



**POWHATAN COUNTY**

**PUBLIC SCHOOLS**

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## **REQUIRED NOTIFICATIONS 2025-2026**

Each year, school divisions are required to make notification to the community by state and/or federal law. 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.

Additional online resources

[Student Rights and Responsibilities \(Code of Student Conduct\)](#)

[School Board Policies and Regulations](#)

[Powhatan County Public Schools website](#)

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## **Asbestos**

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. Asbestos information will be made available annually for Powhatan Middle School. Information about asbestos inspections, response actions and post-response action activities, including periodic re-inspection and surveillance activities that are planned or in progress will be posted on the website and available in the main office. If there are any questions you may contact Mr. Bob Benway, Director of Facilities, at 804-598-5700.

## **Budget**

In accordance with Code of Virginia §22.1-93, Powhatan County Public Schools every year publishes and approves an annual budget, in line item form, including the estimated required local match. The school division's budget is available on the division's [Finance Department website](#). Printed copies are available as needed to citizens who do not have online access.

## **Career and Workforce Development**

The Powhatan County School Board provides career and workforce development courses in grades 6 through 12, and career planning is incorporated into the kindergarten through twelfth-grade curriculum. More information can be found on the division's [Career and Workforce Development website](#).

## **Child Abuse Reporting**

The School Board posts in each school a notice that any teacher or other person employed there who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee.

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.

## **Child Nutrition Programs**

Powhatan County Public School participates in the Free and Reduced Price Meals. A notice is provided to all students and includes, but is not limited to, the following information:

- eligibility criteria for benefits,
- application procedures, and
- an explanation that an application for benefits cannot be approved unless it contains either: 1) complete documentation for households applying on the basis of income and household size; 2) a case number for households receiving Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) benefits; or 3) notification that the applicant is applying for a foster child.

Households may apply for benefits at any time during the school year as circumstances change. PCPS does not discriminate on the basis of handicap. More information can be found on the division's [Food Service website](#) or by contacting Sada Hill, Food Service Compliance Officer, [sada.hill@powhatan.k12.va.us](mailto:sada.hill@powhatan.k12.va.us).

## **Comprehensive Plan (formerly Six Year Plan)**

The Powhatan County School Board adopted a division-wide comprehensive, unified, long-range plan

based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan was developed with staff and community involvement and includes, or is consistent with, all other division-wide plans required by state and federal laws and regulations. The School Board reviews the plan biennially and adopts any necessary revisions. Prior to the adoption of the plan or revisions thereto, the School Board posts the plan or revisions on the division's Internet website if practicable and makes a hard copy of the plan or revisions available for public inspection and copying and conducts at least one public hearing to solicit public comment on the plan or revisions. The final year of the current plan is the 2029-2030 school year. The division will be seeking stakeholder participation in the development of any revisions to the current plan.

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

Formerly known as the Code of Student Conduct, the guide to [Student Rights and Responsibilities \(Code of Student Conduct\)](#) was adopted by the School Board in 2018, and updated in June 2025. Every student should be in an environment that is conducive to learning, 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.

Each parent must sign and return to the student's school a statement acknowledging the receipt of the following:

- a copy of Section 22.1-279.3 of the Code of Virginia entitled "Parental Responsibility and Involvement Requirements" located in the guide for Student Rights and Responsibilities;
- a copy of the Powhatan County Public Schools' Student Rights and Responsibilities; and
- a copy of the "Compulsory School Attendance Law" located in the guide for Student Rights and Responsibilities.

### **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. PCPS publishes the Cost per Pupil chart on the division's [Finance Department website](#).

### **Counseling – Academic and Career Guidance, Personal and Social Counseling**

The School Counseling Program emphasizes developmentally appropriate instruction and services according to grade levels. The purpose of school counseling programs is to enable all students to succeed academically. Counselors conduct classroom guidance sessions and provide individual and group counseling. Group counseling sessions include drug awareness and personal safety, conflict resolution, anger management, bullying prevention, respect/getting along, changing families, loss/grief, stop and think, and success groups. Other programs and services range from scheduling of classes, study skills, test taking skills, creating and achieving goals, career exploration/awareness, and new student orientation, to the identification and planning for students who need remediation. Students and families can access additional information and resources regarding career opportunities and pathways after high

school through [The State Council of Higher Education for Virginia](#). Information regarding high-demand occupations can be accessed at the [Virginia Office of Education Economics](#).

It is the policy of Powhatan County Public Schools, with respect to personal/social counseling, that parents who do not wish their children to participate in these school counseling activities ([Policy IJ](#)) must notify the principal of the school which their child attends in writing of their intent to opt-out of activities.

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

Students and parents can review the availability of certain programs in the [Secondary Course Guide](#) on the division website. This includes dual enrollment, advanced placement classes, and career and workforce development programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, other work-based learning experiences, and Academic Year Governor's School programs. This also includes 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 examinations. PCPS also has an agreement with Reynolds Community College to enable students to complete an associate's degree concurrent with a high school diploma.

### **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](#).

### **Emergency Procedures**

Each school's written procedures to follow in emergencies such as fire, injury, illness, and violent or threatening behavior must be outlined and discussed with staff and students in the first week of school. Per Superintendent's Memo 160-18, and in accordance with *Code of Virginia* at § 22.1-279.8, an annual review of the Powhatan County Public Schools' Crisis Management Plan is required.

### **English Language Learners**

The Powhatan County School Board provides programs to improve the education of English learners by assisting the children to learn English and meet Virginia's challenging academic content and student academic achievement standards. The School Board accepts and provides programs for students for whom English is not their first language who entered school in Virginia for the first time after reaching their 5<sup>th</sup> birthday, and who have not reached age 22 on or before August 1 of the school year. No tuition is charged to such students, if state funding is provided for such programs.

PCPS is committed to providing language instruction educational programs no later than 30 days after the beginning of the school year for parents of English Learners of the following:

- The identification of their child as an English learner and in the need of placement in a language instruction education program. The child's level of English proficiency, how such level was assessed, and the status of the child's 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 and how such programs 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 the program into classrooms that are not tailored for English learners and the expected rate of graduation from high school if federal funds are used for children in high schools.

- In the case of students with a disability, how the program meets the objectives of the individualized education program of the child. Information pertaining to parental rights that includes written guidance detailing: the parents' rights to have their child immediately removed from such program upon their request, 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, and 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. 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. 20 U.S.C. 6312(e)(3).

The information described above is provided to parents in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand. For more information, please contact Cynthia Jamerson, ELL Coordinator, at [cynthia.jamerson@powhatan.k12.va.us](mailto:cynthia.jamerson@powhatan.k12.va.us)

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

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."

- the right to inspect and review the student's education records and the procedure for exercising this right;
- the right to request amendment of the student's education records that the parent believes to be inaccurate, misleading, or in violation of the student's privacy rights and the procedure for exercising this right;
- the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
- the type of information designated as directory information and the right to opt out of release of directory information (see Directory Information below);
- that the school division releases records to other institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- the right to opt out of the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
- a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

The Family Rights and Privacy Act (FERPA) 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. 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;
- Sports activity sheets, such as for wrestling, showing weight and height of team members; and
- 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.

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

- student's name,
- participation in officially recognized activities and sports,
- weight and height of members of athletic teams,
- photograph,
- degrees, honors, and awards received,
- date and place of birth,
- dates of attendance,
- grade level, and
- the most recent educational agency or instruction attended.

Written consent is required to release a student's email, address, and telephone number.

**If you do not want Powhatan County Public Schools to disclose directory information from your child's education record, you must notify the school division by September 12, 2025. You may do so by addressing your written statement or completing the *Parental Opt-Out Booklet 2025-2026* to Abby Clodfelter, Executive Assistant to Chief of Schools, Powhatan County Public Schools, 4290 Anderson Hwy, Powhatan, VA 23139.**

Parents and eligible students may not use the right to opt out of directory information disclosures to 1) prevent disclosure of the student's name, identifier, or institutional email address in a class in which the student is enrolled; or 2) prevent an educational agency or institution from requiring the student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information designated as directory information and that has been properly designated as directory information.

### **Family Life Education**

The Powhatan County School Board provides Family Life Education (FLE) based on the FLE Standards of Learning (SOL) and curriculum guidelines developed by the Board of Education. [Policy IGAH](#).

Parents and guardians have the right to review the family life education program offered, including written and audio-visual educational materials used in the program. Parents and guardians also have the right to excuse their child from all or part of family life education instruction.

### **Fees**

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. The approved [2025-2026 Student Fees](#) can be found on the division's website.

### **Gifted Education**

The Powhatan County School Board approves a comprehensive plan for the education of gifted students that includes the components identified in Board of Education regulations. The development process for the plan includes opportunities for public view of the school plan. The plan for the education of gifted students is accessible through the [school division's website](#) and printed copies of the plan are available to citizens who do not have online access.

### **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. To view credit requirements for each diploma type or certificate click the links below from the Virginia Department of Education:

[Advanced Studies](#)

[Standard Diploma](#)

[Diploma Applied Studies](#)

[Other Diplomas & Certificates](#)

### **Additional Requirements for Graduation**

- **Advanced Placement, Honors, or International Baccalaureate Course, Work-based Learning, or Career and Technical Education Credential** - In accordance with the Standards of Quality, Students shall (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; or (ii) complete a high-quality work-based learning experience, as established by Board guidance on work-based learning; or (iii) 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, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (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** - In accordance with the Profile of a Virginia Graduate, students shall acquire and demonstrate foundational skills in Virginia's 5 C's: critical thinking, creative thinking, collaboration, communication, and citizenship.

### **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. During the IEP meeting of students in grades three through 12, parents and school staff may discuss the availability of credit accommodations to earn a Standard diploma and the limitations of the Applied Studies diploma if the type of diploma a student qualifies to earn is impacted by curriculum or statewide assessment decisions.

### **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. Kelly Sarkees, Comprehensive Intervention Specialist, at 804-598-5700.

### **Internet Use Policy**

The Powhatan County School Board is committed to complying with the Government Data Collection and Dissemination Practices Act and the Virginia Freedom of Information Act. The Powhatan County School Board does not collect unnecessary personal information by means of its website, and collects only appropriate personal information to the extent necessary to serve its constituents and the community. VA Code §2.2-3803.

### **National Assessment of Educational Progress (NAEP)**

Before administering any NAEP assessment, Powhatan County Public Schools notifies parents 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. The division offers open 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. 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 the school division and the requestor.

### **Nondiscrimination Statement**

Powhatan County Public Schools, including professional organizations that have contracts with the School Board, does not discriminate on the basis of race, color, national origin, sex, disability, age, or genetic information 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 Matheny.
- The Title IX Coordinator is Dr. Lynn Clayton-Prince.

Both may be reached at 4290 Anderson Hwy, Powhatan, Virginia 23139, and (804) 598-5700.

### **Notification of Learning Objectives**

At the beginning of every school year, each school within the Powhatan County Public School Division provides to its students' parents or guardians information on the availability of and source for receiving: the learning objectives developed in accordance with the Standards of Accreditation 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; the Standards of Learning (SOLs) applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing.

### **Parent and Family Engagement**

The Powhatan County School Board recognizes that the education of each student is a responsibility shared by the school and the student's family. The Powhatan County School Board endorses the parent and family engagement goals of Title I (20 U.S.C. 6318) and encourages the regular participation by parents and family members of all children including those eligible for Title I and English learner programs in all aspects of those programs. The School Board cultivates and supports active parent and family engagement in student learning such as providing student activities that educate parents regarding the intellectual and developmental needs of their children. These activities promote cooperation between the division and other agencies or school/community groups to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development.

### **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 can be found in the [Student Rights and Responsibilities \(Code of Student Conduct\)](#).

### **Policy Manuals**

The [school division's policy manual](#) is available to employees and to the public on the division website. Printed 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.

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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 younger 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; Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  2. 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, [JOB](#)– 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.

### **Quality Profiles**

The Powhatan County School Board ensures that every school in the division annually provides parents and the community a School Quality Profile in a manner prescribed by the Board of Education. The School Quality Profile includes designated information for the most recent three-year period. The School Quality Profile includes information designated by the Board of Education to include indicators of the

following: accountability, assessments, enrollment and demographics, college and career readiness, finance, learning environment, and teacher quality.

### **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. [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 \(Code of Student Conduct\)](#). For more information, contact Transportation at 804-598-5706.

### **Scoliosis**

As per Virginia law and in lieu of School Scoliosis Screening, PCPS provides parents of students in grades five through ten with the scoliosis educational information. This information is on the [Health Services page](#) of the division website. Please take time to review this information and contact your family physician or school nurse with any questions.

### **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. Information may be obtained on-line at the Sex Offender and Crimes against Minors Registry (<https://www.vspso.com/>).

### **Student Achievement**

Powhatan County Public Schools provides parents notification of 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. All reports shall be given 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).

### **Students with Disabilities – Free, appropriate public education (FAPE)**

The Powhatan County School Board provides a free, appropriate public education for all children and youth with disabilities, ages 2 through 21, inclusive, who are residents of Powhatan County or who are not residents of Powhatan County but are residents of Virginia and who are enrolled in a full-time virtual school program provided by the Board. To the maximum extent appropriate, students with disabilities are educated with children who are not disabled.

An Individualized Education Program (IEP) is developed and maintained for each child with a disability served by the Powhatan County School Board. The program is developed in a meeting of the child's IEP team, which includes the child's teachers, parent(s), the student (when appropriate), a school division representative qualified to provide or supervise the provision of special education services, an individual who can interpret the instructional implications of evaluation results and other individuals at the discretion of the parents or school division in accordance with State and federal law and regulations. This IEP is reviewed at least annually.

The Powhatan County Public Schools Special Education Advisory Committee (SEAC) serves as an advisory group on matters concerning the unmet needs of students with disabilities in Powhatan County. Its purpose is to increase the involvement of parents of children with disabilities in making recommendations regarding special education policy issues. A notification is sent out to families of students with disabilities about the SEAC committee. Information about it can also be found on the division's [Special Education website](#).

### **Teacher Qualifications**

Powhatan County Public Schools will notify 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 in which the students are assigned.

### **Tobacco and Nicotine Vapor Products**

PCPS must annually provide education information to parents of students in grades K through 12 regarding the health dangers of tobacco and nicotine vapor products. The following information is available from the Virginia Department of Health:

Vaping: <https://www.vdh.virginia.gov/vdhlivewell/vaping/>

Tobacco: <https://www.vdh.virginia.gov/tobacco-free-living/resources/>

### **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).

### **Wellness**

Every three years, school divisions are required to complete an evaluation of the policies and procedures used to promote student wellness. The PCPS Student Wellness Policy and the accompanying regulation can be found by clicking on each link. For more information, please contact Katie Matheny at [katie.matheny@powhatan.k12.va.us](mailto:katie.matheny@powhatan.k12.va.us) or 804-598-5700.

### **Youth Health Risk Behavior Survey**

The Powhatan County School Board will notify parents of each student enrolled in a middle school 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 and be given at least 30 days prior to the administration of the survey.