

Required Notifications

(revised July 29, 2019)

The following list provides a very brief description of notifications required by state and/or federal law or regulation. It is not designed to provide a comprehensive description of the various requirements or notifications.

Asbestos

Each school division must annually notify parents, employees and other building occupants about asbestos inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress. [40 C.F.R. 763.84\(c\)](#).

Availability of School Division Policies and Regulations

Each division must make an annual announcement at the beginning of the school year advising the public that current copies of all division policies and regulations are available on the division's website. The announcement should also state that printed copies of school division policies and regulations are available to citizens who do not have online access. Policy BF Board Policy Manual; [Va. Code § 22.1-253.13:7.E](#).

Budget

Upon approval of the school division's budget by the appropriating body every year, the school board must publish the approved annual budget, in line item form, including the estimated required local match, on the division's website. The document must also be made available in hard copy as needed for citizens for inspection. Va. Code § [22.1-93](#).

Child Nutrition Programs

Each division which participates in the Free and Reduced Price Meals and Free Milk in Schools programs must notify parents and the public about the programs. Policy EFB Food Services; [42 U.S.C. § 1758](#); [7 C.F.R. 245.2](#), [7 C.F.R. 245.5](#).

Parents of all children in attendance at school must receive a notice containing an application form and the following information:

- eligibility criteria for benefits

- application procedures
- an explanation that an application for benefits cannot be approved unless it contains complete documentation including, for households applying on the basis of income and household size
 - names of all household members
 - income received by each household member, identified by source of the income (such as earnings, wages, welfare, pensions, support payments, unemployment compensation and social security and other cash income)
 - the signature of an adult household member
 - the social security number of the adult household member who signs the application or an indication that he/she does not possess a social security number
- an explanation that households with children who are members of currently identified food stamp, FDPIR (food distribution program for households on Indian reservations) or TANF (Temporary Assistance for Needy Families) households may submit an abbreviated application for benefits for those children with the following information: the child's name and appropriate food stamp or TANF case number or FDPIR case number or other identifier and the name and signature of an adult household member
- an explanation that the information on the application may be verified at any time during the school year
- how a household may apply for benefits at any time during the school year as circumstances change
- a statement to the effect that children having parents or guardians who become unemployed are eligible for free or reduced price meals or for free milk during the period of unemployment if the loss of income causes the household income during the period of unemployment to be within the eligibility criteria
- a statement to the effect that in certain cases foster children are eligible for free or reduced price meals or free milk regardless of the income of the household with whom they reside and that households wishing to apply for such benefits for foster children should contact the school
- the statement: "In the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age or disability"
- an explanation that Head Start enrollees and foster, homeless, migrant, and runaway children are categorically eligible for free meals and free milk and their families should contact the school for more information
- how a household may appeal the decision on the application; and
- a statement that Special Supplemental Nutrition Program for Women, Infants and Children (WIC) participants may be eligible for free or reduced price meals

The public notification must be made at the beginning of each school year. It must contain the same information given to parents and must be provided to the informational media, the local unemployment office and to any major employers contemplating large layoffs in the area from which the school draws its attendance.

The public announcement must contain a copy of the letter or notice sent to parents.

The U.S. Department of Agriculture's document entitled Eligibility Manual for School Meals contains an explanation of the required notices. The document also contains a chart describing to whom, and under what conditions, information regarding free and reduced eligibility status may be disclosed.

https://fns-prod.azureedge.net/sites/default/files/cn/SP36_CACFP15_SFSP11-2017a1.pdf

In addition, schools must post a report of the most recent food safety inspection in a publicly visible location. A copy of the inspection report must be provided to members of the public upon request. [7 C.F.R. § 210.13\(b\)](#).

The U.S. Department of Agriculture (USDA) directs divisions which participate in the National School Lunch Program or School Breakfast Program to have a written and clearly communicated system to address meal charges in place. SP 23-2017. The USDA directs the division's system regarding unpaid meal charges to be delivered to all households at the start of the school year and to households that transfer into the school division during the school year. Policy EFB Food Services.

Code of Student Conduct, Compulsory Attendance Law, Parental Responsibility and Involvement

Within one calendar month of the opening of school, each division must, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student

- a notice of the requirements of Va. Code [§ 22.1-279.3](#) regarding parental responsibility and involvement (Va. Code [§ 22.1-279.3.C\(i\)](#));
- a copy of the school division's standards of student conduct (Policy JFC-R Standards of Student Conduct) (Va. Code [§ 22.1-279.3.C\(ii\)](#)); and
- a copy of the compulsory school attendance law and the enforcement procedures and policies adopted by the school board (Va. Code [§ 22.1-279.3.C\(iii\)](#)).

Each parent must sign and return to the student's school a statement acknowledging the receipt of the above materials and each school must maintain records of such signed statements. Va. Code [§ 22.1-279.3.C](#).

The materials sent to parents must include a notice that by signing the statement of receipt, parents expressly reserve their rights protected by the constitutions or laws of the United States or the Commonwealth and that parents have the right to express disagreement with a school's or school division's policies or decisions. Va. Code [§ 22.1-279.3.C](#).

Cost per Pupil

The superintendent must prepare and distribute notification of the estimated average per pupil cost for public education in the division for the upcoming school year. The notice must also include actual per pupil state and local education expenditures for the previous school year. The notice may include federal funds spent for public education in the division. The notice shall be made available in a form provided by DOE and published on the school division's website or in hard copy on request. The notice should be printed on a form prescribed by the Board of Education and distributed to school divisions for publication. Policy DIA Reporting Per Pupil Costs; Va. Code [§ 22.1-92](#).

Counseling

Parents must be notified annually regarding the academic and career guidance and personal/social counseling programs which are available to their children. The notification must include the purpose and general description of the programs, information regarding ways parents may review materials to be used in guidance and counseling programs at their child's school and information about the procedures by which parents may limit their child's participation in such programs. [8 VAC 20-620-10](#). (See Policy IJ Guidance and Counseling Program).

Credits Required for Graduation

Each division must notify the parents of rising eleventh and twelfth grade students of

- requirements for graduation pursuant to the standards for accreditation, and
- requirements that have yet to be completed by the individual student for graduation.

Policy IKF The Virginia Assessment Program and Graduation Requirements; Va. Code [§ 22.1-253.13:4.A](#).

The division must notify parents of students with disabilities who have an IEP and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive. Va. Code [§ 22.1-253.13:4.B](#).

The division must notify parents of students who fail to graduate or to achieve graduation requirements as provided in the standards for accreditation and who have not reached 20 years of age on or before August 1st of the school year of the right to a free public education. If the student is one for whom English is a second language, the division will notify the parent of the student's opportunity for a free public education in accordance with Va. Code [§ 22.1-5](#). Va. Code [§ 22.1-253.13:4.C](#).

Dual Enrollment, Advanced Placement Classes and Special Programs

Students and their parents must be notified of the availability of dual enrollment, advanced placement classes, career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences, the International Baccalaureate program and Academic Year Governor's School Programs. The notification must include the qualifications for enrolling in classes, programs and experiences, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. Notification must also be given to students and parents of the division's agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma. Policy IGBI Advanced Placement Classes and Special Programs; Va. Code [§ 22.1-253.13:1.D.11](#).

Eating Disorders Awareness Information

Every school board must annually provide information to parents of pupils in grades five through 12 regarding eating disorders. The information must be consistent with guidelines developed by the Virginia Department of Education. Va. Code [§ 22.1-273.2](#). A sample information sheet for parents is available on the Virginia Department of Education's website at http://www.doe.virginia.gov/support/health_medical/office/index.shtml under the heading "[Eating Disorders Parent Information Sheet](#)".

Emergency Procedures

Each school's written procedures to follow in emergencies such as fire, injury, illness and violent or threatening behavior must be outlined in the student handbook and discussed with staff and students in the first week of each school year. Policy EB School Crisis, Emergency Management and Medical Emergency Response Plan. [8 VAC 20-131-260.D](#).

English Learners

School divisions receiving federal funds to provide a language instruction educational program must, not later than 30 days after the beginning of the school year, inform the parents of English learners of the following:

- the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program
- the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement
- the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
- how the program in which their child is, or will be participating, will meet the educational strengths and needs of their child
- how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation
- the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if federal funds are used for children in high schools
- in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child
- information pertaining to parental rights that includes written guidance detailing
 - the parents' right to have their child immediately removed from such program upon their request and
 - the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available
 - information pertaining to parental rights that includes written guidance assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the division

[20 U.S.C. § 6312\(e\)\(3\).](#)

For those children who have not been identified as English learners prior to the beginning of the school year, the division must give the notifications listed above to parents within the first two weeks of the child being placed in a language instruction educational program.

In addition, parents of English learners will be notified regarding parental involvement opportunities in the same manner as notice is given regarding other Title I programs.

Fees

The school division's policy regarding student fees and the fee schedule must be provided to parents annually and posted on the division's website. Policy JN Student Fees, Fines and Charges; [8 VAC 20-720-80.B](#).

FERPA (Family Educational Rights and Privacy Act)

School divisions must provide parents/guardians and adult students annual notice of their rights to inspect and review education records, amend education records, consent to disclosure of personally identifiable information in education records and file a complaint with the U.S. Department of Education. [34 C.F.R. § 99.7](#).

You may download the U.S. Department of Education's *Model Notification of Rights for Elementary and Secondary Schools* at:

<http://www2.ed.gov/print/policy/gen/guid/fpco/ferpa/lea-officials.html>.

School divisions must give notice of the categories of information, if any, which they have designated as directory information. This requirement may be met by providing parents a copy of the division's FERPA policy (Policy JO Student Records). [20 U.S.C. §1232g \(a\) \(5\) \(B\)](#).

The division must allow a reasonable period of time after such notice has been given for a parent to inform the division that any or all of the information designated should not be released without the parent's prior consent.

You can download the model Notice for Directory Information here:

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/mndirectoryinfo.html>.

Gifted Education Plan

Each division is required to make its comprehensive plan for the education of gifted students accessible through the division's website. The division must also ensure printed copies are available to citizens who do not have online access. [8 VAC 20-40-60](#).

Graduation Requirements

At the beginning of each school year, every school must provide to students in all grade levels a notice of all requirements for Board of Education-approved diplomas. Policy IKF The Virginia Assessment Program and Graduation Requirements; [8 VAC 20-131-270.B](#).

High School Credit-Bearing Courses Taken in Middle School

For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course in accordance with policies adopted by the local school board. Notice of this provision must be provided to parents with a deadline and format for making such a request. Policy JO Student Records; [8 VAC 20-131-90](#).

Homeless Students

Each division must provide public notice of the education rights of the homeless students enrolled in the division. [42 U.S.C. § 11432\(e\)\(3\)\(C\)\(i\)](#). The notice is to be disseminated in places where homeless students receive services, including schools, family shelters, and soup kitchens. [42 U.S.C. § 11432 \(g\)\(6\)\(A\)\(vi\)](#). The notice must be in a “manner and form” understandable to homeless students and their parents/guardians, “including, if necessary and to the extent feasible,” in their native language. Policy JECA Admission of Homeless Students; [42 U.S.C. § 11432\(e\)\(3\)\(C\)\(iii\)](#).

The National Center for Homeless Students (funded by the U.S. Department of Education) has created posters that can be downloaded or ordered from <http://center.serve.org/nche/products.php#electronic>.

Internet Privacy

Every school division that has an Internet website must make its Internet privacy policy statement conspicuously available on its website. At a minimum, the statement must address

- what information, including personally identifiable information, will be collected, if any;
- whether any information will be automatically collected simply by accessing the website and, if so, what information;

- whether the website automatically places a computer file, commonly referred to as a "cookie," on the Internet user's computer and, if so, for what purpose; and
- how the collected information is being used or will be used.

Policy KBE Internet Privacy; Va. Code [§ 2.2-3803](#).

Learning Objectives

At the beginning of each school year, every school must provide to parents or guardians the learning objectives to be achieved at their child's grade level or, in high school, a copy of the syllabus for each of their child's courses. [8 VAC 20-131-270.B](#).

National Assessment of Educational Progress (NAEP)

Parents of children selected to participate in any NAEP assessment must be informed before the administration of any assessment that their child may be excused from participation for any reason, is not required to finish any authorized assessment and is not required to answer any test question. [20 U.S.C. § 9622\(c\)\(1\)\(A\)](#), [20 U.S.C. § 9622\(d\)\(2\)](#).

Parents and members of the public must have access to all assessment data, questions and complete and current assessment instruments of any NAEP assessment except personally identifiable information and questions that may be reused in the future. School divisions must make reasonable efforts to inform parents and the public about their right of access to assessment data. If access is requested in writing, it must be provided within 45 days of the request and be made available in a secure setting that is convenient to both parties.

Nondiscrimination

A number of federal statutes protect the rights of beneficiaries in programs or activities that receive financial assistance from discrimination. Specifically, the following statutes prohibit discrimination:

- Title VI on the basis of race, color and national origin
- Title IX on the basis of sex
- Section 504 on the basis of disability
- the Age Discrimination Act on the basis of age
- Title II prohibits state and local governments from discriminating on the basis of disability

- the Genetic Information Nondiscrimination Act (GINA) protects employees from discrimination on the basis of genetic information

In addition, the Boy Scouts of America Equal Access Act prohibits schools which have an open forum or limited public forum from discriminating based on the membership or leadership criteria of the Boy Scouts of America or the other designated youth groups. [20 U.S.C. § 7905](#).

The regulations implementing these statutes require school divisions to notify students, parents, and others that they do not discriminate on the basis of race, color, national origin, sex, disability, and age. Title VI, [34 C.F.R. § 100.6\(d\)](#); Title IX, [34 C.F.R. § 106.9](#); Section 504, [34 C.F.R. § 104.8](#); Age Discrimination Act, [34 C.F.R. § 110.25](#); Title II, [28 C.F.R. § 35.106](#); see also [34 C.F.R. 108.5](#) (re the Boy Scouts). The regulations contain minor differences relating to the notices' required content and the methods used to publish them. However, you may download the U.S. Department of Education's *Notice of Non-Discrimination*, which describes the content and publication requirements for each notice required under each statute, at <http://www.ed.gov/print/about/offices/list/ocr/docs/nondisc.html>. The document contains a sample notice of non-discrimination school districts may use to meet the requirements of all of these statutes.

Employers are required to post a notice approved by the EEOC regarding GINA. Policy GBA/JFHA Prohibition Against Harassment and Retaliation; [42 U.S.C. § 2000ff-1](#); [29 C.F.R. 1635.10\(c\)](#). A notice may be downloaded at http://www1.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf.

Students and employees must be notified of the name, office address and phone number of the division's Compliance Officer(s) under Title IX ([34 C.F.R. § 106.8](#)), Section 504 ([34 C.F.R. 104.8](#)), the Americans with Disabilities Act ([28 C.F.R. § 35.107](#)) and the Age Discrimination Act ([34 C.F.R. § 110.25](#)). See also Policy JFHA/GBA Prohibition of Harassment and Retaliation.

Parent and Family Engagement Policy

Districts and schools that receive Title I funds must distribute their parental involvement policy (Policy IGBC Parental Involvement) to parents of students in Title I programs. [20 U.S.C. § 6318 \(a\), \(b\)](#).

Postsecondary Education and Employment Data

Each school board's career and technical education program must include annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of

Higher Education and the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college or workforce center. Va. Code [§ 22.1-253.13:1.D.3.d.](#)

PPRA (Protection of Pupil Rights Amendment)

The PPRA requires school divisions to provide notice of their policy controlling the administration of surveys on certain sensitive topics including political or religious beliefs and behavior involving sex or illegal conduct. This notice must be given directly to the parents of students enrolled in the division. The notice must be given at least annually at the beginning of the school year and within a reasonable time after any substantive change in the policy. Policy KFB Administration of Surveys and Questionnaires; [20 U.S.C. § 1232h\(c\)\(2\)\(A\).](#)

You may download the U.S. Department of Education's *Model Notice of Rights Under the Protection of Pupil Rights Amendment* at:

<http://www.ed.gov/policy/gen/guid/fpco/pdf/modelnotification.pdf>.

In addition, divisions must also directly notify parents, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities will occur:

- activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information
- the administration of any survey concerning sensitive information
- any nonemergency, invasive physical examination or screening

[20 U.S.C. § 1232h\(c\)\(2\)\(B\).](#)

You may download the U.S. Department of Education's *PPRA Model Notice and Consent/Opt-Out for Specific Activities* at:

<http://www.ed.gov/policy/gen/guid/fpco/pdf/ppraconsent.pdf>.

These requirements may also be met by providing parents a copy of the division's policy on this topic (Policy KFB Administration of Surveys and Questionnaires).

Promotion, Retention and Remediation Policies

At the beginning of each school year, every school must provide to parents and guardians a copy of the division's promotion, retention and remediation policies. [8 VAC 20-131-270.B.](#)

Prosecution of Juveniles as Adults

School boards must provide information developed by the office of the Virginia Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. The methods of providing the information may include, but are not limited to, announcements in schools, written notification to parents, publication in student handbooks, and inclusion with other materials distributed to parents at the beginning of each school year. Policy JFCL Notification Regarding Prosecution of Juveniles as Adults; Va. Code [§ 22.1-279.4](#). The information to be distributed is attached to Superintendent's Memo #057-12 (Feb. 24, 2012).

Pupil/Teacher Ratios

School boards must annually on or before December 31, report to the public the actual pupil/teacher ratios, by school, for the current school year, in elementary school classrooms and also must report the actual pupil/teacher ratio in middle school and high schools in the division by school. Va. Code [§ 22.1-253.13:2](#).

Release of Student Records to Armed Forces Recruiters and Educational Institutions

Divisions must notify parents that they will release the names, addresses and telephone numbers of secondary students to all recruiters or institutions of higher education that request them unless the parents specifically request that this information not be released. Policy JO Student Records; [20 U.S.C. § 7908\(a\)](#).

Report Cards/Quality Profiles

Divisions that receive Title I funds must prepare and specified information to parents. Federal law refers to the distribution of this information as a "report card". The Virginia Board of Education, in the Standards of Accreditation as revised in January 2018, now uses the term "School Quality Profile". Policy CMA Quality Profiles; [20 U.S.C. § 6311\(h\)\(2\)](#); [8 VAC 20-131-270](#).

The Virginia Department of Education now posts the information required by federal law to appear in division and school report cards on its website and has stated that this posting satisfies the requirements of federal law.

School Bus Rider Safety Rules

A copy of bus rider safety rules shall be sent to parents at the beginning of the school year. The information shall include a request that parents or their designee accompany their young children to and from the bus stop. [8 VAC 20-70-110](#).

Services for Students Identified as Deaf or Hard of Hearing or Visually Impaired

Each school board shall annually post information distributed by the Department of Education describing the educational and other services available through the Virginia School for the Deaf and the Blind, the Virginia Department for the Deaf and Hard-of-Hearing and the Virginia Department for the Blind and Vision Impaired to the parents of those students who are identified as deaf or hard of hearing or visually impaired. School boards must also inform the parents of the availability of the information and ensure that packets of the information are available in an accessible format for review by parents who do not have Internet access. Va. Code § [22.1-217.01](#).

Sex Offender Registry

Every school board must annually notify the parent of each student enrolled in the school division of the board's policy regarding sex offenders (see Policy KN Sex Offender Registry Notification) and of the availability of information in the Sex Offender and Crimes Against Minors Registry and the location of the Internet website. Va. Code § [22.1-79.3](#).

Special Education

Each division must, at least annually, conduct a public awareness campaign (also known as a child find program) to

- inform the community of the rights of persons, ages two to 21, inclusive, to a free appropriate public education and the availability of special education programs and services;
- generate referrals; and
- explain the nature of disabilities, the early warning signs of disabilities and the need for services to begin early.

[8 VAC 20-81-50.B](#).

Standards of Learning (SOLs)

At the beginning of each school year, every school must provide to parents or guardians a copy of the Standards of Learning applicable to their child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing. [8 VAC 20-131-270.B.](#)

Student Achievement

Schools that receive Title I funds must provide parents individual reports regarding their student's level of achievement and academic growth on the state's academic assessments, if applicable and available, as soon as is practicable after the assessment is given. The reports must be in an understandable format and, to the extent practicable, be in a language that parents can understand. [20 U.S.C. §§ 6311\(b\)\(2\)\(B\)\(x\); 20 U.S.C. § 6312\(e\)\(1\)\(B\).](#)

Teacher Qualifications

At the beginning of each school year, divisions that receive Title I funds must notify the parents of each student attending any school receiving Title I funds that the parents may request and the division will provide (in a timely manner) information regarding the professional qualifications of the student's classroom teachers, including whether the teacher 1) has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction, 2) is teaching under emergency or other provisional status and 3) is teaching in the field or discipline of the teacher's certification. The notification must also inform the parents that they may request information regarding whether the child is provided services by paraprofessionals and, if so, their qualifications. [20 U.S.C. § 6312\(e\)\(1\)\(A\).](#)

Starting in 2017-2018, school divisions will be required to send notification to parents in Title I schools if their children are taught four or more weeks by a teacher who is not properly licensed in Virginia to teach the class to which the students are assigned. [Superintendent's Memo #076-16, April 1, 2016 as revised July 22, 2016. 20 U.S.C. § 6312\(e\)\(1\)\(B\)\(ii\); U.S. Department of Education, Transitioning to the Every Student Succeeds Act \(ESSA\) FAQs \(Updated June 29, 2016\)](#)

Testing Transparency and Parent Opt Out

At the beginning of each school year, school divisions that receive Title I funds shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the division will provide (in a timely manner), information regarding any state or division policy regarding student participation in any assessments mandated by 20 U.S.C. § 6311(b)(2) and by the state or division, which shall include a policy, procedure or parental right to opt the child out of such assessment, where applicable. [20 U.S.C. § 6312\(e\)\(2\)\(A\)](#).

In addition, divisions that receive Title I funds shall make widely available through public means (including by posting in a clear and easily accessible manner on the division's website and, where practicable, on the website of each school in the division, for each grade, information on each assessment required by the state to comply with 20 U.S.C. § 6311, other assessments required by the state, and where such information is available and feasible to report, specified information regarding assessments required division wide by the division. [20 U.S.C. § 6312\(e\)\(2\)\(B\)](#).

Voluntary Retirement Savings Programs (403(b) Plans)

Divisions which have 403(b) retirement plans must notify employees about the plan at least once each year. Policy GBR Voluntary Retirement Savings Program; [26 C.F.R. 1.403\(b\)-5](#).

Youth Health Risk Behavior Survey

The school board must notify parents of each student enrolled in a middle or high school selected for participation in the survey of student health risk behaviors pursuant to Va. Code [§ 32.1-73.8](#) that their child may be randomly selected to participate in the survey unless the parent denies consent for the student's participation in writing prior to administration of the survey. The notice must be in writing and be given at least 30 days prior to administration of the survey. The notice will inform the parent regarding

- the nature and types of questions included in the survey,
- the purposes and age-appropriateness of the survey,
- how information collected by the survey will be used,
- who will have access to such information,
- whether and how any findings or results will be disclosed, and
- the steps that will be taken to protect students' privacy.

Parents have the right to review the survey prior to its administration. (Policy KFB Administration of Surveys and Questionnaires; Va. Code [§ 22.1-79.3](#).)

Public Hearings

Budget

Before the school board approves its budget for submission to the appropriating body, the board must hold at least one public hearing to hear the views of the citizens. Public notice of the hearing must be given at least ten days before the hearing in a newspaper having a general circulation in the division. Va. Code [§ 22.1-92](#).

Posting Requirements

Alternatives to Animal Dissection

School boards must provide notice that they provide alternatives to animal dissection. This notice may be given in the relevant biological sciences syllabi, student course selection guides or local school division policies or directives. Policy IGAK Alternatives to Animal Dissection; Va. Code [§ 22.1-200.01](#); [Superintendent's Memo No. 161 Aug. 6, 2004](#).

Bill of Rights

The Bill of Rights of the Constitution of the United States must be posted in a conspicuous place in each school. Policy IEC Bill of Rights of the Constitution of the United States; [Acts 2003, c. 902](#).

Child Abuse Reporting

A notice must be posted in each school stating that

- anyone employed there who suspects that a child is abused or neglected is required to report such suspected cases of child abuse or neglect; and
- all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

Policy GAE Child Abuse and Neglect Reporting; Va. Code [§ 22.1-291.3](#).

Comprehensive Plan (formerly Six-Year Plan)

Prior to the adoption of the division's comprehensive plan or revisions thereto, the plan or revisions must be posted on the division's Internet website, if practicable, and a hard copy of the plan must be made available for public inspection and copying. Policy AF Comprehensive Plan; Va. Code [§ 22.1-253.13:6](#).

Each school board must present a report to the public by November 1 of each odd-numbered year on the extent to which the objectives of the division's comprehensive plan have been met during the previous two school years.

Fair Labor Standards Act

All employers covered by the Fair Labor Standards Act, including school divisions, must post "Your Rights Under the Fair Labor Standards Act" which can be downloaded at <https://www.dol.gov/whd/regs/compliance/posters/flsa.htm>.

Family and Medical Leave Act (FMLA)

Each employer of 50 or more employees shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice prepared or approved by the Secretary of Labor, regarding employees' rights under the Act. [29 U.S.C. § 2619](#). Poster may be downloaded at <http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>.

Minimum Wage

Each employer must post, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice prepared or approved by the Secretary of Labor regarding the federal minimum wage law. [29 C.F.R. 516.4](#). The poster may be downloaded at <http://www.dol.gov/whd/regs/compliance/posters/flsa.htm>.

National Motto

The statement “In God We Trust,’ the National Motto, enacted by Congress in 1956” must be posted in a conspicuous place in each school. Policy IEB National Motto; [Acts 2002, c. 891](#).

Online Courses and Programs

Divisions must post information regarding online courses and programs available through the division on their websites. The information should include the types of online courses and programs available, when the division will pay course fees and other costs for nonresident students, and the granting of high school credit. Policy IGBGA On Line Courses and Virtual School Programs; Va. Code [§ 22.1-212.25](#).

USERRA (Uniformed Service Employment and Reemployment Act)

Employers are required to provide employees with notice of their rights, benefits and obligations under USERRA ([38 U.S.C. § 4312 et seq.](#)). [38 U.S.C. § 4334\(a\)](#). Employers may provide the notice by posting “Your Rights Under USERRA” which can be downloaded at http://www.dol.gov/vets/programs/userra/USERRA_Private.pdf, where employee notices are customarily placed. However, employers are also free to provide the notice to employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

Virginia Unemployment Compensation Act

All employers in Virginia, including school divisions, must post all notices related to unemployment insurance furnished by the Virginia Unemployment Commission including the notice which can be downloaded from <http://www.vec.virginia.gov/pdf/vecb29eng.pdf>. Va. Code [§ 60.2-106](#).

Workers’ Compensation

School divisions must post, at a location frequented by employees, notice of compliance with the provisions of the Virginia Workers Compensation Act. [Rule 7.2 Virginia Workers’ Compensation Commission](#)

LAWS REGARDING THE PROSECUTION OF JUVENILES AS ADULTS

The following information has been developed by the Office of the Attorney General regarding the prosecution of juveniles as adults:

Section [22.1-279.4](#) of the *Code of Virginia* states:

School boards shall provide information developed by the office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. Methods of providing such information may include, but not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to § [22.1-279.3](#).

The following information in question and answer format provides the notice required by this section of the *Code*.

Who is a juvenile? Section [16.1-228](#) of the *Code of Virginia* defines a juvenile as “a person less than 18 years of age.” Section [16.1-269.1](#) of the *Code* permits juveniles, 14 years of age or older at the time of an alleged offense, to be prosecuted as adults for specific crimes under certain circumstances. This process is called a transfer to the appropriate circuit court for trial as an adult.

How is the age of the juvenile calculated? Section [16.1-241](#) of the *Code of Virginia* provides that for the purpose of transferring a juvenile to circuit court for trial as an adult, the child must have been age 14 or older at the time of the offense.

Under what circumstances does the law permit the transfer of juveniles for trial as adults?

The *Code of Virginia* permits the transfer of juveniles for trial as adults under three specific circumstances. Following is a description of each circumstance and the procedure that is followed in order to determine whether the student is transferred to circuit court.

Circumstance #1

A transfer can occur when a juvenile, who is age 14 or older at the time of the offense, is charged with a crime which would be a felony if committed by an adult (§ [16.1-269.1 A](#), of the *Code of Virginia*). Offenses are either felonies or misdemeanors. Those offenses that are punishable by confinement in a state correctional facility or death are felonies; all other offenses are misdemeanors. Felonies are classified for the purposes of punishment and sentencing into six classes. The authorized punishments for conviction of a felony are as follows:

- Class 1 felony – death if the person convicted was 18 years of age or older at the time of the offense and is not determined to be mentally retarded and a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be mentally retarded, the punishment shall be imprisonment for life or imprisonment for life and a fine of not more than \$100,000.
- Class 2 felony – imprisonment for life or for any term not less than twenty years or imprisonment for life or for any term not less than twenty years and a fine of not more than \$100,000.
- Class 3 felony – a term of imprisonment of not less than five years nor more than twenty years or a term of imprisonment of not less than five years nor more than twenty years and a fine of not more than \$100,000.
- Class 4 felony – a term of imprisonment of not less than two years nor more than ten years or a term of imprisonment of not less than two years nor more than ten years and a fine of not more than \$100,000.
- Class 5 felony – a term of imprisonment of not less than one year nor more than ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- Class 6 felony – a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.

(§§ [18.2-9](#) and [18.2-10](#) of the *Code of Virginia*)

In this circumstance, the Commonwealth's Attorney's office makes a formal request to the judge of the juvenile court for the juvenile to be transferred to the circuit court. The juvenile court holds a transfer hearing and may retain jurisdiction or transfer the juvenile to the appropriate circuit court for criminal proceedings. Any transfer to the circuit court is subject to the following conditions: (1) notice; (2) probable cause to believe that the juvenile committed the alleged delinquent act or a lesser included delinquent act; (3) the juvenile is competent to stand trial; and, (4) the juvenile is not a proper person to remain within the jurisdiction of the juvenile court.

The decision regarding whether the juvenile is not a proper person to remain within the jurisdiction of the juvenile court is based upon, but not limited to, the following factors:

- The juvenile's age
- The seriousness and number of alleged offenses

- Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation
- The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems needed by the juvenile
- The record and previous history of the juvenile in the jurisdiction where the alleged crime occurred or in other jurisdictions
- Whether the juvenile has escaped from a juvenile correctional entity in the past
- The extent, if any, of the juvenile's degree of mental retardation or mental illness
- The juvenile's school record and education
- The juvenile's mental and emotional maturity
- The juvenile's physical condition and maturity

Circumstance #2

A transfer can occur when a juvenile 14 years of age or older is charged with an offense which would be a felony if committed by an adult. (§ [16.1-269.1 C](#) of the *Code of Virginia*)

In this circumstance, transfer is requested at the discretion of the Commonwealth's Attorney. If the Commonwealth's Attorney wishes to transfer the juvenile for trial as an adult, the juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§ [16.1-269.1 C](#) of the *Code of Virginia*)

Circumstance #3

A transfer occurs when a juvenile 14 years of age or older at the time of the alleged offense is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding. (§ [16.1-269.1 B](#) of the *Code of Virginia*)

Transfer under this circumstance is automatic. Whenever a juvenile 14 years of age or older is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding, he or she must be tried as an adult. The juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§ [16.1-269.1 B](#) of the *Code of Virginia*)

If a juvenile is transferred for prosecution as an adult on one offense, what happens if he or she has also been charged with other offenses? If any one charge is transferred, all other charges of delinquency arising out of the same act will be transferred. (§ [16.1-269.6](#) of the *Code of Virginia*)

Does the transfer impact subsequent alleged criminal offenses? Yes. Once a juvenile is convicted of a crime as an adult in circuit court, all subsequent alleged criminal offenses of whatever nature, will be treated as adult offenses and no transfer hearing will be required. (§ [16.1-269.6](#) of the *Code of Virginia*)

What happens when an adult is sentenced for a crime he or she committed as a juvenile? When the juvenile court sentences an adult who has committed, before attaining the age of 18, an offense which would be a crime if committed by an adult, the court may impose a penalty up to a maximum of 12 months in jail and/or a fine up to \$2,500. (§ [16.1-284](#) of the *Code of Virginia*)

What can happen if a juvenile is tried as an adult? There are significant differences between a juvenile being tried as a juvenile and a juvenile being tried in the circuit court as an adult. In the juvenile system, a juvenile is given added protections because of his or her youth. First, records pertaining to the charge and adjudication of delinquency are confidential and may not be available to the public unless the crime was a felony. Second, if the adjudication is for a misdemeanor, the juvenile court record is expunged when the juvenile reaches the age of majority and is considered an adult. Third, a juvenile who is adjudicated delinquent remains in the juvenile system where a judge has discretion in the determination of the punishment or consequences to be imposed. In the juvenile system, the emphasis is on treatment and education.

In contrast, if a juvenile is prosecuted as an adult the issues and information related to the charge and the conviction of a crime are part of the public record. Because the information becomes an adult criminal record, it is not expunged when the juvenile reaches the age of 18. Additionally, the judge does not have the same discretion in sentencing. The judge in circuit court must impose at least the mandatory minimum sentence that is prescribed in sentencing guidelines. The circuit court does have the discretionary power to commit the juvenile to the juvenile system even if prosecuted as an adult.