



Lynchburg City Schools • 915 Court Street • Lynchburg, Virginia 24504

Lynchburg City School Board

Robert O. Brennan
School Board District 1

Sharon Y. Carter
School Board District 2

James E. Coleman, Jr.
School Board District 3

Charleta F. Mason
School Board District 2

Susan D. Morrison
School Board District 1

Michael J. Nilles
School Board District 3

Derek L. Polley
School Board District 1

Katie K. Snyder
School Board District 3

Kimberly A. Sinha
School Board District 2

School Administration

Larry A. Massie
Acting Superintendent

John C. McClain
Assistant Superintendent of
Student Learning and Success

Ben W. Copeland
Assistant Superintendent of
Operations and Administration

Anthony E. Beckles, Sr.
Chief Financial Officer

Wendie L. Sullivan
Clerk

SCHOOL BOARD MEETING
August 15, 2017 5:00 p.m.
School Administration Building
Board Room

A. CLOSED MEETING

- 1. Notice of Closed Meeting
Larry A. Massie. Page 1
Discussion/Action
- 2. Certification of Closed Meeting
Larry A. Massie. Page 2
Discussion/Action

B. PUBLIC COMMENTS

- 1. Public Comments
Michael J. Nilles. Page 3
Discussion/Action (30 Minutes)

C. SPECIAL PRESENTATION

- 1. Paul Munro Elementary School
Larry A. Massie. Page 4
Discussion
- 2. Update on Schools Denied Accreditation
Larry A. Massie. Page 5
Discussion

D. CONSENT AGENDA

- 1. School Board Meeting Minutes: August 1, 2017 (Regular Meeting)
- 2. Personnel Report
Marie F. Gee. Page 6
Discussion/Action
- 3. Regulation JFC-R Standards of Student Conduct
John C. McClain. Page 8
Discussion/Action

E. STUDENT REPRESENTATIVE COMMENTS

F. SCHOOL BOARD COMMITTEE REPORTS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. Hearing Officers
Ben W. Copeland.Page 18
Discussion

2. Administrative Regulation 7-63: Fees/Deposits/Materials/
Reimbursements
John C. McClain.Page 23
Discussion

3. Policy LBD Home Instruction
John C. McClain.Page 25
Discussion

I. SUPERINTENDENT'S COMMENTS

J. BOARD COMMENTS

K. INFORMATIONAL ITEMS

Next School Board Meeting: Tuesday, September 5, 2017, 5:30 p.m.
Board Room, School Administration Building

L. ADJOURNMENT

Agenda Report

Date: 08/15/17

Agenda Number: A-1

Attachments: No

From: Larry A. Massie, Acting Superintendent

Subject: Notice of Closed Meeting

Summary/Description:

Pursuant to the Code of Virginia §2.2-3711 (A) (6), the school board needs to convene a closed meeting for the purpose of discussing the following specific matters:

Consideration of the Investment
of Public Funds

Disposition: **Action**
 Information
 Action at Meeting on:

Recommendation:

The acting superintendent recommends that the school board approve a motion to enter into Closed Meeting in accordance with the Code of Virginia §2.2-3711 (A) (6) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

Agenda Report

Date: 08/15/17

Agenda Number: A-2

Attachments: No

From: Larry A. Massie, Acting Superintendent

Subject: Certification of Closed Meeting

Summary/Description:

The Lynchburg City School Board certifies that, in the closed meeting just concluded, nothing was discussed except the matters specifically identified in the motion to convene in a closed meeting and lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion.

Disposition: **Action**
 Information
 Action at Meeting on:

Recommendation:

The acting superintendent recommends that the school board approve the Certification of Closed Meeting in accordance with the Code of Virginia §2.2-3712(D).

Agenda Report

Date: 08/15/17

Agenda Number: B-1

Attachments: No

From: Michael J. Nilles, School Board Chairman

Subject: Public Comments

Summary/Description:

In accordance with Policy BDDH Public Participation, the school board welcomes requests and comments as established in the guidelines within that policy. Individuals who wish to speak before the school board shall have an opportunity to do so at this time.

Disposition: Action
 Information
 Action at Meeting on:

Recommendation:

The school board chairman recommends that the school board receive this agenda report as an informational item.

Agenda Report

Date: 08/15/17

Agenda Number: C-1

Attachments: No

From: Larry A. Massie, Acting Superintendent

Subject: Paul Munro Elementary School

Summary/Description:

The Virginia Index of Performance program recognizes schools and school divisions for the achievement of excellence goals established by the governor and Board of Education and provides incentives for continuous improvement. Schools and school divisions earn one of the following three awards based on performance during the previous academic year:

- Governor's Award for Educational Excellence
- Board of Education's Excellence Award
- Board of Education's Distinguished Achievement Award

Paul Munro Elementary School has been selected to receive the 2016-17 Virginia Index Performance Board of Education Distinguished Achievement Award based upon data from school years 2014-15 and 2015-16. Schools that receive this award are fully accredited and have made significant progress toward educational goals as established by the governor and the Board of Education. Schools must also earn 75 VIP points (including bonus points) in each content area.

The Lynchburg City School Board and the Lynchburg City Schools applauds the efforts of the students and staff at Paul Munro Elementary School for their exemplary effort and achieving this recognition.

Disposition: Action
 Information
 Action at Meeting on:

Recommendation:

The acting superintendent recommends that the school board receive this agenda report as an informational item.

Agenda Report

Date: 08/15/17

Agenda Number: C-2

Attachments: No

From: Larry A. Massie, Acting Superintendent

Subject: Update on Schools Denied Accreditation

Summary/Description:

The school administration will provide information to the school board regarding the work in progress at Linkhorne Middle School and Thomas C. Miller Elementary School for Innovation, the two schools in the school division that were denied state accreditation this year.

Disposition: Action
 Information
 Action at Meeting on:

Recommendation:

The acting superintendent recommends that the school board receive this agenda report as an informational item.

Agenda Report

Date: 08/15/17

Agenda Number: D-2

Attachments: Yes

From: Larry A. Massie, Acting Superintendent
Marie F. Gee, Director of Personnel

Subject: Personnel Report

Summary/Description:

The personnel recommendations for August 1 – 15, 2017, appear as an attachment to this agenda report.

Disposition: **Action**
 Information
 Action at Meeting on:

Recommendation:

The acting superintendent recommends that the school board approve the personnel recommendations for August 1 – 15, 2017.

NAME	COLLEGE	DEGREE/ EXPERIENCE	SCHOOL/ ASSIGNMENT	EFFECTIVE DATE
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NOMINATIONS, INSTRUCTIONAL PERSONNEL, 2017-2018:

Ewing Kristin	Bluefield College	BA / (Lv. 0	0 yrs 4)	Linkhorne Elementary School 4 th Grade	08-04-2017
Hupe Jeffrey	Liberty University	BA / (Lv. 0	0 yrs 4)	Bedford Hills Elementary School Health & PE	08-21-2017
Leclerc Kristen	Lynchburg College	BS / (Lv. 0	0 yrs 3)	Linkhorne Middle School Business Teacher	08-03-2017
Thornhill Kathryn	Randolph College	MA / (Lv. 1	1 yr 3)	Sandusky Middle School Science Teacher	08-03-2017
Worley William Jr.	Lynchburg College	MA / (Lv. 9	9 yrs 4)	Linkhorne Middle School Special Education	08-08-2017
Younger Terrence	UVA Wise	BA / (Lv. 0	0 yrs 2)	Dunbar Middle School Health & PE	08-16-2017

RESIGNATIONS:

King Charles	Virginia Tech	DOCT / (Lv. 31	31 yrs 2)	Dunbar Middle School Physical Education Teacher	06-09-2017
Richardson Tracy	Virginia Teach	DOCT / (Lv. 10	10 yrs 1)	E.C. Glass High School Principal	08-18-2017
Whitlow Curtis	Lynchburg College	BA / (Lv. 1	1 yr 3)	Bedford Hills Elementary Movement Education Teacher	06-09-2017

Agenda Report

Date: 08/15/17

Agenda Number: D-3

Attachments: Yes

From: Larry A. Massie , Acting Superintendent
John C. McClain, Assistant Superintendent for Student Learning and Success

Subject: Regulation JFC-R Standards of Student Conduct

Summary/Description:

Recent legislative changes with regards to bullying has required Lynchburg City Schools to update our regulation JFC-R Standards of Student Conduct. The revised language provides information about parent notification when acts of bullying occur at school and the time frame in which this notification should occur. The regulation with the revisions appears as an attachment to the agenda report.

Disposition: **Action**
 Information
 Action at Meeting on:

Recommendation:

The acting superintendent recommends that the school board approve the revisions to Regulation JFC-R Standards of Student Conduct.

STANDARDS OF STUDENT CONDUCT

Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights. The standards of student conduct, a notice of the requirements of §22.1-279.3 of the Code of Virginia, 1950, as amended, and a copy of the compulsory school attendance law shall be sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of the standards of student conduct, the requirements of the Code of Virginia § 22.1-279.3, and the compulsory school attendance law shall also be sent. Parents shall be notified that by signing the statement of receipt, parents are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school shall maintain records of the signed statements.

A. The following are standards of student conduct established by the School Board for all students. The consequences of any act are determined on the basis of the facts presented in each situation in the reasonable discretion of the Board, its designated committees and other appropriate school officials.

1. Assault and Battery

A student shall not assault or commit battery upon another person on school property, on school buses or during school activities on or off school property.

An assault is a threat of bodily injury.

A battery is any bodily hurt, however slight, done to another in an angry, rude or vengeful manner.

2. Attendance; Truancy

Students shall attend school on a regular and punctual basis unless otherwise excused in accordance with School Board policy or regulation. (See Policy P 7-15 Student Attendance)

If a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

3. Bomb Threats

Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices or hoax explosive devices or chemical bombs as defined in the Code of Virginia. Moreover, students shall not make any threats or false threats to bomb school personnel or school property.

4. Bullying

A student, either individually or as a part of a group, shall not bully others either in person or by the use of any communication technology including computer systems, telephones, pagers, or instant messaging systems. Prohibited conduct includes, but is not limited to, physical, verbal, or written intimidation, taunting, name-calling, and insults and any combination of prohibited activities. *{The principal shall notify the parent of any student involved in an alleged incident of bullying, as defined herein, of the status of any investigation within five school days of the allegation of bullying.}*

"Bullying" means 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. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument or peer conflict.

5. Bus-Related Offenses

Students shall not behave in a disruptive manner or otherwise violate these Standards of Conduct while waiting for a school bus, while on a school bus or after being discharged from a school bus. (See policy JFCC—Student Conduct on School Buses)

6. Cheating

Students are expected to perform honestly on schoolwork and tests. The following actions are prohibited:

- cheating on a test or assigned work by giving, receiving, offering and/or soliciting information
- plagiarizing by copying the language, structure, idea and/or thoughts of another
- falsifying statements on any assigned schoolwork, tests or other school documents

7. Personal Electronic Communication Devices

Students enrolled in grades 9-12 may have a personal electronic communication device (e.g. cell phone) in their possession before, during, or after the regular

hours of operation of the school day. The device may be used in non-instructional times and spaces (e.g. in hallways, cafeteria, on buses) so long as it is not disruptive and is not used to record others when there is a reasonable expectation of privacy.

Students enrolled in elementary and middle schools may have a personal electronic communication device (e.g. cell phone) in their possession. However, the devices must be turned off and remain out of sight (e.g. in a book bag or locker) throughout the regular school day. (See Policy JFCZ Personal Electronic Communication Devices)

8. Defiance of the Authority of School Personnel

Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by Board policies and regulations.

9. Disruptive Conduct

Students are entitled to a learning environment free of unnecessary disruption. Any physical or verbal disturbance which interrupts or interferes with teaching and orderly conduct of school activities, is prohibited.

10. Electronic Cigarettes

Students shall not possess electronic cigarettes or vaporizers on school premises, on school buses or at school sponsored activities. (See policy KGC Use of Tobacco and Electronic Cigarettes on School Premises)

11. Extortion

No student may obtain or attempt to obtain anything of value from another by using a threat of any kind.

12. Felony Charges

Students charged with any offense, wherever committed, that would be a felony if committed by an adult may be disciplined and/or required to participate in prevention/ intervention activities.

13. Fighting

Exchanging mutual physical contact between two or more persons by pushing, shoving or hitting with or without injury is prohibited.

14. Gambling

A student shall not bet money or other things of value, or knowingly play or participate in any game involving such a bet, on school property, on school buses or during any school related activity.

15. Gang Activity

Gang-related activity is not tolerated. Symbols of gang membership are expressly prohibited (i.e., clothing that symbolizes association, rituals associated with, or activities by an identified group of students). (See Policy JFCE Gang Activity or Association).

16. Harassment

A student shall not harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions. (See policy JFHA/GBA Prohibition Against Harassment and Retaliation)

17. Hazing

Students shall not engage in hazing.

Hazing means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

The principal of any school at which hazing causes bodily injury shall report the hazing to the local Commonwealth Attorney.

18. Internet Use

Students shall abide by the Lynchburg City School Division's Acceptable Computer Use Policy and Regulation. (See Policy IIBEA Acceptable Computer System Use.)

19. Laser Pointers

Students shall not have in their possession laser pointers.

20. Other Conduct

In addition to these specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process or which is otherwise a violation of federal, state or local law.

21. Possession or Use of Weapons or Other Dangerous Articles

Students shall not have in their possession any firearm or other dangerous weapon or device. (See Policy JFCD Weapons in School.)

22. Profane, Obscene or Abusive Language or Conduct

Students shall not use vulgar, profane or obscene language or gestures or engage in conduct that is vulgar, profane, obscene, or disrupts the teaching and learning environment.

23. Reports of Conviction or Adjudication of Delinquency

Any student for whom the Superintendent has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § [16.1-260](#) may be suspended or expelled.

24. Stalking

Students shall not engage in a pattern of behavior that places another person in fear of serious harm.

25. Student Dress

Students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable. Clothing with language or images that are vulgar, discriminatory, or obscene, or clothing that promotes illegal or violent conduct, such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia or clothing that contains threats such as gang symbols is prohibited.

Clothing should conform to standards of safety and be appropriate for the learning environment. Clothing that does not meet these standards includes the following:

- Loose fitting clothing that could cause safety hazards
- Flip-flops and other footwear that are tripping hazards or injury risks
- Clothing that exposes or highlights private areas or shows an excessive amount

of bare skin

- Hats and other head coverings, unless for religious or health purposes

Additionally, disciplinary action will be taken against any student taking part in gang-related activities that are disruptive to the school environment, which include the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a gang that advocates illegal or disruptive behavior.

Parent(s)/guardian(s) of students requiring accommodation for religious beliefs, disabilities, or other good causes should contact the principal.

Students not complying with this policy will be asked to cover the noncomplying clothing, change clothes, or go home.

26. Theft

A student shall not intentionally take or attempt to take the personal property of another person by force, fear or other means.

27. Threats or Intimidation

Students shall not make any verbal, written, or physical threat of bodily injury or use of force directed toward another person. Students shall not use electronic technology or communication devices, such as the internet or cell phones, to intimidate or threaten for any reason.

28. Trespassing

Students shall not trespass on school property or use school facilities without proper authority or permission, or during a period of suspension or expulsion.

29. Use and/or Possession of Alcohol, Tobacco, Anabolic Steroids, and Other Drugs

A student shall not possess, use, or distribute any of the restricted substances listed below on school property, on school buses or during school activities, on or off school property.

A student shall not attempt to possess, use, consume, procure and/or purchase, any of the restricted substances listed below or what is represented by or to the student to be any of the restricted substances listed below or what the student believes is any of the restricted substances listed below.

A student shall not be under the influence of any of the restricted substances listed below, regardless of whether the student's condition amounts to legal intoxication.

Restricted substances include but are not limited to alcohol, tobacco and inhalant products, and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia and any prescription or non-prescription drug possessed in violation of School Board policy.

The School Board may require a student who has been found in possession of, or under the influence of, drugs or alcohol in violation of School Board policy to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

In addition to any other consequences which may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic athletic competition if the school principal and the division Superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

30. Vandalism

Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board. In addition, students shall not willfully or maliciously damage or deface property belonging to or under the control of any other person at school, on a school bus or at school-sponsored events. When a student injures, destroys, or defaces school property, including school buses, the student and his/her parent or guardian shall be required to pay for the damage.

B. Corrective Actions

The following corrective actions are among those available to the school administration for violation of the Student Code of Conduct. The facts and circumstances of each offense are considered fully in determining reasonable corrective actions.

1. Counseling
2. Admonition
3. Reprimand

4. Loss of privileges, including access to the School Division’s computer system
5. Parental conferences
6. Modification of student classroom assignment or schedule
7. Student behavior contract
8. Referral to student support services
9. Removal from class
10. Initiation of child study process
11. Referral to in-school intervention, mediation, or community service programs
12. Tasks or restrictions assigned by the principal or his designee
13. Detention after school or before school
14. Suspension from school-sponsored activities or events prior to, during, or after the regular school day
15. Alternative Instructional Arrangement (AIA)
16. Out-of-school suspension
17. Referral to an alternative education program
18. Notification of legal authority where appropriate
19. Recommendation for expulsion including recommendation for expulsion for possessing a firearm, destructive device, firearm muffler, firearm silencer or pneumatic gun on school property or at a school-sponsored event and recommendation for expulsion for having brought a controlled substance, imitation controlled substance or marijuana onto school property or to a school sponsored activity
20. Participation in a drug, alcohol or violence intervention, prevention or treatment program.

Adopted: July 12, 2016

Legal Refs.: Code of Virginia, 1950, as amended, §§ 18.2-56, 18.2-83, 18.2-85, 18.2-87.1, 18.2-119, 18.2-308, 18.2-308.1, 18.2-308.7, 18.2-371.2, 18.2-433.1, 22.1-70.2, 22.1-78, 22.1-202, 22.1-253.13:7.C.3, 22.1-276.3, 22.1-277, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.6, 22.1-280.4, 46.2-323, 46.2-334.001.

Student Code of Conduct Policy Guidelines (Virginia Board of Education January 2015).

Information Brief: Cyberbullying and School Policy (Virginia Department of Education August 2008).

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	ECAB	Vandalism
	GAB/IIBEA	Acceptable Computer System Use
	GAB-R/IIBEA-R	Acceptable Computer System Use Regulation

GBECA	Electronic Cigarettes
IEA	Pledge of Allegiance
IGAG	Teaching About Drugs, Alcohol and Tobacco
JED	Student Absences/Excuses/Dismissals
JFC	Student Conduct
JFCC	Student Conduct on School Buses
JFCD	Weapons in School
JFCE	Gang Activity or Association
JFCF	Drugs in School
JFHA/GBA	Prohibition Against Harassment and Retaliation
JGA	Corporal Punishment
JGD/JGE	Student Suspension/Expulsion
JGDA	Disciplining Students with Disabilities
JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
JHCD	Administering Medicines to Students
JN	Student Fees, Fines and Charges

Agenda Report

Date: 08/15/17

Agenda Number: H-1

Attachments: Yes

From: Larry A. Massie, Acting Superintendent
Ben W. Copeland, Assistant Superintendent for Operations and Administration

Subject: Hearing Officers

Summary/Description:

In accordance with the *Code of Virginia §22.1-311 Hearing before a School Board or Hearing Officer*, and *Virginia Administrative Code 8VAC20-90-70 Procedure for Dismissals*, teachers may request a hearing as part of the grievance process. This hearing may be conducted by the school board, or if the school board chooses, it may be conducted by a hearing officer who is appointed by the school board.

Hearing Officers should be appointed prior to being asked to conduct a hearing. The school administration has contacted the individuals listed below who have agreed to act as hearing officers for the school board. Copies of the Codes appear as attachments to the agenda report.

William Austin, Jr.
Linda J. Barnett
Albert L. Billingsly
Richard A. Burge
Mary Ann Hoss
Roger E. Jones

Roger L. Roberts
Mark R. Storm
Diane S. Swain
J. Marie Waller
Charles B. White

Disposition: Action
 Information
 Action at Meeting on: 09/05/17

Recommendation:

The acting superintendent recommends that the school board receive this agenda report as an informational item and consider action at the school board meeting on September 5, 2017.

Code of Virginia

Title 22.1. Education

Chapter 15. Teachers, Officers and Employees

§ 22.1-311. Hearing before school board or hearing officer

A. Upon a timely request for a hearing pursuant to § 22.1-309, the school board or, at the option of the school board, a hearing officer appointed by the school board shall set a hearing within 15 days of the request and the teacher shall be given at least five days' written notice of the time and the place. The hearing shall be private unless the teacher requests the hearing to be public. At the hearing the teacher may appear with or without a representative and be heard, presenting testimony of witnesses and other evidence. The school board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing or hold a separate hearing for each action.

B. Each school board may appoint an impartial hearing officer from outside the school division to conduct hearings pursuant to this section. A hearing officer shall not have been involved in the recommendation of dismissal as a witness or a representative. A hearing officer shall possess some knowledge and expertise in public education and education law and be capable of presiding over an administrative hearing. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall make a written recommendation to the school board, a copy of which shall be provided to the teacher. The hearing officer shall transmit the recommendation and the record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing. In the event of a hearing before a hearing officer, the school board may make its decision upon the record or recording of such hearing, pursuant to § 22.1-313, or the school board may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place to the teacher and the division superintendent within 10 business days after the board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the school board.

C. A record or recording of any hearing conducted pursuant to this section shall be made. The parties shall share the cost of the recording equally. In proceedings concerning grievances not related to dismissal, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation. In cases of dismissal, the record or recording shall be preserved for a period of six months. If the school board requests that a transcript be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the cost of the transcription.

D. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

Code 1950, § 22-217.7; 1968, c. 691; 1976, c. 282; 1980, c. 559; 2004, c. 1007; 2013, cc. 588, 650.

Agenda Report Attachment

Virginia Administrative Code

Title 8. Education

Agency 20. State Board of Education

Chapter 90. Procedure for Adjusting Grievances

8VAC20-90-70. Procedure for Dismissals.

A. Notice to teacher of recommendation for dismissal.

1. In the event a division superintendent determines to recommend dismissal of any teacher, written notice shall be sent to the teacher on forms prescribed by the Board of Education notifying him of the proposed dismissal and informing the teacher that within 10 business days after receiving the notice, the teacher may request a hearing before the school board or, at the option of the school board, a hearing officer appointed by the school board, as provided in § 22.1-311 of the Code of Virginia.

2. During such 10-business-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed, or acted upon by the school board except as provided for herein.

3. At the request of the teacher, the superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § 22.1-311 or 22.1-312 of the Code of Virginia, the division superintendent shall provide, within 10 days of the request, the teacher, or his representative, with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal. Within 10 days of the request of the division superintendent, the teacher, or his representative, shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later that may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

4. Upon a timely request for a hearing, the school board or, at the school board's option, a hearing officer appointed by the school board shall set a hearing within 15 days of the request and the teacher shall be given at least five days' written notice of the time and the place of the hearing.

B. Procedure for hearing.

1. The hearing shall be conducted by the school board or, at the school board's option, a hearing officer appointed by the school board. The teacher and the division superintendent may be represented by legal counsel or other representatives. The hearing shall be private, unless the teacher requests a public hearing. The school board or hearing officer, as the

Agenda Report Attachment

case may be, shall establish the rules for the conduct of the hearing, and such rules shall include the opportunity for the teacher and the division superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses, and the right of all parties to cross-examine the witnesses. Witnesses may be questioned by the school board or hearing officer.

2. The parties shall produce such additional evidence as the school board or hearing officer may deem necessary to an understanding and determination of the dispute. The school board or hearing officer shall determine the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the school board or hearing officer and of the parties.

3. Exhibits offered by the teacher or the division superintendent may be received in evidence by the school board or hearing officer and, when so received, shall be marked and made a part of the record.

4. A stenographic record or tape recording of the proceedings shall be taken. The two parties shall share the cost of the recording equally. The record or recording of the proceedings shall be preserved for a period of six months. If the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the transcription.

5. The teacher shall bear his own expenses. The school board shall bear the expenses of the division superintendent and the hearing officer.

6. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

7. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing officer shall be based exclusively upon the evidence presented at the hearing. Upon the hearing officer's own motion or upon application by the teacher or the division superintendent, the hearing officer may reopen the hearing for the purpose of hearing after-discovered evidence upon a finding of good cause by the hearing officer at any time before his recommendation is due. The hearing officer shall transmit his written recommendation and a record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing.

8. In the event of a hearing by a hearing officer, the school board may make its decision upon the record or recording of such hearing or the school board may elect to conduct a further hearing to receive additional evidence. The school board must hold such further hearing as soon as practicable and must give written notice of the time and place of such further hearing to the division superintendent and the teacher within 10 business days after the board received the record or recording of the initial hearing. The notice must specify each matter to be inquired into by the school board. The school board shall determine the procedure to be followed at such further hearing.

Agenda Report Attachment

C. School board determination.

1. In the event of a hearing before the school board, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after the hearing. The decision of the school board shall be reached after considering the evidence and information presented at the school board hearing.
2. In the event of a hearing before a hearing officer followed by a further hearing by the school board pursuant to subdivision B 8 of this section, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after such further hearing. The decision of the school board shall be reached after considering the record or recording of the initial hearing, the recommendations of the hearing officer, and the evidence and information presented at the further hearing before the school board.
3. In the event of a hearing before a hearing officer in cases in which no further hearing is conducted by the school board, the school board shall give the teacher its written decision as soon as practicable and no more than 30 days after receiving the record or recording of the hearing. The decision of the school board shall be reached after considering the record or recording of the hearing and the recommendations of the hearing officer.
4. The school board may dismiss or suspend a teacher upon a majority vote of a quorum of the school board. The school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings; the grievant; the grievant's attorney or representative; and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the superintendent shall be excluded from any executive session of the school board that has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

Statutory Authority

§§ 22.1-16 and 22.1-308 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0008 § 3.1, eff. February 1, 1986; amended, Virginia Register Volume 21, Issue 14, eff. May 2, 2005; Volume 33, Issue 5, eff. November 30, 2016.

Agenda Report

Date: 08/15/17

Agenda Number: H-2

Attachments: Yes

From: Larry A. Massie, Acting Superintendent
John C. McClain, Assistant Superintendent for Student Learning and Success

Subject: Administrative Regulation 7-63: Fees/Deposits/Materials/Reimbursements

Summary/Description:

On July 11, 2017, the school board approved Policy JN Student Fees, Fines, and Charges and Regulation JNZ-R Student Fees, Fines, and Charges. These replaced School Board Policy 7-63: Fees/Materials/Deposits/Reimbursements and School Board Policy 4-20: Tuition Fees. Following the school board's action, it was discovered that Administrative Regulation 7-63: Fees/Deposits/Materials/Reimbursements would be replaced by Policy JN and Regulation JNZ-R.

The school administration is requesting that Administrative Regulation 7-63: Fees/Deposits/Materials/Reimbursements be replaced with Policy JN Student Fees, Fines, and charges and Regulation JNZ-R Student Fees, Fines, and Charges.

Disposition: Action
 Information
 Action at Meeting on: 09/05/17

Recommendation:

The acting superintendent recommends that the school board receive this agenda report as an informational item and consider action at the school board meeting on September 5, 2017.

STUDENTS

Fee Schedule

Student fees are approved periodically by the school board. A fee schedule will be distributed annually as a special memorandum.

Approved by School Board:

Agenda Report

Date: 08/15/17

Agenda Number: H-3

Attachments: Yes

From: Larry A. Massie, Acting Superintendent
John C. McClain, Assistant Superintendent for Student Learning and Success

Subject: Policy LBD Home Instruction

Summary/Description:

Policy LBD Home Instruction has been developed from the recommended policy update from VSBA. This policy addresses home instruction and adds language to address a recent change in the Virginia Code regarding notification to parents of the availability of certain exams.

Disposition: Action
 Information
 Action at Meeting on: 09/05/17

Recommendation:

The acting superintendent recommends that the school board receive this agenda report as an informational item and consider action at the school board meeting on September 5, 2017.

HOME INSTRUCTION

The Lynchburg City School Board recognizes that when the requirements of Va. Code § 22.1-254.1 are complied with instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if the parent

- holds a high school diploma;
- is a teacher of qualifications prescribed by the Board of Education;
- provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or
- provides evidence that the parent is able to provide an adequate education for the child.

DEFINITION

For purposes of this policy, "parent" means any parent, guardian, legal custodian or other person having control or charge of a child.

NOTIFICATION BY PARENTS

Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the superintendent no later than August 15 of the parent's intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year and evidence of having met one of the criteria for providing home instruction. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the superintendent of the parent's intention to provide home instruction as soon as practicable and shall comply with the requirements of this policy within thirty days of such notice. The superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

EVIDENCE OF PROGRESS

A parent who elects to provide home instruction to a child who is over the age of six as of September 30 of the school year shall provide the superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine any nationally normed standardized achievement test or an equivalent score on the ACT, SAT or PSAT test or (ii) an evaluation or assessment which the superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the

child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the superintendent evidence of their ability to provide an adequate education for their child and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with Va. Code § 22.1-254.

IMMUNIZATIONS

Any parent, guardian or other person having control or charge of a child being home instructed, exempted or excused from school attendance shall comply with the immunization requirements provided in Va. Code § 32.1-46 in the same manner and to the same extent as if the child has been enrolled in and is attending school.

Upon request by the superintendent, the parent shall submit to the superintendent documentary proof of immunization in compliance with Va. Code § 32.1-46.

No proof of immunization shall be required of any child upon submission of (i) an affidavit to the superintendent stating that the administration of immunizing agents conflicts with the parent's or guardian's religious tenets or practices or (ii) a written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature of the medical condition or circumstance that contraindicates immunization.

NOTIFICATION TO PARENTS

~~Students receiving home instruction and their parents will be notified of the availability of Advanced Placement (AP) and Preliminary SAT (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. Such notice will be given when the parent notifies the division that the student will receive home instruction.~~ Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) and PreACT examinations are available to students receiving home instruction pursuant to Va. Code § 22.1-254.1. The superintendent establishes a schedule identifying the dates by which students receiving home instruction must register to participate in such examinations.

The superintendent notifies students receiving home instruction and their parents of the registration deadlines and the availability of financial assistance to low-income and needy students to take such examinations.

DISCLOSURE OF INFORMATION

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

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-254, 22.1-254.1, 22.1-271.4, 32.1-46, 54.1-2952.2.

Pollard v. Goochland County School Board, No. 3:00CV563 (E.D. Va. Sept. 27, 2001).

Cross Ref.: JO Student Records