



PERSONNEL

Definitions

For the purpose of differentiating between various employees of the School Board for consistency the following definitions shall apply:

1. Employees of the Board

All employees are "Employees of the Board", and whenever reference is made to employees without distinction, such statement shall refer to all employees with the exception of the division Superintendent.

(a) Full-time: With the exception of Bus Drivers/Bus Assistants and Food Service employees, a full-time employee is defined as a School Board employee who is scheduled to actually work thirty five (35) hours or more hours per consecutive work week and who fills 100 percent of a budgeted full-time equivalency position. Such employee's hours and work day shall be specified by the Superintendent. Bus Drivers/Bus Assistants who actually work twenty (20) hours or more per consecutive work week and Food Service employees who actually work fifteen (15) hours or more per consecutive work week shall be considered to be full-time employees. Full-time employees shall be entitled to the full range of benefits provided by the School Board.

(b) Part-time: With the exception of Bus Drivers/Bus Assistants and Food Service employees, a part-time employee is defined as a School Board employee who is scheduled to actually work less than thirty-five (35) hours per consecutive work week and who fills less than 100 percent of a budgeted full-time equivalency position. Part-time employees may be entitled to School Board provided leave benefits on a pro-rated basis; however, an employee must fill fifty percent (50%) or more of an allocated position in order to be eligible for pro-rated leave benefits and group health insurance. Neither Virginia Retirement System nor group life insurance benefits shall be provided to part-time employees who fill less than fifty percent (50%) of an allocated position.

2. Licensed Personnel

Licensed personnel shall include those employees who are required to have teaching license or other licensure from the Virginia Board of Education to perform the job to which they are currently assigned.

3. Classified Personnel

Classified personnel shall include those employees who have been assigned to the classified wage and salary scales as approved by the School Board.

4. Administrative Personnel

Administrative personnel shall be those employees who have been assigned to the administrative salary scales as approved by the School Board which include, but are not limited to, principals, assistant principals, and supervisors as that term is defined by Board of Education Regulations.

5. Professional/Supervisory Personnel

Professional/supervisory personnel shall be those employees who have been assigned to the professional and supervisory salary scales as approved by the School Board.

6. Student Activities Coordinator

Student Activities Coordinators shall be those employees assigned to the Student Activities Coordinator scale as approved by the School Board.

7. Temporary Employee

A temporary employee is one who is employed for a specified purpose over a limited period of time and does not fill a budgeted full-time equivalency position, including those persons employed pursuant to a temporary employment agreement. All categories of substitutes are temporary employees. A written contract shall be required for a substitute teacher who fills a teacher vacancy for longer than ninety (90) days in one school year. No license shall be required for substitute teachers employed to substitute for a contracted teacher, for a period of less than twenty (20) consecutive days. Long-term substitute teachers, defined as those substitutes teaching for more than twenty (20) consecutive days in the same position, shall hold or be eligible for a Virginia license. Employees who are regular full-time contracted personnel may also be employed in a temporary status, e.g., full-time contracted teachers may be temporarily employed as summer school teachers or for one school year only. Temporary employees are not eligible for benefits arising out of their service in this capacity unless such benefits are specifically designated in the temporary employment agreement. Temporary employees shall not have the right to access the grievance procedure in any matter regarding dismissal, probation or other disciplinary action.

8. Probationary Employee

All employees, other than those subject to §§ 22.1-303 and 22.1-294 of the Code of Virginia, during the initial nine (9) months from the first day of employment or re-employment in a full-time contracted position with the School Board are considered to be in a probationary status and shall have no right to access the grievance procedure in any matter regarding dismissal, probation or other disciplinary matter. Probationary employees shall be entitled to meet with the Assistant Superintendent, Human Resources or designee as provided in School Board Policy 4-18 and Division Regulation 4-18.1 (B)(2)(c)-(d); however, the provision of such meeting shall not be interpreted to mean that cause is required to dismiss a probationary employee.

Editor's Note

*See Also: School Board [Policy 4-5](#), Licensed Personnel Conditions of Employment
School Board [Policy 4-75](#) Classified Personnel Conditions of Employment
School Board [Policy 4-90](#) and Division [Regulation 4-90.1](#) Substitute Teachers
School Board [Policy 4-92](#) Summer School Teachers*

Legal Reference:

Code of Va., § 22.1-79. Powers and Duties.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: September 7, 1999



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EMPLOYEE CONDUCT

A. Employee Conduct

The School Board is committed to establishing a workforce dedicated to the education of the City's youth and creating an environment conducive to productivity for the benefit of both staff and students. It is the policy of the School Board to recruit and employ highly professional employees who demonstrate the highest ethical behavior on the job and outside the workplace.

B. Standards of Conduct and Discipline Philosophy

All employees are expected to maintain a standard of dress, personal appearance, general decorum and behavior that reflects positively on their status as employees of the School Board and as role models for students. The School Board expects that staff will set examples for students that will serve students well in their own conduct and behavior and which will contribute toward an appropriate instructional atmosphere. Therefore, as a condition of employment, all employees are to perform their duties and comply with School Board Policy, School Administration Regulations, and state and federal law and regulations. Employees shall demonstrate the necessary skills, maturity, ability in dealing with others, and understanding of their job functions. Safety, courtesy and respect for diversity are expected of all employees. At no time should any employee's conduct jeopardize a student's right to be educated or an employee's right to perform job functions. To reinforce these expectations, the School Board supports continuous training and professional growth of all of its employees to develop and maintain their skills. School Board policies require a school and work environment that is respectful of the rights of all individuals in the school community and maintained in a manner adequate to meet the vision and goals of the School Board.

Employees will support the mission of the School Board by fulfilling their duties and complying with School Board policies and regulations. Inappropriate conduct can interfere with instruction and operations, can discredit the organization, can be offensive to others, and is nonproductive. The Superintendent will promulgate core values and standards of conduct to guide employees in meeting the School Board's expectations.

The Superintendent will establish and promulgate to all employees disciplinary procedures and regulations necessary to implement the School Board policy. Such procedures and regulations will include a table of example infractions and the range of disciplinary actions for the various infractions. Such table will serve as a guide, but not necessarily be inclusive of all possible actions that could lead to disciplinary action. The table will address employee conduct on duty, off duty, involving other employees and involving students.

Disciplinary action shall be consistently and fairly applied and shall be taken only for good reason, for the primary purpose of correcting unsatisfactory performance or conduct, and as a secondary purpose of exacting disciplinary measures. The severity of the disciplinary actions shall be determined by the severity of the misconduct. When appropriate, oral warnings or counseling will first be used to correct employee conduct. Oral warnings or counseling are not grievable. In general, formal disciplinary actions shall be progressive in nature, ranging from a written reprimand for an initial infraction to stronger actions that may include recommendations for dismissal when corrective behavior fails to occur. However, progressive discipline is not always appropriate, and supervisors and program managers may recommend a more or less stringent action based on the severity of the violation, including dismissal, for the first offense.

C. Conduct Outside of the Workplace

The School Board recognizes that employees retain the right to keep their personal lives separate from their positions as School Board employees. Yet, due to the unique position that School Board employees serve in the community as role models, leaders and caretakers for the division's students, certain conduct is inconsistent with employment with the School Board.

Applicants who have convictions for felonies, offenses involving sexual molestation, physical or sexual abuse or rape of a child, convictions for crimes of moral turpitude ¹, or founded cases of child abuse or neglect will not be eligible for employment by the School Board. Current employees who are convicted of any of the above noted crimes or have founded cases of child abuse or neglect shall be recommended for termination, and may be terminated from employment by the School Board. ²

Other conduct that jeopardizes the School Board's or the community's trust in the employee's ability to perform his duties may be the basis for disciplinary action. Examples of such conduct include: drug or alcohol abuse that becomes open and notorious; plea bargains to lesser crimes after being charged with crimes that would disqualify an employee from employment; misuse of School Board property; intentional conflicts of interests; and interference of personal matters with performance of duties. In such cases the School Board reserves the right to take disciplinary action that promotes the integrity and safety of the staff and students.

D. Employee Guidebook

Beginning July 1, 2000, each contracted employee shall be provided an employee guidebook that summarizes the School Board policies and Division regulations applicable to all employees. The guidebook shall also be provided to new hires at the time of orientation. Updates to the guidebook will be made available via the school division's Intranet and Internet sites.

The purpose of the guidebook and updates is to inform employees about the terms and conditions of their employment. Neither the guidebook nor the updates constitutes a contract or is otherwise binding on the School Board or school division.

E. School Board Bylaws, Policies and Division Regulations

The *School Board's Bylaws, Policies & Division Regulations* are available to employees in the following locations: The School Division Intranet (vbcps.net) and School Division Internet Website at www.vbschools.com. A master copy is also available in the Office of the Executive Assistant to the Superintendent at the school board office.

Editor's Note

See [School Board Policy 5-45](#) – *Use of Drugs, Alcohol and Tobacco Products*.

See [Division Regulation 5-45.1](#) – *Possession/Use/Sale of Alcohol, Drugs or Drug Paraphernalia*.

See *Virginia Beach School Division Website* at <http://www.vbschools.com/>.

Legal References:

[Va. Code § 22.1-295. Employment of Teachers.](#)

[Va. Code § 22.1-296.1. Data on convictions for certain crimes and child abuse and neglect required; penalty.](#)

[Va. Code §22.1-296.4. Child abuse and neglect data required.](#)

[Va. Code §22.1-307. Dismissal, etc., of teachers; grounds.](#)

[Va. Code §22.1-315. Grounds and procedure for suspension.](#)

[Va. Code § 22.1-253.13:7. Standard 7. Policy Manual.](#)

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: October 21, 2003

Amended by School Board: August 16, 2005

¹ Moral turpitude is defined as, but not necessarily limited to, lying, cheating, stealing, giving false statements, petit larceny, and contributing to the delinquency of a minor.

² Teachers may further be subject to dismissal or probation for incompetency, immorality, non compliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. (Va. Code §22.1-307. Dismissal, etc., of teachers; grounds)



PERSONNEL

Grievances and Grievance Procedures: Teachers

The School Board honors the procedures for adjusting grievances as prescribed by the General Assembly and the Board of Education of the Commonwealth of Virginia as amended by these bodies from time to time.

I. Grievability

A. Determination of Grievability

When a party requests a hearing by the School Board to address the grievability of an employee grievance pursuant to Virginia Code Section 22.1-314, the School Board directs that the following procedures are to be followed:

1. Both sides shall provide the Board Clerk, each other, and School Board Legal Counsel, written argument regarding grievability in advance of the Board meeting at which the issue is to be decided;
2. Both sides shall make themselves available at the meeting where the issue is to be decided, to provide oral argument and/or respond to Board member questions;
3. Both sides shall provide the Board Clerk, each other, and the Board's attorney in advance of the hearing, the documents they rely upon in the form of numbered exhibits; and
4. The School Board's attorney and the Board Chairman, or if he is unavailable, the Vice-Chairman, following the School Board attorney's consultation with counsel for the grievant and administration, shall set the date, time, and procedural ground rules for the grievability hearing (including, but not limited to, the date and time when written arguments and documents are to be exchanged) Such ground rules, shall be consistent with School Board Policy, School Board Procedure, State Board of Education procedure and law regarding grievances and grievability and be directed toward the objective of precisely framing the issues.

B. Appeal of school board determination on grievability.

1. In accordance with Virginia Code Section 22.1-314, the School Board's decision may be appealed to the Virginia Beach Circuit Court by filing a notice of appeal within ten (10) calendar days of the date of the School Board's decision and delivering a copy to all other parties.
2. In accordance with Virginia Code Section 22.1-314, within ten (10) calendar days of receipt of such appeal, the School Board shall transmit to the clerk of court a copy of its decision, a copy of the notice of appeal and all exhibits. The failure of the School Board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court may, on motion of the grievant, issue a writ of certiorari requiring the School Board to transmit the records on or before a certain date.

II. Election by Board for Fact-Finding Panel – Part II Grievances

1. In any Part II Grievance in which an employee requests a hearing before the School

Board without first proceeding to a Fact-finding Panel, the Board elects and directs that unless the Board, by vote at a duly called meeting, specifically elects and directs otherwise on a specific grievance, all Part II Grievances, in which the employee appeals from the Stop 3 decision of the Superintendent or his designee, shall be sent to a Fact-finding Panel.

2. The Superintendent or his designee shall take steps to notify all employees appealing a Step 3 decision from the Superintendent or his designee of the Board's election in compliance with State Board of Education Procedure for Adjusting Grievances.*

3. At the time the employee gives notice of appeal from the Step 3 decision of the Superintendent or his designee, the Superintendent shall promptly provide School Board Legal Counsel copies of the written action taken from which the employee grieved, the written decisions at Step 2 and Step 3, and written responses of the employee, if any, and request for a Board hearing.

4. Once received, School Board Legal Counsel shall promptly provide the foregoing documents to the Board in order that the Board, in its sole discretion, may determine whether to deviate from its standard practice set forth hereinabove, and provide a decision on the grievance without first sending it to a Fact-finding Panel to make Findings of Fact and a Recommendation.

III. Election by Board for Fact-Finding Panel – Part III Grievances

1. The School Board elects and directs that unless the Board, by vote at a duly called meeting specifically elects and directs otherwise on a specific grievance, that all Part III Grievances in which an employee requests a hearing before the School Board shall first be sent to a Fact-finding Panel to make findings of fact and a recommendation to the School Board.

2. The Superintendent or his designee shall take steps to notify all employees filing Part III Grievances of the Board's election in compliance with state Board of Education Procedure for Adjusting Grievances.*

3. At the time the Superintendent or his designee takes action which gives rise to the right to file a Part III Grievance, he shall promptly provide School Board Legal Counsel a copy of the document given to the employee, making the recommendation or taking the action giving rise to the Part III Grievance, the employee's written response, if any, and any employee request for a board hearing.

4. As and when the foregoing documents are received, School Board Legal Counsel shall promptly provide copies to the Board so that the Board may have the opportunity to meet and elect to hear the case without it first going to a Fact-finding Panel, should the Board determine, in its sole discretion, to deviate from its preferred practice and election set forth herein of initially sending Part III Grievances to a Fact-finding Panel.

5. From the time the Superintendent or his designee takes action which gives rise to the right to file a Part III Grievance until a hearing is held by the Board in accordance with the provisions of State Board of Education Procedure for Adjusting Grievances, if such a hearing is requested, the merits of the recommendation of the division Superintendent shall not be considered discussed or acted upon by the School Board except as provided for in State Board of Education Procedure for Adjusting Grievances and Virginia Code Section 22.1-309.

Legal Reference:

Code of Va., § 22.1 253.13:7. Standard 7. Policy Manual.

Code of Va., § 22.1 306. Definitions.

Code of Va., § 22.1 307. Dismissal, etc., of teacher; grounds.

Code of Va., § 22.1 308. Grievance procedure.

Code of Va., § 22.1 309. Notice to teacher of recommendation of dismissal or placing on probation; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request.

Code of Va., § 22.1-310. Election of hearing before fact-finding panel prior to decision of school board.

Code of Va., § 22.1-311. Hearing before school board.

Code of Va., § 22.1-312. Hearing before fact-finding panel.

Code of Va., § 22.1 313. Decision of school board; generally.

Code of Va., § 22.1 314. Decision of school board; issue of grievability; appeal.

School Board of the City of Richmond v. Margaret W. Parham, et al., Record No. 761561. Supreme Court of Virginia, April 21, 1978.

Editor's Notes

* The State Board of Education Procedure for Adjusting Grievances is duplicated in City of Virginia Beach School Board [Regulation 4-3.1](#).

By [Policy 4-18](#) and [Regulation 4-3.2](#) the School Board has provided classified employees who have completed probationary employment and are dismissed, suspended with or without pay, or placed on probation by the Superintendent or his designee access to the grievance procedure established in Division [Regulation 4-3.1](#) which follows Board of Education Procedure for Adjusting Employee Grievances. Also see [Regulation 4-18.1](#). This same right is afforded administrators by [Regulation 4-3.2](#).

For definitions of employee classifications and the requirement employees other than those covered by Virginia Code Sections 22.1-303 and 22.1-294 complete a probationary period of employment before accessing the grievance procedure see [Policy 4-1](#).

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Amended by School Board: November 16, 1976

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Amended by School Board: June 18, 1985

Amended by School Board: May 17, 1988

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PERSONNEL

Grievance Procedure - Teachers

Preamble

The Virginia Board of Education adopts the following Procedures for Adjusting Grievances to provide, in accordance with the Standards of Quality for school divisions and the statutory mandate of Chapters 13.1 and 15, Article 3, Title 22.1, of the Code of Virginia, an orderly procedure for resolving disputes concerning application of local school board policies, rules, and regulations as they affect the work of employees, and disciplinary actions which include dismissal or probation.

PART I

Definitions

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday, or legal holiday, the period of time for taking action under this procedure shall be extended to the next day if it is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher within the term of such teacher's contract and the non-renewal of a contract of a teacher on a continuing contract.

"Grievance" means, for the purpose of Part II, a complaint or a dispute by a teacher relating to his or her employment, including but not necessarily limited to disciplinary actions other than dismissal or placing on probation; the application or interpretation of personnel policies, procedures, rules and regulations, ordinances, and statutes; acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. "Grievance" means, for the purpose of Part III, a complaint or a dispute by a teacher relating to his/her employment involving dismissal or placing on probation. The term "grievance" shall not include a complaint or dispute by a teacher relating to the establishment and revision of wages or salaries, position classifications, or general benefits; suspension of a teacher or non-renewal of the contract of a teacher who has not achieved continuing contract status; the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; failure to promote; discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject, or insufficient funding; hiring, transfer, assignment, and retention of teachers within the school division; suspension from duties in emergencies; or the methods, means, and personnel by which the school divisions operations are to be carried on. While these management rights are reserved for the School Board, failure to apply, where applicable, these rules, regulations, policies, or procedures as written or established by the School Board is grievable.

"Personnel file" means, for the purpose of Part III, any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves.

"Probation" means a period not to exceed one year during which time it shall be the duty of the teacher to remedy those deficiencies which gave rise to the probationary status.

"Teacher" or "teachers" means, for the purpose of Part II, all employees of the school division involved in classroom instruction and all other full-time employees of the school division except those employees classified as supervising employees. "Teacher" means, for the purpose of Part III, all regularly certified/licensed professional public school

personnel employed under a written contract as provided by Section 22.1-302 of the Code of Virginia by any school division as a teacher or supervisor of classroom teachers but excluding all superintendents.

"Shall file," "shall respond in writing," or "shall serve written notice" means the document is either delivered personally to the grievant or office of the proper School Board representative or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure.

"Supervisory employee" means any person having authority in the interest of the Board (i) to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; and (ii) to direct other employees; or (iii) to adjust the grievance of other employees; or (iv) to recommend any action set forth in (i), (ii), or (iii) above; provided that the authority to act as set forth in (i), (ii), (iii), or (iv) requires the exercise of independent judgment and is not merely routine and clerical in nature.

"Written grievance appeal" means a written or typed statement describing the event or action complained of or the date of the event or action, and a concise description of those policies, procedures, regulations, ordinances or statutes upon which the teacher bases his or her claim. The grievant shall specify what he or she seeks through use of the grievance procedure. A statement shall be written upon forms prescribed by the Board of Education and supplied by the local School Board.

PART II

Grievance Procedure

Section 2.1 - Purpose of Part II of this Grievance Procedure

The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning the application, interpretation, or violation of any of the provisions of local School Board policies, procedures, rules, and regulations as they affect the work of teachers, other than dismissal or probation. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any teacher to discuss any matter of concern with any member of the school administration. Nor should the procedure be construed to restrict any teacher's right to seek, or the school division administration's right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit a school board's exclusive final authority over the management and operation of the school division.

Section 2.2 - Grievance Procedure

Recognizing that grievances should be begun and settled promptly, a grievance must be initiated within fifteen (15) working days following either the event giving rise to the grievance, or within fifteen (15) working days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

A. Step 1 - Informal

The first step shall be an informal conference between the teacher and his or her immediate supervisor (which may be the principal). The teacher shall state the nature of the grievance, and the immediate supervisor shall attempt to adjust the grievance. It is mandatory that the teacher present the grievance informally prior to proceeding to Step 2.

B. Step 2 - Principal

If for any reasons the grievance is not resolved informally in Step 1 to the satisfaction of the teacher, the teacher must perfect his or her grievance by filing said grievance in writing within fifteen (15) working days following the event giving rise to the grievance, or within fifteen (15) working days following the time when the employee knew or reasonably should have known of its occurrence, specifying on the form the specific relief sought. Regardless of the outcome of Step 1, if a written grievance is not, without just cause, filed within the specified time, the grievance will be barred.

A meeting shall be held between the principal (and/or his or her designee) and the teacher (and/or his or her designee) within five (5) working days of the receipt by the principal of the written grievance. At such meeting the teacher and/or other party involved shall be entitled to present appropriate witnesses and to be represented by legal counsel and another representative. The principal (and/or his or her designee) shall respond in writing within five (5) working days following such meeting.

The principal may forward to the teacher within five (5) days from the receipt of the written grievance a written request for more specific information regarding the grievance. The teacher shall file an answer thereto within ten (10) working days, and the meeting must then be held within five (5) days thereafter.

C. Step 3 - Superintendent

If the grievance is not settled to the teacher's satisfaction in Step 2, the teacher can proceed to Step 3 by filing a written notice of appeal with the Superintendent, accompanied by the original grievance appeal form within five (5) working days after receipt of the Step 2 answer (or the due date of such answer). A meeting shall then be held between the Superintendent (and/or his or her designee) and the teacher (and/or his or her designee) at a mutually agreeable time within five (5) working days. At such meeting both the Superintendent and the teacher shall be entitled to present witnesses and to be represented by legal counsel and another representative. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the Superintendent without violating the provisions of Section 54-44 of the Code of Virginia. If no settlement can be reached in said meeting, the Superintendent (or his or her designee) shall respond in writing within five (5) working days following such meeting. The Superintendent or designee may make a written request for more specific information from the teacher, but only if such was not requested in Step 2. Such request shall be answered within ten (10) working days, and the meeting shall be held within five working days of the date on which the answer was received. If the grievance is not resolved to the satisfaction of the teacher in Step 3, the teacher may elect to have a hearing by a fact-finding panel, as provided in Step 4, or after giving proper notice, may request a decision by the School Board pursuant to Step 5. (NOTE: By Policy 4-3 the School Board has elected that absent specific Board action in a specific grievance, grievances shall go to a fact-finding panel for a finding of fact and recommendation before coming to the School Board.)

D. Step 4 - Fact-Finding Panel

In the event the grievance is not settled upon completion of Step 3, either the teacher or the School Board may elect to have a hearing by a fact-finding panel prior to a decision by the School Board, as provided in Step 4. If the teacher elects to proceed to Step 4, he or she must notify the Superintendent in writing of the intention to request a fact-finding panel and enclose a copy of the original grievance form within five (5) working days after receipt of a Step 3 answer (or the due date of such answer). If the School Board elects to proceed to a fact-finding panel, the Superintendent must serve written notice of the Board's intention upon the grievant within fifteen (15) working days after the answer provided by Step 3. (NOTE: By Policy 4-3 the School Board has elected that absent specific Board action in a specific grievance, grievances shall go to a fact-finding panel for a finding of fact and recommendation before coming to the School Board.)

1. Panel

Within five (5) working days after the receipt by the Division Superintendent of the request for a fact-finding panel, the teacher and the Division Superintendent shall each select one panel member from among the employees of the school division other than an individual involved in any previous phase of the grievance procedure as a supervisor, witness, or representative. The two (2) panel members so selected shall within five (5) working days of their selection select a third impartial panel member.

2. Selection of Impartial Third Member

In the event that both panel members are unable to agree upon a third panel member within five (5) working days, both members of the panel shall request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five (5) qualified and impartial individuals from which one individual shall be selected by the two (2) members of the panel to serve as the third member. The individuals named by the chief judge may reside either within or outside the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and possess some knowledge and expertise in public education and education law and shall be deemed by the judge to be capable of presiding over an administrative hearing. Within five (5) days after receipt by the two (2) panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by alternately deleting names from the list until only one remains. The panel member selected by the teacher shall make the first selection. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. With the agreement of the teacher's and Division Superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

3. Holding of Hearing

The hearing shall be held by the panel within thirty (30) calendar days from the date of the selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the Division Superintendent and the teacher. The teacher and the Division Superintendent each may have present at the hearing and be represented at all stages by a representative or legal counsel.

4. Procedure for Fact-Finding Panel

- a. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.
- b. The panel may ask for statements from the Division Superintendent and the teacher clarifying the issues involved at the beginning of the hearing and at the discretion of the panel may allow closing statements.
- c. The parties shall then present their claims in evidence. Witnesses may be questioned by the panel members, or by the teacher and the Division Superintendent, or their representative. The panel, in its discretion, may vary this procedure, but shall afford full and equal opportunity for all parties to present any material or relevant evidence and shall afford the parties the right of cross-examination.
- d. The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel may be the judge of the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.
- e. Exhibits offered by the teacher or the Division Superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.
- f. The finding of facts and recommendations by the panel shall be based exclusively upon the evidence presented at the hearing and the panel's recommendations shall be arrived at by a majority vote of the panel members.
- g. On its own motion or upon application of the teacher or Division Superintendent, the hearing may be reopened by the panel, for good cause shown, at any time to hear after-discovered evidence before its final report is delivered.
- h. The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the members of the School Board, the Division Superintendent, and the teacher, not later than thirty (30) days after the completion of the hearing.
- i. A stenographic record or tape recording shall be taken of the proceedings. The recording may be dispensed with entirely by mutual consent of the parties. If the recording is not dispensed with, the two (2) parties shall share equally the cost of the recording. If either party requests a transcript, that party shall bear the expense involved in preparing it.

5. Expenses

- a. The teacher shall bear his or her own expenses. The School Board shall bear the expenses of the Division Superintendent. The expenses of the panel shall be borne one-half by the School Board and one-half by the teacher.
- b. The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his or her normal working hours if he or she receives the normal salary for the period of such services.
- c. Witnesses who are employees of the School Board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

6. Right to Further Hearings

Following a hearing by a fact-finding panel, the teacher shall not have the right to a further hearing by the School Board as provided in Subsection E-3 of this section. The School Board shall have the right to require a further hearing in any grievance proceeding as provided in Subsection E-3 of this section.

E. Step 5 - Decision by the School Board

1. If a teacher elects to proceed directly to a determination before the School Board as provided for in Step 5, he or she must notify the Superintendent in writing of the intention to appeal directly to the Board, of the grievance alleged and the relief sought, within five (5) working days after receipt of the answer as required in Step 3 or the due date thereof. Upon receipt of such notice, the School Board may elect to have a hearing before a fact-finding panel, as indicated in Step 4, by filing a written notice of such intention with the teacher within ten (10) working days of the deadline for the teacher's request for a determination by the School Board. (NOTE: By [Policy 4-3](#) the School Board has elected that absent specific Board action in a specific grievance, grievances shall go to a fact-finding panel for a finding of fact and recommendation before coming to the School Board.)

2. In the case of a hearing before a fact-finding panel, the School Board shall give the grievant its written decision within thirty (30) days after the School Board receives both the transcript of such hearing, if any, and the panel's finding of fact and recommendation unless the School Board proceeds to a hearing under Section 2.2, Subsection E-3. The decision of the School Board shall be reached after considering the transcript, if any; the finding of fact and recommendations of the panel, and such further evidence as the School Board may receive at any further hearing which the School Board elects to conduct.

3. In any case in which a hearing before a fact-finding panel is held in accordance with Step 4, the local School Board may conduct a further hearing before such School Board.

a. The local School Board shall initiate such hearing by sending written notice of its intention to the teacher and the Division Superintendent within ten (10) days after receipt by the Board of the findings of fact and recommendations of the fact-finding panel and any transcript of the panel hearing. Such notice shall be provided upon forms to be prescribed by the Board of Education and shall specify each matter to be inquired into by the School Board.

b. In any case where such further hearing is held by a School Board after a hearing before the fact-finding panel, the School Board shall consider at such further hearing the transcript, if any; the findings and recommendations of the fact-finding panel; and such further evidence including, but not limited to, the testimony of those witnesses who have previously testified before the fact-finding panel as the School Board deems may be appropriate or as may be offered on behalf of the grievant or the administration.

c. The further hearing before the School Board shall be set within thirty (30) days of the initiation of such hearing, and the teacher must be given at least fifteen (15) days written notice of the date, place, and time of the hearing. The teacher and the Division Superintendent may be represented by legal counsel and another representative. The hearing before the School Board shall be private, unless the teacher requests a public hearing. The School Board shall establish the rules for the conduct of any hearing before it. Such rules shall include the opportunity for the teacher and the Division Superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by the School Board.

The School Board's attorney, assistants, or representative, if he, she, or they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of Section 22.1-69, the Superintendent shall be excluded from any executive session of the School Board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board's attorney or representative and the Superintendent may join the School Board in executive session to assist in the writing of the decision.

A stenographic record or tape recording of the proceedings shall be taken. However, the recording may be dispensed with entirely by mutual consent of the parties. If not dispensed with, the two (2) parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation.

d. The decision of the School Board shall be based solely on the transcript, if any; the findings of fact and recommendations of the fact-finding panel; and any evidence relevant to the issues of the original grievance produced at the School Board hearing in the presence of each party. The School Board shall give the grievant its written decision within thirty (30) days after the completion of the hearing before the School Board. In the event the School Board's decision is at variance with the recommendations of the fact-finding panel, the School Board's written decision shall include the rationale for the decision.

4. In any case where a hearing before a fact-finding panel is not held, the Board may hold a separate hearing or may make its determination on the basis of the written evidence presented by the teacher and the recommendation of the Superintendent.

5. The School Board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel.

Section 2.3 - Grievability

A. Initial Determination of Grievability

Decisions regarding whether a matter is grievable shall be made by the School Board at the request of the Division Superintendent or grievant. The School Board shall reach its decision only after allowing the Division Superintendent and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the School Board. Decisions shall be made within ten (10) days of such request. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any panel or Board hearing or the right to such determination shall be deemed to have been waived. Failure of the School Board to make such a determination within such a prescribed ten-day period shall entitle the grievant to advance to the next step as if the matter were grievable.

B. Appeal of Determination on Grievability

1. Decisions of the School Board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.

a. Proceedings for a review of the decision of the School Board shall be instituted by filing a notice of appeal with the School Board within ten (10) days after the date of the decision and giving a copy thereof to all other parties.

b. Within ten (10) days thereafter, the School Board shall transmit to the Clerk of the Court to which the appeal is taken a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the School Board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the School Board to transmit the record on or before a certain date.

c. Within ten (10) days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the School Board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require.

d. The court may affirm the decision of the School Board or may reverse or modify the decision. The decision of the court shall be rendered not later than the fifteenth day from the date of the conclusion of the court's hearing.

Section 2.4 - Time Limitations

The right of any party to proceed at any step of this Part II grievance procedure shall be conditioned upon compliance

with the time limitations and other requirements set forth in this procedure.

A. The failure of the teacher to comply with all substantial procedural requirements including initiation of the grievance and notice of appeal to the next step in the procedure shall eliminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.

B. The failure of the School Board or any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his or her option, to advance to the next step in the procedure or, at the final step, to a decision in his or her favor.

C. The determination as to whether the substantial procedural requirements of this Part II of the Procedure for Adjusting Grievances have been complied with shall be made by the School Board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the School Board shall have the option of allowing the grievant to proceed to the next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

Section 2.5 - Separability

If any portion of this Part II of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.

PART III

This Part III of the Procedure for Adjusting Grievances adopted by the Board of Education in accordance with the statutory mandate of Article II, Chapter II, Title 22.1 of the Code of Virginia and the Standards of Quality for school divisions, Chapter 667 of the Acts of Assembly, 1980, is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal or placing on probation of any teacher.

Section 3.1 - Procedure for Dismissals or Placing On Probation

A. Notice to Teacher of Recommendation for Dismissal or Placing on Probation

1. In the event the Division Superintendent determines to recommend dismissal of any teacher or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher on forms to be prescribed by the Board of Education notifying him or her of the proposed dismissal or placing on probation and informing the teacher that within fifteen (15) days after receiving the notice, the teacher may request a hearing before the School Board or before a fact-finding panel as hereinafter set forth.

2. During such fifteen-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the teacher, the merits of the recommendation of the Division Superintendent shall not be considered, discussed, or acted upon by the School Board except as provided for herein.

3. At the request of the teacher, the Superintendent will provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to Section 22.1-311 or 22.1-312, the Division Superintendent shall provide, within ten (10) days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within ten (10) days of the request of the Division Superintendent, the teacher or his representative shall provide the Division Superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The Division Superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

B. Fact-Finding Panel

Within fifteen (15) days after the teacher receives the notice referred to in Section 3.1, Subsection A-1, either the teacher or the School Board, by written notice to the other party upon a form to be prescribed by the Board of Education, may

elect to have a hearing before a fact-finding panel prior to any decision by the School Board. (NOTE: By [Policy 4-3](#) the School Board has elected that absent specific Board action in a specific grievance, grievances shall go to a fact-finding panel for a finding of fact and recommendation before coming to the School Board.)

1. Panel

Within five (5) working days after the receipt by the Division Superintendent of the request for a fact-finding panel, the teacher and the Division Superintendent shall each select one panel member from among the employees of the school division other than an individual involved in the recommendation of dismissal or placing on probation as a supervisor, witness, or representative. The two (2) panel members so selected shall within five (5) working days of their selection select a third impartial panel member.

2. Selection of Impartial Third Member

In the event that both panel members are unable to agree upon a third panel member within five (5) working days, both members of the panel shall request the Chief Judge of the Circuit Court having jurisdiction of the school division to furnish a list of five (5) qualified and impartial individuals from which list one individual shall be selected by the two (2) members of the panel as the third member. The individuals named by the chief judge may reside either within or without the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and in all cases shall possess some knowledge and expertise in public education and education law and shall be deemed by the judge capable of presiding over an administrative hearing. Within five (5) days after receipt by the two (2) panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by the panel members, alternately deleting names from the list until only one remains with the panel member selected by the teacher to make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. With the agreement of the teacher's and Division Superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

3. Holding of Hearing

The hearing shall be held by the panel within thirty (30) calendar days from the date of the selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the Division Superintendent and the teacher. The teacher and the Division Superintendent each may have present at the hearing and be represented at all stages by a legal counsel and another representative.

4. Procedure for Fact-Finding Panel

- a. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.
- b. The panel may ask for statements from the Division Superintendent and the teacher (or their representative) clarifying the issues involved at the beginning of the hearing and at the discretion of the panel may allow closing statements.
- c. The parties shall then present their claims in evidence. Witnesses may be questioned by the panel members, or by the teacher and the Division Superintendent, or their representative. However, the panel may, at its discretion, vary this procedure, but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination.
- d. The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel may be the judge of the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.
- e. Exhibits offered by the teacher or the Division Superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.

f. The facts found and recommendations made by the panel shall be based exclusively upon the evidence presented to the panel at the hearing and such facts found and recommendation made shall be arrived at by a majority vote of the panel members.

g. The hearing may be reopened by the panel at any time before the panel's report is made upon its own motion or upon application of the teacher or the Division Superintendent for good cause shown to hear after-discovered evidence.

h. The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the members of the School Board, the Division Superintendent, and the teacher, not later than thirty (30) days after the completion of the hearing.

i. A stenographic record or tape recording of the proceedings shall be taken. In cases of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the School Board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The School Board shall bear the expense of the recording and the transcription.

5. Expenses

a. The teacher shall bear his or her own expenses. The School Board shall bear the expenses of the Division Superintendent. The expenses of the panel shall be borne one-half by the School Board and one-half by the teacher.

b. The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his or her normal working hours if he receives his normal salary for the period of such service.

6. Right to Further Hearing

If the School Board elects to have a hearing by a fact-finding panel on the dismissal or placing on probation of a teacher, the teacher shall have the right to a further hearing by the School Board as provided in Subsection C of this section. The School Board shall have the right to require a further hearing as provided in Subsection C also. (NOTE: By [Policy 4-3](#) the School Board has elected that absent specific Board action in a specific grievance, grievances shall go to a fact-finding panel for a finding of fact and recommendation before coming to the School Board.)

7. Witnesses

Witnesses who are employees of the School Board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

C. Hearing by School Board

1. After receipt of the notice of pending dismissal or placing on probation described in Section 3.1, Subsection A-1, the teacher may request a hearing before the School Board by delivering written notice to the Division Superintendent within fifteen (15) days from the receipt of notice from the Superintendent. Subsequent to the hearing by a fact-finding panel under Section 3.1, Subsection B, the teacher, as permitted by Section 3.1, Subsection B-6, or the School Board may request a School Board hearing by written notice to the opposing party and the Division Superintendent within ten (10) days after the receipt by the party initiating such hearing of the findings of fact and recommendations made by the fact-finding panel and the transcript of the panel hearing. Such notice shall be provided upon a form to be prescribed by the Board of Education and shall specify each matter to be inquired into by the School Board. (NOTE: By [Policy 4-3](#) the School Board has elected that absent specific Board action in a specific grievance, grievances shall go to a fact-finding panel for a finding of fact and recommendation before coming to the School Board.)

2. In any case in which a further hearing is held by a School Board after a hearing before the fact-finding panel, the School Board shall consider such further hearing the record, or transcript, if any, the findings

of fact and recommendations made by the fact-finding panel and such further evidence, including, but not limited to, the testimony of those witnesses who have previously testified before the fact-finding panel as the School Board deems appropriate or as may be offered on behalf of the teacher or the Superintendent.

3. The School Board hearing shall be set and conducted within thirty (30) days of the receipt of the teacher's notice or the giving by the School Board of its notice. The teacher shall be given at least fifteen (15) days written notice of the date, place, and time of the hearing and such notice shall also be provided to the Division Superintendent.

4. The teacher and the Division Superintendent may be represented by legal counsel and another representative. The hearing before the School Board shall be private, unless the teacher requests a public hearing. The School Board shall establish the rules for the conduct of any hearing before it. Such rules shall include the opportunity for the teacher and the Division Superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties to cross-examine the witnesses. Witnesses may be questioned by the School Board.

5. A record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the School Board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The Board shall bear the expense of the recording and the transcription.

6. The School Board shall give the teacher its written decision within 30 days after the completion of the hearing before the School Board.

7. The decision by the School Board shall be based on the transcript, the findings of fact, and recommendations made by the fact-finding panel, and any evidence relevant to the issues of the original grievance produced at the School Board hearing in the presence of each party. The School Board's attorney, assistants, or representative, if he, she, or they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative, and notwithstanding the provisions of Section 22.1-69, the Superintendent shall be excluded from any executive session of the School Board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board's attorney or representative and the Superintendent may join the School Board in executive session to assist in the writing of the decision.

D. School Board Determination

1. In any case in which a hearing is held before a fact-finding panel but no further hearing before the School Board is requested by either party, the School Board shall give the teacher its written decision within thirty (30) days after the School Board receives both the transcript of such hearing and the panel's findings of fact and recommendations. The decision of the School Board shall be reached after considering the transcript, the findings of facts, and the recommendations made by the panel.

2. The School Board may dismiss, suspend, or place on probation a teacher upon a majority vote of a quorum of the School Board. In the event the School Board's decision is at variance with the recommendations of the fact-finding panel, the School Board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the School Board pursuant to Section 3.1 C. 1 & 2, except that the grievant and the Division Superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross examination of any other witness. The School Board's written decision shall include the rationale for the decision.

Section 3.2 - Time Limitations

The right of any party to proceed at any step of the grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this grievance procedure.

A. The failure of the grievant to comply with all substantial procedural requirements shall terminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.

B. The failure of the School Board or of any supervisory employee to comply with all substantial procedural requirements

without just cause shall entitle the grievant, at his or her option, to advance to the next step in the procedure, or, at the final step, to a decision in his or her favor.

C. The determination as to whether the substantial procedural requirements of this Part III of the Procedure for Adjusting Grievances have been complied with shall be made by the School Board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the School Board shall have the option of allowing the grievance to proceed to its next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

Section 3.3 - Separability

If any portion of this Part III of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.

Regulatory Authority:

See legal reference to school board [policy 4-3](#).

Editor's Note

See [Policies 4-3, 4-18](#) and [Regulations 4-3.2](#) and [4-18.1](#).

For grievance procedure for discrimination due to sex or disability see [Policy 4-4](#) and [Regulation 4-4.1](#).

New employees other than those covered by Virginia Code Sections 22.1-303 (Teachers) and 22.1-294 (Principals and Assistant Principals) serve an initial nine (9) month probationary period during which they may not access the grievance procedure in any matter regarding dismissal, probation or other disciplinary matters. However they may meet with the Assistant Superintendent of Human Resources. See [Policy 4-1](#).

By [Policy 4-18](#) and [Regulation 4-3.2](#) the School Board has provided classified employees who have completed probationary employment and are dismissed or placed on probation by the Superintendent or his designee access to the grievance procedure established in Division [Regulation 4-3.1](#) which follows Board of Education Procedure for Adjusting Employee Grievances. Also see [Regulation 4-18.1](#). This same right is afforded administrators by [Regulation 4-3.2](#).

For definitions of employee classifications and the requirement employees other than those covered by Virginia Code Sections 22.1-303 and 22.1-294 complete a probationary period of employment before accessing the grievance procedure see [Policy 4-1](#).

See School Division Website : www.vbschools.com .

Approved by Superintendent: July 16, 1991

Revised by Superintendent: September 15, 1992

Approved by School Board: (See School Board Policy 4-3)

Revised by Superintendent: December 3, 2003



PERSONNEL

Grievance Procedures--Supervisory and Classified Employees

All personnel who are not teachers or otherwise subject to School Board [Policy 4-3](#), Grievances and Grievance Procedures: Teachers, are subject to this policy. A classified employee may be placed on probation, or dismissed for the following reasons: failure to satisfactorily perform assigned duties, non-compliance with School Board policies or division regulations, or for other good and just cause.

A. Probation or Dismissal of Classified Employees

1. The principal or department head who has supervisory authority over the employee may recommend an employees dismissal or placement on probation to the Superintendent or his/her designee. The principal or department head shall inform the employee of this recommendation by written notice setting forth the reason(s) for such action and provide a summary of evidence supporting the action in writing, and in a personal interview, if the employee requests such interview.

2. A copy of the written notice setting forth the reason(s) for the recommendation for dismissal or placement on probation shall be provided to the Assistant Superintendent, Human Resources. This notice shall also be furnished to the employee. The Assistant Superintendent, Human Resources or his/her designee shall interview all witnesses and/or victims, prepare and sign a written report summarizing what the witnesses and/or victims report, and obtain written statements of the witnesses or report in writing why the witnesses would not sign a statement. If the Assistant Superintendent, Human Resources will hold the hearing pursuant to subsection 3, a designee shall investigate the matter and prepare the required report.

3. An employee who is recommended for dismissal or placement on probation shall be afforded a hearing before the Assistant Superintendent, Human Resources or designee. The purpose of the hearing will be for the principal/department head to explain the reason(s) for the recommendation, to present evidence supporting the recommendation and to give the employee an opportunity to respond to the allegations.

4. Following the hearing, the Assistant Superintendent, Human Resources shall give written notice of the action taken to the employee, the Superintendent and the School Board.

5. The employee may appeal the decision of the Assistant Superintendent, Human Resources or designee. Appeal procedures shall be as specified in division [regulation 4-3.1](#), and the time requirements set forth in that regulation shall be strictly enforced. The decision of the Assistant Superintendent, Human Resources, or that of a designee, shall be final if the employee does not file a timely appeal.

6. When an employee is placed on probationary status, the employee will be reduced in salary placement by two steps for the duration of the probationary period.

B. Probationary Status for Administrators

When an administrator is placed on probationary status, the administrator shall be reduced in salary by two (2) steps for the duration of the probationary period. Upon being returned to regular contract status, the administrator shall be placed on the proper salary grade and shall be eligible to resume receiving regular salary step increases.

The administrator may appeal the action to dismiss or the action to place on probation. Appeal procedures shall be followed as specified in School Board [Policy 4-3](#), Grievances and Grievance Procedures: Teachers.

Legal Reference:

Code of Va., § 22.1-79. Powers and duties.

Date of Adoption: January 11, 1986
Date of Revision: July 1, 1989
Revised by Superintendent: January 18, 1994
Revised by Superintendent: January 16, 1996
Revised by Superintendent: June 18, 1998



PERSONNEL

Nondiscrimination on the Basis of Race, Color, Sex, Pregnancy and Childbirth, Marital Status, Age, Disability, National Origin, Ethnicity or Religion

A. Generally

The School Board is of the general view that:

1. Discrimination against a qualified person on the basis of race, color, sex, pregnancy and childbirth, marital status, age, disability, national origin, ethnicity or religion is unfair; and
2. To the extent reasonably possible all employees should be in the mainstream of life in a school community.

B. Applications

Under the body of law cited in the legal reference of this policy and implementing regulations thereto a school division receiving federal funds:

1. May not discriminate against qualified persons in any aspect of school division employment on the basis of race, color, sex, pregnancy and childbirth, marital status, age, disability, national origin, ethnicity or religion.
2. Must make facilities accessible and usable to all employees.
3. Must provide all employees with the same health, welfare and other social services.

C. Employee Compliance

School Board employees will comply with the preceding requirements of the law and with any regulations approved by the School Board to ensure this policy of nondiscrimination on the basis of race, color, sex, pregnancy and childbirth, marital status, age, disability, national origin, ethnicity or religion.

D. Compliance Officer

The superintendent will designate an individual or individuals to act as the division's compliance officers. This officer(s) is referred to as the Title IX/Section 504/ADA Coordinator.

All employees will be notified of the name, office address and telephone number of the designee(s).

Editor's Note

*For the Title IX/Section 504 Coordinator see school board [policy 2-33](#).
See school division website: www.vbschools.com.*

Legal Reference:

Americans with Disabilities Act of 1990.

Title IX of the Education Amendments of 1972. (Regulation 86.6 . . .) Adoption of grievance procedures. (b) Complaint

procedure of recipient.

Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. Section 104.7 (a) and (b).

Virginia Human Rights Act, Virginia Code § 2.7-3900.

Pregnancy Discrimination Act of 1978.

Equal Pay Act of 1963.

Civil Rights Act of 1964 (Title vii).

Age Discrimination in Employment Act of 1976.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: June 8, 2004



PERSONNEL

Grievance Procedure for Discrimination on the Basis of Race, Color, Sex or Pregnancy and Childbirth, Marital Status, Age, Disability, National Origin, Ethnicity or Religion

A. Application

School Board employees who are not subject to [division regulation 4-3](#) Procedures for Adjusting Grievances may seek resolutions of grievances resulting from alleged discrimination on the basis of race, color, sex, pregnancy and childbirth, marital status, age, disability, national origin, ethnicity or religion within the school division in accordance with this regulation. Employees who are subject to [division regulation 4-3](#) shall proceed with the grievance procedures outlined therein for Part II.

B. Procedures

1. The complainant shall file a written complaint with the Title IX/Section 504/ ADA Coordinator, as appropriate, not later than ten (10) calendar days from the date of the alleged discrimination. The coordinator or his/her representative, will attempt to adjust the grievance and will notify the complainant in writing of the action taken within ten (10) calendar days of the filing of the written complaint. The coordinator will meet with the complainant within the ten (10) calendar day period if the complainant requests such a meeting in his/her complaint.
2. If the Title IX/Section 504/ADA Coordinator does not resolve the grievance to the complainant's satisfaction within the specified time period, the complainant may file a written complaint with the Superintendent within five (5) calendar days of receipt of the coordinator's decision (or the due date thereof.) The Superintendent shall notify the complainant of his/her decision within ten (10) calendar days of the date the complainant filed the complaint with the superintendent. The Superintendent, or a designee, will meet with the complainant within the ten (10) calendar day period if the complainant requests such a meeting in his/her complaint filed with the Superintendent.
3. If the Superintendent does not resolve the grievance to the complainant's satisfaction within the specified time period, the complainant may file a written complaint with the School Board within five (5) calendar days of the Superintendent's decision (or the due date thereof). The complainant may request a hearing by the School Board which request must be filed with the complaint. A hearing will be conducted as described in paragraph 4 below. The School Board shall consider the grievance within thirty (30) calendar days of the date the complainant filed the complaint with the School Board. The School Board shall give the complainant at least fifteen (15) calendar days written notice of the date, place and time of its consideration of the grievance. The School Board shall notify the complainant in writing of its decision within thirty (30) calendar days of its consideration of the complaint.
4. If the complainant requests a hearing before the School Board, the following procedure shall be followed:
 - a. the complainant, and the Superintendent acting in the capacity of respondent, may be represented by legal counsel or other representatives;
 - b. all parties must, before the hearing date, exchange any written materials to be used during the hearing with each other and provide copies to the board. Such materials must be distributed within three (3) business days before the hearing, or at such later time as the materials first become available to the party using them;
 - c. each party may make an opening statement and present all material and relevant evidence, including the testimony of witnesses;

d. the School Board may question witnesses;

e. a stenographic or tape recording of the hearing shall be taken unless dispensed with by agreement of all parties. All parties shall share the cost of the recording equally; a party who requests a transcript shall bear the cost of its preparation.

C. Miscellaneous

1. A document required to be filed under this regulation shall be deemed filed, and any notice required to be given under this regulation shall be deemed given, when personally delivered to the appropriate person or entity, or when sent by certified mail, return receipt requested.
2. The complaint and all actions taken thereunder shall be kept confidential by those acting on behalf of the School Board.
3. If any person with whom the complainant is required to file a complaint is the complainant or the source of the complaint, or if there is a conflict of interest, the complainant is not required to file the complaint with the person but may proceed to the next step in the procedure.
4. All complaints filed in accordance with this regulation shall be prepared on a standard form supplied by the Title IX/Section 504/ADA Coordinator as appropriate.
5. Any action permitted to be taken by the complainant may be taken by the complainant's representative.

Editor's Notes

See also [*school board policy 4-4*](#).

For Title IX/Section 504/ADA Coordinator see the division's job descriptions.

Legal Reference:

Americans with Disabilities Act 1990 (42 USC §§ 12165 et seq.)

Section 504 of the Rehabilitation Act of 1973 as amended (29 USC § 794.)

Title IX of the Education Amendments of 1972 as amended (20 USC §§ 1681 et. seq.)

Pregnancy Discrimination Act of 1978

Virginia Human Rights Act, Va. Code § 2.2-3900 et seq.

Civil Rights Act of 1964 (Title vii).

Approved by Superintendent: January 18, 1994

Revised by Superintendent: August 30, 2005



School Board of the City of Virginia Beach
Regulation 4-4.2

PERSONNEL

Reasonable Accommodation Requests

Employees, who because of a disability, could with assistance perform the essential functions of their positions, may submit a request for reasonable accommodation using ADA Form 1 to the Department of Human Resources. Upon receipt of ADA Form 1, that department will verify the information provided by the employee by forwarding ADA Form 2 to the health care providers identified by the employee on ADA Form 1.

Within fifteen (15) working days of the receipt of all ADA Form 2's and based on the information received on those forms, the Assistant Superintendent of Human Resources, assisted by the City Attorney's Office and other appropriate division personnel, in conjunction with the employee, will review the request for accommodation.

Should the employee find the response unsatisfactory, the grievance procedure in [Regulation 4-4.1](#) may be used to seek redress.

Editor's Note

See school division web site: www.vbschools.com

Legal Reference:

The American with Disabilities Act of 1990

42 U.S.C. § 12101, et seq.

Approved by Superintendent: October 8, 1998

Revised by Superintendent: August 30, 2005



PERSONNEL

Criminal Charge Filed Against Employee: Notification of Superintendent and School Board

A. Employee Notification to Superintendent

When any teacher or other public school employee of this division, whether full-time or part-time, permanent, or temporary, has been charged by summons, warrant, indictment or information with the commission of a felony; a misdemeanor involving (i) sexual assault as defined in § 18.2-61 et seq. of the Code of Virginia; (ii) obscenity and related offenses as defined in § 18.2-372 et seq. of the Code of Virginia; (iii) drug related offenses including but not limited to possession of marijuana or of drug paraphernalia or as defined in § 18.2-247 et seq. of the Code of Virginia; (iv) moral turpitude; (v) the physical or sexual abuse or neglect of a child; public drunkenness; driving under the influence of alcohol or drugs; reckless driving; disturbing the peace; or an equivalent offense in another state; or is the subject of a Department of Social Services (CPS) investigation into an allegation of child abuse or neglect or a Department of Social Services (CPS) founded disposition of child abuse or neglect, that employee shall notify the Superintendent of the charge.

The notification of the Superintendent shall be in writing and shall be accompanied by the name and address of the complainant, date of the alleged offense and a copy of the summons, warrant, indictment, information or other document served upon the employee notifying the employee of the charge. The written notification to the Superintendent from the employee shall be delivered to the Superintendent as soon as practical, and in no event later than the first working day following the service of the summons, warrant, indictment or information upon the employee.

Failure of the employee to give the Superintendent written notice, as set forth above, may be cause for termination of the employee.

B. Superintendent Notification to School Board and Commonwealth Attorney

The Superintendent shall inform the School Board and Commonwealth Attorney in writing of any notification of the arrest of a School Board employee which is provided by the employee pursuant to Section A above or which is provided to the Superintendent by a state official or agency or a local law-enforcement agency pursuant to § 19.2-83.1 of the Code of Virginia.

C. Federal Bureau of Investigation Background Check

The School Board shall require any employee identified pursuant to this policy (other than those charged with public drunkenness, driving under the influence of alcohol, reckless driving, disturbing the peace, or those being investigated for child abuse or neglect or the subject of a founded disposition of child abuse or neglect) or pursuant to § 19.2-83.1 of the Code of Virginia to submit to a Federal Bureau of Investigation (FBI) background investigation.

The Superintendent shall develop a procedure to ensure that all employees identified pursuant to this policy undergo an FBI background investigation as required by § 22.1-296.2(B) of the Code of Virginia.

Editor's Note

See School Board [Policy 4-90](#) background checks for substitutes.

See School Board [Policy 2-48](#) background checks for administrators.

See School Board [Policy 4-56](#) background checks for licensed personnel.

See School Board [Policy 4-75](#) background checks for classified personnel.

D. Assistance of Local Authorities

The Superintendent shall request that the Virginia Beach Police Department, the Virginia Beach City Attorney and Commonwealth Attorney, and the Department of Social Services notify the Assistant Superintendent, Human Resources upon the conviction of a division employee for any offense enumerated in subsection A or upon a division employee becoming the subject of a Department of Social Services founded disposition of child abuse or neglect.

Legal Reference:

Code of Va., §§ 19.2-83.1, 22.1-296.2(B) and 22.1-315

Virginia Beach City Code §21-336.

For access to criminal records see §§ 19.2-388, 19.2-389 and 19.2-389.1.

For State Police Web site on sex offenders see <http://sex-offender.vsp.state.va.us>

Adopted by School Board: October 15, 1996
Amended by School Board: March 17, 1998
Amended by School Board: February 15, 2000



School Board of the City of Virginia Beach
Regulation 4-5.1

PERSONNEL

Employee Submission to Background Check

Employees who are charged with the commission of a felony; a misdemeanor involving (i) sexual assault, (ii) obscenity and related offenses, (iii) drug related offenses, (iv) moral turpitude, (v) the physical or sexual abuse or neglect of a child, or the equivalent offense in another state, are required pursuant to School Board Policy 4-5 to notify the Superintendent no later than the first working day after such charge.

Employees who are charged with the commission of a crime listed above are required to submit to an FBI background investigation as the result of such charge. Therefore, within two working days of such charge, an employee shall: (i) contact the Department of Human Resources to obtain the necessary forms for the FBI background investigation and (ii) complete all steps necessary to initiate such investigation, including but not limited to, completing necessary paperwork, reporting to the Virginia Beach Police Department with appropriate payment and submitting to fingerprinting.

Employees who fail to comply with the requirements of this regulation will be recommended for dismissal.

Approved by Superintendent: March 20, 1998



PERSONNEL

Equal Employment Opportunity Plan

The School Board reaffirms its policy that no present or prospective employee will be discriminated against on the basis of race, color, sex, pregnancy and childbirth, marital status, age, disability, national origin, ethnicity, or religion. Qualified candidates will be recruited, selected and employed by the division without discrimination in any employment practice. The superintendent shall be responsible for developing a plan that implements the intent of the School Board.

Editor's Note

See school division website: www.vbschools.com

Legal Reference:

Americans with Disabilities Act of 1990 .

Equal Pay Act of 1963 .

Civil Rights Act of 1964 (Title VII) .

Age Discrimination in Employment Act of 1967 .

Pregnancy Discrimination Act of 1978

Virginia Human Rights Act, Virginia Code § 2.2-3900, et seq.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: June 8, 2004



School Board of the City of Virginia Beach
Regulation 4-6.1

PERSONNEL

Complaint Procedures for Job Applicants

Any candidate who feels that he/she has been discriminated against in being denied employment for a position within the school division shall be entitled to a conference with the superintendent and/or his designees in which the reasons for nonemployment shall be fully explained.

Approved by Superintendent: January 18, 1994



PERSONNEL

Nepotism: Employment/Supervision of Relatives

The School Board may not employ or pay any teacher or other School Board employee from the public funds, federal, state or local, nor shall the division Superintendent recommend to the School Board the employment of any teacher or other employee if such teacher or other employee is a member of the immediate family of the Superintendent or any member of the School Board. For purpose of this policy, "immediate family" means father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law.

B. Exceptions

This policy does not prohibit the employment, promotion or transfer within the school division of any person defined in subsection A when such person:

1. Has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of any member of such board or the Superintendent; or
2. Has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of such relationship; or
3. Was employed by the School Board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia School Board prior to taking of office of any member of such School Board or the Superintendent of the schools.

A person employed as a substitute may not be employed to any greater extent than he or she was employed in the last full school year prior to the taking of office such Board member or the Superintendent or to the inception of such relationship. The exceptions in subdivisions 1, 2 and 3 above shall apply only if the prior employment has been in this school division.

C. Supervisory Responsibility

In no instance shall an employee have direct supervisory responsibility over a member of his or her immediate family, nor shall any employee be involved in any personnel matter involving a member of his or her immediate family.

Legal Reference:

Code of Va., § 2.1-639.16. Additional provisions applicable to school boards, and employees of school boards.

Adopted by School Board: October 21, 1969
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: November 3, 1998

PERSONNEL

Employee Input Process

A. Purpose

The purpose of this policy is to provide a procedure, pursuant to School Board [Policy 2-15](#), whereby employees have an opportunity to identify concerns and to offer solutions to issues aimed at improving division working conditions.

B. Definitions

For purposes of this policy, "employee group" shall mean a group of employees who have been determined by the Superintendent to have the same or similar position responsibilities and, therefore, the same or similar concerns regarding division working conditions. The list of employee groups shall be set forth in Regulation 4-8.1 and shall be periodically reviewed and updated as necessary to ensure that all positions have been assigned to the appropriate group.

C. Informal Group Meetings

1. Beginning no later than October 15th of each year and ending no later than November 30th, the Superintendent or designee shall conduct a series of meetings designed to provide the employees in a given employee group the opportunity to identify concerns and to offer solutions to issues aimed at improving division working conditions. These meetings shall be conducted in accordance with the following conditions:

- a. If an employee group is comprised of less than one thousand five hundred (1,500) employees, at least one (1) meeting shall be conducted for such group.
- b. If an employee group is comprised of more than one thousand five hundred (1,500) employees, at least one (1) meeting shall be conducted for every one thousand five hundred employees, or fraction thereof, in such group.
- c. A single meeting shall not involve more than one (1) employee group.
- d. The purpose of the meetings shall be to provide each employee the opportunity to identify concerns and to offer solutions aimed at improving division working conditions.
- e. At the meetings staff representatives will be available to listen to, and seek clarification of, such views and concerns.

2. By October 10th of each year, qualifying employee associations may submit issues to be discussed at such meetings. Such issues must be supported with relevant backup documentation.

For purposes of this policy, a "qualifying employee association" is an association which represents at least twenty percent (20%) of the employees in a given employee group. To meet this requirement, an employee association must be able to document, through appropriate financial records, that at least twenty percent (20%) of the employees in a given employee group were dues paying members of the association as of October 1st of each year. Such documentation must be provided to the Superintendent on or before October 10th of each year.

D. Issues Review Team Meetings

1. Purpose

The function of the Issues Review Team is to prioritize the issues raised during the informal group meetings and to work collaboratively with administration to propose solutions to issues raised.

2. Selection of Issues Review Team Members

Each Issues Review Team will consist of 9-15 members. A qualifying employee association will be permitted to name two representatives to the Issues Review Team. Each representative named by an employee association must be a member of the employee group the association member has been named to represent. The remaining members of the Issues Review Team will be randomly selected by computer from a list of all employees in a defined employee group.

3. Timetable and Procedure for Conducting Discussions

Each Issues Review Team shall meet one or more times during the month of December. The Issues Review Team members will meet with the Assistant Superintendent for Human Resources, the Director of Employee Relations and those senior members of the administration necessary to have a thorough discussion of the issues. The Issues Review Team will be assisted in this collaborative process by a facilitator.

E. Superintendent Recommendations

Once each Issues Review Team has completed its work, the prioritized issues and any proposed solutions will be forwarded to the Superintendent for consideration. The Superintendent will review the prioritized issues and make recommendations to the School Board based upon the division's strategic plan and the organization's core values.

F. Report to School Board

The results of the informal group meetings and the Issues Review Team prioritization of issues, together with any recommendations of the Superintendent which require School Board action/approval, will be presented to the School Board no later than the first School Board meeting in March. Members of each Issues Review Team will be made available to respond to questions from the School Board. Any recommendations presented by the Superintendent that have a budgetary impact will be included in the Superintendent's Estimate of Needs.

Legal Reference:

Commonwealth v. Arlington Cty. Board, 217 Va. 558 (1977).

Report of the Attorney General, 1984-85 at 162.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: November 4, 1997

Amended by School Board: September 21, 1999

Amended by School Board: September 19, 2000

Amended by School Board: January 8, 2002



PERSONNEL

Employee Groups

The following groups of employees shall be considered “employee groups” for purposes of [Policy 4-8](#):

- a. Instructional personnel (includes teachers, guidance personnel and library media specialists).
- b. Specialists (e.g. nurses, clinic assistants, psychologists, social workers, occupational therapists, physical therapists, interpreters, audiologists, school improvement specialists, student activities coordinators, speech therapists).
- c. Teacher Assistants.
- d. Custodians.
- e. Administrative Support Services (cafeteria, school plant, environmental services, supply services, facilities planning and construction and bus garage personnel, technology personnel).
- f. Bus Drivers/Bus Assistants.
- g. Clerical personnel.
- h. Professional personnel (includes all personnel in positions classified as Professional in the Compensation Plan who are not included above).
- i. Administrative personnel (includes all personnel in positions classified as Administrative in the Compensation Plan)

Approved by the Superintendent: March 21, 1995

Revised by Superintendent: September 24, 1999

Revised by Superintendent: September 21, 2000

Revised by Superintendent: August 30, 2005



PERSONNEL

Health Examinations/AIDS Awareness Orientation

A. New Employees

As a condition of employment, each employee shall submit a certificate signed by a licensed physician stating said employee appears free of communicable tuberculosis. Such certificate is to be based on recorded results of those skin tests, x-rays, and other examinations, singly or in combination, as deemed necessary by the physician and which have been performed within the twelve-month period immediately preceding the submission of the certificate.

The above condition shall apply to initial employment only. A person who leaves employment in the division (including a leave of absence) and returns after one or more years may be subject to the condition as stated.

B. Health Certificates

1. Food Services employees and others handling or dispensing food must present a health permit from the local health department. The requirements of this certificate shall be specified at the time the contract of employment is signed.

2. Bus drivers must have a physical examination of a scope prescribed by the Virginia Board of Education with the advice of the Medical Society of Virginia and furnish a form prescribed by the state board showing the results of such examination.

C. Acquired Immune Deficiency (AIDS) Awareness Orientation

All new employees shall receive infection control/AIDS written information outlining preventive measures against AIDS and AIDS-related diseases.

D. Special Medical Examination

The school board may require a special medical examination for any employee at any time, in accordance with applicable state and federal laws prohibiting the discrimination against individuals with disabilities and other applicable laws and regulations.

Legal Reference:

Code of Va., § 22.1-300. Tuberculosis certificate.

Code of Va., § 22.1-301. Costs of medical examinations and of furnishing medical records.

Americans with Disabilities Act of 1990.

Section 504 of the Rehabilitative Acts of 1973.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

PERSONNEL

Employees Exposed to/or Infected with HIV/AIDS

I. Employees Infected with HIV/AIDS

A. Definition

AIDS (acquired immuno-deficiency syndrome) is a result of infection by HIV (human immunodeficiency virus), an infectious virus.

B. General Policy

The School Board does not discriminate on the basis of any handicap or disability, including AIDS or HIV infection.

C. Applicability

The guidelines in Subsection D following apply to School Board employees known to be infected with HIV.

D. Guidelines

1. When an employee is known to be HIV infected, an initial determination regarding any need for reassignment or restriction of assignment shall be made as soon as practicable. Except in cases where there is an immediate risk of transmission, the employee shall remain in his/her regular assignment pending such determination.

2. Decisions regarding employment and working conditions of HIV infected employees should be based upon the employees' work assignments, whether they are physically able to complete assigned work and whether they are likely to expose other workers and students to open skin lesions, mucous membranes or other body secretions or fluids.

Since current medical teaching is that HIV is not transmitted through casual contact, any employee who is HIV infected will continue in his/her assigned employment unless his/her health status interferes significantly with performance.

If the employee is a health care or personal service worker, the guidelines issued by the Centers for Disease Control, and any applicable state and local laws, will be followed in determining whether the employee may continue in his/her current assignment, and whether any restrictions are appropriate.

The preliminary recommendation regarding employment assignment shall be made by a committee composed of the employee's physician, the public health director or a physician designee, a medical advisor representing the division and a member of the administrative staff appointed by the Superintendent.

Recommendations from the committee shall be considered by the Superintendent in arriving at a decision. Such decision will be subject to appeal to the School Board upon written request by the employee.

3. When an employee is determined to be unable to work because of HIV-induced disease the employee shall be placed on sick leave. When such leave is exhausted and the

employee is unable to return to work the school division will assist the employee in seeking disability retirement through the Virginia Retirement System.

E. Confidentiality of Records/Right of Privacy

Persons involved in the employment and supervision of HIV-infected employees shall respect employees' confidentiality and privacy, including maintenance of confidential records. The number of personnel who are aware of infected school employees' conditions shall be kept to the minimum needed to assure appropriate supervision of the work of employees and to detect situations where potential for transmission of HIV may occur.

Editor's Note

For personnel records see School Board [Policy 4-15](#).

F. Training

Universal precautions for handling blood will be implemented within the school setting and on buses. To ensure implementation of the proper standard operating procedures for all body fluids, the guidelines from the Virginia Department of Health will be followed. In-service training will be provided to all school personnel. Training will include local division policies; etiology, transmission, prevention, and effects of blood-borne pathogens, specifically hepatitis B and HIV or any other infections that are the subject of regulations promulgated by the Safety and Health Codes Board of the Virginia Occupational Safety and Health Program; standard operating procedures for handling blood and body fluids; and community resources available for information and referral. Periodic updates will be supplied through in-service or memoranda.

Editor's Note

See School Board [Policy 5-56](#) Contagious and Infectious Diseases: Human Immunodeficiency Virus (HIV)/Acquired Immuno-deficiency Syndrome.

II. Employees Exposed to HIV/AIDS

The Superintendent shall promulgate, in compliance with Virginia Code § 22.1-273(D), a procedure to be followed when a School Board employee is exposed to the blood or bodily fluids of a student.

Legal Reference:

Code of Va., § 32.1-35. List and reports of diseases.

Code of Va., § 32.1-36. Reports by physicians and laboratory directors.

Code of Va., § 32.1-37. Reports by persons other than physicians.

Code of Va., § 32.1-38. Immunity from liability.

Code of Va., § 32.1-41. Anonymity of patients and practitioners to be preserved in use of medical records.

Code of Va., § 22.1-271.3. Guidelines for school attendance for children infected with human immunodeficiency virus; school personnel training required; notification of school personnel in certain cases.

Code of Va., § 22.1-301. Costs of medical examinations and of furnishing medical records.

Code of Va., Title 32.1 Chapter 2 Article 3.01. Isolation of Certain Persons with Communicable Diseases.

Virginia State Board of Health, Regulation #3.00.01, List of Reportable Diseases. "Acquired Immuno-deficiency Syndrome (AIDS) . . . "

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: October 20, 1998



PERSONNEL

Employees Exposed to HIV/AIDS

A. Employee Request

An employee who believes that he/she has been involved in an exposure-prone incident in which he/she may have been exposed to the blood or bodily fluids of a student may request that the Superintendent or designee(s) contact the Director of the Department of Health to conduct an investigation.

B. Investigation by Director of Department of Health

Upon the request of the division Superintendent or designee(s), the Director of the Department of Health will investigate the exposure-prone incident to determine whether a potentially harmful exposure has occurred.

C. Recommendation of Director of Department of Health

After investigation, the Director of the Department of Health shall make recommendations to the Superintendent or designee(s) on how the employee can reduce any risk from the exposure. The Superintendent shall share any recommendations with the employee.

D. Confidentiality

The Superintendent, his or her designee(s), and the division employee shall not divulge any information provided by the Director of the Department of Health regarding such student.

Legal Reference

Code of Va., § 22.1-271.3. Guidelines for school attendance for children infected with human immunodeficiency virus; school personnel training required; notification of school personnel in certain cases.

Approved by Superintendent: October 26, 1998



PERSONNEL

Appointment

The initial appointment of all employees shall be made by the School Board upon the recommendation of the Superintendent except in those instances of temporary or part-time personnel where the Board has delegated such authority to the Superintendent or a designee.

The Superintendent shall have the authority to fill budgeted full-time positions necessary to the continued operations of the school division, subject to School Board confirmation within ninety (90) days of such employment for all employees other than administrators. Administrative employees hired by the Superintendent must be confirmed by the School Board within thirty (30) days of employment. When exercising such authority, the Superintendent shall require the employee sign a written agreement which clearly states school employment will cease absent School Board action to formally approve the employment within ninety (90) days or thirty (30) days depending upon the job classification.

Editor's Note

See School Board [Policy 4-90](#) Substitutes

See School Board [Policy 4-1](#) Definitions

See School Board [Policy 4-93](#) Temporary Employees

See School Board [Policy 2-50](#) Administrative Employees

Legal Reference:

Code of Va., § 22.1-295. Employment of teachers.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: September 7, 1999



PERSONNEL

Teacher Recruitment and Selection

A. Recruitment and Initial Screening

1. Each candidate for a teaching position will file a completed application with the Department of Human Resources. Applicants must provide proof of baccalaureate degree, major or other graduate certification degree, and field of discipline. Educational transcripts are required as proper evidence of eligibility for Virginia Licensure.
2. The Human Resources administrative staff will review all applications to determine the qualifications of each applicant.
3. Human Resources administrators will conduct interviews with qualified applicants.

B. Supplementary Screening

1. The Department of Human Resources will coordinate the scheduling of interviews of highly qualified applicants with an appropriate subject area specialist. Other supervisory staff may be used as deemed both practical and effective.
2. The Department of Human Resources will establish a file of candidates by grade level/subject area to be given final consideration for specific vacancies.

C. Selection and Assignment

1. The Department of Human Resource will work directly with the principal in selecting suitable applicants for specific teaching vacancies.
2. The principal will interview applicants recommended by the Staffing Specialists for the final selection.
3. The Staffing Specialists will forward the principal's recommendation to the Director of Employment Services for review and approval.
4. The division superintendent will recommend names of teachers to the School Board for final approval.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: December 13, 2002
Revised by Superintendent: August 30, 2005

PERSONNEL

Assignment and Transfer - Teachers

A. Assignment

The teachers in the division shall be employed and placed in the schools by the School Board upon recommendation of the Superintendent. The Superintendent shall present to the Board for its approval a list of assignments of teachers to individual schools for the school year commencing July 1 and ending June 30 no later than the first regular June meeting of the Board. The Superintendent delegates to the principals the authority to assign teachers to their respective positions in the schools. A principal may submit recommendations to the Superintendent for the promotion, transfer and dismissal of all personnel assigned to his or her supervision.

B. Transfer

Instructional staff are key to an effective learning environment; consequently, appointment to a particular teaching assignment is dependant on job performance and the needs and best interests of the school division.

The School Board may at the time it receives the list of school assignments pursuant to section A above, or at any time thereafter, adopt a resolution authorizing the Superintendent to reassign teachers to any school within the division for the school year commencing July 1 and ending June 30, provided no change or reassignment shall adversely affect the salary of such teachers for that school year and provided, further, that the Superintendent shall make appropriate reports and explanations concerning such transfers upon the request of the Board.

Editor's Note

On June 15, 1999, the School Board adopted a Continuing Resolution Authorizing the Superintendent to Reassign Principals, Assistant Principals and Teachers. Such resolution will remain in effect until the School Board takes action to revoke it. A copy of the resolution can be found in the School Board Minutes for June 15, 1999, and attached to this policy.

See School Board [Policy 2-51](#) for assignment and transfer of administrative/supervisory personnel.

See School Board [Policy 4-56](#) for financial incentives for excellence in teaching.

See School Board [Policy 4-62](#) for policy on procedure for use by Superintendent and principals in evaluation of instructional personnel.

Legal Reference:

Code of Va., § 22.1-295. Employment of teachers. —A. The teachers in the public schools of a school division shall be employed and placed in appropriate schools by the school board upon recommendation of the division superintendent.

B. School boards shall adopt employment policies and practices designed to promote the employment and retention of the highest quality instructional personnel and to effectively serve the education needs of students. Such policies shall include, but need not be limited to, incentives for excellence in teaching, including financial support for teachers attending professional development seminars or those seeking and obtaining national certification. School boards shall develop a procedure for use by division superintendents and principals in evaluating instructional personnel that is appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge.

Code of Va., § 22.1-297. Assignment of teachers, principals and assistant principals by superintendent. A division superintendent shall have authority to assign to their respective positions in the school wherein they have been placed

by the school board all teachers, principals and assistant principals. If the school board adopts a resolution authorizing the division superintendent to reassign such teachers, principals and assistant principals, the division superintendent may reassign any such teacher, principal or assistant principal for that school year to any school within such division, provided no change or reassignment during a school year shall affect the salary of such teacher, principal or assistant principal for that school year.

Code of Va., § 22.1-293. School boards authorized to employ principals and assistant principals; license required; powers and duties.—C. A principal may submit recommendations to the division superintendent for the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to his supervision.

1984-85 Report of the Attorney General at 277, School Boards. Power to Assign.

Adopted by School Board: July 21, 1970
Amended by School Board: August 19, 1975
Amended by School Board: July 1, 1978
Amended by School Board: July 1, 1982
Amended by School Board: July 1, 1984
Amended by School Board: July 1, 1987
Amended by School Board: July 1, 1989
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: February 17, 1998
Amended by School Board: June 15, 1999
Amended by School Board: April 4, 2000



PERSONNEL

Teacher Assignment and Transfer

Instructional staff are key to an effective learning environment; consequently, appointment to a particular assignment is dependent on need, job performance, and the best interests of the school division.

A. Assignment

The Superintendent will present to the School Board for its approval a list of teacher assignments for the school year commencing July 1 and ending June 30 no later than the first regular June meeting of the School Board. The principal will be responsible for the placement of teachers assigned to the school.

B. Transfers

After the assignment of teachers by the School Board, the Superintendent, pursuant to a teacher request for transfer or upon the recommendation of the Department of Human Resources or a principal, may transfer teachers to other schools in the division, provided the School Board has adopted a resolution authorizing the Superintendent to make transfers for that school year.

1. Voluntary Transfers

- a. Teachers who wish to be considered for a change in grade and/or subject assignment within the particular school for the next year should file a written request with the principal. Such requests shall remain active for consideration until one week before teachers report at the beginning of the year. If the transfer is not granted, the principal shall inform the teacher of the reasons for denial.
- b. Voluntary transfer of teachers from one school to another within the division will be implemented through the use of the **Transfer Data Sheet** in response to specific posted vacancies.
- c. A supply of **Transfer Data Sheets** will be forwarded to each principal during the month of January. Teachers will request forms from the school office and complete them with pertinent information about themselves and their transfer request.
- d. The posting of vacancies by the Department of Human Resources will continue on a weekly basis through August 1.
- e. Vacancies will be posted on Mondays at each school, in a designated location in the main office and teacher's lounge.
- f. Teachers who have an interest in a particular vacancy will submit a completed Transfer Data Sheet directly to that building principal. The teacher will also submit a copy of the Transfer Data Sheet to the Department of Human Resources as directed on the form.
- g. Principals will review the Transfer Data Sheets and contact persons whom they wish to interview.
- h. Teachers should advise their current building principal when they are contacted for an interview at another school.
- i. Upon conclusion of interviews for any particular vacancy, the principal will notify the Department of Human Resources of his/her selection.

j. The principal conducting the interview will notify all teachers who were interviewed when the vacancy is filled.

k. The voluntary reassignment and/or transfer of a teacher should include the consideration of the following, but needs of the school system hold the highest priority in such decisions:

1. Satisfactory evaluation of performance,
2. Contribution staff members could make to students,
3. Opportunity for professional growth of staff members,
4. Hardships imposed by not granting the request,
5. Availability of vacancy,
6. Other factors that may be relevant to the requested assignment and/or reassignment, such as experience and/or training which was gained outside of the Virginia Beach School System,
7. Length of service within the Virginia Beach School System, and
8. Incompatibility with other school personnel.

2. Involuntary Transfers

a. Due to Overstaffing/Program Elimination

1. If a voluntary transfer cannot effect the necessary staff reduction created by overstaffing or program elimination, an involuntary staff reduction will be effected. The principal shall consider licensure, areas of study concentration, individual preferences, instructional needs and length of service within the building when designating the teacher (s) who will be involuntarily transferred.
2. When a staff reduction is necessary due to overstaffing or program elimination, involuntarily transferred teachers will be entitled to interview for vacant allocated positions. Every effort will be made to place involuntarily transferred teachers prior to the posting of vacancies.
3. A teacher who is assigned to an undesired itinerant position will be classified as an involuntary transfer. In addition, the teacher may apply for a full-time position at one of his or her current assignments whenever an allocation is assigned to that site. In the event of future involuntary transfers of that teacher from a location other than the original single location assignment, the individual's length of service with the school division shall be substituted for length of service within the building for purposes of paragraph 1 above. If the teacher is offered the option to accept a full-time position at one of his or her current assignments and declines, the transfer will be considered voluntary.
4. Except where paragraph 3 above applies, a teacher transferred from a school due to overstaffing or program elimination will be offered a position at his or her original site whenever an additional allocation is assigned to the site prior to two weeks before the commencement of school for students. If the teacher is offered the option before the end of the current school year and declines, the transfer will be considered voluntary.
5. In the event of the involuntary transfer of a teacher who previously has been involuntarily transferred, the individual's length of service within the school division shall be substituted for length of service within the building for purposes of paragraph 1 above.

b. Other Involuntary Transfers

Principals may submit recommendations to the Assistant Superintendent of Human Resources for the transfer of teachers assigned to his or her supervision.

Any principal requesting a teacher transfer shall provide documentation to the Assistant Superintendent of Human Resources establishing a legitimate reason for the transfer. Such written documentation shall include evidence of discussions with the teacher recommended for transfer and other information establishing the reason for the requested transfer. No transfer initiated under this section shall be made without first providing such teacher with the written documentation provided to the Assistant Superintendent of Human Resources, including the reason for such transfer, and an opportunity to present his or her position at an informal meeting with the Assistant Superintendent of Human Resources. The Assistant Superintendent of Human Resources shall determine what processes are to be followed at the meeting; provided, however, that the employee shall be permitted to have a representative at such meeting.

The Assistant Superintendent of Human Resources shall make a recommendation to the Superintendent based upon the written documentation provided by the principal and any information provided by the teacher, who shall be informed simultaneously of the recommendation. If the teacher is not satisfied with the recommendation of the Assistant Superintendent of Human Resources, he or she shall be given the opportunity to discuss the recommendation with the Superintendent or the Superintendent's designee prior to a final decision by the Superintendent. The Superintendent or the Superintendent's designee shall determine what processes are to be followed at the meeting; provided, however, that the employee shall be permitted to have a representative at such meeting.

The intent of this section is to provide an opportunity for a teacher to discuss the reasons for such transfer with the Assistant Superintendent of Human Resources and the Superintendent or the Superintendent's designee, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause as defined in § 22.1-307 for the transfer of a teacher.

Approved by School Board: February 16, 1993
Amended by School Board: January 18, 1994
Approved by Superintendent: February 16, 1998



PERSONNEL

Hours of Employment/Work Day

A. Contract Period of Employment/Work Days

The school board shall approve contract periods of employment/work days for its employees.

B. Hours of Employment/Work Day

The school board shall approve the hours and length of the work day for its employees.

Legal Reference:

Virginia State Board of Education, Regulations, "Governing Local School Boards." (January 1991)

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



PERSONNEL

Hours of Employment/Work Day

A. Instructional Personnel

Within the following organizational subdivisions regular school hours for instructional personnel will be established:

Secondary Schools - 7 hours and 20 minutes per day

Elementary Schools - 7 hours and 20 minutes per day

Central Administration - 8 hours per day

B. Classified Personnel Assigned to Schools

The following hourly work schedule is in effect for the current school year and subsequent school years:

<u>Classification</u>	<u>Number of Hours Worked</u>
Bookkeepers	7 hours per day*
Custodial Workers I, II, IV (12-month - Day Schedule)	7 1/2 hours per day*
Custodial Workers I, II, III (12-month - Night Schedule)	7 hours per day*
Custodial Worker I (10-month)	7 hours per day*
School Nurses	7 hours per day
Interpreters	7 hours per day
School Secretaries I, II, III, IV	7 hours per day*
Teacher Assistants:	
Kindergarten	7 hours and 20 minutes or 3 hours and 40 minutes per day
General Classroom	7 hours and 20 minutes or 3 hours and 40 minutes per day
Special Education	7 hours and 20 minutes or 3 hours and 20 minutes per day

* The number of hours listed is exclusive of lunch break.

Approved by Superintendent January 18, 1994

PERSONNEL

Alternative Work Schedules

A. Definitions

1. Flexible (Flextime) Work Schedules

Flexible time is defined as a schedule of working hours within which the employee's time of arrival and departure from the work site may vary within limits consistent with the duties and requirements of their position. The only requirement of a flexible work schedule is that employees must account for the basic work requirement. The basic work requirement is the number of hours, excluding overtime hours, which an employee is required to work or to otherwise account for by an appropriate form of leave.

2. Compressed Work Schedules

A compressed schedule enables the full-time employee to complete a week's basic work requirement in a 4-day week. The employee's time of arrival and departure from the work site are set as are the days on which they are to complete the basic work requirement. For eligible employees working under compressed schedules, overtime pay will continue to be paid for work outside the compressed schedule.

3. Job Sharing Agreements

A job share is an arrangement in which two non-probationary employees share one position, with each job share participant working fifty percent of the full-time hours of the position and with benefits, if any, to be contained in regulation.

Editor's Note

For overtime see School Board [policy 4-87](#).

B. Guidelines

The Superintendent is authorized to establish alternative work schedules under the following guidelines:

1. The employee agrees to participate and
2. The efficiency and productivity of instructional and support services will not be impaired.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: September 15, 1998



PERSONNEL

Job Share Agreements

This regulation shall set forth the parameters of job sharing agreements and the benefits provided to job share participants. All employees in job share agreements before the effective date of this regulation under conditions other than those described below will retain their current School Board benefits as long as they remain in a job share agreement.

A. Participant Requirements

Each participant in a job share agreement must be a non-probationary employee. Therefore, only instructional personnel who have earned continuing contract status and classified employees who have served a nine month probationary period are eligible to participate in job share agreements. No job share agreements for kindergarten teachers or teacher assistants working only a morning or afternoon kindergarten session will be approved.

Each participant must work fifty percent of the full-time hours of the position.

Each participant must fully participate in all building/departmental professional activities.

B. Approval of Job Share Agreements

The written request for a new job share agreement must be submitted to the principal/department director no later than February 15 for approval/disapproval before April 15. A request to job share may include the recommendation for a job share partner; however, the principal/department director will make the final decision on job share participation.

The principal/department director must give existing job share participants written approval/disapproval of the arrangement within three (3) days of receiving allocations for the ensuing school year. Once approved, job share participants have seniority only among other job share participants within a building/department.

C. Benefits Provided to Job Share Participants

Job share participants will receive pro-rated leave benefits. Job share participants who actually work fifty percent of the full-time hours of the position are eligible for pro-rated group health insurance.

Job share participants are not eligible for Virginia Retirement System or group life insurance benefits.

Editor's Notes

See [Policy 4-1](#) for part-time employee benefits.

Approved by Superintendent: September 21, 1998

Revised by Superintendent: December 14, 1998

PERSONNEL

Personnel Records

A. Confidentiality of Files

The school board will generally protect the confidentiality of personnel files, personnel references, academic credits and other similar documents, but reserves the right to release such information in accordance with law and written school board policy or regulation.

In the event that an employee, former employee, or applicant engages in conduct which becomes the subject of public concern as reported in the news media, or such person otherwise discloses matters related to his employment to the news media, the School Board authorizes the Superintendent or his designee to disclose accurate and relevant information regarding such person's actions and employment.

B. Contents of Files

After the date of a person's employment, all material relating to the employee that is placed in his/her personnel file must be signed and dated by the person adding to the file. A signed and dated summary shall be made of any materials to be deleted. The employee shall be given an opportunity to review the material to be added and acknowledge the review by (1) affixing his/her signature to the materials added, or (2) affixing his/her signature to the summary of the material to be deleted. The signature in no way indicates agreement with the material. The employee shall have the right to submit a written, signed and dated response to the materials added, and the superintendent or a designee shall review and include the response in the personnel file of the employee.

C. Access to File

1. Access by the Employee

An employee may review the contents of his/her personnel file during regular office hours and at the convenience of the employee charged with the safe-keeping of the records.

2. Access by Other Persons

a. Access with Permission of the Employee

Upon written permission by the employee, other persons shall be permitted to review the employee's personnel file. A new authorization shall be required for each review.

b. Access Without Consent of the Employee

The following persons may review an employee's personnel file without the consent of the employee:

- (1) Administrators and supervisors who have line responsibility over the employee.
- (2) Members of the school board when the board is in session.
- (3) A person with a court order.

(4) Other persons authorized by federal or state law.

D. Disclosure of Employment-Related Information to Specific Current or Specific Prospective Employers.

In response to an inquiry made by a specific current or specific prospective employer, the Superintendent or his designee may provide accurate information concerning the professional conduct, job performance, and/or reasons for separation or discipline of a current or former employee of the Board. At the Superintendent's or his designee's discretion, the information will be released in accordance with regulations developed by the Superintendent and may be limited to: (1) whether the employee is eligible for rehire; (2) whether the employee was terminated, resigned, or retired; or (3) whether the employee left for personal reasons. A current or former employee's entire personnel record may be released to a specific current or specific prospective employer upon receipt from the employee of a signed Release of Information form. Such Release of Information form shall be on a form prepared by the School Division and which has been approved "legally sufficient" by the School Board Legal Counsel.

E. The Superintendent or his designee shall encourage other school divisions and employers seeking employment references from this school division to provide similar information to this school division that this school division provides other school divisions and employers.

Legal Reference:

Code of Va., § 2.1-341. Definitions.

Code of Va., § 2.1-342. Official records to be open to inspection; procedure for requesting records and responding to requests; charges, exceptions to application of chapter.

Code of Va., §§ 2.1-377 through 2.1-386. The Privacy Protection Act of 1976.

Hindenliter v. Humphries, 224 Va. p. 439 (1982).

1974-75 Report of the Attorney General July 12, 1974, p. 585.

1977-88 Report of the Attorney General January 9, 1987, p. 310.

1986-87 Report of the Attorney General January 9, 1987, p. 27.

Code of Va., § 8.01-46.1. Disclosure of employment-related information; presumptions; causes of action; definitions.

Editor's Note

For Disclosure of personal information upon resignation, see [Policy 4-16](#).

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: April 17, 2001

PERSONNEL

Resignation

A. Licensed Personnel

Licensed persons requesting release from a contract with the school board shall submit their written resignation to the superintendent at least two (2) weeks before the intended date of termination, unless waived by the superintendent. The employee may request an exit interview.

A release from contract between July 1, and the beginning of school may be denied until a satisfactory replacement has been secured. The employee shall be informed that breaking a contract without board approval may result in a request to the Virginia Board of Education for appropriate disciplinary action which may include revocation of the person's teaching license.

Resignations are not officially approved until presented to and accepted by the board.

B. Classified Personnel

Classified employees terminating their employment shall submit notice of their intentions two (2) weeks prior to their final workday. Employees giving advance notice or resigning with the superintendent's approval shall have their resignation accepted without prejudice. Failure to comply with this policy may result in a recommendation that the employee be ineligible for reemployment at a future date.

C. Disclosure of Employment-Related Information

If facts exist and are known at the time of a resignation which, but for the employee's resignation, would have subjected the employee to another type of termination or disciplinary action, the employee's record should reflect that cause to terminate, to pursue termination of, or to pursue discipline of the employee existed at the time of the employee's resignation. Any records which support the reasons for termination or discipline will be included in the employee's file along with the resignation. The Superintendent or his designee may, in accordance with Policy 4-15, disclose accurate information concerning the employee's professional conduct, job performance, or reason for separation and whether the employee is eligible for rehire.

Legal Reference:

Code of Va., § 8.01-46.1. Disclosure of employment-related information, presumptions; causes of action; definitions.

Code of Va., § 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

Editor's Note

For confidentiality of personnel files and disclosure of information, see School Board [Policy 4-15](#).

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Adopted by School Board: April 17, 2001

PERSONNEL

Suspension From Work of Teachers or Classified Employees

A. Suspensions without pay

An employee may receive a suspension without pay as discipline as a result of founded misconduct or unsatisfactory work performance. A suspension without pay means that the employee shall not be allowed to work for a specified period of time, nor be paid for his or her absence from work during the period of suspension.

An employee who is classified as a "non-exempt" employee in accordance with the Fair Labor Standards Act may be suspended without pay for a number of hours or up to five (5) days to be determined by the Assistant Superintendent for Human Resources. An employee who is classified as an "exempt" employee in accordance with the Fair Labor Standards Act may only be suspended without pay for an entire workweek or in multiples of a workweek, i.e., one week, two weeks, three weeks, etc. However, if the "exempt" employee is being disciplined for violating a major safety rule, he or she may be suspended without pay for a number of hours or days.

B. Investigatory suspensions without pay and Administrative Leave with pay

The Superintendent or his designee is authorized to temporarily relieve an employee of his or her duties pending an investigation into an allegation of employee misconduct or unsatisfactory work performance. Under such circumstances, the Superintendent or his designee may choose to suspend the employee without pay, in accordance with paragraph C or to place the employee on administrative leave with pay, pending the completion of the investigation and any subsequent corrective action. An employee's placement on suspension or administrative leave pending the outcome of an investigation shall not be considered disciplinary in nature. No determination regarding the alleged misconduct or unsatisfactory performance shall be made until the administrative investigation is concluded and sufficient facts have been gathered.

C. Grounds and procedure for suspension for criminal charges

A teacher or other employee, whether full time, part-time, permanent or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened, or when the teacher or employee has been charged by summons, warrant, indictment or information with the commission of a felony or a misdemeanor involving: (i) sexual assault as set forth in Virginia Code Title 18.2; (ii) obscenity and related offenses as established in Virginia Code Title 18.2; (iii) drugs as established in Virginia Code Title 18.2; (iv) moral turpitude; or (v) the physical or sexual abuse, or neglect of a child; or an equivalent offense in another state.

1. Suspension with or without pay

Teachers or employees suspended because of being charged by summons, warrant, information or indictment with one of the offenses in paragraph C may be suspended with or without pay. If a teacher or employee is suspended without pay, an amount equal to his or her salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the offenses, or upon dismissal or nolle prosequi of the charge, the teacher or employee will be reimbursed all unpaid salary and accrued interest from the escrow account, less any earnings received by the teacher or employee during the period of suspension. In no event will payment exceed one year's salary.

In the event a teacher or employee is found guilty by an appropriate court of one of the offenses, and after all available appeals have been exhausted and the conviction is upheld, all funds in the escrow account shall be repaid to the School Board.

The placing of a teacher or an employee on probation by a court pursuant to the terms of Virginia Code §18.2-251 will be deemed a finding of guilt for the purposes of salary reimbursement.

2. Hearing before School Board for classified employees

Prior to placing a classified employee on suspension without pay for a period of five to sixty days for a matter not listed in paragraph C, the classified employee must be advised in writing of the reason for the suspension and afforded the opportunity for a hearing before the School Board. The classified employee will continue to receive his or her then applicable salary unless and until the School Board, after a hearing, determines otherwise.

3. Hearing before the School Board for teachers

Prior to placing a teacher on suspension without pay for any period of time for a matter not listed in paragraph C, the teacher must be advised in writing of the reason for the suspension and afforded the opportunity for a hearing before the School Board. The teacher will continue to receive his or her then applicable salary unless and until the School Board, after a hearing, determines otherwise.

D. Insurance benefits

No teacher or employee shall have his or her insurance benefits suspended or terminated because of such suspension in accordance with this policy.

Legal Reference:

Va. Code § 18.2-251. Persons charged with first offense may be placed on probation; conditions; screening, assessment and education programs; drug tests; costs and fees; violations; discharge.

Va. Code § 22.1-315. Grounds and Procedures for Suspension.

Adopted by School Board: June 8, 2004



PERSONNEL

Suspension

A. Licensed Personnel

Editor's Notes

*See the legal references to school board [policy 4-17](#).
For grievance procedure see division [regulation 4-3.1](#).*

B. Classified Personnel

1. Generally

A classified employee may be suspended for failure to satisfactorily perform assigned duties, non-compliance with school board policies or division regulations, or for other good and just cause.

2. Procedures

a. The principal or department head who has supervisory authority over an employee may suspend the person by giving him/her written notice setting forth the reason(s) for such action. A personal interview with the employee stating the reason(s) for suspension may be employed in lieu of written notification.

b. The principal or department head shall, within twenty-four hours from the time of suspending the employee, inform the director of the office of personnel services, in writing, of the action taken. This notification shall specify the reason(s) for suspending the employee. A copy of the notification shall be furnished the employee.

C. Appeals

For matters specified as grievable classified employees shall have access to grievance procedures as established in division regulation 4-3.2.

Approved by Superintendent: January 18, 1994



PERSONNEL

Dismissal or Placement on Probation

A. Licensed Personnel

In the event the Superintendent determines to recommend the dismissal of any teacher or the placing on probation of a teacher on continuing contract, the procedures set forth in the Code of Virginia at §§ 22.1-309 through 22.1-313 as amended cited as legal references below shall apply.

A majority vote of a quorum of the Board is necessary for dismissal or placement on probation.

B. Classified Personnel

The Superintendent or his/her designee may place on probation or dismiss classified personnel for failure to satisfactorily perform assigned duties, for noncompliance with School Board policies or division regulations or for other good and just cause. The employee must be given written notification of the proposed action, the reason for the proposed action, a summary of the evidence supporting the action and a meeting with the Superintendent or his/her designee at which time the employee will be given the opportunity to respond to allegations.

Before taking such action the Superintendent or his/her designee shall require the Assistant Superintendent of Human Resources or his/her designee to interview witnesses to the misconduct, prepare and sign a written report summarizing what the witnesses and/or victims report, and obtain written statements of the witnesses or report in writing why the witnesses would not sign a statement. If the Assistant Superintendent of Human Resources will hold the hearing pursuant to Division Regulation 4-18.1 subsection 2.c, a designee shall investigate the matter and prepare the required report.

For matters specified as grievable, classified employees shall have access to grievance procedures as established in Division Regulation 4-3.2.

C. Placement on Probation

Placement on probation will result in a two-step reduction in pay or 6% for those employees on the open scale for the term of the probation. During the period of probation, the employee will not be eligible for bonuses or other increases in pay. When probation ceases, the employee may then receive such bonuses or increases as incurred after the final date of probation. The Superintendent shall inform any employee recommended for or receiving probation of these consequences.

Editor's Note

See Division [Regulation 4-3.2](#): Grievance Procedures –Supervisory and Classified Employees

See Division [Regulation 4-18.1](#): Dismissal/Placement on Probation

See school division website: www.vbschools.com

Legal Reference:

Virginia Code §§ 22.1-309 through 22.1-313 as amended .

Adopted by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: June 16, 1998
Amended by School Board: June 8, 2004

PERSONNEL

Dismissal/Placement on Probation

A. Licensed Personnel

1. When the teacher is placed on probationary status, effective immediately, the employee will be reduced in salary by two (2) steps for the duration of the probationary period.

Editor's Notes

*See the legal references to school board [policy 4.18](#).
For grievance procedure see division [regulation 4.3.1](#).*

B. Classified Personnel

1. Generally

A classified employee may be dismissed or placed on probation for failure to satisfactorily perform assigned duties, non compliance with school board policies or division regulations, or for other good and just cause.

2. Procedures

a. A principal or department head who has supervisory authority over an employee may recommend his/her dismissal or placement on probation to the Superintendent or his/her designee. The principal or department head shall inform the employee of this recommendation by written notice setting forth the reason(s) for such action and provide a summary of evidence supporting the action in writing, and in a personal interview, if the employee requests such interview.

b. A copy of the written notice setting forth the reason(s) for the recommendation for dismissal or placement on probation shall be provided to the Assistant Superintendent, Human Resources. This notice shall also be furnished to the employee. The Assistant Superintendent, Human Resources or his/her designee shall interview all witnesses and/or victims, prepare and sign a written report summarizing what the witnesses and/or victims report, and obtain written statements of the witnesses or report in writing why the witnesses would not sign a statement. If the Assistant Superintendent, Human Resources will hold the hearing pursuant to subsection c, a designee shall investigate the matter and prepare the required report.

c. An employee who is recommended for dismissal or placement on probation shall be afforded a hearing before the Assistant Superintendent, Human Resources or designee. The purpose of the hearing will be for the principal/department head to explain the reason (s) for the recommendation, to present evidence supporting the recommendation and to give the employee an opportunity to respond to the allegations.

d. Following the hearing, the Assistant Superintendent, Human Resources, or that of a designee, shall give written notice of the action taken to the employee, the Superintendent and the School Board.

e. For matters specified as grievable, classified employees shall have access to grievance

procedures as established in division regulation 4 3.2. However, the decision of the Assistant Superintendent, Human Resources, or that of a designee, shall be final unless the employee timely files an appeal of the matter.

f. When an employee is placed on probationary status, the employee will be reduced in salary placement by two steps for those employees on a step scale, or by six (6) percent for those employees on an open-range scale for the duration of the probationary period.

Approved by Superintendent: January 18, 1994

Revised by Superintendent: January 16, 1996

Revised by Superintendent: June 18, 1998

Revised by Superintendent: September 6, 2002



PERSONNEL

Retirement Programs

A. Virginia Retirement System (VRS)

The school board will pay the Virginia Retirement System (VRS) contributions for all eligible employees.

B. Tax Sheltered Annuities (TSA)

Editor's Note

See division [regulation 4-36.3](#).

C. Supplemental Retirement Program

1. Eligibility

- a. Employee must be covered by VRS.
- b. Last ten years employed with Virginia Beach City Public Schools for 1993-94; with ten other years experience credit in education related fields. Last fifteen years employed with Virginia Beach City Public Schools for 1994-95; with ten other years experience credit in education related fields.

The combined employee age plus full-time service credit totals at least 75 in 1993-94 and 80 in 1994-95 and thereafter.

- c. Age is between 55 and 65.
- d. Benefits will not be paid concurrently with disability retirement.

2. Conditions

The employee will be responsible for working the immediate one-half of their contract year following their retirement. The employee will have officially retired under VRS prior to being eligible for the plan and prior to receiving twenty (20) per cent of their VRS calculated average salary.

3 .Benefits

General salary increases will be provided that are equivalent to those received by employees for that year.

Hospitalization insurance coverage will be provided by the school division up to age 65 for those who qualify unless other qualifying events exclude those individuals. The same employer health insurance premiums will be provided the retiree with 25 years experience in Virginia Beach as currently exists. Other employees will be eligible to receive fifty (50) per cent of the employer's contribution to one of the school division's approved plans while enrolled in the Supplemental Retirement Plan.

Employees will be eligible to receive twenty (20) per cent supplement for up to five (5) years. The employee will not be eligible to receive supplements when the employee reaches age 65.

Approved by School Board: February 16, 1993



PERSONNEL

Reduction in Force (RIF)

A. Authority

Editor's Note

See the legal reference to this policy

B. Statement of Intent

It is the intent of the school board to use when possible attrition, reassignment, voluntary leaves of absence, early retirement and other possible means deemed appropriate by the school board to avoid a reduction in force.

C. Separability

This policy does not apply to the superintendent of schools.

Legal Reference:

Code of Va., § 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers. - ...A school board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects. (1993)

Code of Va., § 22.1-305. Nonrenewal of contract of probationary teacher. - ...G. The provisions of this section shall be inapplicable when a decrease in enrollment or the abolition of a particular subject or reduction in the number of classes offered in a particular subject causes a reduction in the number of teachers; provided, however, that a statement to that effect shall be placed in the personnel file of each teacher whose contract is nonrenewed for any such reason ... (1980)

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Policy 4-21

PERSONNEL

Payment to the Estate of Deceased Employees

The Virginia Beach City School Board shall pay to the estate of a deceased employee the greater amount for either all accumulated annual leave or the period until the end of the month during which death occurred.

Adopted by School Board: October 21, 1969
Amended by School Board: October 15, 1974
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)

PERSONNEL

Drug and Alcohol Testing of Motor Vehicle Operators

This policy is required by the Omnibus Transportation Employee Testing Act of 1991 and the regulations promulgated thereto. (49 C.F.R. Part 382) (the "federal regulations"). The division superintendent or designee shall implement this program beginning January 1, 1995.

A. Applicability

This policy shall apply to every employee who operates a commercial motor vehicle and who is required by federal law to have a commercial driver's license.

B. Definitions

1. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol, including methyl and isopropyl alcohol.
2. "Alcohol use" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
3. "Commercial motor vehicle" means a motor vehicle that has a gross vehicle weight rating of 26,001 or more pounds or is designed to transport 16 or more passengers, including the driver.
4. "Driver" means any person who operates a commercial motor vehicle, including, but not limited to, full-time, part-time, casual, intermittent and occasional drivers and, for purposes of pre-employment/pre-duty testing, persons applying to be drivers.
5. "Performing a safety-sensitive function" means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
6. "Safety-sensitive function" means any of those on-duty functions set forth in 49 C.F.R. §39.5.2 On-Duty Time, paragraphs 1-7, including, but not limited to, waiting to be dispatched; inspecting, servicing or conditioning a commercial motor vehicle; all driving time; all time in or upon any commercial motor vehicle; all time loading and unloading a vehicle; and all time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

C. Prohibitions

1. Alcohol concentration: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater or while under the influence of or impaired by alcohol.
2. Alcohol possession: No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
3. On-duty and pre-duty use: No driver shall use alcohol while performing safety-sensitive functions, or perform safety-sensitive functions within four (4) hours after using alcohol.
4. Refusal to submit to tests: No driver shall refuse to submit to an alcohol or controlled substance test.

5. Controlled substances use: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

D. Pre-Employment Testing

1. Prior to the first time a driver performs safety-sensitive functions for the School Board, he/she shall undergo testing for alcohol and controlled substances. No driver will be permitted to perform a safety-sensitive function unless the alcohol test results are 0.04 or less and the controlled substances test is negative. A driver whose alcohol test results are between 0.02 and 0.04 cannot perform safety-sensitive functions until the next regularly scheduled duty period, but in no event less than 24 hours after the test.

2. Alcohol and controlled substances tests may be waived by the School Board for employees who have previously undergone testing as provided in the federal regulations.

E. Post-Accident Testing

1. As soon as practical after an accident, the School Board will test for alcohol and controlled substances any driver (i) who receives a ticket arising from the accident or (ii) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of life.

2. A driver who is subject to post-accident testing shall remain readily available for such testing and shall not use alcohol for eight (8) hours after the accident or until he/she undergoes the alcohol test, whichever occurs first.

F. Random Testing

All drivers shall be subject to unannounced random alcohol and controlled substances tests. A driver who is notified of selection for random testing must proceed to the test site immediately, unless the driver is performing a safety-sensitive function, in which case the driver shall proceed to the site as soon as possible after ceasing to perform the function.

G. Reasonable Suspicion Testing

A driver shall be subject to alcohol or controlled substances testing when there is reasonable suspicion to believe the driver has violated the prohibitions in paragraphs C (1), (3), and (5) of this policy.

H. Return-to-Duty Testing

Before a driver returns to duty requiring the performance of a safety sensitive function after violating paragraph C of this policy, the driver shall undergo an alcohol test with a result indicating an alcohol concentration of less than 0.02 or a controlled substances test with a negative result.

I. Follow-up Testing

A driver who violates paragraph C of this policy and who is determined pursuant to this policy to be in need of assistance in resolving problems associated with alcohol misuse and for use of controlled substances shall be subject to unannounced follow-up alcohol and controlled substances testing as directed by a substance abuse professional.

J. Referral, Evaluation and Treatment

1. A driver who violates paragraph C of this policy shall be advised of the resources available to him/her in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances. A driver identified as needing assistance in resolving such problems shall be evaluated by a substance abuse professional to determine that the driver has properly followed any prescribed rehabilitation program. The evaluation and rehabilitation shall be provided by substance abuse professionals approved by the School Board and paid for by the driver.

2. The provisions of this paragraph shall not apply to applicants for driver positions who violate paragraph C of this policy. Such persons shall not be employed.

K. Miscellaneous

1. The Superintendent shall promulgate regulations setting forth the procedures of complying with this policy and the federal regulations and shall provide copies of this policy and the regulations to each employee subject to this policy.

2. Each employee subject to this policy will sign a certificate of acceptance and consent to disclosure form acknowledging receipt of the policy and regulations and consenting to the disclosure by his/her former employer of information on the employee's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years.

3. Nothing in this policy shall prohibit the dismissal or other disciplinary action against an employee pursuant to any other policy, regulation, ordinance or law. This policy is intended to supplement, and not supplant, any such other policy, regulation, ordinance or law.

4. This policy is being adopted pursuant to the requirements of the Act. It is not intended to permit, nor shall it be construed as permitting, any employee to come to work under the influence of drugs or alcohol, regardless of the level. Such employees will be subject to disciplinary action, including dismissal, pursuant to [regulation 4-3.2](#), [4-27.1](#) and [4-27.2](#).

Legal Reference:

Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations 49 C.F.R. Part 382.

Adopted by School Board: December 6, 1994



PERSONNEL

Drug and Alcohol Testing of Motor Vehicle Operators

Schoolbus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport 16 or more passengers, including the driver, are likewise subject to the drug and alcohol testing program. (49 CFR 382.103)

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations. Title 49, Section 40 et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the school division. (49 CFR 382.301)

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the school division or paid work for any other entity. (49 CFR 382.107, 395.2)

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six months and participated in the drug testing program required by law within the previous 30 days, provided that the school division has been able to make all verifications required by law. (49 CFR 382.301)

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or

2. Who receives a citation under state or local law for a moving traffic violation arising from the accident. (49 CFR 382.303)

Drivers shall make themselves readily available for testing, absent the need to immediate medical attention. (49 CFR 382.303)

No such driver shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours, the school division shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they

conform to applicable legal requirements and are obtained by the school division. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)

Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 25% of the average number of driver positions. The number of random drug tests annually must equal 50% of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or school division official trained in accordance with law has reasonable suspicion that the driver has violated the school division's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. (49 CFR 382.307)

(cf. 4020 - Drug and Alcohol-Free Workplace)

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the school division shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 CFR 382.307)

A supervisor or school division official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 CFR 382.307)

Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up tests shall not perform or continue to perform safety-sensitive functions. (49 CFR 382.211)

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal.

A driver who violates shall division prohibitions related to drugs and alcohol shall receive from the school division the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law. (49 CFR 382.605)

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty. (49 CFR 382.605)

Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the school division's drug or alcohol prohibition returns to performing safety-sensitive duties. (49 CFR 382.309)

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. (49 CFR 382.605)

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and school division standards.

Follow-up Tests

A driver who violates the school division's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. (49 CFR 382.311)

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. (49 CFR 382.405)

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the school divisions policy and regulations for meeting these requirements. Representative of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the school division to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods or intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management. (49 CFR 382.601)

(cf. 4159 - Employee Assistance Programs)

Drivers shall also receive information about legal requirements, school division policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials (49 CFR 382.601)

Before any driver operates a commercial motor vehicle, the school division shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. (49 CFR 382.303)

Before drug and alcohol tests are performed, the school division shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law. (49 CFR 382.113)

The school division shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. (49 CFR 382.411)

The school division shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district shall also tell the driver which controlled substance(s) were verified as positive. (49 CFR 382.411)

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle. (49 CFR 382.213)

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty. (49 CFR 382.605)

Approved by Superintendent: December 6, 1994



School Board of the City of Virginia Beach
Policy 4-23

PERSONNEL

Conflict of Interests

The Superintendent shall see that all employees of the School Board are aware of the "Virginia State and Local Government Conflict of Interests Act", Virginia Code § 2.2-3100 *et seq.* and the Ethics in Public Contracting Act Virginia Code § 2.2-4367 *et seq.* and informed that the School Board demands compliance with both the word and intent of the law.

Editor's Note

*Department of Human Resources Employee Guidebook, Chapter 10: Employee Conduct/Section 10-2
See also School Board [Policy 3-2](#), Ethics in Public Contracting, and any implementing regulations.
See school division website: www.vbschools.com*

Legal Reference:

Virginia Code § 2.2-3100, *et seq.*

Virginia Code § 2.2-4367 *et seq.*

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: June 8, 2004



School Board of the City of Virginia Beach
Regulation 4-23.1

PERSONNEL

Conflicts of Interest

School board [policy 4-23](#) directs the superintendent to make all employees aware of the Virginia "State and Local Government Conflict of Interests Act" and demands compliance with both the word and intent of the law. A portion of the act is quoted in the authority for this regulation.

Regulatory Authority:

Code of Va., § 2.1-639.4. Prohibited Conduct. - No officer or employee of a state or local governmental or advisory agency shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits which may be authorized by law... (1994)

Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Regulation 4-24.1

PERSONNEL

School Bus Privileges

A. Preschool Age Children of Bus Drivers

1. School bus drivers may take their preschool age children on the school bus while they are making their runs provided the children are at least one (1) year of age and space is available on the bus for the child to occupy a seat.
2. Preschool children are required to abide by the laws, rules and regulations pertaining to school age passengers. They also must use some type of approved restraining device (car seat, etc.) if they are under four (4) years of age. They must remain seated while the school bus is in motion.
3. School bus drivers are not to take their preschool children on the school bus if the child is ill or has any signs or symptoms of a communicable disease.
4. Preschool children are to be kept under close supervision by the driver while at the schools, garage, or while the bus is at a "laying over" point.

B. Employees

Employees may ride school buses under the following circumstances:

1. Seating space is available.
2. Employees will board at regular student stops and be discharged at same.
3. While employees are on the bus they will be under the authority of the bus driver.

C. Escorts

Parents and/or other patrons serving as escorts for school-sponsored trips on school board buses must have prior approval by an administrative officer of the division.

Approved by Superintendent: January 18, 1994



PERSONNEL

Transportation of Students in Private Vehicles

A. General Requirements

1. No employee who has been convicted of two or more traffic violations within the preceding 12 months, has two or more unresolved traffic violations within the preceding 12 months, or has one conviction and one or more unresolved traffic violation(s) within the preceding 12 months, shall drive students on a field trip or to/from a school-related event.
2. No employee who has been convicted of driving under the influence of drugs or alcohol within the preceding five (5) years or who has a driving under the influence of drugs or alcohol charge pending, shall drive students on a field trip or to/from a school-related event.
3. The coach, activity sponsor, or building principal shall require any employee driving students in a private vehicle to display a valid driver's license, parent permission slip, and to sign a written statement, on a school administration approved form, that such driver does not have convictions or any pending charge(s) which violate the provisions of subsection A paragraphs 1 and/or 2, and further agreeing to provide a DMV abstract in response to a request by school administration, prior to such coach, sponsor, or building principal authorizing such employee to transport students. No driver who refuses to provide a DMV abstract upon the request of school administration shall be permitted to drive students on a field trip or to/from a school-related event.

B. Approval Process

1. When no school bus/van transportation is available and participation in the event could not occur if private transportation were not made available by an employee, division employees may use their vehicles to transport students to/from school-related events, such as trips or athletic events, where a limited number of students are involved.
2. Prior to undertaking such transportation, the employee is required to submit a written request which includes the details of the trip, on an approved form, to the building principal or designee. The employee is responsible for seeing that written parent permission slips, on approved forms, are gathered from the students who are to go on the trip, and that such forms are delivered to the building principal. Prior to actually taking the trip, the employee is required to file with the building principal a statement of his/her personal vehicle insurance coverage, a photocopy of his/her valid driver's license, and the written certification required by subsection A.3. In order to deal with emergency situations, such as the unavailability of school division transportation, employees who coach Virginia High School League athletic teams should file a signed Athletic Field Trip Form for each student, a Release, Waiver and Indemnification Form signed by the parents/legal guardians of each student, a statement of his/her personal vehicle insurance coverage, a photocopy of his/her valid driver's license, and the written certification required by subsection A.3. with the building principal. The employee shall be reimbursed for mileage as set forth in Division Regulation 4-38.1, Travel Expenditures Reimbursement.

C. Scope of School Board Liability Insurance

1. The School Board's current insurance carrier (9/1/99 through 8/30/00) has advised that an employee's personal insurance would be used first in the case of an accident to cover medical and liability payments for the employee and occupants of the car. The School Board's current automobile liability policy (9/1/99 through 8/30/00), protects the School Board against liability suits arising from use of private vehicles by school board employees and can also be used as excess coverage after an individual employee's personal liability policy has been exhausted to cover the accident.

Editor's Note

See School Board [Policy 6-56](#) for the transportation of students by parents, volunteers or other students.

Adopted by Superintendent: September 27, 2000



PERSONNEL

Personnel Identification System

In order to assist the division in maintaining a safe and secure environment at our schools and on all School Board property a personnel identification system is essential. The personnel identification system will provide a means of identifying School Board employees and it will assist school personnel in determining when individuals are authorized to be on school board property.

A. Personnel Identification Badge Specifications

Except for visitor, substitute and temporary employee badges, each identification badge produced pursuant to this regulation must meet the following specifications:

1. Each identification badge must measure 2 1/8" x 3 1/4" and contain a color photograph (face only) which measures 1" x 1 1/8";
2. Employee name, job title and location;
3. Each identification badge must prominently display "Virginia Beach City Public Schools" on the front of the badge;
4. Each badge must contain the following statement on the back of the badge:

"Property of Virginia Beach City Public Schools. Loss of this card must be reported at once. If found, drop in nearest U.S. mailbox. Postmaster; Postage guaranteed. Return to VBCPS, P.O. Box 6038, Virginia Beach, VA 23456. This card is the property of Virginia Beach City Public Schools and is issued to personnel for identification. This card must be worn at those times designated for your school or department. If your card is lost, stolen or destroyed, report it to the Security and Safe Schools Office immediately. Upon termination of employment, this card must be surrendered to your supervisor, principal, department head, director before final compensation is made."

B. Personnel Identification Badge Requirements

1. All Virginia Beach City Public School employees are required to obtain and wear an identification badge at all times while on School Board property and while conducting School Board business. Consistent failure to display an employee badge may lead to disciplinary action.
2. Identification badges must be displayed on the front of the body, above the waist in an easily visible location.
3. Upon termination of employment, an employee's identification badge must be surrendered to the employee's supervisor, principal, department head or director, or the Department of Human Resources by close of business on the employee's final work day.
4. Employees losing their identification badge may be responsible for the replacement cost of \$5.00 per badge, payable to Virginia Beach City Public Schools.

C. Monitoring

Each School and Department must implement and maintain a monitoring system to ensure that each school or department employee receives an identification badge. This system must also track any employee badge loss.

4. Visitor, Substitute and Temporary Employee Badges

1. Visitor badges: All authorized individuals will be issued a visitor badge which must be worn at all times while on School Board property. Each building shall designate an individual with responsibility for assigning visitor badges.

2. Substitute and Temporary Personnel Badges: An employee who is hired in a temporary capacity, including substitute personnel, will be issued a Substitute/Temporary Employee Identification Badge. All temporary/substitute employees shall wear their identification badges while on School Board property or engaged in School Board business. Substitute and Temporary personnel identification badges will be provided by the Safe Schools Office.

Approved by Superintendent: February 23, 2000



PERSONNEL

Use of Alcohol and Drugs/Tobacco Products

A. Drug Use by Employees

Employees will not possess, use, be under the influence of, manufacture, sell, distribute or give controlled substances and anabolic steroids, drug paraphernalia, or imitation controlled substances. Violation of this regulation will be cause for immediate dismissal.

B. Use of Alcohol

Employees will not possess, use or be under the influence of alcohol while in or upon the school property, during school hours or during school or student activities. Violation of this regulation may result in dismissal.

C. Smoking and Use of Tobacco Products

1. Policy Statement

Smoking and the use of tobacco products represents a serious health and safety problem for users and non-users. In an effort to establish a "smoke-free and smokeless tobacco-free" environment on school property at all times, smoking and the use of tobacco products are prohibited in all school buildings and facilities, including the property on which those buildings and facilities are located.

Visitors and non-school personnel will be expected to adhere to these regulations.

Smoking and use of tobacco products are prohibited in school board owned vehicles.

2. Enforcement

a. A community-wide educational campaign is to be developed that will promote and advertise a "smoke-free and smokeless tobacco-free school" environment.

b. Public address announcements are to be made at extra-curricular events on school property noting the "smoke-free and smokeless tobacco-free" environment on school property.

c. A "smoke-free and smokeless tobacco-free" clause is to be included in all contracts for use of school property, including recreational and after-school hours activities.

d. Complaints from patrons, employees, or students are to be directed to the principal or department director for handling and corrective action. If a complaint involves a principal or department director, such complaint is to be directed to the next level supervisor.

e. Employees who smoke or use tobacco products in or about school buildings, on school property or in school board owned vehicles are in violation of this regulation and will be subject to disciplinary action as follows:

First Offense: Letter of warning from the principal or administrator to be placed in the employee's personnel file but to be removed in one year if no further violations occur.

Second Offense Within a Year of First Offense: Letter of reprimand from the principal to be placed in the employee's personnel file but to be removed after one year from the date of the second offense if no further violations occur.

Third Offense: Suspension for three days. Such suspension may be without pay following a hearing before the Board in which such determination is made.

Fourth Offense: Dismissal in accordance with Va. Code § 22.1-307 for noncompliance with school laws and regulations and other good and just cause evidenced by continued failure to follow School Board policy and insubordination.

3. Employee Assistance

The Employee Assistance Program will provide cessation and related support programs for employees who smoke or use tobacco products. The school division will reimburse employees up to \$100 for treatment with the nicotine transdermal system (patch).

Candidates for employment will be made aware of this regulation as a term of employment before contracts are offered.

Regulatory Authority:

Code of Va., § 4.1-309. Drinking or possessing alcoholic beverages in or on public school grounds: penalty.

Code of Va., § 18.2-255.2. Prohibiting the sale of drugs on or near certain properties.

Code of Va., § 15.1-291.1. Definitions.

Code of Va., § 15.1-291.2. Statewide regulation of smoking.

Editor's Note

See also Virginia Beach City Code at Chapter 28.5.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 19, 1993
Revised by Superintendent: January 18, 1994
Revised by Superintendent: February 4, 1998

PERSONNEL

Drug-Free Workplace

A. Generally

The school board demands compliance with both the word and intent of the Drug-Free Workplace Act, acts of the Virginia General Assembly relating to drug (including alcohol) use, and Federal, State and Department of Education regulations implementing such legislation.

B. Definitions

As used in this regulation:

1. "Controlled substance" means a controlled substance in schedules I through V of the Federal Controlled Substance Act and schedules I through VI of the Virginia Drug Control Act.
2. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
3. "Criminal drug statute" means a Federal or State statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.
4. "Drug-free workplace" means a site for the performance of work by a school board employee at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

C. Use of Alcohol and Drugs

1. Alcohol and Drugs on School Board Property

The illegal use, possession of, or sale of alcohol, narcotics, hallucinogens, depressants, stimulants, marijuana or other controlled substance on school board property shall result in suspension or termination of employment .

2. Alcohol and Drugs off School Board Property

The use of alcohol, narcotics, hallucinogens, depressants, stimulants, marijuana or other controlled substance off school board property which affects an employee's ability to perform his or her duties, or which generates publicity or circumstances which adversely affect the school division or its employees, shall result in discipline, including possible suspension or termination.

D. Drug-Free Awareness Program

The school board is aware of its obligation to employees with respect to the use and abuse of drugs. The board holds the belief that a climate should be established within the division that is conducive to the nonuse of illegal drugs. This climate is to be achieved through the establishment of the following:

1. That opportunities be provided when possible and appropriate to have an effective counseling program under the direction of the school psychologist.

2. That a continuing program of required in-service instruction be implemented on the nature of drugs and their proper use and on the deleterious effects of drug use on the mental, physical, social, economic and legal status of the individual employee.
3. That opportunities be provided for the community to understand the school division's approach to a drug-free workplace.
4. That this regulation and related rules instituted to insure against the use, sale or distribution of controlled substances on school property (including vehicles) be made available to each employee and posted in workplaces when appropriate.

E. Notification of Convictions

Employees convicted (including a plea of "nolo contendere") for violating any state or federal criminal drug law by an action committed in the workplace must notify their immediate superior within five (5) days of their conviction. Failure to comply with this directive will be grounds for termination of employment.

F. Drug Use by Students

See School Board [Policy 5-45](#) and [Regulations 5-45.1](#) and [5-45.2](#) for applicable policy and procedures.

G. Drug Education Program

The school division will develop and implement a K-12 drug education program. This program will be described in curriculum guides and school division publications and will be supported by suitable instructional materials and staff training.

Regulatory Authority:

Drug-Free Workplace Act. (1988)

Drug-Free Workplace Requirements; Notice and Interim Final Rules (Effective March 18, 1989).

Code of Va., Drug Control Act.

Code of Va., § 4-78.1. Drinking or possession of alcoholic beverages in public schools or on school grounds.

Code of Va., § 18.255.2. Prohibiting the sale of certain controlled substances or marijuana on school property; penalty provided.

Code of Va., § 18.2-265.1. Definitions.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 18, 1994
Revised by Superintendent: February 21, 1995



School Board of the City of Virginia Beach
Regulation 4-28.1

PERSONNEL

Firearms and Weapons

Employees of the school board may not carry firearms or weapons of any kind on school premises.

The provisions of this regulation shall not apply to persons who possess such weapon or weapons as a part of the school's curriculum or activities sponsored by the school or any organization permitted by the school board to use its premises or a person possessing a knife customarily used for food preparation or service and using it for such purpose.

Regulatory Authority:

Code of Va., § 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited.

Approved by Superintendent: January 18, 1994

Amended by Superintendent: March 8, 2000



PERSONNEL

Political Activities

The school board recognizes the right of its employees, as citizens, to engage in political activity. However, the board also recognizes that school property and school time, paid for by all the people of the district, should not be used for partisan political purposes except as provided for in policies pertaining to the use of school buildings by civic and political organizations.

The school board subscribes to the principle that public school employees must, with all other citizens, share the responsibility for the development of a sound public body and assume full political and citizenship responsibilities. However, in his or her political activities, an employee will not:

1. Misrepresent the school division, but will take adequate precautions to distinguish between his/her personal and institutional views.
2. Interfere with a colleague's exercise of political and citizenship rights and responsibilities.
3. Use institutional privileges, division resources, or working time to promote political candidates or partisan political activities.

For purposes of this regulation, prohibited "political activities" is narrowly defined to mean "partisan political activities" which would include the posting of political circulars or petitions, collection and/or solicitation of campaign funds, solicitations for campaign workers, the use of pupils in writing or addressing campaign materials, or the distribution of campaign materials to pupils on school property or during school time in any manner which would indicate that a school employee is using a position in the school to further personal partisan views on candidates for public office or on questions of public policy. The exception is the circulation of literature pertaining to bond referenda for school purposes.

Nothing in this regulation shall be interpreted as prohibiting teachers from conducting appropriate activities which encourage students to become involved in the political processes of the party of the students' choice or as independents; nor does it prohibit the fair use of political figures as resource persons in the classrooms.

In view of the voting rights of eighteen year olds, school facilities may be used as meeting sites for student partisan political groups before or after the regular instructional day. A teacher or a community person approved by the principal must be in attendance at such meetings.

Editor's Note

*See also Attorney General's Opinion, February 22, 1984.
For political leave see division [regulation 4-74.2](#).*

Approved by Superintendent: February 15, 1994



School Board of the City of Virginia Beach
Regulation 4-30.1

PERSONNEL

Endorsement of Commercial Products or Services

Employees shall not recommend any commercial product or services, or aid in distributing literature or publicity endorsing or recommending such product or services.

Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Regulation 4-31.1

PERSONNEL

Nonschool Employment

A. Commissions

No employee shall accept any commission from any company or salesman doing business that is connected in any way with the School Board.

B. Selling by Employees

Employees are prohibited from selling or advertising encyclopedias and other educational materials and aids within the city to any parent whose children attend the Virginia Beach City Public Schools regardless of their residence.

C. Outside Employment

No employee shall accept gainful employment in any private business or outside activity during the term of his/her contract when such employment shall detract from effectiveness in the assigned duties. If there is doubt, the individual involved shall first secure permission from their supervisor before entering such supplementary employment.

Approved by Superintendent: January 18, 1994
Revised by Superintendent: December 13, 2002
Revised by Superintendent: August 30, 2005

PERSONNEL

Employee Associations

1. Right to Form, Join, Etc.

The Superintendent shall ensure the right of all employees, freely and without fear of penalty, to form, join, assist, or be represented by an employee association or to refrain from such activity. The School Board shall continue to exercise unilaterally its final managerial authority.

2. Use of School Facilities for Association Business

Any employee association which satisfies the requirements for representation on a committee as set forth in subsection C (2) of Policy 4-8 shall be entitled to use designated school facilities, in the manner provided below, for the purpose of conducting association business:

a. With the prior approval of the principal, an association representative may confer with an individual association member on school premises, either before or after such member's established work hours.

b. Associations may hold meetings of its members on school premises, provided: (a) a written request for the use of school premises is submitted to the principal at least twenty-four (24) hours in advance of such use; (b) the request is approved; (c) the meeting is not held during the regular work hours of the facility being used; and (d) the association agrees to pay any customary charges that may be assessed for custodial services and utilities.

c. One (1) bulletin board shall be set aside at each school specifically for the posting of information by associations. The principal of each school shall determine the size and location of such bulletin board; provided, however, that the bulletin board shall be at least two (2) feet by three (3) feet in size and shall be located away from student areas. Any information posted on school premises by an association shall only be posted on the designated bulletin board.

d. Associations may distribute information in teacher mailboxes, provided such distribution is: (a) done by a member of the association and not by a school's administrative staff; and (b) only occurs before the beginning of, or after the end of, a school's regular workday.

e. With the prior approval of the principal, associations may use a school's public address system to announce the date, time and place of association meetings, provided such use does not occur during the instructional part of the day.

Notwithstanding the above, school premises, bulletin boards, teacher mailboxes and public address systems shall not be used by any association, on its own behalf or on behalf of a political action committee or other entity, for the distribution or dissemination of information which directly or indirectly supports or opposes any candidate for public office.

3. Additional Services

In addition to the foregoing, any employee association which satisfies the requirement for representation on a committee as set forth in subsection C (2) of Policy 4-8 shall be entitled to the following:

a. With the prior approval of the Superintendent or designee, an association's members may take leave to conduct association business, provided the association reimburses the school division for any such leave taken, which reimbursement shall be at the member's hourly rate of pay; and

b. An association may have the dues of its members deducted from such members' paychecks, provided the association has, on file, written authorization from those members who have elected to have their dues deducted from their paychecks, and provides such written authorization to the Administration on or before November 1, 1999. Effective July 1, 2000, written authorization must be presented to the Administration on an annual basis, on or before November 1 st of each year; provided, however, that employees who are employed, or join an association, after November 1 st may elect to have their dues deducted from their paychecks for the remainder of the fiscal year by forwarding written authorization to the Administration at least ten (10) days before the date they want the first such deduction to take place. Verification of such evidence, and the deduction of dues, shall be conducted by the Administration, provided the association reimburses the school division for the actual cost to provide this service.

Editor's Note

On October 5, 1999, the School Board passed a Resolution Authorizing Superintendent to Suspend Employee Association's Privilege of Using School Facilities in Response to Association's Violation of School Board Policy or Regulation Governing Use. This resolution gives the Superintendent authority to suspend an association's privileges under this policy for a period of up to twelve (12) months. This resolution will remain in effect until the School Board takes action to revoke it. A copy of the resolution can be found in the School Board minutes for October 5, 1999, and attached to this policy.

See [Policy 4-8](#) – Employee Input Process C (2).

Adopted by School Board: November 1, 1977
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: September 21, 1999
Amended by School Board: June 8, 2004



School Board of the City of Virginia Beach
Policy 4-33

PERSONNEL

Investigative Procedures

The superintendent shall establish guidelines for conducting investigations involving employees.

Editor's Notes

See [Regulation 4-33.1](#): Investigative Procedures.
See school division website: www.vbschools.com.

Adopted by School Board: October 21, 1969
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: June 8, 2004

PERSONNEL

Investigative Procedures

When an allegation of criminal or administrative misconduct involving employees is received, the principal or administrative department head will have the responsibility for making initial inquiries. Prior to any inquiry or confrontation with the alleged party, the Office of Employee Relations will be contacted for instructions in how to proceed with the investigation. The Division Superintendent will be notified of the alleged incident.

Misconduct, for the purpose of adherence to these guidelines, is defined as an act alleged to have been committed by an employee, including incidents during off-duty hours, which is believed to be in violation of law, or is contrary to the policies, regulations and standards of conduct pertaining to the School Board employees, and which, if substantiated, could result in disciplinary action or dismissal of the employee.

Allegations of this nature will require an investigation conducted by the Office of Employee Relations.

A. Reporting

1. Method of Reporting

Information which comes to the attention of a principal or administrative department head which gives reason to suspect that an employee is the subject of an allegation will be promptly reported. Reports will be made to the Division Superintendent, the appropriate assistant superintendent, and administrative department head, who will in turn notify the Office of Employee Relations of the need for an investigation. If the appropriate official cannot be reached, the report will be made directly to the Office of Employee Relations.

2. Confidentiality

Unless directed by the appropriate authority, principals and administrative department heads will not discuss the allegation with anyone, including the employee who is the subject of the allegation.

3. Notification of Allegations to Principals/Administrative Department Heads

In cases where the Office of Employee Relations learns of an allegation from other sources within or outside the school system, principals and administrative department heads will be notified as soon as practical of an allegation involving an employee under their supervision.

B. Investigating

1. Role of the Principal/Administrative Department Head

Principals and administrative department heads will assist as needed in the conduct of investigations by providing access to staff members, students, documents and records, and other information which may be requested in the course of an investigation. Unless otherwise directed, principals or administrative department heads will not conduct their own independent investigation beyond gathering the initial information necessary to report the allegation. Subsequent interviews of students, personnel, and the employee suspected of misconduct may be conducted by the investigator from the Office of Employee Relations and, as appropriate, persons from other agencies required by law to conduct an investigation.

2. Employee Status

Employees under investigation for misconduct may be placed on administrative leave pending the final outcome of the investigation. The Office of Employee Relations will determine the pay status of the employee and will notify the employee of the administrative leave action.

3. Investigative Interviews

The nature of certain allegations, such as child abuse, may result in separate, but coordinated, investigations by Child Protective Services and a law enforcement agency, in addition to the internal personnel investigation. Principals and administrative department heads may be included in such interviews, at the discretion of the investigator. In cases where principals or administrative department heads are excluded from the interview, the results of the interview will be conveyed to the principal/administrative department head, subject to legal restrictions and privacy rights afforded the person interviewed. Interviews of students will normally occur at the school building.

C. Information Inquiries

1. All inquiries concerning employee investigations will be directed to the Office of the Assistant Superintendent of Organizational Support Services.

2. In cases of employee dismissal, or resignation following an investigation, principals and administrative department heads should direct inquiries from prospective employers to the Office of Employee Relations.

Additional guidance is available from the Office of Employee Relations when principals and administrative department heads are confronted with situations not discussed in this document or when further clarification is necessary.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: December 13, 2002

PERSONNEL

Gainsharing Plan

A. Generally

The purpose of this gainsharing plan is to support the school division's goals and objectives by reducing operating costs through increased productivity, improving the quality of services rendered by the school system, and recognizing the involvement of employees in operational improvements. Through this plan, employees may participate in the savings (*i.e.*, gains) realized by the school system from organizational improvements.

Savings in tax dollars appropriated by city council may be (1) distributed to school division employees through a gainsharing pool, (2) used to pay priority expenditures of a non-recurring nature such as capital outlays, and/or (3) allocated to the revenue reserve fund to cover future revenue shortfalls.

B. Conditions for Gainsharing Funding

The following conditions must be present in the school division each year before gainsharing funding may be considered by the school board:

1. The school division's total actual operating fund revenues for the fiscal year just ended must exceed actual School Operating Fund expenditures;
2. The school division's total School Operating Fund expenditures for the fiscal year just ended must be less than the total operating fund appropriations; and
3. School division department heads must certify that savings are not the result of deferred maintenance, deferred strategic plan initiatives, deferred replacement of essential equipment or supplies, moderate weather and any windfall from other revenues from revenue sharing sources under the City revenue sharing plan.

C. Determination of Gainsharing Funds

1. After school division accounts for the fiscal year just ended have been closed, the associate superintendent of Budget, Finance and Technology shall prepare for the superintendent a report on the amount of savings realized during the fiscal year through quality initiatives, productivity improvements, and cost avoidance. The report shall include recommendations for distribution of the savings, including the amount of individual employee gainsharing checks that may, upon approval of the school board and city council, be paid from a gainsharing pool.
2. The superintendent shall recommend to the school board the percentage of the savings (1) to be used to pay priority expenditures of a non-recurring nature such as capital outlays, (2) to be allocated to a reserve fund to cover potential future revenue shortfalls, and/or (3) to be distributed to a gainsharing pool for employees. In addition, if, in his discretion, the superintendent recommends that a percentage of the savings be distributed to a gainsharing pool, he shall also recommend the specific dollar amount of individual gainsharing checks.
3. In the event the school board, in its discretion, approves a recommendation by the superintendent that gainsharing checks be provided to employees, and approves the superintendent's recommended gainsharing formula, the board shall, in October or November following the fiscal year in which the savings occurred, request city council to appropriate a portion of the Board's year-end surplus to be distributed to employees in the form of gainsharing checks.

D. Employee Eligibility

The following criteria must be present for an employee to be eligible to receive a gainsharing check from the funds, if any, appropriated to a gainsharing pool:

1. All employees classified as full-time employees will be eligible for gainsharing checks from a gainsharing pool except those employees whose performance for that fiscal year has been identified as unsatisfactory.

Any employee whose performance indicates that the basic requirements of his or her position are not being met (a marginal employee) shall be ineligible to receive a gainsharing check.

2. The employee must have been on the school division's payroll as an active employee prior to October 1 through the end of their respective contract year continuously during the fiscal year in which the savings occurred.

3. Members of the school board, the superintendent and cabinet members are not eligible to receive gainsharing checks.

E. Distribution of Gainsharing Funds

1. If funds are appropriated by city council for an employee gainsharing pool, such funds shall be paid to eligible employees out of a designated gainsharing fund or account. Savings percentages appropriated for capital outlays, other non-recurring priorities, or the reserve fund shall not be handled through the gainsharing pool account. Expenditures for these purposes shall be made from other accounts.

2. The assistant superintendent for Human Resources shall prepare and submit to the superintendent and the associate superintendent of Budget, Finance and Technology a list of employees who are eligible to receive gainsharing checks for the fiscal year just closed.

3. If the distribution of gainsharing checks is recommended by the superintendent and approved by the school board, and city council appropriates funds for the gainsharing plan, the associate superintendent for Budget, Finance and Technology shall oversee the preparation and distribution of individual gainsharing checks as follows:

- a. Gainsharing checks paid to eligible employees will be based on the amount approved by the school board and the funds appropriated by city council.

- b. Gainsharing checks will be distributed in one lump sum payment on or before the first regular paycheck in December.

- c. Gainsharing checks will be separately drawn for each eligible employee and will be of equal amounts before deductions.

- d. Social security taxes will be deducted from the gross gainsharing check.

- e. Federal and state taxes will not be withheld; however, the gross check amount will be included in the employee's Federal Form W-2 and the Virginia Form VA-2 with other amounts earned during the year.

- f. Gainsharing payments are not subject to Virginia Retirement System or Virginia Retirement System Life Insurance benefits.

- g. Gainsharing checks remaining unclaimed or uncashed on June 30th of the fiscal year in which they were distributed will revert to the appropriate fund of the school system.



School Board of the City of Virginia Beach
Regulation 4-35.1

PERSONNEL

Pay Schedule

These regulations will govern the pay procedures for School Board employees.

A. Employees of the School Board will be paid on a semi-monthly pay schedule as follows:

1. Ten-month employees will be paid in twenty (20) or twenty-four (24) equal installments as elected by the employee.
2. Eleven-month employees will be paid in twenty-two (22) or twenty-four (24) equal installments as elected by the employee.
3. Twelve-month employees will be paid in twenty-four (24) equal installments.

B. Paychecks will be distributed through the principal of the individual school and to other employees through department supervisors or on an individual basis.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 18, 1994

PERSONNEL

Payroll Deductions/Tax Sheltered Annuities/Deferred Compensation Plan

A. Payroll Deductions

No deductions shall be made from the salary of any employee except for such purposes as required by law or specifically approved by the school board. Deductions other than those required by law shall be made only on the approval of the school board and at the written requests of the individual desiring such deduction(s). No such approval for any deductions shall be granted which does not offer advantages or opportunities which are open and available to all employees.

B. Tax Sheltered Annuity (TSA) Program

The school board, through employee authorized payroll deductions, shall provide opportunities for eligible employees to participate in tax-sheltered annuity contracts offered by commercial vendors.

C. Deferred Compensation Plan

The School Board provides a Deferred Compensation Plan for the benefit of its employees pursuant to section 457 of the Internal Revenue Code (" Plan ").

The School Board intends that the employee compensation deferred and invested, pursuant to the Plan, shall not be subject to federal income tax until such compensation is lawfully withdrawn. To that end, the Deferred Compensation Plan Administrator designated by the School Board as the Coordinator of Benefits, shall periodically consult with financial and legal professionals to ensure that the Plan and its administration complies with all applicable laws and regulations.

Each employee will make independent decisions regarding participation in the Plan and investment choices. The Board's decision to offer the Plan and this policy in no way constitutes an endorsement or recommendation of participation in, or of any investment offered as part of, the Plan.

1. General Provisions

1. Pursuant to §51.1-603 of the Code of Virginia, the Deferred Compensation Plan shall be administered by an officer, who shall be known as the Deferred Compensation Plan Administrator.
2. The Coordinator of Benefits for the School Board shall serve as the Deferred Compensation Plan Administrator and assume all related responsibilities.
3. The Deferred Compensation Plan Administrator shall have, pursuant to §51.1-603 of the Code of Virginia, the authority to do all things necessary to supervise, administer and implement the Deferred Compensation Plan, including the power to contract with private corporations or institutions for services in connection therewith including but not limited to investment and options, record keeping and quarterly statements.

2. Administration

1. The deferral of compensation shall be accomplished by payroll deductions.
2. The Deferred Compensation Plan Administrator shall have the authority to establish *ad hoc* advisory committees to provide him or her with guidance in the administration of the Deferred Compensation Plan.
3. The Deferred Compensation Plan Administrator shall, to the extent compatible with state law, follow all School Board policies and regulations while administering the Deferred Compensation Plan, including, but not limited to, the policies for contract review and hiring of outside legal counsel.
4. The Deferred Compensation Plan Administrator shall provide an annual report to the School Board as to status of the Deferred Compensation Plan, including participation levels, current investment offerings, and expenditures.
5. Any company or institution hired to administer the Deferred Compensation Plan shall, as a condition of any contract, offer information about the Deferred Compensation Plan, and the investment options

thereunder, to all eligible School Board employees.

Editor's Note

For garnishments see division [regulation 4-36.2](#).

For tax sheltered annuities see school division [regulation 4-36.3](#).

See also Virginia Department of Education, "Guidelines for the Establishment and Implementation of a Tax-Sheltered Annuity Program" (3 October 1990).

For general contract execution policy see school division [policy 3-89](#).

For employment of outside legal counsel see division [policy 2-59](#).

See School Board Resolution adopted April 6, 2004 "A Resolution Providing for an Administrator of the School Board's Deferred Compensation Plan."

Legal Reference:

Section 403 (b), Title 26. Internal Revenue Code .

Employee Retirement Security Act of 1974 (ERISA) .

Code of Virginia §51.1-603, Local Deferred Compensation Plan

Internal Revenue Code §457.

Adopted by School Board: October 20, 1987
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: December 21, 1999
Amended by School Board: April 1, 2003
Amended by School Board: April 6, 2004



School Board of the City of Virginia Beach
Regulation 4-36.1

PERSONNEL

Payroll Deductions

No deductions will be made from the salary of any employee except for purposes required by law or specifically approved by the school board. A list of current and proposed deductions will be presented annually to the school board for its approval.

Approved by Superintendent: July 16, 1991



PERSONNEL

Garnishments

- A. All employees are expected to discharge their financial obligations promptly so that creditors will not have to ask for the school division's assistance in collecting amounts owed to them.
- B. Whenever the school division is served with a Writ of Garnishment or Attachment, a Notice of Levy by the Internal Revenue Service or other taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee, the matter will be referred to the payroll clerk for appropriate action. Failure to act promptly may render the school division legally liable.
- C. In the event that garnishment or similar proceedings are instituted against an employee, the school division will deduct the required amount from the employee's paycheck. The amount deducted from the employee's disposable earnings will not exceed that permitted by law or the Virginia Department of Labor and Industry.
- D. Compliance with writs of garnishments and similar orders imposes an administrative and financial burden on the school division. In addition, the failure of an employee to meet his or her financial obligations does not reflect favorably on the school division and frequently has an adverse affect on the employee's job performance.

Whenever a supervisor has reason to believe that an employee is experiencing financial difficulties, the supervisor shall investigate the situation and, if circumstances require, will refer the employee to the central office for appropriate counseling.

E. No employee will be terminated by reason of the fact that his or her earnings have been subject to garnishment for one indebtedness. However, such persons may be liable for disciplinary action. Garnishments for more than one indebtedness may result in termination, depending upon the circumstances of the case, the employee's record of performance and the recommendation of his or her supervisor.

Regulatory Authority:

Code of Va., § 8.01-511. Institution of garnishment proceedings.

Code of Va., § 8.01-512.4. Notice of exemptions from garnishment.

Code of Va., § 8.01-512.5. Hearing on claim of exemption from garnishment.

Virginia Department of Labor and Industry, Regulations Establishing a Multiple of Federal Minimum Hourly Wage Relating to Garnishment of Wages. (Effective April 1, 1991.)

Approved by Superintendent: January 18, 1994



PERSONNEL

Section 403 Investment Plans

The administrative regulations for section 403 investment plans for the employees of the Virginia Beach City Public School System shall be as stated below.

The school board intends that these plans will qualify under the terms of Section 403 of the Internal Revenue Code (or any section that may replace it) and that the premiums paid by the school board for such investment plans will not be considered as taxable income to the employees concerned. Salary excluded thereby will not exceed the amount of the employee's exclusion allowance as determined by the formula in Section 403 of the Internal Revenue Code.

Each employee will make an independent decision regarding participation, including company and plan selection.

The preceding policy and accompanying regulations will not be considered an endorsement or recommendation for participation, for company or plan selection, and the school board disclaims any responsibility for the participation, company or plan selection of the employee, or for company or plan performance.

A. General Provisions

1. The school board, on recommendation of the division superintendent and on advice of the Office of Business Services, will determine and publicize the eligibility criteria for carriers to solicit new enrollments from employees.
2. Without eliminating existing investment plans between an individual employed by the school board and a currently authorized carrier and soliciting agent(s), solicitations will be limited to approximately twenty (20) carriers authorized to do business with school board employees. Remittance checks will be made payable to no more than these approximately twenty (20) carriers.

B. Eligibility of New Carriers -- Criteria for Admission

1. The carrier issuing the contract must be licensed in Virginia.
2. For guaranteed rate annuity programs, the carrier will submit to the school board, or its agents, a specimen master contract and its annuity proposal.

The guaranteed cash value for each year for the first twenty (20) years, the current cash value each year for the first twenty (20) years, the guaranteed and current income (10 years certain at age 65), and the guaranteed and estimated interest rates must be shown. These proposals will be based on a \$1,000 deposit each calendar year. For programs other than a guaranteed rate annuity program (e.g., mutual funds), a historical earnings record on the various offerings must be presented from program inception (or 10 years whichever is less). The carrier shall submit any additional statistical data, such as charges to employees, or other information deemed pertinent and requested by the school board or its agents. The specimen master contract(s) of each company will be on file in the Office of Business Services and be available to each employee for inspection.

3. The carrier will designate a current primary representative by name, local address, and local telephone number, so that said representative will be available for contact and inquiry by the school board or any employee. No agent will be the designated

representative for more than two (2) companies.

4. The carrier, at its option, will identify its soliciting agents by name. No carrier will have more than five (5) soliciting agents at any one time. An exception to the number of soliciting agents (e.g., Section A.2.) may be made by the Office of Business Services if deemed in the best interest of school board employees.

5. A new carrier, to become eligible, must submit fifty (50) or more employee applications that will result in contracts.

6. The carrier's agent must notify the Office of Business Services at least thirty (30) days in advance of the monthly deadline for applications of the carrier's intention to become eligible so that appropriate arrangements can be made with Data Processing for setting up the necessary computer programs for including the carrier in the section 403 investment program.

C. Registration of Agents

1. On an annual basis, each agent eligible to sell section 403 investment plans for an authorized carrier will register in the Office of Business Services (no agent will register with more than two (2) companies). At the time of registration, each agent will review the file contract(s) for his carrier and will verify that it is the contract to be sold to school board employees.

2. Properly registered agents will be given written authorization to sell section 403 investment plans to school board employees. A copy of these administrative regulations will be furnished to each agent at the time of registration.

3. Agents will conduct themselves in an ethical manner in dealing with school board employees, will make full disclosure, will see that the maximum deductible permissible by law is not surpassed. Agents will obtain the permission of the principal before conducting any activity in a particular school. No activity will be permitted during the instructional day.

4. Only conforming contracts on file in the Office of Business Services may be offered to employees. Contract applications submitted by unregistered agents will not be processed.

5. Any agent who knowingly fails to follow administrative procedures may be barred from doing business with the school board.

D. Continuing Eligibility of Carriers

1. Once admitted, a carrier may continue to do business with the school board contingent on satisfactory performance of the carrier and its agent and continued employee participation on the carrier's program.

2. If the payroll reduction enrollment of a particular carrier falls below a minimum of fifty (50) contracts for a one-year period, then the carrier will not be eligible to continue to write and submit new contracts.

See Editor's Note

3. Affected school board employees will be so notified and will have one year to transfer to an authorized carrier. The previous carrier then will be removed from the authorized list.

E. Debarment of Carriers or Agents

1. Unethical behavior on the part of agents or carriers will be reason for debarment. Examples include, but are not limited to:

a. Refusal by an agent to follow specific instruction of building principals

while on school premises

b. Selling or attempting to sell unapproved contracts

c. Misrepresentation of contracts

d. Harassing employees to purchase contracts

2. School board action is required for debarment.

F. Miscellaneous Items

1. No employee will have active salary reduction contracts with more than three companies.

2. The school board will re-evaluate the program and eligible carriers as needed so as to ensure the continuation of an acceptable and beneficial section 403 investment program.

Editor's Note

Current carriers will be phased out over a one (1) year period if they do not comply with minimum enrollment requirements as specified in Section D.2. of [Regulation 4-36.3](#).

Employees will then have one (1) year to choose an authorized carrier.

Approved by Superintendent: July 16, 1991
Revised by the Superintendent: May 1, 1997
Revised by the Superintendent: January 24, 2003



PERSONNEL

Insurance/Retirement Plan

A. Insurance

1. Workers' Compensation

Injuries to employees from accidents in the line of duty are compensable under the State Workers' Compensation Act.

The Superintendent shall develop regulations for the required reports to protect the employee's rights as well as those of the School Board.

2. Medical and Hospitalization Insurance

The Board shall pay a fixed amount, to be determined annually, of the base premium for medical and hospitalization insurance coverage for all full-time employees.

Employees desiring to participate in the Board approved insurance program will have their share of the premium deducted through the payroll deduction plan.

Regular part-time employees shall be eligible for a prorated amount based upon term of employment.

Employees on authorized leaves of absence without pay may continue to be covered under this insurance program by paying the monthly premium, in advance, each month.

3. Dental Coverage

Annually the School Board will offer to employees at least one health plan which includes dental coverage.

4. Group Life Insurance

The School Board provides a group life insurance program through the Virginia Retirement System for all full-time employees. The School Board shall pay the premium to be determined annually.

5. Liability Insurance

The School Board carries a blanket general and legal liability policy for all employees. Premiums are paid by the School Board.

B. Retirement Plan

Membership in the Virginia Retirement System is mandatory for all full-time employees except those participating under the Superintendent's Retirement Plan described in Policy 2-11. Contributions are paid by the School Board.

Legal Reference:

Code of Va., § 2.1-20.1:02. Health insurance program for employees of local governments, local officers, teachers; etc.; definitions.

Code of Va., § 51.1-502. Eligible employees and officers.

Code of Va., § 51.1-126.5. Certain Employees of the School Board.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: October 6, 1998



School Board of the City of Virginia Beach
Regulation 4-37.1

PERSONNEL

Workers' Compensation: Work Related Accident/Injury Leave

1. In work-related accident cases which qualify as compensable under Workers' Compensation regulations and result in injury requiring absence from work, the school board will continue the employee's salary and fringe benefits in full, less Workers' Compensation payments for a period not to exceed thirty (30) workdays. Severe cases requiring absence beyond thirty workdays will be re-evaluated, upon request, for possible extension of coverage.
2. Absence from work in such cases shall be charged to the employee's accumulated leave at the rate of one-third day per day of absence.
3. Periodic medical reports shall be required.
4. With a physician's concurrence, an employee may be required to return to work on limited duty assignment prior to resuming, in full, regularly assigned duties.
5. Whenever absence is due to physical contact with a student who has lost or lacks self-control resulting in an injury, sick leave will not be charged the employee. The Office of Employee Relations reserves the right to require medical documentation.

Approved by School Board: February 16, 1993
Revised by Superintendent December 13, 2002



Temporary Alternative Duty

I. Purpose

To assist the Virginia Beach City Public Schools (VBCPS) in receiving productive work from an employee who is temporarily disabled due to a work-related disability, by means of a modification in the range of the employee's required duties or through the temporary reassignment of the employee to an alternate and temporary task, the VBCPS will make temporary alternative duty assignments available for employees when it is in the school system's best interest. The determination of whether appropriate assignments are available and in the school system's best interest will be made by the VBCPS in its sole discretion.

II. Eligible Employee

A. Only employees suffering from a work-related disability as defined herein are eligible for a temporary alternative duty assignment.

III. Definitions

A. Temporary Alternative Duty: a modification in the range of the required duties for an employee or the temporary reassignment of an employee to an alternate and temporary task due to an employee's inability to fulfill all the essential functions of his or her position for a limited time period due to a work-related disability.

B. Work-Related Disability: the inability to perform the full requirements of the employee's regular job as a result of a job-related injury or illness as defined in the Virginia Workers' Compensation Act.

IV. Policy Conditions

A. A temporary alternative duty assignment shall be conditioned upon the presentation of a medical diagnosis by the workers' compensation panel physician to VBCPS and a medical certification from the panel physician to the supervisor which certifies that:

1. The employee is unable to perform the full range of essential functions of his/her regular job;
2. The disability is temporary in nature;
3. The employee is able to safely perform the essential functions of the proposed temporary alternative duty assignment; and
4. The temporary alternative duty assignment poses no health or safety risks to the employee or to others.

B. Temporary alternative duty shall be terminated when:

1. The employee is medically released to return to his/her regular job; or
2. The employee reaches maximum medical improvement and is certified as permanently unable to perform the full range of duties of his or her regular job; or
3. One hundred and eighty (180) consecutive calendar days of temporary alternative duty have lapsed. Upon the lapse of one hundred and eighty (180) consecutive calendar days of temporary alternative duty, the employee will be counseled with regard to his or her employment options. Further, if an employee is medically released to return to his/her regular job after 180 consecutive calendar days of temporary alternative duty and, subsequently, has a recurrence of the injury or medical problem, or if the employee is unable to return to full duty after 180 consecutive calendar days have lapsed, the employee will be counseled with regard to his or her employment options.

C. Other policy requirements

1. A VBCPS employee on a temporary alternative duty assignment shall not operate any type of VBCPS vehicle without the express written permission of his or her supervisor and written approval of the panel physician.
2. An employee on a temporary alternative duty assignment shall immediately notify his or her temporary duty supervisor and his or her regular supervisor if there are any changes to his or her condition which necessitate additional or different limitations on a temporary alternative duty assignment, as certified by his or her panel physician.
3. If the VBCPS requires an employee to receive a second medical opinion/prognosis, the cost of the second opinion will be paid by the VBCPS. If the employee requests a second medical opinion/prognosis, the employee will pay the cost of the second opinion.
4. While on restricted duty status, an employee may be required to turn in any assigned take-home vehicle.
5. Employees on temporary alternative duty, generally, will not be permitted to work overtime hours. In extenuating circumstances, overtime hours may be assigned with the written approval of the panel physician and the Assistant Superintendent, Human Resources.

V. Disqualification

- A. An employee on a temporary alternative duty assignment who performs work for any employer (including self employment), without the permission of the VBCPS and the school division Workers' Compensation Program Administrator, will be subject to disqualification from the temporary alternative duty assignment and may be subject to disciplinary action.
- B. An Employee who willfully engages in activities which are prohibited by the employee's panel physician, the division Workers' Compensation Program Administrator or which could reasonably be expected to aggravate the employee's medical condition will be subject to disqualification from the temporary alternative duty assignment and may be subject to disciplinary action.

VI. Procedure

- A. All requests for temporary alternative duty assignments will be forwarded to and coordinated by the Workers' Compensation Program Administrator.
- B. The Workers' Compensation Program Administrator is responsible for continuously monitoring the temporary alternative duty requirements.
- C. An employee on a temporary alternative duty assignment shall not return to regular duty without first receiving written approval from their panel physician and the division Workers' Compensation Program Administrator. Upon receiving such approval, the employee must notify his or her immediate supervisor before returning to regular duty.

VII. Responsibility and Authority

- A. The Department of Human Resources, Division of Compliance shall be responsible for the administration of this policy.

Adopted by Superintendent: May 17, 2000



School Board of the City of Virginia Beach
Policy 4-38

PERSONNEL

Travel Expenditures/Reimbursement

The superintendent shall establish regulations by which school board members and employees conducting school board business shall be reimbursed for their reasonable and necessary travel expenditures including, but not limited to, meals, lodging, transportation, parking and gratuities.

Legal Reference:

Code of Va., § 14.1-5. Traveling expenses on state business; public or private transportation.

Adopted by School Board: August 20, 1985
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)



PERSONNEL

Travel Expenditures Reimbursement

These procedures will regulate the reimbursement for travel expenditures.

A. Definitions

1. Authorized Trip - Travel on School Board business which has been approved by the appropriate department head.
2. Travel Advance - Money given in advance of travel when estimated expenses are to be more than one hundred dollars (\$100).
3. Authorized Signature - Individuals with the authority to permit travel on School Board business. Authorized signatures include the principal/administrative department head and the Chief Financial Officer.
4. Travel Expense Reimbursement Voucher - The form prepared by the traveler upon conclusion of the authorized trip for reimbursement of travel expenses.
5. Advance Travel Form - An application prepared by the traveler, indicating the destination, date, and amount needed for travel.
6. Traveler - The individual representing the school division on an authorized trip.

B. General Regulations

1. Travel on School Board business includes trips within and outside of the city to conferences, conventions, workshops, seminars, educational and training courses, forums, and other school-related business meetings.
2. All travel authorizations, advances, and reimbursements will be made only on the authorization of the principal/administrative department head or the Chief Financial Officer.
3. Claims for reimbursement must be presented to the Accounting and Payroll on the standard Travel Expense Reimbursement Voucher, properly signed by a person authorized to approve expenditure documents and employee travel.
4. It is the responsibility of the traveler to prepare the Travel Expense Reimbursement voucher for expenses incurred. It is also the traveler's responsibility to file the travel voucher, receipts, and a copy of the approved leave form to the principal/administrative department head no later than five (5) days from the date of returning from the trip, and the principal/administrative department head will forward the approved forms no later than five (5) days from receipt thereof.
5. Any excessive expense will be adjusted. The principal/administrative department head, the Chief Financial Officer, or the Division Superintendent may make this adjustment.

C. Justifiable Expenses

1. Transportation

a. In general, the School Board will reimburse for travel the lesser of the current mileage rate or coach airfare.

b. Mode of Transportation

(1) School Board Vehicles

(a) School Board vehicles will be used whenever practical for official business.

(b) Reimbursements for gasoline, parking, tolls, and justifiable repairs to the School Board vehicle will be provided if documented with receipts.

(2) Commercial Aircraft

(a) If air travel is feasible, the fare for commercial air transportation on any trip will not exceed the regular tourist rate.

(b) If the cost of air travel is paid by the employee, a copy of the paid ticket must be submitted to Accounting and Payroll for reimbursement.

(c) Any bonus points accumulated as a result of travel paid for by the School Board will revert to Accounting and Payroll

(d) Accumulated bonus points will be used to offset transportation expenses for speakers brought in to enhance the instructional process.

(3) Private Automobile

(a) If other means of transportation are not feasible or the use of a private automobile better serves the purpose, use of an employee's private automobile may be authorized.

(b) For the use of a private automobile, the employee will be reimbursed at the current approved mileage rate, plus parking and toll fees if documented with receipts.

(4) Related Transportation Costs

(a) Taxicabs, public conveyance, and limousine fare, including tips, will be allowed if travel by such means is necessary. All such expenses must be justified and explained on the Travel Expense Reimbursement Voucher.

(b) Ferry fares, road and bridge tolls, and parking charges are reimbursable items. Receipts should accompany these expenses and are required for any parking expenses.

(c) If a rental car is necessary, all receipts will accompany the Travel Expense Reimbursement Voucher.

2. Lodgings

a. Expenditures for lodging must be reasonable. It is recognized that expenditures will vary by geographic location; the School Board will pay the prevailing single room rate per employee at the place of lodging.

- b. When two or more employees of the same sex are attending the same event, the sharing of quarters is encouraged. When quarters are shared, the double room rate will be reimbursed.
- c. Accommodations must be substantiated by paid bills (original) for purposes of reimbursement.

3. Meals

- a. Expenses for meals must be reasonable. It is recognized that expenses will vary by geographic locations; however, if the expenses are considered excessive, the Travel Expense Reimbursement Voucher will be adjusted.
- b. Reimbursement for meals within the city limits is discouraged. However, reimbursement for evening meals may be considered if the employee is appointed by the Division Superintendent, deputy/assistant superintendent, department director, principal, or other authorized personnel to attend a specific meeting or event.
- c. Registration at a banquet is considered an appropriate expense when the employee is on the program of the function or is the official designated representative of the School Board.
- d. Any meal of \$20 or more must be supported by a receipt for reimbursement.

4. Other Travel Expenses

- a. Tips are considered a proper item of traveling expenses, provided the amounts are in proportion to the services rendered. They will be listed separately on the Travel Expense Reimbursement Voucher and will not exceed approximately fifteen percent of the cost of service.
- b. For registration fees for conferences, conventions, seminars, banquets, etc., which require payment in advance, a requisition with a proper registration form stating the amount of the fee must be presented to Accounting and Payroll at least two weeks in advance of the conference. If registration is paid personally, a receipt for the registration fee should accompany the Travel Expense Reimbursement Voucher. The School Board discourages requests for reimbursement for expenses that are not a part of the conference package.
- c. Long distance telephone or fax charges will be reimbursed only if related to School Board business.

5. Non-Reimbursable Items

- a. Personal expenses, such as telephone calls, haircuts, valet, laundry, beauty parlor, and room service are not reimbursable.
- b. Entertainment activities such as movies, night clubs, health clubs, dinner theaters, bowling, alcoholic beverages, etc., are not reimbursable.
- c. No traveler will be allowed either mileage or transportation expenses when transported by another traveler who is entitled to mileage or transportation expenses.
- d. No travel insurance premiums will be paid by the School Board.
- e. The cost of travelers checks or money orders is not a reimbursable item.
- f. Loss of funds or personal belongings while traveling is the responsibility of the employee and will not be reimbursed.



School Board of the City of Virginia Beach
Policy 4-39

PERSONNEL

Tuition Reimbursement

Full-time employees are eligible for tuition reimbursement in an amount to be determined annually by the school board.

The amount to be reimbursed must be within the funds appropriated annually to the school board and within the budget.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: August 6, 2002



PERSONNEL

Tuition Reimbursement

Full-time employees are eligible for tuition reimbursement for college courses in an amount up to \$600 per school year under the following guidelines:

A. Administrative, Supervisory and Instructional Personnel, School Nurses and Teacher Assistants

Administrative, supervisory and instructional personnel, school nurses and teacher assistants are eligible to receive tuition reimbursement up to \$600.00 per school year for college courses. The content of the course must reasonably relate to the individual's current assignment or a probable assignment in which licensure is currently held, a reasonable promotion objective, or the course must be in preparation for an assignment in an area of special need in the school system, and the course must support the division's strategic plan or goals.

B. Other Employees

Employees not referenced in Subsection A are eligible to receive tuition reimbursement of up to \$600.00 per school year for college, business, vocational, or technical school/training and/or adult education courses which reasonably relate to the employee's current assignment or which may lead to an employee's advancement within the school division and the course of training must support the division's strategic plan or goals.

C. Application for tuition reimbursement

Procedures for applying for tuition reimbursement are as follows:

1. A completed and signed application form must be sent to the Office of Organizational Development prior to the first day of class.
2. The application will be reviewed in the Office of Organizational Development and the applicant will receive written approval or denial of tuition reimbursement for the course.
3. Within sixty days of completion of the course, the applicant must provide the Office of Organizational Development with: (a) proof of satisfactory completion of the course/training; (b) a transcript or other documentation showing that the applicant made a grade of "c" or better in the course where the course was taken for college credit; and (c) a copy of the course approval from the Office of Organizational Development.

D. The program will cease or be modified appropriately in the event the funds appropriated to the school board are inadequate or the school board budget lacks funds to support it.

Approved by Superintendent: January 18, 1994
Revised by Superintendent: September 12, 2000 (Effective July 1, 2000)
Revised by Superintendent: September 5, 2001
Revised by Superintendent: August 8, 2002



PERSONNEL

Employee Assistance Program (EAP)

A. Purpose

EAP is a personal and confidential counseling service for school board employees and their immediate families. It is designed to help resolve personal and job-related problems that could have a detrimental impact on job performance.

B. Types of Referrals

There are two types of referrals to EAP: (1) Voluntary (informal) referrals that utilize the program services as a result of the employee's or employee family member's direct inquiry and do not require recommendation of Virginia Beach City Public Schools; (2) Principal/administrative staff (formal) referral-referrals that are made to the program by a principal or administrative staff member of Virginia Beach City Public Schools.

C. Confidentiality

EAP provides complete confidentiality for employees and their family members. If the employee or employee's family member requests the service on his/her own volition, information will not be relayed back to Virginia Beach City Public Schools unless the individual being treated is a threat to himself/herself or other individuals. If a principal or the administrative designee/representative makes a direct (formal) referral to the program, the program coordinator will inform the principal or administrative staff member that the employee attended the session and plans for continued follow-up care. In order to assure this privacy right, an authorization to release information will be obtained from the employee by EAP.

D. Availability of Services

EAP services are available twenty-four (24) hours a day, seven (7) days a week and twelve (12) months of the year. The Benefits Office will administer this program.

Approved by Superintendent: January 18, 1994
Revised by Superintendent: December 13, 2002



PERSONNEL

Personnel Protection from Assault/Other Acts

Employees who have suffered an assault in connection with their employment shall immediately make a written report of the circumstances thereof to their principal or immediate superior and shall make supplemental written reports attaching copies of any summons, complaint, process, information, indictment, notice or demand served upon them in connection with such assaults within five (5) days after they have been served therewith, and reporting the final disposition of any such proceedings.

Such reports shall be forwarded to the Virginia Department of Education through the superintendent's office as mandated by the legal reference to this policy. Copies of these reports shall be submitted to the school board.

In the event civil or criminal proceedings are brought against the employee, the board will comply with any reasonable request by the employee for information in the board's possession not privileged by law or school board policies and/or regulations and relevant to the incident reported.

If criminal or civil proceedings are brought against an employee alleging that the employee committed an assault in connection with his/her employment, such employee, after making the reports described above, may request the board's assistance in the preparation of the employee's defense. Upon receipt of such request, the board will instruct its attorney to consult with the employee's legal counsel in the preparation of the employee's defense, insofar as the interests of the employee and the division are not conflicting. Nothing in this policy shall prejudice any action that the board might otherwise take regarding the employee's employment status.

Legal Reference:

Code of Va., § 22.1-280.1. Reports of certain acts to school authorities. - A. Any attempted or actual physical injury, including "unlawful woundings," maimings, and homicides, other than involuntary manslaughter, committed by a student on school personnel shall be reported to the principal or his designee. Similar reports shall be made to the principal or his designee on all incidents involving (i) the death, shooting, stabbing, cutting, or wounding of any person (ii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property or at a school-sponsored activity; (iii) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; or (iv) the illegal carrying of a fire arm onto school property. The principal or his designee shall semiannually submit a report of all such incidents to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms which shall be provided by the Department. A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to the sanctions authorized in § 22.1-65.

B.A statement providing a procedure and the purpose for the requirements of subsection A shall be included in the policy manual of all school divisions.

The Board of Education shall promulgate regulations to implement this section including, but not limited to, the reporting date and the format of the reports. (1994)

Code of Va., § 65.2-301. Victims of sexual assault.

Adopted by School Board: January 19, 1982
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Policy 4-42

PERSONNEL

Property Damage/Reimbursement

The School Board may reimburse employees for any clothing or personal effects damaged or destroyed by a student in the scope and course of employment, provided such damage or destruction is not the result of the employee's negligence.

Editor's Note

See *Virginia Beach City Public Schools Employee Guidebook* at www.vbschools.com.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: June 8, 2004

PERSONNEL

Personnel Protection from Sexual Harassment

A. Policy

1. The school board, in law and in spirit, is committed to providing a work environment conducive to the performance of job duties and free from intimidation or coercion in any form.
2. As an employer, the board is dedicated to a stringent policy against discrimination. It is the intent of this policy to further detain a specific form of discrimination; that of harassment on the basis of sex.
3. Sexual harassment is an unlawful employment practice which when found could subject the board to financial liability. The board intends to avoid such liability by prohibiting the practice of sexual harassment and requiring that its employees refrain from conduct which gives rise to allegations of sexual harassment.
4. The division superintendent shall develop regulations which ensure that all employees are able to work in an environment free from sexual harassment.

B. Responsibility

1. Administrative and supervisory employees are responsible for the consistent application of this policy and any implementing regulations within their respective areas of authority.
2. Division administrative and supervisory employees have a duty to investigate allegations of sexual harassment and take immediate and appropriate corrective action. Administrative and supervisory employees who allow sexual harassment to continue or fail to take appropriate corrective action shall be considered a party to the act of behavior, even though they may not behave in such a manner. Such personnel shall also be subject to corrective action. Depending on the circumstances, such corrective action measures may result in demotion from a supervisory position or dismissal from division service.
3. In an effort to eliminate and avoid sexual harassment, the superintendent shall take affirmative steps to sensitize all employees to the unlawful nature of sexual harassment and express strong disapproval of such conduct. These efforts are subject to the review of the school board.
4. Sexual harassment is a work-related problem. While avenues of redress are available through the U.S. Equal Employment Opportunity Commission, effective relief is also available within the division for teachers under school board [policy 4-3](#) Grievance Procedures and its implementing regulations and for other employees under division [regulation 4-3.2](#).

Legal Reference:

Title VII, Civil Rights Act of 1964 as amended.

Code of Federal Regulations, Title 29, Chapter XIV, § 1604.11, Sexual Harassment (1980)

Katz v. U.S. Department of Transportation, 4th Circuit Court of Appeals (June 2, 1983).

Meritor Savings Bank v. Vinson, 106 S. Ct. 2399 (1986).

Adopted by School Board: October 21, 1986
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)

PERSONNEL

Sexual Harassment Complaint Procedures

A. Sexual harassment is a violation of Virginia Beach City Public School Board policy and the law and will not be tolerated or condoned in any context or manner.

B. Definition

Unsolicited, unwelcome sexual overtures, conduct or advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any of the following conditions is present:

1. Submission to such conduct is explicitly or implicitly made either a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis of employment decision affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

C. Guidelines

1. Sexual harassment may be verbal, non-verbal, physical, written or visual. It refers to behavior that is not welcome, that is personally offensive, that lowers morale and that, therefore, interferes with the individual's work effectiveness.
2. No person with authority will threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances or respond to sexual overtures will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, or any other condition of employment or career development.
3. Other sexually harassing conduct by any employee in the workplace is also prohibited. Examples of such conduct include, but are not limited to:
 - a. Unwelcomed sexual flirtations, advances, or propositions;
 - b. Verbal abuse of a sexual nature which may include such actions as sex-oriented kidding, teasing or jokes;
 - c. Graphic verbal comments about an individual's body;
 - d. Sexually degrading words used to describe an individual;
 - e. Physical contact such as offensive touching, patting, pinching, or brushing against another's body;
 - f. The display in the workplace of sexually suggestive objects or pictures.
4. Sexual harassment is a serious offense. As a consequence, allegations of sexual harassment will be thoroughly investigated, and any employee who engages in such conduct or encourages such behavior by others shall be subject to corrective action. Depending on the circumstances involved, such disciplinary action may include dismissal from school division service. Reprisals against employees who file complaints of sexual harassment shall be prohibited; however, such protection will not condone unrestricted employee engagement in unfounded or vindictive accusations of others. The School Board

will protect the legitimate interest of all parties concerned in a dispute involving allegations of sexual harassment. All inquiries will be treated as confidentially as possible.

5. Division administrative and supervisory employees have a duty to report allegations of sexual harassment and take immediate and appropriate corrective action. Administrative and supervisory employees have an affirmative duty to maintain a workplace free of sexual harassment. Administrative and supervisory employees who allow sexual harassment to continue or fail to take appropriate corrective action shall be considered a party to the act of behavior, even though they may not behave in such a manner. Such personnel shall also be subject to corrective action. Depending on the circumstances, such corrective action measures may result in demotion from a supervisory position or dismissal from division service.

D. Procedure

1. Any employee who believes that he/she has been the subject of sexual harassment should report the alleged act immediately to the Director of Employee Relations or a Compliance Specialist in the Office of Employee Relations or the employee may file a complaint with any supervisor up to and including the Division Superintendent. Allegations of sexual harassment will be thoroughly investigated by the Department of Human Resources and resolved promptly and effectively. The employee will be advised of the investigation's final conclusion.

2. Any administrative or supervisory employee who receives a complaint of sexual harassment of an employee is required to report immediately such allegation to the Office of Employee Relations where such complaint will be thoroughly investigated.

3. The Office of Employee Relations shall report the results of its investigation and any recommendations of remedial action to the Assistant Superintendent for Human Resources who will make a recommendation regarding remedial action, including the discipline of any employee(s) involved in sexual harassment, to the Division Superintendent for final recommendation.

4. Any employee who is found to have violated the policy and regulations regarding sexual harassment will be subject to disciplinary action up to and including dismissal.

5. Employees disciplined for violations of this policy shall have the right to appeal the proscribed disciplinary action as set for in Policies 4-3 (Suspension) and 4-18 (Dismissal or Placement on Probation) and any implementing regulations as appropriate for the employee and/or action taken.

6. Complainant employees who wish to appeal the final decision may do so by following the grievance procedures outlined at [regulation 4-3.1](#) or [4-4.1](#) as appropriate.

7. The supervisor or any future supervisor of an employee found to be engaging in sexually harassing behaviors may be informed of the offending behavior and final outcome taken by the School Division. The purpose of providing this information is to serve the School Division by alerting current and future supervisors, so they may monitor compliance with division policy and disciplinary action.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: August 18, 1992
Revised by Superintendent: January 18, 1994
Revised by Superintendent: April 19, 1994
Revised by Superintendent: January 16, 1996
Revised by Superintendent: December 13, 2002



School Board of the City of Virginia Beach
Regulation 4-44.1

PERSONNEL

Reporting Absences

A. Individual Schools

Employees shall report absences as required by administrative regulations of the school principal.

B. Itinerant Teachers

When it is necessary for the itinerant teacher to be absent the principal of the home school shall be notified as far in advance as possible.

C. Classified Personnel

Classified personnel not included in Part A preceding shall report absences to their supervisor.

D. Administration Building/Other Administration Facilities

These employees shall report absences as directed by the superintendent or a designee.

Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Regulation 4-44.2

PERSONNEL

Emergency Absences: Instructional Personnel

When instructional personnel must arrive late or leave school in response to an emergency situation (personal or family), with the approval of the appropriate building administrator being required, the following procedures for covering the person's duties and for work time accounting shall apply:

1. If during the period of the absence the employee had no classes or assigned instructional duty, the absence may be at the employee's election in the following manner:
 - a. Charged against sick leave or personal reasons leave, or
 - b. Made up by reporting to work early or staying late.
2. If during the period of the absence the employee had scheduled classes or assigned instructional duty:
 - a. The principal or designee shall attempt to secure a substitute where necessary.
 - b. If unable to secure a substitute, the principal or designee may select a person in the building to cover one or more classes or assigned responsibilities, with such replacement being strictly voluntary.
 - c. The matter of compensatory time or other replacement courtesies shall be worked out by the principal or designee on the basis of agreement between employees involved.
 - d. If a substitute is not employed, the employee may elect to utilize sick or personal reasons leave, as appropriate, or make up the time by reporting early or staying late.

Approved by School Board: February 16, 1993
Revised by Superintendent: December 13, 2002



PERSONNEL

Sick Leave/Sick Leave Banks

A. Sick Leave

The school board desires that the division's sick leave plan comply with Public Law 95 555 as quoted in the legal reference to this policy and its hospitalization insurance coverage shall include pregnancy related illness.

The school board must review all regulations pertaining to sick leave prior to their effective date.

B. Sick Leave Banks

The school board authorizes the establishment of sick leave banks for eligible employees.

The school board reserves the right to abolish the sick leave banks at any time it considers them inappropriate. The school board does not assume responsibility for claims by any employee against the sick leave banks from their inception or at any time in the future.

The superintendent shall promulgate regulations for the operation of the sick leave banks.

Legal Reference:

Title VII of the Civil Rights Act of 1964 as amended by Public Law 95-555 approved October 31, 1978 . . . (k) the terms 'because of sex' or 'on the basis of sex' include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; the woman affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 703(h) of this title shall be interpreted to permit otherwise . . ." (1978)

California Federal Savings and Loan Association v. Guerra, U.S. Supreme Court, January 15, 1987.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: December 3, 2002

PERSONNEL

Sick Leave

These procedures will regulate sick leave for all employees.

A. Full time employees are provided the hourly equivalent of one day of sick leave for each month in their contract, e.g., 10-month employees earn the hourly equivalent of 10 days, 11-month employees earn the hourly equivalent of 11 days, and 12-month employees earn the hourly equivalent of 12 days. This leave is provided to employees at the beginning of their contract. Employees who are hired after the beginning of the contract will receive a prorated amount of sick leave. Part-time employees will earn sick leave on a prorated basis. There will be no limit to the number of sick leave hours an employee may accumulate. An employee may access the equivalent of the total number of hours of anticipated sick leave for a given year (July 1 through June 30). In the event an employee, as specified in this policy, terminates employment before such sick leave hours are earned, the employee will make proper monetary refund to the School Board, such refund to be deducted from the employee's final paycheck.

When an employee has a "contagious illness" or is otherwise unable to perform the functions of his or her job due to personal illness, the employee may be sent home by the supervisor. However, matters involving an employee who substantially interferes with or interrupts the work environment due to a personal illness shall be handled as a disciplinary matter. An employee who is sent home may opt to use accrued sick, annual, or personal reasons leave to account for his or her time out of the workplace. The employee may return to work after recovering from the illness or after obtaining a doctor's note certifying that the employee may return to work. A doctor's note will be required after an employee is absent for five (5) consecutive days due to illness. The School Board shall at all times retain the right to designate an employee's leave as Family Medical Leave in accordance with the Family and Medical Leave Act as specified in Section C.

B. Sick leave will be allowed for personal or family illness, quarantine, death in family, pregnancy, or any other reason which makes the employee eligible for leave under The Family and Medical Leave Act as specified in Section C. Funeral leave is governed in [Regulation 4-46.1](#). The family of the employee will be interpreted to include parents, wife, husband, children, brother, sister, step-parents, step-children, step-brother, step-sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, foster parents, foster children, grandparents, and grandchildren of the employee and/or his spouse, or any relative living in the household of the employee.

C. Sick leave or leave without pay will be allowed during an employee's pregnancy and for the period of time during and after childbirth under the following conditions:

1. That such continued employment is approved in writing by her physician and that Form PERS-MED-1 Form is submitted to the Department of Human Resources;
2. For those hours absent from duty for visits to a doctor for prenatal care;
3. For those hours for which the employee's doctor has specified, in writing, that the employee is physically unable to perform her duties, a physician's report (PERS-MED-1 Form) will be required to certify the employee's eligibility for use of sick leave; and
4. Sick leave will be allowed for use by a male employee to assist his spouse to visit a doctor for prenatal care, for entry into the hospital for delivery, and for release from the hospital or in accordance with the Family and Medical Leave Act.

If an employee has no accrued leave, leave without pay will be allowed for pregnancy conditions as described above.

D. Reason(s) for the use of sick leave may be required when a pattern of frequent absence develops. A doctor's note

will be required of an employee who is absent for five (5) or more consecutive work days, when a supervisor otherwise required a doctor's note, or when a pattern of frequent absence develops.

E. The Virginia Beach School System will accept the transfer of accumulated sick leave for teachers up to the hourly equivalent of ninety (90) days from other Virginia school divisions. It is the responsibility of the individual to affect the transfer of sick leave into the Virginia Beach School Division.

F. All accumulated sick leave will expire if an employee fails to return to employment with the Virginia Beach School Division within ten (10) years of the employee's termination.

G. Employees, as specified in this policy, shall be entitled to use sick leave in one-half hour increments after the minimum is satisfied. The minimum amount of leave taken for all employees (except bus drivers, bus assistants, and cafeteria assistants) must equal two (2) hours. Thereafter, leave may be used in one-half hour increments. Those named as exceptions must satisfy a one (1) hour minimum.

H. Sick leave shall be credited to Family Medical Leave as described in the Family Medical Leave Act of 1993 if the event qualifies as a Family Medical Leave event.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: September 15, 1992
Revised by Superintendent: January 18, 1994
Revised by Superintendent: January 18, 1998
Revised by Superintendent: December 13, 2002
Revised by Superintendent: January 14, 2005



PERSONNEL

Sick Leave Banks

A. Sick Leave Banks

All interested employees may elect to join the appropriate sick leave bank. The sick leave banks are maintained by the Department of Human Resources to be used when a member is incapacitated by long-term personal illness or injury, as long as at least one-third of the eligible members agree to participate in accordance with the provisions of the regulation.

All employees utilizing sick leave banks shall have said leave credited to Family Medical Leave as described by the Family Medical Leave Act of 1993 if the event qualifies as a Family Medical Leave event and the full utilization of Family Medical Leave has yet to occur.

B. Members are subject to the specific regulations of each bank as follows:

1. Regulations for Administrators, Supervisors, and Certain Professional Personnel

- a. **Membership.** Membership in the sick leave bank shall be limited to those employees in positions classified as administrative or professional except those included in sections B3 and B6. (Refer to the Classification and Compensation Plan.)
- b. **Enrollment Period.** An employee may enroll within the first 30 days of employment. An eligible employee who does not enroll when first eligible may do so between any subsequent July 1 and August 15 period by making application and providing satisfactory evidence of good health to the School Board. An eligible employee may enroll in the sick leave bank by donating the hourly equivalent of 2 days of sick leave earned during the then-current year.
- c. **Coverage/Eligibility.** Membership in the sick leave bank shall be voluntary. The first hourly equivalent of 50 consecutive contract days of illness or disability will not be covered by the bank. To be eligible to utilize the sick leave bank, the member must cover the first hourly equivalent of 50 days of illness with his/her accumulated leave or leave without pay. This requirement may be met in those cases in which the hourly equivalent of 50 contract days of absence, although not consecutive, for the same illness/injury occur. If the member has accumulated more than the hourly equivalent of 50 days of sick leave, the member must use all accumulated sick leave to within the hourly equivalent of six (6) days. (i.e., If the member has accumulated the hourly equivalent of 60 days of sick leave, he/she may not draw from the bank until the hourly equivalent of 54 of those days are used, leaving the member with the hourly equivalent of 6 days of sick leave on the books.)

Hours drawn from the bank for any one period of eligibility must be consecutive, except additional periods of disability resulting from recurrence or relapse of the original illness, which will be covered fully on a continuing basis up to the annual maximum of the hourly equivalent of 90 days. Otherwise, members must return to work and must meet the requirements of this subsection before becoming eligible to utilize sick leave bank benefits again. Use of the sick leave bank during the period of childbirth is subject to division [regulation 4-45.1](#) Sections B and C.
- d. **Maximum Usage.** A maximum of the hourly equivalent of 90 contract days each contract year may be withdrawn by any one member.
- e. **Assessment.** Members will be assessed an additional contribution of the average hourly

equivalent of 2 days at such time as the bank is depleted to the average hourly equivalent of 50 days, unless they choose not to participate further in the bank.

f. Repayment. Members utilizing sick leave days from the sick leave bank will not have to replace these days, except as a regular contributing member to the bank.

g. Proof of illness. Members may be required to present a physician's certificate if it is deemed necessary for proof of illness when utilizing the sick leave bank.

h. Termination or Withdrawal From Bank. Upon termination of employment, or withdrawal from the bank, a participating employee will not be permitted to withdraw his contributed hours.

i. Transfer. When an employee transfers from one category to another (i.e., from administrator to teacher), it is the employee's responsibility to reapply to the appropriate bank. The transfer from one bank to another is not automatic.

2. Regulations for Bus Drivers

a. Membership. Membership in the sick leave bank shall include all bus driver personnel.

b. Enrollment Period. An employee may enroll within the first 30 days of employment after completion of eligibility requirements. An eligible employee who does not enroll when first eligible may do so between any subsequent September 1 and October 15 period by making application and providing satisfactory evidence of good health to the School Board. An eligible employee may enroll in the sick leave bank by donating the hourly equivalent of 2 days of sick leave.

c. Coverage/Eligibility. Membership in the sick leave bank shall be voluntary. The first hourly equivalent of 20 consecutive contract days of illness or disability will not be covered by the bank. To be eligible to utilize the sick leave bank, the member must cover the first hourly equivalent of 20 days of illness with his/her accumulated leave or leave without pay. This requirement may be met in those cases in which the hourly equivalent of 20 contract days of absence, although not consecutive, for the same illness/injury occur. If the member has accumulated more than the hourly equivalent of 20 days of sick leave, the member must use all accumulated sick leave to within the hourly equivalent of three (3) days. (i.e., If the member has accumulated the hourly equivalent of 35 days of sick leave, he/she may not draw from the bank until the hourly equivalent of 32 of those days are used, leaving the member with the hourly equivalent of 3 days of sick leave on the books.)

Hours drawn from the bank for any one period of eligibility must be consecutive, except additional period of disability resulting from recurrence or relapse of the original illness, which will be covered fully on a continuing basis up to the annual maximum of the hourly equivalent of 30 days. Otherwise, members must return to work and must meet the requirements of this subsection before becoming eligible to utilize sick leave bank benefits again. Use of the sick leave bank during the period of childbirth is subject to division [regulation 4-45.1](#), Sections B and C.

d. Maximum Usage. A maximum of the hourly equivalent of 30 contract days each contract year may be withdrawn by any one member.

e. Assessment. Members of the sick leave bank will be assessed additional hours of sick leave at such times as the bank is depleted to the average hourly equivalent of two hundred (200) days, unless they choose not to participate further in the bank. Members utilizing sick leave from the bank will be assessed the average hourly equivalent of additional days effective October 1 of the next contract year as follows: the average hourly equivalent of one (1) day for using the hourly equivalent of 1 to 15 days and the average hourly equivalent of two (2) days for using the hourly equivalent of 16 to 30 days. Members who have no sick leave to contribute at the time of the additional assessment will be assessed the hours by October 1 of the following year.

f. Repayment. Members utilizing sick leave hours from the sick leave bank will not have to

replace these hours, except as a regular contributing member to the bank.

g. Proof of Illness. Members may be required to present a physician's certificate if it is deemed necessary for proof of illness when utilizing the sick leave bank.

h. Termination or Withdrawal From Bank. Upon termination of employment, or withdrawal from the bank, a participating employee will not be permitted to withdraw his contributed hours.

i. Transfer. When an employee transfers from one category to another, it is the employee's responsibility to reapply to the appropriate bank. The transfer from one bank to another is not automatic.

3. Regulations for Food Services Personnel

a. Membership. Membership in the sick leave bank shall include all food service personnel (cafeteria workers and managers).

b. Enrollment Period. An employee may enroll within the first 30 days of employment after completion of eligibility requirements. An eligible employee who does not enroll when first eligible may do so between any subsequent September 1 and October 15 period by making application and providing satisfactory evidence of good health to the School Board. An eligible employee may enroll in the sick leave bank by donating the hourly equivalent of 2 days of sick leave.

c. Coverage/Eligibility. Membership in the sick leave bank shall be voluntary and limited to persons having worked one (1) full year with the Virginia Beach Public Schools. The first hourly equivalent of 20 consecutive contract days of illness or disability will not be covered by the bank. To be eligible to utilize the sick leave bank, the member must cover the first hourly equivalent of 20 days of illness with his/her accumulated leave or leave without pay. This requirement may be met in those cases in which the hourly equivalent of 20 contract days of absence, although not consecutive, for the same illness/injury occur. If the member has accumulated more than the hourly equivalent of 20 days of sick leave, the sick leave to within the hourly equivalent of three (3) days. (i.e., If the member has accumulated the hourly equivalent of 35 days of sick leave, he/she may not draw from the bank until the hourly equivalent of 32 of those days are used, leaving the member with the hourly equivalent of 3 days of sick leave on the books.)

Hours drawn from the bank for any one period of eligibility must be consecutive, except additional periods of disability resulting from recurrence or relapse of the original illness, which will be covered fully on a continuing basis up to the annual maximum of the hourly equivalent of 30 days. Otherwise, members must return to work and must meet the requirements of this subsection before becoming eligible to utilize sick leave bank benefits again. Use of the sick leave bank during the period of childbirth is subject to division [regulation 4-45.1](#), Sections B and C.

d. Maximum Usage. A maximum of the hourly equivalent of 30 contract days each contract year may be withdrawn by any one member.

e. Assessment. Members of the sick leave bank will be assessed an additional contribution of the hourly equivalent of one (1) day at such

time as the bank is depleted to the average hourly equivalent of 100 days, unless they choose not to participate further in the bank.

f. Repayment. Members utilizing sick leave days from the sick leave bank will not have to replace these hours, except as a regular contributing member to the bank.

g. Proof of Illness. Members may be required to present a physician's certificate if it is deemed necessary for proof of illness when utilizing the sick leave bank.

h. Termination or Withdrawal From Bank. Upon termination of employment, or withdrawal

from the bank, a participating employee will not be permitted to withdraw his contributed hours.

i. Transfer. When an employee transfers from one category to another, it is the employee's responsibility to reapply to the appropriate bank. The transfer from one bank to another is not automatic.

4. Regulations for Purchasing, Supply, Bus Garage, School Plant, Custodial Personnel and Others

a. Membership. Membership in the sick leave bank shall include all personnel not included in division [regulation 4-45.2](#), Sections B1, B2, B3, B5, and B6.

b. Enrollment Period. An employee may enroll within the first 30 days of employment after completion of eligibility requirements. An eligible employee who does not enroll when first eligible may do so between any subsequent September 1 and October 15 period by making application and providing satisfactory evidence of good health to the School Board. An eligible employee may enroll in the sick leave bank by donating the hourly equivalent of 2 days of sick leave.

c. Coverage/Eligibility. Membership in the sick leave bank shall be voluntary and limited to persons having worked one (1) full year with the Virginia Beach Public Schools. The first hourly equivalent of 20 consecutive contract days of illness or disability will not be covered by the bank. To be eligible to utilize the sick leave bank, the member must cover the first hourly equivalent of 20 days of illness with his/her accumulated leave or leave without pay. This requirement may be met in these cases in which the hourly equivalent of 20 contract days of absence, although not consecutive, for the same illness/injury occur. If the member has accumulated more than the hourly equivalent of 20 days of sick leave, the member must use all accumulated sick leave to within the hourly equivalent of three (3) days. (i.e., If the member has accumulated the hourly equivalent of 35 days of sick leave, he/she may not draw from the bank until the hourly equivalent of 32 of those days are used, leaving the member with the hourly equivalent of 3 days of sick leave on the books.)

Hours drawn from the bank for any one period of eligibility must be consecutive, except additional periods of disability resulting from recurrence or relapse of the original illness, which will be covered fully on a continuing basis up to the annual maximum of the hourly equivalent of 30 days. Otherwise, members must return to work and must meet the requirements of this subsection before becoming eligible to utilize sick leave bank benefits again. Use of the sick leave bank during the period of childbirth is subject to division [regulation 4-45.1](#), Sections B and C.

d. Maximum Usage. A maximum of the hourly equivalent of 30 contract days each contract year may be withdrawn by any one member.

e. Assessment. Members of the sick leave bank will be assessed an additional contribution of the hourly equivalent of one (1) day at such time as the bank is depleted to the average hourly equivalent of 100 days, unless they choose not to participate further in the bank.

f. Repayment. Members utilizing sick leave days from the sick leave bank will not have to replace these hours, except as a regular contributing member to the bank. If an employee does not return to work at the end of the use of the sick leave bank, the administration reserves the right to obtain a refund of all monies paid as a result of hours used from the sick leave bank. Reimbursement will not be sought for individuals who do not return to work because of medical problems or death.

g. Proof of Illness. Members may be required to present a physician's certificate if it is deemed necessary for proof of illness when utilizing the sick leave bank.

h. Termination or Withdrawal From Bank. Upon termination of employment, or withdrawal from the bank, a participating employee will not be permitted to withdraw his contributed hours.

i. Transfer. When an employee transfers from one category to another (i.e., from custodial to cafeteria worker), it is the employee's responsibility to reapply to the appropriate bank. The transfer from one bank to another is not automatic.

5. Regulations for Secretarial/Clerical Personnel

a. Membership. Membership in the sick leave bank shall be limited to secretarial/clerical personnel.

b. Enrollment Period. An employee may enroll within the first 30 days of employment after completion of eligibility requirements. An eligible employee who does not enroll when first eligible may do so between any subsequent September 1 and October 15 period by making application and providing satisfactory evidence of good health to the School Board. An eligible employee may enroll in the sick leave bank by donating the hourly equivalent of 2 days of sick leave.

c. Coverage/Eligibility. Membership in the sick leave bank shall be voluntary and limited to persons having worked one (1) full year with the Virginia Beach Public Schools. The first hourly equivalent of 30 consecutive contract days of illness or disability will not be covered by the bank. To be eligible to utilize the sick leave bank, the member must cover the first hourly equivalent of 30 days of illness with his/her accumulated leave or leave without pay. This requirement may be met in those cases in which the hourly equivalent of 30 contract days of absence, although not consecutive, for the same illness/injury occur. If the member has accumulated more than the hourly equivalent of 30 days of sick leave, the member must use all accumulated sick leave to within the hourly equivalent of three (3) days. (i.e., If the member has accumulated the hourly equivalent of 35 days of sick leave, he/she may not draw from the bank until the hourly equivalent of 32 of those days are used, leaving the member with the hourly equivalent of 3 days of sick leave on the books.)

Hours drawn from the bank for any one period of eligibility must be consecutive, except additional periods of disability resulting from recurrence or relapse of the original illness, which will be covered fully on a continuing basis up the annual maximum of the hourly equivalent of 40 days. Otherwise, members must return to work and must meet the requirements of this subsection before becoming eligible to utilize sick leave bank benefits again. Use of the sick leave bank during the period of childbirth is subject to division [regulation 4-45.1](#), Sections B and C.

d. Maximum Usage. A maximum of the hourly equivalent of 40 contract days each contract year may be withdrawn by any one member.

e. Assessment. Members utilizing sick leave from the bank will be assessed the hourly equivalent of 2 days of sick leave effective October 1 of the next contract year. Members who have no sick leave to contribute at the time of the assessment will be assessed these hours by October 1 of the following year. Assessment will also be necessary if the bank is depleted to the average hourly equivalent of 100 days. All members would be assessed the hourly equivalent of one (1) day.

f. Repayment. Members utilizing sick leave days from the sick leave bank will not have to replace these hours, except as a regular contributing member to the bank. If an employee does not return to work at the end of the use of the sick leave bank, the administration reserves the right to obtain a refund of all monies paid as a result of hours used from the sick leave bank. Reimbursement will not be sought for individuals who do not return to work because of medical problems or death.

g. Proof of Illness. Members may be required to present a physician's certificate if it is deemed necessary for proof of illness when utilizing the sick leave bank.

h. Termination or Withdrawal From Bank. Upon termination of employment, or withdrawal from the bank, a participating employee will not be permitted to withdraw his contributed hours.

i. Transfer. When an employee transfers from one category to another, it is the employee's

responsibility to reapply to the appropriate bank. The transfer from one bank to another is not automatic.

6. Regulations for Teachers, Teacher Assistants, Nurses, and Interpreters

a. Membership. Membership in the sick leave bank shall be limited to individuals paid on the teacher scale and instructional personnel and specialists as defined by [Regulation 4-8.1](#).

b. Enrollment Period. An employee may enroll within the first 30 days of employment. An employee who does not enroll when first eligible may do so between any subsequent September 1 and October 15 period by making application and providing satisfactory evidence of good health to the School Board. An employee may enroll in the sick leave bank by donating the hourly equivalent of 1 day of sick leave earned.

c. Coverage/Eligibility. Membership in the sick leave bank shall be voluntary. The first 20 consecutive contract days of illness or disability will not be covered by the bank. To be eligible to utilize the sick leave bank, the member must cover the hourly equivalent of the first 20 days of illness with his/her accumulated leave or leave without pay. This requirement may be met in those cases in which the hourly equivalent of 20 contract days of absence, although not consecutive, for the same illness/injury occur. . If the member has accumulated more than the hourly equivalent of 20 days of sick leave, the member must use all accumulated sick leave to within the hourly equivalent of three (3) days. (i.e., If the member has accumulated the hourly equivalent of 35 days of sick leave, he/she may not draw from the bank until the hourly equivalent of 32 of those days are used, leaving the member with the hourly equivalent of 3 days of sick leave on the books.)

Hours drawn from the bank for any one period of eligibility must be consecutive, except additional periods of disability resulting from recurrence or relapse of the original illness, which will be covered fully on a continuing basis up to the annual maximum of the hourly equivalent of 45 days. Otherwise, members must return to work and must meet the requirements of this subsection before becoming eligible to utilize sick leave bank benefits again. Use of the sick leave bank during the period of childbirth is subject to division [regulation 4-45.1](#), Sections B and C.

d. Maximum Usage. A maximum of the hourly equivalent of 45 contract days each contract year may be withdrawn by any one member. Exceptions may be made by the administrator of the bank. In such cases, the substitute's pay shall be deducted from the unit member's salary.

e. Assessment. Members of the sick leave bank will be assessed the hourly equivalent of additional days of sick leave at such times as the bank is depleted to the average hourly equivalent of 600 days, unless they choose not to participate further in the bank. Members who have no sick leave to contribute at the time of assessment will be assessed this day by October 1 of the following year.

f. Repayment. Members utilizing sick leave days from the sick leave bank will not have to replace these hours, except as a regular contributing member to the bank. If an employee does not return to work at the end of the use of the sick leave bank, the administration reserves the right to obtain a refund of all monies paid as a result of hours used from the sick leave bank. Reimbursement will not be sought for individuals who do not return to work because of medical problems or death.

g. Termination or Withdrawal From Bank. Upon termination of employment, or withdrawal of membership from the bank, a participating employee will not be permitted to withdraw his/her contributed hours.

h. Transfer. When an employee transfers from one category to another (i.e., from teacher assistant to secretary/clerical), it is the employee's responsibility to reapply to the appropriate bank. The transfer from one bank to another is not automatic.

Revised by Superintendent: January 18, 1994
Revised by Superintendent: December 13, 2002



School Board of the City of Virginia Beach
Regulation 4-45.3

PERSONNEL

Terminal Pay for Unused Sick Leave

A. Payment for Accumulated Sick Leave

For the purpose of reducing the incidence of absenteeism, an employee, upon termination of employment, may elect to have accumulated sick leave purchased by the school board at twenty-eight (\$28) dollars per day subject to the following conditions:

1. Sick leave purchased by the School Board must have been earned in Virginia Beach City Public Schools or the City of Virginia Beach.
2. Accumulated sick leave days will be purchased only from employees who are officially retiring under the provisions of the VRS. No other payment for accumulated sick leave will be paid to any other employee.
3. The request must be received in the Department of Human Resources no later than five (5) work days after the effective date of retirement.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: September 15, 1992
Revised by Superintendent: April 19, 1994
Revised by Superintendent: December 13, 2002



School Board of the City of Virginia Beach
Regulation 4-46.1

PERSONNEL

Funeral Leave

An employee who has a death in the family will be allowed up to the hourly equivalent of three days of funeral leave. The family of the employee will be interpreted to include parents, wife, husband, children, brother, sister, step-parent, step-children, step-brother, step-sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, foster parents, foster children, grandparents, and grandchildren of the employee and/or his spouse, or any relative living in the household of the employee. Additional funeral leave days (maximum of the hourly equivalent of 2 days) may be requested through the Department of Human Resources. If more than the hourly equivalent of five (5) days are needed for a death in the family, requests for the use of sick leave must be approved by the Department of Human Resources.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: September 15, 1992
Approved by School Board: February 16, 1993
Revised by Superintendent: December 13, 2002



PERSONNEL

Personal Reasons Leave

Personal reasons leave will be governed by these regulations.

A. Earning Leave

All employees, except twelve-month employees, earn personal reasons leave at the rate of the hourly equivalent of one day per semester of full-time employment; otherwise, the earning of leave is prorated as follows:

Personal Reasons Leave Days Allotted (to be converted to hourly equivalents)	Teachers	Assistants	Drivers Ed and Nurses	11-Month Employees
Days of Employment				
1/4	25-49	24-46	24-47	29-54
1/2	50-74	47-70	48-71	55-83
3/4	75-97	71-93	72-95	84-110
1	98-123	94-117*	96-119*	111-139
1-1/4	124-148	118-139	120-143	140-165
1-1/2	149-173	140-164	144-167	166-193
1-3/4	174-95	165-184	168-189	194-220
2	196-200	185-187	190-191	221
* Or one full semester				

	10-Month Classified	Cafeteria, Intrepreters, Bus Drivers	Library Media Asst.	ISS/Security Asst.	10-Month Extended
Days of Employment					
1/4	25-49	23-46	24-48	24-46	26-51
1/2	50-74	47-69	49-72	47-71	52-77
3/4	75-97	70-92	73-96	72-94	78-103
1	98-123 *	93-115	97-120	95-118 *	104-129
1-1/4	124-148	116-138	121-144	119-141	130-155
1-1/2	149-173	139-161	145-170	142-165	156-181
1-3/4	174-198	162-184	171-192	166-187	182-209
2	199-200	185-186	193-194	188-189	210-211

B. Additional Leave

To encourage prudent use of sick leave, employees earning personal reasons leave will be granted the hourly equivalent of one additional day of personal reasons leave for meeting the following criteria:

1. Employees with one (1) year of Virginia Beach service who have not used the hourly equivalent of one (1) day of sick leave in the school system during the preceding school year.
2. Employees with two (2) years of Virginia Beach service who have not used the hourly equivalent of one (1) day of sick leave in the school system during the preceding school year.
3. Employees with three (3) or more years of Virginia Beach service must not have used the hourly equivalent of nine (9) days of sick leave during the preceding three (3) school years.

C. Application for Leave

1. Employees will submit leave requests using the appropriate form (PERS-3-71 – available on-line) to the principal or administrative department head not less than two (2) workdays prior to the date for which leave is requested. In case of an emergency, the two (2) day notification may be waived by the principal or administrative department head.

2. The principal or administrative department head may disapprove the leave request for the following reasons:

- a. Unavailability of substitute from the substitute list, or
- b. Previously scheduled and announced activities at the school or department requiring the presence of the employee
- c. continuity of student instruction.

3. Final approval or disapproval of a leave request rests with the principal or administrative department head. Unless extenuating circumstances are established, leave requests for the following periods will be disapproved for school-based personnel:

- a. Days during the first ten (10) workdays or the last ten (10) workdays of the school term
- b. The day before or after a holiday period

Requests for personal reasons leave during these times that have the approval of the principal or administrative department head must be submitted to the Department of Human Resources for final action.

D. Accumulation of Leave

1. Employees with less than three years of service may accumulate a maximum of the hourly equivalent of three personal reasons leave days for use in a given school year. Any accumulated balance of personal reasons leave in excess of the hourly equivalent of three days will convert to sick leave.

2. An employee with three or more years of service in the division may accumulate up to the hourly equivalent of eight days. Any accumulated balance of personal reasons leave in excess of the hourly equivalent of eight days will convert to sick leave at the end of the fiscal year.

E. Personal reasons leave for a given year may be anticipated and used. In the event an employee terminates employment before the leave is earned, the employee will make the proper monetary refund to the School Board; such refund is to be deducted from the employee's final paycheck. In the event an employee, as specified in this policy, terminates employment before such sick leave hours are earned, the employee will make proper monetary refund to the School Board, such refund to be deducted from the employee's final paycheck.

F. The minimum amount of personal reasons leave taken must equal two (2) hours. Thereafter, leave may be used in

one-half hour increments.

G. The purpose for the use of personal reasons leave need not be stated.

H. Personal leave days converted to sick leave will be reflected on the stub for the second paycheck in September.

Editor's Note

See [Regulation 4-45.1](#) - Sick Leave

Approved by Superintendent: July 16, 1991

Revised by Superintendent: January 16, 2003

Revised by Superintendent: January 14, 2005



PERSONNEL

Leave of Absence for Employee and Professional Organization Presidents

Upon written application to the Superintendent, an employee may be granted an unpaid leave of absence to serve as the president of an employee or professional organization. A leave of absence granted pursuant to this policy shall be limited to:

- A. One period of leave during an employee's career for service on the local level. Such leave may not exceed four years; and
- B. One period of leave during an employee's career for service on the state level or national level or the combination thereof. Such leave may not exceed four years.

During such leave, an employee will accrue no seniority; however an employee will receive those salary advancements and benefits afforded to his/her respective employee category during the period of leave provided said salary, group health insurance coverage, retirement and group life insurance is reimbursed by the employee or the organization. The employee may not use sick or personal leave already earned, nor will the employee accrue sick or personal leave during the period of his/her absence.

The employee may not access any benefit offered by the division not listed herein without specific authorization by the School Board.

Adopted by School Board: June 16, 1998
Amended by School Board: April 19, 2005



School Board of the City of Virginia Beach
Policy 4-49

PERSONNEL

Military Service

The School Board recognizes the sacrifices made by those employees who are called to active military duty and training. The School Board authorizes the Superintendent to prepare and implement regulations in accordance with Virginia Code §22.1-289.2, as amended, to address compensation, benefits, and procedures related to such duty.

Legal Reference:

Virginia Code §22.1-289.2. Compensation of public school employees called to active duty military service

Adopted by the School Board: February 22, 2005



PERSONNEL

Military Leave

A. Training/Governor's Call

Military leave not to exceed fifteen (15) work days in any federal fiscal year (October 1 September 30) will be granted to full time employees for the purpose of engaging in federally funded military duty, to include training duty, and in response to orders issued by the Governor under the Code of Virginia. There shall be no loss of pay for employees on these categories of military leave.

The employee shall submit his/her military orders or other support documents from a responsible military official and a completed Military Active Duty Leave Election Form to the Department of Human Resources prior to reporting for duty.

B. Call to Active Duty

1. Granting of Military Leave and Duration

a. Employees will be granted leave without pay for entrance into active duty with the Armed Forces. Those employees, who are able to provide evidence of a loss of income when called to active duty, may be eligible for a Military Pay Supplement (MPS).

b. Leave shall only be granted for active military service for those dates stated on the employee's military orders or on other support documents submitted from a responsible military official.

c. Employees are entitled to military leave and reinstatement provided that the cumulative length of the absence and of all previous absences by reason of service in the uniformed services does not exceed five years unless there is an extension beyond the five years for one of the following reasons:

(1) Ordered to or retained on active duty. Written documentation supporting this stipulation must be provided to the central office;

(2) Periods fixed by the Governor;

(3) An employee's hospitalization, associated with the active duty and continuing after discharge from military service, for a period of not more than two years.

2. Physical Examinations for the Military

An employee who is scheduled for a physical examination for military service during working hours, including but not limited to preinduction physicals, shall be given a leave of absence with full pay up to, but not exceeding, eight hours annually. The leave records should show "military leave with pay physical" for these hours.

3. Responsibilities of the Employee

a. An employee must furnish the Department of Human Resources with a completed Military Active Duty Leave Election Form and acceptable documentation from a

responsible military official indicating the dates of active duty. Whenever possible, employees should give at least two weeks notice prior to anticipated entrance into the service.

b. In cases of emergency call up, the employee should notify his or her supervisor of the call up for duty as soon as possible.

4. Status of Compensation and Benefits for Employees Placed on Leave for Military Service

a. Compensation – Employees called to active duty status who provide evidence or demonstrate a loss of income and who have exhausted the 15 (fifteen) days of paid Military Leave are eligible to receive a Military Pay Supplement (MPS). This supplement will be equal to the difference between the employee's military pay, including any non-taxable military allowances, and their current base salary at the time of Military Leave. Reservists will be eligible for the MPS for a period of up to 18 (eighteen) months.

b. Health Insurance – Employees called to active duty status for more than 30 (thirty) days have the option to continue or discontinue the health insurance benefit.

(1) If the employee elects to continue coverage, the school division will continue to pay the employer share of the premium for up to a maximum of 18 (eighteen) months.

(2) Once the 18 (eighteen) month period expires, the employee may elect to use PHSA/COBRA option for themselves and dependents. The full monthly premium plus administration fee (102% of the premium) is due on the first of each month.

(3) When reinstated into school division service coverage will be effective the first day of reinstatement.

c. Service Credit—An employee will accrue credit toward continuous division service for the duration of military leave and past division service credit will be retained.

d. Annual (Vacation) Leave Balances—An employee has the option to retain leave balances.

(1) At the option of the employee, unused annual leave (vacation) balances—up to the allowable maximum may be retained by the employee or paid off at the time the employee is placed on military leave without pay.

(2) An employee will not accrue annual leave while on military leave without pay. However, upon return to division service, an employee's annual leave accrual rate will be calculated to include the period of military leave without pay.

(3) Unused and unpaid annual (vacation) leave balances retained when the employee was placed on leave without pay will be reestablished upon return to division service. If an employee desires payment for annual leave balances at separation, payment must be made for the total annual leave balance, up to the maximum allowable, and it will not be allowable to buy these balances back.

e. Compensatory Leave—If not used to cover the period of absence due to military service, compensatory leave balances will be paid off at the time of placement on leave without pay.

f. Sick Leave Balances

(1) Sick leave balances will be frozen.

(2) An employee will not accrue sick leave while on military leave without pay. Credit for years of continuous division service will be calculated when the employee returns to division service and will include the period of military leave.

(3) Unused sick leave balances will be reestablished upon return to division service.

g. Holiday Pay—An employee placed on leave without pay for military service will not be paid for holidays occurring during the military leave.

h. Life Insurance—Coverage will continue for up to two months after the employee is placed on leave without pay for military service, with the school board making the full contribution. Life insurance coverage will begin again upon the employee's reinstatement to division service.

i. Retirement Benefits—Contributions to retirement will be discontinued when an employee is placed on military leave. A reinstated employee will be given credit towards retirement for the period of military leave. Upon reinstatement to division service, the employee must provide VRS with appropriate documentation in order to receive this credit.

5. Reinstatement from Military Service

a. Conditions—Upon satisfactory completion of military service, the employee is entitled to reinstatement to his or her former position or to a position of like seniority, status, pay, and location provided that:

(1) The employee makes a request for reinstatement to the superintendent within the proper time frames established under the Uniform Services Employment and Reemployment Rights Act (USERRA) and any amending or superceding acts. Normally, these time frames are as follows:

(a) In the case of service of less than 31 days, not later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service and allowing eight hours for travel time;

(b) In the case of service of more than 30 but less than 181 days, not later than 14 days after the completion of such service;

(c) In the case of service of more than 180 days, within 90 calendar days after release from active duty; or

(d) Within the appropriate statutory period after release from hospitalization associated with active duty which continues after discharge for a period of not more than two years.

(2) The employee shall present the superintendent with a certificate attesting to the satisfactory completion of military service. The school board is not obligated to reinstate an employee who has not satisfactorily completed military service or training. In such instances, eligibility for reinstatement should be evaluated on an individual basis, taking into consideration the employee's military record and work history with the division.

(3) The employee is still qualified to perform the duties of the former position;

(a) If an employee becomes disabled during military service and cannot perform the duties of the position to which otherwise entitled and a reasonable effort to accommodate

the disability has not been successful, efforts must be made to place the employee in the nearest comparable position for which qualified, based upon the physician(s) recommendations(s) as to ability to perform the job. If no placement is possible, the employee shall be considered affected by a reduction in force (RIF) and the provisions of the RIF policy/regulation shall apply.

(b) If an employee no longer meets the minimum qualifications of the former position because of a change in job duties, the employee must be offered a position for which the employee is qualified and which is of like seniority, status, pay, and location. Before placing the employee in another position, the employee should be offered any training that might increase his or her ability to perform the job, if the training would have been available had no military service occurred.

(c) If the position an employee formerly held has been abolished, the employee shall be placed in a position comparable in status and pay to the one previously held.

(d) If such a position is not available, the employee shall be considered affected by a reduction in force (RIF) and the provisions of the RIF policy/regulations shall apply.

b. Effective Date—The employee will be reinstated within a reasonable period of time after making application for reinstatement. A "reasonable period of time" normally is considered to be within five to ten workdays. Longer periods may be necessary depending on the circumstances.

c. Salary and Proficiency Increases—The employee's salary will be determined as though the employee had not left the position.

(1) An employee will return to the same classification, salary grade, and salary step held at the time of being placed on military leave and the employee will receive all salary increases approved during the period of absence as though division service continued uninterrupted.

The employee's salary must also reflect any classification regrade which may have occurred to the employee's classification during the period of military leave.

Legal Authority:

Code of Va. § 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.

Code of Va.. § 44 75.1. Militia state active duty.

Code of Va.. § 44 78.1. Request for assistance by localities.

Title 38, U.S. Code. Chapter 43. Part III §§ 4301-4333. Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA).

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 18, 1994
Revised by Superintendent: March 8, 2000
Revised by Superintendent: December 13, 2002
Revised by Superintendent: March 7, 2005



PERSONNEL

Annual Leave

All twelve-month employees of the School Board will observe the following annual leave schedule.

A. The following annual leave is allowed for employees in active service:

1. The hourly equivalent of one (1) day per month for zero through five completed years of service;
2. The hourly equivalent of one and one-quarter (1 1/4) days per month beginning the sixth year through ten completed years of service;
3. The hourly equivalent of one and one-half (1 1/2) days per month beginning the eleventh year through fifteen completed years of service;
4. The hourly equivalent of one and three quarter (1 3/4) days per month beginning the sixteenth year of service through twenty completed years of service;
5. The hourly equivalent of two (2) days per month beginning the twenty-first year of service;
6. Service years for annual leave will be earned in this school division. A service year will be defined as beginning July 1 and ending June 30. If the effective date of employment is prior to January 1, a full year of credit will be given.

B. For twelve month positions the minimum amount of leave taken must equal two (2) hours. Thereafter, leave may be used in one-half hour increments.

C. Employees may accrue and carryover from year to year a maximum of the hourly equivalent of forty-eight (48) days of annual leave. The division will determine each employee's annual leave accrual for the service year just ending on July 1 of each year. Any annual leave accrued in excess of the hourly equivalent of forty-eight (48) days must be used by July 31 or the excess annual leave days will be converted to sick leave and will be added to the employee's total accumulated sick leave.

D. To encourage prudent use of sick leave, twelve-month employees will be granted the hourly equivalent of one additional day of annual leave for meeting the following criteria:

1. Employees with one year of Virginia Beach service who have not used the hourly equivalent of one day of sick leave in the school system during the preceding school year.
2. Employees with two (2) years of Virginia Beach service who have not used the hourly equivalent of one day of sick leave in the school system during the preceding school year.
3. Employees with three (3) or more years of Virginia Beach service must not have used the hourly equivalent of eleven days of sick leave during the preceding three (3) school years.

E. Employees will request Annual Leave in advance and the request may be approved or denied.

Decisions to deny annual leave may only be made by the Principal, Department Head or designee, and should be based on business reasons, i.e., to ensure the smooth and uninterrupted provision of services, and must be applied consistently within a school, department, or work unit.

F. When twelve-month employees terminate employment with the division, the maximum leave payout will be the hourly equivalent, at per diem, of 48 work days, as defined by the receiving employee's work day.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 28, 2000
Revised by Superintendent: October 19, 2000
Revised by Superintendent: December 13, 2002
Revised by Superintendent: January 14, 2005
Revised by Superintendent: August 30, 2005



School Board of the City of Virginia Beach
Regulation 4-50.2

PERSONNEL

Payment to the Estate of Deceased Employees

The Virginia Beach City School Board shall pay to the estate of a deceased employee the greater amount for either all accumulated annual leave or the period until the end of the month during which death occurred.

Adopted by School Board: October 21, 1969
Amended by School Board: October 15, 1974
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991

PERSONNEL

Lawsuits and Subpoenas

I. Lawsuits

A. The **only persons authorized to be served suit papers** on behalf of the School Board or Virginia Beach City Public Schools are the following:

1. The Deputy City Attorney or Associate City Attorney ("School Board Legal Counsel") located at the School Administration Building.
2. The Division Superintendent or his duly authorized designee.
3. The School Board Clerk.
4. The City Attorney.
5. The Board Chairman or a member of the School Board.

B. Any other school employee or member of the City Attorney's Office whom a process server seeks to serve suit papers upon shall direct the process server to deliver the suit papers to those individuals named above, in the order listed.

C. Those who are authorized as set forth above to be served with suit papers involving a School Board matter shall do the following:

1. Write the date and time the document(s) were served on the copy of the suit papers retained and sign their name below the date and time.
2. Notify the Deputy City Attorney or Associate City Attorney located at the School Administration Building as soon as possible (no later than the next regular business day), and provide that attorney with signed and dated copies of the documents served.

D. It is essential that the School Board Legal Counsel receive prompt notice and delivery of all suit papers so that the insurance carriers can be notified and/or counsel appointed in a timely fashion to protect the interests of the School Board and school division.

II. Witness subpoenas

A. **Lawsuits to which the School Board is not a party.** Any employee who receives a subpoena to appear in his official capacity as a School Board employee should immediately inform his principal or supervisor. If the subpoena is for a lawsuit to which neither the School Board, Virginia Beach City Public Schools (VBCPS), nor the employee in his official capacity are parties, the principal or supervisor will consult with the appropriate Assistant Superintendent as to the proper response to the subpoena.

The Assistant Superintendent will determine whether School Board Legal Counsel should be consulted to file a Motion to Quash the subpoena. Valid reasons for seeking a motion to quash may include: less than five business days to comply with the subpoena; unavailability of the witness; out of city location to testify; hardship to the school division caused by the employee's absence; lack of knowledge of the basis for the employee's testimony; and other relevant circumstances. If the Assistant Superintendent feels there is a valid reason to Quash the subpoena, Board Legal Counsel will be consulted promptly.

Employees subpoenaed to testify in these cases should first consult with the principal or supervisor about the employee's testimony prior to testifying.

B. Lawsuits to which the School Board is a party. Any school employee who is served a subpoena to appear in his official capacity concerning a lawsuit that names the School Board, Virginia Beach City Public Schools (VBCPS) or a School Board employee as a party to the lawsuit should immediately notify the legal counsel assigned to the case to represent the School Board and Administration or, if in doubt, notify the School Board Legal Counsel. The employee served should note the time, date of service and sign the subpoena prior to presenting it to legal counsel.

C. Subpoenas for the Superintendent. Only the superintendent or his designee may accept service of a subpoena for the superintendent to appear as a witness. School Board Legal Counsel should be immediately notified of any subpoena served on the superintendent.

D. Subpoenas for school board members. Only the school board member named or his designee may accept service of a subpoena for the school board member to appear as a witness. School Board Legal Counsel should be immediately notified of any subpoena served on a school board member. See School Board [Bylaw 1-27](#).

III. Subpoena of school division records: "subpoena duces tecum"

A. Subpoena of student records. Upon receipt of a subpoena for student records (a subpoena duces tecum), the served employee shall present the subpoena to the principal or supervisor.

1. The principal or supervisor will determine whether the student whose records are the subject of the subpoena duces tecum is a current or former student.
2. The principal or supervisor will consult with the Coordinator of Guidance/Student Records in the Office of Student Leadership concerning the appropriate response to the subpoena.
3. If the student is a current student, the minor student's parent/legal guardian or the adult student shall be notified in accordance with the Family Educational Rights and Privacy Act (FERPA), that a subpoena duces tecum has been issued for the student's educational records and that the principal or supervisor will comply with such subpoena no later than the date of return on the subpoena unless the student or parent/legal guardian files a Motion to Quash the subpoena with the court. The school division shall provide reasonable notice to the student's parent/legal guardian or the adult student in advance of compliance so that the parent/legal guardian or adult student may seek protective action from a court. Notice is not required if the subpoena is a federal grand jury subpoena and the court has ordered that the existence or contents of the subpoena not be disclosed.
4. If, prior to the return date, no court order is presented which prohibits release of the educational records, then the principal or supervisor should provide a copy of the records to the party requesting the records no later than the return date and time on the subpoena. Charges for the cost of producing the records shall be in accordance with Paragraph D4 below.
5. Records related to a former student may be released without notice to that former student. Charges for the cost of producing the records shall be in accordance with Paragraph D4 below.
6. Student educational records that are produced in compliance with a subpoena duces tecum should be accompanied by an authentication letter in the format determined by the Coordinator of Guidance/Student Records in the Office of Student Leadership. Charges for the cost of producing the documents shall be in accordance with Paragraph D4 below.
7. Whenever possible, Virginia Code Section 8.01-390.1 which permits student records in a custody matter to be delivered to a court with a certificate of authentication by the custodian should be used to avoid diversion of school personnel.

B. Subpoena of employee/applicant records. Upon receipt of a subpoena for employee/applicant records (employment records), the subpoena duces tecum shall immediately be presented to the Assistant Superintendent of Human Resources or designee.

1. Subpoenas for employment records will generally be complied with if the employee/applicant whose records are released is a party to the lawsuit.

2. The Assistant Superintendent for Human Resources or designee will determine, in timely consultation with School Board Legal Counsel, the appropriate response to a subpoena duces tecum for employment records. Charges for the cost of producing the records shall be in accordance with Paragraph D4 below.

C. Subpoena duces tecum for other school division records. Subpoenas duces tecum that request production of documents other than employment or student educational records should be immediately directed to the Superintendent's Office. The Superintendent or designee will timely consult with School Board Legal Counsel regarding the response to the subpoena. Charges for the cost of producing the records shall be in accordance with Paragraph D4 below.

D. General matters related to subpoena for records:

1. Service of process/Custodian of Records. The custodian of student records is the principal of the school that the student attends, the principal's designee, or, in the case of former students, the Coordinator of Guidance/Student Records, Office of Student Leadership. The principal or the Coordinator of Guidance/Student Records may designate another individual to accept service on his behalf and respond to the subpoena.

The custodian of employee/applicant records is the Assistant Superintendent of Human Resources or designee.

Only the named person or designee should accept service of a subpoena.

Subpoenas served at the wrong place of business (i.e. a building other than the building where the custodian of records is physically present) should not be accepted. The process server should be directed to the proper building and custodian of records.

The person accepting service should sign, date the subpoena and list the time of service on the copy of the subpoena that he/she retains.

2. Return dates under five business days. Any school division employee who is served with a subpoena duces tecum that has a return date that is less than five business days after the date of service should contact the appropriate Assistant Superintendent to discuss the need to file a Motion to Quash the subpoena for insufficient time to respond.

3. Charging for cost of producing documents. The school division shall require payment for the cost of producing the requested document. Such costs should include the cost of mailing/delivering the documents; a cost of no more than \$.25 per page copied; and any additional, actual cost for production of pictures, tapes or other unusual documents. A copy of the letter requesting payment should be sent with the documents to the attorney issuing the subpoena for the documents with a copy to the court and a copy should be retained by the school division. The letter and copies should list the name of the case and docket number of the case as shown on the subpoena. If payment is not received within ten business days, the matter should be referred to the appropriate Assistant Superintendent.

4. Delivery of documents. The school division should carefully check the subpoena duces tecum to ascertain the location where the documents must be delivered. When possible, the party who issued the subpoena should be contacted and requested to pick up the documents from the school division. If the party requesting the documents will not pick up the documents, the school division should mail or otherwise deliver the documents and charge for the costs of doing so.

5. Documents which contain protected information. Documents which contain information regarding persons other than the parties to the lawsuit or their minor children should not be released without first consulting with the appropriate Assistant Superintendent.

Legal Reference:

Family Educational Rights and Privacy Act 20 U.S.C. § 1232 et seq. and 34 C.F.R. Part 99.
Pupil Records, Virginia Code § 22.1-287-289.

School Records as Evidence, Virginia Code § 8.01-390.1.

Editor's Notes

See [Policy 5-31](#) on student records and [Bylaw 1-27](#) Service of Process.

Adopted by School Board: December 17, 2002



School Board of the City of Virginia Beach
Regulation 4-51.1

PERSONNEL

Subpoenaed Witness and Jury Duty

If an employee is subpoenaed to court as a witness or for jury duty, and the court provides written verification of the appearance, no leave will be deducted. The Office of Employee Relations will determine the applicability of this regulation if the court appearance concerns a school-related matter.

Should as much as two hours of the workday remain, the employee must return to work.

If the employee receives payment for jury duty or witness fess, the employee may elect the following:

1. Retain payment for jury duty, and deduct the hours absent from their accumulated annual or personal reasons leave
2. Remit the payment for jury duty to the Department of Human Resources and have no deduction taken from their accumulated annual or personal reasons leave.

Any money received by the employee for travel expenses or other expense reimbursements may be retained by the employee.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: December 13, 2002



School Board of the City of Virginia Beach
Regulation 4-52.1

PERSONNEL

Religious Holiday Leave

Leave for religious holidays will be governed by these regulations.

- A. An employee who is absent because of religious holidays will be allowed full pay not to exceed three (3) days in any school year.
- B. Request for absence due to religious holidays will be filed with the principal or administrative department head five (5) school days prior to the absence and forwarded to the Department of Human Resources.
- C. The administrator in consultation with the employee will establish a satisfactory work period to compensate for days allowed for religious holidays or, as an alternate, may arrange for duties within the scope of the individual's assignment to compensate for days allowed for religious holidays and will report completion of the work period or duties to the Department of Human Resources.

Approved by Superintendent: July 16, 1991
Revised by the Superintendent: April 28, 2004



School Board of the City of Virginia Beach
Regulation 4-53.1

PERSONNEL

Academic Leave

Academic leave will be governed by these regulations.

- A. The School Board may grant academic leave without pay to any employee who makes timely application.
- B. Academic leave may be granted for all purposes identical with those governing sabbatical leave or for temporary foreign service or travel.
- C. Employees granted academic leave are eligible to return to the first available equivalent position with the Virginia Beach City Public Schools, retaining that seniority held at the date of departure, but not accruing any additional benefits toward pay, promotion, or seniority during the time of absence. If academic leave is used to engage in an approved special teaching project in another school division, state, or nation, full teaching experience will be credited for purposes of seniority.
- D. Academic leave may be granted for one full, one-half, or one-fourth academic year. When the period of academic leave is for less than a full academic year or when the leave spans portions of two academic years, final approval will be contingent upon the availability of a qualified replacement teacher.
- E. One-fourth year may be granted only under the following three conditions:
 1. For additional study
 2. At the beginning of a school year or at the end of a school year
 3. In a field of need for the school system
- F. Upon returning from academic leave, each recipient will file with the Assistant Superintendent for Human Resources such reports of the employee's activities as may be requested.
- G. Application for academic leave must be filed sixty (60) days prior to the commencement of the leave.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: December 13, 2001

PERSONNEL

Family Health Care Leave

Employees who are eligible for Family Medical Leave may request a leave of absence for Family Health Care Leave, not to exceed eighteen (18) months, with or without pay for the purpose of providing health care to a member of the employee's family under the following provisions:

- A. The family of the employee will be interpreted to include parents, wife, husband, children, foster children, brother, sister, step-parent, step-children, step-brother, step-sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, foster parents, grandparents and grandchildren of the employee and/or spouse, or any relative living in the household of the employee.
- B. The employee will notify the Department of Human Resources in writing of his/her desire to take such leave and, except in case of emergency, will give such notice at least thirty (30) calendar days prior to the date on which this leave is to begin by submitting a letter to the Office of Employee Relations. Leave under this regulation must be approved by the Department of Human Resources.
- C. If the employee notifies the Office of Employee Relations of his/her intent to return to active employment within eighteen (18) months from the beginning of the leave of absence, the employee will be assigned to the first available vacant position for which he/she is qualified, provided that if more than one employee has given notice to return from a leave of absence, the employee who has given notice at the earliest date will be assigned to the position in question.
- D. While on Family Health Care leave, an employee will have the option of continuing both hospitalization insurance coverage and group life insurance by so informing the Department of Human Resources and submitting monthly payments of the full premiums to the School Board by the fifty day of each month.
- E. The first 12 weeks of Family Health Care leave shall be credited to Family Medical Leave as described in the Family Medical Leave Act of 1993 and in accordance with [Regulation 4-55.1](#). Leave taken past the allowable time under the Family Medical Leave Act will be unpaid leave unless the employee chooses to substitute accrued paid leave.
- F. Family Health Care leave must be taken in one continuous leave of absence. Intermittent or part time leave will not be granted for leave time that does not qualify under the Family Medical Leave Act. Once the employee returns to work, any time that would have been available for leave under this regulation will be lost.
- G. An employee will be entitled to request and receive Family Health Care leave once during his/her employment with the School Board. The employee must first be qualified and receive approval for such leave. Further requests by the employee for Family Health Care leave may be granted on an individual basis and with the approval of the Superintendent.



PERSONNEL

Parental Leave

Employees may request a continuous leave of absence, with or without pay, not to exceed eighteen (18) months, for the purpose of childbearing and/or child rearing a newborn child or a newly adopted or placed foster child, as follows:

- A. An employee may request parental leave to commence upon or after the birth of his/her child. Prior approval must be obtained before leave will be granted. Any leave taken after Family Medical Leave is exhausted will be unpaid leave unless the employee chooses to substitute accrued annual or personal reasons leave. An employee returning from Parental Leave will not be entitled to request another term of Parental Leave until such employee has worked for at least one calendar year and has worked at least 1250 hours during such year.
- B. An employee adopting a child, upon request, may be granted Parental Leave to commence at any time during the first year after receiving de facto custody of said child, or prior to receiving such custody, if necessary in order to fulfill the requirements of adoption.
- C. If the employee notifies the Department of Human Resources of his/her intent to return to active employment within eighteen (18) months from the beginning of the parental leave, the employee will be assigned to the first available vacant position for which qualified, provided that if more than one employee has given notice pursuant to this paragraph, the employee who has given notice at the earliest date will be assigned to the position in question. The employee shall return only at semester breaks. Once the employee returns to work, any time that would have been available for leave under this regulation will be lost. The employee will not accrue any leave (annual, personal or sick leave) during the period approved.
- D. While on parental leave, an employee will have the option of continuing hospitalization insurance coverage and group life insurance by so informing the Department of Human Resources and submitting monthly payments of the full hospitalization insurance premiums (employer and employee portion) to the School Board by the fifty day of each month.
- E. The first twelve (12) weeks of Parental Leave shall be taken in accordance with the Family and Medical Leave Act as described in [Regulation 4-55.1](#). Employees receiving approval will be compensated for a maximum of twelve (12) weeks using available leave balances. If both parents are employees of the School Board, only one parent will be entitled to take Parental Leave upon the birth or adoption/placement of a child.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 18, 1994
Revised by Superintendent: January 18, 1998
Revised by Superintendent: November 20, 2003



PERSONNEL

Leave for Long-Term Illness or Injury

Leave for long-term illness or injury will be governed by these regulations.

A. An employee who is unable to work because of personal illness or injury and who has exhausted all available sick leave and Family Medical Leave may be granted a leave of absence without pay for a period not to exceed twelve calendar months.

B. Insurance benefits normally provided by the School Board will remain in force during such leave of absence. For anytime the employee is on unpaid and non Family Medical Leave, the employee will be responsible for making appropriate payments for health benefits.

C. Upon notification by the employee, or prior to the conclusion of the leave of absence, the Office of Personal Services, in conjunction with the employee's physician, will determine if the employee is able to return to work. If the determination is made that the employee is able to return to work, the employee will be assigned to the first available position of which the employee is qualified, provided that if more than one unit member has given notice pursuant to this paragraph, the employee who has given notice at the earliest date will be assigned to the position in question. The employee shall return only at semester breaks.

D. An employee whose illness or injury requires absence beyond twelve (12) calendar months will be placed, upon request, on inactive status for a period not to exceed twenty-four (24) calendar months. Insurance benefits normally provided by the school board will be available only upon request for, and full premium payment by, the employee. Upon notification by the employee, or prior to the conclusion of the leave of absence, the Office of Personnel Services, in conjunction with the employee's physician, will determine if the employee is able to return to work. The employee will be assigned to the first available position for which the employee is qualified, provided that if more than one employee has given notice pursuant to this paragraph, the unit member who has given notice at the earliest date will be assigned to the position in question.

E. If Family Medical Leave as described in the Family Medical Leave Act of 1993 has not been fully utilized prior to initiating this long-term illness/injury leave, the initial weeks necessary to fully utilize Family Medical Leave shall be credited to said Family Leave.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 24, 1991
Revised by Superintendent: July 23, 2003



PERSONNEL

Donation of Leave

School Board employees may elect to donate individually earned personal reasons leave or individually earned annual leave under the following conditions:

- A. Personal reasons leave or annual leave may be donated to another employee for the employee's personal illness or to care for a family member (as defined in [Regulation 4-53.2](#)) with a life-threatening illness or injury. When leave is donated for the employee, he/she may receive a maximum of the hourly equivalent of sixty (60) days. When leave is donated for the employee to care for a family member with a life-threatening illness, the employee may receive a maximum of the hourly equivalent of twenty (20) days as defined by the receiving employee's work schedule.
- B. Employees may donate a maximum of sixteen (16) hours in any given fiscal year. Donations must be made in hourly increments.
- C. Donated personal reasons leave or annual leave may be used by the employee only after that employee's sick leave, personal reasons leave, annual leave, and/or sick leave bank (if eligible have been completely exhausted).
- D. All time requirements applicable to sick leave policies must be fulfilled before eligibility, as stated in this regulation, is established.
- E. The request for donations must originate from an administrator at the building level or within a central office department. The employee must submit in writing to the Assistant Superintendent for Human Resources information documenting the family member's life-threatening illness or injury.
- F. The Department of Human Resources is charged with the responsibility of administering this regulation.

Legal References:

Family Medical Leave Act.

Editor's Notes

See School Board [Regulation 4-53.2](#) – Personnel/Health Care Leave

See Virginia Beach City Public Schools web site: www.vbschools.com.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: August 30, 2005



School Board of the City of Virginia Beach
Policy 4-55

PERSONNEL

Leave With/Without Pay for Family and Medical Purposes

A. Family Medical Leave

The school board desires that the division's family medical leave plan comply with the Family Medical Leave Act of 1993.

B. Regulation References

Implications of Family Medical Leave can be found in the following Regulations: Sick Leave [4-45.1](#), Sick Leave Bank [4-45.2](#), Health Care Leave [4-53.2](#), Parental Leave [4-53.3](#), Leave for Long-Term Illness or Injury [4-53.4](#), and Parental/Sick Leave [4-53.5](#).

Legal Reference:

Family Medical Leave Act of 1993.

Adopted by School Board: March 15, 1994



PERSONNEL

Family and Medical Leave

A. Eligible Employees

An employee who has worked for the School Board (i) for at least 12 months and (ii) for at least 1,250 hours during the previous 12-months is eligible to apply for the leave provided herein.

B. Definitions

The following definitions shall apply for purposes of this policy:

1. The term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a minor.
2. The term "son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is (i) under 18 years of age or (ii) 18 years of age or older and incapable of self-care because of mental or physical disability. "Incapable of self care" means that the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living.
3. The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - (i) any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility; or
 - (ii) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by a health care provider; or continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.
4. The term "continuing treatment by a health care provider" means one or more of the following:
 - (i) the employee or family member is treated two or more times for the injury or illness by a health care provider or by a provider of health care services under orders of, or referral by, a health care provider, or the employee or family member is treated by a health care provider on at least one occasion which results in a regimen of continuing treatment with the supervision of the health care provider.
 - (ii) the employee or family member is under the continuing supervision of a health care provider due to a serious long-term or chronic condition or disability which cannot be cured.Voluntary or cosmetic treatments which are not medically necessary are not serious health conditions, unless inpatient hospital care is required.
5. The term "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.
6. The term "workweek" means any calendar week where an employee is scheduled to work three (3) or more days.

C. Leave

1. In General

(i) Except as hereinafter provided, an eligible employee shall be entitled to a total of 12 workweeks of unpaid leave during a twelve (12) month period. The (12) month period will begin on the first day an employee uses Family and Medical Leave pursuant to this policy and will end 364 days later.

- (a) because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
- (b) because of the placement of a son or daughter with the employee for adoption or foster care.
- (c) because the employee is needed to care for his spouse, son, daughter or parent, if such spouse, son, daughter, or parent has a serious health condition.
- (d) because of a serious health condition that makes the employee unable to perform the functions of his or her position.

(ii) The entitlement to leave for a birth or placement of a son or daughter shall expire 12-months after such birth or placement.

(iii) A husband and wife who are employed by the School Board may only take a combined total of 12 weeks of leave during the school year for the birth or placement of a child or to care for a parent (but not a parent-in-law) with a serious health condition.

2. Leave taken intermittently or on a reduced schedule

(i) Leave for the birth or placement of a child shall not be taken by an employee intermittently or on a reduced leave schedule without the written authorization of the Division Superintendent.

(ii) Leave for the serious health condition of an employee or an employee's spouse, parent or child may be taken intermittently or on a reduced leave schedule when medically necessary. If such leave is foreseeable based on planned medical treatment, the Division Superintendent may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and, in the Division Superintendent's opinion, better accommodates recurring periods of leave than the regular employment position of the employee.

(iii) Employees may not take leave in less than 1/4 day increments.

3. Substitution of Paid Leave

An employee may substitute any accrued paid annual, personal or sick leave for unpaid leave taken pursuant to this regulation.

D. Foreseeable Leave

1. Notice

In any case in which the necessity for leave is foreseeable based on an expected birth or placement, or planned medical treatment, the employee shall request such leave not less than 30 days before the date leave is to begin, except that if the date of the birth or placement, or medical treatment, requires leave to begin in less than 30 days, the employee shall provide as much notice as is practicable.

2. Duties of Employee

In any case in which the necessity for leave for the serious health condition of an employee or of an employee's spouse, parent or child is foreseeable, based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the School Division.

3. Requests for Leave

Requests for leave shall be made on forms provided by the Division Superintendent.

E. Certification and Other Opinions

1. An employee requesting leave on account of a serious health condition must submit a medical certification on the form provided by the Division Superintendent.

2. In any case in which the Division Superintendent has reason to doubt the validity of the certification for leave, he may

require, at the School Board's expense, that the employee obtain a second opinion of a provider designated or approved by the Division Superintendent concerning any information in the certification.

3. If the second opinion differs from the original certification, the Division Superintendent may require, at the School Board's expense, that the employee obtain a third opinion of a provider jointly approved by the employee and the Division Superintendent. The third opinion shall be final and binding.

4. The Division Superintendent may require an employee to obtain subsequent certifications on a reasonable basis.

5. The failure of an employee to provide the required medical certification will terminate the employee's right to leave and nullify any leave already taken by the employee.

F. Employee and Benefits Protection

1. An employee who takes leave under this regulation shall, upon return from said leave, be restored to the position he or she left or to an equivalent position.

2. An employee taking leave under this regulation shall not lose any benefits accrued prior to taking leave, but no such employee shall accrue seniority or benefits while on unpaid leave.

3. An employee who takes leave for his own serious health condition shall provide the Division Superintendent with a certification from the health care provider, on the prescribed form, that the employee is able to resume work.

4. The Division Superintendent may require employees on leave under this regulation to report periodically on the status and intention of the employee to return to work.

5. The School Board may recover any premiums that it paid for maintaining benefit coverages for an employee during the period of unpaid leave hereunder if the employee does not return to work after the expiration of the leave, except for health benefit premiums when the employee does not return to work because of the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under paragraph C1 (i) (c) or (d) above, or other circumstances beyond the employee's control. The Division Superintendent may require the employee to provide a certification from a health care provider if the employee does not return to work because of reasons specified in paragraph C1 (i) (c) or (d). If the employee fails to provide the requested certification within thirty (30) days of the request, the employee will be obligated to repay all health benefit premiums paid by the School Board.

G. Effective Date

This regulation is effective as of August 5, 1993.

Approved by Superintendent: January 18, 1994

Revised by Superintendent: February 4, 1998 (Retroactive to July 1, 1997)

Revised by Superintendent: October 8, 1998

PERSONNEL

Licensed Personnel: Role of Professional Teaching Staff/Conditions of Employment

A. Role of Professional Teaching Staff

The professional teaching staff shall be responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy, which is conducive to learning and in which all students are expected to achieve the objectives of the Standards of Learning for the appropriate grade level or discipline. The staff shall:

1. Serve as leadership models of effective oral and written communication with special attention to the correct use of language and spelling;
2. Strive to strengthen the basic skills of students in all subjects;
3. Establish teaching objectives to achieve the following:
 - a. Identify what students are expected to learn; and
 - b. Inform students of the achievement expected and keep them engaged in learning tasks;
4. Provide for individual differences of students through the use of differentiated instruction, varied materials, and activities suited to their interests and abilities;
5. Assess the progress of students and report promptly and constructively to them and their parents.
6. Teach the School Board approved curriculum.

B. General Qualifications

1. Skills. The person employed must have sufficient language, mechanical, computational, and organizational skills to perform his/her basic tasks without close supervision.
2. Maturity. The person employed must have reasonable emotional balance and self-control.
3. Facility in Dealing with Others. The person employed must enjoy working with other people and must have a natural ease in dealing with students, supervisors, coordinators, directors, staff and members of the public with whom he/she will be in contact.
4. Understanding of Job Function. The person employed must have or be able to develop very readily a clear understanding of the function of his/her job in operating the school division.

C. Licensure/Employment Qualifications

All teaching personnel shall meet the licensure requirements of the Virginia Board of Education for the

position to which they are assigned. Current employees of the Virginia Beach City Public Schools shall be required to provide proof of baccalaureate degree, major, concentration, or graduate degrees, and field of discipline. Educational transcripts may be required as evidence of eligibility for Virginia Licensure.

D. Criminal History Record Information

The Superintendent shall require that all employees, whether full-time or part-time, permanent or temporary, submit to fingerprinting and provide personal descriptive information to obtain criminal history record information for the purpose of screening individuals who accept employment in the division.

The Superintendent shall forward the personal descriptive information through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee.

The Superintendent shall require that any applicant who is offered or accepts employment requiring direct contact with students provide written consent and the necessary personal information to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services. The Superintendent shall thereafter request a search of the records of the Department of Social Services to be conducted for each such applicant.

The Superintendent shall also require that each employee, whether full-time or part-time, permanent or temporary, certify that he or she has not been: (1) convicted of a felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse or rape; and (2) has not been the subject of a founded case of child abuse and neglect.

Employees hired after December 21, 1999, may be permitted to work pending the results of the Federal Bureau of Investigation background investigation and Department of Social Services search of the registry of founded complaints if the following conditions are met:

1. The division has successfully completed a state and local police background check for the individual; and
2. The division has successfully completed a check of the sex offender website and the sex offender and crimes against minors registry for the individual; and
3. The division requires the individual to serve in the physical presence of an employee who has successfully completed the Federal Bureau of Investigation background investigation and the Department of Social Services search of the registry of founded complaints.

E. Probationary Period Required/Mentor Teacher

Although contracts for instructional personnel are issued for one (1) year only, the first three (3) years of a person's employment shall be considered a probationary period for new personnel. All probationary employees, except those with prior successful teaching experience, shall be provided with a mentor teacher during their first year. Further, probationary employees will be given extra supervision and assistance in adjusting to his/her new position, and particular attention will be given to a continuing evaluation of his/her efficiency. Probationary teachers shall annually be evaluated using the procedures developed by the School Board. The Superintendent shall consider each annual evaluation of a probationary employee in the nonrenewal process. If a teacher's annual performance evaluation during the probationary period is unsatisfactory, the School Board shall not reemploy such teacher.

Teachers who have attained continuing status in another school division in Virginia shall serve a probationary period of no less than one (1) year in the school division before attaining continuing contract status. Such a one year probationary period shall be a part of the initial contract.

F. Externally Funded Programs

All persons employed on externally funded programs shall be placed on the appropriate salary schedule and step and shall be afforded all benefits according to other employees fulfilling comparable duties.

G. PRAXIS Exam

Use of the PRAXIS Exam shall not be resumed for teachers who currently hold a Collegiate Professional License.

H. Financial Incentives for Excellence in Teaching

The School Board has adopted policies designed to promote the employment and retention of the highest quality instructional personnel and to effectively serve the educational needs of students. The Superintendent shall annually develop and propose financial incentives for excellence in teaching which shall be contained in the budgets presented to the School Board ("Superintendent's Estimate of Needs") or in the School Board Compensation Plan.

Legal Reference:

Code of Va., § 22.1 298. Regulations governing licensure.

Code of Va., § 22.1 299. License required of teachers.

Code of Va., § 22.1 253.13:1. Standard 1. Basic skills, selected programs, and instructional personnel.

Code of Va., § 22.1 296.1. Data on convictions for child abuse or molestation required.

Code of Va., § 22.1 303. Probationary terms of service for teachers.

Code of Va., § 19.2 389. Dissemination of criminal history record information.

Code of Va., § 22.1 296.2. Fingerprinting required.

Code of Va. §22.1-296.4 Child abuse and neglect data required.

Immigration Reform and Control Act of 1986.

Board of Education Regulation Establishing Standards for Accrediting Public Schools in Virginia, 8 VAC 20-131-10 et seq.

Code of Va., § 19.2-390.1. Sex offender and crimes against minors registry; maintenance; access.

Code of Va., § 19.2-390.2. Automatic notification of registration to certain entities.

State of Virginia Sex Offender Registry: <http://sex-offender.vsp.va.us>.

Editor's Note

Employers are required to verify that all employees hired after November 6, 1986 are U.S. citizens or aliens authorized to work.

See School Board [Policy 4-5](#) and [Regulation 4-5.1](#) for Superintendents' duty to notify Board of arrest of an employee and employees duty to notify Superintendent of arrest.

See School Board [Policy 4-62](#) for evaluation of probationary teachers.

See School Board [Policy 2-48](#) for conditions of employment generally.

See School Board [Policies 4-75](#) and [4-90](#) for conditions of employment for classified personnel and substitutes.

See School Board [Policy 4-5](#) for requirement that employees notify Superintendent when charged with crimes.

Adopted by School Board: October 21, 1969
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: November 3, 1998
Amended by School Board: March 21, 2000
Amended by School Board: April 1, 2003



PERSONNEL

Licensed Personnel: Contracts

A. Contracts

A written contract, in a form prescribed by the Virginia Board of Education, shall be made by the School Board with each teacher employed by it, except those temporarily employed. Temporarily employed teachers will sign a Substitute Teacher Agreement, a Temporary Employment Agreement, or Short Term Employment Agreement, depending upon the nature of the employment. Such agreement will set forth the terms and conditions of employment and shall provide that there is no promise of continued or future employment by the School Board.

B. Special Covenants

Special covenants relating to each year's contract shall be sent to the teacher at the time the contract for the ensuing year is made. All contracts shall include as a provision or special covenant a condition that the terms of the contracts are issued contingent upon continued appropriation of funds (including receipt of federal and/or state funds) necessary to meet the contracts.

Editor's Note

See School Board [Policy 4-93](#) *Employment of Temporary and Part-Time Employees*

See School Board [Policy 4-90](#) *Substitute Employees*

See School Board [Policy 2-50](#) *-Appointment/Reappointment and Reclassification*

See School Board [Policy 4-1](#) *Definitions*

Legal Reference:

Code of Va., § 22.1-302. Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and regulations

Code of Va., § 22.1-303. Probationary terms of service for teachers.

Code of Va., § 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

Code of Va., § 22.1-305. Nonrenewal of contract of probationary teacher.

Virginia Board of Education Regulations. "Regulations Governing Contractual Agreements with Professional Personnel."

Adopted by School Board: October 21, 1969
Amended by School Board: August 19, 1975
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: January 18, 2000
Amended by School Board: June 8, 2004



PERSONNEL

Licensed Personnel: Contracts

These regulations will govern the issuance of continuing contracts.

A. Definition

As used in this policy, the following terms will have the following meanings:

1. "Teacher" will mean a person (a) who is regularly employed full-time such as a classroom teacher, visiting teacher, guidance counselor or librarian and (b) who holds a valid teaching certificate.
2. "Principal" will mean a person (a) who is regularly employed full time as a principal or assistant principal and (b) who holds a valid teaching certificate.
3. "Supervisor or Coordinator" will mean a person (a) who is regularly employed full time in a supervisory or coordinator capacity and (b) who is required to hold a certificate by the Board of Education in order to be employed in that position.

B. Eligibility for Continuing Contract

1. Only persons regularly employed full-time by a school board as teachers, principals, supervisors, or coordinators will be eligible for continuing contract status.
2. A probationary term of service of three years in the same school division is required prior to the issuance of a continuing contract. Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed one year, is made a part of the contract of employment.
3. A person employed as a principal, supervisor, or coordinator, including a person who has previously achieved continuing contract status as a teacher, will serve three years in such position in the same school division before acquiring continuing contract status as principal or supervisor.
4. In calculating probationary terms of service for teachers, principals, supervisors, and coordinators, employment for 180 or more teaching days during one school year will constitute a single year of service. In the first year of service by a teacher, 160 or more teaching days will be deemed the equivalent of one year.
5. If a teacher, principal, supervisor, or coordinator separates from service during his/her probationary period and does not return to service in the same school division by the beginning of the next year following the year of separation, such person will be required to begin a new probationary period.
6. If a teacher who has attained continuing contract status in a school division in the Commonwealth separates from service and returns to service in a school division in Virginia by the beginning of the third year, such teacher will be required to serve a probationary period not to exceed one year.

C. Teaching Outside State Public School System Not Counted in Probationary Term

Teaching service outside of the Virginia public school system will not be counted as meeting in whole or in part the

required probationary term.

D. Continuing Contracts Restricted

Continuing contracts may be executed on behalf of persons holding in force a postgraduate professional, a collegiate professional, or a vocational certificate.

E. Contractual Period

A ten-month contractual period for teachers is defined to include a maximum of 200 days as follows:

1. 180 teaching days (minimum required by law)
2. 10 days for such activities as teaching, planning for the opening of school, evaluation, completing records and reports incident to the closing of each semester or school year, committee assignments, and conferences as are defined by the local school board
3. 10 days for a continuation of activities under items 1 and 2, and/or such other activities as may be assigned or approved in the discretion of the local school boards. Items 1 and 2 specify a minimum number of days for specific purposes. Item 3 refers to 10 days subject to optional use as determined by the local School Board

All other continuing contract personnel will work the number of days specified by the Department of Personnel Services.

F. Nonrenewal of Teacher Contracts

Prior to non-renewal of a contract for a teacher for the ensuing school year, the following procedures will have been achieved.

1. The principal must have kept a dated, written record of evidence of the teacher's difficulties. Complaints concerning the teacher must be shared by the principal with the teacher within a reasonable period of time.
2. The principal or assistant principal must have systematically observed the teacher's program and at least one such observation must have been in the classroom, and the principal must have presented the teacher in writing:
 - a. The strengths observed
 - b. The weaknesses observed
 - c. Suggestions for improvement
3. At the discretion of the principal, a specialist(s) may have been designated to observe the teacher's program, with at least one observation in the classroom. Following such observation(s) the teacher must have received in writing:
 - a. The strengths observed
 - b. The weaknesses observed
 - c. Suggestions for improvement
4. The teacher involved may also have had an opportunity to observe other teachers with equivalent assignments.

G. Appeal Procedures

1. A teacher on probationary status will be entitled to appeal procedures as authorized in Va. Code § 22.1-305.
2. A teacher on continuing contract status will be entitled to appeal procedures as specified in school board [policy 4-3](#), Grievances and Grievance Procedures: Teachers, and division [regulation 4-3.1](#).

Grievance ProceduresCTeachers.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: March 28, 2001



School Board of the City of Virginia Beach
Regulation 4-58.1

PERSONNEL

Instructional Preparations/Lesson Plans

A. Instructional Preparations

School principals shall be cognizant in the scheduling of teacher assignments of the impact of numerous, separate lesson plan preparations. As a general guideline, the principal should explore various scheduling methods and patterns and department/grade level recommendations to keep to a minimum the number of separate preparations.

B. Lesson Plans

Teachers shall maintain lesson plans that include objectives, procedures, materials, and evaluation in a format that is understandable to administrators and supervisors.

Approved by School Board: February 16, 1993



School Board of the City of Virginia Beach
Regulation 4-59.1

PERSONNEL

Noninstructional Duties

1. The principal function of the teacher consists of actual classroom instruction. Wherever noninstructional duties are found to be necessary by the building administrators, said duties shall be assigned on an equitable, rotating basis. The schedule for rotation of duty assignments may be for less than annual duration.
2. To the extent that utilization of the school's personnel allocation will allow, consistent with accreditation standards, alternative staffing designs will be permitted as a means of relieving teachers of some of the noninstructional duties.
3. Teachers may request to be assigned to perform certain instructional duties in lieu of noninstructional duties. Whenever a building principal decides to assign these instructional activities, equal consideration shall be given to all requests. Examples of these activities are: remedial work, enrichment, tutoring, mini-courses, working with new teachers, departmental projects approved by the building principal, and developing instructional materials.

Approved by School Board: February 16, 1993



PERSONNEL

Planning Time/Lunch Period

A. Planning Time

1. Teachers are expected to plan for effective instruction each day. In order to support this expectation, provision shall be made for unencumbered planning time. Appropriate utilization of planning time is expected.
2. Elementary teachers (classroom and teaching specialists) will be provided 250 minutes of unencumbered planning time per full week, except in those circumstances where physical configuration, program, staffing levels, and other variables make it unfeasible. In no instance shall a teacher be provided less than two hundred twenty-five (225) minutes of planning time per full week. In those schools wherein physical configuration, program, staffing levels, and other variables exist which permit the principal to create additional planning time, authorization to do so is granted. One hundred fifty (150) minutes of planning time shall be in segments of thirty (30) minutes or more.
3. Middle school classroom teachers shall be provided two hundred fifty (250) minutes of unencumbered planning time per full week.
4. Senior high classroom teachers shall be provided a minimum of five (5) unencumbered planning periods, each equivalent to a regular class period in length, per full week.
5. Unencumbered planning time shall be interpreted to mean that a teacher scheduled for planning may not be assigned a conflicting, regularly programmed responsibility during such a period. Normal supervisory contracts are not an encumbrance; nor are conferences with a department head.
6. In those schools wherein physical configuration, program, staff levels, and other variables exist which permit the principal to create additional planning time, authorization to do so is granted.

B. Lunch Periods

Individual schools shall schedule a 30 minute duty-free lunch period for teachers within the regular school hours.

Approved by School Board: February 16, 1993



PERSONNEL

Licensed Personnel: Evaluation

A. Procedure

The School Board shall develop a procedure for use by the Superintendent and other administrators to evaluate instructional personnel that is appropriate to the tasks performed by instructional personnel which shall be used by the Superintendent and administrators to evaluate instructional personnel. The process must address (1) planning, assessment, and achievement, (2) instructional leadership, (3) safety and organizational management for learning, (4) professionalism, and (5) communication and community relations. The Superintendent shall provide the Board with a written recommended procedure for evaluation for the Board to consider and adopt.

B. Evaluator Training

Beginning September 1, 2000, principals must have received training provided by the Superintendent and his staff, pursuant to Virginia Code § 22.1-253.13:5, in the evaluation and documentation of employee performance, which evaluation and documentation shall include, but shall not be limited to, employee skills and knowledge and student academic progress. Assistant principals and other administrative personnel participating in the evaluation and documentation of employee performance must also be trained in the evaluation and documentation of employee performance.

C. Probationary Employees

Appropriate administrative staff shall annually evaluate probationary teachers by using School Board developed procedures. The Superintendent shall consider each annual evaluation of a probationary employee in the nonrenewal process. If a teacher's annual performance evaluation during the probationary period is unsatisfactory, the School Board shall not reemploy such teacher.

Editor's Note

See School Board Policy 4-56 for mentorship program for probationary teachers and financial incentives for excellence in teaching.

Legal Reference:

Code of Va., § 22.1 253.13:7. Standard 7. Policy manual.

Code of Va., § 22.1 303.1. Immunity from civil liability for certain individuals.

Code of Va., § 22.1-293. School Boards authorized to employ principals and assistant principals; licensed required; powers and duties.

Code of Va., § 22.1-295 Employment of teachers.

Code of Va., §22.1-303. Probationary terms of service for teachers.

Adopted by School Board: March 18, 1975

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: March 7, 2000
Amended by School Board: February 8, 2005

PERSONNEL

Evaluation: Licensed Personnel

A. Evaluation of Administrative/Supervisory Personnel Other Licensed Personnel

1. Orientation

The evaluation process and procedure will be reviewed with staff members.

2. Schedule of Evaluation (Minimum Evaluation Cycle)

a. During the first three years of service in these positions, the employee will be evaluated annually.

b. Employees with three (3) or more years of experience in these positions within the school division will receive an evaluation every two years.

c. An individual may request additional evaluations.

d. Employees may receive an evaluation if on a continuing contract and it is not their year to be evaluated

B. Evaluation of Teaching Personnel

1. Orientation

The evaluation process and procedure will be reviewed with teachers.

2. Schedule of Evaluations

a. First Year Probationary Teachers (P-1)

(1) By November 1 - First observation completed.

(2) By January 15 - Second observation completed.

(3) By the last day of the first semester - Interim Evaluation completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

(4) By March 1 - Third observation completed.

(5) By April 1 - Summative Evaluation completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

b. Second Year Probationary Teachers (P-2)

(1) By January 15 - First observation completed.

(2) By last day of first semester - Interim Evaluation completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

(3) By April 1 - Second observation completed.

(4) By April 1 - Summative Evaluation is completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

c. Third Year Probationary Teachers (P-3)

(1) By April 1 - Observation completed.

(2) Prior to last ten teacher workdays - Summative Evaluation completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

d. Probationary to Continuing Contract Teachers (PC-C)

(1) By April 2 – Observation completed using Summative Evaluation form.

(2) Prior to last ten teacher workdays – Summative Evaluation is completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

e. Continuing Contract Teachers (CE-even year) or CO-odd year)

(1) By May 15 - One written observation completed.

(2) Every two years (prior to last ten teacher workdays) - Summative Evaluation is completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

f. Special Probationary Teachers

(1) Within six weeks of beginning date of probation - one observation.

(2) Within one month following first observation - Interim Evaluation completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

(3) Within six teaching weeks of cumulative evaluation - second observation completed.

(4) Within six weeks after second observation - Summative Evaluation completed using the Teacher Evaluation Instrument. Submit to Department of Human Resources.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 18, 1994
Revised by Superintendent: February 23, 2005



School Board of the City of Virginia Beach
Regulation 4-63.1

PERSONNEL

Room and Class Assignment

1. The principal shall assign teaching stations in order to attain the best overall use of the staff, building, and grounds.

Stability in single-room assignment is useful and deserves emphasis, especially for certain subjects and grade levels; however, space limitations may make it impractical to avoid multi-room assignments. Principals will continue to strive for stability in room assignments.

2. In developing room and class assignments, consideration will be given to certification, areas of study concentration, building needs, and individual preferences. Where these factors are equal, length of service within the building shall be considered.

3. Teachers will be provided their teaching assignments, including grade level, specific courses, and as much available information as possible during the last week of the school year. In cases where changes in assignments are made or previously unavailable information becomes known during the summer, the teacher will be informed as soon as possible. When contact cannot be made in person or by local telephone, a letter will be forwarded to the teacher's summer mailing address .

4. A copy of the school master schedule will be posted on the school's main bulletin board by the reporting day of teachers. Changes shall be posted throughout the year.

Approved by School Board: February 16, 1993



School Board of the City of Virginia Beach
Policy 4-64

PERSONNEL

Licensed Personnel: Professional Growth

The school board encourages licensed employees to participate in activities that will expand the employee's knowledge and will increase professional competency. To the extent that the budget allows, the board shall provide opportunities for employees to participate in activities outside the school division and shall offer in-service training programs within the school division.

The superintendent may approve in-service programs and activities, to the extent that the board has budgeted funds.

Legal Reference:

Code of Va., § 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

Code of Va., § 22.1-253.13:5. Standard 5. Training and professional development.

Code of Va., § 22.1-305.1. Mentor teacher programs.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Regulation 4-64.1

PERSONNEL

Orientation/In-Service Programs

A. Orientation Programs

The office of personnel services shall develop division-wide programs for the orientation of new teachers.

Each school's administration shall develop a program for the orientation of new teachers. In planning the program provisions will be made for current staff involvement.

B. In-Service Programs

It is recognized that effective in-service programs fulfill individual teacher needs as well as school system needs. In support of an effective system-wide in-service program, the following provisions will apply where feasible:

1. Programs will reflect the involvement of teachers through the opportunity to assist with planning and conducting activities.
2. Programs will be evaluated and the results shared with appropriate committees and participants.
3. Program agendas will be distributed to schools for posting and/or announcement two weeks in advance of the meetings.
4. For building level in-service programs, excluding parent-teacher conference days, principals are encouraged to set aside a minimum of three (3) hours for teachers to work in their classrooms.

Approved by Superintendent: January 18, 1994



PERSONNEL

School Meetings and Conferences

A. Faculty Meetings

Attendance at faculty meetings is required of licensed employees. Employees may be excused from attendance at the discretion of the administrator in charge. Faculty meetings shall be reasonable in number and time used.

B. Parent-Teacher Conferences

Teachers shall be available to meet with parents at a reasonable time after school or at special evening events held by the school for this purpose.

C. Workshops/In-service Training Programs

Teachers are required to attend workshops and in-service training programs sponsored by the school board. Workshops and in-service meetings shall be reasonable in number and time.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Regulation 4-65.1

PERSONNEL

Meetings and Conferences

A. Faculty Meetings

The school hours do not necessarily include the time for a reasonable number of general faculty meetings. Where feasible:

1. Communication with the faculty shall be handled by announcements, memos, or other written communications.
2. Faculty meetings will be scheduled to begin within the regular school hours except in those cases where faculty agrees to meetings before the school day begins.
3. Advance notice of faculty meetings, including time of meeting and matters on the agenda, will be given.

The time and frequency of faculty meetings shall be established at the individual school level.

With the principal's approval, a teacher may be excused from a faculty meeting with the understanding that the absent faculty member will make the efforts necessary to become informed of matters dealt with at the meeting.

B. Conferences with Parents

Parent-teacher conferences shall be scheduled within regular school hours or at a time mutually convenient to the parties concerned. All conferences shall be scheduled in a manner and at a time to prevent disruption of regular school activities.

Approved by School Board: February 16, 1993



School Board of the City of Virginia Beach
Policy 4-66

PERSONNEL

Tutoring for Pay

The superintendent shall ensure that teachers not tutor for pay any student whom they are currently teaching. Unless approval is given by the principal, a teacher shall not tutor for pay any students whom they taught the previous school term. Teachers are not to advise that students be tutored without prior consultation with the principal.

Exceptions to this provision are noted in Regulation 4-66.1, Tutoring for Pay: Licensed Personnel.

Editor's Notes

See [Regulation 4-66.1](#) – Tutoring for Pay: Licensed Personnel
See school division website: www.vbschools.com.

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Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: June 8, 2004



School Board of the City of Virginia Beach
Regulation 4-66.1

PERSONNEL

Tutoring for Pay: Licensed Personnel

Teachers may tutor students for pay provided that the student is not currently under the supervision of the teacher and that such instruction for pay is carried on outside of school premises and after school hours.

Unless approval is given by the principal a teacher shall not tutor for pay any student whom they taught the previous school term.

Teachers are not to advise that students be tutored without prior consultation with the principal or a designee.

Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Policy 4-67

PERSONNEL

Investigating/Reporting Alcohol or Drug Use

The laws regarding the sale, distribution, possession and/or use of illegal drugs are clear, and penalties are provided for violators of these laws. All members of the school community are subject to these laws on school grounds as well as elsewhere and have the responsibility as citizens to uphold these laws.

The board will not condone any violation of the law and will fully support any employee, who, in good faith acts to report, investigate or cause any investigation to be made into the activities of students or other persons as they relate to the use of alcohol or drugs in the public schools.

Legal Reference:

Code of Va., § 8.01-47. Immunity of school personnel investigating or reporting alcohol or drug use.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Regulation 4-67.1

PERSONNEL

Investigating/Reporting Alcohol or Drug Use - Employee Responsibilities

1. The principal and staff members should have a knowledge of and be thoroughly familiar with School Board regulation on drug-free schools and should interpret this regulation to the staff members, students, and parents. The principal should be aware of all local, state, and federal laws relative to the use, sale, and possession of drugs.
2. The principal will be notified of all suspected drug-related incidents in the school. Students referred because their appearance or behavior seem symptomatic of drug abuse will be sent to the school nurse. If necessary, parents will be notified to remove the student from school.
3. In cases where immediate medical attention is necessary, the principal will inform the student's parents and make arrangements to transfer the student to a local hospital.
4. Accurate and detailed records on all drug incidents will be maintained by the principal and will be treated as confidential.
5. The principal will report all suspected drug-related incidents to the superintendent.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Policy 4-68

PERSONNEL

Reporting Child Abuse or Neglect

The superintendent shall develop regulations which ensure that school board employees report any cases of suspected child abuse or neglect.

Legal Reference:

Code of Va., § 63.1-248.3. Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

Code of Va., § 63.1-248.10. Authority to talk to child or sibling.

Code of Va., § 63.1-248.17. Cooperation by state entities.

Adopted by School Board: July 16, 1991

Amended by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Regulation 4-68.1

PERSONNEL

Child Abuse or Neglect

Regulations governing child abuse or neglect allegations are designated below.

A. An abused or neglected child is defined as any child less than eighteen (18) years of age who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis; or whose parents or other person responsible for his care:

1. Create or inflict, threaten to create or inflict, or allow to be created or inflicted upon such child physical or mental injury by other than accidental means, or create a substantial risk of death, disfigurement, or impairment of bodily or mental functions;
2. Neglect or refuse to provide care necessary for his health;
3. Abandon such child;
4. Commit or allow to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law

B. Any teacher or other person employed in the Virginia Beach City Public Schools will report any cases of suspected child abuse or neglect immediately to the principal. Principals shall then immediately report such incidents of suspected abuse or neglect to the local Department of Social Services and allow Child Protective Services authorities to determine the necessity of a child abuse investigation. If the person suspected of the abuse is the principal, the report shall be made directly to the Department of Social Services.

C. When the person suspected of abuse is an employee of the Virginia Beach City Public Schools, an investigation will also be conducted by the Department of Personnel Services. Employees found guilty of such conduct will be recommended for termination.

Regulatory Authority:

Code of Va., § 63.1-248.2 Definitions.

Code of Va., § 63.1-248.3 Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: August 18, 1992/1/95



PERSONNEL

Licensed Personnel: Salary Schedule

A. Generally

1. The board desires to adopt annually a salary schedule for teachers that will attract outstanding candidates and will retain those teachers who have met the standards of excellence required by the board.

2. The salary schedule should be based upon a reasonable base salary, should take into consideration years of school experience, degree of educational training and such other criteria as the board may deem appropriate.

Legal Reference:

Code of Va., § 22.1 289.1. Teacher compensation; biennial review required.

Adopted by School Board: June 16, 1970

Amended by School Board: July 1, 1978

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: October 21, 2003



PERSONNEL

Salary Scale for Teachers-Placement and Advancement

A. Compensation

1. In determining initial placement on the salary scale, credit will be given for teaching experience in accredited K-12 institutions.
2. After initial placement, salary increases shall be at a rate determined annually by the School Board as part of the budget process.
3. A teacher holding a master's degree in education or in a subject field reasonably related to the teacher's assignment shall be eligible for the master's degree allowance.
4. A teacher who holds a Certificate of Advanced Study or Education Specialist Degree in education or in a subject field reasonably related to the teaching assignment shall be eligible for a salary allowance. The allowance may also be earned by successfully completing 30 semester hours of graduate credit, after completion of the master's degree, which are reasonably related to the teaching assignment. A teacher who receives this allowance shall not be eligible for the allowance for the Master's allowance.
5. A teacher who holds a doctorate in which the emphasis or major is reasonably related to the teaching assignment shall be eligible for a doctoral allowance. A teacher who receives this allowance shall not be eligible for the allowance for the Master, the CAS or Ed.S. degree.
6. When a teacher is placed on a special probationary status, effective immediately the employee will be reduced in salary placement by two (2) steps or 6 percent for the duration of the probationary period.

B. Career Allowance

1. Minimum requirements for receipt of the career allowance:

- a. Hold a Collegiate Professional License.
- b. Hold or be eligible for a continuing contract.
- c. Have completed a minimum of ten (10) years of successful classroom teaching of which three (3) must be in the Virginia Beach School System.
- d. Have received on all annual evaluations entirely satisfactory ratings for two (2) years preceding initial application and in the three-year (3) period preceding renewal application.
- e. Have received commendations on the final annual evaluations which are clearly reflective of a career teacher.
- f. Have demonstrated professional involvement over the course of two years immediately preceding initial application and in the three-year (3) period preceding renewal application for placement by participation in activities such as:
 - (1) Successfully completed additional graduate study in the teaching field (minimum of three semester hours).
 - (2) Successfully completed an in-service course conducted by the Virginia Beach School System.
 - (3) Served as a member of a systemwide study or curriculum committee.

- (4) Served as a member of a curriculum development workshop.
- (5) Served in a leadership capacity in planning and/or conducting two or more in-service programs.
- (6) Served in a leadership capacity in a professional organization directly related to the teacher's assignment (for example, an English teacher holding a leadership role in the District, State, or National Council of Teachers of English would meet this service requirement).
- (7) Served as a member of the school self-study steering committee or as a chairperson of one of its subcommittees during the school's most recent self-study.
- (8) Attended an instructional conference approved by the school or school system.
- (9) Planned and/or conducted an approved pilot study, mini-grant, or project at the request of the school or school system, or initiated by the teacher and approved by the school system.
- (10) Served as a cooperating teacher.
- (11) Served as sponsor of a student club, organization, forensic, or athletic activity.
- (12) Regularly assisted with planning and/or conducting school or systemwide student activities and programs.
- (13) Served in a leadership capacity in school, city, district, or state PTA activities.
- (14) Served as department, curriculum, or grade level chairperson.
- (15) Prepared and had published an article of an academic nature in a professional journal.
- (16) Served as a member of a school planning committee.
- (17) Served as chairperson of a subcommittee involved with the staff improvement plan or the comprehensive educational growth plan.
- (18) Recognized as an individual school's teacher of the year.
- (19) Professional involvement activities not enumerated above shall be considered on the basis of their value to the school or school system. Achievement of six (6) such activities in the applicable period creates a presumption of professional involvement, and a conclusion of active Professional involvement may be drawn by the school board in slightly lesser cases where the Professional involvement in a smaller number of activities has been unusually extensive.

2. A teacher may apply for an allowance for a period of three (3) years by filing the appropriate application form with the Department of Human Resources between May 1 and June 30.

Application for renewal shall require reapplication every three (3) years. After three (3) consecutive 3-year cycles, the reapplication cycle will be every four (4) years.

3. The Department of Human Resources staff shall review the application and other pertinent data and shall determine whether the teacher meets the qualifications as outlined in Sections 1. a., b., c., d., e., and f.

4. A teacher desiring to appeal the decision by the Department of Human Resources staff may do so by initiating the grievance procedure.

6. A career teacher will be eligible for an allowance.

Approved by School Board: February 16, 1993
Revised by Superintendent: December 13, 2002



School Board of the City of Virginia Beach
Regulation 4-71.1

PERSONNEL

Credit for Previous Teaching Experience

Teachers coming into the Virginia Beach School System will receive credit for experience outside the Virginia Beach system on the following basis.

A. One credit for each of the first seven (7) full years of teaching experience in a state or regionally accredited school, and one credit for each additional two (2) full years of teaching experience in a state or regionally accredited school shall be granted up to a maximum of twelve (12) credits.

B. A full year of teaching experience shall be interpreted as follows:

1. For teaching experience prior to the 1974-75 school year, a teacher must have taught at least one hundred and twenty (120) days of a one hundred and eighty (180) day school term.

2. For teaching experience during the 1974-75 school year, or thereafter during the life of the contract, the teacher must have been employed on a full-time basis for a minimum of ninety-five (95) days or on a half-time basis for a minimum of 190 days during the regular school term.

3. No more than one (1) experience credit shall be credited for less than a full year (190) days of service. Additional partial years of teaching experience (minimum of one semester) may be combined for additional experience credits.

Regulatory Authority:

Code of Va., § 22.1-298. Regulations governing licensure.

Code of Va., § 22.1-299. License Required of Teachers.

Memorandum of Understanding

Approved by Superintendent: July 16, 1991



School Board of the City of Virginia Beach
Regulation 4-72.1

PERSONNEL

Payment for Work Beyond Regular School Term

1. The regular school term shall be defined as ten (10) months within which there shall be two hundred (200) contract days. The regular term shall include one hundred ninety (190) days designated as teaching, record, or in-service days and ten (10) days unassigned. When new programs or additional responsibilities are added, certain teachers may be required to attend 1 to 3 in-service days during the summer months.
2. A teacher employed in his regular assignment for more than ten (10) months, but less than twelve (12) months, shall be paid at a rate equal to 1/190 of the regular school term salary, exclusive of supplements.
3. A teacher who is employed for twelve (12) months shall be paid at the rate for which the teacher is eligible during the regular school term plus twenty (20) percent, exclusive of supplements.
4. Summer school teachers shall be paid at the rate of \$15.60 per hour. Summer school interpreters shall be paid \$8.65 per hour. Summer school nurses shall be paid at the rate of \$10.70 per hour. Summer school teacher assistants shall be paid \$6.50 per hour. Payment for summer school employment shall be made on regular pay days during the months of July and August.
5. Subject to the availability of PL 94-142 funds, special education teachers will have the opportunity for extender employment for the purpose of developing IEP's when such time is not available during the course of the regular day. Extended employment will be granted for the first grading period only. Payment shall be made at an hourly rate of \$9.95 (1993-94 - 15 hours maximum, 1994-95 10 hours maximum, 1995-96 - 5 hours maximum, 1996-97 - Eliminate).
6. Workshop participants shall be paid at the rate of \$10.70 per hour. All classified employees will be paid at the rate of \$6.20 per hour.

Approved by School Board: February 16, 1993



School Board of the City of Virginia Beach
Policy 4-73

PERSONNEL

Licensed Personnel: Awards for Achievement

The school board believes that teachers deserve special recognition for performance excellence and creativity.

Under guidelines developed by the administration principals are encouraged to nominate one teacher for the Virginia Beach Teacher-of-the-Year Award and one or more first-year teachers for the Sallie Mae First-Year Teacher Award.

Presentation of the Virginia Beach Teacher-of-the-Year Awards awards will be made at a ceremony planned specifically by the school board for this purpose.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



PERSONNEL

Sabbatical Leave

A. Eligibility

On the recommendation of the superintendent, the school board may permit qualified members of the professional staff to take sabbatical leave. The first such leave may be granted after the seventh year of active professional service within the Virginia Beach School System and additional leave after each successive period of seven years of active professional service. Accrued service shall not entitle any person to more than one year of sabbatical leave in a period of eight consecutive years.

B. Purpose of Leave

Sabbatical leave may be granted for the purpose of study which may include advanced degree work or work designed to increase the teacher's competence, or for such purpose as may be recommended by the superintendent and approved by the school board. Persons granted sabbatical leave shall not accept full-time employment, but the recipient of sabbatical leave may accept grants, fellowships, or remuneration for part-time employment of any type which does not interfere with the sabbatical project.

C. Compensation During Leave

During the period of sabbatical leave, the person on leave shall receive one-half the salary the employee would have received during the period in which the leave is granted, with the deduction of such sum as may be requested by the person on leave in order to maintain his status in the retirement system and insurance to which he may be committed. The school board's contributions toward an employee's retirement and insurance shall be based on the annual salary while on sabbatical leave. Social security, state and federal taxes, and other funds required by law will be deducted.

D. Provisions of Leave

During the period of sabbatical leave, each employee on sabbatical shall be entitled to all the privileges, rights, and opportunities which the employee would normally enjoy if on active duty. The person on sabbatical leave shall be considered for promotion on the same basis as if he were on active duty, and time spent on sabbatical leave shall be credited toward salary increments in the same manner as time spent on active duty. Upon returning to active duty, the person on sabbatical leave shall have the same rights to return to the position he occupied prior to going on sabbatical leave which he would have had by remaining on active duty. The employee shall not be transferred from his position unless he would have been transferred in the normal course of administrative operation.

E. Obligation of Recipient

Any employee to whom sabbatical leave is granted shall agree to return to the services of the Virginia Beach City Public Schools for a period of at least three (3) years following the expiration of the leave. As an option to this requirement, the individual shall return to the school board the total amount of salary received during the period of leave. The repayment schedule will be as follows: One-third on or before November 1 of each of the three years immediately following the expiration of the sabbatical leave. If the payment is not made on or before the due date, the prevailing rate of interest shall immediately be added to the payment due.

F. Selection of Recipients

In order to continue the services of the schools at a high level, the number of employees to whom sabbatical leave is granted shall not exceed one percent of the total number of instructional employees in any one school year. The individuals to whom sabbatical leave is granted shall be at the discretion of the superintendent and the school board.

Seniority shall be considered in the selection of appointees for sabbatical leave only when candidates are equally qualified in all other aspects.

G. Length of Leave

Sabbatical leave shall be granted for a period not to exceed one year.

H. Report of Leave

Each recipient of sabbatical leave shall file with the superintendent such reports of his activities as may be requested by the superintendent.

I. Application for Leave

Application for sabbatical leave must be filed in accordance with the following time schedule:

March 1 - if period of leave begins with the first semester and

October 1 - if period of leave begins with the second semester.

J. Addendum

When the period of sabbatical leave is for less than a full academic year or when the leave spans portions of two academic years, final approval shall be contingent upon the availability of a qualified replacement teacher.

Approved by School Board: July 16, 1991
Revised by School Board: February 16, 1993



School Board of the City of Virginia Beach
Regulation 4-74.2

PERSONNEL

Political Leave

Upon written request to the superintendent, a leave of absence, without pay, may be granted to a licensed staff member for the purpose of campaigning for public office. If the staff member is elected to the office he or she shall be granted a leave of absence, without pay, for the period of time consistent with the term of office to which elected.

Regulatory Authority:

Dougherty County Board of Education v. White, 47 U.S.L.W. 4001, (U.S. Nov. 28, 1978).

Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Regulation 4-74.3

PERSONNEL

Professional Leave

Professional leave will be governed by these regulations.

A. Application

1. Any employee who wishes to attend a professional improvement activity should file a request for professional leave with the appropriate administrator.
2. Applications for professional leave should be made in a timely fashion to avoid disruptions to the school program.
3. If approval is granted, the School Board will reimburse the individual for the reasonable expenses related to fees, meals, lodging, and transportation.

B. Reporting

Individuals attending professional improvement activities will be encouraged to share the information from such sessions.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: December 16, 2002

PERSONNEL

Classified Personnel: Conditions of Employment

A. General Qualifications

1. Skills. The person employed must have sufficient language, mechanical, computational, and clerical skill to perform his/her basic tasks without close supervision.
2. Maturity. The person employed must have reasonable emotional balance and self-control.
3. Facility in Dealing with Others. The person employed must enjoy working with other people and must have a natural ease in dealing with students, supervisors, staff and members of the public with whom he/she will be in contact.
4. Understanding of Job Function. The person employed must have or be able to develop very readily a clear understanding of the function of his/her job in operating the school division.

B. Characteristics of Positions

1. Critical. Types of positions in which the cost of errors is high. The cost may be in terms of monetary loss, damaged public relations, or disturbed personality (as with students).
2. Less Critical. Types of positions in which the cost of errors is low.

C. Selection of Employees

1. Critical Positions. Persons selected must be outstanding in each one of four general qualifications listed above. They may be required to have had experience in the type of work they are to do or to be at a certain age level. Persons selected for critical secretarial and clerical positions may be required to have had college training.
2. Less Critical Positions. Persons selected must possess each one of the four general qualifications listed above. They shall not be required to have had college training, past experience or age beyond that needed for high school graduation.

D. Conditions of Work

The superintendent, or a designee, shall establish work schedules, provisions for absences and other conditions of work in keeping with the board's policies.

E. Background Check Required

The Superintendent shall require that all employees, whether full-time or part-time, permanent or temporary, submit to fingerprinting and provide personal descriptive information to obtain criminal history record information for the purpose of screening individuals who accept employment in the division.

The Superintendent shall forward the personal descriptive information through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee.

The Superintendent shall require that any applicant who is offered or accepts employment requiring direct contact with students provide written consent and the necessary personal information to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services. The Superintendent shall

thereafter request a search of the records of the Department of Social Services to be conducted for each such applicant.

The Superintendent shall also require that each employee, whether full-time or part-time, permanent or temporary, certify that he or she has not been: (1) convicted of a felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse or rape; and (2) has not been the subject of a founded case of child abuse and neglect.

Substitute employees hired after December 21, 1999, may be permitted to work pending the results of the Federal Bureau of Investigation background investigation and Department of Social Services search of the registry of founded complaints if the following conditions are met:

1. The division has successfully completed a state and local police background check for the individual; and
2. The division has successfully completed a check of the sex offender website and the sex offender and crimes against minors registry for the individual; and
3. The division requires the individual to serve in the presence of an employee who has successfully completed the Federal Bureau of Investigation background investigation and the Department of Social Services search of the registry of founded complaints.

Legal Reference:

Code of Va., § 19.2-389. Dissemination of criminal history record information.

Code of Va., § 22.1-296.2. Fingerprinting required.

Immigration Reform and Control Act of 1986.

Code of Va., § 22.1-296.1. Data on convictions for child abuse or molestation required.

Code of Va., § 22.1-296.4. Child abuse and neglect data required.

Code of Va., § 19.2-390.1. Sex offender and crimes against minors registry; maintenance; access.

Code of Va., § 19.2-390.2. Automatic notification of registration to certain entities.

State of Virginia Sex Offender Registry: <http://sex-offender.vsp.state.va.us>.

Editor's Note

Employers are required to verify that all employees hired after November 6, 1986 are U.S. citizens or aliens authorized to work.

For conditions of employment generally, see School Board [Policy 2-48](#).

For conditions for employment of licensed and substitute personnel, see School Board [Policies 4-56](#) and [4-90](#).

For requirement that employees notify superintendent when charged with crimes, see School Board [Policy 4-5](#).

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: March 21, 2000



School Board of the City of Virginia Beach
Regulation 4-75.1

PERSONNEL

Classified Employees: General Employment Information

A. Transfer

No school-based classified employee may accept a voluntary lateral transfer or a voluntary demotion during the first ninety workdays of his/her initial employment. After the initial ninety workdays of employment have passed, a school-based classified employee may accept one lateral transfer or one voluntary demotion per school year.

Approved by Superintendent: September 21, 2000



PERSONNEL

Classified Personnel: Teacher Assistants

A. Classroom Teacher Assistants

The school board, upon the recommendation of the superintendent, shall employ classroom teachers assistants to aid teachers with their duties. The teacher may assign supplemental assignments to their assistants.

The qualifications, duties and responsibilities of teacher assistants shall be defined in job descriptions developed by the superintendent, or a designee. Federally funded assistants are subject to federal guidelines.

B. Clerical, Library, Health and Other Assistants

Assistants under these classifications shall be employed under the same conditions as are classroom assistants. They shall be assigned to assist in various departments and shall be made responsible to the person in charge of their assigned department.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



PERSONNEL

Teacher Assistants: General Employment Information

A. Evaluation

During preschool orientation, the appropriate building administrators shall inform teacher assistants of the evaluation procedure, schedule, and instrument as outlined in School Board Policy 4-83.

B. Hours of Employment

1. Hours of employment for teacher assistants shall be 3 hours and 40 minutes per day (lunch not included) or 7 hours and 20 minutes per day including a 30 minute lunch period.

2. In order to verify a teacher assistant's presence in the building, a teacher assistant shall register arrival/departure in a manner designated at the building level. The teacher assistant need designate actual time only when arriving late or departing early.

C. In-Service Programs

Suitable in-service and college credit courses shall be developed and operated for teacher assistants commensurate with the need of the developing teacher assistant program. Such courses may include both subject matter and instructional procedures relative to teacher assistant duties. Where feasible, a survey of in-service needs for teacher assistants may be conducted.

An orientation program will continue to be developed for teacher assistants new to the school system. Teacher assistants will be utilized in planning the orientation.

D. Notification of Assignment

Notification of next year's assignment, including building/department, teacher(s), and duty assignments shall be made at the time the ensuing year's contract is issued. This notification shall include a general statement of duties and examples of work (illustrative only). If the assignment is changed or duties revised after this time, the assistant will be advised of the new assignment as soon as the information is firm. When contacts cannot be made in person or by local telephone, a letter will be forwarded to the assistant's summer mailing address.

E. Professional Growth Indicator

Teacher assistants shall submit a professional growth indicator to their building administrator prior to the date that the annual evaluation is prepared.

F. Termination of Employment

Nonrenewal of contract, probation, suspension, and/or dismissal of teacher assistants, shall be governed by School Board [Policies 4-17](#) and [4-18](#).

G. Transfers

1. Voluntary Transfers

a. No teacher assistant may accept a voluntary lateral transfer or a voluntary demotion during the first ninety workdays of his/her initial employment. After the initial ninety workdays of employment have passed, a teacher assistant may accept one lateral transfer or one voluntary demotion per school year. Further, teacher assistants who wish to be considered for a change in assignment within the particular school for the next year shall file a written request with the principal of the school no later than March 1. Such requests shall remain active for consideration until one week before teacher assistants report at the beginning of the year. The principal shall discuss the request with the teacher assistant. If the request is denied, the principal shall inform the teacher assistant of the reasons for the denial.

b. Teacher assistants who wish to be considered for a transfer to another school and/or duty assignment shall file a written statement with the Department of Human Resources requesting such consideration no later than March 1. Such requests shall remain active for consideration until August 1.

c. Teacher assistants who have requested transfers or reassignments shall be notified as soon as possible of the Department of Human Resources' action on the transfer or reassignment. This action will include:

- (1) the granting of the transfer or reassignment, or
- (2) a denial with a written explanation, or
- (3) a statement that this request is being held in abeyance with the possibility that it can be granted within a reasonable period of time.

d. Voluntary reassignment and/or transfer of a teacher assistant shall include consideration of the following factors:

- (1) Needs of the school system;
- (2) Satisfactory evaluation of performance;
- (3) Qualifications for position requested;
- (4) Hardships imposed by not granting the request;
- (5) Availability of a vacancy;
- (6) Length of service within the Division; and
- (7) Other factors which may be relevant to the requested assignment.

2. Involuntary Transfers

a. When overstaffing or program elimination occurs, teacher assistants in the overstaffed school will be given preference over all requests for transfers. In determining the new assignment, preference will be based on, in the following order: qualification(s) for position, length of service within the school system within the teacher assistant category.

b. Other factors being equal, length of service within the school within the assistant category shall be considered when determining which teacher assistant(s) will be transferred. However, once a teacher assistant is involuntarily transferred, then future transfers shall be based upon length of service within the school division as compared to length of service within the school and assistant category for other teacher assistants.



PERSONNEL

Bus Drivers/Driver Assistants

A. Bus Drivers

1. Qualifications

All bus drivers shall meet the requirements of the State of Virginia and the school board.

2. Duties and Responsibilities

The administration shall define the responsibilities of each bus driver and be assured that such driver fully understands his/her obligations and responsibilities.

B. Driver Assistants

Editor's Note

See division [regulation 4-77.1](#).

Legal Reference:

Code of Va., § 22.1-178. Requirements for persons employed to drive school bus.

Code of Va., § 46.2-340. Information concerning school bus drivers.

Virginia Board of Education Regulations, "Governing Pupil Transportation." (January, 1991)

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Regulation 4-77.1

PERSONNEL

Bus Drivers/Driver Assistants

Editor's Notes

See "Virginia Beach City Public Schools Memorandum of Understanding: School Bus Drivers and Driver Assistants 1993-94" approved by school board for current school year.
See also "Virginia Beach City Public Schools Pupil Transportation Manual" and Virginia Beach City Public Schools "Job Descriptions for Classified Employees" (Revised October 1992).

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Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Regulation 4-78.1

PERSONNEL

Food Services Personnel

Editor's Notes

*See Virginia Beach City Public Schools "Food Service Operational Manual."
See also Virginia Beach City Public Schools "Job Descriptions for Classified Employees" (Revised 1992).*

Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Regulation 4-79.1

PERSONNEL

Custodial and Maintenance Service Personnel

Editor's Note

See Virginia Beach City Public Schools "Job Descriptions for Classified Employees" (Revised 1992).

Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Regulation 4-80.1

PERSONNEL

Secretarial and Clerical Personnel

Editor's Notes

See Virginia Beach City Public Schools "Memorandum of Understanding: Secretarial/Clerical Personnel" approved by school board for current school year.

See also Virginia Beach City Public Schools "Job Descriptions for Classified Employees" (Revised October 1993).

Approved by Superintendent: January 18, 1994

PERSONNEL

Nurses and Interpreters: General Conditions of Employment

A. Nurses

1. Certification Requirements

All school nurses must be CPR (Cardiopulmonary Resuscitation) and First Aid certified prior to the beginning of each contract year.

2. Compensation for Extended Employment

Compensation for extended employment shall be at the hourly rate for the range and step to which the nurse is assigned.

3. Hours of Employment

Hours of employment for school nurses shall be seven (7), including the lunch period. Nurses shall be employed for 188 days.

In order to verify a nurse's presence in the building, a nurse shall register arrival/departure in a manner designated at the building level. The nurse need designate actual time only when arriving late or departing early.

4. Leave of Absence

A school nurse may be granted academic leave under the same terms and conditions applying to instructional personnel. Sabbatical leave may be applied for and granted when the leave purpose relates to the pursuance of a program of studies which is reasonably related to the nurse's assignment.

5. Professional Growth Indicator

Nurses shall submit a professional growth indicator to their building administrator prior to the date that the annual evaluation is prepared.

6. Schedules

Nurses may develop a weekly schedule which reflects provisions for time for meeting health care needs of students, for meeting health screening requirements, and for completing record keeping and other necessary reports. This schedule shall be subject to approval of the principal.

7. Staffing Levels

In determining the staffing level for each building, the superintendent will consider the recommendations of school nurses as submitted by their organization or individually.

B. Interpreters

1. Compensation for Extended Employment

If an interpreter is required for a student participating in an extracurricular activity, the interpreter assigned to the student will be given first consideration. Length of service in the school division and individual qualifications will be considered if more than one interpreter is assigned to the student or if the original interpreter(s) decline(s) the assignment. Compensation shall be based on the current rate established for payment for work beyond the regular school term.

2. Hours of Employment

Hours of employment for interpreters shall be seven (7), including lunch period. Interpreters shall be employed for 186 days.

In order to verify an interpreter's presence in the building, an interpreter shall register arrival/departure in a manner designated for unit members at the building. The interpreter need designate actual time only when arriving late or departing early.

3. Professional Growth Indicators

Interpreters shall submit a professional growth indicator to the Interpreter Specialist prior to the date that the annual evaluation is prepared.

4. Termination of Employment

Nonrenewal of contract, probation, suspension, and/or dismissal of interpreters shall be governed by appropriate school board policies and division regulations.

Approved by School Board: February 16, 1993
Revised by Superintendent: September 6, 2002



PERSONNEL

Contracts: Classified Personnel

A. Generally

Classified employees will receive either a contract or an assignment sheet in lieu of a contract. The contract will include the assignment, hours of work, salary, number of paychecks, beginning and ending dates of employment, and other pertinent information. The assignment sheet will contain the same information with the exclusion of the hours of work. New employees sign a contract with their initial employment and thereafter receive an annual assignment sheet.

B. Recommendation for Non-Renewal of Contract

1. Contracts with classified employees may not be renewed for the following reasons: failure to satisfactorily perform assigned duties, non-compliance with school laws and regulations, or for other good and just cause.
2. A principal or administrative department head, who has supervisory authority over the employee, may recommend to the Deputy Superintendent of Human Resources and School Leadership that an employee's contract should not be renewed. The principal or administrative department head should inform the employee of this recommendation by written notice setting forth the reason(s) for such action. A personal interview with the employee stating the reasons for the recommendation may be employed in lieu of written notification.
3. Written notice setting forth the reason(s) for the recommendation for non-renewal of the employee's contract will be submitted to the Deputy Superintendent of Human Resources and School Leadership no later than May 1. A copy of the notice will be furnished the employee.
4. The Deputy Superintendent of Human Resources and School Leadership will review the recommendation and will conduct such investigation as may be deemed advisable. The Deputy Superintendent of Human Resources and School Leadership will inform the employee by written notice of the action taken no later than June 1.

C. Appeal Procedure

Appeal procedures for non-renewal of contract will be followed as specified in division [regulation 4-3.2](#), Grievances and Grievance Procedures: Supervisory and Classified Employees.

Approved by Superintendent: July 16, 1991
Revised by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Policy 4-83

PERSONNEL

Classified Personnel: Evaluation

An evaluation plan for classified personnel shall be developed under the direction of the superintendent. The primary purpose shall be to assist the employee in improving his/her job performance. Employees shall be advised of these procedures upon their employment.

Legal Reference:

Code of Va., § 22.1-253.13:7. Standard 7. Policy manual.

Adopted by School Board: March 18, 1975
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)



PERSONNEL

Evaluation: Classified Personnel

A. Orientation

The evaluation process and procedure will be reviewed with new employees.

B. Evaluations

1. Each employee will be evaluated annually by the appropriate administrative official.
2. This annual evaluation will be completed by June 1, using the established evaluation instrument.
3. Copies of the evaluation are to be distributed as designated on the evaluation form.
4. Interim evaluations will be at the option of the appropriate administrator unless performance is unsatisfactory. In cases of unsatisfactory performance, additional evaluations are expected with the appropriate copy of the evaluation forwarded to the Office of Personnel Services.

C. Written Comments

1. If ratings are unsatisfactory, the evaluator will write specific recommendations for improvement.
2. The employee will be given an opportunity to submit written information in response to the evaluation.
3. The evaluator is encouraged to include details of outstanding contributions or strengths in the narrative section.

Approved by Superintendent: July 16, 1991



PERSONNEL

Classified Personnel: Growth in Job Skills

A. Generally

The school board believes that continuing growth in skills, techniques and human relations by the classified staff is a necessity for the ongoing improvement of the school division.

B. Staff Development

There shall be an organized program of staff development for all classified personnel. Administrators shall draw upon such resources and personnel as may be provided by persons within the division, the Virginia Department of Education, manufacturers of equipment, technical schools and colleges, as well as nonschool persons to assist in or conduct such in-service programs.

C. Release Time

Administrators shall adjust the schedules of classified personnel to permit attendance at workshops, institutes, and on-the-job training programs convened outside the division.

D. Tuition Reimbursement

Editor's Note

See school board [policy 4-39](#) and any implementing regulations.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Policy 4-85

PERSONNEL

Classified Personnel: Meetings, Conferences and Conventions

Classified employees are encouraged to expand their knowledge and skills in areas that will provide more effective services for students. Classified personnel who wish to attend meetings, conferences and conventions in order to gain additional knowledge and/or skills may do so under regulations approved by the administration.

The school board may pay the fees for registration and travel expenses for approved meetings. The superintendent shall include these expenditures in the proposed budget.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



PERSONNEL

Classified Personnel: Compensation

The school board, upon the recommendation of the superintendent, shall adopt a written compensation plan for classified personnel. The salary, or hourly rate of pay, for a classified employee shall depend upon:

1. Funds available to the board.
2. The job or classification in which the employee is placed.
3. The number of hours worked.
4. The minimum wage law and prevailing local wage rates for comparable position in the market.
5. The level of responsibility.
6. The level of skills and training required.

Legal Reference:

Code of Va., § 40.7 28.10. Minimum wages.

Adopted by School Board: June 16, 1970

Amended by School Board: July 1, 1978

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: December 17, 2002



PERSONNEL

Classified Personnel: Overtime

A. Generally

The compensating of employees for overtime hours worked will be as defined by the Fair Labor Standards Act of 1938, as amended, and Title 29, Code of Federal Regulations.

B. Definitions

1. Eligible Employees

All classified personnel, except those holding exempt positions, are covered by this policy. Specifically excluded are administrative and instructional personnel.

2. Work Period

The work period for determining overtime compensation for eligible employees shall be a regular workweek commencing Saturday, 12 midnight, and continuing for 168 consecutive hours (7 consecutive 24-hour periods) until 11:59 p.m. on the following Saturday.

3. Overtime Hours

Overtime hours for determining overtime compensation are defined as those hours actually worked (excluding a duty free meal break) for which the regular hourly rate of compensation is received which exceed forty hours during the seven-day workweek. For the purposes of this policy, hours worked include approved sick leave, annual leave, jury/witness leave, compensatory time off and holiday leave.

C. Compensatory Time Off

1. In General

Compensatory time off shall be granted to eligible employees at a rate of one and one-half hours for each hour of overtime employment as defined in B.3. preceding. An employee may not accrue more than sixty (60) hours of compensatory time (40 overtime hours) for overtime worked. Any employee who, after April 14, 1986, accrues sixty (60) hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation as provided in Part D following.

2. Termination of Employment

An employee who accrued compensatory time off authorized to be provided under Part 1 shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than

(a) The average regular rate received by such employee during the last three (3) years of the employee's employment, or

(b) The final regular rate received by such employee--whichever is higher.

3. Use of Compensatory Time

An employee who has accrued compensatory time off authorized to be provided under Part 1 and who has requested the use of such compensatory time, shall be permitted by the administration to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the school division.

D. Overtime Pay

1. Eligible employees who, after April 14, 1986, accrue 60 hours of compensatory time off shall be compensated with pay at time and one-half of the regular hourly rate of pay for all additional overtime hours worked.
2. Unless otherwise specified in writing, employees with an eight (8) duty hour day, will work a thirty-five (35) hour workweek, excluding the meal break. The remaining five (5) hours of the forty (40) duty hours may be assigned by the immediate supervisor as needed. The employee should generally be expected to work these additional hours.
3. In determining the eligibility for overtime compensation at the time and a half rate, hours not actually worked, except approved leave time, will be excluded.
4. Overtime worked amounting to less than seven (7) minutes on a regular work day shall not be compensated. Overtime work amounting to eight (8) minutes or more shall be compensated to the nearest quarter hour.
5. Overtime compensation shall not be waived by any agreement between the School Board and its eligible employees.

E. Dual Positions

Any employee shall devote his or her primary attention to the requirements of the full-time position. Employees shall only be employed in one School Board position with one exception: if the employee's work hours are less than forty in a seven-day period, that employee will be permitted to work at a part-time position for any additional hours until the total hours of both positions reach forty hours. The assignment of a second position with the school system shall be prohibited if the maximum is more than forty hours for both positions inclusive.

F. Voluntary Services

The volunteering of services by the employee as a "nonpaid" volunteer to perform the same type of work that is performed as a "paid" employee shall be prohibited. The determination of whether the two types of work are the same shall be made by the Superintendent or a designee. It shall be the employee's responsibility to notify his or her supervisor prior to volunteering his or her services for any School Board activity.

G. Administration

The authorization and control of all overtime work is the direct responsibility of the administrative staff. Overtime assignments shall be permitted only when required by operational necessity and without which the normal operation of the department or school cannot continue. Administrators must ensure that employees do not perform unauthorized overtime work. Employees shall not voluntarily work additional hours without prior approval of their supervisor. Failure to obtain such prior approval of additional work may result in disciplinary action.

1. Approval of Overtime

All overtime shall be approved in advance by either the Superintendent or a designee at the request of the building principal or department head. In cases of emergency, the supervisor in charge shall have authority to assign the overtime to relieve the emergency. In these instances, the emergency and the resulting overtime shall be reported to the central office as soon as possible, but no later than the next working day.

2. Reporting Overtime

Appropriate overtime records will be maintained and periodic reports submitted to the School Board.

Legal Reference:

1985 Amendments to the Fair Labor Standards Act.

Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985).

Adopted by School Board: March 18, 1986

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: June 16, 1998



PERSONNEL

Classified Personnel: Overtime

A. General Guidelines

1. The authorization and control of overtime work is the direct responsibility of the administrative staff. Overtime assignments are permitted only when required by operation necessity and without which the normal operation of the department or school cannot continue. Employees who are voluntarily allowed to work beyond forty (40) hours are engaged in compensable working time. Administrators must ensure that employees do not perform unauthorized overtime work. Employees shall not voluntarily work additional hours without prior approval of their supervisor. Failure to obtain such prior approval may result in disciplinary action.
2. Authorization for overtime work must be granted by the Superintendent or his/her designee at the request of the building principal or department head and may only be granted for non-exempt employees.
3. Overtime hours for determining overtime compensation generally are defined as those hours worked (excluding lunch hour) which exceeds forty (40) hours during the seven-day workweek. For purposes of this regulation, hours worked includes approved sick leave, annual leave, jury/witness leave compensatory time off and holiday leave. The regular workweek commences on Saturday at 12 midnight and continues for 168 consecutive hours (7 consecutive 24-hour periods) until 11:59 p.m. on the following Saturday.
4. Overtime work amounting to less than seven (7) minutes on a regular workday shall not be compensated. Overtime work amounting to eight (8) minutes or more shall be recorded to the nearest quarter hour. (NOTE: A supervisor shall not habitually keep his or her employees several minutes late.)
5. Eligible non-exempt employees shall be compensated with pay at one and one-half times the regular hourly pay for all overtime hours worked which are beyond forty (40) hours. In lieu of monetary payment for overtime, the supervisor may allow the employee to elect compensatory time, which should also be calculated at one and one-half times the hours worked which are beyond forty (40) hours.

Employees may accrue compensatory time up to forty (40) hours.

6. Compensatory time beyond the fortieth hour may be accrued to a maximum of sixty (60) hours and must be used by the end of the contractual year. The employee will receive monetary compensation for all unused compensatory time above forty (40) hours that was accumulated and not used by the end of the contractual year. Carryover of compensatory time from one (1) contract year to the next must be approved by the Superintendent.
7. Overtime compensation may not be waived by any agreement between the employee and the employer.
8. An employee must devote his or her attention to the requirements of the full-time job. Employees shall only be employed in one School Board position with one exception: if the employee's work hours are less than forty (40) in a seven-day period, that employee will be permitted to work a part-time job for any additional hours until the total of both jobs reaches forty hours. The acceptance of a second job with the school system is prohibited if the maximum is more than forty (40) hours for both positions inclusive.
9. All employees covered by the Fair Labor Standards Act must sign in and sign out. Sign in and sign out sheets must show the time reporting to work and the time ending the work shift.

B. Special Pay

1. Emergency Duty

Emergency Duty is defined as duty performed during hours other than those within the normal work schedule and for the purpose of responding to emergencies requiring immediate attention. Emergency duty requires the employee involved to be available for immediate contact by authorized alerting personnel and to be able to personally report to the emergency

location or other designated location within one (1) hour of original notification.

2. Eligibility for Emergency Pay

Non-exempt employees of certain class specifications which are designated by name by the Assistant Superintendent of Administrative Support Services to be available during a designated time period outside of the employee's normal working hours shall be eligible for emergency pay. Employees actually recalled to work to perform emergency assignments shall be credited with a minimum of two (2) hours pay and will be compensated in accordance with the School Division's Overtime Policy. To be eligible for such compensation, the employee must arrive at either the regular work site or the site of the emergency after having left at the end of the employee's working day.

C. Holiday Pay

Non-exempt Employees who are required to work on any day designated as a school division holiday shall be compensated at the rate of one and a half their normal hourly rate for each hour worked.

D. Reporting Procedure

Requests for payment of overtime work, emergency pay, and holiday pay by non-exempt employees shall be forwarded to the Department of Human Resources. The request must include employee names, social security numbers, and the number of hours for which compensation is due.

Approved by Superintendent: January 18, 1994

Revised by Superintendent: June 18, 1998



PERSONNEL

Holidays

Unless otherwise designated in the school calendar as instructional days or used as inclement weather make up days, the following days shall be observed as holidays for all twelve-month employees:

- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day following Thanksgiving Day
- Christmas Eve Day
- Christmas Day
- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Spring Holidays (two days)
- Memorial Day

When a paid holiday falls on a Saturday or Sunday, the observed federal and/or state holiday may be observed.

The superintendent shall have the authority to designate a holiday, within the same calendar year, for twelve-month employees when a holiday (listed above) is lost due to make up days because of inclement weather.

On all other work days not listed above, the individual schools and the school board office will be open for regular office hours.

Legal Reference:

Code of Va., § 2.1-21. Legal holidays.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: May 17, 1994
Amended by School Board: May 16, 2000



School Board of the City of Virginia Beach
Regulation 4-88.1

PERSONNEL

Holidays

A. Twelve-Month Employees

Editor's Note

See school board [policy 4-88](#).

B. Non-Work Days

Bus drivers/assistants, food service employees, interpreters, teacher assistants and school nurses will not report to work on teacher in-service days, unless called for in the employee's contract.

Approved by Superintendent: January 18, 1994



PERSONNEL

Substitute Employees

A. Generally

The Superintendent is authorized to employ substitutes for certain certified and classified personnel at an hourly rate established by the Board as published in the Annual Compensation Plan.

B. Background Check Required

The Superintendent shall require that all employees, whether full-time or part-time, permanent or temporary, submit to fingerprinting and provide personal descriptive information to obtain criminal history record information for the purpose of screening individuals who accept employment in the division.

The Superintendent shall forward the personal descriptive information through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee.

The Superintendent shall require that any applicant who is offered or accepts employment requiring direct contact with students provide written consent and the necessary personal information to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services. The Superintendent shall thereafter request a search of the records of the Department of Social Services to be conducted for each such applicant.

The Superintendent shall also require that each employee, whether full-time or part-time, permanent or temporary, certify that he or she has not been: (1) convicted of a felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (2) has not been the subject of a founded case of child abuse and neglect.

Substitute employees hired after December 21, 1999, may be permitted to work pending the results of the Federal Bureau of Investigation background investigation and Department of Social Services search of the registry of founded complaints if the following conditions are met:

1. The division has successfully completed a state and local police background check for the individual; and
2. The division has successfully completed a check of the sex offender website and the sex offender and crimes against minors registry for the individual; and
3. The division requires the individual to serve in the presence of an employee who has successfully completed the Federal Bureau of Investigation background investigation and the Department of Social Services search of the registry of founded complaints.

C. Qualifications

Persons employed as substitute teachers must have a minimum of 30 credit hours of college study. In an emergency, the Superintendent or designee may approve the employment, as substitute teachers, of those persons who do not meet this requirement, but who are otherwise competent to perform the needed service and who are at least twenty-one (21) years of age and hold a high school diploma or a general education development (GED) certificate.

Qualifications for other categories of substitute employees will be determined by the Superintendent and will be in

accordance with law and Board of Education regulations as applicable.

D. Compensation

1. Rate of Pay

Substitute employees shall be employed and paid on an hourly basis and for a minimum of two (2) hours. They shall not be given a contract.

2. Benefits

Substitute employees shall receive no fringe benefits, e.g., sick leave, annual leave and personal reasons leave.

E. Health Requirements

A person employed as a substitute shall submit a certificate signed by a licensed physician or a registered nurse stating that he/she appears free of communicable tuberculosis.

Editor's Note

See School Board [Policy 2-48](#) for conditions of employment generally.

See School Board [Policies 4-56](#) and [4-75](#) for conditions of employment for licensed and classified employees.

See School Board [Policy 4-5](#) for requirement that employees notify Superintendent when charged with crimes.

See school division website: www.vbschools.com.

See VBCPS Annual Compensation Plan.

Legal Reference:

Code of Va., § 22.1-299. License required of teachers.

Code of Va., § 22.1-302. Written contracts required; execution of contracts; rules and regulations.

Code of Va., § 22.1-296.1. Data on convictions for child abuse or molestation required.

Code of Va., § 19.2-389. Dissemination of criminal history record information.

Code of Va., § 22.1-296.2. Fingerprinting required.

Code of Va., § 22.1-296.4. Child abuse and neglect data required.

Code of Va., § 19.2-390.1. Sex offender and crimes against minors registry; maintenance; access.

Code of Va., § 19.2-390.2. Automatic notification of registration to certain entities.

State of Virginia Sex Offender Registry: <http://sex-offender.vsp.state.va.us>.

Code of Va., § 22.1-300. Tuberculosis certificate.

Adopted by School Board: October 21, 1969

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: November 3, 1998

Amended by School Board: March 21, 2000

Amended by School Board: June 8, 2004



PERSONNEL

Substitute Teachers

These regulations will govern the employment of substitute teachers.

A. Application

1. All prospective substitutes must file an application with the Office of Personnel Services.
2. Substitute teachers must have a minimum of two (2) years of college study.
3. All prospective substitutes must attend an orientation/training session conducted by the Office of Personnel Service.
4. Once an applicant has been approved, his/her name will appear on the approved list of substitutes issued by the Office of Personnel Services.

B. Employment

1. Only the principal or the principal's designee will call a substitute teacher.
2. The substitute teacher must be on the school division's approved list.
3. Principals should notify the Office of Personnel Services, in writing, of any substitute teacher whose performance of duty is unsatisfactory.
4. Substitute teachers employed on a long-term contract should receive a formal evaluation by the principal at the end of their employment.

C. Classroom Teacher's Responsibility

The classroom teacher will maintain a substitute folder that includes the following information:

1. Class rolls
2. Class schedules
3. Lesson plans
4. Unit plans for long-term assignments
5. Seating charts, if applicable
6. List of duties with appropriate directions
7. Copies of forms needed
8. A map of the school

D. Substitute Teacher's Responsibility

The substitute teacher is responsible as follows:

1. The substitute should become familiar with all rules and procedures at the school.
2. Substitutes will adhere to the established policies of the School Board.
3. Substitutes will make every effort to follow the plans and instructions provided by the teacher.
4. The substitute should leave a brief statement of progress for the teacher.

Approved by Superintendent: July 16, 1991



School Board of the City of Virginia Beach
Regulation 4-90.2

PERSONNEL

Other Substitutes

1. Substitute teachers may be employed for all classroom teachers, specialists, and librarians whenever absences occur on teaching days. In instances when substitutes are employed on a long-term basis, employment on nonteaching days is authorized.

Editor's Note

See also school board [policy 4-90](#) and its implementing [regulation 4-90.1](#).

2. Substitute secretaries may be employed when absences occur due to sick leave, emergency annual leave (on teaching days), or professional leave beginning with the first day of absence.

With prior approval of the appropriate personnel services administrator, substitute secretaries may be employed in other circumstances.

3. Substitute teacher assistants may be employed whenever absences occur on teaching days.

4. Substitute school nurses may be employed whenever absences occur on teaching days.

5. Substitutes may be employed for cafeteria workers on all work days.

6. Substitute custodians may be employed when absences occur on teaching days due to sick leave or emergency annual leave beginning with the first day of absence.

With prior approval of the appropriate personnel services administrator, substitute custodians may be employed in other circumstances.

Approved by Superintendent: January 18, 1994



PERSONNEL

Student Teachers

The superintendent, with the approval of the school board may enter into an agreement with institutions of higher learning for the purpose of training student teachers.

The guidelines for a student teacher program shall be as follows:

1. The school division will accept student teachers only from accredited institutions of higher learning.
2. The school administration will determine the maximum number of student teachers that can be accepted effectively in the school division during a given academic year. The superintendent shall be responsible for student teachers while they are in the school division.
3. Student teachers will be under the administrative direction of the principal of the school wherein they work.
4. The school administration will select supervising teachers from the staff who are professionally qualified and who have demonstrated superior skills.
5. The supervising teacher will continue to be legally and professionally responsible for the scholastic and personal welfare of his/her students.
6. The supervising teacher will have only one (1) student teacher per year.
7. Student teachers shall be subject to all the policies, rules and regulations of the school board and superintendent.
8. Student teachers shall receive no remuneration from the school board.
9. Supervising teachers shall receive no additional pay from the school board from supervising student teachers.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



School Board of the City of Virginia Beach
Regulation 4-91.1

PERSONNEL

Student Teachers: Placement Procedures

1. School Principals are requested by the Department of Human Resources to provide a listing of cooperating teacher recommendations each school year using established criteria.
2. The Department of Human Resources shall compile a master list of recommended cooperating teachers from the lists submitted by principals.
3. Colleges and universities shall submit in writing student teaching placement requests along with student data sheets and placement information (e.g., name of students, subject and/or grade level requested, and the dates).
4. The Department of Human Resources will assign students to cooperating teachers and notify in writing the colleges and universities, cooperating teachers, and principals of the placements. Teachers receive a stipend from the college or university for being a cooperating teacher, and they are eligible to receive.
5. A cooperating teacher meeting will be held each semester. This meeting provides colleges and universities that have student teacher placements in the school system with the opportunity to meet with the cooperating teachers who will be mentoring their students.

Approved by Superintendent: January 18, 1994
Revised by Superintendent: August 30, 2005



School Board of the City of Virginia Beach
Regulation 4-91.2

PERSONNEL

Observation Students: Placement Procedures

1. A placement qualifies as an observation when the college student's classroom visitation(s) results in a total of no more than four hours of participation.
2. Colleges and universities requesting observation placements will have students complete in duplicate the school system's Observation Placement Request Form and forward the forms to the Department of Human Resources at least four weeks in advance of the anticipated assignments.
3. The Department of Human Resources will distribute the observation request forms in an equitable manner to school principals with a cover letter that includes the date requests must be returned if not accepted. One of the observation request forms is to be retained in the Department of Human Resources for record keeping and for further processing if additional locations need to be contacted to place students.
4. Principals shall determine which teachers will be given the opportunity to mentor student observers. If the principal is unable to make a placement, the form is to be returned. Due to state requirements, teachers are not eligible for license renewal points for student placements that are fewer than five hours in duration. Therefore, observation placements, placements which are four hours or less, are not awarded license renewal points.
5. Colleges and universities are to be notified in writing of the confirmed observation placements.
6. A cooperating teacher meeting will be held each semester. This meeting provides colleges and universities that have student teacher placements in the school system with the opportunity to meet with the cooperating teachers who will be mentoring their students.

Approved by Superintendent: January 18, 1994

Revised by Superintendent: August 30, 2005



School Board of the City of Virginia Beach
Regulation 4-91.3

PERSONNEL

Practicum Students: Placement Procedures

1. A placement qualifies as a practicum when the college student's classroom visitation(s) results in a total of five or more hours of participation.
2. Colleges and universities requesting practicum placements will have students complete in duplicate the school system's Practicum Placement Request Form and forward the forms to the Department of Human Resources a minimum of three weeks in advance of the anticipated assignments.
3. The Department of Human Resources shall distribute the practicum forms in an equitable manner to school principals with a cover letter that includes the date requests must be returned if not accepted. One of the practicum forms is retained in the Department of Human Services for record keeping and for further processing if additional locations need to be contacted to place students.
4. Principals shall determine which teachers will be given the opportunity to mentor practicum students. If the principal is unable to make a placement, the form is to be returned. Teachers are eligible to receive license renewal points as designated on the practicum form for their mentorship of practicum students.
5. Colleges and universities will be notified in writing of the confirmed practicum placements.

Approved by Superintendent: January 18, 1994
Revised by Superintendent: August 31, 2005



School Board of the City of Virginia Beach
Regulation 4-91.4

PERSONNEL

Placement Procedures for Observations and Practicums

A. Observation Requests

1. Individual college students home from college, college students who are visiting the area, and local residents who attend college may request an observation s placement in an individual school through the principal of the school or through the Department of Human Resources by completing the Observation Request Form.

If the principal approves the request, information from the Observation Placement Request Form is forwarded to the Department of Human Resources to be added to the citywide placement records.

2. All visitors to schools must follow regular visitor registration procedures.

B. Practicum Requests

1. Individual college students home from college, college students who are visiting the area, and local residents who attend college may request a practicum placement by completing the Practicum Placement Request Form and submitting it to the Department of Human Resources.

2. The Department of Human Resources shall coordinate practicum placements in an equitable fashion, considering special requests and the special needs of the student.

3. The Department of Human Resources will send placement forms to the principal who accepted the request so it will be forwarded to the teacher who is to be observed.

4. The individual whose practicum placement was approved is requested to call the principal of the assigned school to arrange a mutually convenient time to observe in the school.

Approved by Superintendent: January 18, 1994
Revised by Superintendent: August 30, 2005



PERSONNEL

Summer School Teachers

A. Qualifications

The minimum qualifications of summer school teachers shall be the same in all respects as those required for the regular session. All summer school teachers must be licensed for the area in which they are employed and meet all the requirements for state licensure and the No Child Left Behind Act (NCLB).

B. Assignment/Placement

In making teaching assignments for summer school, current teaching assignment, prior summer school experience, or other areas of extensive experience will be considered. Experience in teaching the subject/course for the immediate past regular school year is preferred. The principal/program coordinator retains the right to make the final assignment.

Upon final validation of credentials by the Office of Human Resources, principals/program coordinators will make staffing selections based on the preferences expressed by applicants.

C. Compensation

1. Summer school teachers will be compensated at an hourly rate determined by the School Board and published in the Annual Compensation Plan.

Editor's Note

See school division website: www.vbschools.com.
See VBCPS Annual Compensation Plan

Legal Reference:

No Child Left Behind Act of 2001.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: April 2, 1996
Amended by School Board: June 8, 2004



School Board of the City of Virginia Beach
Regulation 4-92.1

PERSONNEL

Summer School Teachers

An announcement regarding the type of teaching positions that will be available for summer school will be provided by April 15. Teachers who have training and satisfactory experience in program offerings will receive first consideration for summer school teaching positions. Employees who submit applications and who are not notified of having received a summer school position by June 1 shall be notified that they have been denied a position or have been placed on an approved list from which any additional positions will be staffed.

Editor's Note

For summer workshops see division [regulation 4-92.2](#).

Approved by Superintendent: January 18, 1994



School Board of the City of Virginia Beach
Regulation 4-92.2

PERSONNEL

Summer Workshops

An announcement concerning the type of summer workshop positions available shall be publicized and posted before the end of the school year. Eligible employees will be given an opportunity to apply for the positions.

Approved by Superintendent: January 18, 1994



PERSONNEL

Employment of Temporary and Part-Time Employees

1. Definitions

1. Temporary Employee

A temporary employee is one who is employed for a specified purpose over a limited period of time.

2. Part-time Employee

A part-time employee is defined as a School Board employee who is scheduled to actually work less than thirty-five (35) hours per consecutive work week, except for those employees working less than thirty-five hours specifically designated as full-time in School Board [Policy 4-1](#).

2. Authority to Hire

The Superintendent is authorized to hire temporary and part-time employees in all job categories as supported by the budget, except for employees assigned to the administrative pay scale. The Superintendent may hire temporary and part-time administrators as supported by the budget positions for no more than ninety (90) days without approval of the School Board.

When hiring temporary and part-time administrators, the Superintendent shall require the employee to sign a written agreement clearly setting forth the terms and conditions of employment which agreement may do so by reference to Board policy or regulation and which clearly states school employment will cease absent formal School Board action to approve further employment within ninety (90) days. When hiring other temporary and part-time employees the Superintendent shall require the employee to sign an agreement clearly setting forth the terms and conditions of employment which agreement may do so by reference to Board policy or regulation.

Editor's Note

See School Board [Policy 4-90](#) Substitutes

See School Board [Policy 4-1](#) Definitions

See School Board [Policy 4-93](#) Temporary Employees

See School Board [Policy 2-50](#) Administrative Employees

Approved by School Board: September 7, 1999



School Board of the City of Virginia Beach
Policy 4-94

PERSONNEL

Exchange Teachers

When teachers come to the school division on an exchange basis, the superintendent may waive the requirements of the policies and regulations relative to appointment, procedures and qualifications within the limitations of state law and subject to the approval of the school board.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



PERSONNEL

Census Agents

A. Appointment

Agents and the director for the triennial census of school population shall be appointed by the school board upon the recommendation of the division superintendent.

B. Compensation and Expenses

The board shall establish compensation rates and allowances for travel during the preparation of the budget for the fiscal year in which the census shall be taken.

C. Duties

Census agents shall gather such statistics and prepare such lists as determined by the superintendent of public instruction.

Legal Reference:

Code of Va., § 22.1-281. Triennial census of school population.

Code of Va., § 22.1-282. Appointment and compensation of persons taking census.

Code of Va., § 22.1-283. Agents to gather other statistics.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)



PERSONNEL

Designation of Employees for Emergency Operations

1. Purpose:

The Virginia Beach City Public Schools shall strive to remain open and operational within regularly scheduled hours. However, based on anticipated or actual conditions, the operation and staffing of the School Division may be modified by the Superintendent when necessary. This regulation provides guidelines for such instances, including emergencies and weather related closures, which require modification of the operating and staffing patterns to ensure the health, safety and welfare of the School Division.

2. Definitions:

(A) Employee Operating Categories:

(i) Alpha Personnel- Those employees critical to the operation of a Department/Office/School of the School Division during an emergency or school closing.

(ii) Beta Personnel- Generally 12-month employees not assigned to functions deemed critical to the short-term operation of a Department/Office/School of the School Division during an emergency or school closure.

(iii) Gamma Personnel- All other employees, including but not limited to, 10-month and 11-month employees, instructional employees, part-time employees, bus-drivers, cafeteria workers, nurses, and social workers.

(B) School Division Operation Status:

(i) Normal Operational Condition- The period of operation when the School Division provides regular services.

All employees shall report to work as regularly scheduled.

(ii) Modified Operational Condition- The period of operation when the delivery of all or some regular services may not be required or warranted because of conditions (i.e., moderate snowfall, minor flooding, etc.). To the extent possible regular services will be provided but may be limited for all or portions of the day.

During a Modified Operational Condition, unless otherwise directed, those employees in the Gamma personnel category will be released from their normal work hours as designated by the Superintendent, or designee, and shall receive their regular rate of pay because the day will be made up at a later date if necessary. Those employees in the Beta personnel category will be given the opportunity to request leave for their regularly scheduled work hours.

Alpha personnel shall report to work or remain at work as usual unless otherwise directed.

(iii) Essential Operational Condition- The period of operation when the School Division provides only those services necessary for the short-term operation, security and safety of the Division because of conditions (i.e., hurricanes, heavy snowfall, extensive flooding,

severe ice, etc.). This operational condition may be instituted for all or portions of the day.

During an Essential Operational Condition, the employee categories of Beta and Gamma will be released from their normal work hours as designated by the Superintendent, or designee.

Alpha personnel shall report as usual unless otherwise directed. Alpha (non-exempt) personnel shall receive their regular pay plus an additional hour-for-hour rate for those hours actually worked under the Essential Operational Condition.

3. Procedures:

(A) Each Department and School shall provide to the Superintendent, or designee, for approval, an alphabetical listing, by budget unit, of proposed designations, along with the corresponding employee. A list approved by the Superintendent, or designee, will be provided to the Department of Human Resources. Each Department, Office and School shall review these designations annually, at the minimum, and report any revisions to the Superintendent, or designee, for approval by October 1 each year.

(B) The Superintendent, or designee, based upon anticipated or actual conditions, shall determine when the operational condition of the School Division should be changed. A determination to change the operational condition of the School Division will be distributed through the appropriate channels of communication.

(C) The Superintendent, or designee, maintains the authority to direct any employee in any category to report for assignment. If a non-exempt employee is directed to report to work in variation with that employee's regular designation, for the purposes of this regulation, that employee will be treated as a non-exempt Alpha employee. Written documentation of an employee being directed to report should be provided to the Department of Human Resources as soon as practical under the circumstances.

4. Employee Responsibilities:

All employees shall be responsible to report to their assignment consistent with this Regulation. The failure of an employee to report as designated may result in disciplinary action.

Editor's Note

*For Announcements of School Operational Conditions see School Board [Policy 6-15](#) and [Regulation 6-15.1](#).
For Compensation see School Board [Regulation 4-87.1](#), Classified Personnel: Overtime.*

Approved by Superintendent: October 25, 2000

INSTRUCTIONAL SALARY STEP SCALE SY 2005-2006					
	Standard Teaching	10-month Extended	11-month	12-month	ALC
Step	annual hours 1,466	annual hours 1,547	annual hours 1,768	annual hours 2,080	annual hours 1,027
1	35,767	37,744	39,344	42,921	25,056
2	35,946	37,933	39,543	43,137	25,182
3	36,306	38,312	39,936	43,567	25,434
4	36,850	38,886	40,537	44,221	25,815
5	37,589	39,666	41,348	45,106	26,333
6	38,528	40,657	42,382	46,235	26,990
7	39,684	41,876	43,652	47,621	27,800
8	40,874	43,133	44,962	49,049	28,634
9	42,100	44,426	46,310	50,521	29,493
10	43,995	46,426	48,394	52,793	30,820
11	45,314	47,818	49,845	54,376	31,744
12	46,673	49,252	51,341	56,007	32,696
13	48,071	50,727	52,880	57,686	33,676
14	49,514	52,250	54,465	59,418	34,687
15	51,000	53,818	56,100	61,200	35,728
16	52,528	55,431	57,783	63,035	36,798
17	55,156	58,203	60,672	66,187	38,639
18	57,639	60,824	63,403	69,166	40,378
19	59,367	62,647	65,304	71,242	41,589
20	61,148	64,526	67,262	73,377	42,837
21	62,982	66,462	69,281	75,580	44,122

Annual Increase for 2005-2006 = Scale adjustment of 4.5%.

INSTRUCTIONAL SALARY OPEN-RANGE SCALE SY 2005-2006					
	Standard Teaching	10-month Extended	11-month	12-month	ALC
MIN	35,767	37,744	39,344	42,921	25,056
MID	49,375	52,103	54,312	59,250	34,589
MAX	62,982	66,462	69,281	75,580	44,122

Annual increase for 2005-2006 = 4.5% of the base.