



Subject: 2023 Model Policies Updates **Item Number:** 12B

Section: Information **Date:** October 10, 2023

Senior Staff: Eugene F. Soltner, Ed.D., Chief of Staff

Prepared by: Kamala H. Lannetti, School Board Attorney; Eugene F. Soltner, Ed.D., Chief of Staff

Presenter(s): Eugene F. Soltner, Ed.D., Chief of Staff

Recommendation:

That the School Board review existing policies and regulations updates and determine how the School Board intends to proceed with complying with the Virginia Department of Education's 2023 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 School Administration and the School Board Attorney have proposed amendments to or adoption of regulations to be consistent with the 2023 Model Policies. The board has discussed Model Policies at meetings on August 8 (Information), August 22 (Action/Information), September 12 (Workshop), September 25 (Special Meeting), and September 26 (Information). The School Board is asked to review the current proposal with a focus on those few areas where majority agreement does not exist.

The School Board will review and act on the recommendations on proposed regulation amendments related to complying with the 2023 Model Policies

Source:

Code of Virginia §22.1-23.3, as amended.

Budget Impact:

N/A



Model Policies on Ensuring Privacy, Dignity, and Respect for all Students and Parents in Virginia's Public Schools

School Board Information
Office of the Superintendent
October 10, 2023

Model Policies Timeline

- July 18: Model Policies Approved by Governor
- August 8: Mrs. Manning's Resolution (Information)
- August 22: Mrs. Manning's Resolution (Action)
- August 22: Policy 5-7 and 5-31 Discussed (Information)
- September 12: Model Policies (Workshop)
- September 25: Model Policies (Special Meeting)
- September 26: Model Policies (Information)
- October 10: Model Policies (Information and Action)

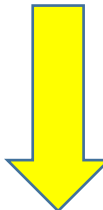
Student Records

C2 5-7.1.B.6: 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 issued identification, passport or court order substantiating the change of the student's legal name or sex.

D5 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 **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 or court order, substantiating the change in the student's legal name or sex.

5-31 A "Transgender student" means a VBCPS student whose parent has stated in writing that the student's gender identity differs from the student's sex, or an eligible student who states in writing that the student's 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.**

Student Records



Student Name: **SUNSHINE, ABRAHAM M.** School: **Bayside High School** Teacher: **Beck, Paul** Room: **304**

Demographics Other Info Parent/Guardian Emergency Enrollment Enrollment History Classes Documents Student Contact Log

Last Name	First Name	Middle Name	Suffix	Perm ID	Grade	State Testing ID	Type of Instruction
SUNSHINE	ABRAHAM	MATTHEW		482228	09	1021400485	Face to Face

Student Information

No Photo

 Edupoint

On file

Gender	Home Language	Spoken by Student at Home	Primary Language	Other	
Male	ENGLISH				
Nick Name	Last Name Goes By	AKA Last Name	AKA First Name	AKA Middle Name	AKA Suffix
MATT					
Birth Date	Birth Place	Birth State	Birth Country		
07/10/2008			UNITED STATES		
Birth Verification	Birth Verification Other	Birth Certificate Num	Email		
			email@edupoint.com		

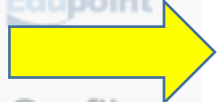
Student Records



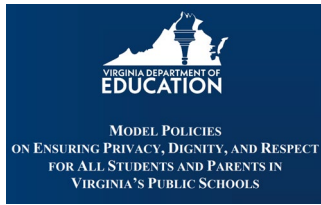
Student Name: **SUNSHINE, ABRAHAM M.** School: **Bayside High School** Teacher: **Beck, Paul** Room: **304**

Demographics	Other Info	Parent/Guardian	Emergency	Enrollment	Enrollment History	Classes	Documents
Last Name	First Name	Middle Name	Suffix	Perm ID	Grade	State Testing ID	Type of Instruction
SUNSHINE	ABRAHAM	MATTHEW		482228	09	1021400485	Face to Face

Student Information

No Photo Edupoint  On file	Gender	Home Language	Spoken by Student at Home	Primary Language	Other	
	Male	ENGLISH				
	Nick Name	Last Name Goes By	AKA Last Name	AKA First Name	AKA Middle Name	AKA Suffix
	MICHELLE					
Birth Date	Birth Place	Birth State	Birth Country			
07/10/2008			UNITED STATES			
Birth Verification	Birth Verification Other	Birth Certificate Num	Email			
			email@edupoint.com			

Identification of Students



D2. [School Division] personnel shall refer to each student using only (i) the name that appears in the student's official record, or (ii) 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.



D2. 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, b) a nickname that the eligible student or the **parent of a minor student has designated** in the student's official record, or **(c) commonly associated with the name that appears in the student's official record.** If the parent notes the nickname supersedes the official name, the nickname is to be used. 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.

Rationale

5-31 A "Transgender student" means a VBCPS student whose parent has stated in writing that the student's gender identity differs from the student's sex, or an eligible student who states in writing that the student's 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.**

Student Records

Student Name: **SUNSHINE, ABRAHAM M.** School: **Bayside High School** Teacher: **Beck, Paul** Room: **304**

Demographics

Other Info

Parent/Guardian

Emergency

Enrollment

Enrollment History

Classes

Documents

Last Name

First Name

Middle Name

Suffix

Perm ID

Grade

State Testing ID

Type of Instruction

SUNSHINE

ABRAHAM

MATTHEW

482228

09

1021400485

Face to Face

Student Information

No Photo

Edupoint

On file

Gender

Male

Home Language

ENGLISH

Spoken by Student at Home

Primary Language

Nick Name

ABE

Last Name Goes By

AKA Last Name

AKA First Name

AKA Middle Name

AKA Suffix

Birth Date

07/10/2008

Birth Place

Birth State

Birth Country

UNITED STATES

Birth Verification

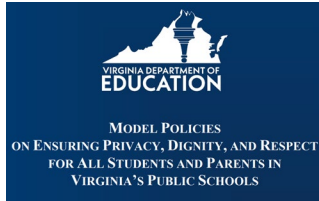
Birth Verification Other

Birth Certificate Num

Email

email@edupoint.com

Identification of Students



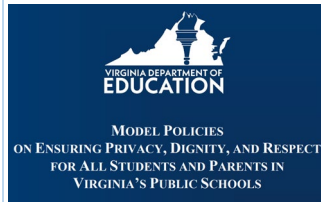
D3: [School Division] personnel shall refer to each student using only the pronouns appropriate to the **sex appearing in the student's official record** - that is, male pronouns for a student whose sex is male, and female pronouns for a student whose sex is female.



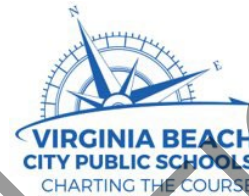
Proposed:

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 record**, or b) the pronoun **that the eligible student or parent of a minor student has designated in the student's official records**. 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.

Identification of Students



D4. 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.**



Revised Proposed:

5-7.1.B.3: Notwithstanding the provisions of (5-7.1.B.1) and (5-7.1.B.2) of this regulation, [School Division] personnel shall refer to a student by a name other than one in the student's official record, or by a pronoun 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.

Student Participation in Sex-Specific Activities/Facilities



G2. Where state or federal law requires schools to permit transgender students to use 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. (G4:) Students shall use bathrooms that correspond to his or her sex, except to the extent that federal law otherwise requires. See *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020).



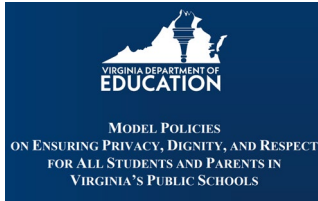
Proposed: 5-44.2

Use of Restrooms, locker rooms and changing facilities: Students are entitled to be safe in and use restrooms, locker rooms, and changing facilities without harassment, discrimination, fear, or intimidation.

A. Restrooms: Students will use the restrooms that correspond to the student's sex as designated in the student's official record, unless state or federal law require modifications. Where law requires such modification, no student will be required to share restrooms and may use single-user restrooms or other reasonable alternatives. All students will have access to single-user restrooms and will not be required to have permission to access such facilities. Menstrual supplies shall be available in accessible restrooms in elementary schools and in restrooms of each middle and high school.

B. Locker rooms and changing facilities: Students will use locker rooms and changing facilities that correspond to the student's sex as designated in the student's official record. Should state or federal law require that students be allowed to use locker rooms and changing facilities other than by the student's sex as designated in the student's official record, reasonable accommodations will be provided for the student. Where law requires such modification, no student will be required to share locker rooms or changing facilities and may request other reasonable alternatives.

Student Participation in Sex-Specific Activities/Facilities



G3. 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.



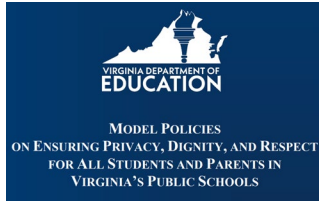
Proposed:

6-56.1.F.2: Students will use the rooming, bathing, and changing facilities that align with the student's **sex** as designated in the student's official record, unless state or federal law requires other modifications. Where law requires such modifications, no student will be required to share rooming, bathing or changing facilities and may request single user facilities or accommodations that provide single user privacy.

Previously Proposed and Existing (bold) Blended:

6-56.1.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.

Student Participation in Sex-Specific Activities/Facilities



G5. Single-user bathrooms and facilities should be made available in accessible areas and provided with appropriate signage, indicating accessibility for all students.



Proposed: 5-44.2

Restrooms, locker rooms and changing facilities:

Students are entitled to be safe in and use restrooms, locker rooms, and changing facilities without harassment, discrimination, fear, or intimidation.

A. Restrooms: Students will use the restrooms that correspond to the student's sex as designated in the student's official record, unless state or federal law require modifications. Where law requires such modification, no student will be required to share restrooms and may use single-user restrooms or other reasonable alternatives. All students will have access to single-user restrooms and will not be required to have permission to access such facilities. Menstrual supplies shall be available in accessible locations in elementary schools and in restrooms of each middle and high school.

Athletics



H. 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.



Proposed:

5-49.1. 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.



**MODEL POLICIES
ON ENSURING PRIVACY, DIGNITY, AND RESPECT
FOR ALL STUDENTS AND PARENTS IN
VIRGINIA'S PUBLIC SCHOOLS**



Questions

STUDENTS

Treatment of Transgender Students

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.

~~3.4.~~ 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 that the 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), as amended, (prohibiting parental contact where student is at imminent risk of suicide related to parental abuse or neglect).

B. Student name and gender pronouns

1. Names and nicknames

~~School personnel shall refer to each student using only: a) the name that appears in the student's official record; b) a nickname that the eligible student or the parent of a minor student has designated in the student's official record; or c) nicknames commonly associated with the name in the student's official record. If the parent notes that the nickname supersedes the official name, the nickname is to be used. Names, titles, or nicknames, associated with academic instruction or extracurricular activities may refer to a student without being noted in the student's official record. 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. A student or parent requesting a different pronoun other than those listed in this item should notify the principal or designee.~~

2. Student pronouns

School personnel shall refer to a student using only: a) the pronoun associated with the student's sex or gender identity as set forth in the student's official records; or b) the pronoun the eligible student or the 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 the parent of a minor student requesting a different pronoun other than those listed in this item should notify the principal designee.

3. Notwithstanding the provisions of (B)(1) and (B)(2) of this Regulation, school personnel shall refer to a student by a name other than the 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 the parent of a minor student has instructed the School Division in writing that such other name or pronoun be used.

4. Use of a student's designated names, nicknames, and pronouns

a. School personnel and students who are not informed by the School Administration of the designated names, nicknames and pronoun in the student's official record will not be found to have discriminated against or harassed the student for not using the designated names, nicknames, or pronoun.

b. Inadvertent or mistaken use of a name, nickname and/or pronoun not listed in the student's official record will not constitute discrimination or harassment if the School Administration determined that there was no ill will or intention to intimidate or harass the student. Reasonable efforts will be made to inform the person not using the student's designated names, nicknames, and pronoun.

c. Notwithstanding the other provisions of this Regulation, the 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. Students requesting consultation regarding gender

At the request of a parent of a minor student, the school should designate an administrator or counselor 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.

6. Student official records will reflect the legal name and sex

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 or former student's official record will so reflect those, 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.

~~1. 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.~~

~~2. School personnel and students who are not informed of the requested name and gender pronoun by the school administration will not be found to have discriminated against or harassed the student for not using the requested name or gender pronoun.~~

~~3.2. Inadvertent or mistaken use of a student's preferred name and/or gender pronoun 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 preferred name or pronoun and that compliance with this Regulation and related policies and regulations is required.~~

~~4. 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.~~

~~5. Student records (i.e. birth certificate, Student Information System, final transcript) that require the student's legal name and 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.~~

C. Participation in school activities and events- not competitive sports

Sex and gGender-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 gGender 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. 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. The School Division shall provide reasonable modifications to this Regulation to the extent provided by law. Whenever schools provide gender specific activities such as physical education classes; students should be allowed to participate in a manner consistent with their gender identity. 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 gender identity.~~
- ~~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

STUDENTS

Use of restrooms, locker rooms and changing facilities

Students are entitled to be safe in and use restrooms, locker rooms, and changing facilities without harassment, discrimination, fear, or intimidation.

A. Restrooms

Students will use the restrooms that correspond to the student's sex as designated in the student's official record, unless state or federal law require modifications. Where law requires such modification, no student will be required to share restrooms and may use single-user restrooms or other reasonable alternatives. All students will have access to single-user restrooms and will not be required to have permission to access such facilities. Menstrual supplies shall be available in accessible locations in elementary schools and in restrooms of each middle and high school.

B. Locker rooms and changing facilities

Students will use locker rooms and changing facilities that correspond to the student's sex as designated in the student's official record. Should state or federal law require that students be allowed to use locker rooms and changing facilities other than by the student's sex as designated in the student's official record, reasonable accommodations will be provided for the student. Where law requires such modification, no student will be required to share locker rooms or changing facilities and may request other reasonable alternatives.

~~Access to facilities such as restrooms and locker rooms that correspond to a student's gender identity 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. 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

Amended by School Board: 2023

Field/Class/Curriculum or Extra-curricular Trips 6-56.1

School Board of the City of Virginia Beach
Regulation 6-56.1

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 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 will use ~~may choose t~~ the rooming, bathing, and changing facilities that align with the student's sex as designated in the student's official record, unless state or federal law requires other modifications. Where law requires such modifications, ~~gender identity. Nno student will be required to share rooming, bathing or changing facilities and may request single user facilities or accommodations that provide single usedr privacyfor 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.

H. 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.

Related Links

Division **Regulation 4-25.1**

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; 2021

STUDENTS

Eligibility

A. Virginia High School League (VHSL) Sponsored Interscholastic Competition

1. Generally

To be eligible to represent a school in any Virginia High School League (VHSL) sponsored interscholastic contest a student shall meet the following requirements:

- a. The student shall be a regular bona fide student in good standing of the school which he or she represents;
- b. The student shall be enrolled in the last four years of high school. A student must be a ninth grader or higher to be eligible;
- c. The student shall have been regularly enrolled in the school which he or she represents not later than the fifteenth school day of the semester;
- d. The student shall:

~~1.~~ 1) For the first semester, be currently enrolled in not fewer than five subjects, or their equivalent, offered for credit and which may be used for graduation and have passed five subjects, or their equivalent, offered for credit and which may be used for graduation the immediately preceding year or the immediately preceding semester for schools that certify credit on a semester basis; and

~~2.~~ 2) For the second semester, be currently enrolled in not fewer than five subjects, or their equivalent, offered for credit and which may be used for graduation and have passed five subjects, or their equivalent, offered for credit and which may be used for graduation the immediately preceding semester;

~~e.~~ 3) The student shall not have reached the age of 19 on or before the first day of August of the school year in which he or she wishes to compete;

~~f.~~ 4) The student shall not have enrolled in one high school and subsequently transferred to and enrolled in another high school without a corresponding change in the residence of his or her parents, parent, or legal guardian; and

~~g.~~ 5) The student shall not have been enrolled in the last four years of high school for a period of more than eight consecutive semesters, beginning with the semester in which he or she enrolled for the first time in the ninth grade. The eight consecutive semesters shall be counted continuously from that point regardless of whether or not he or she remains continuously enrolled in school.

2. Athletes

In addition to the criteria enumerated in Section A1, athletes shall meet the following requirements:

- a. The student shall be an amateur. An amateur is an athlete who engages in VHSL athletics solely for the educational, physical, mental and social benefits he or she derives there from and to whom VHSL athletics are nothing more than an avocation;
- b. The student shall have submitted to the principal of his or her school, prior to becoming a member of any school athletic squad or team, League Form No. 2 (Athletic Participation Parental Consent Physical Examination Form), completely filled in and properly signed, attesting that he or she has been examined and found to be physically fit for athletic competition, and that his or her parents consent to his or her participation;
- c. The student shall not have accepted nor accept from any source whatsoever, in recognition of or as a reward for his or her athletic skill, any award other than letters, medals, charms, cups, plaques, letter sweaters, or similar trophies, or any award of value other than of intrinsic value. These listed awards may be accepted only when presented or approved by his or her school,

or when earned in VHSL sanctioned meets or tournaments;

- d. For independent team Participation see VHSL Rule 28-11-1;
- e. The student shall not have participated in an all star contest; and
- f. The student shall not have been a member of a college team in the sport in which he or she desires to represent his or her high school.

Editor's Note

~~*For exceptions, interpretations, and penalties see the VHSL Handbook cited in the Regulatory Authority.*~~

B. Academic Requirements for Interscholastic Activities Participation Including Virginia High School League Competition

1. Athletic and academic competition sponsored by the Virginia Beach Middle School League and the Virginia High School League are covered by this Regulation. Intramural sports and individual school extracurricular and club activities are exempt.
2. To be eligible to participate in the interscholastic activities governed by this Regulation, a middle school student must meet the Virginia Beach Middle School League requirements governing eligibility and a high school student must meet the Virginia High School League regulations governing eligibility. Additionally, middle and high school students must have earned a 2.0 grade point average in courses taken the semester immediately preceding the semester in which they want to participate. Final grades earned in courses taken during summer school will be averaged with the semester grades the student earned in courses taken during the second semester to determine a student's second semester grade point average.
3. First time, first semester sixth grade students and first time, first semester ninth grade students are exempted from the 2.0 grade point average requirement.
4. Students who do not meet the grade point average requirement in a given semester and who wish to participate in interscholastic activities have the option to use a waiver available to them one time during the middle school years while a student in Virginia Beach City Public Schools and one time during high school years while a student in Virginia Beach City Public Schools. The waiver may be taken at the discretion of the student.

5. Students with Disabilities

In order to participate in interscholastic activities, students with disabilities eligible for special education and related services under the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) must: (a) make standard progress, as determined by the Individualized Education Program (IEP) team, toward the goals and objectives in their IEP in special education courses; and (b) pass five (5) or more classes (counting all special education and non-special education classes) with a 2.0 grade point average or higher. Students with disabilities who are taking less than five subjects, due to an IEP team determination that a reduced course load is appropriate, must pass all of their classes with a 2.0 grade point average to be eligible to participate in interscholastic activities.

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.

Legal Regulatory Authority

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

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

Title IX of the Education Amendments of 1972, 20 U.S.C. §§1681-1688.

Virginia High School League, Inc. Handbook and Policy Manual, as revised.

8 VAC 20-81-100(H)(2), as amended. Free Appropriate Public Education

Approved by Superintendent: July 16, 1991

Revised by Superintendent: September 14, 1993 (Effective July 14, 1993)

Revised by Superintendent: September 4, 1997

Revised by Superintendent: February 10, 1998

Revised by Superintendent: March 20, 1998

Revised by Superintendent: May 8, 1998

Revised by Superintendent: February 16, 2000
Revised by Superintendent: October 25, 2000
Revised by Superintendent: March 17, 2006
Revised by Superintendent: June 28, 2010
Revised by Superintendent: September 8, 2011
Revised by Superintendent: March 11, 2015
Revised by Superintendent: May 22, 2015

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 action, which may include suspension. 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 substantiated and there was a violation of policy; and c) the process for any party to challenge the findings. The School Division shall be available to hear concerns from students and parents when complaints are not resolved at the school level.
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

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