to the nature of the problem and how it may be overcome.

C. **Notification of Possible Loss of Credit**

After a student has been absent from (a) a semester class a total of ten class periods, (b) absent from a full-year class a total of twenty class periods, or (c) absent from a 4x4 block schedule class a total of six class periods, the principal or his representative shall notify the student and the parent or guardian, in writing, that loss of credit may occur if continued absence persists. A copy of this correspondence shall be included in the student's cumulative folder. A conference with all parties concerned shall be conducted to determine if extenuating circumstances are contributing to the student's excessive absenteeism.

When loss of credit occurs due to absenteeism, the principal, or a representative, shall notify the student and the parent or guardian in writing. This notification shall become part of the student's cumulative record. A conference with all parties concerned shall be conducted to determine whether or not extenuating circumstances exist. In situations where extenuating circumstances are established and exceptions are granted the
principal, or representative, shall prepare a written report explaining the basis for awarding credit. A copy of this report shall be included in the student's cumulative record.

D. Report for Suspension of Driver’s License

In addition to any other actions taken pursuant to this policy, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student’s driver’s license.

E. Attendance Reporting

Student attendance is monitored and reported as required by state law and regulations. At the end of each school year, each public school principal reports to the Superintendent the number of pupils by grade level for whom a conference was scheduled pursuant to R 9-13 (A). The Superintendent compiles this information and provides it annually to the Superintendent of Public Instruction.

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P 9-14. **Married and/or Pregnant Students**

A. **Married Students**

Married students of school age may continue their education in the public schools. Such students shall be accorded the same rights and responsibilities as other students.

B. **Pregnant Students**

Pregnant students shall be encouraged to continue their education in the public schools. Such students shall be accorded the same rights as other students.

Approved: July 23, 1974
Revised: August 1995
P 9-15. Homeless Children and Youth

Chesapeake Public Schools is committed to educating homeless children and youth to ensure that they experience success in school. Children and youth experiencing homelessness shall have full and equal access to an appropriate public education and are not stigmatized or segregated on the basis of their status as homeless. The school division coordinates the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students and with other school divisions as may be necessary to resolve interdivisional issues.

Chesapeake Public Schools serves each homeless student according to the student’s best interest and will continue the student’s education in the school of origin for the duration of homelessness: (1) if the student becomes homeless between academic years or during an academic year, or (2) for the remainder of the academic year, if the student becomes permanently housed during an academic year; or enroll the student in any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend.

In determining the best interest of a homeless student, the Chesapeake Public School Board

• presumes that keeping the student in the school of origin is in the student’s best interest, except when doing so is contrary to the request of the student’s parent or guardian, or (in the case of an unaccompanied youth) the youth;
• considers student-centered factors related to the student’s best interest, including factors related to the impact of mobility on achievement, education, health and safety of homeless students, giving priority to the request of the student’s parent or guardian or (in the case of an unaccompanied youth) the youth;
• if, after conducting the best interest determination based on consideration of the presumption and the student-centered factors above, the Chesapeake school division determines that it is not in the student’s best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provides the student’s parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian or unaccompanied youth, including information regarding the right to appeal; and
• in the case of an unaccompanied youth, ensures that the division homeless liaison assists in placement or enrollment decisions, gives priority to the views of such unaccompanied youth and provides notice to such youth of the right to appeal.

A. Definitions

The term “homeless student” means an individual who lacks a fixed, regular, and adequate nighttime residence, and includes:
Children and youths, including unaccompanied youths who are not in the physical custody of their parents who:

- Share the housing of other persons due to loss of housing, economic hardship or a similar reason.
- Live in motels, trailer parks, or camping grounds due to lack of alternative adequate accommodations.
- Live in emergency or transitional shelters.
- Are abandoned in hospitals.
- Have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

Migratory children and youth who are living in a situation described above. The term “migratory child” means a child who moved from one residence to another and from one school division to another in the preceding 36 months as a migratory agricultural worker or migratory fisher or with, or to join a parent or spouse who is a migratory agricultural worker or a migratory fisher.

The term “school of origin” means the school that the student attended when permanently housed or the school in which the student was last enrolled.

The term “unaccompanied youth” includes a youth not in the physical custody of a parent or guardian.

B. School Selection

To foster academic and social growth, children and youth experiencing homelessness shall remain at their school of origin, unless that is against the parent’s or guardian’s wishes. School of origin means the school the child or youth attended when last permanently housed or the school in which the child or youth was last enrolled, whichever is determined most advantageous to the student. If Chesapeake Public Schools determines it is not in the best interest for the student to attend the school of origin, or a school which is requested by the parent or guardian, a written explanation will be provided, including a statement regarding the right to appeal as described below.
Students may remain at their school of origin the entire time they are experiencing homelessness, and until the end of any academic year in which they become permanently housed. Should a student be in a temporary location, the School Division will seek to place the student at the nearest school.

Subject to Paragraph D, if a homeless student has recently begun living within the City of Chesapeake and has no school of origin, the School Division will consider input from a parent or guardian and the student, and will make a school placement subject to the appeal rights described below.

C. **Enrollment**

The school selected in accordance with this policy immediately enrolls the homeless child or youth. The student must be immediately enrolled even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, and other documentation. The enrolling school must promptly contact the last school attended and other relevant sources to obtain records.

D. **Enrollment Disputes**

If a dispute arises over school selection or enrollment in a school, the homeless child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. A written explanation of the School Division’s decision regarding school selection or enrollment must be provided to the parent or guardian of the homeless student. The written explanation shall include a statement regarding the rights of the parent, guardian, or student to appeal the decision as described below.

E. **Appeals**

If the parent or guardian of a homeless child or youth disagrees with Chesapeake Public Schools’ decision regarding school selection or enrollment, the parent or guardian has a right to appeal. The parent or guardian shall be referred to the District’s Homeless Liaison Officer who shall carry out the appeals process.

F. **Services**

Each homeless student shall be provided services comparable to services offered to other students in the school selected, including:

- Transportation services, including school of origin transportation
- Education services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities, and education programs for students with limited English proficiency
- Programs in vocational and technical education
- Programs for gifted and talented students
- School nutrition programs
References:


Code of Virginia: 22.1-3
   22.1-70
   22.1-78
   22.1-253.13:1(D)(8)

3. JEC School Admission

4. JECA Admission of Homeless Students

Adopted July 7, 2014
Revised October 29, 2018
R 9-15. **Homeless Children and Youth**

A. **Homeless Liaison Officer**

The Superintendent has designated the Supervisor of Student Enrollment as Chesapeake Public Schools’ Homeless Liaison Officer (HLO). The HLO shall ensure that:

- Homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
- Homeless children and youths enroll in, and have a full and equal opportunity to succeed in schools, programs, and services of Chesapeake Public Schools;
- The parents or guardians of homeless children and youths are informed of the educational and related opportunities to participate in the education of their children;
- Public notice of educational rights of homeless children and youths is disseminated where such children and youths receive services, such as schools;
- Enrollment disputes are mediated in accordance with Regulation 9-15(D); and
- The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin and is assisted in accessing transportation to that school as described in Regulation 9-15(F).
- Homeless children receive assistance in securing needed immunizations and any required physical examination.

B. **Determination for School Selection**

Homeless children and youths shall remain at their school of origin, unless that is against the parent’s, guardian’s or youth’s wishes. School selection shall be a child-centered determination, based on the need and interest of the particular student and the parent’s or guardian’s wishes. Best interest considerations include:

- Age of the child or youth;
- Personal safety of the student;
- Continuity of instruction;
- Likely area of family’s or youth’s future housing;
- Time remaining in the academic year;
- Anticipated length of stay in temporary living situation;
- School placement of siblings; and
- Student’s need for special instruction.

Services that are required to be provided, including transportation and services under federal or other programs, shall not be considered in determining the best interest of the student.
C. Enrollment

The school selected must immediately enroll any child or youth experiencing homeless. Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including:

- Proof of residency;
- Transcripts/school records;
- Immunizations or immunization/health/medical/physical records;
- Proof of guardianship;
- Birth certificate;
- Any other document requirements.

If a student is lacking documents necessary for enrollment, these enrollment requirements are not eliminated but enrollment is allowed while records are secured. The enrolling school must contact the previous school or other relevant sources to secure enrollment documentation. Initial placement of students whose records are not immediately available can be made based on the student’s age and information gathered from the student, parent, and previous schools or teachers. Health records, including immunization records, may be obtained from the previous school and state registries. If necessary, enrolling schools should refer students to the HLO to assist in obtaining records or securing needed services.

The decision regarding placement is made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.

D. Enrollment Disputes

If a dispute arises over eligibility, or school selection or enrollment in a school, the youth experiencing homelessness is immediately admitted to the school in which enrollment is sought, pending resolution of the dispute, including all available appeals. The student shall have the rights of a homeless child or youth to all appropriate educational services, transportation, free meals, and Title I services while the dispute is pending.

The parent or guardian of the student or (in the case of an unaccompanied youth) the youth is provided with a written explanation of any decisions related to school selection or enrollment made by the school, the school division or the Virginia Department of Education, including the rights of the parent, guardian or student to appeal decision.

If Chesapeake Public Schools determines it is not in the best interest of the student to attend the school of origin or the school requested by the parent or guardian, the parent or guardian of the student or (in the case of an unaccompanied youth) the youth is provided with a written explanation of any decisions related to school selection or enrollment made by the school, the school division or the Virginia Department of Education, including the rights of the parent, guardian or student to appeal decision. The parent or guardian is referred to the...
division’s homeless liaison who carries out the appeal process as expeditiously as possible after receiving notice of the dispute. In the case of an unaccompanied youth, the homeless liaison ensures that the youth is immediately enrolled in the school in which the youth seeks enrollment pending the resolution.

The parent or guardian may appeal the HLO’s decision as provided in Regulation 9-15(E).

E. Appeal Process

If a parent or guardian disagrees with the HLO’s decision regarding school selection or enrollment the following procedure shall be observed.

1. Oral Complaint

In the event that an unaccompanied student or the parent or guardian of a student (hereinafter referred to as the Complainant) disagrees with the School Division’s decision regarding the student’s eligibility to attend a school or the school selection, the Complainant shall orally present his position to the division’s homeless liaison.

2. Written Complaint

If the disagreement is not resolved within five (5) school days, the Complainant may present a written complaint to the homeless liaison. The written complaint must include the following information:

   a. The date the complaint is given to the homeless liaison;
   b. A summary of the events surrounding the dispute;
   c. The name(s) of the school division personnel involved in the enrollment decision; and
   d. The result of the presentation of the oral complaint to the homeless liaison.

Within 5 school days after receiving the written complaint, the homeless liaison will reach a decision regarding the contested enrollment and shall provide a written statement of that decision, including the reasons therefore, to the Complainant. The liaison will inform the Superintendent of the formal complaint and its resolution.

3. Appeal to Superintendent

If the Complainant is not satisfied with the written decision of the homeless liaison, the Complainant may appeal that decision to the Superintendent by filing a written appeal. The homeless liaison shall ensure that the Superintendent receives copies of the written complaint and the response thereto. The Superintendent or designee shall schedule a conference with the Complainant to discuss the complaint.
Within five (5) school days of receiving the written appeal, the Superintendent, or designee, shall provide a written decision to the Complainant including a statement of the reasons therefore.

F. Transportation

At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation is provided for a homeless student to and from the school of origin as follows:

- if the homeless child or youth continues to live in the area served by the division in which the school of origin is located, the child’s or youth’s transportation to and from the school of origin is provided or arranged by the division in which the school of origin is located.
- if the homeless child’s or youth’s living arrangements in the area served by the division in which the school of origin is located terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another division, the division of origin and the division in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the divisions are unable to agree upon such method, the responsibility and costs for transportation are shared equally.

G. Other Services

Each homeless student is provided services comparable to services offered to other students in the school attended by the homeless student including the following:

- transportation services;
- educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities and educational programs for English learners;
- programs in career and technical education;
- programs for gifted and talented students; and
- school nutrition programs.
References:


3. 42 U.S.C. §§ 1751 et seq.

4. Code of Virginia:
   22.1-3
   22.1-70
   22.1-78
   22.1-253.13:1(D)(8)

5. JEC School Admission

6. JECA Admission of Homeless Students

**Adopted**     June 23, 2014
**Revised**     September 24, 2018
ARTICLE 3.

STUDENT CONDUCT

P 9-20. Student Behavior

A. Generally

Students are expected to conduct themselves in an orderly and courteous manner, to respect the rights of others, and to apply themselves to learning.

The discipline and control of students shall be in the hands of teachers and principals. The supervision and control of students shall be maintained during the period while the students are in school, while going to or from school, and while attending school-sponsored functions, and for off-campus actions that are related to the school and are disruptive to the educational process or deprive other students to their right to an education both in curricular and extra-curricular programs. Additionally, students are subject to discipline for the conviction of certain offenses and/or adjudication of delinquency.

The School Board requires and supports reasonable action by principals in maintaining a learning environment that is free of disruption or threat of injury.

Important priorities of the School Board are to control behavior that may lead to physical injury, emotional harm or damage to property; prohibit the use of alcohol and drugs in schools and at school activities; and, assure that all such behavior is fully reported in accordance with sections 22.1-279.3:1 and 22.1-288.2 of the Code of Virginia.

B. Disruptive Activity

Behavior by an individual or a group that is disruptive to the work of a classroom or to the school program shall not be tolerated.

Disruption of school activities for purposes of protest or demand is not an appropriate method for students to use in communicating their wishes concerning matters affecting the operation of the public schools. Students who participate in the planning or execution of such demonstrations shall be subject to disciplinary action.

C. Destroying or Defacing School Property

If a student deliberately damages, destroys, defaces, or carries away school property, the student and his parent or guardian shall be required to pay for the damage and may be prosecuted in accordance with the law.
D. Bullying, Intimidation, Threatening, and Incitement

Any student who bullies (including cyberbullying), intimidates, harasses, threatens, or incites another to do so, threaten injury to a person, or to cause damage to school property shall be subject to disciplinary action, including suspension and/or expulsion, and criminal prosecution. In accordance with section 22.1-276.01 of the Code of Virginia bullying is defined as “any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma.

Cyberbullying is using information and communication technologies, such as cell phone text messages and pictures, internet email, social networking websites, defamatory personal websites, and defamatory online personal polling websites to support deliberate, hostile behavior intended to harm others.

In accordance with section 22.1-279.6 of the Code of Virginia, the principal or designee shall notify or cause to be notified, the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying.

E. Firearms, Look-Alike Weapons, and Dangerous Articles

Students are prohibited from having in their possession at school, at school-sponsored activities, on a school bus, at designated school bus stops, or while traveling to or from school, any firearm, weapon, look-alike weapon, or other dangerous article, unless such article is provided by the school for use in a program of instruction. Any student who brings a firearm to school, on a school bus, at designated school bus stops, to school-sponsored activities, or while traveling to or from school, shall be subject to expulsion for a minimum of one year unless an individual exception is allowed by the Superintendent. Any student who possesses a weapon, dangerous article, or a look-alike weapon on school property, at a school-sponsored activity, on a school bus, or at a designated school bus stop, shall be subject to disciplinary action, up to and including suspension or expulsion. Students shall not supply, use, or carry on their person pepper gas, mace, or similar substances on school property or at school-sponsored activities.

F. Student Conduct on Buses

The School Board considers the transportation of students a privilege to be enjoyed by eligible students and believes the safety of students to be of paramount importance. The Superintendent shall develop rules governing student conduct while on school buses and in loading and unloading areas.

Persistent or flagrant violations of rules pertaining to student conduct on buses may result in the temporary or permanent suspension of bus privileges. Principals and the Superintendent or designee may suspend bus privileges temporarily for infractions of rules. Only the School Board may suspend bus privileges permanently.
G. **Profanity and Obscenity**

Students using or writing profane language or drawing or possessing obscene pictures, including pictures depicting nudity, on or about the school premises will be subject to disciplinary action.

H. **Assault and/or Battery**

Students are prohibited from verbally and/or physically assaulting and/or battering other students, school visitors, or members of the school staff. Any student who threatens or commits an assault and/or battery as described above shall be subject to disciplinary action, up to and including suspension and/or expulsion, and also will be subject to criminal prosecution. Unless an individual exception is allowed by the Superintendent, any student who threatens or commits an assault or an assault and battery against a school visitor or a staff member shall be expelled for a minimum of one year and referred to the police or other authority for criminal prosecution or adjudication of delinquency.

I. **Corporal Punishment**

No employee of the School Board shall subject a student to corporal punishment. The use of reasonable and minimal necessary force to prevent a student from causing physical injury to self or others or damage to property or to obtain possession of dangerous objects or controlled substances shall not be considered corporal punishment.

J. **Detention After School**

Parents shall be advised when detention after school is to be imposed.

K. **Academic Punishment**

A student's academic grade shall be based on achievement and the timely completion of instructional requirements. Grades shall not be reduced as a punishment for poor conduct or attendance. Other types of discipline rather than academic punishment should be employed when necessary.

Each school shall inform students and parents of specific academic requirements and expectations of students, including how grades are determined. Poor or unsatisfactory grades resulting from absences or failure to turn in work shall not be considered academic punishment.
L. **Dissemination**

The principal of each school shall distribute to students and parents a copy of both division-level and school-level policies and regulations concerning student conduct.

M. **Hazing**

Hazing means to recklessly and/or intentionally endanger the physical health or safety or the emotional well-being of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with, or as a condition for, continued membership in a club, organization, association, fraternity, sorority, team, or student body, regardless of whether the student or students so endangered or injured participated voluntarily in the activity.

In addition to any disciplinary consequences that are imposed by the School Board, under provisions of Section 18.2-56 of the Code of Virginia, hazing is a Class I misdemeanor. This code provision also states that any person receiving bodily injury by hazing shall have a right to sue, civilly, the person or persons guilty thereof, whether adult or minors.

Students are prohibited from hazing of any kind. Any student who engages in hazing shall be subject to disciplinary action up to and including suspension and/or expulsion. Consistent with requirements of the Code of Virginia, all cases of hazing causing bodily injury shall be reported to the Commonwealth's Attorney, who shall take such actions as he or she deems appropriate. Other cases of hazing may be reported to the Chesapeake Police Department.

N. **Reports to Parents of Certain Acts that May Constitute a Criminal Offense**

Except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall immediately report any act involving activities that may constitute a criminal offense to the parents of any minor student who is the subject of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire. Such acts include, but may not be limited to:

1. any assault and/or battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, wounding, or stalking of any person as described in the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity;
2. any conduct involving alcohol, marijuana, a controlled substance, an 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;

3. any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity; and

4. the illegal carrying of a firearm, as defined in 22.1-277.07:1 of the Code of Virginia, on a school bus, at a school-sponsored activity, or on school property.

References:

Code of Virginia:

16.1-260
16.1-305.1
18.2-56
18.2-79
18.2-83
18.2-138
18.2-415
22.1-78
22.1-253.13:7
22.1-277
22.1-279.1
22.1-279.3:1
22.1-279.6
22.1-280.4
221.288.2

United States Code:

20 U.S.C. 7571

Adopted July 23, 1974
Revised October 30, 1995
Revised May 24, 1999
Revised January 24, 2005
Revised June 27, 2005
Revised June 30, 2008
Revised August 28, 2017
Revised February 26, 2018
R 9-20. Student Behavior

A. Control of Students

The principal of each school shall maintain an orderly atmosphere in the school. Each faculty member shall assist and support the principal in such efforts.

Each principal shall take whatever action is deemed necessary within the limits of School Board policy and the law in eliminating disruptions to the educational process in the school. The principal and the faculty shall make use of all available resources to help students adjust to and benefit from the teaching-learning process.

B. Options for Corrective Actions

Response to disruptive behavior shall involve consideration of positive improvement in attitude and understanding as well as penalties appropriate to the offense. Options may include, but are not limited to:

- Student conference
- Detention
- Corrective measures - apology, compensation for damages, and the like
- School service
- Confiscation of items
- Denial of privileges
- Parental contact
- Attendance in a corrective treatment program
- In-school suspension
- Referral to disciplinary hearing, conflict resolution, or counseling
- Referral to alternative education
- Referral to law enforcement
- Suspension from school
- Expulsion

C. Detention

No teacher may deprive any student of the lunch period or any part thereof except for misconduct during the lunch period. If necessary, students may be detained after school hours for a period not to exceed one hour on a given day. When detained, students must be attended by a teacher. A note shall be sent home the previous day informing the parents that the student will be detained and that the parent is responsible for providing any transportation.
D. Extracurricular Activities

Student behavior at extracurricular activities shall be governed by the understanding that spectators, individually and as a group, represent a school as do those competing or performing in the activity. Each must, by example, promote good sportsmanship in a manner that will prompt others to do likewise. Students are expected to:

1. Extend the same courtesy and sense of fair play to visiting teams, spectators, and officials that they would expect were the roles reversed.

2. Be mindful that inappropriate behavior on the part of spectators can result in the host school team being penalized by officials, the Chesapeake Middle School League, or the Virginia High School League.

3. Remain seated except when it is necessary to move for a specific purpose. Congregating in areas other than those designated for seating is prohibited. Those who fail to observe this rule will be subject to ejection from the premises and may be brought to the attention of school authorities for disciplinary action.

4. All students should be reminded that laws of Virginia and ordinances of the City of Chesapeake apply to attendance at school functions.

Approved 1974
Revised October 30, 1995
Revised June 30, 2008
P 9-20.1 Cellular Telephones, Other Portable Telecommunication Devices, and Electronic Devices

Possession of Cellular Telephones, Other Portable Telecommunication Devices, and Electronic Devices

Please see P 9-20.2 regarding privately owned electronic devices.

Adopted  July 7, 2008
Revised  September 26, 2011
Revised  June 24, 2013
Revised  August 25, 2014
R 9-20.1 Cellular Telephones, Other Portable Telecommunication Devices, and Electronic Devices

A. Possession of Cellular Telephones, Other Portable Telecommunication Devices, and Electronic Devices

Please see P 9-20.2 regarding privately owned electronic devices.

Adopted July 7, 2008
Revised September 26, 2011
Revised June 10, 2013
Revised August 11, 2014
P 9-20.2 Privately Owned Electronic Devices

A privately-owned electronic device (device[s]) is permitted on school property for the purpose of supporting and promoting the educational objectives of the Chesapeake Public Schools at the discretion of the Superintendent and building administration and consistent with the terms of this policy. This policy and its accompanying regulation explain the terms under which a device will be allowed on school property. However, no devices will be allowed on school property unless and until the Superintendent or his designee separately authorizes the presence of such devices, and only within the grade levels authorized by the Superintendent or his designee. In the absence of such guidance from the Superintendent, students will comply with Policy 9-20.1.

The Superintendent will develop appropriate regulations to ensure compliance with the objectives of this policy. These regulations will identify conditions under which students can use devices while on school property, including school buses, and/or off school property at school-sponsored events. Such procedures shall be established in accordance with local, state, and federal requirements.

Adopted September 26, 2011
Revised June 24, 2013
R 9-20.2 Privately Owned Electronic Devices

A. Possession and Use of Devices

Upon authorization of the Superintendent or his designee, students may possess devices on school premises for specific educational purposes and may use these devices under the direct supervision of a professional staff member. The following stipulations apply:

1. Student use of a device requires consent of the student and the parent/guardian by signing an appropriate form indicating that the student and parent/guardian have received, read, understand, and agree to abide by all applicable policies and guidelines.

2. All devices are to be used only for supporting research and education as well as promoting the educational objectives of Chesapeake Public Schools and are not to be used for other purposes unrelated to curricular goals.

3. The use of a device during state or standardized testing is strictly prohibited.

4. The use of a device on school property, including school buses, and/or off school property at school-sponsored events, carries no right or expectation of privacy. CPS reserves the right to monitor, review, and restrict the use of any device. The contents of the equipment are subject to review at any time, for any lawful reason, consistent with the policies of the School Division and applicable law.

5. Devices used on school property, including school buses, and/or off school property at school-sponsored events, are also subject to Policy 6-36, Acceptable Telecommunications and Internet Use.

6. All material on the device and accessed on school property, including school buses, and/or off school property at school-sponsored events, must comply with the educational objectives of Chesapeake Public Schools.

7. All use of devices must otherwise comply with all School Division policies.

8. All devices must have cellular and network capabilities disabled (turned off) during the instructional day.

9. All devices must be used at appropriate times in accordance with teacher instruction. A device must not be a distraction or disruption for the student or others.

10. If a device is a distraction or disruption on a school bus, the bus driver may require the device be put away.

11. Students are responsible for knowing how to properly and effectively use their devices. The School Division will not provide any means of support for any device.
12. Students are responsible for appropriate use and non-use of their devices at all times.

13. Use of any device in the classroom is up to the discretion of the teacher. Use of any device is a privilege, not a right. The teacher may request at any time that the device be turned off and put away. Failure to do so may result in disciplinary action.

14. Sound should be muted unless the teacher grants permission for use of sound associated with the instructional activities.

15. Building level administration will determine when, where and how devices may be used on school property, including school buses, and/or off school property at school-sponsored events.

16. Building level administration reserve the right to determine the appropriateness of a device itself or a student’s use of a device.

17. Unauthorized audio or video recording is prohibited. Voice, video and image capture applications may only be used with prior teacher permission and for a specific instructional purpose.

18. Establishment of a wireless ad-hoc or peer-to-peer network using a device or any other wireless device while on school property, including school buses is prohibited. This includes but is not limited to using a privately-owned electronic device as a cabled or wireless hotspot.

B. Fiscal Responsibility

Chesapeake Public Schools assumes no responsibility in any circumstance for loss, destruction, damage, theft, or charges made on monthly statements for any device. Students will be responsible for locating any lost/stolen items and for other expenses accrued to their device accounts.

C. Data Responsibility

Chesapeake Public Schools assumes no responsibility for any data contained on any device.

D. Misuse of the Device

1. Any action that is disruptive of the educational process will be subject to disciplinary action, up to and including suspension and/or expulsion, and/or legal action.

2. Any action that includes the initiation and/or passing on of threats against persons or property will be subject to disciplinary action, up to and including suspension and/or expulsion, and/or legal action.
3. Violations of these Guidelines may result in confiscation of the device, suspension, and/or termination of the privilege to bring a device to school.

4. Violations may also result in appropriate school disciplinary action, up to and including suspension and/or expulsion, and/or legal action.

Approved  September 12, 2011
Revised    June 10, 2013
P 9-21.  Suspension and Expulsion

Teachers and principals shall make every effort to assist students in making a wholesome adjustment to the school program enlisting, where needed, the aid of parents, professional specialists, and other resources as may be available. When such efforts fail and a student's behavior becomes disruptive or threatening to the orderly operation of a school or classroom, it may be necessary to exclude the student from regular classes or from school attendance entirely. In such cases, the parent or guardian shall be notified as promptly as possible.

A. Definitions

1. In-school suspension is removal of a student from regular classes and school activities and confining the student to a special room under close supervision where studies may be pursued but contact with other students is severely limited.

2. Short-Term Suspension is denying a student access to the school or school activities for a specified time period, up to 10 school days.

3. Long-Term Suspension is denying a student access to the school or school activities for a specified time period, up to 45 school days.

4. Extended Long-Term Suspension is denying a student access to the school or school activities for a specified time period of more than 45 school days and up to 179 school days.

5. Expulsion is denial of access to the school or school activities for one calendar year.

B. In-School Suspension

In-school suspension may be imposed for sufficient cause, including disruptive or recalcitrant behavior or failure to make a reasonable effort to perform assigned work. It may be imposed by the school principal or assistant principal. Notice shall be sent to the parent by the student, by direct mail, or by phone. If sent by the student, a signed acknowledgement should be obtained.

C. Short-Term Suspension

Suspension may be imposed for sufficient cause, including a serious or persistent infraction of school rules or other behavior which is disruptive of school activities or poses a threat to persons or school activities. It may be imposed by the principal or assistant principal for up to and including ten school days. The parent shall be advised of the right to appeal to the Director of Student Services or designee. No student in preschool through grade three shall be suspended for more than three consecutive school days at a time unless the offense involves certain drug or weapon offenses as described in Va. Code 22.1-227.07 or 22.1-277.08, or physical harm or threat of physical harm to others, or if it is found that aggravating circumstances exists as defined by the Virginia Department of Education.
D. **Long-Term Suspension**

Suspension of a student for more than ten school days but less than forty-six school days is considered a long-term suspension and is authorized by the Superintendent or designee. The parent shall be advised of the right to appeal to the School Board.

E. **Extended Long-Term Suspension**

A long-term suspension may be extended beyond a forty-five school-day period but shall not exceed one hundred-eighty school days if the offense involves certain drug or weapon offenses as described in Va. Code 22.1-227.07 or 22.1-277.08, or involves serious bodily injury, or it is found that aggravating circumstances exist as defined by the Virginia Department of Education. An extended long-term suspension is authorized only by the Superintendent. The parent shall be advised of the right to appeal to the School Board.

F. **Expulsion**

Expulsion of a student may be imposed only by act of the School Board on recommendation of the Superintendent. Grounds for expulsion are the same as those for suspension, but expulsion may be applied only in more serious cases and after all other remedies have been considered. The student may be suspended pending action by the Board and parents shall be offered an opportunity for a hearing with representation before the Board.

In any action involving a student who is emancipated, the student shall be served in lieu of the parent.

A student expelled by the Chesapeake City School Board or by the school board of another school division or by a private school shall not be permitted to enroll in or attend the activities of any school or program in the division. The School Board, however, reserves the right, on a case-by-case basis, to provide services to expelled students. The Superintendent shall annually submit to the School Board a continuum of specific services that may be available for expelled students. Any services provided to expelled students, who are not emancipated, will require parents or guardians to take an active part in supporting their children in the assigned programs.

G. **Readmission from Expulsion**

Regulations shall establish procedures for processing requests for readmissions. This process shall conform to the Code of Virginia. Such a petition shall be heard not later than the last School Board meeting set aside to hear student discipline issues which occur prior to the one-year anniversary of the date of expulsion.

Petition for readmission may be heard by the Superintendent or the Superintendent’s designee after a reasonable period, not less than 90 school days, or a period specified by the School Board if there is sufficient evidence that the problems which caused the expulsion have been eliminated.
H. Students with Disabilities

The Superintendent shall develop procedures regulating the suspension and expulsion of students with disabilities that are consistent with federal and state law and guidelines regarding the discipline of students with disabilities. The Superintendent or his designee shall provide copies of the regulations and procedures to all personnel authorized to suspend or recommend expulsion of students.

I. Appeals for Long-Term Suspension

Appeals to the School Board concerning a long-term suspension or an extended long-term suspension must be in writing from the parent or guardian and shall be decided by the School Board on the basis of written record within thirty days of the prior hearing. The student and the parents may be invited to the closed meeting by the Board if the Board deems additional information is necessary to make a proper finding. See Regulation 9-21 for time requirements on appeal.

J. Assignment to Alternative Education Programs

Any student who has been charged with an offense relating to any federal, state, or local law, or with a violation of School Board policies on weapons, alcohol or drugs, or intentional injury to others, or who has been found guilty or not innocent of a crime which resulted in or could have resulted in injury to others, or adjudicated as a juvenile as responsible for what would be criminal conduct as an adult, or for which the disposition ordered by a court is required to be disclosed to the Superintendent of the School Division, or who has been suspended or expelled from school attendance may be required to attend an alternative education program.

References:

Code of Virginia:
16.1-305.1
22.1-209.1:2
22.1-253.13:7
22.1-254 (E)
22.1-276.01
22.1-277
22.1 -277.04
22.1-277.05
22.1-277.06
22.1-277.07
22.1-277.2:1
Adopted 1974
Revised 1982, 1984
Revised August 1995
Revised October 1999
Revised August 2001
Revised June 2008
Revised February 2018
Revised December 2018
R 9-21. Suspension and Expulsion

PART I – SHORT-TERM SUSPENSION

A. Authority

The principal is authorized to Short-Term Suspend a student for a period of not more than ten school days at a time from attendance at school, including school activities. This authority extends to any assistant principal and, in the absence of the principal and the assistant principal, to any teacher acting in lieu of the principal.

The principal shall make every effort to make the punishment fit the offense and to be consistent in the use of suspension and the number of days imposed. No student in preschool through grade three shall be suspended for more than three school days unless the offense involves certain drug or weapon offenses as described in Virginia Code 22.1-227.07 or 22.1-277.08 or physical harm or threat of physical harm to others, or if it is found that aggravating circumstances exists as defined by the Virginia Department of Education.

B. Procedure

1. Prior to imposing suspension, the principal shall explain to the student the reason(s) for the suspension and give the student an opportunity to present the student's version of what occurred.

2. If the presence of the student poses a continuing danger, the student may be removed from school immediately and the opportunity for explanation provided as soon as practical thereafter.

3. The principal or designee shall notify the parent or legal guardian immediately by telephone, if possible, and by written notice. This notice shall state the cause for suspension, the dates it is effective, corrective actions required, and for the parent, a copy of the policy and regulation on suspension.

4. The principal or designee will report the facts of the case in writing to the Director of Student Services.

5. For persons with disabilities, see also Part IV.

C. Appeal

The initial appeal of a short-term suspension shall be to the principal of the school, in writing, from the parent or legal guardian, outlining the rationale for the appeal. The appeal must be received in the principal’s office within three school days of the first day of suspension. The appeal may be delivered by hand, U. S. Mail, or commercial delivery.
service. The principal will review the appeal, consider any additional relevant matters, and render a decision within three school days of receiving the appeal. Pending a decision by the principal, the suspension will remain in force for the number of days imposed. If the appeal is sustained, the days missed shall be treated as an excused absence.

The principal’s decision may then be appealed to the Director of Student Services or designee. The request must be in writing from the parent or legal guardian, outlining the rationale for the appeal, and received by the Office of Pupil Discipline within three school days of notification of the principal’s decision. The request may be delivered to the Office of Pupil Discipline by hand, U.S. Mail, or commercial delivery service.

Pending a decision by the Director of Student Services or designee, the suspension shall remain in force for the number of days imposed. If the appeal is sustained, the days missed shall be treated as an excused absence. Short-Term Suspension appeal decisions rendered by the Director of Student Services shall be the final decision of the School Division on such suspensions.

If the suspension is accompanied by a notice that expulsion is to be considered, the appeal shall follow the hearing procedures prescribed for expulsion (Part III).

D. Access

A student who is under suspension is denied access to the school premises except with permission of the principal. A student who violates this provision shall be charged with trespassing and referred to the proper law enforcement agency.

PART II – LONG-TERM SUSPENSIONS

A. Authority

The Superintendent or designee is authorized to Long-Term Suspend a student for more than ten school days but less than forty-six school days from attendance at school, including school activities.

The Superintendent may assign an Extended Long-Term Suspension, beyond forty-five school-days up to one-hundred seventy-nine school days, if the offense involves certain drug or weapon offenses as described in Virginia Code 22.1-227.07 or 22.1-277.08 or involves serious bodily injury or it is found that aggravating circumstances exist, as defined by the Virginia Department of Education.

B. Procedure

a. Long-term suspensions will follow the prescribed procedures set forth for expulsion (Part III).
C. **Appeal**

The decision to long-term suspend may be appealed to the School Board by request in writing delivered to the office of the Clerk of the School Board by hand, U.S. Mail, or commercial delivery service within seven calendar days of the date of notification of the hearing results.

Appeals to the School Board must be in writing from the parent or legal guardian outlining the rationale for the appeal and shall be decided by the School Board on the basis of the written record within thirty calendar days of the prior hearing. The student and parent may be invited to a closed meeting by the Board, but only if the Board deems additional information is necessary to make a proper finding.

Pending a decision by the School Board, the suspension shall remain in force for the number of days imposed. If the appeal is sustained, the days missed shall be treated as an excused absence.

D. **Access**

A student who is under a long-term suspension or extended long-term suspension is denied access to the school premises except with permission of the Superintendent. A student who violates this provision may be charged with trespassing and referred to the proper law enforcement agency.

E. **Terms of Long-Term Suspension**

   a. A student who is long-term suspended or extended long-term suspended may be required by the Director of Student Services or designee to participate successfully in certain community programs during the period of long-term suspension.

   b. A student who is long-term suspended or extended long-term suspended shall normally be denied attendance at any Chesapeake Public School facility or activity for the duration of the suspension and until being reinstated by the Director of Student Services or designee.

   c. Prior to being reinstated, the student and parent or legal guardian must meet with the Director of Student Services or designee to determine the student’s placement upon reintegration. The Director of Student Services or designee may elect to assign the student to an alternative placement and place certain conditions of probation.
PART III – EXPULSION

A. School Level

If the principal believes that a student should be considered for expulsion, the following procedure shall be observed. For persons with disabilities, see also Part III.

a. Interim Suspension

The principal shall suspend the student for ten days and shall advise the student that expulsion is to be considered.

b. School Hearing

The principal shall state in the suspension notice to the parent or legal guardian that expulsion is to be considered and that a hearing is to be held at the school for the presentation of evidence in the matter. A copy of the regulations regarding expulsion shall be attached to the written notice. The hearing officer shall be the principal or a designee if the principal is unable to attend. The hearing shall be held within the first three days of the suspension.

The principal will review the evidence presented at the hearing, including any evidence presented by the parent or student and any material related to the student's overall record, and will determine whether to proceed with a recommendation for expulsion.

c. Notice

The principal shall send the parent or legal guardian or emancipated student written notice of his or her decision regarding whether expulsion will or will not be recommended no later than three school days following the school hearing. The notice shall state that proposed expulsion, as well as the suspension, may be appealed at a hearing to be scheduled by the Superintendent or designee.

d. Principal's Recommendation

If expulsion is to be recommended, the principal shall, within three school days following the school hearing, deliver a recommendation to the Office of Pupil Discipline with a written summary to include the following:
   i. Identifying information.
   ii. A statement of the charges.
   iii. A summary of the evidence concerning the charges.
   iv. A summary of any contact or involvement with youth services or other agencies regarding these charges.
   v. A statement that the student and the parent have been notified of their right to appeal the principal's recommendation.
   vi. A summary of any juvenile or other court convictions.
   vii. An educational summary.
e. Continued Suspension

The student shall be continued on suspension until the disposition of the recommendation to expel is determined.

f. Alternative

If expulsion is not recommended, placement in an alternative education program may be considered.

B. Division Level

Upon receipt of the principal's recommendation, the Superintendent or his designee shall notify the parents, legal guardian, or emancipated student that a hearing will be held to consider whether to send a recommendation for expulsion to the School Board. The hearing shall be held on or before the tenth day of the suspension and the notice shall specify the time and place for the hearing. The hearing will be conducted by an Expulsion Review Committee designated for this purpose. This Committee shall be composed of at least three members: the Assistant Superintendent for Student Services or designee, the Director of Student Services or designee, and a school administrator who has no prior involvement in the matter.

The Committee may consider the following factors:
   a. The nature and seriousness of the violation;
   b. The degree of danger to the school community;
   c. The student's disciplinary history, including the seriousness and number of previous infractions;
   d. The appropriateness and availability of an alternative education placement or program;
   e. The student's age and grade level;
   f. The results of any mental health, substance abuse, or special education assessments;
   g. The student's attendance and academic records; and
   h. Such other matters as it deems appropriate.

Within 14 school days after the hearing, the Superintendent or designee shall notify the parents, legal guardian, or emancipated student as to whether expulsion is to be recommended to the School Board. If expulsion is recommended, a hearing by the School Board shall be scheduled within 45 school days after the hearing.

C. School Board Level

   a. The Clerk of the School Board shall send written notice by certified mail to the parent and student stating that the School Board will act on the recommendation for expulsion after providing an opportunity for a hearing. The notice shall include the following: a statement of the basis for the recommendation, the time and place of the expulsion hearing, and a copy of the School Board policy and regulation regarding expulsions.
b. The School Board will consider all relevant information, including such statements, written or oral, as the parent and student may wish to present. All information relevant to the School Board's action will be presented in a closed meeting. The School Board's action on the Superintendent's recommendation shall be taken in open meeting without public identification of the student involved. The decision of the School Board will be the final action of the School Board. The Clerk of the School Board shall provide prompt, written notification of the School Board’s decision to all concerned parties.

D. Terms of Expulsion

a. Expulsion terminates a student's enrollment in the Chesapeake Public School System, normally for one calendar year.

b. A student who is expelled shall be denied attendance at any Chesapeake Public School facility or activity.

c. A student who has been expelled may petition for readmission. Such a petition shall be heard by the Superintendent or designee, normally as close as possible to the one-year anniversary of the date of expulsion. The Superintendent may elect to place certain conditions of probation for any student readmitted.

d. A student expelled or excluded from another public or private school within the Commonwealth of Virginia or another state for behavior conditions deemed expellable by the Chesapeake School Board’s policies and regulations will be denied admission during the period of expulsion and must petition for readmission.

PART III - PERSONS WITH DISABILITIES

For suspensions or expulsions of persons with disabilities, special requirements are set forth to comply with PL. 105-17, Individuals With Disabilities Education Act.

A. Suspension of Ten Days or Less

The authority and procedure for suspending a student with a disability from attendance at school, including activities, for a period of not more than ten school days is the same as it is for any non-disabled student.

B. Suspension Beyond Ten Days

When a student with a disability is recommended for removal from school beyond ten cumulative school days, prior to removal, a determination must be made as to whether or not the additional removal would constitute a change in placement. Factors to consider in determining whether an aggregate of suspensions beyond ten school days constitutes a change in placement include the length of each suspension, the proximity of suspensions, and the total amount of time suspended.
1. If further removal from school does not constitute a change in placement, the student may be disciplined in the same manner as any non-disabled student.

2. If further removal from school does constitute a change in placement, a manifestation determination hearing must be conducted prior to the removal.
   a. If it is determined that the behavior was a manifestation of the student's disability, the student may not be suspended for more than 10 school days.
   b. If it is determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as any non-disabled student. The IEP team determines the educational services to be provided during this removal.

C. Consideration of Expulsion

Expulsion is considered a change in placement and requires a manifestation determination hearing:

1. If it is determined that the behavior was a manifestation of the disability, the student may not be expelled.

2. If it is determined that the behavior was not a manifestation of the disability, the student may be disciplined in the same manner as any non-disabled student. The IEP team determines the educational services to be provided during this removal.

3. If new assessment information is required, the expulsion process may continue while assessments are being conducted. During the time period the assessments are being completed, the 45-day timeline for expulsion cases can continue through the Administrative Review. The expulsion process is pending until the outcome of the testing. Until all the assessments are completed, the recommendation for expulsion cannot be forwarded to the School Board. Once the assessment results and findings from the manifestation determination hearing are available, they are to be forwarded to the Director of Student Services and the appropriate action will then be determined.

References:
1. Administrators’ Guidelines for the Discipline of Students with Disabilities – Chesapeake City Public Schools
2. Individuals with Disabilities Education Act (IDEA) 20 USC Sect. 1415.

Revised August 1995
Revised July 2001
Revised January 2005
Revised June 2008
Revised February 2018
Revised November 2018
P 9-22. Substance Abuse

A. Drugs and Alcohol

It is the intent of the School Board to promote an environment in the Chesapeake Public Schools which is free of illegal substances and which promotes and protects the safety and welfare of all students. In accordance with this philosophy, the use, possession, sale, or distribution by a student of prescription medication (see paragraph two below), alcoholic beverages, marijuana, synthetic cannabinoids as defined in the Code of Virginia §18.2-248.1.1, anabolic steroids, any controlled substances as defined in Chapter 7 of Title 18.2 of the Code of Virginia, drug paraphernalia, or imitation controlled substances (see paragraph three below) is strictly prohibited on school property or at school-sponsored activities. A student being under the influence of such substances to any measurable extent is likewise prohibited.

Medication and prescription drugs shall not be taken to school by the student. A parent or guardian is required to take all such items to the school’s clinic for documentation. “Medication” shall mean any drug or other substance used to promote healing or to treat illnesses, disorders, or relieve pain, including over-the-counter drugs such as aspirin, cough syrups, gargles, cold tablets, and the like. Notwithstanding the first paragraph above, a prescription drug prescribed for that student or medications may only be stored by the school nurse and taken by the student under the supervision of the school nurse.

“Imitation controlled substance” shall mean a pill, capsule, tablet, or other item which is not a controlled substance, a prescription medication, an alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit appearance, including color, shape, size, marking or packaging, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet, or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.

All cases of substance abuse shall be administered in accordance with the regulations accompanying this policy.

B. Tobacco

The use or possession of tobacco or tobacco products, including nicotine and/or vapor products, by students on school grounds is prohibited and will be punishable by suspension from school.
References:

Code of Virginia:

4.1-309 18.2-247 18.2-248.1.1 18.2-255 18.2-255.2 18.2-265.1
22.1-79.5
22.1-277
22.1-206
22.1-277.08

2.8 VAC 20-310-10

Adopted  July 23, 1974
Revised  August 26, 1986
Revised  August 1995
Revised  June 22, 1998
Revised  June 30, 2008
Revised  August 8, 2011
Revised  July 7, 2014
Revised  February 9, 2015
Revised  February 24, 2020
R 9-22. Substance Abuse

A. Possession or Use of Alcohol, Drugs, or Drug Paraphernalia

1. Generally

Except as provided in paragraph two of P 9-22, students will not use, be under the influence of, or have in their possession on school property or at school sponsored activities, prescription medication, alcoholic beverages, marijuana, synthetic cannabinoids as defined in the Code of Virginia §18.2-248.1.1, anabolic steroids, any controlled substances as defined in the Chapter 7 of Title 18.2 of the Code of Virginia, drug paraphernalia, or imitation controlled substances. As used in this policy, the definition of “drug paraphernalia” will be consistent with those items described in Section 18.2-265.1 of the Code of Virginia.

2. Disciplinary Action

For the first offense, the principal shall suspend the student for a minimum of five school days and shall refer the student to the Department of Student Services.

In aggravated circumstances in which the student is considered to represent a threat to self or others or where the conduct would result in school disruption, a first offense may also result in a recommendation for expulsion.

For a second offense the principal shall suspend the student for ten school days pending a school hearing, and absent extenuating circumstances, shall refer the student to the Department of Student Services with the recommendation that the student be expelled.

Upon receipt of the principal's recommendation, the Superintendent or his designee, shall conduct a hearing to determine whether the offense will result in expulsion, pursuant to R 9-21(B) Part III Expulsion. The Superintendent will then determine whether to recommend expulsion or a lesser discipline to the School Board. In making his recommendation, the Superintendent will consider all of the factors set forth in R 9-21, including the age of the student, as well as the amount of the prohibited substance that was possessed, if known, and whether the student’s possession was accidental or mitigated in some other way.

3. Notification of Authorities

In all such cases, the proper law enforcement officials shall be notified.

B. Sale or Distribution of Alcohol, Drugs, or Drug Paraphernalia

1. Generally

Students will not give, sell, distribute, or possess with the intent to give, sell, or distribute on school property or at school-sponsored activities, prescription medication, alcoholic beverages, marijuana, synthetic cannabinoids, anabolic steroids, any controlled substances as defined in the Drug Control Act, Chapter 7 of Title 18.2 of the Code of Virginia, drug paraphernalia, or imitation controlled substances. As used in this policy, the definition of “drug paraphernalia” will be consistent with those items described in Section 18.2-265.1 of the Code of Virginia.
2. Disciplinary Action

The principal shall suspend the student from school for ten school days pending a school hearing, and absent extenuating circumstances, shall refer the student to the Department of Student Services with the recommendation that the student be expelled.

Upon receipt of the principal's recommendation, the Superintendent or his designee shall conduct a hearing to determine whether the offense will result in expulsion, pursuant to R 9-21(B) Part III Expulsion. The Superintendent will then determine whether to recommend expulsion or a lesser discipline to the School Board. In making his recommendation, the Superintendent will consider all of the factors set forth in R 9-21, including the age of the student, as well as the amount of the prohibited substance that was given, sold or possessed with intent to distribute, and whether the student’s actions were for personal gain, as an accommodation to one or more other students, or are mitigated in some other way.

3. Notification of Authorities

In all such cases, the proper law enforcement officials shall be notified.

C. Substance Abuse Assessment Requirement

In all cases involving substance abuse, the principal shall refer the student to the Department of Student Services. Such referral shall include the recommendation that the student remain suspended until written proof is provided to the Department of Student Services indicating that the student has scheduled a substance abuse assessment by a licensed public or private substance abuse agency/counselor approved of by Chesapeake Public Schools and met with the Department of Student Services. Failure to attend the appointment with the substance abuse agency or follow the recommendations provided in the assessment from that agency shall result in a recommendation of immediate expulsion from Chesapeake Public Schools. It shall be the responsibility of the parent, legal guardian, or student, if emancipated or 18 years of age, to provide the Department of Student Services, at intervals determined by the Department, with evidence of compliance with the recommendations of the assessment.

A list of licensed public and private substance-abuse agencies/counselors shall be distributed to affected families. The cost of assessment, treatment, or counseling shall be the responsibility of the parent, legal guardian, or emancipated student.

Approved December 20, 1993
Revised August 1995
Revised June 22, 1998
Revised June 30, 2008
Revised July 11, 2011
Revised January 26, 2015
Revised November 19, 2018
P 9-23. **Harassment and Discrimination**

Harassment and discrimination committed by or against one or more students by either students or School Division employees and based on race, color, national origin, religion, sex, age, disability, or any other characteristic protected by applicable law are prohibited. Should conduct be determined after investigation to violate this policy, disciplinary action, up to and including expulsion of students and/or discharge of employees, may result.

Any concerns or complaints regarding harassment and discrimination should be directed to the Director of Student Services at 312 Cedar Road, Chesapeake, Virginia, 23322, phone (757) 547-0585.

**Legal Reference:**

4. Executive Order 11246.
5. Civil Rights Act of 1964 as amended,

**Adopted** August 1995
**Revised** March 29, 2010
**Revised** June 24, 2013
R 9-23. Harassment and Discrimination

Definition of Harassment:

Harassment, for the purpose of this regulation, refers to the unwelcome verbal, visual, physical, or other conduct that is based on race, color, national origin, religion, sex, age, disability, or any other characteristic protected by law.

Sexual harassment, specifically, occurs when a student, male or female, is the recipient of unwelcome sexual advances or requests for sexual favors; when the student experiences offensive verbal or physical conduct of a sexual nature; or when inappropriate conduct of a sexual nature creates an intimidating, hostile, or threatening environment.

Unwanted sexual behaviors that could constitute sexual harassment may include, but are not limited to, the following: inappropriate touching, use of sexually suggestive comments, jokes, and other language, spreading sexual rumors, sexually suggestive cartoons and pictures, leering, cornering/blocking movements, and pulling at clothes.

Definition of Discrimination:

Discrimination, for the purpose of this regulation, is the different treatment or exclusion of a student on the basis of a characteristic protected by this regulation.

Actions that could constitute discrimination in the treatment of students may include, but are not limited to, the following:

- student denied equitable admission in a course or program
- student denied equitable treatment in terms of course requirements and methods of meeting those requirements
- student disciplined on the basis of a protected characteristic rather than the nature of the offense
- student denied the right to pursue studies free of harassment from students, employees, or others in the school environment
- student denied the right of consideration for access to programs and facilities
Complaint Procedure

Application

Students enrolled in the school division may seek resolution of complaints resulting from alleged discrimination or harassment on the basis of race, color, national origin, religion, sex, age, disability, or any other characteristic protected by applicable law in accordance with these procedures. Complaints should first be made informally by contacting the relevant school principal. If further action is necessary, or if the principal is directly involved in the subject of the complaint, the matter may be advanced by contacting the Director of Student Services, who also serves as Title IX Coordinator and may be reached at 312 Cedar Road, Chesapeake, Virginia, 23322, phone (757) 547-0585. If the complaint involves disability issues or a student’s Section 504 Plan, the matter may be advanced by contacting the Director of Special Education, who serves as the Section 504 Coordinator for purposes of this Policy and may direct needed action to another staff member as appropriate. The Director may be reached at Edwards Wilson Center, 2107 Liberty Street, Chesapeake, Virginia, 23324, phone (757) 494-7600.

Procedures

1. A complainant may file a written complaint, including any supporting documentation, with the appropriate Director or a designee, who may perform any of the duties of the Director specified herein. If the complainant desires a meeting with the Director, the complainant must make this request in the written complaint. The written complaint should describe the nature of the grievance, the facts upon which the grievance is based, an identification of witnesses relevant to the grievance and any remedy desired. The complaint should be filed as soon as possible and within 30 school days of knowledge of the grievance. The Director will then meet with the complainant within ten school days of receiving the complaint. At this meeting, the complainant shall be permitted to present information, including documents and/or witnesses, relevant to the complaint. Thereafter, the Director will investigate the complaint and notify the complainant in writing of the determination regarding the complaint by providing the complainant with a copy of the Director’s report of the investigation. If the complainant does not request a meeting, the Director or his/her representative, will investigate the complaint and within 30 school days of the filing of the written complaint, determine whether the complaint has merit or not. If the complainant meets with the Director or his/her representative, the Director will complete the investigation within 30 school days of the meeting. The Director’s report will include a statement of the complainant’s allegations and the remedy requested, a statement of facts found in the investigation, an explanation of any attempts to resolve the complaint, an identification of any witnesses interviewed, conclusions determined by the Director, and an explanation of any corrective or other action the Director recommends.
2. If the Director or designee does not resolve the complaint to the complainant's satisfaction within the specified time period, the complainant may file a written appeal with the Superintendent within ten school days of receipt of the Director’s decision. If the complainant requests a meeting with the Superintendent, the Superintendent or his/her representative will meet with the complainant. The Superintendent shall, thereafter, notify the complainant in writing of his/her decision within 30 school days of the date the complainant filed the appeal with the Superintendent.

3. If the Superintendent does not resolve the complaint to the complainant’s satisfaction within 30 school days of receipt of the complaint, the complainant may file a written appeal within ten school days of receipt of the Superintendent’s decision with the School Board by using the School Division’s “Procedure for Action on Appeals.”

4. Copies of the Procedure for Action on Appeals are available from the Director or the Clerk of the School Board.

Miscellaneous

1. A document required to be filed under this regulation shall be deemed filed, and any notice required to be given under this regulation shall be deemed given, when personally delivered to the appropriate person or entity, or when sent by certified mail, return receipt requested. If the complainant does not comply with the required deadlines, and in the absence of good cause, the Director shall conclude the matter and consider the complaint resolved. If the School Division does not comply with the required deadlines, the complainant must notify the Director who shall immediately order compliance with the provisions of this procedure. Disputes regarding the compliance with required deadlines shall be resolved by the Director, and the required timelines may be extended by the Director for extenuating circumstances.

2. In the event that it is not feasible for the School Division to meet its obligation with respect to the timing elements of the complaint procedure due to the unavailability of the complainant, Director, Superintendent, or other good cause, the School Division shall have a reasonable extension to such time period. Examples of periods of unavailability may include, but are not limited to, summer breaks, holiday breaks or other periods of time in which the schools are not open. Likewise, when the complainant is not reasonably able to meet the deadlines outlined in this procedure, the complainant shall comply as close to practical with the required deadline. Disputes regarding the compliance with required deadlines shall be resolved by the Director.

3. The complaint and all actions taken thereunder shall be kept confidential by those acting on behalf of the School Division.
4. If any person with whom the complainant is required to file a complaint is the complainant or the source of the complaint, or if there is a conflict of interest, the complainant is not required to file the complaint with that person but may proceed to the next step in the procedure.

5. The complainant’s representative may take any action on the behalf of complainant.

6. Under no circumstances shall school personnel retaliate in any way against the complainant, school personnel, or students who have provided information as a witness to an incident of harassment or discrimination under this policy. Any act of retaliation shall be considered an offense for which a complainant may submit a separate written complaint. A claim of retaliation may be founded, even if the underlying complaint is not.
P 9-24. Student Wellness

A. General

Chesapeake Public Schools recognizes that student wellness and proper nutrition are related to students’ well-being, growth, development, and readiness to learn. The School Division will foster a school environment that promotes and protects wellness, proper nutrition, nutrition education, and regular physical activity as part of the total learning experience for all students. The Superintendent shall develop goals and regulations to ensure the implementation of appropriate wellness practices in the School Division in the following areas:

1. Nutrition Education

All students K-12 shall receive nutrition education that teaches the knowledge and skills needed to adopt healthy eating behaviors and is aligned with the Virginia Standards of Learning. Nutrition education and information shall be offered throughout the school campus and shall be consistent with the current U.S. Dietary Guidelines for Americans. Staff providing nutrition education shall have the appropriate training.

2. Nutrition Standards

Child nutrition programs which comply with federal, state, and local requirements shall be accessible to all children. All foods and beverages made available on school grounds and at school-sponsored activities during the instructional day (including vending, a la carte, student stores, parties, and fundraising) shall be consistent with the Healthy, Hunger-Free Kids Act of 2010, meet USDA Smart Snacks compliance, and support the Dietary Guidelines for Americans. Chesapeake Public Schools participation in the USDA Child Nutrition Program, School Breakfast Program, After-school Snack Program and Summer Food Service Program will substantially adhere to the standards as outlined in full by the USDA.

3. Physical Activity

All students K-12 shall have physical activity opportunities, support, and encouragement to be physically active on a regular basis. A comprehensive written physical education curriculum, aligned with state and national standards, will be maintained and implemented at each school to equip students with the knowledge, skills, and values necessary to maintain physical fitness and promote lifelong physical activity. Students shall not be denied recess or physical activity or be required to participate in recess or physical activity as a form of discipline.
4. **Other School Related Activities**

   The Superintendent may implement other appropriate programs that help create an environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity, such as staff wellness programs and non-food reward systems.

B. **Leadership**

   The Superintendent shall designate a committee to be responsible for measuring implementation and progress of the Student Wellness Policy. Each school principal will designate a committee or coordinator to promote the Student Wellness Policy at each school. The Student Wellness Policy will be reviewed annually and a full assessment of the policy will be completed every three years.

**Reference:**

- Federal Public Law (PL 108-265 Section 204) Child Nutrition Reauthorization Act of 2004

**Adopted:** April 24, 2006  
**Revised:** June 26, 2017
R 9-24. **Student Wellness**

A. **Nutrition Education**

1. All staff members will be made aware of Nutrition Education Standards.

2. Lessons that promote healthy eating habits, good nutrition, and appropriate food choices are to be provided.

3. Administrators will communicate the importance of good nutrition and physical fitness to families and community members through a variety of media.

4. Chesapeake Public Schools’ health curriculum standards and guidelines include nutrition education and physical education. Physical education teachers will develop lesson plans and implement lessons that include standards for nutrition and physical education.

5. Schools will work in conjunction with their PTA’s to offer nutrition and physical fitness-related educational activities for families.

B. **Nutrition Standards**

1. Chesapeake Public Schools will participate in the National School Lunch and Breakfast programs and school menus will provide a variety of food and beverage items consistent with the *Healthy, Hunger-Free Kids Free Act of 2010*, comply with USDA Smart Snacks in Schools, and support the *Dietary Guidelines for Americans*.

2. Chesapeake Public Schools will implement strategies to increase participation in school meal programs, including food sampling, customer satisfaction surveys, student input mechanisms, alternative breakfast models such as breakfast in the classroom and grab and go breakfast, and daily access for all students for all meals offered during the school day.

3. Meal periods will be scheduled to allow students adequate time to eat school meals.

4. Nutritional analysis will be provided for all menu items. This analysis will reflect nutrient standards for appropriate grade levels. Chesapeake Public School will make this information available to parents and students on the Division website. A registered dietician or other qualified health professional will be consulted as needed for Individualized Education Plans and special dietary needs.
5. Free drinking water is available to students and staff in all school dining areas during meals and students and staff will have access to drinking fountains throughout the school day.

6. Chesapeake Public Schools has a closed campus policy. School staff may not provide permission for students to leave campus for the purpose of obtaining lunch.

7. School Nutrition Services’ staff will be provided training according to USDA Professional Standards.

8. All food and beverages sold to students in vending machines, school stores, concession stands, and a la carte during the school day will meet or exceed USDA Smart Snacks in Schools standards.

9. Food and beverages offered, but not sold, to students during the school day for classroom parties, celebrations related to curriculum, classroom snacks brought in by parents, or as a reward/incentive should meet or exceed USDA Smart Snacks in Schools standards.

10. Chesapeake Public Schools will provide parents, teachers, and other staff with information regarding non-food celebrations, healthy celebrations, and alternative ways to reward children.

11. A list of food and beverages that meet Smart Snacks standards will be provided for parents who wish to bring in food and beverage items for in-school celebrations. Certain items may be ordered in advance through the Department of School Nutrition Services at each school. A list of available items will be provided on the division website.

12. Chesapeake Public Schools encourages all employees to serve as role models for students by actively promoting and modeling healthy nutrition habits.

13. Withholding of any food is not to be used as a form of discipline.

C. Physical Activity

1. All schools are encouraged to develop a comprehensive school physical activity plan (CSPAP) that provides physical activity throughout the school day and addresses the needs of students, staff and school community. Physical education will include the instruction of individual activities as well as competitive and non-competitive sports to encourage life-long physical activity. Physical education instruction is where
students learn, practice and are assessed on developmentally-appropriate motor skills.

2. Adequate equipment will be available for all students to participate in physical education. Physical activity facilities will be safe. Each school will provide a physical and social environment that encourages safe and enjoyable activity for all students and ability levels.

3. Elementary students will be provided with a daily recess period of at least 15 minutes with a goal of 20 minutes. Elementary schools are encouraged to schedule recess prior to lunch periods.

4. State-certified physical education instructors shall teach all physical education classes.

5. Health and Physical Education staff will receive annual professional development opportunities that are focused on health/physical education/physical activity topics and competencies specific to physical education teachers.

6. Chesapeake Public Schools encourages all employees to serve as role models for students by actively promoting and modeling healthy physical activity habits.

7. Schools are encouraged to promote walking and biking to school and to participate in Safe Routes to Schools programming.

8. Schools are encouraged to provide at least one physical activity break (i.e., Instant Recess or Brain Breaks) every 60 minutes of academic instruction.

9. Schools are encouraged to provide at least one physical activity opportunity at the school annually to engage families and community members.

10. Chesapeake Public Schools will offer training on incorporating physical activity during the school day through staff development opportunities for all teachers.

11. Chesapeake Public Schools will provide information to families, via the Division website, to help them incorporate physical activity into their children’s lives.

D. Other School Related Activities

1. Schools are encouraged to consider creative programs to improve student and staff wellness and physical fitness.
2. Family/parent wellness, nutrition, and physical activity educational opportunities are encouraged. Schools will endeavor to work in conjunction with other community services and agencies, such as the Health Department, local hospitals, local doctors, local physical trainers, or local dietitians, to provide informational workshops to staff, families, and students.

3. Families will be informed of the meal eligibility application process (for free and reduced-price meals) throughout the school year. The application is available at each school, as well as the division website.

4. In addition to relevant federal regulations, Chesapeake Public Schools uses mechanisms to protect the privacy of students receiving free and reduced lunch. The Division will use electronic procedures, online payment programs, and individual student accounts that do not identify a student’s payment source to other students or cafeteria staff.

5. School dining areas will be supervised and provide a clean, safe, and pleasant environment that allows sufficient space for students to sit and consume meals. Lunch will be served near the middle of the day and students will have enough time to eat with a minimum of wait time. There will be controlled access to the school nutrition services operation that is limited to the school nutrition staff and authorized personnel.

6. Fundraising will support healthy eating and wellness. Schools, PTAs, and booster clubs are strongly encouraged to select healthy fundraiser options and limit unhealthy fundraisers. Fundraisers that take place and sell food and beverages that are meant for consumption by students during the school day must substantially meet Smart Snacks in Schools standards. Per state guidelines, each school is limited to thirty (30) in-school fundraising occurrences per school year that do not meet Smart Snacks in Schools standards. Out-of- school fundraisers and fundraisers that do not sell food are exempt from this rule. Chesapeake Public Schools will provide information on best practices guidelines and toolkits for promoting healthy fundraisers.

7. Chesapeake Public Schools encourages schools to enter into joint-use agreements for community use of school facilities for nutrition education and physical activity programming to benefit students and community members.

8. Chesapeake Public Schools Health Services Department will provide access to referral to primary health care services; foster appropriate use of health services; prevent and control communicable disease and other health problems; provide emergency care for illness or injury; and provide qualified and well-supported health professionals.
9. Marketing and advertising of foods and beverages on the school campus during the school day is limited to items substantially meeting Smart Snacks in School nutrition standards.

E. Leadership

1. Chesapeake Public Schools will convene a Wellness Advisory Board that will establish goals for and oversee the development, review, and periodic update of the Student Wellness Policy. Members of this committee include, but are not limited to: School Nutrition professionals, Health Services professionals, physical education teachers, health education teachers, school administrators, school board members, parents, students, and members of the community.

2. Chesapeake Public Schools will make the Student Wellness Policy available to the public year-round via the Division website. Annually, changes and updates to the Student Wellness Policy will be communicated to parents and the public via the website and/or district-wide communications.

3. The Wellness Advisory Board will conduct an assessment of the Student Wellness Policy every three (3) years to determine compliance with the policy, how the Student Wellness Policy compares to model wellness policies, and the progress made in attaining the goals of the wellness policy. This assessment will be made available to the public via the Division website.

4. All schools will establish a School Wellness Committee or Coordinator to promote the guidelines of the Student Wellness Policy including the promotion of nutrition and fitness, appropriate snacks, party and treat guidelines, fundraisers, reward/incentive programs, etc.

5. The designated official for oversight of the Student Wellness Policy and management of the triennial assessment is the Nutrition and Wellness Educator, School Nutrition Services.

Approved: May 14, 2007
Revised: June 12, 2017
P 9.25. **Epinephrine Administration**

A. **General**

Anaphylaxis is a severe systemic allergic reaction from exposures to allergens that is rapid in onset and can cause death. Common allergens include animal dander, fish, latex, dairy, shellfish, tree nuts, eggs, insect venom, medications, peanuts, soy and wheat. Common symptoms of anaphylaxis include sudden difficulty breathing, wheezing, hives, generalized flushing, itching or redness of the skin; swelling of the throat, lips, tongue; tightness/change of voice; difficulty swallowing; tingling sensation, itching or metallic taste in mouth; feeling of apprehension; agitation. Although anaphylaxis typically results in multiple symptoms, reactions may vary substantially from person to person. In some individuals, a single symptom may indicate anaphylaxis. Non-food items such as classroom materials and arts and craft supplies may contain trace amounts of food product capable of causing an allergic reaction. A severe allergic reaction usually occurs quickly; in extreme cases, death has been reported to occur within minutes. An anaphylactic reaction can generally occur up to one to two hours after exposure to the allergen. In about a third of anaphylactic reactions, the initial symptoms are followed by a delayed wave of symptoms two to four hours later.

B. **Stock Epinephrine**

It is the policy of Chesapeake Public Schools to provide at least two doses of weight appropriate auto-injectable epinephrine in each school. The auto-injectable epinephrine is to be administered by a school nurse or employee of the School Board who is authorized and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction on school premises during the academic day.

Section 8.01-225 of the Code of *Virginia* provides civil protection for employees of a school board who are appropriately trained to administer epinephrine. Epinephrine should be administered promptly at the first sign of anaphylaxis. The Virginia School Health Guidelines developed by the Department of Health, in conjunction with the Department of Education and the Department of Health Professionals, state that it is safer to administer epinephrine than to delay treatment for anaphylaxis.

C. **Policy Limitations**

Parents of students with known life-threatening allergies and/or anaphylaxis should provide Chesapeake Public Schools with a Life-Threatening Allergy Management Protocol order from the student’s health care provider for handling anaphylaxis and all necessary medications for implementing the student-specific order on an annual basis. If student-specific orders are on file, they should be followed for students with known life-threatening allergies and/or anaphylaxis.
This anaphylaxis policy is **not** intended to replace student specific orders or parent-provided individual medications. This policy **does not** extend to activities off school grounds (including transportation to and from school, field trips, etc.) or outside of the academic day (sporting events, extra-curricular activities, etc.).

**References:**

Code of Virginia

8.01-225  
22.1-274.2  
54.1-3408

**Adopted:** October 8, 2012
R 9-25. Epinephrine Administration

A. Stock Epinephrine

Epinephrine will be stored in a safe, unlocked and accessible location during the academic day. The School Division should maintain a sufficient number of extra doses of epinephrine for replacement of used or expired school stock on the day it is used or discarded. The Department of Student Services in conjunction with the Supervisor of Health Services will be responsible for the distribution, review of storage, and monitoring of expiration dates for epinephrine stored at schools.

B. Standing Orders

Standing orders are written to cover multiple students as opposed to student-specific orders, which are written for one person. Chesapeake Public Schools shall designate an authorized medical provider (MD, DO, PA, or NP with prescriptive authority) to prescribe non-student specific epinephrine for the School Division, to be administered to any student believed to be having an anaphylactic reaction on school grounds during the academic day. Standing orders must be renewed annually and with any change in prescriber.

C. Training

Building level administration shall be responsible for identifying at least two employees, in addition to the school nurse (RN or higher), to be trained in the administration of epinephrine by auto-injector. Only trained personnel should administer epinephrine to a student believed to be having an anaphylactic reaction. Training shall be conducted in accordance with the most current edition of the Virginia Department of Education’s Manual for Training Public School Employees in the Administration of Medication. Training shall be conducted annually or more often as needed.

D. Post-Event Action

Once epinephrine is administered, local Emergency Medical Services (911) shall be activated and the student transported to the emergency room for follow-up care. Parents/guardians will be notified of the administration of the medicine and contact with emergency services. The student will not be allowed to remain at school or return to school on the day epinephrine is administered. The school nurse or health clinic assistant will complete a Report of Anaphylactic Reaction and provide a copy of the Report to the Department of Student Services, and the Supervisor of Health Services. The resource nurse will distribute replacement epinephrine.
References:

Code of Virginia

8.01-225
22.1-274.2
54.1-3408

Approved: September 24, 2012
ARTICLE 4
PROGRESS AND ACHIEVEMENT

P 9-26. Reporting Student Progress

A. Progress Reports

Teachers shall report the progress of each student annually and at such intervals within each year as may be designated by the Superintendent. Progress reports shall be maintained in the student's permanent record and shall be included in reports to parents, or emancipated students, concerning the student's scholastic achievement. Student progress reports shall be based on:

1. The extent to which the student has achieved the learning objectives established for the subject and the grade level involved.

2. The teacher's evaluation of the student's general level of academic achievement or growth for the period. See P 6-44 and R 6-44, Student Evaluation/Grading.

3. The credit earned, if applicable, expressed in terms of high school units of credit or fractions thereof.

Report cards or other periodic report forms for use in reporting to parents shall be developed by the Superintendent for use in all schools and shall include attendance records as well as scholastic performance. They may include reports on conduct, work habits, and attitudes.

B. Warning Notices

In cases where a student is in danger of failing a course or a subject, sufficient notice shall be sent to the parents in order that they will be aware of the dangers of failure and how they might assist the student.

C. Parental Conferences

The School Board encourages conferences with parents for purposes of understanding and assisting the students.

D. Seniors

If a senior is in danger of failing to meet the requirements for graduating, the student and parents shall be notified of such danger at the earliest possible time and assistance should be given, when possible, to help the student satisfy the requirements. The responsibility for informing the student and parents shall rest upon the teachers and guidance counselors.
References:

Code of Virginia:

22.1-253.13:1
22.1-253.13:4

Adopted July 23, 1974
Revised August 1995
Revised June 30, 2008
P 9-27. Promotion/Retention

Promotion of students from grade to grade shall be made on the basis of satisfactory progress with reasonable limits on retention in grade. Students who are unable to achieve satisfactory progress shall be given additional help either within the classroom or through special programs to meet their particular needs.

Satisfactory progress shall be defined as achieving the basic skills and other learning objectives prescribed for each level as evidenced by state and local tests and by teacher evaluation or grades. Special objectives may apply for students with disabilities and for gifted or advanced students. The Superintendent shall maintain appropriate procedures for assessment of student achievement as a basis for promotion, retention, and placement of students.

References:

1. Code of Virginia:
   22.1-253.13:1
   22.1-253.13:4

2. Standards for Accrediting Public Schools in Virginia.

Adopted August 1995
Revised June 30, 2008
R 9-27. Promotion/Retention

A. Generally

Promotions shall be made on an annual basis. In extremely exceptional cases, however, students may demonstrate outstanding progress or insufficient progress. In the first case, the student may be promoted during the year; in the second case, the student may be placed in a lower grade. Some students may need to be given another year in the same grade, in which case, they shall be retained. As a general rule, students should not be retained more than once in the primary grades or more than once in the elementary grades. A student should not be retained more than two years in any one grade. The final decision for the placement of any student shall rest with the school authorities subject to state regulation.

B. Elementary School

1. Regular promotion shall be made at the close of each school year on the basis of a student's total progress.

2. Conditional promotion may be made in borderline cases where evidence may not be sufficiently conclusive to determine whether or not a student shall pass or fail. In such cases, a student shall be given the opportunity to use the first grading period of the following year to demonstrate his ability to do the work of the advanced grade successfully. Conditional promotion is not recommended as a general rule and should be considered only in extreme cases after adequate student and parental counseling has taken place. No student shall be given a conditional promotion twice in succession for any reason other than continued absences.

3. Retention of a student shall be considered only in those cases demonstrating insufficient progress to warrant promotion, conditional promotion or placement. Ordinarily, retention of a student in the same grade is considered only when there is substantial evidence of immaturity and/or inadequate growth in essential skills and knowledge. In all cases of contemplated retention, parents should be notified at the earliest possible time. Conferences should be arranged, at which time, suggestions can be made concerning any areas in which parents may help the student.

In some instances, summer school attendance may help to prepare a student for promotion; however, the purpose of attendance in summer school is not generally for the purpose of moving on to the next grade.

C. Middle School

Promotion of students to the seventh, eighth, and ninth grade levels shall be based on the recommendations of teachers on the students' middle school teams.
D. Senior High School

Promotion in the senior high school shall be based upon the number of credits earned. Designation of students by class (i.e., sophomore, junior, senior) shall be based upon the criteria that follow:

9th grade (freshman) A student with 5 or fewer credits.

10th grade (sophomore) A student with at least 5 credits, but fewer than 10 credits.

11th grade (junior) A student with at least 10 credits, but fewer than 16 credits.

12th grade (senior) A student with at least 16 credits working toward an Advanced or Standard diploma.

Revised October 1984
Revised August 1995
Revised February 2004
Revised June 30, 2008
Revised June 10, 2019
P 9-28. Awards

The School Board approves of awards for students who achieve high academic standing, outstanding citizenship, physical expertise, and other characteristics. The School Board, however, does not approve of giving awards to students where the basic purpose is obviously commercialism. Awards sponsored by a non-school agency which are recognized on a national basis or approved by the board may be given to students at appropriate ceremonies and times as the Superintendent approves.

Adopted   July 23, 1974
Revised    August 1995
R 9-28. **Awards**

A. **Honor Graduates**

   Honor graduates shall be listed in alphabetical order. Weighted grades shall be used to determine class rank.

   If a student passes a course and elects to repeat the course, the student will receive credit for the higher grade. The lower grade will remain on the student's cumulative record, but will not be calculated in the grade point average.

B. **Recognition of Achievement**

   Students should be encouraged to reach their maximum potential in academic and other programs and should be recognized for achievements. If honor roll and honor graduate listings are parts of the system of recognition, these listings shall be computed in a manner prescribed by the Superintendent.

**Approved**  July 23, 1974  
**Revised**  August 1995
P 9-29. **Class Rank/Honor Graduate/Valedictorian and Salutatorian**

Class Rank

Class rank will be provided for students in grades nine through twelve at the end of the first semester and at the end of the second semester. Class rank will be determined by assigning the student with the highest cumulative weighted grade point average the rank of number one; the second highest the rank of number two; etc. In cases where more than one student has the same numerical average, all students with that average will be given the same rank. All high school students who are candidates for the modified, standard and advanced studies diploma will be ranked based on their attained grade point average in credit bearing classes. Credit bearing classes are those defined by the Standards of Accreditation as receiving a standard unit of credit [8 VAC 20-131-110].

Honor Graduate

The distinction of honor graduate is awarded to all students who have met the requirements for the modified, standard, or advanced studies diploma and who graduate with a 3.00 or greater weighted grade point average in all credit bearing classes. Credit bearing classes are those defined by the Standards of Accreditation as receiving a standard unit of credit [8 VAC 20-131-110]. Determination is made by the averaging of grades after final examinations have been given and final grades have been derived at the end of the first semester and again at the end of the second semester of the senior year.

Valedictorian and Salutatorian

Effective with the ninth-grade class of 2007-2008 (class of 2011), the determination of valedictorian and salutatorian is made based on the weighted grade point average at the end of the second semester of the senior year. The student with the highest rank at the end of the senior year will be declared the valedictorian of the graduating class. The student with the second highest rank at the end of the senior year will be declared the salutatorian. In cases where more than one student has the same numerical average, all students with that average will be given the same classification.

In addition, the student shall not have been enrolled in the last four years of high school for a period of more than eight consecutive semesters, beginning with the semester in which he/she was enrolled for the first time in the ninth grade. The eight consecutive semesters shall be counted continuously from that point, regardless of whether or not he/she remains continuously enrolled in school.

On the student’s final transcript, final class rank including valedictorian (number one in class) and salutatorian (number two in class) is calculated following graduation.

**Approved** October 9, 2006
P 9-30. Graduation Ceremonies

Each principal shall make provisions for appropriate graduation exercises and shall determine student eligibility for participation in such exercises.

Adopted July 23, 1974
Revised August 1995
P 9-33.  **Dress and Appearance**

The Chesapeake School Board expects all students to dress in a manner appropriate for the promotion of learning. Student appearance shall not be disrespectful, indecent, dangerous to health and welfare of students, or disruptive to the school environment. Each school shall be responsible for disseminating dress code information annually in accordance with regulations established by the Superintendent. This policy becomes effective on July 1, 1996.

**Adopted**  August 19, 1975
**Revised**  April 29, 1996
**Revised**  June 30, 2008
R 9-33. Dress and Appearance

1. Students will not be allowed to wear clothes, jewelry, or other apparel or personal belongings that advocate violence, use of alcohol, tobacco products, or drug use and/or distribution that represent gang activity and/or membership, use obscenities, or reflect adversely on persons due to race, gender, creed, religion, disability, sexual orientation, or intellectual abilities.
2. Students who wear revealing attire may be removed from school until properly dressed.
3. Hats may not be worn in school buildings.
4. For reasons of health and safety, all students are required to wear appropriate shoes when on school property.
5. Students whose dress is considered contrary to good hygiene or in any way disruptive to the learning process will be required to meet the school standards.
6. Prior to the end of the first month of each school year, each local school will make available to parents and students school dress code standards.

Approved  April 29, 1996
ARTICLE 5.

STUDENT ACTIVITIES

P 9-35. Clubs and Organizations

A. Generally

Students shall be given opportunities to join various clubs and organizations in the schools without regard to race, sex or ethnic background. The objective of these clubs and organizations shall be to provide worthwhile goals for attainment by the students while maintaining a close relationship with the regular school program. All activities not specifically approved by the Superintendent of schools or the principal are prohibited. Any person or group objecting to the approval or termination of a specific club or organization shall have the right to appeal to the School Board through the office of the Superintendent.

No type of club initiation which embarrasses, ridicules, or intimidates a student shall be permitted.

B. Sororities, Fraternities and Secret Societies

Sororities, fraternities, clubs, or secret societies whose membership depends upon permission of the group rather than the free choice of the qualified student shall not be permitted to operate in any school in the division.

C. Student Responsibilities

It shall be clearly understood by any student seeking any office or honorary position that such student represents other students and, if elected or appointed, will work with all students regardless of race, religion, or personal prejudices. Furthermore, any student qualified to participate in any type of activity sponsored by the School Division shall represent that activity without regard to race, sex, or ethnic background.

Reference:

Code of Virginia:

18.2-56

Adopted July 23, 1974
Revised August 1995
P 9-36. Student Publications

A. School Sponsored

1. Students are entitled to express in writing their personal opinions. The distribution of such material may not interfere with or disrupt the educational process. Such written expressions must be signed by the authors.

2. Students who edit, publish, or distribute handwritten, printed, or duplicated matter among their fellow students within the schools must assume responsibility for the content of such publications.

3. Libel, obscenity, and personal attacks are prohibited in all publications.

B. Non-school Sponsored

Unauthorized commercial solicitation will not be allowed on school property at any time. An exception to this policy will be the sale of non-school-sponsored student newspapers published by students of the School Division at times and in places designated by the school authorities.

Reference:

Policy 5-4 Publications Not Sponsored by the Schools

Adopted July 23, 1974
Revised August 1995
Social Activities

All social dances, parties, and activities must be limited to students of the school and invited guests. All social activities sponsored by the school must be approved by the principal and faculty sponsors. These functions must be chaperoned by teachers, and parents shall be encouraged to attend.

Students and class groups are not permitted to leave school early to attend social activities and events such as senior day outing, etc. Similar activities which detract from the school day are not permitted.

The principal shall have the authority to formulate reasonable regulations with respect to school-sponsored social functions.

Adopted July 23, 1974
Revised August 1995
P 9-38. Safety Patrols

Principals, with the approval of the Superintendent, may organize school safety patrols. Students shall serve only with the written consent of their parents or guardians and shall be selected on the basis of degree of maturity and responsibility. They shall receive appropriate instruction and at all times shall be under the direction and supervision of a competent adult.

Adopted  July 23, 1974
Revised    August 1995
P 9-40. Public Performances by Students

A. Generally

The Board encourages public performances by students under the auspices of a school-sponsored organization when such performances:

1. fit the objectives of the school;
2. meet the needs and interests of the students;
3. stimulate the students in improving their ability to perform;
4. are appropriate to the participating age group;
5. require no extraordinary training that disturbs the normal teaching sequence, and/or;
6. do not inhibit opportunities for access to professional performers or musicians.

B. Performing for Outside Sponsors

Students performing under the auspices of a school-sponsored organization may perform for outside organizations where admission fees are charged only if the proceeds are used for charitable, educational, or civic purposes. Costs associated with these performances shall be borne by the sponsoring organization.

a. Payment for Performances

Payment for the performance is acceptable only in the form of a contribution to support the work of the performing organization.

b. Supervision

Performing students shall be supervised by adults under the direction of the school.

C. Outside Employment

Nothing in this policy shall be construed to prevent a student from being employed as a musician or performer in an activity which is not associated with the school.

Adopted July 23, 1974
Revised August 1995
P 9-41. **Contests**

Contests or other activities which are sponsored by agencies outside the schools, involving participation by students or the granting of awards or prizes to students, may be announced, promoted or permitted within the schools only with the approval of the Superintendent. The Superintendent may approve only contests or other activities that support the instructional program approved for the students or that offer a worthy educational experience for the students involved. The Superintendent may not approve any contest or activity being promoted for purely commercial purposes.

Student participation in contests shall be voluntary, and no compulsory fees shall be charged the students for participation.

**Adopted** July 23, 1974  
**Revised** August 1995
P 9-42.  **Sportsmanship**

Sportsmanship, Ethics, and Integrity

The School Board recognizes the importance of extracurricular activities and the values that students develop when they have the opportunity to participate in an organized activity outside the traditional classroom.

A primary goal of the Chesapeake Public Schools’ extracurricular and co-curricular programs is the promotion of good sportsmanship, ethical behavior, and integrity. All participants in extra- and co-curricular activities, including athletes and other student-participants, support groups, fans, coaches, and administrators, shall be guided at all times by a philosophy of good sportsmanship, sound ethics, and high integrity. This philosophy emphasizes that extracurricular activities are a part of the total educational process and that the same level of responsibility and behavior is expected at practice and competitions as is expected in the classroom. The school administration supports this philosophy by requiring positive attitudes that promote good sportsmanship. All high schools and middle schools are required to conduct all their relations with other schools in a spirit of good sportsmanship.

The School Board further encourages the development and promotion of sportsmanship, ethics, and integrity in all phases of the educational process and in all segments of the community, including among administrators, participants, adult supervisors, parents, fans, spirit groups, and support/booster groups.

*Adopted  June 12, 2006*
R 9-42. **Sportsmanship**

These regulations shall apply to all student athletes, school administrators, school coaches, and spectators. They are to be used by the school administrator to interpret the spirit of the School Board Sportsmanship Policy. All Chesapeake Public Schools are required to conduct all their relations with other schools in a spirit of good sportsmanship. All incidents of conduct relating to either athletic or academic activities that are violations of the Sportsmanship Policy must be reported to the Principal. Penalties will apply if it is determined that a violation has occurred.

A. **The School Administrator Should:**

1. Encourage and promote friendly relationships and good sportsmanship throughout the school by requiring courtesy and proper decorum at all times, by acquainting students and others in the community with the ideals of good sportsmanship by publicizing these concepts and attitudes so that all members of the school community will understand and appreciate their meaning.
2. Insist upon compliance with all rules of the Virginia High School League (VHSL) and Chesapeake Middle School League (CMSL).
3. Encourage all to judge the success of the athletic program on the basis of the effort and attitude of the participants and spectators, rather than on the basis of the number of games won or lost.
4. Review with the staff and coaches the VHSL and CMSL Sportsmanship Rules.

B. **The Coach Should:**

1. Exemplify behavior that is representative of the educational staff of the school and a credit to the teaching profession.
2. Recognize that the purpose of the competition is to promote the physical, mental, social, and emotional well-being of the individual players, and that the most important values of competition are derived from playing the game fairly.
3. Be a modest winner and a gracious loser.
4. Maintain self-control at all times, accepting adverse decisions without public display of emotion or dissatisfaction with the officials.
5. Discourage gambling, profanity, abusive language, and similar violations of the true sportsman code.
6. Never use profanity or abusive language toward, or in the presence of, a school administrator, player, coach, official, or spectator.

C. **The Athlete Should:**

1. Play hard and to the limit of his/her ability, regardless of discouragement. The true athlete does not give up, nor does he/she quarrel, cheat, bet, or grandstand.
2. Be modest when successful and be gracious in defeat. A true sportsman does not offer excuses for failure.
3. Play for the love of the game.
4. Understand and observe the rules of the game and the standards of eligibility.
5. Respect the integrity and judgment of the officials and accept their decisions without question.
6. Respect the facilities of the host school and the trust entailed in being a guest.

D. The Spectator Should:

1. Realize that he/she represents the school just as definitely as does the member of a team and, therefore, has an obligation to be a true sportsman, encouraging through this behavior the practice of good sportsmanship by others.

2. Recognize that good sportsmanship is more important than victory by approving and applauding good team play, individual skill, and outstanding examples of sportsmanship and fair play exhibited by either team.

3. Recognize that since the primary purpose of interscholastic athletics is to promote the physical, mental, moral, social, and emotional well-being of the players through the medium of contests, victory and defeat is, in reality, of secondary importance.

E. Penalty for a Sportsmanship Violation:

Any coach or athlete in violation of the sportsmanship policy and/or regulations or ejected from a VHSL/CMSL contest by a game official will automatically be suspended from coaching or competing at the next contest in accordance with VHSL/CMSL rules. If these violations continue, the following minimum penalties will be applied. The principal or Superintendent will have the authority to apply more stringent penalties for any violation, including the initial violation. Administrative action will be taken as follows:

1. For the student athlete, the principal will conduct a thorough investigation, ensuring that the student athlete whose conduct is in question is well aware of the matter and has the opportunity to discuss his/her conduct. The results of the investigation may warrant the following penalties: 1) the first offense will normally result in a verbal and written warning being issued to the student athlete, 2) a second offense will result in a suspension from participation for a chosen number of games and the student athlete’s being placed on probation for the remainder of his/her school athletic career, 3) a third offense will result in the student athlete being suspended from all athletic participation for a continuous 365 days from the date of the third infraction. The principal may vary these sanctions or omit a step in the disciplinary process if circumstances warrant.

Upon entry into the ninth grade, all previous sportsmanship violations will be expunged from the student athlete’s record.

2. For the coach, the principal will conduct a thorough investigation with his/her findings forwarded to the Department of Human Resources. If the Department of Human Resources concurs, a recommendation may be forwarded to the Superintendent which may warrant the following penalties: 1) the first offense will result in a warning being issued to the coach with an official letter of reprimand placed in his/her personnel file, 2) a second offense will result in a suspension of coaching duties for a chosen number of games and the coach’s being placed on probation for the remainder of the school year with the understanding that an additional violation will result in the loss of his/her coaching position and a letter will be placed in his/her personnel file stating this consequence, and 3) a third offense will
result in the immediate removal of the coach from the coaching position. The Director of Human Resources may vary these sanctions or omit a step in the disciplinary process if circumstances warrant.

3. Any spectator found to be noncompliant with VHSL, CMSL, individual school, or division-wide policies on sportsmanship will be removed from school property. If these problems are continual, additional administrative action, as deemed necessary, will be taken, which may include being barred from all school and VHSL/CMSL activities for up to one year.

Revised August 28, 2006
Revised June 30, 2008
ARTICLE 6.

HEALTH AND WELFARE

P 9-45. Health and Safety

A. Illness and Injury

Student health and safety shall be a primary consideration in all school activities and classes. School nurses shall be available, at least part-time, at all schools and first aid care shall be provided for students who become ill or injured at school. Parents shall be notified as quickly as possible and asked to come for the student as quickly as possible. A clinic room or supervised rest area shall be provided for the student while awaiting the parent.

Emergency phone numbers for each student shall be on file for those instances when the parent cannot be reached. In severe emergencies, rescue services shall be called first and parents shall be notified second.

B. Accident Prevention

Students shall be instructed in accident prevention, including proper conduct on streets and highways, in the operation of motor vehicles and bicycles, and in fire prevention.

C. Classes

Students shall be carefully supervised at all times, and extreme caution shall be exercised in those classes where machinery or chemicals are used. Protective eye devices shall be available, and students shall be instructed to wear them where danger to the eyes of the student might be present.

D. Outside the Classroom

Care shall be taken that exposure to accident or hazardous conditions is minimized on school grounds, in the use of equipment, and in all school activities.
References:

Code of Virginia:

22.1-275  
22.1-204  
22.1-205  
22.1-206  
22.1-207  
22.1-273  
22.1-274  

Adopted  July 23, 1974  
Revised  August 1995
P 9-45.1. Naloxone

The School Board recognizes that there may be certain, life threatening situations where it may be beneficial to school personnel or students for qualified persons to administer naloxone as an opioid antagonist in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Reference:

Code of Virginia:

54.1-3408

Adopted February 24, 2020
R 9-45.1. Naloxone

Pursuant to proper authority and in accordance with protocols developed by the Board of Pharmacy, in consultation with the Board of Medicine and the Department of Health, school nurses and other School Board employees, or individuals contracted by the School Board to provide school health services, and who have completed a training program, may but are not obligated to, possess and administer naloxone as an opioid antagonist to attempt reversal of an opioid overdose. Division staff will communicate as may be needed with local providers of emergency medical services and/or other first responders to assure qualified persons are prepared to respond immediately when contacted and can administer naloxone where indicated.

Reference:

Code of Virginia:

54.1-3408(X)

Adopted February 10, 2020
P 9-46. Communicable Diseases

A. Communicable Diseases Generally

Section 22.1-272 of the Code of Virginia states in its entirety: "Persons suffering with contagious or infectious disease shall be excluded from the public schools while in that condition." In identifying students who are subject to such exclusion, the school administration shall be guided by the advice of the director of public health and by State guidelines contained in the regulations accompanying this policy and in Policy 9-47 dealing with specific diseases.

B. Blood-Borne Diseases Such as Hepatitis B

The attendance at school of students who suffer from blood-borne diseases which are infectious or contagious, such as Hepatitis B, shall be determined as provided in Regulation R 9-46.

C. Human Immunodeficiency Virus (HIV)

Attendance of students with AIDS or HIV shall be governed according to State guidelines issued for this purpose and contained in Policy 9-47.

Reference:

Code of Virginia:

22.1-272

Adopted December 20, 1988
Revised August 1995
R 9-46. Communicable Diseases

A. General Procedure (For students not governed by Part B or by Policy 9-47 dealing with HIV.)

1. Parents or guardians of students who are carriers of or infected with a contagious or infectious disease and who are enrolling in or attending Chesapeake Public Schools have an obligation to notify the school principal of the medical condition as soon as it is known. The student shall then be excused from school attendance while in that condition.

If there is a question as to a student's condition, the principal may seek help from the health department or may require a student to submit to a medical examination.

2. When it is determined that the medical condition of a student is contagious or infectious, the student shall be excluded from school. Alternative instruction may be provided based on School Board policies and the nature of the condition. The necessity for alternative instruction will be determined on an individual basis.

B. Procedure for Students with Blood-Borne Contagious or Infectious Diseases.

The following procedure will be used to determine the attendance at school of any student who suffers from a blood-borne disease which is infectious or contagious, such as Hepatitis B. Each such determination will be made on a case-by-case basis. This procedure does not apply to students suffering from common childhood communicable diseases, such as measles, chicken pox, impetigo, strep throat, scarlet fever, head lice, and similar diseases.

1. The Superintendent will establish a Health Review Committee composed of the Director of the Chesapeake Public Health Department or a public health physician designated by the Director, the Student Health Services Supervisor, the student's family physician, and two administrators appointed by the Superintendent. The Superintendent may appoint other persons to the Health Review Committee. After reviewing all pertinent information regarding the student and consulting with the student's parents, the student, if appropriate, and such other persons as the Health Review Committee shall deem necessary, the Health Review Committee shall make a recommendation to the Superintendent regarding the student's attendance at school and plans for follow-up or subsequent review. The Health Review Committee may make such further recommendations as it deems appropriate.

2. The Health Review Committee shall meet within fourteen calendar days of being established and shall make its recommendation to the Division Superintendent as soon thereafter as is practical. The Division Superintendent will notify the student's parents of the decision within five school days after receiving the Health Review Committee's recommendation. The student's parents may appeal the Division Superintendent’s decision to the School Board. The request for such appeal must be submitted to the Division Superintendent in writing within ten calendar days of the date of the Division
Superintendent’s decision. Failure to request an appeal within the specified time will constitute a waiver of the right to an appeal to the School Board.

3. The student's status will be re-evaluated based upon a plan for periodic review formulated by the Health Review Committee.

4. The student may be excluded from school pending the Division Superintendent’s decision or any re-evaluation.

5. All parties involved shall respect the individual's right to privacy. The number of personnel who are informed of the student's condition shall be kept at a minimum needed to assure proper care of the student.

Approved August 1995
Revised June 30, 2008
Students P 9-47

Page 1 of 2

P 9-47. School Attendance for Students with Human Immunodeficiency Virus

The Chesapeake Public School Division will work cooperatively with the Chesapeake Health Department to ensure compliance with Virginia Code 22.1-271.3 for school attendance of students infected with human immunodeficiency virus (HIV).

A. Students are expected to be in compliance with an immunization schedule (Code of Virginia 22.1-271.2); however, some required immunizations may be harmful to the health of the student who is HIV-infected or has AIDS. Students who are HIV-infected or have AIDS may get an exemption from complying with the requirements of the Code of Virginia 22.1-271.2. School personnel will cooperate with public health personnel in completing and coordinating immunization data, exemptions, and exclusions, including immunization forms.

B. Mandatory screening for HIV infection is not warranted as a condition for school entry. Upon learning a student is HIV-infected or has AIDS, the Superintendent or his designee will consult with the individual's family and physician or a health official from the local health department to determine whether the student is well enough to stay in school. Since it is known that HIV is not transmitted through casual contact, any student who is HIV-infected will continue education in a regular classroom assignment unless the health status interferes significantly with performance. If a change in the student's program is necessary, the Superintendent or designee, family, and physician or health official will develop an individual plan which is medically, legally, and educationally sound. If the HIV student is receiving special education services, the services will be in agreement with established policies.

C. Parents/guardians may appeal decisions for restriction or exclusion as determined by the School Division's established procedures.

D. All persons privileged with any medical information about HIV-infected students shall be required to treat all proceedings, discussions, and documents as confidential information. Individuals will be informed of the situation on a "Need to Know" basis with written consent of the parent/guardian.

E. Universal precautions for handling blood will be implemented within the school setting and on buses. To ensure implementation of the proper standard operating procedures for all body fluids, the guidelines from the Virginia Department of Health will be followed. In-service training will be provided to all school personnel. Training will include local division policies; etiology, transmission, prevention, and risk reduction of HIV; standard operating procedures for handling blood and body fluids; and community resources available for information and referral. Periodic updates will be supplied through in-service training or memoranda.

F. Comprehensive and age-appropriate instruction on the principle modes by which HIV is spread and the best methods for the reduction and prevention of AIDS are required to
encourage the support and protection of the HIV-infected student. To enhance school attendance, the School Division will collaborate with public and private organizations in the provision of support services to HIV-infected students.

Reference:

Code of Virginia:

22.1-271.3

Adopted August 1995
P 9-48. **Insurance**

The Board annually shall approve a program of dental and accident insurance for students and teachers and shall afford them an opportunity to purchase protection under these plans.

**Adopted**     July 23, 1974  
**Revised**     August 1995
P 9-49.  Search and Seizure

The school administration must at all times protect students' rights to be free from unreasonable searches. Except in situations where there is an immediate and serious risk of harm as set forth below, search of a student or personal possessions shall be conducted only if there is reasonable cause to believe (individualized suspicion) that the student possesses an item which violates the law, school policies and regulations, or which may be harmful to the school or its students or other persons. General or mass searches of students or their personal possessions, in which there is no individualized suspicion as to each student searched, are prohibited, except in situations where there is an immediate and serious risk of harm to students or other persons. This is not intended to prohibit the use of screening detectors.

Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the joint control of the student and the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items which violate the law, or which may be harmful to the school or its students or other persons. Lockers and other storage facilities are subject to periodic searches by school officials, with or without notice; however, notice of this policy shall be given through the school handbook or other means annually.

Strip searches are not permitted except in emergency cases where there is imminent threat of death or severe bodily injury. If possible, the strip search should be conducted by a law enforcement official of the same gender as the student being searched. In all instances where a strip search is required, prior approval of the Superintendent’s staff is required.

Adopted July 23, 1974
Revised August 1995
Revised June 30, 2008
P 9-50. Police Interrogation

Except in cases of suspected child abuse or neglect, or in an emergency involving imminent threat to the safety of the public, student body or school staff, or when investigating a crime involving drugs, weapons or bodily harm, or otherwise when determined by the SRO that timely access to a student is needed for the prevention of a crime or apprehension of a suspect, law-enforcement officers shall not be allowed to question students while they are under the school's authority unless the parent or legal guardian of the child is contacted and has given permission for such questioning.

A private room is to be furnished for questioning. The principal or designated representative shall remain present at all times during the police questioning and maintain information derived from the questioning in strict confidence unless law-enforcement procedures shall require otherwise.

If a student has been questioned by police without prior notification to the parent(s) or guardian, an administrator from the school will make an effort to promptly notify the parent(s) or guardian by telephone or by electronic mail unless instructed not to do so by the SRO or other police questioner because the matter involves suspected child abuse or neglect or because such disclosure would compromise the investigation.

Reference:

Code of Virginia:

63.2-1518

Adopted July 23, 1974
Revised August 1995
Revised February 2007
Revised July 7, 2008
Revised August 8, 2011
P 9-51. **Threat Assessment**

A threat assessment team will be established in each one of the Chesapeake Public Schools. The teams will assess and intervene with students whose behavior may pose a threat to the safety of school staff or students and be prepared to make referrals to the Chesapeake Police Department, Juvenile Court System, Department of Social Services, the Community Services Board or health care providers for evaluation or treatment when appropriate.

Reference:
- Code of Virginia: 22.1-79.4

Adopted: February 24, 2014
Revised: February 9, 2015
R 9-51. Threat Assessment

A. Threat Assessment Team Makeup

The Threat Assessment Team will consist of at least four people who may or may not be School Division employees and will be appointed annually by each school principal. The team should include persons with expertise in counseling, instruction, school administration, and law enforcement.

B. Duties of the Threat Assessment Team

1. The Threat Assessment team will:

   a. Meet from time to time as needed, but at least annually near the beginning of a school year;

   b. 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; and

   c. Identify members of the school community to whom threatening behavior should be reported.

2. When informed by the courts or law enforcement that a juvenile has been charged with or convicted of or found not innocent of certain violations of the law pursuant to the Code of Virginia 16.2-301, the principal may disclose this information to the Threat Assessment Team. Members of the Threat Assessment Team may use such information to consider an appropriate response, but may not disclose or use such information for any purposes other than evaluating and mitigating threats and reporting threats to police, appropriate agencies and/or treatment providers.

3. Upon a determination that a student poses an imminent threat of violence or physical harm to self or others, the Threat Assessment Team shall immediately report its determination to the Superintendent or his designee.

4. If the School Resource Officer is not present, the Threat Assessment Team shall immediately report its determination to the police.

5. The school’s administration should immediately attempt to contact the parent(s) or legal guardian(s) of the student.
6. Nothing in these Regulations preclude school division personnel from acting immediately to address an imminent threat. Failure to reach a student’s parents shall not delay action, if there exists a threat of imminent harm to any person.

7. Each Threat Assessment Team will collect and report to the Virginia Center for School and Campus Safety (the “Center”) quantitative data concerning its activities and any threats identified at the school using the case management tool developed by the Center.

Reference:

Code of Virginia:

22.1-79.4

Adopted       February 10, 2014
Revised       January 26, 2015
Revised       February 10, 2020
P 9-52 Lactation Support

The Superintendent shall designate a non-restroom location in each school as an area in which any mother who is enrolled as a student in the Chesapeake Public Schools may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view.

Reference:

Code of Virginia, 1950, as amended, §22.1-79.6

Adopted July 7, 2014
P 9-53  Management of Sports-Related Concussion

In accordance with the Student-Athlete Protection Act, Code of Virginia § 22.1-271.5, as amended, and the Virginia Board of Education’s Guidelines for Policies on Concussions in Student-Athletes, the Superintendent has developed the “Sports Concussion Management Plan” and shall update it biennially. The goals of the Management Plan are to ensure that student-athletes who sustain concussions are properly diagnosed, given adequate time to heal, and are comprehensively supported until they are symptom free.

Reference:

Code of Virginia:

22.1-271.5
22.1-271.6

Adopted February 9, 2015
**R 9-53** **Management of Sports-Related Concussion**

Introduction

Pursuant to Virginia Code §22.1-271.5, Chesapeake Public Schools will utilize the following procedures regarding the identification and handling of suspected concussions in student-athletes to ensure that student-athletes who sustain concussions are properly diagnosed, given adequate time to heal, and are comprehensively supported until they are symptom free. The Superintendent will update these procedures biennially.

Definitions

Concussion means a brain injury that is characterized by the 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 (e.g., 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 (LHCP) means 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 Play means to participate in a non-medically supervised practice, game, or athletic competition.

Concussion Management Team

A. The Chesapeake Public Schools Concussion Management Team (“CMT”) shall be appointed by the Superintendent and shall consist of a school administrator, an athletic administrator, a LHCP, a coach, a parent/guardian, a student-athlete, and any such other person the Superintendent determines will assist the CMT.

B. The CMT shall develop concussion training materials for school personnel, volunteers, student-athletes and parents/guardians of student-athletes. 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/she has been suspected of sustaining a concussion.

C. The CMT shall meet and evaluate the School Division’s training materials, concussion reporting, management, and review protocols at least annually.
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 annual 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.

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/guardian shall have an opportunity to 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.

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 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 LHCP 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-III), the Balance Error Scoring System (BESS), or the Standardized Assessment of Concussion (SAC)].
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 LHCP or other properly trained individual conducting the concussion sideline assessment. If a concussion is found to have occurred, such determination is final and may not be overruled by another LHCP 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/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.

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 LHCP. 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 LHCP 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 LHCP, 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/guardian within one day of the decision not to allow such student-athlete to return to extracurricular physical activities.

Return to Learn Protocol

A. School personnel shall be alert to cognitive and academic issues that may be experienced by a student-athlete 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-athlete who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student-athlete’s LCHP as to the appropriate amount of time that such student-athlete needs to be away from the classroom.
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.


Adopted January 26, 2015
P 9-54 Child Abuse and Neglect Reporting

The superintendent shall develop regulations which ensure that school board employees report any cases of suspected child abuse or neglect.

References:

Code of Virginia
63.2-1509
63.2-1518
63.2-1507

Adopted  February 9, 2015
R 9-54    Child Abuse and Neglect Reporting

A. Reporting Requirement

Every employee of School Board of the City of Chesapeake who, in his/her professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq. shall immediately report the matter to:

• the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
• the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
• the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

B. Notice of Reporting Requirement

The School Board shall post in each school a notice that:

• any teacher or other person employed there who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and
• all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

C. Complaints of Abuse and Neglect Against School Personnel

The School Board and the local department of social services shall adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student, against school personnel. The interagency agreement shall be based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services.
References:

Code of Virginia
   22.1-253.13:7.A
   22.1-291.3
   63.2-1509
   63.2-1511.D

Adopted       January 26, 2015
P 9-55. Protective Orders

The School Board recognizes the importance of protecting its students from harm. Accordingly, school principals in the Division’s elementary and secondary schools who receive notice that a protective order for the protection of a student or any other order prohibiting contact with that child shall take appropriate action as described in the accompanying Regulation.

Reference:

Code of Virginia:

22.1-279.3:2

Adopted February 24, 2020
R 9-55. Protective Orders

Pursuant to Code of Virginia 22.1-279.3:2, a school principal in one of the Division’s elementary or secondary school, who receives notice that a state court judge or magistrate has entered or issued a protective order for the protection of a child enrolled at that school, or any other order prohibiting contact with such a child, shall notify licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the protected child or the child subject to the order, (ii) have a legitimate educational interest in such information, and (iii) are responsible for the direct supervision of the protected child or the child subject to the order that such order has been issued.

Reference:

Code of Virginia:

22.1-279.3:2

Adopted  February 10, 2020
CHESAPEAKE PUBLIC SCHOOLS
PROCEDURE FOR ADJUSTING GRIEVANCES

ADMINISTRATIVE AND TEACHING (NON-CLASSIFIED) PERSONNEL

July 1, 2014
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PROCEDURE FOR ADJUSTING GRIEVANCE

ADMINISTRATIVE AND TEACHING (NON-CLASSIFIED) PERSONNEL
8 VAC 20-90-10 ET SEQ.

Part I

Definitions

8 VAC 20-90-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Business day” means any day that the Chesapeake School Board office is open.

“Days” means calendar days unless a different meaning is clearly expressed in this procedure. Whenever the last day for performing an act required by this procedure falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day if it that is not a Saturday, Sunday, or legal holiday.

“Dismissal” means the dismissal of any teacher within the term of such teacher’s contract.

“Grievance” means, for the purpose of Part II (8 VAC 20-90-20 et seq.), a complaint or a dispute by a teacher relating to his employment, including, but not necessarily limited to, the application or interpretation of personnel policies, rules and regulations, ordinances, and statutes; acts of reprisal against a teacher for filing or processing a grievance, or participating as a witness in any step, meeting or hearing related to a grievance; complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex.

“Grievance” means, for the purposes of Part III (8 VAC 20-90-60 et seq.), a complaint or a dispute involving a teacher relating to his employment involving dismissal. The term “grievance” shall not include a complaint or dispute by a teacher relating to the establishment and revision of wages or salaries, position classifications or general benefits; suspension of a teacher or
nonrenewal of the contract of a teacher who has not achieved continuing contract status; the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations; failure to promote; or discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject, or insufficient funding; hiring, transfer, assignment and retention of teachers within the school division; suspension from duties; the methods, means and personnel by which the school division’s operations are to be carried on; or coaching or extracurricular activity sponsorship. While these management rights are reserved to the School Board, failure to apply, where applicable, these rules, regulations, policies, or procedures as written or established by the School Board is grievable.

“Hearing officer” means an impartial hearing officer from outside the school division who possesses some knowledge and expertise in public education and education law and who is capable of presiding over an administrative hearing.

“Personnel file” means, for the purposes of Part III (8 VAC 20-90-60 et seq.), any and all memoranda, entries or other documents included in the teacher’s file as maintained in the central school administration office or in any file regarding the teacher maintained within a school in which the teacher serves.

“Teacher” or “teachers” means, for the purposes of Part II (8 VAC 20-90-20 et seq.), all employees of the school division involved in classroom instruction and all other full-time employees of the school division except those employees classified as supervising employees. “Teacher” means, for the purposes of Part III (8 VAC 20-90-60 et seq.), all regularly employed professional public school personnel employed by any school division under a written contract as provided by § 22.1-302 of the Code of Virginia, as a teacher or as an assistant principal, principal, or supervisor as provided by § 22.1-294 of the Code of Virginia.
“Shall file,” “shall respond in writing,” or “shall serve written notice” means the document is either delivered personally or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure to the grievant or office of the proper School Board representative.

“Supervisory employee” means any person having authority in the interest of the School Board (i) to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; and (ii) to direct other employees; or (iii) to adjust the grievance of other employees; or (iv) to recommend any action set forth in clause (i), (ii), or (iii) above; provided that the authority to act as set forth in clause (i), (ii), (iii), or (iv) requires the exercise of independent judgment and is not merely routine and clerical in nature.

“Written grievance appeal” means a written or typed statement describing the event or action complained of, or the date of the event or action complained of, and a concise description of those policies, rules, regulations, or statutes upon which the teacher bases his claim. The grievant shall specify what he expects to obtain through use of the grievance procedure. A written grievance appeal shall be on forms prescribed by the Board of Education and supplied by the local School Board.
Part II

Grievance Procedure

8 VAC 20-90-20. Purpose of Part II of this grievance procedure.

The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning the application, interpretation, or violation of any of the provisions of local School Board policies, rules and regulations as they affect the work of teachers, other than dismissals. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any teacher to discuss any matter of concern with any member of the school administration, nor should the procedure be construed to restrict any teacher’s right to seek, or the school division administration’s right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit a School Board’s exclusive final authority over the management and operation of the school division.


Recognizing that grievances should begin and should be settled promptly, a grievance must be initiated within 10 business days following either the event giving rise to the grievance, or within 10 business days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

1. Step 1 -- Informal. The first step shall be an informal conference between the teacher and his immediate supervisor (which may be the principal). The teacher shall state the nature of the grievance, and the immediate supervisor shall attempt to adjust the grievance. It is mandatory that the teacher present the grievance informally prior to proceeding to Step 2.
2. Step 2 -- Principal. If for any reason the grievance is not resolved informally in Step 1 to the satisfaction of the teacher, the teacher must perfect his grievance by filing a written grievance appeal on the required form within 15 business days following the event giving rise to the grievance, or within 15 business days following the time when the employee knew or reasonably should have known of its occurrence, specifying on the form the specific relief expected. Regardless of the outcome of Step 1, if a written grievance appeal is not, without just cause, filed within the specified time, the grievance will be barred.

A meeting shall be held between the principal (or his designee or both) and the teacher (or his designee or both) within five business days of the receipt by the principal of the written grievance. At such meeting the teacher or other party involved, or both, shall be entitled to present appropriate witnesses and to be accompanied by a representative other than an attorney. The principal (or his designee or both) shall respond in writing within five business days following such meeting.

The principal may forward to the teacher within five days from the receipt of the written grievance a written request for more specific information regarding the grievance. The teacher shall file an answer thereto within 10 business days, and the meeting must then be held within five business days thereafter.

3. Step 3 -- Superintendent. If the grievance is not settled to the teacher’s satisfaction in Step 2, the teacher can proceed to Step 3 by filing a written notice of appeal with the Superintendent, accompanied by the original written grievance appeal form within five business days after receipt of the Step 2 answer (or the due date of such answer). A meeting shall then be held between the Superintendent (or his
designee or both) and the teacher (or his designee or both) at a mutually agreeable
time within five business days. The Superintendent or designee may make a written request for more specific information from the teacher, but only if such was not requested in Step 2. The teacher shall file an answer to such request within 10 business days, and the meeting shall be held within five business days of the date on which the answer was received. At such meeting both the Superintendent and the teacher shall be entitled to present witnesses and to be accompanied by a representative who may be an attorney. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the Superintendent without violating the provisions of § 54.1-3904 of the Code of Virginia. If no settlement can be reached in said meeting, the Superintendent (or his designee) shall respond in writing within five business days following such meeting.

If the grievance is not resolved to the satisfaction of the teacher in in Step 3, the teacher may request a decision by the School Board pursuant to Step 4.

4. Step 4 -- Decision by the School Board.
   
a. If a teacher elects to request a decision by the Chesapeake School Board as provided for in Step 3, he must notify the Superintendent in writing of the intention to make the request of the School Board within five business days after receipt of the answer as required in Step 3 or the due date thereof. Upon receipt of such notice, the School Board may hold a hearing on the grievance, may elect to have the hearing conducted by a hearing officer appointed by the School Board consistent with the procedures in § 22.1-311 of the Code of Virginia, or may make its determination on the
basis of the written evidence presented by the teacher and the recommendation of the Superintendent.

b. In any case in which the School Board elects to hold a hearing or elects to have a hearing officer conduct the hearing, the hearing shall be set within 30 days of the School Board’s receipt of the notice required by Step 4a above, and the teacher must be given at least 15 days’ written notice of date, time and place of the hearing.

The teacher and the Superintendent may be represented by legal counsel or other representatives. The hearing shall be private, unless the teacher requests a public hearing. The School Board or the hearing officer, as the case may be, shall establish the rules for the conduct of the hearing. Such rules shall include the opportunity for the teacher and the Superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by members the School Board or the hearing officer.

In the case of a hearing conducted by the School Board, the School Board’s attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant’s attorney or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the Superintendent shall be excluded from any executive session of the School Board which has as its purpose reaching a decision on the grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board’s attorney or representative, and the Superintendent, may join the School Board in executive session to assist in the writing of the decision. A stenographic record or tape recording of the hearing shall be taken. However, the
recording may be dispensed with entirely by mutual consent of the parties. If the recording is not dispensed with, the two parties shall share the cost of the recording equally, and if either party requests a transcript, that party shall bear the expense of its preparation.

c. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing officer shall be based exclusively upon the evidence presented at the hearing. The hearing may be reopened for the purpose of hearing after-discovered evidence upon a finding of good cause by the hearing officer at any time before the hearing officer’s recommendation is due upon his own motion or upon application by either party to the grievance. The hearing officer shall transmit his written recommendation and a record or recording of the hearing to the School Board as soon as practicable and no more than 10 business days after the hearing.

d. In the event of a hearing by a hearing officer, the School Board may make its decision upon the record or recording of such hearing or the School Board may elect to conduct a further hearing, if so determined, to receive additional evidence. The School Board must hold such further hearing, if so determined, as soon as practicable and must give written notice of the time and place of such further hearing to the Superintendent and the teacher within 10 business days after the School Board received the record or recording of the initial hearing. The notice must specify each matter to be inquired into by the School Board. The School Board shall determine the procedure to be followed at such further hearing.
e. In the event of a hearing before the School Board, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 days after the hearing. The decision of the School Board shall be reached after considering the evidence and information presented at the School Board hearing.

f. In the event of a hearing before a hearing officer followed by a further hearing by the School Board, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 days after such further hearing. The decision of the School Board shall be reached after considering the record or recording of the initial hearing, the recommendations of the hearing officer, and the evidence and information presented at the further hearing before the School Board.

g. In the event of a hearing before a hearing officer in cases in which no further hearing is conducted by the School Board, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 days after receiving the record or recording of the hearing. The decision of the School Board shall be reached after considering the record or recording of the hearing and the recommendations of the hearing officer.

The School Board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel.

A. Initial determination of grievability. Decisions regarding whether or not a matter is grievable shall be made by the School Board at the request of the division administration or grievant and such decision shall be made within 10 business days of such request. The School Board shall reach its decision only after allowing the Division administration and the grievant an opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be at the discretion of the School Board. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any hearing by the School Board or a hearing officer or the right to such determination shall be deemed to have been waived. Failure of the School Board to make such a determination within such a prescribed 10-business-day period shall entitle the grievant to advance to the next step as if the matter were grievable.

B. Appeal of determination on grievability.

1. Decisions of the School Board may be appealed to the Chesapeake Circuit Court for a hearing on the issue of grievability.

   a. Proceedings for a review of the decision of the School Board shall be instituted by filing a notice of appeal with the School Board within 10 business days after the date of the decision and giving a copy thereof to all other parties.

   b. Within 10 business days thereafter, the School Board shall transmit to the clerk of the court to which the appeal is taken, a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the School Board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court may, on motion of the grievant, issue a writ of certiorari requiring the School Board to transmit the records on or before a certain date.
c. Within 10 business days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the School Board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court may, in its discretion, receive such other evidence as the ends of justice require.

d. The court may affirm the decision of the School Board or may reverse or modify the decision. The decision of the court shall be rendered not later than 15 days from the date of the conclusion of the court’s hearing.

8 VAC 20-90-50. Time limitations.

A. The right of any party to proceed at any step of this Part II grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this procedure.

B. The failure of the teacher to comply with all substantial procedural requirements including initiation of the grievance and notice of appeal to the next step in the procedure, shall eliminate the teacher’s right to any further proceedings on the grievance unless just cause for such failure can be shown.

C. The failure of the School Board or any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his option, to advance to the next step in the procedure or, at the final step, to a decision in his favor.

D. The determination as to whether the substantial procedural requirements of this Part II of the Procedure for Adjusting Grievances have been complied with shall be made by the School Board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the School Board shall have the option of allowing the grievant to proceed to its next step. The fact that the
grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.
Part III

Procedure for Dismissals or Placing on Probation

8 VAC 20-90-60. Dispute resolution.

This Part III of the Procedure for Adjusting Grievances adopted by the Board of Education in accordance with the statutory mandate of Article 3 (§ 22.1-306 et seq.) Chapter 15 of Title 22.1 of the Code of Virginia and the Standards of Quality for school divisions, Chapter 13.1 (§ 22.1-253.13:1 et seq.) of Title 22.1 of the Code of Virginia, is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal of any teacher as that term is defined herein.

8 VAC 20-90-70. Procedure for dismissals.

A. Notice to teacher of recommendation for dismissal.

1. In the event the Superintendent determines to recommend dismissal of any teacher or administrative professional covered under this Part III (hereinafter "teacher"), written notice shall be sent to the teacher on forms prescribed by the Board of Education notifying him of the proposed dismissal, and informing the teacher that within ten business days after receiving the notice, the teacher may request a hearing before the Chesapeake School Board, or, at the option of the School Board, a hearing officer appointed by the School Board, as provided in § 22.1-311 of the Code of Virginia.

2. During such ten-business-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the teacher, the merits of the recommendation of the Superintendent shall not be considered, discussed, or acted upon by the School Board except as provided for herein.
3. At the request of the teacher, the Superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § 22.1-311 or § 22.1-312 of the Code of Virginia, the Superintendent shall provide, within 10 days of the request, the teacher, or his representative, with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal. Within 10 days of the request of the Superintendent, the teacher, or his representative, shall provide the Superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal. The Superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later that may be used in the respective parties’ cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

4. Upon a timely request for a hearing, the School Board or, at the School Board’s option, a hearing officer appointed by the School Board shall set a hearing within 15 days of the request and the teacher shall be given at least five days’ written notice of the time and the place of the hearing.

B. Procedure for hearing.

1. The hearing shall be conducted by the Chesapeake School Board or, at the School Board’s option, a hearing officer appointed by the School Board. The teacher and the Superintendent may be represented by legal counsel or other representatives. The hearing shall be private, unless the teacher requests a public hearing. The
School Board or hearing officer, as the case may be, shall establish the rules for the conduct of the hearing, and such rules shall include the opportunity for the teacher and the Superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses, and the right of all parties to cross-examine the witnesses. Witnesses may be questioned by the School Board or hearing officer.

2. The parties shall produce such additional evidence as the School Board or hearing officer may deem necessary to an understanding and determination of the dispute. The School Board or hearing officer shall determine the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the School Board or hearing officer and of the parties.

3. Exhibits offered by the teacher or the Superintendent may be received in evidence by the School Board or hearing officer and, when so received, shall be marked and made a part of the record.

4. A stenographic record or tape recording of the proceedings shall be taken. The two parties shall share the cost of the recording equally. The record or recording of the proceedings shall be preserved for a period of six months. If the School Board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The School Board shall bear the expense of the transcription.
5. Expenses. The teacher shall bear his own expenses. The School Board shall bear the expenses of the Superintendent. The expenses of the hearing officer shall be borne by the School Board.

6. Witnesses. Witnesses who are employees of the School Board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school at which most witnesses work, if feasible, or at any other mutually agreeable location.

7. In the event of a hearing conducted by a hearing officer, the recommendations of the hearing officer shall be based exclusively upon the evidence presented at the hearing. The hearing may be reopened by the hearing officer at any time before the hearing officer’s recommendation is due upon his own motion or upon application of the teacher or the Superintendent for good cause shown to hear after-discovered evidence. The hearing officer shall transmit his written recommendation and a record or recording of the hearing to the School Board as soon as practicable and no more than 10 business days after the hearing.

8. In the event of a hearing by a hearing officer, the School Board may make its decision upon the record or recording of such hearing or the School Board may elect to conduct a further hearing to receive additional evidence. The School Board must hold such further hearing, if so determined, as soon as practicable and must give written notice of the time and place of such further hearing, if so determined, to the Superintendent and the teacher within 10 business days after the School Board received the record or recording of the initial hearing. The notice must specify each matter to be inquired into by the School Board. The School Board shall determine the procedure to be followed at such further hearing.
C. School Board determination.

1. In the event of a hearing before the School Board, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 days after the hearing. The decision of the School Board shall be reached after considering the evidence and information presented at the school board hearing.

2. In the event of a hearing before a hearing officer followed by a further hearing by the School Board pursuant to subparagraph 8 of paragraph B of this section, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 days after such further hearing. The decision of the School Board shall be reached after considering the record or recording of the initial hearing, the recommendations of the hearing officer, and the evidence and information presented at the further hearing before the School Board.

3. In the event of a hearing before a hearing officer in cases in which no further hearing is conducted by the School Board, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 days after receiving the record or recording of the hearing. The decision of the School Board shall be reached after considering the record or recording of the hearing and the recommendations of the hearing officer.

4. The School Board may dismiss or suspend a teacher upon a majority vote of a quorum of the School Board. The School Board’s attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the
grievant, the grievant’s attorney or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the Superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board’s attorney or representative and the Superintendent may join the School Board in executive session to assist in the writing of the decision.

8 VAC 20-90-80. Time limitations.

1. The right of any party to proceed at any step of the grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this grievance procedure.

2. The failure of the grievant to comply with all substantial procedural requirements shall terminate the teacher’s right to any further proceedings on the grievance unless just cause for such failure can be shown.

3. The failure of the School Board or of any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his option, to advance to the next step in the procedure or, at the final step, to a decision in his favor.

4. The determination as to whether the substantial procedural requirements of this Part III of the Procedure for Adjusting Grievances have been complied with shall be made by the School Board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the School Board shall have the option of allowing the grievance to proceed to its next step. The fact that the grievance is allowed to
proceed in such case shall not prevent any party from raising such failure to observe
the substantial procedural requirements as an affirmative defense at any further
hearing involving the grievance.
APPENDIX A
FORMS FOR PART II
OF THE PROCEDURE FOR
ADJUSTING GRIEVANCES

Enclosed herein are the necessary forms for adjusting grievances in accordance with
Part II of the Grievance Procedure of the Virginia Board of Education.

The grievant is advised to become familiar with the procedure for adjusting grievances.
Special emphasis should be given to the procedural steps.
CHESAPEAKE PUBLIC SCHOOLS

STATEMENT OF GRIEVANCE

STEP 2 – TO BE PRESENTED TO PRINCIPAL

<table>
<thead>
<tr>
<th>Name of grievant:</th>
<th>Date filed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>School/department of assignment:</td>
<td>Subject area or grade:</td>
</tr>
<tr>
<td>Immediate superior and/or Principal:</td>
<td>Grievant’s representative:</td>
</tr>
</tbody>
</table>

Policy, procedure, regulation, ordinance, statute being grieved:

Date you knew or reasonably should have known of its occurrence:

Statement of grievance:

Specific relief requested:

________________________________________  __________________________________________
Grievant’s Signature                      Representative’s Signature

________________________________________  __________________________________________
Grievant’s Name                          Representative’s Name

________________________________________  __________________________________________
Date                                      Date
# CHESAPEAKE PUBLIC SCHOOLS
## PRINCIPAL’S DECISION

### STEP 2 – DECISION TO BE PRESENTED TO GRIEVANT

<table>
<thead>
<tr>
<th>Name of grievant:</th>
<th>Date grievance received:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Decision of principal or designee:

___ I lack the authority to grant the relief requested.

<table>
<thead>
<tr>
<th>___________________________</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature of Principal or designee</td>
<td></td>
</tr>
</tbody>
</table>

| ___________________________ |
| Name of Principal or designee |

<table>
<thead>
<tr>
<th>Is the above decision acceptable to grievant?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

___ I hereby appeal this decision to Step 3, Superintendent.

| ___________________________ |
| Grievant’s Signature |

| ___________________________ |
| Grievant’s Name |

| ___________________________ |
| Date |

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CHESAPEAKE PUBLIC SCHOOLS
SUPERINTENDENT’S DECISION

STEP 3– DECISION TO BE PRESENTED TO GRIEVANT

Name of grievant: ___________________________ Date appeal received: ___________________________

Decision of Superintendent or designee:

____________________________________________
Signature of Superintendent or designee Date

Name of Superintendent or designee

Is the above decision acceptable to grievant? _____ Yes _____ No

_____ I hereby appeal this decision to Step 4, Chesapeake School Board.

______________________________
Grievant’s Signature

______________________________
Grievant’s Name

______________________________
Date
Enclosed herein are the necessary forms for proposed dismissal proceeding as prescribed in Part III of the procedure enacted by the Virginia Board of Education.
CHESAPEAKE PUBLIC SCHOOLS

Notice of Proposed Dismissal

Date: __________________________

__________________________________________  ______________________________________
Name of Teacher                        School/Department of Assignment

The Superintendent will recommend to Chesapeake School Board that you be dismissed from your position as:

__________________________________________

(Position)

At your request, reasons for this recommendation will be provided to you in writing or in a personal interview.

You have ten (10) business days from receipt of this form to request, in writing, a hearing before the School Board or, at the option of the School Board, a hearing before a hearing officer. A copy of the Request for Hearing Form is attached.

__________________________________________
Superintendent’s Signature

__________________________________________
Superintendent’s Name

__________________________________________
Date
CHESAPEAKE PUBLIC SCHOOLS

Request for Hearing

Name of Teacher or Other Professional

I hereby request that I be afforded a hearing on the Superintendent’s recommendation for my dismissal before the School Board or, at the School Board’s option, a hearing before a Hearing Officer to be appointed by the School Board.

_________________________________________  _______________________________________
Teacher’s Printed Name                        Representative’s Printed Name

_________________________________________  _______________________________________
Teacher’s Signature                           Representative’s Signature

_________________________________________  _______________________________________
Date                                          Date
Procedure for Adjusting Grievances

for

Regularly Employed Full-Time Classified Employees

in
Accordance with 22.1-79.6
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FOR REGULARLY EMPLOYED FULL-TIME CLASSIFIED
EMPLOYEES IN ACCORDANCE WITH 22.1-79.6

Preamble

The following Procedure for Adjusting Grievances is adopted to provide, in accordance with the statutory mandate of 22.1-79.6 of the Code of Virginia, an orderly procedure for resolving disputes arising between the school board and covered employees regarding dismissal, suspension, or other disciplinary actions.

Part I

Definitions

The following words and terms, when used in these regulations, shall have the following meaning, 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.

“Dismissal” means the dismissal of any covered employee. Dismissal may be with or without cause.

“Grievance” means, for the purpose of Part II, a dispute by a covered employee arising between the school board and such employee regarding a disciplinary suspension without pay for one or more workdays; an official written reprimand for disciplinary purposes; a demotion for disciplinary reasons, or placing the individual on disciplinary probation; acts of reprisal as a result of utilization of this grievance procedure; and complaints of discrimination on the basis of race, color, creed, political affiliation, disability, age, national origin, or sex. “Grievance” means, for the purpose of Part III, a dispute involving an employee relating to his or her employment involving dismissal. The term “grievance” shall not include a complaint or dispute by an employee relating to the establishment and revision of wages or salaries, position classifications, or general benefits; demotion based on skill, performance or change of duties; individual employee evaluations or action plans for assistance/remediation; suspension of five days or less with pay, suspension with or without pay when charged with the commission of a felony, crime of moral turpitude, any offense involving the sexual molestation, physical or sexual abuse, or rape of a child, or any crime the conviction of which is a basis for termination of employment; the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; failure to promote; or discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment in a particular subject, abolition of a particular subject/service/program, insufficient funding; hiring, transfer, assignment, and
retention of employees within the School Division; suspension from duties in emergencies; or the methods, means, and personnel by which the School Division’s operations are to be carried on. All management rights available by law are reserved to the school board.

“Personnel file” means any and all memoranda, entries, or other documents included in the covered employee’s file as maintained in the central school administration office or in any file on the employee maintained within a school in which the employee serves. “Disciplinary probation” means a period not to exceed one year during which time it shall be the duty of the covered employee to remedy the conduct that gave rise to the probationary status.

“Covered employee” or “employee” means all regularly employed full-time employees of the School Division except the division superintendent, employees covered under 22.1-293 and 22.1-306, and those employees classified as supervising employees. Substitutes, consultants, individuals receiving remuneration for providing contracted services, and part-time employees are not covered by this grievance procedure.

“Shall file, “shall respond in writing,” or “shall serve written notice” means the document is either delivered personally to the grievant or office of the proper school board representative or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure. Such notice may be mailed to the last address provided by the grievant to the board. It is the duty of the grievant to notify the board in writing of any change of address.

“Supervisory employee” means any person having authority in the interest of the board (i) to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; and (ii) to direct other employees; or (iii) to adjust the grievance of other employees; or (iv) to recommend any action set forth in (i), (ii), or (iii) above; provided that the authority to act as set forth in (i), (ii), (iii), or (iv) requires the exercise of independent judgment and is not merely routine and clerical in nature.

“Written grievance appeal” means a written or typed statement describing the event or action complained of, the date of the event or action, and a concise description upon which the covered employee bases his or her claim. The grievant shall specify what he or she expects to obtain through use of grievance procedure.
Part II

Grievance Procedure

Purpose of Part II of this Grievance Procedure

The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning suspension and prescribed disciplinary actions, other than dismissal. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any covered employee to discuss any matter of concern with any member of the school administration. Nor should the procedure be construed to restrict any employee’s right to seek, or the School Division administration’s right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit a school board’s exclusive final authority over the management and operation of the School Division, nor confer any property right whatsoever.

Grievance Procedure

Recognizing that grievances should begin and end promptly, a grievance must be initiated within five working days following either the event giving rise to the grievance, or within five working days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

A. **Step 1 - Informal.** The first step shall be an informal conference between the covered employee and his or her immediate supervisor. The employee shall state the nature of the grievance, and the immediate supervisor shall attempt to adjust the grievance. It is mandatory that the employee present the grievance informally prior to proceeding to Step 2.

B. **Step 2 - Principal/Supervisor.** If for any reason the grievance is not resolved informally in Step 1 to the satisfaction of the covered employee, the employee must perfect his or her grievance by filing said grievance in writing within five working days following the event giving rise to the grievance, or within five working days following the time when the employee knew or reasonably should have known of its occurrence, specifying on the form the specific relief expected. Regardless of the outcome of Step 1, if a written grievance is not, without just cause, filed within the specified time, the grievance will be barred.

A meeting shall be held between the principal/ supervisor (and/or his or her designee) at a time and place set by the principal/ supervisor and the covered employee (and/or his or her designee) within five working days of the receipt by the principal/supervisor of the written grievance. At such meeting the employee and/or other party involved shall be entitled to present appropriate
witnesses and to be accompanied by a representative other than an attorney. The principal/supervisor (and/or his or her designee) shall respond in writing within five working days following such meeting.

The principal/supervisor may forward to the employee within five days from the receipt of the written grievance a written request for more specific information regarding the grievance. The employee shall file an answer thereto within five working days, and the meeting must then be held within five days thereafter at a time and place established by the principal/supervisor.

C. **Step 3 - Superintendent.** If the grievance is not settled to the covered employee’s satisfaction in Step 2, the employee can proceed to Step 3 by filing a written notice of appeal with the superintendent, accompanied by the original grievance appeal form within five working days after receipt of the Step 2 answer (or the due date of such answer). A meeting shall then be held between the superintendent (and/or his or her designee) and the employee (and/or his or her designee) at a mutually agreeable time within five working days. Failure of the employee to agree upon a date shall end the grievance. At such meeting both the superintendent and the employee shall be entitled to present witnesses and be accompanied by a representative who may, but need not be an attorney. If the representative is an attorney, the employee must give advance notice and agree to a meeting date when the school board attorney can attend. The superintendent shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The superintendent, in his or her discretion, may vary this procedure, but shall afford full and equal opportunity for all parties to present any material or relevant evidence. The superintendent (and/or his or her designee) shall make his or her decision based exclusively upon the evidence presented at the meeting. On the superintendent’s own decision or upon application of the covered employee if approved by the division superintendent, the hearing may be reopened for good cause shown, at any time to hear after-discovered evidence before the superintendent’s decision is delivered.

A stenographic record or tape recording, as determined by the superintendent/designee, shall be taken of the meeting. In Part II grievance disputes, the recording may be dispensed with entirely by mutual consent of the parties. If the recording is not dispensed with, the two parties shall share equally the cost of the recording. If either party requests a transcript, that party shall bear the expense involved in preparing it. If the recording is dispensed with, but the matter is appealed to the school board, each party must prepare a written record of their case for the school board’s consideration.

The covered employee shall bear his or her own expenses. The school board shall bear the expenses of the division superintendent. Witnesses who are employees of the school board shall be granted release time if the meeting is held during the school day. The meeting shall be held at a site designated by the superintendent/designee.
If no settlement can be reached in said meeting, the superintendent (or his or her designee) shall respond in writing within five working days following such meeting. The superintendent or designee may make a written request for more specific information from the employee, but only if such was not requested in Step 2. Such request shall be answered within five working days, and the meeting shall be held within five working days of the date on which the answer was received.

If the grievance is not resolved to the satisfaction of the employee in Step 3, the employee, after giving proper notice, may request a decision by the school board pursuant to Step 4.

D. **Step 4 - Decision by the School Board.**

1. If a covered employee appeals to the school board, he or she must notify the superintendent in writing of the intention to appeal to the board, of the grievance alleged and the relief sought, within five working days after receipt of the answer as required in Step 3 or the due date thereof. Upon receipt of such notice, following a meeting with the superintendent/designee, the covered employee shall not have the right to a further meeting with the school board. The school board shall consider the appeal based on the record submitted by the employee and superintendent.

2. The school board shall give the grievant its written decision within 30 days after the school board receives the record. The decision of the school board shall be reached after considering the record and such further evidence as the school board may receive should it so elect. Should the board elect to receive further evidence, it shall give the grievant the opportunity to present and to reply thereto.

3. No person other than members of the school board may participate in argument or the provision of further evidence to the board in executive session; however, the school board attorney may advise the board concerning procedural matters. The school board’s attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

4. The decision of the school board shall be based solely on the record and such further evidence as it may have elected to receive. The school board shall give the grievant its written decision within 30 days after receipt of the record from both parties.

5. The school board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel.
Grievability

A. Initial Determination of Grievability. Initial determination of grievability shall be made by the division superintendent prior to any meeting with the superintendent at Step 3 or the right to such determination shall be deemed to have been waived. If the superintendent rules the matter non-grievable, the grievant may appeal such decision to the school board by written notice delivered to the board within five days after notice of the decision of the superintendent regarding grievability.

B. Final Determination of Grievability. Decisions regarding whether a matter is grievable shall be made by the school board at the request of the division superintendent or grievant. The school board shall reach its decision only after allowing the division superintendent and the grievant opportunity to present written arguments regarding grievability. Decisions shall be made within 30 days of such request. Failure of the school board to make such a determination within such a prescribed 30 day period shall entitle the grievant to advance to the next step as if the matter were grievable. The decision of the board is final.

Time Limitations

The right of any party to proceed at any step of this Part II grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this procedure.

A. The failure of the covered employee to comply with all substantial procedural requirements, including initiation of the grievance and notice of appeal to the next step in the procedure, shall eliminate the employee’s right to any further proceedings on the grievance unless just cause for such failure can be shown.

B. The failure of the school board or any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his or her option, to advance to the next step in the procedure or, at the final step, to a decision in his or her favor.

C. The determination as to whether the substantial procedural requirements of this Part II of the Procedure for Adjusting Grievances have been complied with shall be made by the school board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievant to proceed to its next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements at any further meeting involving the grievance.
Severability

If any portion of this Part II of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.
Part III

Procedure for Dismissals

This Part III of the Procedure for Adjusting Grievances adopted in accordance with the statutory mandate of 22.1-79.6 of the Code of Virginia is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal of covered employees. An equitable solution should be secured at the most immediate administrative level before any appeal through to the school board. Nothing is this procedure shall be interpreted to limit the school board’s exclusive final authority over the management and operation of the School Division, nor confer any property right not expressly made available by law or policy.

Notice to Employee of Dismissal Action

In the event a division superintendent or designee takes action to dismiss a covered employee, written notice shall be sent to the employee in a manner or on forms prescribed by the school board notifying him or her of the dismissal and informing the employee that within five working days after receiving the notice, the employee may request a meeting before the superintendent or his or her designee. Disputes by a covered employee involving dismissal shall be processed in accordance with the procedures stipulated in Steps 1, 2, 3, and 4 of Part II except as listed below:

A. Step 1 - Informal.

During such five working day period and thereafter until a grievance is appealed to the school board in accordance with the provisions herein, if one is requested by the covered employee, the merits of the dismissal action by the division superintendent or designee shall not be considered, discussed, or acted upon by the school board except as may be provided for herein.

At the request of the covered employee, the superintendent/designee shall at his/her discretion provide either a written summary of the issues, if any, leading up to the dismissal action or, present to the employee an oral summary in a personal interview. Such request must occur within the five working days, and the employee is free to make or not make such a request. Nothing herein shall be interpreted or construed as requiring cause for dismissal of any employee.

B. Step 2 - Superintendent/Designee.

See Part II for procedural details. Unless otherwise stipulated by the superintendent, the designee will be the chief personnel officer. Upon request of the grievant and approval of the superintendent, this step, except for the requirement to file the grievance on time, may be waived and the grievant may proceed to Step 3.
C. Step 3 - Superintendent.

See Part II for procedural details. In Part III grievance disputes involving dismissal, a stenographic record or tape recording of the proceedings shall be taken, and the record or recording of the proceedings as determined by the superintendent shall be made and preserved for a period of six months. If either the covered employee or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the recording and the transcription.

D. Step 4 - Decision by the School Board.

See Part II for procedural details.

Time Limitations

The right of any party to proceed at any step of the grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this grievance procedure.

A. The failure of the grievant to comply with all substantial procedural requirements shall terminate the grievant’s right to any further proceedings on the grievance unless just cause for such failure can be shown.

B. The failure of the school board or of any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his or her option, to advance to the next step in the procedure or, at the final step, to a decision in his or her favor.

C. The determination as to whether the substantial procedural requirements of this Part III of the Procedure for Adjusting Grievances have been complied with shall be made by the school board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievance to proceed to its next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements at any further meeting involving the grievance.

Severability
If any portion of this Part III of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of the procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.
FORMS

Adjusting Grievances

Classified Employees
Enclosed herein are the necessary forms for adjusting grievances in accordance with Part II of the Classified Employee Grievance Procedure of Chesapeake Public Schools.

The grievant is advised to become familiar with the procedure for adjusting grievances. Special emphasis should be given to procedural steps.
CHESAPEAKE PUBLIC SCHOOLS
CLASSIFIED EMPLOYEE GRIEVANCE PROCEDURE

STATEMENT OF GRIEVANCE

PART II

Step 2 - TO BE SUBMITTED TO PRINCIPAL OR SUPERVISOR

<table>
<thead>
<tr>
<th>Name of Grievant</th>
<th>Date Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>School/Department of Assignment</th>
<th>Job Title</th>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Immediate Principal or Supervisor</th>
<th>Grievant’s Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Policy, procedure, regulation, ordinance, statute being grieved, and the date you knew or reasonably should have known of its occurrence:

Statement of Grievance:

Specific Relief Requested:

<table>
<thead>
<tr>
<th>Grievant’s Signature</th>
<th>Representative’s Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date | Date

<p>| |</p>
<table>
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<tr>
<th></th>
</tr>
</thead>
</table>
**PART II**

**Step 2 – DECISION TO BE PRESENTED TO GRIEVANT**

<table>
<thead>
<tr>
<th>Name of Grievant</th>
<th>Date of Grievance Received</th>
</tr>
</thead>
</table>

Decision of Principal/Supervisor:

- □ I lack the authority to grant the relief requested.

<table>
<thead>
<tr>
<th>Signature of Principal/Supervisor</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is the above decision acceptable to the grievant?</th>
<th>Check One Box</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

- □ I hereby appeal this decision to Step 3, Superintendent’s Level.

<table>
<thead>
<tr>
<th>Grievant’s Signature</th>
<th>Date</th>
</tr>
</thead>
</table>
### SUPERINTENTENT’S LEVEL

**PART II**

**Step 3 – DECISION TO BE PRESENTED TO GRIEVANT**

<table>
<thead>
<tr>
<th>Name of Grievant</th>
<th>Date of Grievance Received</th>
</tr>
</thead>
</table>

**Decision of Superintendent or Designee:**

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee</th>
<th>Date</th>
</tr>
</thead>
</table>

**Is the above decision acceptable to the grievant?**

<table>
<thead>
<tr>
<th>Check One Box</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

☐ I hereby appeal this decision.

<table>
<thead>
<tr>
<th>Grievant’s Signature</th>
<th>Date</th>
</tr>
</thead>
</table>
REQUEST FOR HEARING

PART II

Step 5 - TO BE SUBMITTED TO SUPERINTENDENT

<table>
<thead>
<tr>
<th>Name of Grievant</th>
<th>Date Grievance Filed</th>
</tr>
</thead>
</table>

☐ I hereby petition the attached grievance to be submitted for a School Board hearing.

_________________________ Panel Designee

<table>
<thead>
<tr>
<th>Grievant’s Signature</th>
<th>Representative’s Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Date</td>
</tr>
</tbody>
</table>
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FORMS FOR PROPOSED DISMISSAL OF A CLASSIFIED EMPLOYEE

IN CHESAPEAKE PUBLIC SCHOOLS

Enclosed herein are the necessary forms for proposed dismissal proceeding as prescribed in Part III of the Classified Employee Grievance Procedure of Chesapeake Public Schools.
REQUEST FOR HEARING

PART III

TO BE SUBMITTED TO SUPERINTENDENT

<table>
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<tr>
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<th>Superintendent’s Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□ Dismissal</td>
</tr>
</tbody>
</table>

☐ I hereby request that I be afforded a hearing before the School Board on the above referenced matter.

<table>
<thead>
<tr>
<th>Grievant’s Signature</th>
<th>Representative’s Signature</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Date</th>
</tr>
</thead>
</table>

The request for a hearing before the School Board may be filed after a hearing before the Superintendent or his or her designees. Such a request must be filed within five days following the receipt of the Superintendent's decision.
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Family and Medical Leave

Sabbatical Leave

Military Leave

Workers’ Compensation

Vacation

Bereavement Leave

Sick Leave Donation

Lactation Support

Protective Orders

Student Rights and School Authority

Student Photographs

Student Directory

Exchanging Gifts

Admission Requirements

School Attendance Areas

Registration, Placement and Transfers
Attendance

Married and/or Pregnant Students

Homeless Children and Youth

Student Behavior

Student Behavior

Cellular Telephones, Other Portable Telecommunication Devices, and Electronic Devices

Cellular Telephones, Other Portable Telecommunication Devices, and Electronic Devices

Privately Owned Electronic Devices

Privately Owned Electronic Devices

Suspension and Expulsion

Suspension and Expulsion

PART III – EXPULSION

PART III - PERSONS WITH DISABILITIES

Substance Abuse

Substance Abuse

Harassment and Discrimination

Harassment and Discrimination

Student Wellness

Student Wellness

Epinephrine Administration

Epinephrine Administration

Reporting Student Progress

Promotion/Retention

Promotion/Retention

Awards

Awards

Class Rank/Honor Graduate/Valedictorian and Salutatorian

Graduation Ceremonies

Dress and Appearance

Dress and Appearance

Clubs and Organizations

Student Publications

Social Activities

Safety Patrols

Public Performances by Students

Contests

Sportsmanship

Sportsmanship

Health and Safety

Naloxone

Naloxone

Communicable Diseases

Communicable Diseases

School Attendance for Students with Human Immunodeficiency Virus

Insurance

Search and Seizure
P 9-50. Police Interrogation
P 9-51. Threat Assessment
R 9-51. Threat Assessment
P 9-52. Lactation Support
P 9-53. Management of Sports-Related Concussion
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P 9-54. Child Abuse and Neglect Reporting
R 9-54. Child Abuse and Neglect Reporting
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R 9-55. Protective Orders
PROCEDURE FOR ADJUSTING GRIEVANCES
Procedure for Adjusting Grievances for Full-Time Classified Employees