



Subject: 2023 Model Policies Workshop Session **Item Number:** 1D

Section: Administrative, Informal, and Workshop **Date:** September 12, 2023

Senior Staff: _____

Prepared by: Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Acting Superintendent

Presenter(s): Kamala H. Lannetti, School Board Attorney; Donald E. Robertson, Ph.D., Acting Superintendent

Recommendation:

That the School Board review existing policies and regulations and determine how the School Board intends to proceed with complying with the Virginia Department of Education’s Model Policies on Ensuring Privacy, Dignity, and Respect for All Students and Parents in Virginia Public Schools.

Background Summary:

On July 19, 2023, the Virginia Department of Education (VDOE)’s Model Policies on Ensuring Privacy, Dignity, and Respect of All Students and Parents in Virginia’s Public Schools became effective. These Model Policies retracted VDOE’s previous Model Policies. Code of Virginia § 22.1-23.3, requires that school boards adopt policies that are consistent or more comprehensive than the Model Policies required under §22.1-23.3.

The Policy Review Committee has recommended amendments to certain policies to be consistent with the 2023 Model Policies. The School Administration and the School Board Attorney have proposed amendments to or adoptions of regulations and policies to be consistent with the 2023 Model Policies. The School Board did not have a majority vote on August 22, 2023 to adopt VDOE’s proposed model policy. Accordingly, the School Board Attorney and the Acting Superintendent, in consultation with the School Board Chair and Vice Chair, that the School Board review each section of the 2023 Model Policies to determine whether current School Board policies or regulations are consistent or whether amendments or adoptions are necessary to clarify the School Board’s intent regarding compliance with the 2023 Model Policies.

Source:

Code of Virginia §22.1-23.3, as amended

Budget Impact:

N/A

VDOE 2023 Sample Model Policy	VBCPS Proposed or Existing	Compliance
<p>I. Purpose To establish clear and useful guidance to local school boards to fulfill the requirements of § 22.1-23.3 of the <i>Code of Virginia</i> (the “Act”) in accordance with the plain meaning of its provisions.</p>		Yes No
<p>II. Definitions</p> <p>Terms and phrases used herein are defined as follows:</p> <p>A. As set forth in <i>Code of Virginia</i> § 22.1-1, the term “parent” or “parents” shall mean “any parent, guardian, legal custodian, or other person having control or charge of a child.”</p> <p>B. The word “sex” means biological sex.</p> <p>C. The phrase “transgender student” shall mean a public school student whose parent has stated in writing that the student’s gender differs from the student’s sex, or an eligible student who states in writing that his or her gender differs from his or her sex.</p> <p>D. An “eligible student” is a student or former student who is 18 years of age or older or a student under the age of 18 who is emancipated. See <i>Code of Virginia</i> § 16.1-331 et seq.</p>	<p>5-31 A (Consent Agenda for 9/12) “Parent” or “parents” mean any parent, guardian, legal custodian, or other person having control or charge of a child. A child is determined to be a person under the age of eighteen (18) years of age. Students who are “eligible students” or adult students as used by the School Division, have the right to make decisions regarding their records and education.</p> <p>5-31 A rejected by PRC “Sex” for the purposes of identifying an individual means biological sex.</p> <p>5-31 A rejected by PRC “Transgender student” for the purpose of student records means a public school student whose parent has stated in writing that the student’s gender or gender identity differs from the student’s sex, or an eligible student who states in writing that the student’s gender or gender identity differs from the student’s sex. Any writing from the eligible student or parent of a minor student shall be memorialized in the student’s official record and be subject to the same retention, disclosure and confidentiality requirements as the official record itself.</p> <p>5-31: “Eligible student” means a student who is eighteen (18) years of age or older, a student attending a postsecondary institution, or an emancipated student. Students who are 18 years old and subject to a court order that places the student under the legal guardianship of another person will be treated as minor students.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p>III. Model Policies</p> <p>The [School Division] complies with all applicable federal and state nondiscrimination laws, including Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 and the Virginia Human Rights Act, <i>Code of Virginia</i> § 2.2-3900.</p>	<p>2-33 Title IX of the Education Amendments of 1972 (sex discrimination) regulations for student programs and personnel employment policies and practices:</p>	<p>Yes No</p>

<p>A. Maintenance of a safe and supportive learning environment free from discrimination and harassment for all students:</p> <ol style="list-style-type: none"> The [School Division] prohibits all discrimination and will comply with all applicable nondiscrimination laws. School personnel shall be trained annually on health and mental wellness support to, and safety of, all students. Each school shall make reasonably available, with available resources, guidance and counseling services to all students as provided in 8 VAC 20-620-10 and pursuant to parental notification requirements therein, including that, “[n]o student shall be required to participate in any counseling program to which the student’s parents object.” Except with regard to eligible students, parents must be informed and given an opportunity to object before counseling services pertaining to gender are given. At the request of parents, the [School Division] should designate an administrator or counselor to speak, together with the student’s parents (except in the case of eligible students), with any student regarding questions pertaining to gender. This provision should not apply with regard to eligible students. 	<p>5-7A It is the Policy of the School Board to prohibit any and all discrimination, harassment and bullying based on an individual's race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, marital status, disability, genetic information or military/veteran status.</p> <p>5-7 A The School Board is committed to maintaining an environment where all students and staff members conduct themselves in a manner built on mutual respect, where differences are understood and appreciated, and where all persons are treated fairly and with respect.</p> <p>5-7: The School Board is committed to maintaining an environment where all students and staff members conduct themselves in a manner built on mutual respect, where differences are understood and appreciated, and where all persons are treated fairly and with respect. It is the Policy of the School Board to prohibit any and all discrimination, harassment and bullying based on an individual's race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, marital status, disability, genetic information or military/veteran status. Also 5-44, 5-44.1, 4-4. 4-4.1, 6-7, 6-8</p> <p>6-44.1.E.2: Except with regard to eligible students, parents must be informed and given an opportunity to object before counseling services pertaining to gender are given.</p> <p>5-7.1.4: At the request of the parents of a minor student, the School should designate an administrator or counselor to speak, together with the student’s parents, with the student regarding questions pertaining to gender. Eligible students may consult with an administrator or counselor regarding gender at their discretion.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p>B. Prevention of and response to bullying and harassment:</p>		

<p>1. [School Division] provides bullying prevention education in accordance with <i>Code of Virginia</i> § 22.1-208.01.</p> <p>2. Any incident or complaint of discrimination, harassment, or bullying shall be given prompt attention, including investigating the incident and taking appropriate corrective and/or disciplinary action, by the school administrator.</p> <p>3. Bullying of any student by another student, for any reason, cannot be tolerated in our schools. Intervening immediately to stop bullying on the spot can help ensure a safer school environment for all students.</p> <p>4. The [School Division’s Designated Contact] shall be available to hear concerns from students and parents when complaints are not resolved at the school level.</p> <p>5. The [School District] shall inform parents of any bullying incidents that involve their child within 24 hours of learning of the allegation of bullying, per the requirements of <i>Code of Virginia</i> § 22.1-279.6(D).</p>	<p>Code of Conduct - Virginia Beach City Public Schools (vbschools.com) Office of Security & Emergency Management - Virginia Beach City Public Schools (vbschools.com) Bullying - Virginia Beach City Public Schools (vbschools.com)</p> <p>5-7 B Any employee or official who receives information that a student has or may have been the victim of such discrimination, harassment or bullying is required to promptly report the alleged acts to the principal or an appropriate School Division official. Failure to report such information may result in disciplinary action up to and including dismissal. Use of formal reporting forms is not necessary. Nothing in this Policy will prevent any person from reporting such discrimination, harassment, or bullying directly to the Superintendent/or designee.</p> <p>5-36.3.D: Bullying will not be tolerated and students shall be referred to the principal or assistant principal for appropriate disciplinary action which may include suspension and/or recommendation for long-term suspension or expulsion.</p> <p>5-36.3.D: The Department of School Leadership shall be available to hear concerns from students and parents when complaints are not resolved at the school level.</p> <p>5-36.3.D: Within 24 hours of receiving a complaint of alleged bullying, parents/legal guardians of minor students or the adult student alleged to be involved with the complaint, will be notified of the status of any investigation regarding the complaint.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p>C. Maintenance of student records:</p> <p>1. [School Division] is required to maintain an official record for each student that includes the student’s legal name and sex. [School Division] may be required to use or report a student’s legal name or sex in some situations.</p> <p>2. [School Division] shall change the legal name or sex in a student or former student’s official record only if a parent or eligible student submits a legal document, such as a birth certificate, state- or federal-issued identification, passport, or</p>	<p>5-31.1.A: All information regarding students and their families shall be collected and maintained under safeguards of privacy established by federal and state laws and regulations, School Board Policies 5-31 and 5-66, this regulation, and its subsections. Strict adherence is considered a condition of continuing employment by the School Board.</p> <p>5-7.1.B.5: Student records (i.e. birth certificate, Student Information System, final transcript) shall reflect the legal name or sex in a student’s or former student’s official record unless the eligible student or the parent of minor student submits a legal document, such as a birth certificate, state or federal</p>	<p>Yes No</p> <p>Yes No</p>

<p>court order substantiating the student or former student's change of legal name or sex.</p>	<p>issued identification, passport or court order substantiating the change of the student's legal name or sex.</p>	
<p>D. Identification of students:</p> <ol style="list-style-type: none"> 1. Every effort should be made to ensure that a transgender student wishing to change his or her means of address is treated with respect, compassion, and dignity in the classroom and school environment. 2. [School Division] personnel shall refer to each student using only (i) the name that appears in the student's official record, or (ii) if the student prefers, using any nickname commonly associated with the name that appears in the student's official record. Nothing in this policy shall prevent [School Division] personnel from using a different name for a student when it is necessary for the student's academic instruction, such as using a name more common in a foreign country while in a foreign-language course. 3. [School Division] personnel shall refer to each student using only the pronouns appropriate to the sex appearing in the student's official record - that is, male pronouns for a student whose sex is male, and female pronouns for a student whose sex is female. 4. Notwithstanding the provisions of paragraphs (2) and (3) of this section, [School Division] personnel shall refer to a student by a name other than one in the student's official record, or by pronouns other than those appropriate to the sex appearing in the student's official record, only if an eligible student or a student's parent has instructed [School Division] in writing that such other name or other pronouns be used. 5. Any written instruction from a parent or eligible student under paragraph (4) of this section shall be memorialized in the 	<p>5-7 A The School Board is committed to maintaining an environment where all students and staff members conduct themselves in a manner built on mutual respect, where differences are understood and appreciated, and where all persons are treated fairly and with respect.</p> <p>5-7.1 The School Division respects students' variations in sex, gender identity, expression, and/or presentation. Students are entitled to a safe and positive learning environment regardless of their sex, gender identity, expression, and/or presentation.</p> <p>5-7.1.B.1: School personnel shall refer to each student using only the a) name that appears in the student's official record, or b) a nickname that the eligible student or the parent of a minor student has designated in the student's official record. Names, titles, or nicknames associated with academic instruction or extracurricular activities may refer to a student without being noted in the student's official records.</p> <p>5-7.1.B.2: School personnel shall refer to a student using only the a) pronoun associated with the student's sex or gender identity as set forth in the student's official records.</p> <p>5-7.1.B.2: School personnel shall refer to a student using only the a) pronoun associated with the student's sex or gender identity as set forth in the student's official records, or b) the pronoun that the eligible student or parent of a minor student has designated in the student's official record. The pronouns recognized by the School Division will be he, she, or they. An eligible student or parent of a minor student requesting a different pronoun other than those listed in this item should notify the principal or designee.</p> <p>See 3 and 4 above.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>

student's official record and subject to the same retention, disclosure, and confidentiality requirements as the official record itself. The legal name and sex of a student shall not be changed, even upon the written instruction of a parent or eligible student, except as specified in section (C)(2).

Policy 5-31 "Transgender student" means a public school student whose parent has stated in writing that the student's gender or gender identity differs from the student's sex, or an eligible student who states in writing that the student's gender or gender identity differs from the student's sex. Any writing from the eligible student or parent of a minor student shall be memorialized in the student's official record and be subject to the same retention, disclosure, and confidentiality requirements as the official record itself.

5-31 G Amendment of Scholastic Records Content The parent/legal guardian of a minor student or the eligible student who believes that information in the student's record is inaccurate, misleading or violates the privacy or other rights of the student may request that the custodian who maintains the record amend such record. Upon receipt of such request the custodian shall be responsible for administering the subsequent procedures as established in Virginia Department of Education. Consistent with federal law and regulation, each school shall annually notify parents, legal guardians, or eligible students currently enrolled in attendance of their rights under the Family Education Rights and Privacy Act (20 U.S.C. § 1232(g)) and related regulations. Student records (i.e. birth certificate, Student Information System, final transcript) that require the use of the student's legal name and sex as designated in the student's official records, may not be amended unless the eligible student or the parent of a minor student submits a legal document (such as a birth certificate, state or federal issued identification, passport or court order substantiating the change in the student's legal name or sex).

6. Notwithstanding the provisions of paragraph (4) of this section, [School Division] shall not compel [School Division] personnel or other students to address or refer to students in any manner that would violate their constitutionally protected rights.

5-7.1.3.c: School personnel or students who have concerns about addressing a student by the student's designated name or pronoun should consult with an administrator or counsellor regarding their concerns. School personnel may consult the Department of Human Resources regarding accommodations requested to address their protected rights.

Yes No

7. No policy, guidance, training, or other written material issued by the [School Division] may encourage or instruct teachers to conceal material information about a student from the student's parent, including information related to gender. Provided, however, that [School Division] will comply with all laws that prohibit disclosure of information to parents, including but not limited to *Code of Virginia* § [22.1-272.1\(B\)](#)

5-64.1 C Child Abuse or Neglect
During the course of an investigation for alleged child abuse or neglect, Virginia law authorizes, and school personnel shall allow, law enforcement personnel and/or child protective service workers, in the performance of their duties, to interview any child suspected of being abused or neglected and/or their siblings outside the presence of his/her parent/legal guardian or other person standing in loco parentis or school personnel and without first obtaining parental consent.

Yes No

<p>(prohibiting parental contact where student is at imminent risk of suicide related to parental abuse or neglect.</p>	<p>4-68.1 Any teacher or other person employed by the School Board will report any cases of suspected child abuse or neglect immediately to the principal. Principals shall then immediately report such incidents of suspected abuse or neglect to the local Department of Social Services and allow Child Protective Services authorities to determine the necessity of a child abuse investigation.</p>	
<p>E. Protection of student privacy and the confidentiality of sensitive information:</p> <ol style="list-style-type: none"> [School Division] shall comply with the limitations on access to student records provided in <i>Code of Virginia</i> §§ 22.1-287 through 289.01; [School Division] shall adhere to legal standards of confidentiality relating to sensitive student information and personally identifiable data covered by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; and [School Division] shall disclose sensitive student information (including any survey or evaluation related to the student’s gender) only (i) to the student, the student’s parents (except in the case of eligible students), and school personnel with a legitimate educational interest, or (ii) when required by law. 	<p>5-31 B Generally -All information regarding students and their families shall be collected and maintained under safeguards of privacy established by federal and state laws or regulations and School Board policies and regulations.</p> <p>5-7.1.A.2: In addition to adhering to all legal standards of confidentiality, school personnel shall treat information relating to a student’s gender identity as particularly sensitive and shall not disclose it to other students and other parents.</p> <p>5-7.1.A.3: Disclosure of such information may only be made to other personnel with a legitimate educational interest.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p>F. Enforcement of sex-based dress codes:</p> <ol style="list-style-type: none"> Students may dress in any manner consistent with maintaining a respectful, distraction-free environment which supports a focus on learning for all students. Students are not required to dress in a gender-neutral manner. However, any dress or grooming code shall provide the same 	<p>5-44 All students, staff, and community members deserve a rigorous, respectful, and safe educational and work environment where diversity is valued and contributes to achieving positive academic and social outcomes. The Superintendent or designees are responsible for establishing and communicating to students clear and fair dress and grooming codes that comply with applicable law, policy, and regulation. The Superintendent or designee will establish procedures for enforcement and/or resolution of dress and grooming codes, for requesting and granting waivers to the code, and for review of the code to consider current conditions.</p> <p>5-44 B 1 Dress or grooming codes applicable to student shall be subject to the following:</p>	<p>Yes No</p> <p>Yes No</p>

<p>set of rules and standards regardless of gender, as required by the <i>Code of Virginia</i> § 22.1-279.6.</p>	<p>b. maintain gender neutrality subjecting any student to the same set of rules regardless of gender or gender identity. c. not have a disparate impact on students of a particular gender</p>	
<p>G. Student participation in sex-specific school activities and events and use of school facilities.</p> <ol style="list-style-type: none"> 1. For any school program, event, or activity (including extracurricular activities) that are separated by sex, the appropriate participation of students shall be determined by sex rather than gender or gender identity. [School Division] shall provide reasonable modifications to this policy only to the extent required by law. 2. Where state or federal law requires schools to permit transgender students to share otherwise sex-segregated facilities (such as bathrooms or locker rooms) with students of the opposite sex, parents should be given the right to opt their child out of using such facilities, and the child should be given access to alternative facilities that promote the child’s privacy and safety. Eligible students should also be given the right to opt out of using such facilities and be given access to alternative facilities. 3. Overnight travel accommodations, locker rooms, and other intimate spaces used for school-related activities and events shall be based on sex. [School Division] shall provide reasonable modifications to this policy only to the extent required by law. 	<p>5-7.1.C.1: Sex and gender grouping for class activities or school sponsored events should not be used unless necessary to accomplish the purpose of the activity or event. 5-7.1.C.2: Single-sex or single-gender activity or programs should not be based on generalizations or stereotypes about different talents, capacities, or preferences of any sex or gender. 5-7.1.C.3: Whenever schools provide sex or gender specific activities such as physical education classes; students should be allowed to participate in a manner consistent with their sex or gender identity as noted in their official records. Students have the right to equitable access to programs, after-school programs, extracurricular activities, intramurals, non-competitive sports leagues, and field trips based on the student’s sex or gender identity as noted in their official records.</p> <p>See #4 below for proposed language.</p> <p>5-56.1.F.2: Students will use the rooming, bathing, and changing facilities that align with the student’s sex or gender identity as noted in the student’s official records. No student will be required to share rooming, bathing or changing facilities and may request single user facilities for the purpose of maintaining personal privacy. When single user facilities are not available, reasonable efforts will be made to accommodate a student’s request for personal privacy.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p>

<p>4. Students shall use bathrooms that correspond to his or her sex, except to the extent that federal law otherwise requires. See <i>Grimm v. Gloucester County School Board</i>, 972 F.3d 586 (4th Cir. 2020).</p> <p>5. Single-user bathrooms and facilities should be made available in accessible areas and provided with appropriate signage, indicating accessibility for all students.</p> <p>6. Students with a diagnosis of gender dysphoria made by a licensed health care provider should consult with their school's ADA coordinator regarding any requested services.</p>	<p>5-44.2: A student may use restrooms and locker rooms that correspond to the student's sex or gender identity as designated in a student's official records. Single-user, gender-inclusive facilities or other reasonable alternatives shall be made available to any student. Any options offered must be non-stigmatizing and minimize loss of instructional/activity time. The Superintendent or designee is authorized to develop procedures for the parent/legal guardian of a minor student to determine which restroom or locker room their student will use. Menstrual supplies shall be available in accessible locations in elementary schools and in bathrooms of each middle and high school.</p> <p>5-44.2: All students are entitled to use restrooms and locker rooms without harassment, discrimination, intimidation, threat, or fear.</p> <p>Section 504 notice - Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, is a civil rights law that prohibits discrimination against individuals with disabilities. The statute ensures that a qualified student with a disability receives reasonable accommodations necessary for that student to access education or school related programs and activities. 2-33.1 - Section 504 (handicap discrimination) of the Rehabilitative Act of 1973 – Director of Student Services and Student Records or designee.</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p>H. Athletics</p> <p>For any athletic program or activity that is separated by sex, the appropriate participation of students shall be determined by sex rather than gender or gender identity. [School Division] shall provide reasonable modifications to this policy only to the extent required by law.</p>	<p>5-63.1 B 6. Participation in VHSL activities separated by sex: For VHSL activities that are separated by sex, the appropriate participation of students shall be determined by the sex designated in the student's official records rather than the gender or gender identity. Reasonable modifications will be made to the extent required by law. Students granted such reasonable modifications must also comply with the VHSL Rule 28A-8-1 transgender policy, as amended.</p> <p>5-7.1.C.3: This Regulation does not address access to competitive sports. Athletic participation regulated by the Virginia High School League (VHSL) or another organization such as the Virginia Scholastic Rowing Association (VASRA), as well as middle school athletics, shall follow policies and rules outlined by those organizations.</p>	<p>Yes No</p>

	<p>Additional Language in 5-7.1</p> <p>5-7.1.A.1: All school personnel shall adhere to legal standards of confidentiality relating to information about a student’s gender identity, legal name, or sex assigned at birth.</p> <p>5-7.1.B.3.a: School personnel and students who are not informed by the School Administration of the designated name and pronoun will not be found to have discriminated against or harassed the student for not using the designated name or pronoun.</p> <p>5-7.1.B.3b: Inadvertent or mistaken use of a student’s designated name and/or pronoun not listed as the designate name or pronoun in the student’s official records will not constitute discrimination or harassment if the School Administration determines that there was no ill will or intention to discriminate or harass the student. Reasonable efforts will be made to inform the person not using the student’s designated name or pronoun that compliance with this Regulation and related policies and regulations is required.</p>	<p>Yes No</p>
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ADMINISTRATION

Coordinators: Title IX/Section 504/ADA

The Superintendent shall appoint a member or members of the administrative staff to assure compliance with the following federal laws:

1. Title IX of the Education Amendments of 1972 (sex discrimination) regulations for student programs and personnel employment policies and practices;
2. Section 504 (discrimination of individuals with disabilities) of the Rehabilitative Act of 1973, as amended; and
3. Americans with Disabilities Act of 1990.

Legal Reference

Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.*, as amended.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681-88, as amended.

Section 504 of the Rehabilitative Acts of 1973, 29 U.S.C. § 794, 34 C.F.R. Section 104.7 (a) and (b), as amended.

Related Links

School Board [Regulation 2-33.1](#)

Adopted by School Board: October 20, 1992

Amended by School Board: December 3, 2013

Amended by School Board: March 13, 2023

No changes
9/12/23

School Board of the City of Virginia Beach
Regulation 2-33.1

ADMINISTRATION

Coordinators: Title IX/Section 504/ADA

Pursuant to School Board Policy 2-33, the Superintendent has appointed the following administrators to assure School Division compliance with the federal laws listed in this regulation:

1. Title IX of the Education Amendments of 1972 (sex discrimination) regulations for personnel employment policies and practices – Chief Human Resources Officer or designee.
2. Title IX of the Education Amendments of 1972 (sex discrimination) regulations for student programs – Director of the Office of Student Leadership or designee.
3. Section 504 (handicap discrimination) of the Rehabilitative Act of 1973 – Director of Student Services and Student Records or designee.
4. Americans with Disabilities Act of 1990 for personnel – Chief Human Resources Officer or designee.
5. Americans with Disabilities Act of 1990 for students – Director of Student Services and Student Records or Director of the Office of Programs for Exceptional Children or designee based on the nature of the complaint.

Legal Reference

Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.*, as amended.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681-88, as amended.

Section 504 of the Rehabilitative Acts of 1973, 29 U.S.C. § 794, 34 C.F.R. Section 104.7 (a) and (b), as amended.

Approved by Superintendent: December 3, 2013

Revised by the Superintendent: October 29, 2020

PERSONNEL

Equal Employment Opportunity, Non-discrimination and anti-harassment and Compliance Officers

A. Purpose

The School Board is committed to maintaining an environment that is free from discrimination and harassment based on race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, marital status, disability, genetic information or veteran status. Employees are expected to conduct themselves in a manner built on mutual respect, to understand and appreciate differences, and to treat all persons fairly and with respect and courtesy. The School Board directs the Superintendent to take prompt and appropriate action to investigate and resolve all complaints made under this Policy and to publish and provide training regarding this Policy and any supporting regulations.

B. Equal Employment Opportunity

The School Board is an equal opportunity employer and is committed to hiring and retaining qualified individuals. Accordingly, all recruiting, hiring and promoting for all job classifications, rates of pay or other forms of compensation, all employment actions or conditions of employment are made without regard to race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, marital status, disability, genetic information or veteran status or any other basis protected by applicable federal, state or local law or regulation except where such categories are bona fide occupational qualifications.

C. Employee Compliance

School Board employees will comply with this Policy and with any regulations promulgated by the Superintendent to ensure that this Policy of non-discrimination and non-harassment is implemented. The Superintendent is directed to take appropriate actions with regard to any employee who fails to comply with this Policy and supporting regulations including discipline up to and including dismissal from employment.

D. Compliance Officers

Any employee or applicant for employment who experiences or perceives discrimination and/or harassment under this Policy should report the complaint to the below listed designated contacts who handle compliance with this Policy.

1. **Title VI of the Civil Rights Act (race) and Title IX of the Education Amendments of 1972 (sex discrimination) regulations for personnel** employment policies and practices - Chief Human Resources Officer, 2512 George Mason Drive, Building 6 Room 122, Municipal Center, Virginia Beach, Virginia 23456, telephone (757) 263-1133, facsimile (757) 263-1081.
2. **Title VI of the Civil Rights Act (race) and Title IX of the Education Amendments of 1972 (sex discrimination) regulations for student programs** - Director of the Office of Student

Leadership, Laskin Road Annex, 1413 Laskin Road, Virginia Beach, Virginia 23451, telephone (757) 263-2020, facsimile (757) 263-2022.

3. **Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1974-(disability discrimination) for personnel** - Chief Human Resources Officer, 2512 George Mason Drive, Building 6 Room 122, Municipal Center, Virginia Beach, Virginia 23456, telephone (757) 263-1133, facsimile (757) 263-1081.
4. **Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Act (disability discrimination) for students** - Director of Student Support Services, Plaza Annex, 641 Carriage Hill Road, Virginia Beach, Virginia 23452, (757) 263-1980, facsimile (757) 493-5437 or Director of the Office of Programs for Exceptional Children, Laskin Road Annex, 1413 Laskin Road, Virginia Beach, Virginia 23451, telephone (757) 263-2400, facsimile (757) 263-2067.

Complaints may also be filed directly with the United States Department of Education Office for Civil Rights at the address below:

United States Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

Legal Reference

Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq.*, as amended.

Title IX of the Education Amendments of 1972, 20 U.S.C. §§1681-88, as amended.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, 34 C.F.R. Section 104.7 (a) and (b), as amended.

Code of Virginia, § 2.2-3900, as amended. Virginia Human Rights Act.

Pregnancy Discrimination Act of 1978, P.L. 95-555, 92 Stat: 2076, as amended.

Equal Pay Act of 1963, 29 U.S.C. §201, *et seq.*, as amended.

Civil Rights Act of 1964 (Title VII), P.L. 88-352, as amended.

Age Discrimination in Employment Act of 1976, P.L. 90-202, U.S.C. §621, *et seq.*, as amended.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: June 8, 2004

Amended by School Board: November 19, 2013

Amended by School Board: August 18, 2015

Amended by School Board: November 15, 2016

Amended by School Board: October 10, 2017

Amended by School Board: January 23, 2018

Amended by School Board: June 23, 2020

Amended by School Board: October 29, 2020

PERSONNEL

Child Abuse or Neglect

Regulations governing child abuse or neglect allegations are designated below.

- A. An abused or neglected child is defined in Code of Virginia §16.1-288, as amended and is summarized herein as any child less than eighteen (18) years of age whose parent or any person responsible for the child's care:
1. Causes or threatens to cause a nonaccidental physical or mental injury;
 2. Neglects or refuses to provide adequate food, shelter, clothing, emotional nurturing, or health care;
 3. Abandons the child;
 4. Commits or allows to be committed any illegal sexual act upon a child, including incest, rape indecent exposure, prostitution, or allows a child to be used in any sexually explicit material;
 5. Neglects or refuses to provide adequate supervision in relation to a child's age and level of development;
 6. Knowingly leaves a child alone in the same dwelling with a person, not related by blood or marriage, who has been convicted of an offense against a minor for which registration is required as a violent sexual offender.
- B. Any teacher or other person employed by the School Board will report any cases of suspected child abuse or neglect immediately to the principal. Principals shall then immediately report such incidents of suspected abuse or neglect to the local Department of Social Services and allow Child Protective Services authorities to determine the necessity of a child abuse investigation. If the person suspected of the abuse is the principal, the report shall be made to the Department of School Leadership or directly to the Virginia Beach Department of Social Services. All required reports of suspected child abuse or neglect must be made as soon as possible but not longer than twenty four (24) hours after having reason to suspect a reportable offense. Failure to make such report may result in a fine or criminal conviction as well as disciplinary action by the School Division up to and including dismissal.
- C. When the person suspected of abuse is an employee of the School Board, an investigation will also be conducted by the Department of Human Resources and Child Protective Services jointly. Employees found guilty of such conduct or who have a founded case of neglect or abuse will be recommended for termination.

Legal Reference

Code of Virginia, § 16.1-228, as amended. Definitions.

Code of Virginia, § 22.1-279.1, as amended. Corporal punishment prohibited.

Code of Virginia, § 63.2-1509, as amended. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

Code of Virginia, § 63.2-1511, as amended. Complaints of abuse and neglect against school personnel; interagency agreement.

Approved by Superintendent: July 16, 1991

Revised by Superintendent: August 18, 1992

Revised by Superintendent: March 8, 2006

Revised by Superintendent: November 3, 2021

On consent
9/12/23

School Board of the City of Virginia Beach
Policy 5-7

STUDENTS

Non-discrimination and non-harassment of students

A. Purpose

The School Board is committed to maintaining an environment where all students and staff members conduct themselves in a manner built on mutual respect, where differences are understood and appreciated, and where all persons are treated fairly and with respect. It is the Policy of the School Board to prohibit any and all discrimination, harassment and bullying based on an individual's race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, marital status, disability, genetic information or military/veteran status. The School Board will have jurisdiction over such complaints when the alleged conduct happens on school property, vehicles, or grounds while school activities are going on, at school related or sponsored events, or through School Division communication systems. At its discretion, the School Board or Superintendent may take jurisdiction of complaints that happen outside of these specified situations if the alleged conduct causes significant disruption to the educational environment. The Superintendent or designee is directed to develop regulations, practices and trainings related to compliance with Code of Virginia § 22.1-23.3, as amended, ~~and the Virginia Department of Education Model policies for Treatment of Transgender Students in Public Elementary and Secondary Schools.~~ ¹The School Board directs the Superintendent to take prompt and appropriate action to investigate and resolve all complaints and to publish and provide training regarding this Policy.

B. Report of Complaint

Any student who is the victim of discrimination, harassment or bullying based on race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, marital status, disability, genetic information or veteran status by a student, employee, official, or non-School Division employee agent, volunteer or invitee is required to immediately report the alleged acts to the principal, assistant principal or an appropriate School Division official. Any person who has reason to believe that a student has been subject to such discrimination, harassment or bullying must report the alleged acts to the principal or an appropriate School Division official immediately, but in no case less than a reasonable amount of time after the person learned of the alleged acts.

Any employee or official who receives information that a student has or may have been the victim of such discrimination, harassment or bullying is required to promptly report the alleged acts to the principal or an appropriate School Division official. Failure to report such information may result in disciplinary action up to and including dismissal.

Use of formal reporting forms is not necessary. Nothing in this Policy will prevent any person from reporting such discrimination, harassment, or bullying directly to the Superintendent/or designee.

C. Who acts as Investigator of Complaints

1. Who acts as Investigator if a Student is the Harasser/Discriminator.

The building principal or designee will act as the investigator for the purpose of investigating allegations of discrimination, harassment or bullying against a student by another student.

2. Who investigates if Employee, Official or School Division agent, volunteer or invitee is the Harasser/Discriminator.

If the principal or designee receives a complaint of discrimination, harassment or bullying against a student by a School Division employee, official or School Division agent, volunteer or invitee, the principal or designee will act as the investigator for the purpose of investigating allegations of discrimination, harassment or bullying against a student by individuals within the school. The principal should consult with the Department of Human Resources, Office of Employee Relations regarding investigations, findings and proposed actions.

3. Who investigates if a Principal, School Administrator, the Superintendent or a School Board Member is the Harasser/Discriminator.

If the complaint involves a principal, the matter will be directed to the Department of School Leadership (DOSL) for investigation. DOSL should consult with the Department of Human Resources, Office of Employee Relations regarding investigations, findings and proposed actions. If the complaint involves the Superintendent, the matter will be directed to School Board to determine whether a third party or other individual should be assigned to investigate the matter. Complaints involving School Board Members should be directed to the Chair of the School Board or the Vice Chair if the Chair is involved. The remaining School Board Members will determine the appropriate course of investigation under these circumstances.

D. Investigation process

Upon receipt of a report or complaint of such discrimination, harassment or bullying of a student the designated investigator will as soon thereafter as practical, undertake or authorize an investigation. The investigation may be conducted by a third party if designated by the Superintendent or School Board. Within three (3) business days, the complainant will receive notice of who has been assigned to investigate the complaint and how to contact the investigator. Confidentiality will be maintained in accordance with applicable law and regulation. The investigator will provide the complainant, victim, and alleged violators the opportunity to provide testimony, evidence and/or witnesses regarding the alleged acts. The investigator will make a reasonable effort to obtain information concerning the alleged acts and related circumstances. The investigator will prepare an investigation report which will include:

1. the allegations as made by the complainant;
2. any additional allegations as ascertained during the investigation;
3. a summary of the evidence obtained during the investigation;

4. the alleged violator's response and supporting evidence regarding the allegations;
5. a summary of statements or other evidence provided by the victim, witnesses or other related parties;
6. the efforts made by the School Division to remedy or otherwise address the circumstances leading to or resulting from the alleged acts;
7. whether the complainant or victim is satisfied with those remedies or seeks further action;
8. the investigator's recommendations regarding whether the allegation has been substantiated as a violation of this Policy and any further actions needed to remedy the complaint or address unresolved issues; and
9. any other relevant information not otherwise addressed

Within fifteen (15) business days, the investigation report will be completed and provided to the complainant (if the complainant is also the alleged victim), to the alleged violator, and to the appropriate School Division staff member. Upon agreement by the victim or if extenuating circumstances arise, the time period to complete the investigation report may be extended for a reasonable period of time. If the complainant is not the victim, then the complainant will be informed that the complaint has been investigated and handled in accordance with this Policy or applicable law and regulation. Portions of the investigation report may be kept confidential to protect the rights of students or staff members. The investigator's obligation to conduct this investigation will not be extinguished by the fact that a civil, administrative or criminal investigation involving the same or similar allegations is also pending or has been concluded.

E. Action by the School Administration or School Board

Upon receipt of the investigation report, the principal or designee, the Superintendent or designee, or the School Board, will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Such action may include disciplining any students using student discipline procedures; disciplining any employees or officials involved using employee discipline procedures; taking appropriate action against School Division agents, volunteers or invitees. Action taken for violation of this Policy shall be consistent with the requirements of applicable local, state and federal law and regulation and School Board policies and regulations of a related nature or degree of severity.

In the event that the evidence suggests that the discrimination, harassment or bullying at issue is also a crime or other violation of local, state or federal law or regulation, the Superintendent or designee, or other official shall report the results of the investigation to the appropriate enforcement agency.

F. Appeal of determination or action taken

If the victim of the complaint is not satisfied with the determination of the investigation report or the action taken by the School Division to prevent further harassment, discrimination or bullying of the victim, the victim may file an appeal within fifteen (15) calendar days of receipt of the investigation

report. The victim will not be entitled to appeal the disciplinary action imposed on a student, employee or official. The appeal should be filed with the Superintendent if the acts were alleged to have been caused by a student, employee, official, or School Division agent, volunteer or invitee. If the acts were alleged to have been caused by the Superintendent or a School Board Member, the appeal should be filed with Clerk of the School Board. The School Board will make a decision within thirty (30) business days of receiving the appeal or within a reasonable time after the complaint is filed. The School Board may ask for oral or written argument from the victim and the School Administration and any other individual that the School Board deems relevant. At its sole discretion, the School Board may hold a hearing or designate a hearing officer to hold a hearing on the appeal. The School Board will set the terms and conditions for any such hearing.

G. Retaliation or false complaints

Persons who use this procedure for good faith complaints will not be retaliated against by the School Board or School Division staff. The School Board directs that appropriate action be taken against any person who retaliates against another person for reporting alleged violations of this Policy or for participating in related proceedings. Persons who knowingly file false complaints and any person who knowingly gives false statements or evidence in a related proceeding may be subject to discipline or other appropriate action. Students may be subject to discipline up to and including suspension or expulsion. School Board employees or officials may be subject to discipline up to and including dismissal. School Division agents, volunteers, and invitees may be subject to measures up to and including exclusion from School Board property, buses, communication systems and school sponsored events.

H. Posting of Policy and Training

The Superintendent or designee will conspicuously post this Policy or a summary thereof in each school in a place accessible to students, School Division staff and the public. The notice will include the name, mailing address and telephone number of that School's compliance official or the contact information for any state or federal agency responsible for investigating the allegations.

This Policy will be referenced in the student handbook and will be made available upon request of parents, students, and other interested parties.

The Superintendent/or designee will develop a method of reviewing this Policy with students and employees. Training on the requirements for Compliance with this Policy will be provided to all School Division students, employees, officials and other agents on an annual basis, and at such times as the Superintendent determines are appropriate or necessary.

Notes:

¹This Policy should not be read to abrogate other School Board policies or regulations prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within the School Division. It is the intent of the School Board that all such policies be read consistently to provide the highest level of protection from unlawful discrimination in the provision of educational services and opportunities

²"Tolerate" is defined to mean allow to happen, fail to intervene, encourage, fail to report or otherwise, provided that the person knew or could have reasonably been expected to know about the actions

Legal Reference

Code of Virginia § 2.2-3900, *et seq.*, as amended. Virginia Human Rights Act.

Code of Virginia § 22.1-23.3, as amended. Treatment of transgender student; policies.

Adopted by School Board: June 3, 2003

Amended by School Board: November 19, 2013

Amended by School Board: August 18, 2015

Amended by School Board: August 2, 2016

Amended by School Board: May 12, 2020

Amended by School Board: September 14, 2021

Amended by School Board: 2023



VIRGINIA BEACHSchool Board

2512 George Mason Drive

STUDENTS

Treatment of ~~Transgender~~ Students' Sex and Gender Identity

The School Division respects students' variations in sexuality, gender identity, expression, and/or presentation. Students are entitled to a safe and positive learning environment regardless of their sexuality, gender identity, expression, and/or presentation.

A. Confidentiality of information

1. All school personnel shall adhere to legal standards of confidentiality relating to information about a student's gender identity, legal name, or sex assigned at birth.
2. In addition to adhering to all legal standards of confidentiality, school personnel shall treat information relating to a student's gender identity as particularly sensitive and shall not disclose it to other students and other parents.
3. Disclosure of such information may only be made to other school personnel with a legitimate educational interest.

B. Student name and gender pronouns

1. Names and nicknames

School personnel shall refer to each student using only a) the name appears in the student's official record, or b) a nickname that the eligible student or the parent of a minor student has designated in the official record. Names, titles, or nicknames associated with academic instruction or extracurricular activities may refer to a student without being noted in official records.

2. Student name and gender pronouns

~~1. School personnel shall refer to a student using only the a) pronoun associated with student's sex or gender as set forth in the student's official records, or b) the pronoun that the eligible student or parent of a minor student has designated in the student's official records. In accordance with this subsection, students will be allowed to use a name and gender pronoun that reflects their gender identity without substantiating evidence.~~ The pronouns recognized by the School Division will be he, she,

or they. An eligible student or parent requesting a different pronoun other than those listed in this item should notify the principal or designee.

3. School personnel and staff use of designated names and pronouns

~~2. At the written request of the student or parent/legal guardian of a minor student, use the name and pronoun that corresponds to the student's or parent/legal guardian's request. The school administration where the student attends school may require that the request be made in writing.~~

~~3. a. School personnel and students who are not informed by the school administration of the designated requested name and gender pronoun in the student's official record by the school administration will not be found to have discriminated against or harassed the student for not using the designated requested name or gender pronoun.~~

4. b. Inadvertent or mistaken use of a student's preferred name and/or gender pronoun not listed as the designated name or pronoun in the student's official records will not constitute discrimination or harassment if the school administration determines that there was no ill will or intention to discriminate or harass the student. Reasonable efforts will be made to inform the person not using the student's designated preferred name or pronoun ~~and~~ that compliance with this Regulation and related policies and regulations is required.

~~5. In the situation when parents/legal guardians of minor students (under 18 years of age) do not agree with the minor student's request to adopt a new name and/or pronoun or gender identity, the school administrator will make reasonable efforts to work with the student and the parents/legal guardians to determine how to address the student's needs while in the educational setting. If the parents/legal guardian continue to disagree with the student on these matters, the school administrator or designee should consult with School Board Legal Counsel and the Department of School Leadership.~~

c. School personnel, staff or students who have concerns about addressing a student by the student's designated name or pronoun should consult with an administrator or counsellor regarding their concerns. School personnel or staff may consult the Department of Human Resources regarding accommodations requested to address their protected rights.

4. Students requesting consultation regarding gender

At the request of the parent of a minor student, the School should designate an administrator or counsellor to speak, together with the student's parent, with the student regarding questions pertaining to gender. Eligible students may consult with an administrator or counsellor regarding gender at their discretion.

5. Student records will reflect legal name and sex

~~6. Student records (i.e. birth certificate, Student Information System, final transcript) that require the student's legal name and sex as designated in the student's official records,~~

~~unless the eligible student or the parent of a minor student submits a legal document (such as a birth certificate, state or federal issued identification, passport or court order substantiating the change in the student's legal name or sex assigned at birth) be used may not be amended to reflect a chosen name or gender identity unless supported by a court order. In accordance with guidance from the Office of Student Support Services, other student education records (i.e., student work samples) may be amended to reflect the student's or parent/legal guardian of a minor student's choice of name and/or gender identity categories: male; female; non-binary or no choice. Other than written documentation of the request, school administrators may not require substantiating documentation of a name or gender identity. This subsection does not apply to participation in extracurricular sports.~~

~~G.~~ **C. Participation in school activities and events**

~~Sex and g~~**Gender** based practices should be limited to serve legitimate, educational goals or for otherwise non-discriminatory purposes. The following should be considered and implemented when practicable.

- ~~1. Sex and g~~**Gender** grouping for class activities or school sponsored events should not be used unless necessary to accomplish the purpose of the activity or event.
- ~~2. Single-sex or single-gender activities~~**y** or programs should not be based on generalizations or stereotypes about different talents, capacities, or preferences of any ~~sex or~~ gender.
- ~~3. Whenever schools provide sex or gender specific activities such as physical education classes; students should be allowed to participate in a manner consistent with their sex or gender identity as designated in their official records. Students have the right to equitable access to programs, after-school programs, extracurricular activities, intramurals, non-competitive sports leagues, and field trips based on the student's sex or gender identity as set forth in their official records.~~
- ~~4. This Regulation does not address access to competitive sports. Athletic participation regulated by the Virginia High School League (VHSL) or another organization such as the Virginia Scholastic Rowing Association (VASRA), as well as middle school athletics, shall follow policies and rules outlined by those organizations.~~

Legal Reference

Code of Virginia § 2.2-3900, et seq., as amended. Virginia Human Rights Act.

Code of Virginia § 22.1-23.3, as amended. Treatment of transgender students; policies.

~~Virginia Department of Education Model Policies for the Treatment of Transgender Students in Virginia's Public Schools (2020), as amended.~~

Adopted by Superintendent: September 28, 2021

Amended by School Board: 2023

Consent Agenda
9/12/23
Pre recommendations

School Board of the City of Virginia Beach
Policy 5-31

COMMUNITY RELATIONS

Scholastic Records

A. Definitions

Words and terms when used in this Policy and its implementing regulations are established in Regulation 5-31.2.

“Eligible student” means a student who is eighteen (18) years of age or older, a student attending a postsecondary institution, or an emancipated student. Students who are 18 years old and subject to a court order that places the student under the legal guardianship of another person will be treated as minor students.

“Parent” or “parents” mean any parent, guardian, legal custodian, or other person having control or charge of a child. A child is determined to be a person under the age of eighteen (18) years of age. Students who are “eligible students” or adult students as used by the School Division, have the right to make decisions regarding their records and education.

B. Generally

All information regarding students and their families shall be collected and maintained under safeguards of privacy established by federal and state laws or regulations and School Board policies and regulations.

An accurate and complete individual, permanent and cumulative record shall be maintained for each student in grades pre-K-12 enrolled in the School Division. When appropriate, a separate confidential record shall be maintained for those students requiring differentiated instruction. When a separate confidential record is established a notation on the cumulative record shall indicate the location of the confidential records. All data (cumulative and confidential) shall be considered the student's official scholastic records. In accordance with Code of Virginia § 22.1-288.2, as amended, every notice of adjudication of delinquency or conviction received by a superintendent in accordance with applicable law, including any information contained in such notice, which is not a disciplinary record as defined in Virginia Department of Education regulations, shall be maintained separately from all other records concerning the student. However, if disciplinary action is taken against a student based upon the information provided in such notice, then the notice shall become a part of the student's disciplinary record.

No statement in this Policy or any implementing regulations shall be construed by employees as negating their responsibility for reporting child abuse or neglect cases as required by Code of Va., Virginia § 63.2-1509, as amended, and School Board Policy 4-68.

All personnel authorized access to scholastic records shall be informed of this Policy and its implementing regulations. Strict adherence shall be considered a condition of employment or authorization to access such files by volunteers and agents of the School Board.

C. Custodian(s) of Student Records

The employee responsible for the in-service education of records maintenance personnel and the collection, security, use, disclosure, periodic evaluation, transfer and destruction of scholastic records data shall be designated as custodian of student records.

At the individual school level the custodian of student records shall be the principal or a designee. When scholastic records are on file in a central facility the Superintendent or a designee shall be the custodian.

The Executive Director of the Office of Programs for Exceptional Children shall designate a custodian to maintain the confidential files for students with disabilities (preschool, unserved) who are not enrolled as students in the School Division.

D. Notification of Records Policies and Regulations

1. Generally

School Board policies and regulations pertinent to scholastic records shall be available to interested parties on the School Division website which is available and accessible at each school administrative office, media center (library), and the central office.

2. Parents/Legal Guardians/Eligible Students

Each year the School Board shall notify eligible students, the parents and/or legal guardians of minor students in attendance and eligible students in attendance of their rights as established in School Board policies and regulations. Such notification may be by letter, mailing, electronic communication, patron organization bulletins or by public notice in the newspaper press. However transmitted, the notification shall include the following:

- a. The types and location of scholastic records and information maintained therein;
- b. The title and address of the employee responsible for the maintenance of scholastic records, the parties to whom data may be disclosed, and the purpose for disclosure;
- c. The policy for reviewing and expunging scholastic records;
- d. The policies and regulations for disclosure of data from scholastic records;
- e. The right to challenge the content of scholastic records and to file with the Office of Family Compliance, U.S. Department of Education, a complaint concerning an alleged failure by the School Division to comply with the Family Education Rights and Privacy Act (FERPA);
- f. The fee for reproducing copies of scholastic records;
- g. The data designated as directory information; and

- h. The right to obtain, upon payment of the appropriate fee, a copy of School Board policies and regulations on the management of the scholastic records and the location of same.

3. Local Agencies

Each year the custodian of scholastic records shall inform local agencies cooperating with the School Division in the student's educational development of the location of School Board policies and regulations in the management of scholastic records.

E. Access to Student Records

1. School Division Employees

a. Licensed Personnel

Licensed personnel (including itinerant teachers) within the student's school shall have access to his/her student's records.

Other licensed personnel shall have access to these records if the custodians of scholastic records determine they have a legitimate educational interest in requesting such access. The criterion for determining "legitimate educational interest" shall be the student's welfare. Licensed personnel who copy data from student records shall protect the confidentiality of such data.

b. Classified Personnel

Classified personnel assigned to duties within the facility where student records are maintained shall have access to such records only with the prior approval of the custodian of scholastic records. Students and paraprofessional employees shall not be assigned clerical duties where they may have access to scholastic records.

c. In-service Education

The custodian of student records shall supervise an in-service education program for employees having access to these records. The core documents for the program shall be this Policy and its implementing regulations.

d. Employee Access Roster

Custodians of scholastic records shall maintain an up-to-date roster of division employees within their facility having access to scholastic records. These rosters shall be made available for public inspection.

2. Parents/Legal Guardians/Eligible Students

- a. a. The custodian of student records shall permit parents and/or legal guardians of minor students or eligible students to inspect and review such records. Compliance with requests shall be made without unnecessary delay and in no case more than forty-five (45) calendar days after the request has been made in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), as amended and related regulations. In the case of requests made by parents, legal guardians, or eligible students for records of students with

disabilities, compliance with such request shall be made prior to any meeting for a student identified under the Individuals with Disabilities Education Act.

- b. b. The custodian of student records may presume that parents/legal guardians of minor students have the authority to inspect and review records relating to the minor student unless the School Division has been advised that a parent/legal guardian does not have the authority under applicable state law governing such matters as guardianship, separation, divorce or Child Protective Services.

3. Student (under eighteen) who is Subject of Record

Transfer of rights to review scholastic records from the parent/legal guardian to an eligible student happens when the student reaches eighteen (18) years of age. Parents or legal guardians who continue to claim the student as a tax dependent may continue to access the eligible student's scholastic record.

4. Third Parties

The custodian of records may permit the following third parties to access student records in accordance with applicable state and federal laws:

For purposes of this section, "group home" means a "juvenile residential facility that is a community based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, and does not exceed the capacity approved by the regulatory authority" and "juvenile detention center" means "a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers."

Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the custodian of records that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student or by such student if the student is eighteen years of age or older. Private agencies or private individuals must provide a written release or authorization from the student's parents specifying the records to be released, the reasons for such release, and to whom the records are to be released.

The custodian of records shall release student records in accordance with a Federal grand jury subpoena, any other subpoena issued for a law enforcement purpose, a judicial order, or any lawfully issued subpoena, that lawfully requires disclosure of such records and shall notify the parents, legal guardian or eligible student of such disclosure as required by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), as amended, and related regulations.

The custodian of records shall permit a guardian ad litem or counsel for the child appointed pursuant to Code of Virginia § 16.1-266, as amended to inspect and copy, without the consent of the child or the child's parents/legal guardians, any records relating to the child whom the guardian or counsel represents, upon presentation by the guardian ad litem of a copy of the court order appointment or a court order specifically allowing such access.

Pursuant to Standard 1 of the Standards of Quality (Chapter 13.2 (§ 22.1-253.13:1 *et seq.*) of Title 22.1), all school boards are required to implement career and technical education programs promoting

knowledge of careers and various employment opportunities, including, but not limited to, military careers. Therefore, any school board that provides access to one or more of its high schools and contact with such high school's student body or other contact with its high school students during a school or School Division-sponsored activity whether conducted on School Board property or other property to persons or groups for occupational, professional or educational recruitment shall provide equal access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States.

- a. A person designated in writing by either parent or legal guardian of the student if the student is less than eighteen years of age or as designated by an eligible student (eighteen years of age or older);
- b. State or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of official duties;
- c. An agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450(b)], who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student. Any agency caseworker or other representative of a State or local child welfare agency or tribal organization (as referenced above) who does not meet the requirements outlined above, must obtain a written release from the parent, guardian, or eligible student (eighteen years of age or older) authorizing access to such student records. The release must specify the records to be released, the reasons for such release, and to whom the records are to be released.
- d. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication:
 - 1) Attorneys for the Commonwealth;
 - 2) Court services units;
 - 3) Juvenile detention centers or group homes;
 - 4) Mental and medical health agencies;
 - 5) State and local children and family service agencies;
 - 6) The Department of Juvenile Justice; and
 - 7) The staff of such agencies.

F. Disclosure of Scholastic Records Content

For disclosure of student records see School Board Policy 5-66.

G. Amendment of Scholastic Records Content

The parent/legal guardian of a minor student or the eligible student who believes that information in the student's record is inaccurate, misleading or violates the privacy or other rights of the student may request that the custodian who maintains the record amend such record. Upon receipt of such request the custodian shall be responsible for administering the subsequent procedures as established in Virginia Department of Education. Consistent with federal law and regulation, each school shall annually notify parents, legal guardians, or eligible students currently enrolled in attendance of their rights under the Family Education Rights and Privacy Act (20 U.S.C. § 1232(g)) and related regulations.

H. Content and Disclosure of Student Directory Information

See School Board Policy 5-66 and School Board Regulation 5-66.1.

I. Periodic Evaluation of Scholastic Records

In cooperation with school counseling personnel, the custodian of student records shall annually review the contents of these records for the purpose of removing data no longer educationally useful as directed in School Board Regulation 5-31.1 and as directed in the Commonwealth of Virginia Records Retention and Disposition Schedule (Form RM-2).

J. Transfer of Scholastic Records

Scholastic records shall be transferred as directed in School Board regulation and in accordance with applicable law and regulation.

K. Implementation

The Superintendent is authorized to implement this Policy with appropriate School Board regulations.

Legal Reference

The Family Educational Rights and Privacy Act. 20 USC § 1230, 1232 g, 34 CFR Part 99, as amended.

Code of Virginia § 16.1-266, as amended. Appointment of counsel and guardian ad litem.

Code of Virginia § 22.1-130.1, as amended. Access to high schools and high school students for military recruiters.

Code of Virginia § 22.1-20, as amended. Retention of pupil personnel records.

Code of Virginia §22.1-23.3, as amended. Treatment of transgender students; policies.

Code of Virginia § 22.1-287, as amended. Limitations on access to records.

Code of Virginia § 22.1-287.1, as amended. Directory information.

Code of Virginia § 22.1-288.2, as amended. Receipt, dissemination and maintenance of records of certain law-enforcement information.

Code of Virginia §22.1-289, as amended. Transfer and management of scholastic records; disclosure of information in court notices; penalty

Virginia Board of Education Regulation, 8 VAC 20-150-20, as amended. Management of Scholastic Record.

Virginia Department of Corrections Regulation, 6VAC35-41-10, as amended. Definitions.

Virginia Department of Corrections Regulation, 6VAC35-101-10. Suspected child abuse or neglect.

Related Links

School Board [Policy 4-68](#)

School Division [Regulation 5-31.1](#)

School Division [Regulation 5-31.2](#)

School Board [Policy 5-66](#)

School Board [Regulation 5-66.1](#)

Adopted by School Board: October 21, 1969

Amended by School Board: June 17, 1975

Amended by School Board: January 20, 1981

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: June 15, 1993 (Effective August 14, 1993)

Amended by School Board: April 4, 2006

Amended by School Board: August 19, 2014

Amended by School Board: September 14, 2021

COMMUNITY RELATIONS

Scholastic Records

A. Definitions

Words and terms when used in this Policy and its implementing regulations are established in Regulation 5-31.2.

“Eligible student” means a student who is eighteen (18) years of age or older, a student attending a postsecondary institution, or an emancipated student. Students who are 18 years old and subject to a court order that places the student under the legal guardianship of another person will be treated as minor students.

“Parent” or “parents” mean any parent, guardian, legal custodian, or other person having control or charge of a child. A child is determined to be a person under the age of eighteen (18) years of age. Students who are “eligible students” or adult students as used by the School Division, have the right to make decisions regarding their records and education.

“Sex” for the purposes of identifying an individual means biological sex.

“Transgender student” means a public school student whose parent has stated in writing that the student’s gender or gender identity differs from the student’s sex, or an eligible student who states in writing that the student’s gender or gender identity differs from the student’s sex. Any writing from the eligible student or parent of a minor student shall be memorialized in the student’s official record and be subject to the same retention, disclosure, and confidentiality requirements as the official record itself.

B. Generally

All information regarding students and their families shall be collected and maintained under safeguards of privacy established by federal and state laws or regulations and School Board policies and regulations.

An accurate and complete individual, permanent and cumulative record shall be maintained for each student in grades pre-K-12 enrolled in the School Division. When appropriate, a separate confidential record shall be maintained for those students requiring differentiated. When a separate confidential record is established a notation on the cumulative record shall indicate the location of the confidential records. All data (cumulative and confidential) shall be considered the student's official scholastic records. In accordance with Code of Virginia § 22.1-288.2, as amended, every notice of adjudication of delinquency or conviction received by a superintendent in accordance with applicable law, including any information contained in such notice, which is not a disciplinary record as defined in Virginia Department of Education regulations, shall be maintained separately from all other records concerning the student. However, if disciplinary action is taken against a student based upon the information provided in such notice, then the notice shall become a part of the student's disciplinary record.

No statement in this Policy or any implementing regulations shall be construed by employees as negating their responsibility for reporting child abuse or neglect cases as required by Code of Va., Virginia § 63.2-1509, as amended, and School Board Policy 4-68.

All personnel authorized access to scholastic records shall be informed of this Policy and its implementing regulations. Strict adherence shall be considered a condition of employment or authorization to access such files by volunteers and agents of the School Board.

C. Custodian(s) of Student Records

The employee responsible for the in-service education of records maintenance personnel and the collection, security, use, disclosure, periodic evaluation, transfer and destruction of scholastic records data shall be designated as custodian of student records.

At the individual school level the custodian of student records shall be the principal or a designee. When scholastic records are on file in a central facility the Superintendent or a designee shall be the custodian.

The Executive Director of the Office of Programs for Exceptional Children shall designate a custodian to maintain the confidential files for students with disabilities (preschool, unserved) who are not enrolled as students in the School Division.

D. Notification of Records Policies and Regulations

1. Generally

School Board policies and regulations pertinent to scholastic records shall be available to interested parties on the School Division website which is available and accessible at each school administrative office, media center (library), and the central office.

2. Parents/Legal Guardians/Eligible Students

Each year the School Board shall notify eligible students, the parents and/or legal guardians of minor students in attendance and eligible students in attendance of their rights as established in School Board policies and regulations. Such notification may be by letter, mailing, electronic communication, patron organization bulletins or by public notice in the newspaper press. However transmitted, the notification shall include the following:

- a. The types and location of scholastic records and information maintained therein;
- b. The title and address of the employee responsible for the maintenance of scholastic records, the parties to whom data may be disclosed, and the purpose for disclosure;
- c. The policy for reviewing and expunging scholastic records;
- d. The policies and regulations for disclosure of data from scholastic records;
- e. The right to challenge the content of scholastic records and to file with the Office of Family Compliance, U.S. Department of Education, a complaint

concerning an alleged failure by the School Division to comply with the Family Education Rights and Privacy Act (FERPA);

- f. The fee for reproducing copies of scholastic records;
- g. The data designated as directory information; and
- h. The right to obtain, upon payment of the appropriate fee, a copy of School Board policies and regulations on the management of the scholastic records and the location of same.

3. Local Agencies

Each year the custodian of scholastic records shall inform local agencies cooperating with the School Division in the student's educational development of the location of School Board policies and regulations in the management of scholastic records.

E. Access to Student Records

1. School Division Employees

a. Licensed Personnel

Licensed personnel (including itinerant teachers) within the student's school shall have access to his/her student's records.

Other licensed personnel shall have access to these records if the custodians of scholastic records determine they have a legitimate educational interest in requesting such access. The criterion for determining "legitimate educational interest" shall be the student's welfare. Licensed personnel who copy data from student records shall protect the confidentiality of such data.

b. Classified Personnel

Classified personnel assigned to duties within the facility where student records are maintained shall have access to such records only with the prior approval of the custodian of scholastic records. Students and paraprofessional employees shall not be assigned clerical duties where they may have access to scholastic records.

c. In-service Education

The custodian of student records shall supervise an in-service education program for employees having access to these records. The core documents for the program shall be this Policy and its implementing regulations.

d. Employee Access Roster

Custodians of scholastic records shall maintain an up-to-date roster of division employees within their facility having access to scholastic records. These rosters shall be made available for public inspection.

2. Parents/Legal Guardians/Eligible Students

- a. ~~a.~~ The custodian of student records shall permit parents and/or legal guardians of minor students or eligible students to inspect and review such records. Compliance with requests shall be made without unnecessary delay and in no case more than forty-five (45) calendar days after the request has been made in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), as amended and related regulations. In the case of requests made by parents, legal guardians, or eligible students for records of students with disabilities, compliance with such request shall be made prior to any meeting for a student identified under the Individuals with Disabilities Education Act.
- b. ~~b.~~ The custodian of student records may presume that parents/legal guardians of minor students have the authority to inspect and review records relating to the minor student unless the School Division has been advised that a parent/legal guardian does not have the authority under applicable state law governing such matters as guardianship, separation, divorce, or Child Protective Services.

3. Student (under eighteen) who is Subject of Record

Transfer of rights to review scholastic records from the parent/legal guardian to an eligible student happens when the student reaches eighteen (18) years of age. Parents or legal guardians who continue to claim the student as a tax dependent may continue to access the eligible student's scholastic record.

4. Third Parties

The custodian of records may permit the following third parties to access student records in accordance with applicable state and federal laws:

For purposes of this section, "group home" means a "juvenile residential facility that is a community based, home-like single dwelling, or its acceptable equivalent, other than the private home of the operator, and does not exceed the capacity approved by the regulatory authority" and "juvenile detention center" means "a local, regional, or state, publicly or privately operated secure custody facility that houses individuals who are ordered to be detained pursuant to the Code of Virginia. This term does not include juvenile correctional centers."

Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the custodian of records that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student or by such student if the student is eighteen years of age or older. Private agencies or private individuals must provide a written release or authorization from the student's parents specifying the records to be released, the reasons for such release, and to whom the records are to be released.

The custodian of records shall release student records in accordance with a Federal grand jury subpoena, any other subpoena issued for a law enforcement purpose, a judicial order, or any lawfully issued subpoena, that lawfully requires disclosure of such records and shall notify the parents, legal guardian or eligible student of such disclosure as required by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), as amended, and related regulations.

The custodian of records shall permit a guardian ad litem or counsel for the child appointed pursuant to Code of Virginia § 16.1-266-, as amended to inspect and copy, without the consent of the child or the child's parents/legal guardians, any records relating to the child whom the guardian or counsel represents, upon presentation by the guardian ad litem of a copy of the court order appointment or a court order specifically allowing such access.

Pursuant to Standard 1 of the Standards of Quality (Chapter 13.2 (§ 22.1-253.13:1 *et seq.*) of Title 22.1), all school boards are required to implement career and technical education programs promoting knowledge of careers and various employment opportunities, including, but not limited to, military careers. Therefore, any school board that provides access to one or more of its high schools and contact with such high school's student body or other contact with its high school students during a school or School Division-sponsored activity whether conducted on School Board property or other property to persons or groups for occupational, professional or educational recruitment shall provide equal access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States.

- a. A person designated in writing by either parent or legal guardian of the student if the student is less than eighteen years of age or as designated by an eligible student (eighteen years of age or older);
- b. State or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of official duties;
- c. An agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450(b)], who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student. Any agency caseworker or other representative of a State or local child welfare agency or tribal organization (as referenced above) who does not meet the requirements outlined above, must obtain a written release from the parent, guardian, or eligible student (eighteen years of age or older) authorizing access to such student records. The release must specify the records to be released, the reasons for such release, and to whom the records are to be released.
- d. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication:
 - 1) Attorneys for the Commonwealth;
 - 2) Court services units;
 - 3) Juvenile detention centers or group homes;
 - 4) Mental and medical health agencies;
 - 5) State and local children and family service agencies;

- 6) The Department of Juvenile Justice; and
- 7) The staff of such agencies.

F. Disclosure of Scholastic Records Content

For disclosure of student records see School Board Policy 5-66.

G. Amendment of Scholastic Records Content

The parent/legal guardian of a minor student or the eligible student who believes that information in the student's record is inaccurate, misleading or violates the privacy or other rights of the student may request that the custodian who maintains the record amend such record. Upon receipt of such request the custodian shall be responsible for administering the subsequent procedures as established in Virginia Department of Education. Consistent with federal law and regulation, each school shall annually notify parents, legal guardians, or eligible students currently enrolled in attendance of their rights under the Family Education Rights and Privacy Act (20 U.S.C. § 1232(g)) and related regulations. Student records (i.e. birth certificate, Student Information System, final transcript) that require the use of the student's legal name and sex as designated in the students official records, may not be amended unless the eligible student or the parent of a minor student submits a legal document (such as a birth certificate, state or federal issued identification, passport or court order substantiating the change in the student's legal name or sex.

H. Content and Disclosure of Student Directory Information

See School Board Policy 5-66 and School Board Regulation 5-66.1.

I. Periodic Evaluation of Scholastic Records

In cooperation with school counseling personnel, the custodian of student records shall annually review the contents of these records for the purpose of removing data no longer educationally useful as directed in School Board Regulation 5-31.1 and as directed in the Commonwealth of Virginia Records Retention and Disposition Schedule (Form RM-2).

J. Transfer of Scholastic Records

Scholastic records shall be transferred as directed in School Board regulation and in accordance with applicable law and regulation.

K. Implementation

The Superintendent is authorized to implement this Policy with appropriate School Board regulations.

Legal Reference

The Family Educational Rights and Privacy Act. 20 USC § 1230, 1232 g, 34 CFR Part 99, as amended.

Code of Virginia § 16.1-266, as amended. Appointment of counsel and guardian ad litem.

Code of Virginia § 22.1-130.1, as amended. Access to high schools and high school students for military recruiters.

Code of Virginia § 22.1-20, as amended. Retention of pupil personnel records.

Code of Virginia §22.1-23.3, as amended. Treatment of transgender students; policies.

Code of Virginia § 22.1-287, as amended. Limitations on access to records.

Code of Virginia § 22.1-287.1, as amended. Directory information.

Code of Virginia § 22.1-288.2, as amended. Receipt, dissemination and maintenance of records of certain law-enforcement information.

Code of Virginia §22.1-289, as amended. Transfer and management of scholastic records; disclosure of information in court notices; penalty

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Virginia Department of Corrections Regulation, 6VAC35-41-10, as amended. Definitions.

Virginia Department of Corrections Regulation, 6VAC35-101-10. Suspected child abuse or neglect.

Related Links

School Board [Policy 4-68](#)

School Division [Regulation 5-31.1](#)

School Division [Regulation 5-31.2](#)

School Board [Policy 5-66](#)

School Board [Regulation 5-66.1](#)

Adopted by School Board: October 21, 1969

Amended by School Board: June 17, 1975

Amended by School Board: January 20, 1981

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: June 15, 1993 (Effective August 14, 1993)

Amended by School Board: April 4, 2006

Amended by School Board: August 19, 2014

Amended by School Board: September 14, 2021

[Amended by School Board: 2023](#)

No Changes
Proposed for
9/12/23

School Board of the City of Virginia Beach
Regulation 5-31.1

STUDENTS

Student Records

A. Generally

All information regarding students and their families shall be collected and maintained under safeguards of privacy established by federal and state laws and regulations, School Board Policies numbers 5-31 and 5-66 this regulation and its subsections. Strict adherence is considered a condition of continuing employment by the School Board.

No statement in this regulation or its subsections shall be construed by employees as negating their responsibility for reporting child abuse or neglect cases as required by Code of Virginia, § 63.1-248.3 and School Board Policy 4-68.

B. Fee for Copies of Student Records

A fee of 15 cents per page shall be charged for copies of student records except that no fee shall be charged for copies of the Individual Education Program (IEP).

Editor's Note

See also School Board Policy 5-31.

For student directory information see School Board Policy 5-66 and its implementing Regulation 5-66.1.

Regulatory Authority

Virginia Board of Education Regulations "Governing Management of the Student's Scholastic Record."
(1991)

Related Links

School Board [Policy 4-68](#)

School Board [Policy 5-31](#)

School Board [Policy 5-66](#)

School Board [Regulation 5-66.1](#)

Approved by Superintendent: September 21, 1993 (Effective August 14, 1993)

No changes
9/12/23

STUDENTS

Student Dress and Grooming Codes

A. Purpose

All students, staff, and community members deserve a rigorous, respectful, and safe educational and work environment where diversity is valued and contributes to achieving positive academic and social outcomes. The Superintendent or designees are responsible for establishing and communicating to students clear and fair dress and grooming codes that comply with applicable law, policy, and regulation. The Superintendent or designee will establish procedures for enforcement and/or resolution of dress and grooming codes, for requesting and granting waivers to the code, and for review of the code to consider current conditions. The Superintendent or designees are authorized to establish specific dress and grooming code requirements for certain students when such requirements are necessary to accomplish the purpose of an educational program or school sponsored activity or are required by law, policy, regulation or another governing entity.

B. Standards and Modifications or Accommodations

The Superintendent or designee will ensure that student dress or grooming codes and related procedures are clear, fair, and equitably enforced. The primary responsibility for a student's dress and grooming resides with the student and/or the student's parent(s)/legal guardian(s). Students should comply with the dress and grooming codes and seek guidance from school administrators when modifications, accommodations or waivers are needed and should cooperate in resolution when disagreements arise.

1. Dress or grooming codes applicable to student shall be subject to the following:
 - a. permit any student to wear any religiously or ethnically specific or significant head covering or hairstyle, including but not limited to, hijabs; Yarmulkes; headwraps; braids; locs; and cornrows.
 - b. maintain gender neutrality subjecting any student to the same set of rules regardless of gender or gender identity.
 - c. not have a disparate impact on students of a particular gender.
 - d. be clear, specific, and objective in defining terms, if used.
 - e. prohibit School Division employees or agents from enforcing the dress or grooming codes by direct physical contact with a student or a student's attire.

- f. prohibit any School Division employee or agent from requiring a student to undress in front of any other individual, including the enforcing School Division employee or agent, to comply with the dress or grooming code.
- g. clearly set forth any dress or grooming standards that are required in order for a student to participate in a school or school sponsored activity (sport or club uniforms/jewelry/hair requirements, safety or health rules for classes, internship, etc.) and provide a process for a student to seek a modification or accommodation to such dress or grooming standard.

C. Dress and Grooming Standards

School administrators will adopt dress and grooming standards that include the conditions set forth below.

1. "Dress or grooming" code means any practice, policy, or portion of a code of student conduct that governs or restricts the attire, appearance, or grooming, including hairstyle, of any enrolled student. Jewelry, makeup, body art, electronic, communication, recording, photographing devices and their supporting accessories when worn on the body or as part of attire, perfume or applied fragrances may be considered in dress or grooming standards.
2. A student must wear opaque clothing that covers the student's chest from under the arm pits (where they meet the shoulder) and is secured over the shoulders or the neck to no less than five inches below the groin area. The following conditions also apply:
 - a. These body parts must be covered or not distractingly discernable through clothing: buttocks or any portion of the derriere, nipples, stomachs, or private area. Undergarments must be worn when clothing exposes those areas.
 - b. Exceptions may be for clothing approved for a class or extracurricular sport or activity, a dance or prom or a verified medical condition that must be accommodated.
 - c. Clothing must not be sheer, see through or loose weaved material unless an opaque undergarment is worn underneath. Opaque is defined as not transparent or clear.
 - d. Clothing, jewelry, or grooming items must not pose a safety issue, ex., clothing that drags on the floor causing a trip-hazard, sharp metal attachments spikes.
 - e. Clothing that for a well-defined and specifically articulated reason is determined by a principal or designee to be safety or health issue or is significantly disrupting the educational environment.
 - f. A student must wear shoes that do not restrict the student's ability to safely participate in educational or school-sponsored activities. Students may not wear shoes that have wheels, spikes or are otherwise dangerous. Footwear required

or recommended for classes or extracurricular activities is an authorized exception to this condition.

3. Students must not wear or display the following images/symbols or words:
 - a. Images, words or depictions of illegal drugs, alcohol, paraphernalia, imitations thereof, other drugs/paraphernalia that are not allowed on school property or at school-sponsored events, or other illegal activity.
 - b. Pornography, nudity, obscenity, vulgar or profanity.
 - c. Images/symbols or words that can reasonably be determined to or do incite violence or create harassment or discrimination in violation of School Board policy or regulation or applicable law. After reviewing the circumstances, principals or designees may determine that an image/symbol does not incite violence or create harassment or discrimination but is instead a disagreement of opinion and is not significantly disrupting the educational environment.
 - d. Students may wear any religiously or ethnically specific or significant head covering or hairstyle, including but not limited to hijabs, yarmulkes, head wraps, braids, locs or cornrows.
4. Dress and grooming codes must include references to how staff will handle and resolve disputes and the burden of proof as set forth in this Policy.
5. Dress and grooming codes application and enforcement must be gender, race, and ethnicity neutral.

D. Disputes Regarding Enforcement of Dress and Grooming Code

1. Temporary Resolutions

The dress and grooming code provided to students and families will detail how an infraction will be temporarily resolved if a student or parent/legal guardian of a minor student disagrees with the school administrator's determination that an infraction has taken place. Students and administrators should seek to resolve dress and grooming code disputes in a reasonable manner. Options offered may include, but are not limited to:

- a. a warning to the student but requiring the student not to continue the infraction after that day.
- b. allowing the student to alter the attire or grooming to comply.
- c. lending the student appropriate attire to allow the student to be in compliance.
- d. allowing the student to leave school or the school sponsored activity until such time as the student complies or a resolution is reached.
- e. alternative participation in the educational or school sponsored activity, as determined by the school administration.

2. Modification or Accommodations to Dress and Grooming Code

Modifications or accommodations to the dress and grooming codes should be provided when doing so does not:

- a. create undue hardship or excessive expense.
- b. impair or have the reasonable potential to impair health or safety.
- c. violate an established rule or regulation set by an organization or competition as a condition of participation or eligibility for participation in an event or educationally related activity.
- d. create an unfair advantage to the student requesting the modification or accommodation.

3. Initial Burden of Proof

Students and parents/legal guardians of minor students who believe that a dress or grooming code standard is unfairly or inequitable applied will bear the initial burden of proving by a preponderance of evidence that the alleged dress or grooming is:

- a. not disruptive to the educational or work environment or school sponsored activity. Disruptive is defined as but not limited to: interfering with educational or extracurricular activities of students and staff; significantly contributing to student interactions that distract from the educational/extracurricular activities; causes or contributes to reasonable complaints of violations of law, policy, regulation or the Code of Student Conduct. School administrators will be given deference as to what causes disruption.
- b. does not denote gang membership.
- c. does not advocate or promote disruptive, violent conduct or illegal activity.
- d. is not gender neutral or is not equitably enforced.
- e. is worn for religious or ethnic reasons that the student or student's family follows.
- f. is not profane, pornographic, vulgar, or obscene.

E. Enforcement

1. Enforcement of this Policy is the responsibility of the school administration at each school.
2. Enforcement must be reasonably discreet, equitable, and gender neutral in implementation.
3. Enforcement should include options for reasonable remediation of the infraction that demonstrates respect and where possible, minimizes loss of instructional or school sponsored activity time.

Code of Virginia, § 22.1-279.1, as amended. Corporal punishment prohibited.

Code of Virginia, § 63.2-1509, as amended. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

Code of Virginia, § 63.2-1511, as amended. Complaints of abuse and neglect against school personnel; interagency agreement.

Approved by Superintendent: July 16, 1991

Revised by Superintendent: August 18, 1992

Revised by Superintendent: March 8, 2006

Revised by Superintendent: November 3, 2021



STUDENTS

Hazing/Assault and Battery or Fighting/Profane, Obscene or Abusive Language or Conduct/Bullying

The following conduct is prohibited and students violating this Regulation will be disciplined as set forth in the Code of Student Conduct or other applicable laws, policies or regulations.

A. Hazing

Students who haze or otherwise mistreat another student so as to cause bodily injury shall immediately be suspended from school under the provisions set forth in Policy 5-21 and Regulations 5-21.1 and 5-21.3.

B. Assault and Battery or Fighting

Assault and battery or fighting is prohibited. Violators may also be subject to prosecution as provided by state law.

Any student grabbing, striking, hitting, kicking, or otherwise physically abusing a teacher or any other school personnel shall immediately be disciplined in accordance with the Code of Student Conduct and the Discipline Guidelines and recommended for appropriate disciplinary action, up to and including expulsion. Criminal action may be taken against such student.

C. Profane or Abusive Language or Conduct

Students who use language, a gesture, or engage in conduct that is vulgar, profane, obscene, or abusive, or which substantially and materially disrupts the educational or work environment shall automatically receive a discipline referral to the principal or assistant principal for appropriate disciplinary action including suspension and/or a recommendation for long-term suspension or expulsion.

D. Bullying

Bullying, including the bullying through electronic means, is prohibited.

1. 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.
2. "Bullying" includes cyber bullying. Bullying does not include ordinary teasing, horseplay, argument, or peer conflict. Bullying may include, but is not limited to, verbal or written threats, or physical harm. ~~Bullying will not be tolerated and students shall be referred to the principal or assistant principal for appropriate~~

disciplinary action which may include suspension and/or recommendation for long-term suspension or expulsion.

3. Cyberbullying is defined as “willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices”
4. Bullying will not be tolerated and students shall be referred to the principal or designee for appropriate The principal or designee must notify the parent/legal guardian of a minor student involved in an alleged incident of bullying within twenty-four (24) hours of the allegation of bullying. Within five school days of receiving a complaint of alleged bullying, parents/legal guardians of minor students or the adult student alleged to be involved with the complaint, will be notified of the status of any investigation regarding the complaint.
5. The principal or designee will respond to the adult student(s) or the parent/legal guardian of a minor student(s) who are the alleged aggressors and victims stating: a) the results of the investigation; b) if the allegations were substantiate and there was a violation of policy; and c) the process for any party to challenge the findings.
6. Bullying incidents involving students with disabilities or that involve Title IX consideration may require the School Division to follow additional laws, policies, regulations or procedures.

Legal Reference

Code of Virginia §18.2-56, as amended. Hazing unlawful; civil and criminal liability; duty of school, etc., officials.

Code of Virginia §18.2-57, as amended. Assault and battery.

Code of Virginia §22.1-276.01, as amended. Definitions.

Code of Virginia §22.1-279.8, as amended. School safety audits and school crisis and emergency management plans required.

Code of Virginia §22.1-279.6, as amended. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

Code of Virginia §22.1-291.4, as amended. Bullying prohibited.

Related Links

School Board Policy 5-21

School Board Regulation 5-21.1

School Board Regulation 5-21.3

Approved by Superintendent: September 21, 1993 (Effective August 14, 1993)

Adopted by School Board: May 19, 1998

Amended by School Board: August 2, 2000

Amended by School Board: April 4, 2006

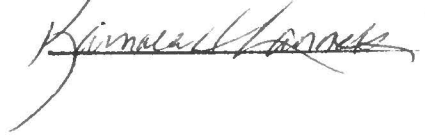
Amended by Superintendent: September 5, 2017

Amended by School Board: May 14, 2018

Amended by School Board: November 27, 2018

Amended by School Board: 2023

APPROVED AS TO
LEGAL SUFFICIENCY

A handwritten signature in black ink, appearing to read "Kinnaird Harris", written over a horizontal line.

STUDENTS**Sexual Harassment, sexual violence, and inappropriate sexual conduct prohibited - students****A. Policy**

The School Board does not condone or tolerate any form of sexual harassment, sexual violence, inappropriate sexual conduct or retaliation for reporting such conduct. Each employee, including non-employee volunteers who work subject to the control of school authorities (hereinafter collectively referred to as employees) and students shall promote an atmosphere of mutual respect among students and staff that provides an environment free from discrimination of any kind including sexual harassment, sexual violence and inappropriate sexual conduct.

B. Responsibility for compliance with Policy

1. Sexual harassment, sexual violence and inappropriate sexual conduct are serious offenses. As a consequence, complaints of such conduct will be thoroughly investigated, and any employee, student, School Division agent, volunteer or invitee who engages in such conduct or encourages such behavior by others shall be subject to corrective action.
2. When a complaint is filed with the Title IX Coordinator for students, the complaint will be handled using the School Division's Title IX Guidelines. If the complaint does not constitute a complaint under Title IX, it may be investigated as complaint of this Policy and/or the Code of Student Conduct.
3. Depending on the circumstances involved, such disciplinary action may include: discipline action as set for in the Code of Student Conduct including suspension or expulsion from school; disciplinary action up to and including termination; ban from School Board property, busses, communication systems and school sponsored events; referral for criminal prosecution; and other actions deemed appropriate to address the specific circumstances. Reprisals against students or employees who file complaints of such conduct shall be prohibited; however, such protection will not condone unrestricted engagement in unfounded or vindictive accusations of others. To the extent permitted by law, the School Board will protect the legitimate interest of all parties concerned in a dispute involving allegations of sexual harassment, sexual violence, and inappropriate sexual conduct. All inquiries will be treated as confidentially as possible.
4. School Division administrative and supervisory employees have a duty to report and investigate allegations of sexual harassment, sexual violence and inappropriate sexual conduct and take immediate and appropriate corrective action. Reports of sexual harassment, sexual violence, and inappropriate sexual conduct, should be reported to the School Administrator as well as the Title IX Coordinator for students.

5. Administrative and supervisory employees who allow sexual harassment, sexual violence and inappropriate sexual conduct to continue or fail to take appropriate corrective action shall be considered a party to the act of behavior, even though they may not behave in such a manner. Such personnel shall also be subject to corrective action. Depending on the circumstances, such corrective action measures may include demotion from a supervisory position and/or dismissal from School Division service.
 6. Each principal, assistant principal, teacher and other employee or other agent of the School Division has an affirmative duty to maintain a school environment free of sexual harassment, sexual violence, and inappropriate sexual conduct.
- C. The Superintendent or designees are authorized to develop appropriate regulations, guidelines, procedures and trainings for the reporting, investigating and resolving of complaints of sexual harassment, sexual violence and inappropriate sexual conduct. The Superintendent or designees are authorized to develop appropriate training and notifications regarding the School Board's commitment to providing an environment free of sexual harassment, sexual violence, and inappropriate sexual conduct.

Legal Reference

Title IX of the Education Amendments of 1972, as amended. 34 C.F.R. §106, *et seq.*, as amended.

Virginia Board of Education Guidelines for Prevention of Sexual Misconduct and Abuse in Virginia Public Schools, approved March 24, 2011, as amended.

Adopted by School Board: July 16, 1991

Amended by School Board: August 18, 1992

Amended by School Board: June 15, 1993 (Effective August 14, 1993)

Amended by School Board: August 18, 2015

Amended by School Board: October 29, 2020

No changes

STUDENTS

Sexual Harassment, Sexual Violence, Inappropriate Sexual Conduct and Non-retaliation-complaint procedures

Sexual harassment, sexual violence, and inappropriate sexual conduct will not be tolerated and may constitute violations of School Board policy or regulation, federal or state law. The School Division does not condone or tolerate any form of sexual harassment, sexual violence inappropriate sexual conduct or retaliation for reporting such conduct. The School Division is committed to the creation and maintenance of an educational environment in which all individuals who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment, sexual violence and inappropriate sexual conduct.

A. Definition

Unsolicited, unwelcome sexual overtures, conduct or advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature constitute sexual harassment, sexual violence and/or inappropriate sexual conduct when any of the following conditions is present:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's access, involvement or success in any School Division program, service or activity;
2. Submission to or rejection of such conduct by an individual is used as the basis of any decision affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive education environment; and
4. Such conduct by an employee, agent, or volunteer of the School Division that denies, limits, provides different, or conditions the provision of aid, benefits, services or treatments protected under Title IX.

B. Prohibited conduct

Sexual harassment, sexual violence and/or inappropriate sexual conduct may be verbal, non-verbal, physical, written, electronic or visual. It refers to behavior that is not welcome, that is personally offensive, that lowers morale and that, therefore, interferes with the individual's rights in the educational environment. Prohibited conduct that may be determined to be a violation under this Regulation of Title IX Guidelines is defined, but is not limited to:

1. Suggestive or obscene statements, noises, letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, fondling, sexual molestation or assault, impeding or blocking movement, leering, gestures, display of sexually suggestive actions, materials, objects, posters or cartoons, or other similar conduct. This includes electronic and verbal forms of communication;

2. Unwelcome sexual advances, propositions or other sexual comments such as: 1) sexually-oriented gestures, sounds, remarks, jokes, or comments about an individual's sexuality or sexual experience directed at or made in the presence of any other individual;
3. Physical assault or battery of a sexual nature, or the attempt thereof such as: 1) rape, sexual battery, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death; 2) intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against or poking a student's body, or touching of the clothing covering the immediate area of the complainant's intimate body parts; and 3) other similar actions;
4. Continuing to express sexual interest after being informed that the interest is unwelcome.
5. Coercive sexual behaviors used to control, influence, or affect an individual's educational or employment opportunities, grades, and/or learning environment, opportunities to participate in or advance in school sponsored activities;
6. Offering or granting favors or benefits in exchange for sexual favors;
7. Preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward;
8. Prohibited retaliation shall be defined as adverse action against a covered individual because the individual (or closely-associated individual) engaged in protected activity
 - a. an "**adverse action**" is an action that is likely to keep a reasonable person from engaging in protected activity, including but not limited to threats, assault or battery, harassment, or other conduct that has the purpose of substantially interfering with a person's access to or participation in the educational environment;
 - b. a "**covered individual**" is a person who has engaged in protected activity, such as filing a sexual harassment charge, or who is closely associated with an individual who has engaged in protected activity.
 - c. "**protected activity**" includes, but is not limited to: reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others; participation in a sexual harassment proceeding, such as cooperating with an internal investigation of alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation; and the asserting of one's rights, or objecting to such conduct.

C. Grievance Procedures

In accordance with federal law and regulation, the procedures for filing, investigating and resolving grievances regarding violations of sexual harassment are set forth in the School Division's Title IX

guidance. If a complaint is determined not to be a violation of Title IX but may still constitute a violation of this Regulation, the complaint may be investigated as a complaint under Policy 5-7.

D. Informal remedies or mediation

The complainant or victim may utilize informal methods to remedy the complainant or mediation. Informal methods or mediation are not appropriate if the alleged conduct constitutes sexual violence or other unsafe condition for the victim. The complainant or victim cannot be compelled to utilize informal remedies or mediation and shall retain the right to discontinue informal remedies or mediation at any time.

E. Retaliation and false reporting prohibited

Retaliation against any individual who makes a complaint, participates in the investigation or resolution of a complaint is strictly prohibited and will be a violation of this Regulation. Pursuing other appropriate remedies will not be construed as retaliation. Intentional false reporting or misrepresentation of complaints or evidence regarding complaints is strictly prohibited and may result in appropriate action being taken by the School Division. Taking appropriate action against false reporting or misrepresentation will not be considered retaliation under this Regulation.

F. Additional contact information for complaints of sexual harassment, sexual violence, or inappropriate sexual conduct:

The Title IX Coordinator for student complaints is the Coordinator of Student Conduct/Services, Laskin Road Annex, 1413 Laskin Road, Virginia Beach, Virginia 23451, telephone (757) 263-2020, facsimile (757) 263-2022.

Complaints may also be directed to: U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or ocr@ed.gov.

Related Links

School Board [Policy 5-6](#)

School Board [Regulation 5-6.1](#)

School Board [Regulation 5-6.2](#)

School Board [Policy 5-7](#)

School Board [Policy 5-21](#)

School Board [Regulation 5-21.1](#)

School Board [Regulation 5-21.2](#)

School Board [Regulation 5-21.3](#)

School Board [Policy 7-17](#)

School Board [Regulation 7-17.1](#)

Approved by Superintendent: July 16, 1991

Revised by Superintendent: August 18, 1992

Revised by Superintendent: September 21, 1993 (Effective August 14, 1993)

Revised by Superintendent: June 11, 2001

Revised by Superintendent: September 2, 2015

Revised by the Superintendent: October 29, 2020

School Board of the City of Virginia Beach
Regulation 5-44.2

STUDENTS

Use of restrooms and locker rooms facilities

All students are entitled to use restrooms and locker rooms without harassment, discrimination, intimidation, threat, or fear.

~~Access to facilities such as~~ A student may use restrooms and locker rooms that correspond to the student's sex or gender identity as designated in a student's official records. ~~shall be available to all students. Upon request,~~ Single-user, gender-inclusive facilities or other reasonable alternatives shall be made available to any student, ~~who seeks privacy.~~ Any options offered shall be non-stigmatizing and minimize loss of instructional/activity time. The Superintendent or designee is authorized to develop procedures for the parent/legal guardian of a minor student to determine which restroom or locker room their student will use. Menstrual supplies shall be available in accessible locations in elementary schools and in bathrooms of each middle and high school. ~~All students are entitled to use restrooms and locker rooms without harassment, discrimination, intimidation, threat, or fear.~~

Legal Reference

Code of Virginia § 2.2-3900, et seq., as amended. Virginia Human Rights Act.

Code of Virginia § 22.1-6.1, as amended. Menstrual supplies; availability; public elementary, middle, and high schools.

Code of Virginia § 22.1-23.3, as amended. Treatment of transgender students; policies.

~~Virginia Department of Education Model Policies for the Treatment of Transgender Students in Virginia's Public Schools (2020), as amended.~~

Adopted by Superintendent: September 28, 2021

Revised by Superintendent: 2023

No changes

School Board of the City of Virginia Beach
Regulation 5-64.1

STUDENTS

Questioning of Students: Law Enforcement or Child Abuse/Neglect Investigations

A. Generally

Any school visitors from outside agencies are considered invitees to School Board property and are expected to adhere to the requirements of School Board Policy 7-17 and School Board Regulation 7-17.1.

To protect students and faculty, to preserve instructional time, and to maintain the confidentiality of students and their records, outside visitors must report to the school office or security desk to sign in and present proper identification in order to receive permission to visit.

B. Law Enforcement

The School Board shall protect the constitutional rights of minor students entrusted to its care until such time as the parents or legal guardian(s) can be contacted. The principal should verify that the interrogating officer is authorized to investigate the case. There shall be a clear understanding at the opening of any interrogation as to the distinction between the jurisdiction of the school, the home and the law enforcement agency.

Except, as described below, in investigations involving alleged child abuse or neglect, the questioning of students by law enforcement officers regarding acts committed outside the School Board's jurisdiction shall be held outside the school day and off school property whenever possible. If this restriction impedes swift law enforcement, the questioning of a student or students may be permitted within the school in a private place designated by the principal and in the presence of a designated school representative. The principal is expected to make a reasonable effort to notify a parent or legal guardian that law enforcement officials are seeking permission to question the minor student at school. The principal, or designee, shall maintain information derived from the questioning in strict confidence unless law enforcement procedures require otherwise.


Minor students may be removed from the school by a law enforcement officer after the parents or guardian have been contacted and have given their consent or when the law enforcement officer presents to the school official either warrants for the arrests of such students or detention orders issued by the judge or the clerk or deputy clerk of the juvenile and domestic relations district court or when the officer has probable cause to believe that the student has violated or is violating the law.

The law enforcement officers must identify themselves with a proper badge of authority from the applicable jurisdiction.

C. Child Abuse or Neglect


During the course of an investigation for alleged child abuse or neglect, Virginia law authorizes, and school personnel shall allow, law enforcement personnel and/or child protective service workers, in the performance of their duties, to interview any child suspected of being abused or neglected and/or their



siblings outside the presence of his/her parent/legal guardian or other person standing in loco parentis or school personnel and without first obtaining parental consent. 

The Department of Social Services (DSS) Caseworker must show photo identification indicating that he/she is employed by DSS. In order to visit the student, the DSS Caseworker must provide official documentation, in the form of an order from a court of competent jurisdiction or letter on official DSS letterhead, which indicates that there is a health or safety emergency. The DSS Caseworker will be permitted to meet with the student in a private location, to be determined by the principal of the school. DSS will only be permitted to visit students during school hours for investigations or interviews necessary for health, safety, or child abuse/neglect concerns.

D. No Duty to Inform

School personnel do not have an obligation to inform parents, guardians, legal custodians or other persons standing in loco parentis that a child protective service worker or law enforcement personnel has requested to interview or has interviewed the child in connection with an investigation of alleged child abuse or neglect involving the child interviewed and/or his/her sibling. 

E. Access to Records

Requests for access to student records by law enforcement officers or DSS is governed by School Board Policy 5-31.

Legal Reference

Code of Virginia §16.1-246, as amended. When and how a child may be taken into immediate custody.

Code of Virginia §63.1-248.10, as amended. Authority to talk to child or sibling.

Related Links

School Board [Policy 5-31](#)

School Board [Policy 7-17](#)

School Board [Regulation 7-17.1](#)

Approved by Superintendent: October 15, 1991

Revised by Superintendent: March 21, 1995

Revised by Superintendent: May 23, 2014

No changes

School Board of the City of Virginia Beach
Policy 6-7

INSTRUCTION

Access to Programs

Access to and participation in course offerings, extracurricular activities, school organizations and competitive athletics shall be open to all students required by applicable law and regulation.

The Superintendent shall develop internal procedures for ensuring compliance with these legal references.

Legal Reference

Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq.*, as amended.

Title IX of the Education Amendments of 1972. 20 U.S.C. §1681, *et seq.*, as amended.

Section 504 of the Rehabilitative Acts of 1973, 34 C.F.R. Sections 104.7 (a) and (b), as amended.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: December 7, 2021

No changes

INSTRUCTION

Controversial Issues

A. Generally

Students, under the guidance of a teacher, are encouraged to explore, to present and to discuss divergent points of view in the quest for knowledge and truth. However, the discussion of a controversial issue must be tempered by a consideration of the age and maturity of the students.

B. Definition

A controversial issue may be the following: 1) any problem that society is in the process of debating; 2) any problem for which more than one solution is being supported; or 3) any issue that may arouse strong emotions. These issues may be a part of the instructional program only when they are germane to the subject being taught and only after consideration has been given to the age and maturity of the students. No individual may impose personal views on the students, and a balance must be maintained through the presentation of all sides of an issue.

C. Rights of Students

Students shall have the right:

1. To study at the level appropriate to the student's age those controversial issues germane to course objectives. These issues include, but are not limited to, those that have political, economic, social, scientific or moral significance.
2. To have free access to major ideas and information related to the topic.
3. To study under qualified instructors in an atmosphere free from bias, prejudice and intimidation and to form and express opinions on controversial issues without jeopardizing their relation with the teacher or the school. This provision does not imply license to infringe on the rights of others.

D. Responsibility of the Teacher

In discussing controversial issues, the teacher shall keep in mind that the classroom is a forum and not a committee for producing resolutions or dogmatic pronouncements. The class should feel no responsibility for reaching an agreement. The teacher has the responsibility to bring out the major facts concerning controversial questions.

The approach of the teacher to controversial issues must be impartial and objective and must include balanced assignments of materials. Before introducing materials to the class, the teacher must discuss with the principal those materials that the teacher believes might contain potentially objectionable language, concepts or graphics. The principal will rule on the appropriateness of these materials and concepts.

Related Links

School Board [Policy 7-12](#)

School Board [Regulation 7-12.1](#)

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: December 7, 2021

Amended by School Board: June 13, 2022

INSTRUCTION

Guidance and Counseling Policy

A. Notification

Annually, the School Division shall provide written notification to parents/legal guardians and adult students about the academic, career, and personal/social guidance and counseling programs which are available. The notification shall include the purpose and general description of the program, information regarding ways parents may review materials to be used in guidance and counseling programs at the student's school, and information about the procedures by which parents/legal guardians and adult students may limit participation in such programs.

In addition, at the beginning of each school year, the local school shall provide written notification of an overview of its program, including a brief description of the guidance services and the counseling services that may be offered during the school year.

Guidance and counseling materials shall be made available at each school for review by any interested person.

B. Participation

No student shall be required to participate in any guidance and counseling program to which the minor student's parents/legal guardians or the adult student object. However, parental consent shall not be required for short duration counseling needed to maintain order and discipline, or for those situations which may require the immediate attention of the counselor.

C. Techniques

School counselors shall not use techniques which are inappropriate to the school setting. Examples of these techniques include, but are not limited to, hypnosis, progressive relaxation and guided imagery and/or visualization, or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.

School counselors shall not use techniques which are beyond the scope of the school counselor's professional certification.

D. Confidentiality

Any information and records of personal/social counseling shall be kept confidential and separate from a student's educational records and not disclosed to third parties without prior consent of the parents/legal guardians of a minor student or of the adult student or as otherwise provided by laws. The School Division does not authorize the release of information concerning student discipline and/or criminal records.

E. Personal/Social

1. Classroom Guidance

No counseling techniques shall be used in the classroom guidance program that are not described in the annual notification provided or that require students to disclose sensitive or personal information.

A student may be withdrawn from classroom guidance at any time. This request must be in writing from the minor student's parents/legal guardians or the adult student.

2. Individual Counseling

Counselors are able to meet with students without written parental consent to discuss incidental or normal developmental concerns and to assess a situation for possible recommendation for non-school related counseling. School counselors are not trained to provide therapy. They will work in collaboration with families to find therapists at the family's expense. Except with regard to eligible students, parents must be informed and given an opportunity to object before counseling services pertaining to gender are given.

A student may be withdrawn from individual counseling at any time. This request must be in writing from the minor student's parents/legal guardians or the adult student.

3. Group Counseling

Each school shall require informed written consent from the parents/legal guardians of a minor student or from an adult student prior to a student's participation in group counseling activities. Notification shall include the following:

- a. Purpose and goals of the group counseling
- b. Estimated frequency of sessions and duration
- c. A statement that all materials and supplemental media used in whole or part shall be available for review.

A student may be withdrawn from structured ongoing group counseling at any time. This request must be in writing from the minor student's parents/legal guardians or the adult student.

F. **Advisory Council**

Each school shall have an Advisory Council consisting of parents, teachers, school counselors, and administrators to assist in the development of a comprehensive (K-12) school counseling program, to audit its results, and to recommend priorities to school administrators. A school's Advisory Council may be combined with the School Planning Council.

Legal Reference

Code of Virginia 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g; *et seq.*, 34 C.F.R. Part 99.

Protection of Pupil Rights Amendment (PPRA) 20 U.S.C. § 1232h; *et seq.*, 34 C.F.R. Part 98.

Approved by Superintendent: June 18, 1996

Revised by Superintendent: August 20, 2012

Revised by School Board: 2023

INSTRUCTION

Field/Class/Curriculum or Extra-curricular Trips

The Superintendent authorizes the travel for field/class/curriculum or extra-curricular trips under the conditions set for the below.

A. Commercial Carriers

Commercial carriers listed on the School Division's Approved Passenger Motor Carrier List may be used when appropriate. Pre-approval through the School Division's Passenger Carrier Master Agreement must be obtained at least 30 days in advance for the use of non-local and out of state commercial carriers.

B. Privately-Owned Vehicles - general requirements include:

1. No student, parent/legal guardian, or volunteer who has been convicted of two or more traffic violations within the preceding 12 months, has two or more unresolved traffic violations within the preceding 12 months, or has one conviction and one or more unresolved traffic violation(s) within the preceding 12 months, shall drive students on a field trip or to a school-related event.
2. No student, parent/legal guardian, or volunteer who has been convicted of driving under the influence of drugs or alcohol within the preceding five (5) years or who has a driving under the influence of drugs or alcohol charge pending, shall drive students on a field trip or to a school-related event.
3. The coach, activity sponsor, or building principal shall require any person driving students in a private vehicle to display a valid driver's license and parent permission slip, and to sign a written statement, on a school administration-approved form, that such driver does not have convictions or any pending charge(s) which violate applicable law, policy or regulation, and further agreeing to provide a DMV abstract in response to a request by School Administration, prior to such coach, sponsor, or building principal authorizing such driver to transport students. No driver who refuses to provide a DMV abstract upon the request of school administration shall be permitted to drive students on a field trip or to a school-related event.

C. Field Trips and Other School Events

1. Parents/legal guardians, students, volunteers, or other non-division persons, may drive students for field trips or other school events under the following circumstances:
 - a. School bus transportation is not available or feasible because of distance to the event, the limited number of students participating, or in other circumstances designated by the principal.
 - b. Adult students and minor students' parents/guardians are required to complete a field trip permission form, approved by the Department of School Administration, which clearly indicates the type of transportation, the type of driver (e.g. student, parent, volunteer), if not a member of the school staff, and other pertinent field trip information as required by the principal.
 - c. Persons not employed by the School Division and approved for driving for field trips will be required to furnish copies of certificates of insurance showing minimum combined liability limits per person, per accident of \$100,000 and a copy of a valid driver's license which shall be kept on file by the school. (Certificate of insurance coverage may be waived in the event that a rental vehicle is used and insurance with the foregoing limits is part of the rental agreement.) Non-division persons must also sign the certification required by Section B.

D. School Athletic Events

1. Parents/legal guardians, students and other non- division personnel may transport student athletes/athletic teams/cheerleaders to school-related athletic events only if:
 - a. Each adult student or minor student's parent/legal guardian has completed an Athletic Field Trip Form at the beginning of the current athletic season; and
 - b. The adult student or minor student's parents/legal guardian has signed the Release, Waiver and Indemnification form and such form is on file with the athletic team coach; and
 - c. No school bus, school vehicle or van transportation is available because of distance to the event, the limited number of students participating or in other circumstances designated by the principal.

2. No parent/legal guardian, student or other non- School Division persons will be permitted to transport an athlete or athletic team unless a copy of a valid driver's license and proof of liability insurance showing minimum combined liability limits of \$100,000 per person, per accident for such driver are on file with the athletic team coach and such driver has signed the certification required by Section B.
3. For School Division employees who transport students on special occasions see Regulation 4-25.1.

E. Scope of School Board Liability Insurance

School Board liability insurance policies will not cover drivers approved under D(3) from liability claims of passengers or third parties, will not provide such drivers with medical pay insurance, and will not protect against uninsured motorists. Consequently, in emergency situations, such as the unavailability of a bus or insufficient seating in an employee's vehicle, non-division persons who transport students to school-related activities or events do so voluntarily and at their own risk. Such drivers shall comply with the minimum liability insurance requirements set forth in Subsection E3c.

1. **Exceptions** - Nothing in this Regulation shall be interpreted to preclude a parent/legal guardian from transporting his/her own children to and from a sporting event or a school-related event with the prior permission of the coach or sponsor.

F. Accommodations for overnight trips

1. All students and parents/legal guardians of minor students who participate in extracurricular activities that involve overnight trips should be made aware of the rooming, bathing, and changing facility arrangements for the overnight trip prior to signing up for the trip.
2. Students may choose the rooming, bathing, and changing facilities that align with the student's sex or gender identity as set forth in the student's official records. Parents/legal guardians of minor students may designate that their minor student will only use such facilities that are single user or a reasonable accommodation that provides for privacy for their student. No student will be required to share rooming, bathing, or changing facilities and may request single user facilities for the purpose of maintaining personal privacy. When single user facilities are not available, reasonable efforts will be made to accommodate a student's request for personal privacy.
3. Trip coordinators will respect the confidentiality of students' gender identities and obtain permission before discussing confidential

information with other students, staff, chaperones, or unauthorized persons.

4. Students or the parent/legal guardian of a minor student who have concerns regarding rooming, bathing, and changing arrangements should discuss their needs with the trip coordinator.
5. For overnight field trips, students should not be placed into single occupancy accommodations that are not required for other students. A student will not be required to share rooming, bathing, or changing facilities and, upon request, may be offered single user facilities when such are reasonably available.
6. Adults who are not students should not share rooming, changing, or bathing facilities with students. Exceptions may be made for family members.
7. Reasonable efforts should be used to resolve the accommodations needed for students attending the overnight trips.

G. Health and disability considerations

Trip coordinators should consider the health and disability accommodations that may need to be accommodated for students, staff, and chaperones to attend field, class, curriculum, extracurricular related trips. Students who have health issues or disabilities that may need to be accommodated may not be prohibited from attending the trip unless specific health and physical, mental, or emotional abilities are essential requirements for participating in the trip. Examples include but are not limited to: a backpacking trip that requires the ability to hike up mountains; the ability to be outside for long periods of time; the ability to walk for extended periods of time. When planning trips, trip coordinators should consider the transportation, health services, allergy or prescription drug plans, weather conditions, and personal assistance requirements for participants.

Legal Reference

Code of Virginia § 2.2-3900, et seq., as amended. Virginia Human Rights Act.

Code of Virginia § 22.1-23.3, as amended. Treatment of transgender students; policies.

Virginia Department of Education Model Policies for the Treatment of Transgender Students in Virginia's Public Schools (2020), as amended.

Approved by Superintendent: July 16, 1991

Revised by Superintendent: November 10, 2011

Revised by Superintendent: July 12, 2013
Revised by Superintendent: September 6, 2017

Revised by Superintendent: 2023

VHSL SPORTS

Fall Sports			
Girls Team	Boys Team	Girls participate	Boys can participate
Competition Cheer			Yes
Sideline Cheer			Yes
	Football	Yes	
Cross Country	Cross Country		
Golf	Golf		
Volleyball	Volleyball		
Field Hockey			
Winter Sports			
Girls Team	Boys Team	Girls can participate	Boys can participate
	Wrestling	Yes	
Gymnastics			
Indoor Track	Indoor Track		
Swim and Dive	Swim and Dive		
Basketball	Basketball		
Spring Sports			
Girls Team	Boys Team	Girls can Participate	Boys can participate
Softball			
	Baseball	Yes	
Lacrosse	Lacrosse		
Tennis	Tennis		
Soccer	Soccer		
Outdoor Track	Outdoor Track		

VHSL Handbook Rule 54-6-1N Participation Limitation

54-6-1 Participation Limitation-If a school maintains separate teams in the same sport for girls and boys during the school year, regardless of sports season, girls may not compete on boys teams and boys may not compete on girls teams. If a school maintains only a boys team in a sport,

girls may compete on the boys team. Boys may not participate on a girls team in any sport other than cheerleading unless the Executive Committee determines that boys' opportunities for participation in athletics have been limited in the past.

PM 54-6-1 (1) PARTICIPATION LIMITATIONS/Girls on Boys Teams (2-95)-If a school offers a team for girls but not at the comparable level (sub-varsity or varsity) which would permit girls to participate, girls are permitted to play for the comparable boys team.

PM 54-6-1 (2) PARTICIPATION LIMITATION/Baseball vs. Softball (3-91)-The Office of Civil Rights has ruled that softball and baseball are not “comparable” sports under Title IX. Therefore, if a school sponsors both softball and baseball, a girl must be allowed to tryout and, if judged to have the ability, be allowed to be a member of the school’s boys baseball team.

PM 54-6-1 (3) PARTICIPATION LIMITATION/Girls on Boys Cross Country Teams (9-75)-A girl who is a member of the boys cross country team may not compete in an invitational tournament designated for girls only. A separate division for girls at a cross country invitation meet is appropriate for schools that have both a separate boys team and a separate girls team. When a member of a boys team, a girl may still compete in an individual girls invitational tournament but not a team girls invitational tournament.

28A-8-1 TRANSGENDER POLICY (12-14)-Students who wish to participate in a VHSL gender-specific sports team that is different from the gender identity listed on the student’s official birth certificate or school records are advised to address the gender identification issue with the local school district well in advance of the deadline for athletic eligibility determinations for a current sports season. Students should not be permitted to participate in practices or to try out for gender-specific sports teams that are different from their publicly identified gender identity at the time or to try out simultaneously for VHSL sports teams of both genders. When a school identifies a transgender student who seeks to participate in VHSL sports and/ or activities, the school principal should submit a letter requesting an appeal to the district chairman and the VHSL executive director. The letter should be responsive to the conditions in the policy below. Privacy Statement: All discussions and documents at all levels of the process either by a member school, appeals panel, and/or the VHSL shall be kept confidential unless specifically requested by the student and family.

Note: VHSL honors and respects all individuals based on gender, gender identity, gender expression, race, sexual orientation and creed while striving to provide safe and equitable competition. VHSL rules and regulations allow transgender student-athlete participation under the following conditions:

1. The student/or parents shall contact the school principal or their designee indicating that the student has a consistent gender identity different than the gender listed on the student’s official birth certificate or school registration records, and that the student desires to participate in activities in a manner consistent with his/her gender identity.

2. The first level of review shall be the District Committee. All documentation supporting the appeal shall be forwarded to the District Chairman. The District Chairman does not have to call a meeting until the request and all materials are filed with the District Chairman. The District Committee (three members only) shall review the case within three working days. The student/appellant is entitled to be present at hearing. If they choose not to attend, a conference call shall suffice. The District Committee must confer with the Executive Director or VHSL Assistant Director for Compliance before rendering a final decision. Within 24 hours, the District Committee will provide the student/appellant in writing the Committee's recommendation as to whether eligibility should or should not be granted. Within 24 hours, the District Chairman will provide the Executive Director with a copy of the District Committee's recommendation plus a copy of the student/appellant's application and documentation.

3. The second level of review shall be the Executive Director and/or Compliance Officer. If the Executive Director concurs with a favorable District Committee decision that eligibility should be granted, the student shall become eligible immediately. In all other cases, the Executive Director will advise the student/appellant of his decision regarding the case, and the student/appellant has the option of requesting in writing that the appeal advances to the Executive Committee. The Executive Director will send a written notice to the student/appellant and the District Chairman.

4. If the recommendation of the District Committee or the decision of the Executive Director is not to grant eligibility, the student/appellant may file a written application for appeal to the Executive Committee. Within 10 working days after the written request and all materials are filed at the VHSL office, the Executive Committee will hear all cases advanced by the Director. The Director will inform all parties of the date, time and site of hearing. The student/appellant is entitled to be present. At least two-thirds favorable vote is required for a waiver. The Executive Committee may not grant retroactive eligibility. The Executive Director will provide the decision in writing to the student/appellant and the District Chairman.

5. Documentation: The student/appellant must provide the principal or their designee and the VHSL with the following documentation and information:

- A written statement from the student affirming the consistent gender identity and expression of which the student relates;
- Documentation – preferably no more than one or two letters – from individuals such as, but not limited to, parents, friends and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent gender identification and expression
- A complete list of all the student's prescribed, non-prescribed or over the counter, treatments or medications;
- Written verification from an appropriate health-care professional (doctor, psychiatrist, and psychologist) of the student's consistent gender identification and expression; and

- Any other pertinent documentation or information which the student or parent(s) believe relevant and appropriate. Note: The VHSL discourages submission of documents providing medical or psychological information that is unrelated to a student's gender identity and/or transgender transition.

6. The school principal or their designee is expected to provide a current transcript and school registration information as well as a statement that he/she has determined that the expression of the student's gender identity is bona fi de and not for the purpose of gaining an unfair advantage in competitive athletics (or indicate that he/she does not believe such is the case).

7. At each level of review, the goal is to determine if the evidence and documentation submitted is sufficient to establish that the expression of the student's gender identity is bona fi de and not for the purpose of gaining an unfair advantage in competitive athletics. In the second and third levels of review (to the Executive Director and the Executive Committee), consultation with medical professionals from the VHSL Frank C. McCue Sports Medicine Advisory Committee (SMAC) or those familiar with World Professional Association for Transgender Health (WPATH) protocols for transitioning (the process by which a transgender person lives consistently with their gender identity) is encouraged.

8. As a general matter, after the issue of gender identity has been addressed by the student and the VHSL appeals process, the determination shall remain consistent for the remainder of the student's high school sports eligibility and does not need to be renewed every sports season or school year.