

# REQUIRED NOTIFICATIONS 2018-2019



**POWHATAN COUNTY**  
PUBLIC SCHOOLS  
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Each year, school divisions are required to make notification to the community by state and/or federal law. In the past, Powhatan County Public Schools included many of these in the Code of Student Conduct. The Code of Student Conduct has been updated as a guide for Student Rights and Responsibilities, so the required notifications are being shared under separate cover.

Please review the items below. Printed copies of this information are available at each of our schools and the school board office. If you have questions or concerns, please contact us at 804-598-5700.

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### **Acceptable Computer System Use Agreement**

This is included in the [Student Rights and Responsibilities](#) guide. A signature is required for student's to use the division's computer system.

### **Child Nutrition Programs**

Powhatan County Public School participates in the Free and Reduced Price Meals and Free Milk in Schools. A [Letter to Households](#) is provided to all students and includes 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

### **Code of Student Conduct (Student Rights and Responsibilities)**

Formerly known as the Code of Student Conduct, the guide to [Student Rights and Responsibilities](#) was adopted by the School Board in 2018. Every student should be in an environment that is conducive to learning and free of disruption and supportive of individual rights. Likewise, students and parents have the responsibility to contribute to that safe environment. This guide provides the minimum standards of behavior for all students enrolled in Powhatan County Public Schools in order for parents, students and school personnel to understand their rights and responsibilities. Classroom teachers and school personnel may provide more specific expectations in support of student rights and responsibilities.

### **Compulsory Attendance**

The Code of Virginia 22.1.279.3.C(iii) requires that parents be sent a copy of the compulsory school attendance law and the enforcement procedures and policies adopted by the school board. A full description of Compulsory Attendance Law begins on page 44 of the [Student Rights and Responsibilities](#).

### **Counseling – Personal and Social Counseling**

It is the policy of the Powhatan County Public Schools, with respect to personal/social counseling, that parents who do not wish their children to participate in these guidance activities, must notify the principal of the school which their child attends in writing.

### **Dual Enrollment, Advanced Placement Classes and Special Programs**

Students and parents can review the availability of dual enrollment, advanced placement classes, and technical education programs in the [Secondary Course Guide](#) on the division website.

### **Directory Information**

The Family Rights and Privacy Act (FERPA), a Federal law, requires that Powhatan County Public Schools, with certain exceptions, obtain your written consent to the disclosure of personally identifiable information from your child's education records. However, Powhatan County Public Schools may disclose appropriately designated "directory information" without written consent, unless you have advised the division to the contrary in accordance with division procedures. The primary purpose of directory information is to allow Powhatan County Public Schools to include this type of information from your child's educational records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;

- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members;
- Division and School Social Media accounts

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses, and telephone listings – unless parents have advised the LEA that they do not want their student’s information disclosed without their prior written consent.

If you do not want Powhatan County Public Schools to disclose directory information from your child’s education record without prior written consent, you must notify the school division by September 28, 2018. You may do so by addressing your written statement to Mrs. Michele Wilson, Public Information Officer, Powhatan County Public Schools, 2320 Skaggs Road, Powhatan, VA 23139. However, no school shall disclose the address, telephone number, or email address of a student unless the parent or eligible student has affirmatively consented in writing to such disclosure.

Powhatan County Public Schools has designated the following information as directory information:

- Student’s name
- Participation in officially recognized activities and sports
- Address (only with written consent)
- Telephone listing (only with written consent)
- Weight and height of members of athletic teams
- Electronic Mail address (only with written consent)
- Photograph
- Degrees, honors, and awards received
- Date and place of birth
- Dates of Attendance
- Grade level
- The most recent educational agency or instruction attended
- Digital images

### **Eating Disorders**

Eating disorders are serious health problems that usually start in childhood or adolescence and affect both girls and boys. With early diagnosis, eating disorders are treatable with a combination of nutritional, medical, and therapeutic supports. Recognizing the importance of early identification of at-risk students, the 2013 Virginia General Assembly passed a law requiring each school board to provide parent educational information regarding eating disorders on an annual basis to students in the fifth through twelfth grades. The information is available on the division website and [linked here](#).

### **EPA Asbestos Management Plan**

In accordance with EPA regulations, Powhatan County Public schools has an Asbestos Management Plan in place. A copy of the plan is available for your review in the office of each school building. If there are any questions you may contact Mr. Jason Tibbs, Director of Facilities, at 598-5700.

## **Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

## **Fees**

School Board Policy JN, **STUDENT FEES, FINES AND CHARGES**. The School Board charges student fees and takes action to recover funds for the loss of or damage to School Board property in accordance with the state and federal law. No fee may be charged unless it has been approved by the School Board. Approved fees can be found on the division website and [linked here](#).

## **Graduation Requirements**

Most Virginia students graduate with either an Advanced Studies Diploma or a Standard Diploma. Other diploma options are available for eligible students with disabilities and adult learners.

- [Advanced Studies Diploma](#)
- [Standard Diploma](#)
- [Applied Studies Diploma](#)
- [Modified Standard Diploma](#)
- [Other Diplomas & Certificates](#)

**Standard Diploma**

Course Requirements (8 VAC 20-131-51) for Students Entering Ninth Grade for the First Time in 2018-2019 and Beyond

<b>Subject Area</b>	<b>Standard Credits</b>	<b>Verified Credits</b>	<b>Specifications</b>
<b>English</b>	4	2	N/A
<b>Mathematics</b>	3	1	Courses completed to satisfy this requirement shall include at least two different course selections from among: algebra I, geometry, algebra functions, and data analysis, algebra II, or other mathematics courses approved by the board to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit.
<b>Laboratory Science</b>	3	1	<p>Courses completed to satisfy this requirement shall include course selection from at least two different science disciplines: earth sciences, biology, chemistry, or physics, or completion of the sequence of science courses required for the International Baccalaureate Diploma and shall include interdisciplinary courses that incorporate Standards of Learning content from multiple academic areas. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.</p> <p>Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association, or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for either a laboratory science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the board as an additional test to verify student achievement.</p>
<b>History and Social Sciences</b>	3	1	<p>Courses completed to satisfy this requirement shall include Virginia and U.S. history, Virginia and U.S. government, and one course in either world history or geography or both. The board shall approve courses to satisfy this requirement.</p> <p>Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association, or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for either a laboratory science or history and social science verified credit when the certification, license,</p>

			or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the board as an additional test to verify student achievement.
<b>Health and Physical Education</b>	2	0	N/A
<b>World Language, Fine Arts or Career and Technical Education</b>	2	0	Per the Standards of Quality, credits earned for this requirement shall include one credit in fine or performing arts or career and technical education. Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical course credit.
<b>Economics &amp; Personal Finance</b>	1	0	N/A
<b>Electives</b>	4	0	Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.
<b>Total</b>	<b>22</b>	<b>5</b>	N/A

#### Additional Requirements for Graduation

- **Advanced Placement, Honors, or International Baccalaureate Course or Career and Technical Education Credential** - In accordance with the Standards of Quality, students shall either (i) complete an Advanced Placement, honors, or International Baccalaureate course, or (ii) earn a career and technical education credential approved by the board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.
- **Virtual Course** - Students shall successfully complete one virtual course, which may be a non-credit-bearing course or a required or elective credit-bearing course that is offered online.
- **Training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AED)** - Students shall be trained in emergency first aid, CPR, and the use of AED, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an IEP or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in [8VAC20-131-420 B](#).
- **Demonstration of the five Cs** - Students shall acquire and demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship in accordance with the Profile of a Virginia Graduate approved by the board.

<b>Standard Diploma</b>			
Course Requirements (8 VAC 20-131-51) for Students Entering Ninth Grade for the First Time in 2011-2012 through 2017-2018			
<b>Discipline Area</b>	<b>Standard Credits</b>	<b>Verified Credits</b>	<b>Specifications</b>
<b>English</b>	4	2	N/A
<b>Mathematics</b>	3	1	Courses completed to satisfy this requirement shall include at least two different course selections from among: Algebra I, Geometry, Algebra, Functions, and Data Analysis, Algebra II, or other mathematics courses above the level of Algebra II. The

			board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit.
<b>Laboratory Science</b>	3	1	<p>Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics, or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.</p> <p>Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association, or acquire a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (i) the student-selected verified credit and (ii) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the board as an additional test to verify student achievement.</p>
<b>History &amp; Social Sciences</b>	3	1	<p>Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one course in either world history or geography or both. The board shall approve courses to satisfy this requirement.</p> <p>Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association, or acquire a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (i) the student-selected verified credit and (ii) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the board as an additional test to verify student achievement.</p>
<b>Health &amp; Physical Education</b>	2	0	N/A

<b>World Language, Fine Arts or Career and Technical Education</b>	2	0	Pursuant to § <a href="#">22.1-253.13:4</a> of the Code of Virginia, credits earned for this requirement shall include one credit in fine or performing arts or career and technical education. Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical education course credit.
<b>Economics and Personal Finance</b>	1	0	N/A
<b>Electives</b>	4	0	Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.
<b>Student Selected Test</b>	0	1	A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics or other areas as prescribed by the board in <a href="#">8VAC20-131-110</a> .
<b>Career and Technical Education Credential</b>	0	0	Students shall earn a career and technical education credential approved by the Board of Education, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.
<b>Total</b>	22	6	N/A

Additional Requirements for Graduation

- **For students entering the ninth-grade class for the first time in 2013-2014 and beyond:** Students shall successfully complete one virtual course, which may be a noncredit-bearing course or a required or elective credit-bearing course that is offered online.
- **For students entering the ninth-grade class for the first time in 2016-2017 and beyond:** Students shall be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an Individualized Education Program (IEP) or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in [8VAC20-131-420 B](#).

<b>Advanced Studies Diploma</b>			
<b>Course Requirements (8 VAC 20-131-51) for Students Entering the Ninth Grade for the First Time in 2018-2019 and Beyond</b>			
<b>Subject Area</b>	<b>Standard Credits</b>	<b>Verified Credits</b>	<b>Specifications</b>
<b>English</b>	4	2	N/A
<b>Mathematics</b>	4	1	Courses completed to satisfy this requirement shall include at least three different course selections from among: algebra I, geometry, algebra II, or other mathematics courses above the



			level of algebra II. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit.
<b>Laboratory Science</b>	4	1	Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma and shall include interdisciplinary courses that incorporate Standards of Learning content from multiple academic areas. The board shall approve additional courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.
<b>History and Social Sciences</b>	4	1	Courses completed to satisfy this requirement shall include Virginia and U.S. history, Virginia and U.S. government, and two courses in either world history or geography or both. The board shall approve additional courses to satisfy this requirement.
<b>World Language</b>	3	0	Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.
<b>Health and Physical Education</b>	2	0	N/A
<b>Fine Arts or Career and Technical Ed</b>	1	0	Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical credit.
<b>Economics &amp; Personal Finance</b>	1	0	N/A
<b>Electives</b>	3	0	Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.
<b>Total Credits</b>	<b>26</b>	<b>5</b>	N/A

#### Additional Requirements for Graduation

- Advanced Placement, Honors, or International Baccalaureate Course or Career and Technical Education Credential** - In accordance with the Standards of Quality, students shall either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential approved by the board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the advanced studies diploma requirements. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness assessment.
- Virtual Course** - Students shall successfully complete one virtual course, which may be a non-credit-bearing course or a required or elective credit-bearing course that is offered online.

- **Training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AED)** - Students shall be trained in emergency first aid, CPR, and the use of AED, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an IEP or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in [8VAC20-131-420 B](#).
- **Demonstration of the five Cs** - Students shall acquire and demonstrate foundational skills in critical thinking, creative thinking, collaboration, communication, and citizenship in accordance with the Profile of a Virginia Graduate approved by the board.

<b>Advanced Studies Diploma</b>			
<b>Course Requirements (8 VAC 20-131-51) for Students Entering the Ninth Grade for the First Time in 2011-2012 through 2017-2018</b>			
<b>Discipline Area</b>	<b>Standard Credits</b>	<b>Verified Credits</b>	<b>Specifications</b>
<b>English</b>	4	2	N/A
<b>Mathematics</b>	4	2	Courses completed to satisfy this requirement shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board shall approve courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a mathematics course credit.
<b>Laboratory Science</b>	4	2	Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board shall approve additional courses to satisfy this requirement. Per the Standards of Quality, a computer science course credit earned by students may be considered a science course credit.
<b>History &amp; Social Sciences</b>	4	2	Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and two courses in either world history or geography or both. The board shall approve additional courses to satisfy this requirement.
<b>World Language</b>	3	0	Courses completed to satisfy this requirement shall include three years of one language or two years of two languages.
<b>Health &amp; Physical Education</b>	2	0	N/A
<b>Fine Arts or Career &amp; Technical Education</b>	1	0	Per the Standards of Quality, a computer science course credit earned by students may be considered a career and technical education course credit.
<b>Economics and Personal Finance</b>	1	0	N/A
<b>Electives</b>	3	0	N/A

<b>Student Selected Test</b>	0	1	A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education, economics or other areas as prescribed by the board in <a href="#">8VAC20-131-110</a> .
<b>Total</b>	<b>26</b>	<b>9</b>	N/A

**Additional Requirements for Graduation**

- **Virtual Learning** - Students shall successfully complete one virtual course, which may be a noncredit-bearing course, or may be a course required to earn this diploma that is offered online.
- **Training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AED)** - Beginning with first-time ninth-grade students in the 2016–2017 school year, students shall be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Students with an IEP or 504 Plan that documents that they cannot successfully complete this training shall be granted a waiver from this graduation requirement, as provided in [8VAC20-131-420 B](#).

**APPLIED STUDIES DIPLOMA**

The Applied Studies Diploma is a diploma option available to students identified as having a disability who complete the requirements of their [individualized education programs \(IEPs\)](#) and meet certain requirements prescribed by the Board of Education pursuant to regulations, but do not meet the requirements for any named diploma.

**Homeless Students**

The Powhatan County School Board is committed to educating homeless children and youth. Homeless children and youth shall not be stigmatized or segregated on the basis of their status as homeless. The school division will coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students and with other school divisions as may be necessary to resolve interdivisional issues. For further information contact Mrs. Katie Wojcicki, Director of Pupil Personnel Services at 598-5700.

**Nondiscrimination Statement**

Powhatan County Public Schools does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

- The Section 504 Coordinator is Mrs. Katie Wojcicki.
- The Title IX Coordinator is Dr. Lynn Clayton-Prince.

Both may be reached at 2320 Skaggs Road, Powhatan, Virginia 23139, and (804) 598-5700.

**Parental Responsibility and Involvement Requirements**

The Code of Virginia 22.1.279.3 requires that parents be sent a copy of Parental Responsibility and Involvement Requirements. A full description begins on page 42 of the [Student Rights and Responsibilities](#).

**Policy Manual**

The school division's policy manual is available to employees and to the public on the division website. Paper copies of the school division policy manual are available as needed to citizens who do not have online access.

### **Promotion, Retention, and Remediation Policy**

In accordance with the Standards of Accreditation 8 VAC 20-131-270.B Powhatan County has adopted the following Promotion and Retention Policy:

#### Elementary

Students shall be retained only after a conference with the parent(s) or guardian and approval of the principal.

Promotion is based on an evaluation of the student's acquisition of basic skills (Standards of Learning) and other evidence of growth as determined by the student's teacher and principal. A parent may appeal the decision to retain his or her child to a school-based "Retention Committee." This committee shall consist of the child's teachers, guidance counselor, principal, and other staff who have worked with the child during the school year. The committee shall review the child's progress and decide whether or not to retain the child. The committee may also recommend further study by a "Child Study Committee" that would screen the child for possible special education placement.

The decision of the committee may be appealed to the appropriate central office administrator in charge of instruction at the elementary school level. A further appeal may be made to the superintendent. Parents will have five days to file an appeal. The appeal must be in writing.

#### Middle School

Students are required to pass five of seven classes that must include three of four core (English, math, science, history/social sciences) classes, to be promoted to the next grade level. Students not passing English or math must successfully complete summer school in order to be promoted.

#### High School

Students are promoted based on the number of total credits earned.

9<sup>th</sup> Grade – A student must have been promoted from middle school.

10<sup>th</sup> Grade – A student must have earned a minimum of 5 credits and must be enrolled in English 10.

11<sup>th</sup> Grade – A student must have earned a minimum of 10 credits and must be enrolled in English 11.

12<sup>th</sup> Grade – A student must have earned 15 credits and must be enrolled in English 12. Current schedule must include all courses and credits required for June graduation

### **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.

### **Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education:
  1. Political affiliations or beliefs of the student or student’s parent;
  2. Mental or psychological problems of the student or student’s family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of:
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use:
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

Powhatan County School District has developed and adopted policy, KFB – Administration of Surveys and Questionnaires, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

Parents who believe their rights have been violated may file a complaint with: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5901.

### **Release of Student Records to Armed Forces Recruiters and Educational Institutions**

The school division releases 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. VSBA Policy JO Student Records; 20 U.S.C. § 7908(a).

### **School Bus Safety**

School bus rider safety rules can be found on the [transportation page](#) of the division website as well as in the guide to [Student Rights and Responsibilities](#).

### **Sex Offender Registry**

Powhatan County Public Schools recognizes the danger sex offenders pose to student safety. Therefore, to protect students while they travel to and from school, attend school or are at school-related activities, each school in Powhatan school division shall request electronic notification of the registration or re-registration of any sex offender in the same or contiguous zip codes as the school.

Such requests and notifications shall be made according to the procedure established by the Virginia Department of State Police Annual Notification.

The Powhatan County Public Schools has an established School Board Policy (Policy KN) that addresses Sex Offender Registry Notification to employees and parents. Information may be obtained on-line at the Sex Offender and Crimes against Minors Registry located on the Internet website (<http://sex-offender.vsp.virginia.gov/sor/>)

### **Testing Transparency and Parent Opt Out**

Parents may request, and the school 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).