

VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF VIRGINIA BEACH

Rachel Wigand

Plaintiff

v.

Case No.

St. John the Apostle Catholic School

A Subsidiary of St. John the Apostle Catholic Church, Inc.

Serve:

Jennifer Davey

Interim Principal

1968 Sandbridge Rd

Virginia Beach, VA

Michael Riley

Superintendent of Catholic Schools – Richmond Diocese

7800 Carousel Lane

Richmond, VA

Jamie R. Workman, R/A of St. John the Apostle Catholic Church, Inc.

200 N. Glebe Rd #922

Arlington VA

Defendant

NOTICE OF MOTION FOR JUDGMENT

To the Defendant St. John the Apostle Catholic School and St. John The Apostle

Catholic Church, Inc.: Take notice that on November 8, 2024 at 8:30am the Plaintiff will move this Court to set a trial date in this matter. Failure to appear may result in a default judgment being issued against the Defendant.

Ecclesiastical Abstention Doctrine

This action is a contractual dispute regarding the imposition of discipline over the Plaintiff's child A.W. The imposition of discipline is not an "ecclesiastical dispute" as discussed further in this action – as the controversy between the parties entirely centers on the whether the Defendant has contractual authority to suspend the Plaintiff's child for non-religious reasons. The imposition of discipline in this matter is entirely based on the interpretation of Virginia contract law based on a written contract between the parties and does not involve church governance or matters of faith and doctrine. *Bowie v. Murphy*, 271 Va. 127 (2006) *Reid v. Gholson*, 229 Va. 179, 187, 327 S.E.2d 107, 111-12 (1985). Accordingly, the Ecclesiastical Abstention Doctrine does not apply, and this court has full authority to adjudicate the action.

JURISDICTION

1. Plaintiff is a resident of the City of Virginia Beach.
2. Defendant St. John the Apostle School is a private Catholic School doing business in the City of Virginia Beach at facilities owned and under the delegated authority as a subsidiary of St. John the Apostle Catholic Church, Inc. who has controlling interest in the Defendant.
3. St. John the Apostle School operates under supervision of the Roman Catholic Diocese of Richmond.
4. Plaintiff contracted with the Defendant St. John the Apostle School to provide educational services for her three children for the 2024-2025 School Year. The Plaintiff has paid a tuition payment to the Defendant in the amount of \$4,870 for ½ of the annual tuition pursuant to the contract for her son A.W. to attend the sixth grade. The contract is attached hereto and incorporated herein as **Exhibit A**.

GENERAL FACTS TO ALL COUNTS

5. The Plaintiff's son, A.W. is 11 years old and is in sixth grade as a student at St. John The Apostle Catholic School.
6. On September 5, 2024, at St. John The Apostle Catholic School, a fellow student displayed a bullet to A.W. immediately prior to A.W. and other students being required to take a standardized test.
7. A.W. took the standardized test, then went to another class, and immediately following that class, and within 2 hours of initially seeing the bullet, went to the Principal, Ms. Jennifer Davey and reported the student with the bullet.
8. Virginia Beach police were called, the bullet was recovered from the other student, an investigation was conducted and the offending student with the bullet was suspended immediately for 1.5 school days.
9. Following the law enforcement investigation, A.W. was also suspended from school by Principal Davey for the remainder of September 5 and all of September 6 for "failing to immediately report" the bullet to school officials. This suspension was identical to the offending student's suspension for bringing the bullet to school.
10. The suspension was an out-of-school suspension which is now part of the permanent academic record of A.W.
11. Prior to the school year, the Defendant issued a "Student – Parent Handbook" which discusses obligations of students attending school. The handbook is attached as **Exhibit B** and incorporated herein.
12. The Student-Parent Handbook does not require any student to immediately report ammunition of another student to administrators nor has such a requirement ever been verbalized to the Plaintiff or A.W.

13. The Student - Parent Handbook does not require the immediate reporting of any school safety concern to administrators except those involving sexual harassment.
14. The Student Handbook discloses certain discipline for enumerated offenses, and there is no discipline infraction enumerated for not immediately reporting a safety concern to administrator, however the Plaintiff has been advised by the Defendant that despite not having enumerated discipline in the Student Handbook for failing to immediately report a bullet in school – the Defendant is entitled to suspend the student pursuant to Section J of the Tuition Contract.

COUNT 1 – BREACH OF CONTRACT

15. Plaintiff restates all previous paragraphs.
16. The Defendant has a legal obligation to the Plaintiff on when to impose out-of-school suspension on the Plaintiff's child based on clear contractual language between the parties in the Tuition Contract and the Student-Parent Handbook.
17. The Defendant breached its obligation by imposing a suspension of the Plaintiff's child outside of the enumerated factors in the Student Parent Handbook and the reasonable contractual understanding of the parties or when discipline would be imposed.
18. As a result, the Plaintiff has been denied educational services for her child by the Defendant and the Defendant has created a permanent academic record of a suspension of her child that was not contractually authorized or reasonably anticipated to have occurred under pre-existing rules established by the Defendant and for which was reasonably relied on by the Plaintiff.
19. Mutuality exists exclusively between the Plaintiff and the Defendant related to the breach of contract claims.
20. The Tuition Contract is a Contract of Adhesion drafted by the Defendant. The Plaintiff had no opportunity to negotiate any terms of the contract.
21. Section J of the Tuition Contract (Exhibit A) allows for two circumstances when imposing discipline:
 - a. "St. John the Apostle Catholic School reserves the right to discipline the student when, at the discretion of the administrator, the student's interest or that of the school will be served by such action."
 - i Discipline is not defined to include suspension. The Plaintiff lacked notice that her child could be denied educational services as discipline to include suspension for issues not enumerated in the contract or the Student-Parent Handbook..
 - b. "St. John the Apostle Catholic School also reserves the right to suspend, dismiss, or deny enrollment or re-enrollment to any student whose progress is unsatisfactory or whose conduct, general attitude, or habitual actions, or those

of the parent(s)/guardian(s) are contrary to the interest of the school, or are in violation of the school's rules and regulations as stated in the Student-Parent handbook.”

i While administrators of the Defendant have some discretion to impose discipline in circumstances involving best interest of the student or the school, the arbitrary imposition of out-of-school suspension by the Defendant on A.W. for failing to immediately report a bullet in a classroom is not in the student or the school's best interest for the following reasons:

- 1 The bullet possessed no immediate harm to the school, any students, or staff.
- 2 The 11-year-old child son of the Plaintiff who reported the incident to administrators wished to do so in a way to remain anonymous.
- 3 The position that “immediate reporting” was required by the Defendant is an arbitrary position that fails to consider reasonable actions to report a possible safety incident to an administrator when it was safe to do so by the reporting student.
- 4 Punishing reporting students who report safety and security issues to administrators creates a chilling effect on future reporting.
- 5 The imposition of an out-of-school suspension on A.W. was an arbitrary and capricious abuse of discretion not authorized by contract by the administration of the Defendant.
- 6 The expert opinion B. Richard Sutton is attached hereto and incorporated herein. **Exhibit C**

22. The Defendant incorrectly interprets that Section J of the contract gives the Defendant *carte blanche* authority to suspend any student for any conduct. This position violates the reasonable expectation doctrine of Virginia Common Law.

- a The Defendant voluntarily put the Plaintiff on notice of when her child could be denied educational services by incorporating enumerated punishment for specific acts in the Student -Parent Handbook.
- b The Plaintiff had no notice nor was it reasonably foreseeable that if her son A.W. failed to immediately report another classmate had a bullet in school to administrators that the Plaintiff's son would receive a suspension and be denied educational services.

c The Defendant claims unlimited discretion to suspend – and if this is true, then that position is an ambiguous interpretation of a contract of adhesion.

1 The contract is ambiguous in interpretation if the Defendant believes it can suspend any student at any time for any manufactured reason even if not enumerated in the Student-Parent Handbook – which is not the interpretation the Plaintiff or any reasonable person would have when entering the contract. Quoting: *RECP IV WG Land Inv'rd LLC v. Capital One Bank*, NA 295 Va 268, 283 (2018).

23. The Defendant has breached its contract to the Plaintiff to provide educational services for ½ of the day of September 5, 2024, and 1 day of September 6, 2024.

COUNT 2

BREACH OF CONTRACT

FAIL TO MAINTAIN A SAFE LEARNING ENVIRONMENT

24. Plaintiff restates all previous paragraphs,

25. Plaintiff and Defendant are in a contractual relationship wherein the Plaintiff has paid the Defendant for educational services.

26. Mutuality exists exclusively between the Plaintiff and the Defendant related to the breach of contract claims.

27. The Defendant has an implied obligation to provide a safe learning environment to the children attending Defendant's school.

28. The Defendant has breached the obligation by failing to provide reasonable security to Plaintiff's son, including dispatching metal detectors and other safety screening devices to insure those children bringing contraband materials, such as bullets to school would be intercepted by security safety adults prior to entering the building.

29. The Defendant has shifted its legal obligation to protect the children of its school to students of the Defendant's school, including the Plaintiff's son A.W. – and then arbitrarily punishes A.W. when the reporting of a bullet was not deemed timely by the Defendant.

30. In addition to the failure of the Defendant to provide reasonable security to the Plaintiff's child, the Defendant publicly punished the Plaintiff's child by suspending A.W. identical to the offending student who brought the bullet.

31. This suspension has allowed every child at Defendant's school to conclude that the A.W. reported the student with the bullet, and now A.W. is facing retaliation at the school to include physical assaults of pushing by other students, isolation from activities by other students during group activities by classmates and bullying behavior and name calling of A.W. by other students.

32. Administrators and teachers who could and should be aware of such conduct are not engaging to protect A.W. – which is interrupting A.W.’s ability to continue to learn in a healthy and safe environment.

Wherefore, the Plaintiff moves this Court find that the Defendant breached its contractual obligations to the Plaintiff and to award the Plaintiff damages as follows:

- a. For judgment against the Defendant St. John the Apostle School in the amount of \$4,870, representing the tuition paid.
- b. For an award of costs and attorney fees
- c. And to grant any further relief under the circumstances.

Respectfully submitted,

RACHEL WIGAND

By: 

Counsel

Timothy Anderson
Anderson & Associates, PC
2492 N. Landing Rd 104
Virginia Beach VA 23456
757-301-3636 Tel
VSB 43803

EXHIBIT A
TUITION CONTRACT

St. John the Apostle Catholic School

1968-B Sandbridge Road
Virginia Beach, VA 23456
Phone: (757) 821-1100 Fax: (757) 821-1047
www.sjaxvb.org

TUITION CONTRACT – SCHOOL YEAR 2024-2025

Family Name: Wigand

Students to Be Enrolled:	Entering Grade:
1. <u>Austin Wigand</u>	<u>6th</u>
2. <u>Payton Wigand</u>	<u>4th</u>
3. <u>Alexandra Wigand</u>	<u>1st</u>
4.	
5.	
6.	

I (we) acknowledge that prompt payment of tuition is essential for the financial security and efficient operation of St. John the Apostle Catholic School. I (we) acknowledge that I (we) are committing to and will be obligated to make tuition and fee payments for the Students presently enrolled or seeking admission to St. John the Apostle Catholic School as stated above for the 2024-2025 school year. No portion of tuition and/or fees, paid or outstanding, will be refunded, forgiven or canceled under any circumstances except as noted below. Upon withdrawal from enrollment at the School, for any reason, the entire year tuition and fees balance shall become immediately due and payable. If Parent/Guardian and Student(s) move their primary residence to outside the geographical boundaries of the Southside Hampton Roads Area (defined herein as the Cities of Virginia Beach, Norfolk, Chesapeake and Portsmouth), the Student(s) may be withdrawn from enrollment without obligation.

I (we) will pay a Non-Refundable Registration Fee for each Student.

By enrolling the Student(s) named above, I (we) specifically acknowledge and are bound by the following terms: (Please initial where indicated)

- A. I/We agree that the tuition payments will be made in accordance with the payment schedule checked below. Please choose **ONE**:
- Pay 100% of the tuition by July 1, 2024 through FACTS, cash, check or money order. I/We understand that I/we will receive the discounted rate as noted on the 2024-2025 Tuition Rate Schedule if tuition is paid no later than July 1, 2024. I/We understand that I/we will be ineligible for the discount if tuition is paid in full after July 1, 2024 (no exceptions). W (initial)
 - Make two semi-annual installments through FACTS Tuition Management Company (July 2024 and January 2025). _____ (initial).
 - Make four quarterly installments through FACTS Tuition Management Company (July 2024, October 2024, January 2025 and April 2025) on your checking, savings or by VISA/AMEX/MC/Discover. A credit card convenience fee is associated with the VISA/AMEX/MC/Discover option. _____ (initial)
 - Make 12 monthly installments (July 2024-June 2025) through FACTS Tuition Management Company on your checking, savings or by VISA/AMEX/MC/Discover. A credit card convenience fee is associated with the VISA/AMEX/MC/Discover option. _____ (initial)

- e. Make 11 monthly installments July 2024-May 2025 through FACTS Tuition Management Company on your checking, savings, or by VISA/AMEX/MC/Discover. A credit card convenience fee is associated with the VISA/AMEX/MC/Discover option. _____ (initial)
- f. Make 11 monthly installments August 2024-June 2025 through FACTS Tuition Management Company on your checking, savings, or by VISA/AMEX/MC/Discover. A credit card convenience fee is associated with the VISA/AMEX/MC/Discover option. _____ (initial)
- g. Make 10 monthly installments July 2024-April 2025 through FACTS Tuition Management Company on your checking, savings, or by VISA/AMEX/MC/Discover. A credit card convenience fee is associated with the VISA/AMEX/MC/Discover option. _____ (initial)
- h. Make 10 monthly installments August 2024-May 2025 through FACTS Tuition Management Company on your checking, savings, or by VISA/AMEX/MC/Discover. A credit card convenience fee is associated with the VISA/AMEX/MC/Discover option. _____ (initial)
- B. I/We understand that if tuition payments begin for the 2024-2025 school year in July/August and the parent(s) withdraw student(s) prior to school starting, the first tuition payment will not be refunded, if the moving out of area caveat is not met. W (initial)
- C. I/We understand that all incidental fees (fees other than tuition) will be paid through FACTS. W (initial)
- D. I/We understand that the Student(s) will not be permitted to start a new school year if the account balances from the prior year have not been paid. W (initial)
- E. I/We understand that the Student(s) will not be permitted to start the 2024-2025 school year if the 2024-2025 registration fees have not been paid in full. W (initial)
- F. I/We understand that the tuition is inclusive of book fees, technology fees, standardized testing and diocesan student insurance assessed by St. John the Apostle Catholic School and have been rolled into the tuition account and will be part of the payment plan. W (initial)
- G. I/We understand that the School will maintain a billing account through FACTS Tuition Management. Parents/Guardians may make deposits electronically into the FACTS account, at any time, using credit card or Electronic Funds Transfer (EFT). Parent/Guardian will keep the account balance current in terms of payments for incidental expenses that students incur. St. John the Apostle Catholic School will provide Parent/Guardian with an electronic monthly billing statement that will be run through FACTS Tuition Management. W (initial)
- H. I/We understand that if the billing account for tuition and/or any other fees should become delinquent at any time, the School may dismiss the Student(s) from the school without further notice. All academic records, transcripts and grades (including report cards) are the property of the School and will not be released or transferred while the account is in default. If this account is referred to an attorney or Collection Agency as a result of default by the Parent/Guardian, the Parent/Guardian shall pay all costs of collection including reasonable attorney fees and costs of court. W (initial)
- I. I/We acknowledge that a delinquent account may result in ineligibility for re-enrollment for the following school year. W (initial)
- J. I/We agree to accept and cooperate fully with St. John the Apostle Catholic School in routine matters of rules, regulations and discipline. St. John the Apostle Catholic School reserves the right to discipline the student when, at the discretion of the administration, the student's interest or that of the school will be

best served by such action. St. John the Apostle Catholic School also reserves the right to suspend, dismiss, or deny enrollment or re-enrollment to any student whose progress is unsatisfactory or whose conduct, general attitude, or habitual actions, or those of the parent(s)/guardian(s) are contrary to the interest of the school, or are in violation of the school's rules and regulations as stated in the Student-Parent Handbook. If the Student is dismissed from the School, the entire year's tuition and fees balance shall become immediately due and payable. (W) (Initial)

K. I/We acknowledge that tuition rates differ depending on our status as Roman Catholic or non-Roman Catholic. I/We understand that those requesting the Catholic rate must have the Student(s) baptized in the Roman Catholic faith and be registered at their church office in the Tidewater Area. Parishioner status will be reviewed on an annual basis to determine continued eligibility for the Catholic rate.

(W) (initial)

L. I/We agree that our family does not maintain any delinquent balances at any other school(s). Any misrepresentation by Parent/Guardian shall be considered a material breach of this Agreement and the contract will be null and void. (W) (initial)

This Tuition Contract contains the full and complete agreement of the parties and expressly revokes, rescinds, and supersedes any and all agreements and representations by the parties previously. The terms of this Contract may not be modified, altered or changed unless agreed to by all of the parties in writing and signed by the School Principal and Parent/Guardian.

The provisions of the Contract shall be binding upon the respective executors, administrators and assigns of the parties.

The undersigned have read this Contract and understand the terms thereof, and agree to be bound by the terms and conditions thereof.

R.A. Wigand
Parent/Guardian

Parent/Guardian

1-10-2024
Date

Date

Address: 817 Widener Court

City: VA Bch

State: VA Zip: 23464

Home Phone: 757-581-4546

Business Phone: _____

Parish: _____

Parish ID/Envelope# _____

Email: rwigand@vb.gov.com

Business Office Use Only:

Approved By: _____

Date: _____

☰ St. John the Apostle Catholic School ☰

05 Jul 2024
Payer: Rachel Wigand
Amount: \$12,421.50

Payment

NAME DESCRIPTION AMOUNT PAID

Austin Wigand Non-Catholic \$4,870.00

Alexandra Wigand Non-Catholic \$3,486.50

Payton Wigand Non-Catholic \$4,065.00

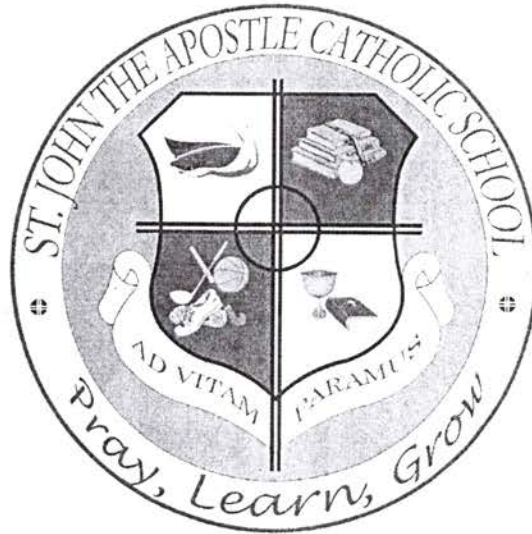
05 Jul 2024
Payer: Rachel Wigand
Amount: \$366.43

Service Fee

Service Fee \$366.43

EXHIBIT B
STUDENT – PARENT HANDBOOK

St. John the Apostle Catholic School



Student - Parent Handbook 2024-2025

Where Catholic tradition is combined with academic excellence!

Rev. Fr. Felix Amofa
Pastor

Jennifer Davey, M.Ed.
Interim Principal

Jackie Lovell
Interim Assistant Principal

1968-B Sandbridge Road Virginia Beach, VA. 23456
Phone: (757) 821-1100 Fax: (757) 821-1047

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Our Namesake, St. John the Apostle

Saint John, the son of Zebedee and brother of James, wrote the Fourth Gospel, three Epistles, and the Book of Revelation. He spent his later life in Ephesus and founded many churches in Asia Minor. He cared for the Blessed Mother from the time of the crucifixion until her death and Assumption into Heaven. Saint John wrote extensively about God's love for his people, and became known as the "beloved disciple." He was the only one of the Twelve Apostles who died a natural death. His feast day is celebrated on the 27th of December.

Mission Statement

Rooted in the rich traditions of the Catholic Church, Saint John the Apostle Catholic School provides a Christ-centered learning environment where students are challenged academically, supported spiritually, and encouraged to embody high ethical standards essential to moral development.

**SJA Administration, Teachers, Parents, and Students
Pledge their LOYALTY to the Teachings of the Catholic Church
and the SJA MISSION in Promoting the Dignity of Life as God has created us;
Male & Female in His own image and likeness.**

St. John the Apostle Catholic School Philosophy of Learning:

- ❖ We believe in providing a faith-filled foundation ensuring a strong Catholic identity in liturgy, scripture, prayer, sacraments, and service.
- ❖ We believe that students learn best in an environment that encourages them to become respectful, responsible, and reverent leaders in our Church and thoughtful contributors to our society.
- ❖ We believe that students have unique learning styles and each child should be challenged to excel.
- ❖ We believe that students learn best in an atmosphere that promotes self-discipline, self-motivation, integrity of actions, and mutual respect.
- ❖ We believe the students learn best when teachers implement 21st century skills which enhance student engagement and achievement.
- ❖ We believe that learning is a life-long achievement that leads students closer to realizing their full potential as intended by God.
- ❖ We believe that students should be encouraged to recognize the gifts of others and to focus on the needs of the underprivileged individuals in our local and global communities.

Peacemaker Pledge

I pledge to do my duty
To respect myself, my fellow students, and teachers.

I promise to take pride in my work and to
promote school spirit throughout
Saint John the Apostle Catholic School.

I will strive to make good choices and
encourage others to do so.

I pledge that I will act as a Peacemaker
in all that I say and do.

Peacemaker Program

We have a Peacemaker Program in place. A peacemaker pledge will be recited after morning prayer. The objective is to enable students to make good choices and encourage others to do so. Throughout the school we will use the language of "being a peacemaker and not a peace taker".

Vision Statement

Saint John the Apostle Catholic School provides rigorous learning opportunities for children rooted in Catholic tradition. Our goal is to educate and develop the whole child. In addition to academic excellence, each child is expected to grow in their understanding and love of God, to be able to demonstrate Catholic values in daily life, and to understand what respect and love of thy neighbor mean in our world today.

The curriculum at Saint John the Apostle Catholic School offers enriching experiences for religious, academic, physical, emotional, and social development. The faculty, under leadership of the Pastor and Principal, strive to create a Christian atmosphere in which every child has freedom to grow in love of virtue, truth, and justice. The school, together with parents and parishioners, creates a community of faith by participating in prayers, the celebration of Sacraments, liturgies, and other spiritual activities throughout the year.

Student Outcomes

Given the challenging program at St. John the Apostle Catholic School, we intend to have the following results:

- Each student will develop love and knowledge of God through the teachings of the Church.
- Each student will demonstrate his or her knowledge of the Catholic values by his or her actions in daily life.
- Each student will show respect for God's children and His creation by participating in activities that emphasize civic and global responsibilities.
- Each student will perform acts of cooperation and self-discipline in social and study skills.
- Each student will be able to read and write across the curriculum.
- Each student will demonstrate the ability to solve problems.
- Each student will be able to express themselves in creative ways by demonstrating personal talents.
- Each student will be able to use technology as a tool for learning.
- Each student will develop insight into healthy living.

Parents As Partners

Parent's Role in Education:

The Catholic Church recognizes parents as the primary educators of their children. St. John the Apostle Catholic School exists to assist parents in the Christian formation of their children. The term parent, in this Handbook, refers not only to a student's natural or adopted parent, but to a student's non-parent legal guardian or to any person or agency legally authorized to act in place of parents.

Parents are expected to display an attitude of respect and support toward St. John the Apostle Catholic School, the staff and the educational process by:

- Supporting the school's mission and commitment to Catholic principles;
- Supporting the school's policies as outlined in the school handbook and regulations. In addition, parents are to ensure their son/daughter has read this handbook.
- Participating fully in school programs that are developed to support the education of their children;
- Remaining informed about and involved in the religious instruction of their children. We, at St. John the Apostle Catholic School, consider it a privilege to work with parents in the education of children.

Parents have the right and duty to become the primary role models for the development of your child's life – spiritually, academically, physically, emotionally and psychologically. Your choice of St. John the Apostle Catholic School involves a commitment and exhibits a concern for helping your child to recognize God as the greatest good in his/her life.

As partners in the educational process at St. John the Apostle Catholic School we ask parents:

- To set rules, times, and limits so that your child
 1. Gets to bed early on school nights
 2. Arrives at school **on time** and is picked up on time at the end of the day
 3. Is dressed according to the school dress code
 4. Completes assignments on time; and
 5. Has nutritious lunch every day
- To support the religious and educational goals of the school;
- To provide good example of a personal relationship with God, and the Church community;
- To live a good Catholic/Christian morality through the relationships with your family and community;
- To read school notes, letters and newsletters and to show interest in the student's total education;
- To communicate with admin, teacher and staff in a respectable manner (verbal & written);
- To notify the school of any changes of address or important phone numbers or emergency information;
- To actively participate in volunteering at St. John the Apostle Catholic School to support the needs of the school;
- To support and cooperate with the discipline policy of the school.

The school and the parents are partners in the education of children/adolescents. If the leadership of the school finds that the partnership with a parent is no longer viable due to dissatisfaction concerning school regulations and policies and continues to disrupt the procedure and operation of the school even after adequate and reasonable communications and/or conferences from school administration, the family will be asked to withdraw from Saint John the Apostle School.

Admission Procedures

Entry Requirements

St. John the Apostle exists for the education of all seeking Catholic education within St. John the Apostle Parish and beyond. Parishioners of SJA will have first priority for registration. Catholic students from other parishes and non-catholic students are welcome whenever space is available. The school welcomes all students regardless of social, economic, racial, or ethnic background, and challenges them to achieve to their fullest potential spiritually, socially and academically.

All Junior Kindergarten students must be age 4 by September 30th and toilet-trained prior to entering the program. Kindergarten students must be age five by September 30th of the current school year. First grade students must be age six by September 30th of the current school year.

All admissions/applications are processed via FACTS/RenWeb. This is an online process.

Requirements for Initial School Admission:

- Complete Application via FACTS/RenWeb online
- Birth certificate
- Social security card
- Verification of appropriate immunizations as required by the Code of Virginia
- Sacramental record to include Catholic Baptismal certificate
- Physical examination within 12 months of entering school
- Proof of custody where applicable
- Records from previous school - if applicable
- Testing and interview
- Letters of Recommendation
- Letters of acceptance will only be sent once all related documentation, screening and interviews take place.
- Tuition Contract

Parents agree to accept and cooperate fully with St. John the Apostle Catholic School in routine matters of rules, regulations, and discipline. St. John the Apostle Catholic School reserves the right to discipline the student when, at the discretion of the administration, the student's interest or that of the school will be best served by such action. St. John the Apostle Catholic School also reserves the right to suspend, dismiss, or deny enrollment to any student whose progress is unsatisfactory or whose conduct, general attitude, or habitual actions, or those of the parent(s) or guardian(s) are contrary to the interest of the school or in violation of the school's rules and regulations as stated in the Student-Parent Handbook.

Attendance Policy

To ensure the safety of all students, parents are asked to call the school office between 7:45am – 8:15am to report your child's absence. When returning to school, a student must submit a **WRITTEN EXCUSE** via email to the homeroom teacher. **Three consecutive** absences will require a doctor's note prior to returning to school. **Parents will be notified by FACTS\RenWeb if students have received 3 tardies/3 absences in a quarter.**

Excessive absence (20) days or the equivalent of 20 days per academic year including tardies, will be cause for a conference with the principal before promotion can be recommended. Absences will be recorded in FACTS\RenWeb and remain on student transcripts.

Planned absences due to family vacations, etc. are highly discouraged during the school year. Vacations should be planned during the winter break, spring break or summer break to avoid a disruption to the learning process. If a vacation is to be planned during the school year, plans will be submitted in writing to the teacher in advance. All classwork; homework and assignments will need to be made up upon the child's return to school. **A request for work prior to vacation will be solely at the discretion of the teacher. Request for advance work must be made at least two weeks prior to a scheduled absence.**

School Hours

School hours are Monday through Friday, 7:40am to 2:45pm. Students who arrive after 7:40am will be **marked tardy**. Classes begin promptly at 7:45am. Students may be dropped off beginning at **7:15am**. Parents may not enter the building during arrival or dismissal. An arrival and dismissal plan has been developed and can be found in this handbook. Junior Kindergarten AM and Little Rays half day school hours are from 7:40am to 11:45am. Full day Junior Kindergarten and Little Rays hours are 7:40am – 2:45pm.

Extended Care Program

Students in grades PreK thru 8th may participate in the Extended Care Program. This program will meet in the cafeteria. The hourly fee for this program is \$5.00 per hour per child.

Morning Care runs from 6:30am until 7:30am. No students may be dropped off before 6:30am.

After School Care runs from 3:00pm until 6:00pm. A late fee of \$1.00 per minute will be applied to anyone picking up after 6:00pm. The After-Care teachers will provide games and activities for the children. All students in Grades 3-8 are expected to begin their homework in the After-Care Program. A parent/ guardian or other authorized person(s) must sign out students from the cafeteria.

Any student utilizing the Extended Care Program must have pick-up and emergency information on file prior to starting.

Visitors

In compliance with school safety protocol, **ALL** visitors are required to announce their arrival through the front door video bell system. Visitors are required to produce photo ID upon arrival. Photo ID will be scanned and remain on file for the duration of the visit. All parents, volunteers, and visitors are required to sign in, receive and wear a visitor's lanyard. Parents who wish to confer with teachers must make an appointment in advance.

No visitors may go any other location other than designated during sign in. All visitors must sign out and return visitors lanyard prior to departure.

Communication

The principal and assistant principal are available to meet with parents to discuss any interests or concerns. Please schedule an appointment, via email, in advance to avoid scheduling conflicts. If the concern involves the student, classroom, or teacher, it is suggested that the parent meet with the classroom teacher to resolve the concern **prior** to scheduling a meeting with the principal.

Inclement Weather

In the event of severe weather, please tune into television station Channel 3, 10 and 13 for announcements. Weather related announcements will be made available on our web page as soon as possible as well as on FACTS\RenWeb. Please visit www.sjavb.org. A two-hour delay will mean Junior Kindergarten AM will be cancelled. Please note: In the event the school should close early, there will be NO aftercare. You will be contacted via text through FACTS\RenWeb within minutes of an emergency or unplanned event that causes early dismissal, school cancellation or late start.

Arrival and Dismissal

Carline ends promptly at 7:40am. Students are considered tardy if they arrive after 7:40am. If students are late to school, a parent must sign them in at the main office. **No students will be permitted to sign themselves in when arriving late.** The student will obtain a pass (which will indicate whether the tardiness is excused or unexcused) prior to proceeding to the classroom. *Consistent tardiness of 5 or more in a quarter may warrant a conference with the principal.* Tardies will be recorded in FACTS\RenWeb and remain on student report cards.

If students need to leave school early, notification MUST be given to the teacher and main office when the student arrives at school. All students leaving early are to be picked up in the main office by the authorized person only. Students will not be permitted to leave school grounds with any person other than authorized individuals entered in FACTS\RenWeb, unless prior written permission has been arranged. Positive identification must be recorded and made available upon request prior to removing students from the building. Special permission for student walkers leaving the school at dismissal without an adult must have the "Parent Permission Form for Student Walkers" signed, approved by the Principal, and on file with the main office. This ensures the safety of your children while in attendance at school.

In the event of an unexpected early dismissal, please notify the office no later than 1:30pm and student must be picked up by 2:00 pm. No students will be dismissed between 2:00 pm - 2:40 pm to ensure safety. After 2:40pm students will be dismissed via walkers (gym) or carline only. Taking names at carline will end promptly at 2:55pm. Therefore, any student names not on the list will be sent to aftercare at 2:55pm. Any parent arriving after 2:55pm will need to park and ring the school bell. Students leaving aftercare will be brought to the main doors for dismissal. Walkers who have not been picked up by 2:55pm will be sent to aftercare.

Volunteer Opportunities

Every year our success is a collaborative partnership from the support of our parents. We have many opportunities to foster our partnership with parents while enabling the fundraising and fellowship events through our dedicated volunteers. As part of Parents as Partners, all parents will be required to complete 25 Volunteer Hours. Volunteer hours will be recorded and enforced for the 2024 – 2025 school year. There are countless ways to contribute required service hours. Some of the following volunteer opportunities are:

- Cafeteria Volunteers
- Golf Classic - Bobby Steinburg at bsteinburg@sjavb.org
- HarvestFest – PTO at pto@sjavb.org
- Race for Education - Bobby Steinburg at bsteinburg@sjavb.org
- Basketball Coaches - Rich Dougherty at basketball@sjavb.org
- PTO Opportunities - PTO at pto@sjavb.org
- Development - Bobby Steinburg at bsteinburg@sjavb.org

- Stingray Run - Bobby Steinburg at bsteinburg@sjavb.org
- Uniform Sale – Maureen Scribner at mscribner@sjavb.org

Student Dress / Uniform Policy

The purpose of the school uniform is to minimize distractions and to direct the students' focus towards who they are and the importance of their education. It is the expectation students will be in proper uniform each day to maximize learning expectations. All uniforms must be sized to fit and be worn properly (shirts tucked, buttons closed, etc.) Students should be in the appropriate uniform on the first day of school. All children attending Mass on Wednesday or for other religious celebrations MUST be in dress uniform (unless it is a PE day).

Teachers will review proper dress code the first week of school to assist students in their understanding of uniform policy.

Uniforms must be purchased at Flynn O'Hara Company (479-2100) or our used uniform closet.

P.E. uniforms may be purchased through the school.

Kindergarten thru 5th Grade Uniform Monday - Tuesday / Thursday - Friday	
Girls	Boys
Plaid Jumper/worn with White Peter Pan collar blouse and bike shorts under jumper Gray Shorts, Pants or Skort	Gray Pants or Shorts
Gray, Maroon or White Polo	Gray, Maroon or White Polo
Maroon or Gray Knee Socks or Tights Maroon, Gray or Black ankle socks	Maroon, Gray or Black ankle Socks
Black Shoes/Rubber Soles (no boots)	Black Shoes/Rubber Soles
Black Belt (1 st – 5 th Grade Only)	Black Belt (1 st – 5 th Grade only)
Maroon Cardigan, Fleece Pullover, Maroon SJA Sweatshirt (PE), Maroon V-Neck Sweater	Maroon Cardigan, Fleece Pullover, Maroon SJA Sweatshirt (PE), Maroon V-Neck Sweater
Middle School 6th - 8th Grade	
Girls	Boys
Gray, Maroon or White Polo	Gray, Maroon or White Polo
Khaki Skirt/Shorts/Skort/Pants/Kilt	Khaki Pants or Shorts
Maroon or Black socks, Ankle or Knee Hi	Maroon, Khaki or Black sock
Maroon Cardigan, Fleece Pullover, Maroon SJA Sweatshirt (PE), Maroon Sweater	Maroon Cardigan, Fleece Pullover, Maroon SJA Sweatshirt (PE), Maroon V-Neck Sweater
Black Shoes (no boots)	Black Shoes
Middle School 6th - 8th Grade Dress Uniform *Every Wednesday & Special Occasions *No Polo Shirts or Sneakers	
Girls	Boys
White Oxford Blouse (long/short sleeve)SJA logo	White Embroidered Dress Shirt (lg/short sleeve)SJA logo
Khaki Skirt/Skort	Khaki Pants / Black Belt
Maroon Socks/Knee Highs	Striped Tie
Maroon Sweater Vest/SJA logo	Maroon Sweater Vest/SJA Logo

Black Shoes (no boots)	Khaki, Black or Gray Socks
	Black Shoes
Kindergarten - 5th Grade Dress Uniform *Every Wednesday & Special Occasions *No Polo Shirts or Sneakers	
Girls	Boys
White Peter Pan Collar Blouse	White Dress Shirt
Plaid Jumper/with bike shorts underneath	Gray Pants
	Plaid Tie
Maroon Cardigan Sweater or Fleece	Maroon Cardigan/V-Neck Sweater or Fleece w/SJA logo
Gray or Maroon Socks/Knee Highs/Tights	Gray, Black or Maroon Socks
Black Shoes (no boots)	Black Belt (1 st – 5 th Grade Only)
	Black Shoes
Kindergarten - 8th Grade Physical Education Uniform PE Uniforms are required for participation.	
Girls	Boys
SJA Maroon Shorts / Gray PE T-Shirt or SJA Sport Shirt	SJA Maroon Shorts / Gray PE T-Shirt or SJA Sport Shirt
Plain Maroon or Gray Sweat Pants / Sweat Shirt	Plain Maroon or Gray Sweat Pants / Sweat Shirt
Tennis Shoes	Tennis Shoes
White, gray, black socks	White, gray, black socks

The uniform policy will be enforced. Violations will be noted and communicated to parents.

* Middle School may wear Catholic High Sweatshirts on Friday ONLY.

* SJA Spirit Wear may only be worn on PE days.

Please Note: Please write your child's name on the inside tag of all uniform items

Personal Appearance and Grooming

Boys must have their hair trimmed neatly (above ears, shirt collars (may not touch collar) and eyebrows without use of hair accessories or product.) Hairstyles that are trendy are not permitted, such as mullets. Boys must be neatly shaven at all times. Smart watches of any type are NOT permitted during the school day, even if set to school hours. Permanent or rub on tattoos, jewelry, trends and fads are not permitted. A small crucifix necklace is permitted. Any violation in personal appearance is a violation of the school uniform policy and subject to the demerit system. Demerits are recorded in FACTS\RenWeb.

Girl's hair should be neatly styled. Hair coloring is not permitted. Girls may wear solid maroon, solid gray, or SJA plaid headbands and scrunchies. Girls may wear one set of post-type earrings and one ring. A small crucifix necklace is permitted. Light make-up of natural tones is permitted for Middle School girls only. Nail polish must be clear in color. Smart watches are NOT permitted during the school day, even if set to school hours. Permanent or rub on tattoos are not permitted. Any violation in personal appearance is a violation of the school uniform policy and subject to the demerit system. Demerits are recorded in FACTS\RenWeb.

T.A.G. Day Guidelines – KNOWN AS T.A.G. Days

T.A.G. Days stand for Tasteful and Appropriate Garb

On specified occasions, your child may be able to come to school out of uniform. This may be an in school incentive or a field trip privilege. The following conservative guidelines must be followed when a "T.A.G. Day" has been granted.

- Leggings are only permitted if worn with a mid-thigh length shirt.
- Jeans are permitted but they may not be torn or tight fitting.
- Halter tops, tank tops, half shirts or low cut shirts are not permitted. Straps should be no less than 1" (2 fingertips) wide.
- Backs must be covered.
- Skirts or dresses may not be shorter than 3 inches above the knee.
- Platform shoes, high heels, flip flops, and crocs with socks are not permitted. Heels must be 1" or less.
- Clothing with suggestive, obscene, or inappropriate slogans are not permitted.
- Hats are not permitted during the school day.
- Political/Social unrest messages are not permitted.
- Shorts of modest length (mid thigh)

Parents will be notified and asked to bring a change of clothes if student attire violates the dress code. If unable to reach parents, students will be given PE clothes to change into for the remainder of the day. Family accounts will be charged for the PE clothes.

Repetitive violations will result in loss of TAG day privileges.

Pets

No animals are permitted on school property, to include arrival drop off and dismissal pick up. Pets in vehicles during carline must remain in the vehicle at all times.

Birthdays

Hard copy birthday invitations may not be passed out in school unless **every child** in the class receives one. If a parent desires a small in-school celebration, they may bring in a small store-bought individually wrapped treat to be served during the class' lunch period. Please contact the teacher **one week in advance** to schedule a birthday celebration Please contact the **school nurse** for inquiries regarding food allergies. Treats may be dropped off at main office.

School Associations

PTO

St. John the Apostle Parent-Teacher Organization strives to support and promote a quality Catholic education that encourages Catholic standards of family life. The PTO strives to share with teachers the values that parents are attempting to develop with their children at home and to provide a means by which parents may raise funds to help benefit the school. The school strongly advises against door to door selling. Parent and family involvement within the school exemplifies the strong support that the parents, teachers, and students of St. John's have with the community. Please check the school website for updated PTO information. PTO membership dues are included in the registration fee.

School Advisory Board

St. John the Apostle Catholic School has an active School Advisory Board, which acts in an advisory capacity to the Pastor and Principal. The function of the board is to develop and recommend to the Pastor and Principal policies in the areas of development, finance, strategic planning, facilities, and legislation which will ensure the successful operation of the school. Members are appointed by admin.

National Junior Honor Society

National Junior Honor Society (NJHS) is the nation's premier organization established to recognize outstanding middle school students. More than just an honor roll, NJHS serves to honor those middle school students who have demonstrated excellence in the areas of Scholarship, Leadership, Service, Character, and Citizenship. This organization allows students to learn and to express themselves while engaging them in problem solving and project planning through service projects as well as leadership positions and membership. Invitations to apply will be distributed in the spring to students that meet the GPA requirement. Teacher recommendations are part of the application process. An invitation to apply does not guarantee acceptance. NJHS service hours are not inclusive of grade level service hours. NJHS must complete 10 additional service hours. If a student falls behind in his/her studies, their membership will be placed on probationary status.

Student Council Association

Grades 3 through 8 will select two classroom representatives to serve on the Student Council. Officers for the Student Council will be selected from the middle school and must be elected by the entire student body.

Representatives and officers are required to maintain an 85% grade average with satisfactory behavior and effort. The role of the Student Council is to communicate suggestions and ideas within the student body as well as to the teachers and administration in addition to being the student ambassadors to the community. Campaigns and elections are to be held in October.

To participate in Student Council each member must have 2 teacher recommendations and be an Honor Roll/Principal's List student with good conduct and behavior. If a student falls behind in his/her studies, their membership will be placed on probationary status.

Clinic / Medical Issues

Any prescription (Doctor) or non-prescription (over the counter) medication brought onto the school grounds must be submitted to the school nurse in its original container and prescribing note and authorization for our staff to administer from a doctor. Medication may not be handed to staff during morning or afternoon carline.

A school clinic is available to address the needs of children who are not feeling well. If your child has a fever, vomiting, diarrhea, pink eye, strep or any other contagious disease, please do not send them back to school until the fever and/or symptoms have been clear for 24 hours without medical intervention. **After a three day absence for an illness, a doctor's note is required prior to the students return.**

Please ensure that FACTS\RenWeb is up to date with current contact information so that parents can be called in the event a child becomes sick and needs to be picked up from school. Our school will be a fragrance-free environment as we comply with the air-quality checklist from the American Lung Association.

Note: For the health and safety of all students, the Code of Virginia allows the Board of Health of the Commonwealth to declare a state of emergency, should there be an outbreak or epidemic. In those cases, unimmunized students, even those with valid exemptions, may not be allowed to attend school during such a state of emergency (Code of Virginia, §32.1-46B). The Catholic Diocese of Richmond will follow the expertise of the Board of Health of the Commonwealth in such cases.

Administration of Medication

- Parents and guardians must provide and transport all medication to and from the school. If tablets are to be divided, the parent or guardian is responsible for dividing the tablets.
- Students are prohibited from carrying all medication on the school premises or while attending school-related events.
- Only the nurse or a MAT trained employee is the only one authorized to give medication to a student. Any individual designated by the principal to administer medications shall complete the appropriate medication administration training (MAT).

Physical Education Program

St. John the Apostle Catholic School is dedicated to the development of the whole child. This includes a developmentally appropriate physical education program. All students will participate in physical education. Jr. K to Grade 8 students are required to wear their physical education uniform to school on their designated PE days. They will not change uniforms. Dress shoes are not permitted during PE class. Students that are not in the appropriate PE uniform **WILL NOT** be permitted to participate in PE for that day and will be graded accordingly. **If there is PE on a T.A.G., your child must wear PE appropriate attire and sneakers.**

Students excused from PE due to medical reasons will require a doctor's note. The note should indicate the dates that the student will not be participating in PE. Students may be assigned an alternative activity while excused from PE.

Playground Safety – Grades JrK - 2

Playground safety is of the utmost concern to our children. Children are expected to follow all directives of the teachers. One grade per time will visit the playground equipment unless otherwise instructed by administration.

Rules, Regulations and Policies

Blessed are the peacemakers for they make the difference at SJA.

Disciplinary Action

Christian education can only exist in an atmosphere of mutual respect and obedience. Parents, teachers, and administrators must support each other in this endeavor. Parents will be notified immediately whenever there is a major infraction and disciplinary measures will be taken. In order to maintain a school climate proper for teaching and learning, it is important that students, staff, and parents understand and uphold the discipline policy. Doing so will accomplish several goals that SJA considers vital, including:

- Glorifying God through the formation of values and moral consistent with Catholic teaching
- Maintaining orderly classrooms in which instruction can take place
- Ensuring that students respect their authorities and peers
- Building partnerships with parents as they attempt to raise their children in a Godly manner
- Ensuring the safety of each student by preventing the occurrence of serious problems

Behavior Expectations at SJA

- A. Students will display respect for all faculty, staff, visitors and peers.
- B. Students will respect peers and property. Students are expected to honor their peers by treating others in the manner that they would like to be treated. Students are also expected to ask permission before using the property of another person.
- C. Students will respect and honor others with their speech and mannerisms. Students' speech and mannerisms will appropriately honor God, authority figures, and peers. At SJA appropriate speech and manners are expected.
- D. Students will participate in the learning process and put forth his or her best effort. This applies to projects, extracurricular activities, as well as classes.

Additionally, since SJA is a Christian centered learning institution, students are expected to uphold these ideals on school grounds and off. By meeting school expectations, students honor God and improve the academic environment in all areas, namely: spiritual, moral, and intellectual. With this in mind, the discipline policies of SJA will provide time to reflect on the nature of their actions and create goals to improve. In order to maintain a safe and productive learning environment, some behaviors will not, and cannot be tolerated, while others will be considered as minor. A demerit system has been established to guide the students and foster communication with parents.

Minor Infraction (Warning):

Student misbehavior will be considered minor if, in the judgment of the administration and/or the authority who witnesses the actions of the student:

- The behavior was not malicious or intended to cause harm to another person or another person's property, and
- The intention of the student was not to be disrespectful to a peer or authority (i.e. the behavior was careless, not premeditated), and
- The behavior did not reflect a pattern of similar misbehavior.

Major Infraction (Demerits):

Student misbehavior shall be considered major if, in the judgment of the administration and/or the authority who witnesses the actions of the student:

- The behavior was malicious or intended to cause harm to another person or another person's property, or
- The behavior of the student reflected the intention of being disrespectful to a peer, faculty, staff, visitor (intentional disobedience), OR

- The behavior reflected a pattern of similar misbehavior.

Consequences for Infraction:

A student who is considered to have misbehaved in a minor fashion shall receive the following consequences:

Level 1: A verbal reprimand and/or note to the parent. The child may also be required to write and deliver an apology to the offended party.

Level 2: A second minor infraction will be handled in the same manner as Level 1 above. Subsequent minor infractions of the same nature will be considered a pattern, (see minor infraction and major infraction) and; barring extenuating circumstances, will be considered a major offense.

A student who is considered to have misbehaved in a major fashion shall receive the following consequences:

Demerit and/or 3 Demerits:

Level 3: After-School Detention, with time served of one hour. The parents will be notified by the faculty member/administrator assigning the detention.

Additional Demerits:

Level 4: After-School Detention will result a second time if the student misbehaves in a similar manner, or fails to meet the conditions of the first detention.

Level 5: the Principal may impose Suspension at any time for a major infraction of the school rules. Whenever a Principal suspends a student, the parents are to sign a formal agreement in which they signify their understanding of the problem and agree to work with the school on correcting the situation. The failure of the parent to execute the above referred agreement shall not, however, preclude the ability of the Principal to suspend a student, provided reasonable notice of the suspension is provided to the parents. This policy applies to the in school and out of school suspensions. Out of school suspension is not permitted to be held in the school building. Parents must meet before the student returns to school.

Level 6: Expulsion may be resorted to when a grave infraction of school rules occurs, the student has demonstrated continuing disregard of school rules for which other means of discipline have proven ineffectual, and/or the student's continued presence in the school has the probability of being a serious hindrance to the safety or welfare of the school community.

EXCEPTIONS OR EXCEPTIONAL CIRCUMSTANCES

- A. Threats of violence at school will be taken seriously, regardless of the age of the student involved. To that end, if a school becomes aware that a student has threatened violence at the school, or toward other students or staff, the school principal or designated school official will contact law enforcement, the Office of Catholic Schools, and the parents of the student making the threat. The student will be immediately suspended. The student will not be allowed to return to school until the school is satisfied with the assessment by law enforcement and the student has undergone a threat assessment by a licensed mental health professional which confirms the student does not pose a threat to school safety or to themselves. The school principal, or designated official, has the right to inspect and search a student's person, the student's locker(s) or desk(s), and/or the student's personal property located on school property or at school activities if the school has reason to suspect the student poses a threat to the health, welfare and safety of students and staff. Unless the safety of other students requires prompt removal of dangerous items, law enforcement should be advised so they can arrange for removal.

- B. Faculty and administration may “skip” levels of discipline if a particular offense is grave enough to necessitate such measures. For example, threats of violence against a teacher, student, administrator, or any person affiliated with the school environment during school hours, or on school and Church property, would result in immediate suspension or expulsion.
- C. School vandalism will be dealt with through the normal consequence levels listed above, unless it is very serious. However, in addition to the student serving detention and making reparations such as cleaning or repairing, the offender or his or her family will be expected to pay for any school property damaged by the student. This includes, but is not limited to such actions as writing on desks, library books, or textbooks owned by the school.
- D. Substance abuse and/or weapons will be dealt with as follows. Students who unlawfully use, consume, possess, or distribute drugs, or who use, consume, possess, or distribute alcohol, and/or possess a weapon on school property are subject to appropriate disciplinary action (including but not limited to expulsion) as determined by the Principal according to school policies and will contact local law enforcement. The use, sale, or possession of drugs or alcohol on or near school property is unlawful under Virginia State Law, and the Principal must contact the appropriate law enforcement agency.
- E. Any illegal activity occurring on school or Church grounds will be reported to the appropriate authorities. Every effort will first be made to comply with the demands of these authorities. St. John the Apostle Catholic School will also take appropriate and necessary disciplinary steps.

Under no conditions will the level of discipline of a particular student be made known to another student, parent, or anyone, without a need to know.

SPECIFIC INFRACTION

The following list is meant to be a guide and most certainly does not include all potential infractions. **Additionally, each behavioral issue will be handled in its context and may receive a more or less severe consequence at the judgment of the teachers and/or the administration.**

Level 1 & 2 (minor) infraction, which occurs without teacher permission:

- Chewing gum at any time. Eating outside of designated times.
- Violating dress code
- Bringing a cell phone or smart watch to school or field trips without the expressed written permission from the teacher or administrators. We are a student Cell-free zone. If a student needs a cell phone for after school, he/she must deposit the phone in the Main Office until after school.
- Displaying disruptive behavior in the halls
- Working on something other than that which is assigned by the teacher during a particular class
- Taking liberties beyond privileges

Level 3 (minor) infractions:

- Talking persistently, displaying disruptive and/or disrespectful behavior during class, library, study hall, assembly, prayer service, or Mass
- Creating or participating in google chats or groups or other chat platforms during class, study hall, assemblies, or at prayer services and Mass

- Showing disrespect for teacher, staff, or other students
- Intentionally going to an unsupervised area before, during, or after school
- Possession, wearing, or using obscene or objectionable antichristian literature, pictures, jewelry, or music
- Using inappropriate language (verbal, written or non-verbal/non-written)
- **Careless plagiarism**
- Lying
- Forging signatures

Level 4 (major) infractions:

- Missing an assigned detention or any class without prior permission from administration or faculty
- Destroying or defacing school property or the personal property of others
- Cheating, including copying another's homework as your own, or allowing your homework to be copied.

Level 5 (major) infractions:

- Compromising SJA technology security and/or firewalls
- Leaving school against school policy, i.e., without permission or without signing out
- Stealing or "borrowing without permission"

Level 6 (major-suspension or expulsion) infractions

- Possession or use of cigarettes, nicotine, vape devices, drugs, or alcohol
- Physical Alteration
- Intentional plagiarism (see addenda)
- Possession of weapons, dangerous instruments, inappropriate discharging or activation of protective devices such as fire alarms, fire extinguishers, etc.
- Any other illegal activity

If your child must be removed from the classroom on more than 3 occasions for disciplinary action, it may be cause for dismissal from our program.

Plagiarism: Plagiarism is the presentation of someone else's ideas or words as your own. Whether deliberate or accidental, plagiarism is a serious and punishable offense.

- Deliberate plagiarism is copying a phrase, sentence, or longer passage from a source and passing it off as your own.

- Accidental plagiarism is forgetting to place quotation marks around another writer's words, omitting a source citation because you are unaware of the need to acknowledge the idea, or carelessly copying a source that should be paraphrased.

Lockers and desk are intended for books and approved personal belongings (i.e. coat, lunch, backpack). Unauthorized use of lockers is subject to inspection and search. Any suspicious items (i.e. backpacks, bags, etc) brought to school that may pose a threat to the health, welfare, and safety of school patrons are subject to search.

Sexual Harassment

Sexual harassment will not be tolerated at SJA. Sexual harassment of another member of the school community will not be tolerated. Any student who engages in sexual harassment shall be subject to disciplinary action, up to and including expulsion.

Sexual harassment is defined as any unwelcome sexual advances, unwelcome physical contact of a sexual nature, or unwelcome verbal or physical conduct of a sexual nature. "Unwelcome verbal or physical conduct of a sexual nature" includes, but is not limited to, "the deliberate, repeated making of unsolicited gestures or comments, or the deliberate, repeated display of offensive, sexually graphic materials which is not necessary for school purposes verbal or written."

Any student who believes that he or she is being sexually harassed shall immediately report such information to the school staff. Any information reported shall, to the extent possible be treated as confidential. All claims of sexual harassment shall be thoroughly investigated by the school principal.

No student will be subject to any retaliation or disciplinary action on the part of the school for reports of sexual harassment, made in good faith.

Community Service Hours

Definition:

Community service is volunteer service within the school, parish and/or community.

Community service hours are done in good faith and students cannot accept payment for hours submitted. It is our intention to provide students with opportunities beyond normal family obligations, for example, babysitting for a neighbor without compensation will count towards your hours. Additionally, tutoring is only acceptable when it is part of a supervised program such as through the SJA NJHS.

Students may accumulate hours from June 1st - May each school year. Service hours and reflection will count as a Theology project grade during 4th marking period.

St. John the Apostle middle school students are required to complete the following:

- 6th Grade - a total of 10 hours per school year
- 7th Grade - a total of 15 hours per school year
- 8th Grade - a total of 20 hours per school year

*NOTE: NJHS students are required to complete an additional 10 hours

Methods of verification:

- Students should request the verification form. The form should include the student's name date(s) of service, number of hours and a brief description of what the student did
- A certificate from the agency will also suffice as long as it includes the above information.
- Volunteer forms can be found on the school website or in the guidance office. Once completed, have it signed by the volunteer supervisor, with a date and a phone number given and submit to the School Counselor.
- Parents should verify the student's hours only if they are the organization's representatives for the activity.

Safe Environment Program - VIRTUS

The Diocese of Richmond and St. John the Apostle Catholic School are committed to the safety of all children. Schools are required to keep records on file for all staff members and volunteers that successfully complete VIRTUS training, background checks and the Diocesan Safe Environment Regulations. All volunteers having any contact with children during the course of the school day to include chaperoning field trips, field day activities, are **required** to be VIRTUS trained. The VIRTUS account must be active, background check completed and online forms completed for compliance purposes. Registering for VIRTUS training or logging into your VIRTUS account can be accomplished at www.virtusonline.org. An annual background check must be completed to remain in compliance.

Any person required to register pursuant to Va. Code § 9.1-901 shall not enter school grounds without prior expressed permission and pre-arranged supervision of school administrators.

Parents are invited to check the Virginia State Police [website](#) to learn of any sex offenders located within the same or contiguous zip code area as the school.

Sports Programs

An exciting intramural sports program will be made available to the students enrolled at St. John the Apostle Catholic School. Practices will be held after school. Teams will be formulated and will compete competitively with other area schools. Team schedules will be announced in advance of each season. SJA competes in the following sports programs:

- Cheerleading (1-8)
- Cross Country (-8)
- Field Hockey (3-8)
- Golf (6-8)
- Tidewater Catholic Basketball League (3-8)
- Track and Field (6-8)
- Volleyball (6-8)
- Baseball (6-8)

SJA sports program is continuously evolving. More sports teams may be added with each year of our operation. VIRTUS trained Volunteer coaches are welcome.

SJA students who choose to become members of our athletic teams are representatives of our student body and our community. The purpose of the athletic code is to commit student-athletes and their parent(s)/guardian(s) to the responsibilities of athletics while also building self-esteem, encouraging unity and teamwork, to help to develop the mind, body, and spirit to bring us closer to God, and exhibit positive 'role modeling' for others.

In order to maintain athletic eligibility, students in grades 6 through 8 must pass all classes and be in good standing (behavior /self-discipline) per marking period. Students in grades 6 through 8 who do not meet requirements are not allowed to compete in athletics until the conclusion of the next marking period which may occur mid-season. Grades for participation will be checked at report card distribution. There are no academic eligibility requirements for grades 3-5.

Student-athletes who are ineligible based on academics may continue to practice with their teams however, they are not allowed to suit up, nor are they allowed during school time, to be dismissed to travel with the team to contests.

Student-athletes, who are serving suspension, whether at home or in school, are not eligible for participation in practice, games or contests throughout the suspension time period.

Prior to a student-athlete participating on any athletic team, or being issued any athletic equipment, the student-athlete is responsible for having on file with school, a record of the following:

1. An annual physical examination with a physician's signature.
2. Parents/guardians signed release form for each student athlete.

The student will not be allowed to play the next season without turning in all equipment, uniforms, etc. from the previous sport/club.

Parents must send written communication if a student is leaving school early for participation in school sports. The note must indicate who will be picking up the child. Please be sure any individual picking up your child is listed in FACTS\RenWeb.

Computer Access

St. John the Apostle Catholic School is an advanced technological facility. All students will have access to a device, Kindle, iPads, Chromebooks, provided the students have submitted a signed (by parents and students) Technology Authorized Use form. These forms will be distributed electronically and will be kept on file at the school. Although preventative strategies have been put into place to block students from visiting inappropriate sites on the Internet, some sites escape the filters. **Students who visit, or attempt to visit inappropriate Internet sites will be subject to disciplinary action including the possibility of being banned from computer use and school suspension.**

No Cell Phone / Email Policy

While communication with our children is critical, cell phones can often cause disruptions in learning. **If a phone is brought to the school, it will be kept in the office for the entire/remainder of the school day.** If a parent needs to communicate with their child, they should call the office or email the main office. Students may not email parents during instructional time.

Field Trips

Our academic programs will be supported with instructionally appropriate field trips. **Field trips are a privilege and students can be denied participation if they fail to meet academic and behavioral requirements. Once a field trip is announced, any student who receives 2 or more demerits will not be permitted to participate.** Field trips are an extension of the instructional day thus failure to attend results in a school absence. Field trip permission forms will be distributed prior to each event. **Students will NOT be permitted to attend field trips without a signed permission slip on file for the particular field trip.** We strongly encourage and appreciate parent support by chaperoning field trips.

To become a volunteer driver, chaperones must be VIRTUS trained and complete a Driver's Information sheet and provide a copy of their driver's license and current insurance card prior to the trip date and have completed VIRTUS training as well as the VIRTUS background check. All cars MUST have 2 unrelated adults present in the car at all times. All children are required to wear seatbelts and use child safety restraint seats if necessary.

For the safety of all students, chaperones must stay for the entire duration of the field trip. Chaperones are expected to support teachers in the supervision of the students.

Instructional Organizations

Academic Courses

A full selection of courses is offered that range from academic to exploratory. All students will be scheduled for academic classes each year in the areas of Theology, Language Arts, Mathematics, Science, Social Studies and Foreign Language.

Particular emphasis will be placed on meeting high standards of student performance. Teachers will provide multiple opportunities for students to demonstrate proficiency. Teachers will communicate academic expectations to parents and students.

Junior Kindergarten Program

St. John the Apostle Catholic School offers a Junior Kindergarten Program to children age four by September 30th of entrance. The program follows the guidelines as set forth by the Diocese of Richmond and The Virginia Catholic Education Association. Junior Kindergarten classrooms are located in the main school building. Full day and half day programs are available. Half day Junior Kindergarten students are brought to the inside main entrance for pickup by authorized individuals. Full day students will dismiss following the school dismissal process. Junior Kindergarten/Kindergarten children are permitted to wear pants/shorts with elastic waistbands.

Guidance and Counseling Program

St. John the Apostle Catholic School offers a comprehensive and developmental counseling program that is an integral part of the total educational program designed to promote the academic, social, and career development of all students. As an essential part of the instructional program, school counseling helps to build a foundation for student learning and academic success. Our certified school counselor provides a variety of services, including classroom guidance, crisis intervention, individual and group counseling, consultation with parents, teachers, and administrators, and coordination of services with outside agencies.

The school counselor is able to meet with students without written parental consent to discuss incidental or normal development concerns and to assess a situation for possible recommendation for counseling. If, however, a counselor determines that a structured ongoing course of individual counseling is indicated, the counselor will obtain written parental consent before proceeding with personal, social or sensitive issue counseling. Parents can elect, in writing, to have their child not participate in guidance services (i.e. classroom guidance) for the school year by submitting such a request to the main office.

Theology Courses

Theology Education will be taught as a formal subject in all grades. Our curriculum encourages students to grow as Christians. Preparation for Sacraments will be included in the theology classes to include Reconciliation (Second Grade) and First Holy Communion (Second Grade). Students will participate in weekly Mass and Mass on Holy Days of Obligation. The priest, principal, and deacon may schedule Mass at any time deemed necessary.

ALL students enrolled at St. John the Apostle Catholic School are required to participate in Theology classes and to attend Mass. A trend of tardiness on Mass day will result in a meeting with parents. Middle School students led by peer ministers, under the direction of the pastor, principal, and deacon, will plan and participate in the liturgy. Parents and family members are welcome to worship with us. Please remember, it takes the involvement of parents to shape their child’s spiritual life.

Courses for High School Credit

Middle School students who are eligible to take credit bearing courses, particularly in the areas of Mathematics and Spanish will be notified by the principal. Upon successful completion of these courses and final exams the students will receive Carnegie credits that will be applied to high school graduation requirements. We will no longer offer Geo Science for high school credit per Diocese of Richmond. Earth Science will not be offered for high school credit at St. John the Apostle Catholic School.

Grading Scale

Grades K -2

Kindergarten	
Grading Scale – All Courses, Self-Discipline, & Work Habits	
3 = Meeting grade level standard; applies skills consistently and independently	
2 = Developing grade level standard; applies skills inconsistently with or without support	
1 = Below grade level standard; unable to apply skills with support	
^ = skill requires improvement	
/ = skill not assessed	
1st and 2nd Grade	
Grading Scale – All Courses, Self-Discipline, & Work Habits	
3 = Meeting grade level standard; applies skills consistently and independently	
2 = Developing grade level standard; applies skills inconsistently with or without support	
1 = Below grade level standard; unable to apply skills with support	
^ = skill requires improvement	

Grades 3 - 5

3 rd , 4 th and 5 th Grades Grading Scale – Major Courses		
A+ = 97-100	A = 93-96	A- = 90-92
B+ = 87-89	B = 83-86	B- = 80-82
C+ = 77-79	C = 73-76	C- = 70-72
D+ = 67-69	D = 63-66	D- = 60-62
F = 59 and below		
^ = skill requires improvement		
3 rd , 4 th and 5 th Grades Grading Scale – Resource Courses, Self-Discipline, & Work Habits		
3 = Meeting grade level standard; applies skills consistently and independently		
2 = Developing grade level standard; applies skills inconsistently with or without support		
1 = Below grade level standard; unable to apply skills with support		
^ = skill requires improvement		

Grades 6 - 8

6 th , 7 th and 8 th Grades Grading Scale – All Courses		
A+ = 97-100	A = 93-96	A- = 90-92
B+ = 87-89	B = 83-86	B- = 80-82
C+ = 77-79	C = 73-76	C- = 70-72
D+ = 67-69	D = 63-66	D- = 60-62
F = 59 and below		

Reporting Procedures

FACTS\RenWeb provides real time access to your child's grades in grades 3 thru 8. Grades K-8 will receive progress reports via FACTS\RenWeb once per marking period. These reports are to keep parents informed of student progress.

Junior Kindergarten will issue printed quarterly progress reports. Kindergarten report cards are available quarterly through FACTS\RenWeb.

Report Cards are available online through FACTS\RenWeb at the end of each marking period. Parents are encouraged to make an appointment with a teacher whenever an academic or behavioral concern arises.

Honor Roll – Grades 4-8

Students who achieve an 80% (B-) or above in all content and special areas and a "2 or 3" in skills and conduct areas will be awarded status on the **Honor Roll**. Students who accomplish a 90% (A-) or above in all core curriculum areas and a "2 or 3" in skills and conduct will earn placement on the **Principal's List**. Any student with 3 or more demerits in a marking period will be ineligible for Honor Roll/Principal's List.

Students in third grade will be eligible for Honor Roll and Principal List during 3rd and 4th quarter.

Conferences

There will be two official Parent-Teacher Conference Days scheduled throughout the year. Requests for additional conferences are always encouraged but must be made via email to the teacher so that a convenient time may be arranged.

Promotion & Retention Policies

Students will earn promotion to the next grade level based on academic success in the five core content area courses (Language Arts, Mathematics, Science, Social Studies and Theology). Students who have a failing average after the second quarter will be required to meet with the teacher and parents to devise a plan for improvement. Formal letters will be sent to the parents to notify them of a possible retention in January.

Students in grades K-8 who are failing 2 subject areas may not be considered for promotion to the next grade.

Please be mindful that teachers will work diligently with all students, especially when academic concerns arise. Parents will be fully apprised of student progress continuously throughout the school year. We expect all students to work to the best of their ability.

Students who are failing in a major subject area will forfeit his/her ability to participate in extra-curricular activities until grades improve to passing status.

Testing

Students will be expected to perform on various assessments throughout the year. Testing to demonstrate knowledge and proficiency will be integrated throughout the curriculum. Students will also be able to demonstrate mastery of standards by using assessments other than traditional testing. Projects and other performance assessments will be encouraged throughout the curriculum. Students in grades 1, 2, 3, 4, 5, 6, 7 and 8 will be administered the MAP three times throughout the year. The Office of Catholic Schools requires this testing program for all students in the Richmond Diocese.

Homework

Homework assignments are given to students to reinforce and/or supplement concepts covered during the school day. Although we support parent involvement in the homework process, homework should be the work of the child. In addition to assigned homework, all students are expected to spend time reading independently each day. Reading log will be at the discretion of the teacher. **Logs may not be signed in advance.**

The following are recommended time allotments for homework. This includes written and study assignments. It should be understood that factors such as attention span, proper working conditions and a good study environment make these allotments a variable.

- Kindergarten and First Grade: 20 minutes
- Second and Third Grade: 20-30 minutes
- Fourth and Fifth Grade: 30-45 minutes
- Middle School: Grade 45 – 60 minutes

If a student exceeds the allotted time, please let the teacher know. We do not want students to be overwhelmed by assignments. When absent, students are responsible for making up their work. Parents are encouraged to check FACTS\RenWeb and teacher pages for missed work and assignments. Extended absences, two or more days, must be discussed with the classroom teacher.

Lunch Program

The lunch program that we utilize at St. John the Apostle Catholic School is Foodies – The Local's Market. To participate, visit their website at foodieslocalmarket.com. You will receive emails indicating the menu for the month is ready for you to make selections for your child. Lunch selections must be made by each **Wednesday** for the following week. The school administration has frequent meetings with the management of Foodies – The Local's Market to discuss menu items and costs. We work together with Foodies – The Local Market in order to provide nutritious and delicious menu selections. Supply of alternate lunches are very limited and may not be an option.

Financial Information

Family Accounts

Each family with a child enrolled at St. John the Apostle Catholic School has a Family Account. Various charges to include Lunch, Extended Care, Field Trips, T.A.G. Days and Spirit Gear will be charged to the family account. Billing statements will be emailed on a monthly basis through FACTS Management. Billing statements are sent via email each month. Parents are responsible for ensuring that they are in receipt of a monthly billing statement. Email delivered to Spam is not an excuse for unpaid bills. Payments may be made electronically through FACTS Management. Parents are welcome to keep a credit balance in their account at any time.

Students will be unable to begin a new school year if there is a prior year balance due.

Tuition

SJA has contracted with the FACTS Management Company for the payment and processing of tuition. For the coming school year, all tuition must be paid by one of the following options: 1) Pay in full to the school prior to July 1st. There is a discount if this is done prior to July 1st. 2) Pay semi-annually in July and January through FACTS. 3) Make payments over 10, 11 or 12 months via FACTS. There is a 3.5% convenience fee that you pay when using your credit card. It is Diocesan policy that tuition is paid through FACTS Management.

Prompt payment of tuition is essential for the financial security and efficient operation of St. John the Apostle Catholic School. Once a tuition contract has been signed, no portion of tuition and/or fees, paid or outstanding, will be refunded, forgiven or canceled under any circumstances except as noted below and in the tuition contract. Upon withdrawal from enrollment at the School, for any reason, the entire year tuition and fees balance shall become immediately due and payable.

Exception: If Parent/Guardian and Student(s) move their primary residence to outside the geographical boundaries of the Southside Hampton Roads area (defined herein as the Cities of Virginia Beach, Norfolk, Chesapeake and Portsmouth), the student(s) may be withdrawn from enrollment without obligation.

Tuition Assistance

The tuition assistance process begins in January. Information will be posted on FACTS\RenWeb and the SJA website as soon as the most updated information becomes available.

All tuition assistance packets must be submitted through FACTS Grant & Aid. There are two deadline dates: Round 1 ends March 1st for returning students and Round 2 ends June 1st for self-employed families and new students.

Please contact the Business Manager with any questions.

Closing the Account

At the end of each school year, parents will be given the option of closing the Family Account or allowing it, and any funds, to remain during the summer break. If the account is closed, any remaining funds will be refunded to the family no later than the 30th of June.

If a student is withdrawn with the consent of the school principal, the business manager will meet with the family to determine the final amount of the fees for the time the student spent at the school. If a final payment is due, the parents must make the payment to complete the matriculation of their child. If funds still remain in the Family Account, a refund check will be issued within five business days or after all payments made to the account have cleared the bank.

If withdrawal is voluntarily, the consent of the school principal will dictate.

If your financial situation should change at any time, please contact the business manager.

Extended Day fees

FULL-TIME: (MONDAY-FRIDAY)

Before school care: \$5.00 per child/per hour
(6:30am to 7:30am)

After school care: \$5.00 per hour per child
(3:10pm to 6:00pm)

Withdraw Procedures

If you plan to withdraw your child, please do the following:

- Notify the office as soon as possible.
- Make sure that all classroom books and library materials have been returned.
- Make sure that all tuition payments and other fees are up to date.

Records will be forwarded to the transfer school upon request as long as there are no books, devices or money owed.

*******The Principal and/or Pastor reserve the right to alter any policy found within this handbook at their discretion.**

RIGHT TO AMEND: This Handbook is intended to be a guide to school policies and procedures for the benefit of the school and students. The Pastor and Principal reserve the right to amend the content in the interest of the school and students. Parents and students will be duly notified of any amendments.

Faculty and Staff

Interim Principal
Interim Assistant Principal
Business Manager

Jennifer Davey
Jackie Lovell
Tracey Dooley

Lower School

Junior Kindergarten
Junior Kindergarten Assistant
Kindergarten
Kindergarten Assistant
1st Grade
1st Grade
2nd Grade
2nd Grade
3rd Grade
3rd Grade
4th Grade
4th Grade
5th Grade
5th Grade

Michaela Falvey – Teacher
Gina Roman-Zaballero
Beth Lucas - Teacher
Yadira Jostes
Catherine Munitz
Sarah Coles
Aimee Knight
Cathy VanHeest
Christine Carver
Diane Astrin
Angie Liberatore
Karen Falcon
Cheryl Ibarra
Rachel Lapham

Middle School

Math
Language Arts (Grade 7 & 8)
Language Arts (Grade 6 & 7th)
Social Studies
Science
Religion

Donovan Waefler
Natalie Murray
Laura Kasper
Richard Dougherty
Caitlin Hayes
Eileen Mayette

Resources

Music
Spanish (Grades 5-8)
Spanish (Grades LR-4)
Health & PE
Art
School Counselor
Technology
Media Center/Library
Resource Room

Joyce Brockhausen
Carol Bofill
TBA
Philip Villiott
JoAnn Baxter
TBA
Jackie Lovell
Beth Army
Casey Morrison

Staff

Administrative Assistant
Office Assistant
Admissions Coordinator
Development Coordinator
Nurse
IT Coordinator
IT Assistant
Custodial Supervisor
Custodian

Barbara Franklin
Maureen Scribner
Paige Cecere
Bobby Steinburg
Tyne Iverson
Jackie Lovell
Joe Davis
Les Elliott
Brendan Benincasa

Extended Care Staff

Extended Care Coordinator

Nicoletta Redman
Regan Watson

Loida Hamilton
Beth Bickel



“Where Catholic tradition is combined with academic excellence.”

STUDENT – PARENT HANDBOOK ACKNOWLEDGEMENT FORM

St. John the Apostle Catholic School recognizes that students and parents/legal guardians play a vital role in the education of their children. We believe that each parent of a student enrolled at St. John the Apostle Catholic School has a duty and responsibility in enforcing the rules set forth in the Student-Parent Handbook. The Student-Parent Handbook will be on FACTS\RenWeb under Resource Documents and on our website: www.sjavb.org under School/Parents.

Please review with your child/children the complete handbook. St. John the Apostle Catholic School reserves the right to deviate from the literal compliance with the handbook when Mrs. Davey finds it necessary to do so in the interest of the students, teachers, and other faculty members.

If St. John the Apostle Catholic School’s Academic and/or Behavioral standards are not complied with, or if the parent/guardian interferes or impedes the educational mission of the school, administration, or the teaching staff, and cannot follow the school policies, the student(s) will be asked to leave.

I have seen and read the 2024-2025 Student-Parent Handbook in its entirety and have discussed it with my child/children. My signature below indicates that I agree to abide by said policies. Please return this form to Back to School Night or to the school office by Friday, August 30, 2024. All parents and students must sign this document.

FAMILY ACKNOWLEDGEMENT

“We, the parents of _____, agree to be governed by this school handbook for the academic school year 2024-2025. We recognize the right and responsibility of the school to make rules and enforce them.”

Student Signature

Date

Student Signature

Date

Student Signature

Date

Student Signature

Date

Signature of Parent/Guardian

Date

Family Last Name

EXHIBIT C
EXPERT WITNESS REPORT



Aggressive Defensive Solutions™

1217 Long Ridge Rd Chesapeake, VA. 23322

(757) 620-2878 www.AggDefSol.com

9/19/24

Tim Anderson,

Based on our earlier conversation I wanted to provide my opinions regarding this incident.

A live small arms cartridge consists of casing, primer, propellant, and projectile. All these components must be present for the cartridge to work. The casing holds all the components together with projectile serving as a cap or plug to prevent the propellant from falling out. The projectile, commonly called the bullet, is held in the case by the pressure of a tight fit. When the primer at the back of the casing is struck with sufficient force it causes a small explosion inside the casing which ignites the propellant, commonly called gun powder. The propellant burns at a rapid rate and pressure increases until it overcomes the grip of the bullet by the casing and exits the casing.

When a cartridge is fired from a firearm, the casing is held in the chamber of the weapon at the rear end of the barrel and the chamber is sealed during ignition of the cartridge. This focuses the pressure from the burning propellant and then bullet follows the path of least resistance down the barrel while pressure continues to build from burning powder. Without the constraining force of the chamber and the directing of force through the barrel, the bullet will not go anywhere when the primer is struck. I have been present when live rounds were intentionally dropped to cause ignition as well as present when live cartridges were incinerated to cause ignition. In most instances the casing split but did not dislodge from the bullet. In a few, the casing was pushed a few inches from the bullet.

In my opinion, a live modern cartridge is not dangerous without the accompanying firearm. This is based on my observations, training, and understanding of the laws of physics.

Having dealt with witnesses, whistleblowers, and informants at various points in my career, I feel certain that anyone would seek anonymity for reporting an incident involving their peer group. To require a young person or child to publicly decry the activities of someone who is a recognized bully is to dismiss the social dynamic of that group. No one as a child wants to be labelled as a tattler or snitch and face the possible ramifications of that. Additionally, to call out the bully openly is likely to invite further conflict. Where no direct or immediate threat of harm exists, providing the information with discretion certainly seems prudent.

Publicly chastising or punishing a whistleblower sends the message that one will not receive the protection of anonymity and that one may in fact be penalized for acting correctly but without sufficient preserved alacrity. In either case, the likelihood of future cooperation and development of information becomes compromised at best. The protection of "sources" in the intelligence, police, and media fields has a long-standing history for the simple fact that "no one will talk to you if you give them up."

Based on the information that has been provided to me, I believe that there was no immediate viable threat of physical harm from a live cartridge of ammunition outside of the presence of a firearm and it was therefore prudent and advisable for the young man to wait until he could discretely advise the authorities of the actions of his peer.

B. Richard Sutton

Barry R. Sutton

Experience:

Owner Arsenal Performance & Gun Works Inc. April 2024- present: Gun smith and consultant.

Owner Aggressive Defensive Solutions LLC. May 2000- present: Firearms and Tactics instructor, Security and protective operations instructor, case consultant, expert witness (firearms and deadly force), investigative review consulting, Range Safety Officer.

Staff Instructor Blackwater USA: October 1999- August 2008: Weapons, tactics, driving, counter terrorism instructor.

Uniform Patrol Officer 2017- 2019: Uniform Patrol Officer 1st Pct.

Mounted Patrol Officer 2013-2017: Served as a patrol officer, instructor and horse trainer for VBMP. I routinely worked with minimal direct oversight. I handled various calls for service and enforcement action in a mounted capacity. Developed and conducted unit and individual training.

General Assignments Detective 2002-2013 2nd PCU: Assigned as an evening shift detective with responsibilities to investigate all manner of property crimes that occurred in the 2nd Pct area of operations. Routinely worked with minimal direct oversight while conducting multiple long-term investigations. I was often tasked with training and developing new and temporarily assigned detectives. I was often called on to assist as well as work crimes against persons either as part of my normal shift or while acting as the city-wide Midnight Detective.

Special Agent Coast Guard Investigative Service (Chesapeake Regional Office) 2006-2015: During the course of my duties I conducted Criminal Investigations internal and external to USCG and Dept Homeland Security, Threat Assessment and Mitigation Operations, Protective Service Operations (Sec DHS, Comm CG, NIC Deepwater Horizon), and served as the Primary Weapons and Tactic Instructor for the field office.

Robbery Investigator 2001-2002: Assigned to the Robbery Squad and conducted investigations involving and related to Robberies, Abductions, Malicious Assaults, and Homicides

General Assignments Detective Oct 1999- 2001: Assigned as a Property Crimes Detectives primarily at 2nd PCU with a temporary assignment to 4th PCU.

Uniform Patrol Officer 3rd Pct 1997-1999: Assigned as an Evening shift and Night Power shift zone unit with duties that included Field Training Officer, Mobile Tactics Team, Night Motors (Oceanfront Ops1998)

Uniform Patrol Officer 2nd Pct 1992-1997: Assigned as an Evening shift zone unit with duties that included Host Officer, Mobile Tactics Team, Night Beats, Selective Enforcement Team, Day Motors/ATV, 90 Day Detective, and Field Training Officer.

Master Police Officer promoted 080196

Assistant Range Officer PD&T/ Firearms Training Unit (temporary) 1991: Assigned to assist with range operations, training and maintenance at the Creeds Training Complex.

Recruit Sept 1991- Jan1992: 31st session Chesapeake Public Safety Academy

Recruit Sept- Nov 1990: 15th VBPD Academy

VBPD Aug – Sep 1990: Oceanfront Operations/ Night Beats

Deputy Sheriff Chesapeake VA April 1989- August 1990: Assigned to various duties with CSO to include Jailor, Prisoner Transport, Color Guard, Mounted Corps.

Additional Assignments and Training

Adjunct Instructor National Mounted Police Training Group (1987- 1991)

Attended Spring Session VBPD Mounted Unit In-service Training (1990)

Attended Basic Mounted Officers Training **National Mounted Training Group** (1986)

DCJS Certified General Instructor (1997) Firearms (2000) Driving (2015)

Training Detective 2nd PCU 2002-2013

Lead Instructor for Burglary and Related Topics 2002- 2013 (Academy/In-Service classes)

1993- 2019 Member/ Director VBPD/FOP8 Shooting Team

VBPD Basic S.W.A.T. School (2007)

2008 U.S.C.G. Small Arms Military Instructor M9, M11, M16, 870

2009 DHS (FLETC) Firearms Instructor, Tactical Long Gun/SMG Instructor

Distinguished Weapons Expert

1217 Long Ridge Rd Chesapeake VA 23322