

**ADMISSION OF NONPUBLIC STUDENTS
FOR PART-TIME ENROLLMENT
IN MIDDLE SCHOOLS AND HIGH SCHOOLS**

The parents of private school or home school students who wish to enroll their students on a part-time basis in Albemarle County middle or high schools for participation in academic courses and extracurricular/club activities shall, along with the students, conform with the following provisions:

- A. **ADMISSION:** Students admitted under this policy are designated as part-time students. A student is eligible to take courses only at the middle or high school that serves the district in which he or she lives.

Each parent of a student enrolled in the Albemarle County Public Schools pursuant to this program has a duty to assist the school in enforcing the standards of student conduct and attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. To that end, parents of each enrolled student shall be provided with a copy of the School Board's Standards of Student Conduct and shall be required to meet the parental responsibility and involvement requirements set forth in Virginia Code section 22.1-279.3.

Each parent of a student enrolled pursuant to this program shall sign and return to the school in which the student is enrolled a statement acknowledging receipt of the School Board's Standards of Student Conduct and the notice of the requirements of Virginia law.

- B. **ENROLLMENT:** Part-time students may enroll in no more than 50% of courses or instructional units offered per semester. Part-time students wishing to participate in an academic class shall have completed all prerequisite coursework as outlined in the school's Program of Studies or the equivalent required of full-time public school students wishing to enroll in the course. Part-time students must enroll for the full length of the course. Continued enrollment is contingent upon regular attendance.

Part-time students will be admitted to a course utilizing the following space available guidelines:

| | | |
|-----------------------------|---|---------------|
| English class size | - | maximum of 24 |
| Math class size | - | maximum of 24 |
| Science class size | - | maximum of 24 |
| Social Studies class size | - | maximum of 24 |
| Foreign Language class size | - | maximum of 24 |

Fine Arts, Health or Physical Education, and Vocational class size - Class size maximum is determined by federal and state guidelines as well as by equipment and safety standards established by the principal.

If part-time enrollment causes total enrollment to exceed the maximum allowed by state or local policy (e.g., resulting in the need to employ another teacher) admission of the part-time student will be denied.

- C. **REGISTRATION:** Between August 1 and the first day of the school year, parents shall register their children as private school or home school students who desire part-time enrollment in academic courses of study. Students must follow normal registration procedures (e.g., provide copies of birth certificate, immunization records, proof of residency, proof of mastery of pre requisites, etc.) at the time of registration. If part-time students require any special assistance or accommodation, they must notify the school in writing at the time of registration.
- D. **ACTIVITIES:** Part-time students must enroll in at least one academic class (high school) or one instructional unit (middle school) for each extracurricular or club activity in which they choose to participate and may apply to participate in other activities with the permission of the principal. Part-time students wishing to participate in an extracurricular or club activity shall satisfy the same or equivalent criteria (including Virginia High School League regulations) required for such activities that full-time students must satisfy and shall participate in any try-out or selection process required of full-time students.
- E. **TRANSPORTATION:** The parents of the children for whom part-time admission is sought shall be responsible for the transportation of the child to and from school, including any expenses incident thereto. Part-time students may ride the bus to school on a space-available basis, if attending a first-period class; likewise, students may ride the bus home, on a space-available basis, if attending the last-period class. Part-time students may park on high school campus on a space available basis.
- F. **ACADEMIC CREDIT:** Class ranking and grade-point-average shall not be computed for part-time private/home school students, and such students shall not be eligible to graduate or receive a diploma from Albemarle County Schools.
- G. Final decisions related to admission and enrollment of all students rest with the principal. All division and school rules and regulations apply to all students. The part-time student shall comply with behavioral, disciplinary, attendance, and other classroom rules applicable to all students. If a student fails to comply, the school may withhold credit and/or terminate the student's participation.

Adopted: August 23, 1999

Amended: February 9, 2006; April 10, 2014; June 12, 2019

Legal Refs: Code of Virginia, 1950, as amended, §§22.1-78, 22.1-254.1, 22.1-253:13:2.

1973-74 Opinions of the Virginia Attorney General 305.

Cross Refs: JEC, School Admission

JFC, Student Conduct
JHCB, Student Immunizations
IGBI, Home Schooling
IGDA, Interscholastic/Extracurricular Activities
IHB, Class Size
IIBE, Acceptable/Responsible Use of Technology
IKEB, Promotion/Retention/Acceleration

**ADMISSION OF NONPUBLIC STUDENTS
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IN MIDDLE SCHOOLS AND HIGH SCHOOLS**

The purpose of this notice is to inform students who are participating in the program of Admission of Nonpublic Students for Part-Time Enrollment at Albemarle County’s middle and high schools and their parents/legal guardians of the following:

- Students are subject to all laws governing Albemarle County Public Schools, as well as all Albemarle County School Board policies, rules, procedures and regulations pertaining to students who elect the public schools as their educational program, including but not limited to the disciplinary authority of teachers, administrators, and the School Board.
- Albemarle County Public Schools assume no responsibility or liability for personal injury or property damage suffered by student(s) and/or their parents as a result of participation in this program.
- Students are entitled to attend those portions of the public school educational program specifically authorized by the School Board as outlined in the attached School Board policy.

Please sign below indicating that you have read this notice, received School Board's Standards of Student Conduct and the notice of the requirements of Virginia law, and acknowledge agreement. This form must be signed and returned as a condition of enrollment.

Dated: _____
Student

Dated: _____
Parent

Dated: _____
Parent

Attachments: School Board’s Standards of Student Conduct
Parental Responsibility and Involvement Requirements.

Parental Responsibility and Involvement Requirements
[School Year]

Dear Parents:

The 1996 Virginia General Assembly passed a bill which describes the responsibility of parents to work with school administrators in managing their children's conduct while at school. The bill requires that we send parents information about their responsibility, a form to sign and return to school acknowledging their responsibility, and a copy of Albemarle County's Code of Student Conduct. These items are included in this handout. Please sign this form and return it to your child's school. The attached sheet is for your information.

Every student has the right to a quality education in an environment that is free of disruption, and no student may deny that right to others. I ask that students, parents, and school personnel work together to create the best possible learning environment for all.

[Superintendent]

***PARENTAL STATEMENT OF RECEIPT OF NOTICE OF
REQUIREMENTS OF VA CODE 22.1-279.3 AND ALBEMARLE COUNTY
SCHOOL BOARD'S STANDARDS OF STUDENT CONDUCT***

I am the parent of the below named child and, by my signature, I acknowledge that I have received a copy of Section 22.1-279.3 of the *Code of Virginia* entitled "Parental Responsibility and Involvement Requirements," and a copy of the Albemarle County School Board's Standards of Student Conduct.

By signing this Statement of Receipt, I do not waive or abdicate, but do expressly reserve, any rights protected by the constitutions or laws of the United States or the Commonwealth of Virginia. I further understand that I have the right to express disagreement with the school's or school division's policies or decisions.

Date: _____

Signature of Parent

Name of Child

Notice to Parents

By signing the above statement of receipt, you shall not be deemed to waive, and you expressly reserve, your rights protected by the constitutions or laws of the United States or the Commonwealth, and you have the right to express disagreement with the school or school division's policies or decisions.

Student Conduct

These regulations are promulgated to help parents, students, and school personnel to know some of the more obvious types of misconduct and understand disciplinary consequences which may be imposed upon the student as a result of such misconduct. The list of types of misconduct is not exclusive nor a limitation upon the authority of the School Board or school officials to deal with conduct which interferes with the proper functioning of the schools.

While adopting these regulations, the Board reserves to itself, and when appropriate, the Superintendent/Designee, the authority to determine appropriate disciplinary consequences of any conduct, listed or otherwise, which interferes with the proper functioning of the schools. All disciplinary action shall be determined on the basis of the facts and evidence presented.

Standards of Student Conduct

The following section constitutes the Standards of Student Conduct for the Albemarle County Public Schools. The following acts by students in the Albemarle County Public Schools are not acceptable. Students found violating the Standards of Student Conduct will be subject to reasonable and appropriate consequences as outlined in the section on corrective measures.

1. Theft

A student shall not take another's property under duress or threat or by any other unlawful means.

2. Possession or Use of Weapons or Other Dangerous Articles

Students shall not have in their possession any type of unauthorized firearm or other article which may be used as a weapon, regardless of whether it is commonly accepted as such. This regulation incorporates Policy JFCD.

- a. any pistol, shotgun, rifle or other firearm, whether loaded or unloaded, operative or inoperative, or any object similar in appearance to a firearm, whether capable of being fired or not;
- b. any pneumatic gun, which includes pellet guns, BB guns, and CO2 air pistols; or
- c. any knife, razor, slingshot, brass or metal knuckles, blackjacks, explosives, or other dangerous articles.

A student further shall not misuse an acceptable object (such as a pencil, baseball bat, etc.) in a manner which endangers a person's safety or health. Possession includes storage in a vehicle, locker, or other receptacle. Any weapon possessed in violation of this policy shall be forfeited to the Commonwealth. The provisions of this section shall not apply to persons who carry such weapon or weapons as part of the curriculum or other programs sponsored by the school or any organization permitted by the school to use its premises.

3. Profane, Obscene, or Abusive Language

A student shall not use profanity or abusive language under any circumstances.

4. Assault and Battery

A student shall not assault or commit battery upon another person. Voluntary fighting resulting in physical injury to another person shall be considered assault and battery. Assault includes any physical confrontation that may result in no injury, minor injury, or serious injury that includes, but may not be limited to, kicking, shoving, pushing, hitting and fighting.

Battery is the unlawful application of force to the person of another.

A student shall not intentionally threaten, strike, physically harm, or verbally abuse any teacher, school employee, student, or other person. Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act prohibited under this regulation.

5. Vandalism

Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board. In addition, students shall not willfully or maliciously damage or deface property belonging to or under the control of any other person at school, on a school bus or at school-sponsored events. (See Policy JN-R)

6. Trespassing

No student shall enter upon any school property at night without authorized consent. Any student directed to leave or refrain from entering school property and who fails to do so shall be subject to disciplinary action. The student shall not trespass on school property or use school facilities without proper authority or permission, or during a period of suspension or expulsion.

7. Cheating

A student shall not give or receive unauthorized help, plagiarize or knowingly make false statements with respect to any school work or tests.

8. Student Dress

A student's dress and appearance shall not be such that it causes disruption, distracts others from the educational process or creates a health or safety problem. Students must comply with specific building dress regulations and of which students will be given prior notice.

9. Behavior on a School Bus

Students shall not behave in a disruptive manner or otherwise violate these Standards of Conduct while waiting for a school bus, while on a school bus or after being discharged from a school bus.

10. Disruptive Conduct & Defiance of School Personnel

Students shall not engage in conduct that is or is intended to be disruptive of any school activity, function or process of the school or is dangerous to the health or safety of students or others.

Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by Board policies and regulations. A student shall not interfere with the orderly process of instruction.

A student shall comply with the directions of a teacher or other school employee.

11. Leaving without Permission

A student is prohibited from leaving the school campus during the school day without authorization of designated school authorities.

12. Accessory to a Violation

A student who acts as an accessory or accomplice to another in violation of any provision of the Standards of Student Conduct will be subject to corrective action as outlined in the Standards of Student Conduct.

13. Distribution or Sale of Illegal Drugs or Possession or Distribution with Intent to Sell

Students shall not manufacture, give, sell, distribute or possess with intent to give, sell or distribute marijuana, synthetic cannabinoids, or other controlled substance as defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia.

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

A student shall not possess, use, and/or distribute alcohol, tobacco, and/or tobacco products, or other drugs on school property, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, look-alike drugs, drug paraphernalia, and any prescription or non-prescription drug not possessed in accordance with Policy JHCD.

A student shall not possess, procure or purchase or attempt to possess, procure, or purchase, or be under the influence of (legal intoxication not required), or use or consume, any of the restricted substances listed in this regulation or what is represented by or to the student to be any of the restricted substances listed in this regulation or what the student believes is any of the restricted substances in this regulation.

This regulation incorporates Policy JFCE.

Restricted Substances include alcoholic drinks, marijuana, synthetic cannabinoids, narcotic drugs, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act referenced below, as well as any abusable glue, paint and similar materials, anabolic steroids and both prescription and non-prescription drugs if they are not taken according to the prescription or directions on the package, and includes anything that a student represents to be a restricted substance or which a student believes is a restricted substance.

Any student whose parent or guardian requests that he/she be allowed to take any prescription or non-prescription medicine, drug, or vitamin shall bring such request in writing to the principal or a designee for approval. Items shall be left in possession of an authorized adult. (See JHCD, *Administering Medicines to Students.*)

15. Bullying

A student, either individually or as a part of a group, shall not bully others either in person or by the use of any communication technology including computer systems, telephones, pagers, or instant messaging systems. Prohibited conduct includes, but is not limited to, physical, verbal, or written intimidation, taunting, name-calling, and insults and any combination of prohibited activities.

"Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument or peer conflict.

16. Hazing

Students shall not engage in hazing.

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

The principal of any school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney. Hazing, as defined above, is a Class 1 misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of up to \$2,500, or both, in addition to any disciplinary consequences which may be imposed under this policy. In addition, any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or infants. See Va. Code § 18.2-56.

17. Harassment

A student shall not sexually harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions. Sexual harassment includes any unwelcome sexual advances regardless of sexual orientation *, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.

18. Unexcused Absence or Tardiness

Students shall not be absent from or report late to class or school without appropriate parental permission, school permission or an otherwise valid excuse.

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

19. Threats or Intimidation

Students shall not make any verbal, written, or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason.

20. Gambling

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

21. Gang Activity

A student shall not engage in gang activities as defined in Policy JFCE, incorporated by reference.

22. Unauthorized Possession or Use of beepers, Cellular Telephones, Personal Digital Assistants (PDAs), or Similar Devices

Electronic devices have an instructional purpose. School personnel will have designated authority to decide whether students shall not have in their possession a beeper, cellular telephone, smart phone, tablet, Personal Digital Assistant (PDA) or other communications device for instructional purposes. If a student possesses such a device without authorization, in addition to other disciplinary sanctions which may be imposed, the device may be confiscated from the student and returned only to the student's parent.

The division is not liable for devices brought to school or school activities.

23. Reports of Conviction or Adjudication of Delinquency

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

24. Acceptable Use of the Internet

Students shall abide by the Albemarle County Public School Division's Acceptable Computer Use Policy and Regulation.

25. Felony Charges

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

26. Bomb Threats

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

27. Other Conduct

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

Procedural Statement Concerning Restricted Substances

When an employee of the Board suspects a student of the illegal possession, use, or distribution of any controlled or illegal or restricted substance on the premises of any Albemarle County public school, it is the duty of the employee to notify the school principal immediately. Acting in accordance with the Board's policies in this manual and related policies and regulations, the principal should take possession of the suspect substance with the consent of the suspect student, if possible, or through a search procedure.

Minimum due process must be afforded the student prior to suspension. If the student admits the accusation when confronted, the student shall be suspended immediately. If the student denies the accusation, the student shall not be suspended unless there is evidence that he/she is in possession of, under the influence of, or distributing a restricted substance. In this case, the student shall be given into the custody of the parent or guardian and shall be suspended immediately. In any case, every effort should be made to have the parent or guardian come to the school before action is taken beyond the preliminary phase of the principal's investigation.

If an illegal substance is found in the student's possession, it will be turned over to law enforcement personnel. Drug violations will lead to disciplinary action, regardless of whether criminal charges are filed, or whether a criminal conviction is obtained. For first offenses of illegal possession, use or distribution of a restricted substance, a student will receive a ten (10) day suspension at minimum and be required to participate in any substance abuse prevention or education program deemed appropriate by the principal. For any second or subsequent offense of illegal possession, use or distribution of a restricted substance, the student will receive a ten (10) day suspension and be recommended for expulsion. All cases in which a student has brought a controlled substance, imitation controlled substance or marijuana as defined in Va. Code §18.2-247 onto school property or a school-sponsored activity shall be recommended for expulsion unless the Disciplinary Hearing Officer conducts a preliminary review of the case and determines that disciplinary action other than expulsion is appropriate. (See Policy JGD/JGE, Section V.B.)

A student for whom the Superintendent has received a report pursuant to Section 16.1-305.1 of the Code of Virginia of an adjudication of delinquency or a conviction for an offense involving the manufacture, sale, gift, distribution, or possession of marijuana or other controlled substances may be suspended or expelled from school, regardless of whether the adjudication or conviction resulted from an off-campus incident.

Other Criminal Offenses

Students charged with felony criminal offenses arising from conduct that occurs on or off- school grounds are subject to potential disciplinary action, up to and including suspension or expulsion, and may be suspended from school or required to attend an alternative education program while the criminal charge is pending. Students who are convicted or adjudicated guilty of felony offenses are also subject to potential suspension or expulsion from school, or placement in an alternative education setting, in accordance with applicable Virginia law.

Parental Responsibility

***Excerpted from the Code of Virginia (1950), as amended
22.1-279.3. Parental responsibility and involvement requirements.***

- A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.
- B. A school board shall provide opportunities for parental and community involvement in every school in the school division.
- C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

- D. The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his/her designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.
- E. In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1-279.6, the school principal may notify the parents of any student who violates a school board policy or compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.
- F. No suspended student shall be admitted to the regular school program until such student and his/her parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his/her designee determines that readmission, without parent conference, is appropriate for the student.

- G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as follows:
1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or
 2. If the court finds that the parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order the student or his/her parent, or both, to participate in such programs or such treatment, including, but not limited to, extended day programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order also may also require participation in a parenting, counseling or mentoring program as appropriate or that the student or his/her parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his/her parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.
- H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.
- I. All references in this section to the juvenile and domestic relations court shall be also deemed to mean any successor in interest of such court.

Adopted: August 23, 1999
Amended: February 9, 2006; April 10, 2014