

## CHAPTER 7 PERSONNEL

### Article 1 Criminal Records Check Generally

**Section 7-1.1. Condition of employment; reporting requirements; nondisclosure of information; applicant's right to review information** —A. As a condition of employment, any applicant who is offered or accepts employment with the Suffolk City School Board, whether full-time or part-time, permanent or temporary, shall submit to fingerprinting and shall also provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. Any applicant for employment shall pay for such fingerprinting and criminal records check as provided for in regulations promulgated by Suffolk Public Schools.

B. The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report its findings to the Suffolk City School Board. If an applicant has been convicted of any of the following, then it will be reported to the School Board: (1) murder; (2) abduction for immoral purposes as set out in Virginia Code §18.2-48; (3) sexual assault as set out in Virginia Code §18.2-61; (4) failing to secure medical attention for a child; (5) pandering as set out in Virginia Code §18.2-355; (6) crimes against nature involving children as set out in Virginia Code §18.2-361; (7) taking indecent liberties with children as set out in Virginia Code §18.2-370 or 18.2-370.1; (8) neglect of children as set out in Virginia Code §18.2-371.1; (9) obscenity offenses as set out in Virginia Code §18.2-247 *et. seq.*; (10) arson as set out in Virginia Code §18.2-77 *et. seq.*; or (11) use of a firearm in the commission of a felony as set out in Virginia Code §18.2-53.1, or equivalent offense in another state.

C. The Central Criminal Records exchange shall not disclose information to the School Board regarding charges or convictions of any crimes not specified in this section.

D. If an applicant is denied employment because of information appearing on his or her criminal history record, the School Board shall provide to the applicant a copy of the information obtained from the Criminal Records Exchange. The information provided to the School Board shall not be disseminated except as provided for by law. (Adopted August 21, 1997)

**Legal Authority** – Virginia Code §22.1-296.2 (1950), as amended.

**Section 7-1.2. Certification requirement.**—A. As condition of employment for any applicant who is offered or accepts employment with the Suffolk City School Board, whether full-time or part-time, permanent, or temporary, shall certify in writing to the School Board that the applicant has not been 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. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

B. Notwithstanding A above, as a condition of employment every applicant for employment that requires direct contact with students must also certify in writing to the School Board that the applicant has not been the subject of a founded case of child abuse and neglect. (Adopted August 21, 1997)

**Legal Authority** - Virginia Code §22.1-296.2 (1950), as amended.

## **Article 2 Personnel Policies and Goals**

**Section 7-2.1. Personnel policies and goals; review requirement.** —A. The policies contained herein shall be administered by the superintendent, through the Human Resources Department for Suffolk Public Schools, which shall be responsible for the appropriate recruitment, staffing, and employee relations of personnel of Suffolk Public Schools, subject to the exclusive final authority of the School Board, and shall maintain a personnel file system for all employees of Suffolk Public Schools.

B. The personnel policies shall be reviewed annually. Suggestions will be sought from staff members in the revision of personnel policies. Revisions and additions shall be subject to approval by the School Board on the recommendation of the superintendent. (Adopted August 10, 1995; Revised October 14, 2004; Ordinance Number 04/05-5; Effective Date: July 1, 2005; Revised February 14, 2008; Ordinance Number 07/08-5; Effective Date: February 14, 2008)

**Note:** The 2008 revision inserted in subsection A, line 5 the words “subject to the exclusive final authority of the School Board,” The 2005 revision inserted in subsection A, line 2 the words “Human Resources”, and deleted the word “Personnel”.

**Legal Authority** - Virginia Code §22.1-295 (1950), as amended.

**Section 7-2.2. Work day determined by School Board.**— A. The length of the work day for employees of Suffolk Public Schools shall be determined by the School Board, on recommendation by the superintendent. It must be of sufficient time to allow for the daily program for students and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations. (Adopted: October 9, 2008; Ordinance Number 08/09-14; Effective: October 10, 2008)

**Legal Authority**— Virginia Code § 22.1-253.13:1 (1950); as amended

**Section 7-2.3. Statement of School Board Policy; Protective Clothing or Device.**—A. All School Board employees are required to be appropriately dressed to perform their duties. The School Superintendent is hereby authorized to develop and implement dress regulations for School Board employees.

B. If any employee is required to wear protective clothing or a protective device as a condition of employment or for safety, such protective clothing or device shall be furnished to the employee by the School Board at no cost to the employee or on a cost-shared basis. The School Superintendent is hereby authorized to specify the conditions by which an employee shall be required to share the cost of protective clothing or protective devices. (Adopted: March 8, 2012; Ordinance Number 11/12-14; Effective: July 1, 2012)

**Legal Authority**— Virginia Code § 22.1-78 (1950); as amended

**Section 7-2.4 Lactation support.**—The superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the School Board or enrolled as a student in the Suffolk Public Schools may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view. (Adopted June 9, 2016; Ordinance Number 15/16-49; Effective Date: July 1, 2016)

**Legal Authority**— Virginia Code § 22.1-79.6 (1950); as amended

**Section 7-2.5. Possession of weapons by school employees prohibited** — A. No one may possess or use any firearm or any weapon, as defined in Section 9-12.1 on school property (including school vehicles), on that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place, or on any school bus without authorization of the Superintendent or superintendent’s designee.

B. Violation of this policy by an employee will result in appropriate personnel action up to and including dismissal. Violation of this policy by others will result in actions up to and including a prohibition against the violator returning to school property. In addition, illegal conduct will be reported as required by law. (Adopted June 9, 2016; Ordinance Number 15/16-50; Effective Date: July 1, 2016)

**Legal Authority**— Virginia Code §§ 18.2-308, 22.1-78, 22.1-279.3:1 (1950); as amended

### **Article 3**

#### **Equal Employment Opportunity**

**Section 7-3.1. Policy statement.** — The policies contained in this section set forth provisions for initial and continuous employment of all personnel of the Suffolk Public Schools. In addition to policies established by the School Board, Suffolk Public Schools shall comply with all applicable state and federal laws and regulations relative to equal employment opportunities. (Adopted August 10, 1995; Revised March 11, 1999; Ordinance Number 98/99-09)

**Legal Authority** - Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII, 42 U.S.C. 2000 e-z, 29 C.F.R. 1604.11 (1987); Executive Order 11246, 1965, as amended by Executive Order 11375; Equal Employment Opportunity Act of 1972, Title VII; Education Amendments of 1972, Title IX (P.L. 92-318); 45 C.F.R., Parts 81, 86; Rehabilitation Act of 1973; Age Discrimination in Employment Act, P.L. 95-256; Constitution of Virginia, Americans with Disabilities Act of 1990.

**Section 7-3.2. Equal Employment Opportunity for all employees.** — A. Suffolk Public Schools shall adhere to a policy of equal employment opportunities for all employees. It is the policy of the School Board to not discriminate against any employee because of race, color, religion, age, gender, disability, national origin, marital status, or physical disability, except in situations when such disability will constitute an employment liability. Discrimination against any person shall be prohibited in recruitment, examination, appointment, training, promotion, retention, discipline, and any other aspect of personnel administration for any of the above-listed reasons, because of political or religious opinion or affiliation, or because of other non-merit factors. The following statement shall be included on all employment application forms and shall be disseminated throughout Suffolk Public Schools: *Suffolk Public Schools does not discriminate on the basis of disabling conditions or gender in admission or access to, or treatment or employment in its programs and activities. The Assistant Superintendent for Administration and Pupil Personnel Services is designated as the responsible person regarding assurances of non-discrimination and may be reached at the following address: Post Office Box 1549, Suffolk, Virginia 23439.* (Adopted August 10, 1995)

**Legal Authority** - Civil Rights Act of 1964, as amended in 1972, Title I, Title VII, 42 U.S.C. 2000 e-z, 29 C.F.R. 1604.11 (1987); Executive Order 11246, 1965, as amended by Executive Order 11375; Equal Employment Opportunity Act of 1972, Title VII; Education Amendments of 1972, Title IX (P.L. 92-318); 45 C.F.R., Parts 81, 86; Rehabilitation Act of 1973; Age Discrimination in Employment Act, P.L. 95-256; Constitution of Virginia, Americans with Disabilities Act of 1990.

## Article 4 Staff Health

**Section 7-4.1. Certification free of tuberculosis; removal for failure to provide certification; rescreening for tuberculosis; School Board may require screening of all employees, volunteers and student teachers.** —A. As a condition of employment every new employee of the School Board including teachers, cafeteria workers, janitors and bus drivers, shall submit, a certificate signed by a licensed physician, physician assistant, nurse practitioner or registered nurse stating the employee appears free of communicable tuberculosis, based on recorded results of x-rays, skin tests, and other examinations, singly or in combination, considered necessary by the physician. The x-rays, tests, and/or other examinations must have been performed within a twelve (12) month period immediately preceding submission of the certificate.

B. Any employee who begins duty without having complied with this requirement will have violated the terms of employment and is not entitled to compensation. Any new employee or student teacher who begins his/her duties without having complied with this requirement shall be removed from that assignment until the requirement is fulfilled. (A new employee is designated as someone hired for the first time or rehired after a one year absence.)

C. The School Board may from time to time require a tuberculosis re-screening of all employees.

D. The School Board at its discretion may require a tuberculosis screening of all employees, including volunteers and student teachers. (Adopted August 10, 1995; Revised: September 9, 2004; Ordinance Number 04/05-1; Effective Date: July 1, 2005; Revised June 9, 2016; Ordinance Number 15/16-51; Effective Date: July 1, 2016)

**Note:** The 2016 revision revised Subsection A which read “As a condition of employment every new employee of the School Board including teachers, cafeteria workers, janitors and bus drivers, or student teacher shall submit, on the prescribed form, a signed certificate by a licensed physician, based on recorded results of those x-rays, skin tests, and other examinations, singly or in combination, considered necessary by the physician” to read “As a condition of employment every new employee of the School Board including teachers, cafeteria workers, janitors and bus drivers, shall submit, a certificate signed by a licensed physician, physician assistant, nurse practitioner or registered nurse stating the employee appears free of communicable tuberculosis, based on recorded results of x-rays, skin tests, and other examinations, singly or in combination, considered necessary by the physician.”

**Legal Authority** - Virginia Code §§22.1-300 & 22.1-301 (1950), as amended.

**Section 7-4.2. Requirements to be employed as a bus driver; persons registered as sex offender not eligible; annual documents required; first aid training etc. required; drug and alcohol testing program.** —A. No person shall be employed as a bus driver unless (1) the person has a physical exam of the scope required by the Board of Education and provides Suffolk Public Schools with the results of the exam on the form prescribed by the Board of Education. Such exam and report may be provided by a licensed nurse practitioner; (2) furnish a statement or copy of records from the Department of Motor Vehicles showing that the applicant, within the preceding five

years, has not been convicted of a charge of driving under the influence of alcohol or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to Va. Code § 18.2-271.1 or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to Va. Code § 46.2-498; (3) furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character; (4) exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339; (5) have reached the age of 18 on the first day of the school year; (6) submit to testing for alcohol and controlled substances as required by state and federal law and regulation.

B. Persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for employment as a school bus driver.

C. Persons hired as school bus drivers must annually furnish the documents listed in (a) and (b) above prior to the anniversary date of their employment as a condition of continued employment as a school bus operator.

D. The School Board requires proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition of employment to operate a school bus transporting pupils.

E. Suffolk Public Schools has a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver's license (CDL) by U.S. Department of Transportation Regulations who perform safety-sensitive functions as required by federal and state law and regulations. (Adopted: December 9, 2004; Ordinance Number 04/05-13; Effective Date: July 1, 2005; Revised June 9, 2016; Ordinance Number 15/16-52; Effective Date: July 1, 2016)

**Note:** The 2016 revision added subpart (2) of Subsection A, and also added Subsections B, C, D, and E.

**Legal Authority** –Virginia Code §22.1-178 (1950), as amended.

**Section 7-4.3 Prohibited conduct by bus drivers; required testing; notification; consequences for failed testing; record retention; test procedure.** — A. Drivers are prohibited from alcohol possession and/or use on the job, use during the four hours before performing safety-sensitive functions, having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and use during eight hours following an accident or until after undergoing a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

B. Drivers are subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post-accident alcohol and drug testing, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pursuant to state law, drivers are subject to pre-employment alcohol testing. Any employee who refuses to submit to a post-accident, random, reasonable suspicion or follow up test shall not perform or continue to perform safety-sensitive functions.

C. Each driver receives educational materials that explain the requirements of federal law and regulations together with a copy of the division's policy and procedures for meeting these requirements. Each driver must sign a statement certifying that he/she has received a copy of the above materials and the division maintains this signed copy. Before performing each alcohol or controlled substances test, Suffolk Public Schools will notify the driver that the test is required by federal law or regulation.

D. If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-sensitive functions in accordance with the federal regulations. All drivers shall be advised of resources available and before a driver is re-instated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with negative urine sample.

E. Suffolk Public Schools maintains records in compliance with federal regulations in a secure location with controlled access. With the driver's consent, Suffolk Public Schools may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver is entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

F. Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

G. Suffolk Public Schools administers alcohol and controlled substance tests in accordance with federal laws. (Adopted May 12, 2016; Ordinance Number 15/16-53; Effective July 1, 2016).

**Legal Authority** – 49 U.S.C. § 31136, 49 CFR § 382.101 et seq., Code of Virginia, 1950, as amended, §§ 22.1-178, 46.2-339, 46.2-340, and 8 VAC 20-70-280.

## **Article 5**

### **Unlawful Manufacture, Distribution, Dispensing, Possession and Use of a Controlled Substance**

**Section 7-5.1. Prohibited Conduct; discipline; distribution of policy; drug free awareness program required.** —A. Employees may not unlawfully manufacture, distribute, dispense, possess or use a controlled substance on school property, at any school activity or on any school-sponsored trip. It is a condition of employment that each

employee of the School Board will not engage in such prohibited conduct and will notify the School Board of any criminal drug conviction for a violation occurring on school property, at any school activity or on any school-sponsored trip no later than 5 days after such conviction. An employee who is convicted of criminal drug activity for a violation occurring on school property, at any school activity or on any school-sponsored trip will be subject to appropriate discipline, up to and including termination, or required to satisfactorily participate in a drug abuse assistance or rehabilitation program.

B. The superintendent and School Board will take appropriate personnel action up to and including dismissal of any employee found to have engaged in prohibited conduct listed above. Such personnel action will include the imposition of a sanction on, or the requiring of the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted of a violation occurring on school property, at any school activity or on any school-sponsored trip.

C. All School Board employees shall be given a copy of this policy.

D. Suffolk Public Schools shall establish a drug-free awareness program to inform school employees about the dangers of drug abuse in the workplace, the Board's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs and the penalties that may be imposed upon employees for violations of laws and policies regarding drug abuse. (Adopted August 10, 1995; Revised November 11, 1999; Ordinance Number 99/00-17; Revised: September 9, 2004; Ordinance Number 04/05-3; Effective Date: July 1, 2005; Revised June 9, 2016; Ordinance Number 15/16-54; Effective Date: July 1, 2016)

**Note:** The 2016 deleted this section in its entirety and re-wrote Section 7-5.1.

**Legal Authority** – 41 U.S.C. §§ 8103, 8104 and Virginia Code § 22.1-78 (1950), as amended.

**Section 7-5.2. Drug-Free Workplace Violations.**—Any of the following constitutes a violation of Section 9-5.1.

- 1) Any employee who enters upon school property or reports for duty while under the influence of illegal drugs or alcohol shall be immediately suspended until the School Board shall take such action as is advisable. The superintendent or designee shall make an investigation of all charges, protecting the employee's rights under due process.
- 2) Conduct prohibited by the Omnibus Transportation Employee Testing Act of 1991, as amended, and United States Department of Transportation Regulations.
- 3) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance (including alcohol or anabolic steroids) by an employee on school property, at any school activity, or on any school-sponsored student trip is prohibited.
- (4) Any employee convicted of any criminal drug statute for a violation occurring under the circumstances described in A(3) shall notify the superintendent within five (5) days after such conviction.



- (5) Compliance with the above provisions is a condition of employment. (Adopted August 10, 1995)

**Legal Authority** – Drug Free Schools and Communities Act of 1986; Elementary & Secondary Education Act of 1965; Drug Free Work Place Act of 1988; Drug Free Schools and Communities Act of 1989; Crime Control Act of 1990; Virginia Code §22.1-280.1 (1950), as amended; Virginia Code §18.2-255.2 (1950), as amended.

**Section 7-5.3. Disciplinary Action.**—The superintendent and School Board will take appropriate personnel action, up to and including dismissal of any employee found in violation of Sections 7-5.2(1) through (4). (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-315 (1950), as amended.

**Section 7-5.4. Notification to granting agency; reporting acts of violence and substance abuse in school.** —A. In compliance with the Drug-Free Workplace Act of 1988, the superintendent or the superintendent’s designated representative shall notify the granting agency within ten (10) days after receiving notice that a School Board employee has been convicted of a drug related offense under Section 9-5.2(3).

B. The principal shall collect and maintain information on acts of violence and substance abuse that occur on school property, on school bus, or at a school sponsored activity. Any School Board employee who is the victim of an attempted or actual physical injury committed by a student will report that act to the principal or designee. The principal shall immediately report all such incidents to the superintendent. The superintendent shall annually report all such incidents to the State Department of Education for the purpose of recording the frequency of such incidents. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-280.1 (1950), as amended.

**Section 7-5.5. Distribution of Drug Policy.**—Employees engaged in the performance of any federal grant shall be given a copy of a notice entitled “Notice to Employees” which shall constitute notice that they agree to abide by the provisions set forth in this article as a condition of employment. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-5.6. Drug-Free Awareness Program.**—Suffolk Public Schools shall establish a drug-free awareness program to inform its employees about the dangers of drug abuse in the workplace, the School Board’s policy of maintaining a drug-free workplace, available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for violations of law and policies regarding drug use. (Adopted: September 9, 2004; Ordinance Number 04/05-3; Effective Date: July 1, 2005)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

## **Article 6**

### **Tobacco-Free School for Staff and Students**

**Section 7-6.1. Tobacco products prohibited.** All persons, including but not limited to staff, students, visitors, and guests of Suffolk Public Schools are prohibited from possessing, smoking, chewing, or using any tobacco product, including electronic cigarettes, on school buses, school property, or at any school-sponsored activity. (Adopted August 10, 1995; Revised March 10, 2016; Ordinance Number 15/16-6; Effective Date: March 10, 2016)

Legal Authority - Virginia Code §15.2-2800 *et. seq.* (1950), as amended.

**Section 7-6.2. Definitions.** —For the purpose of this policy, the following definitions shall apply:

1. “School Property” shall mean all property owned, leased, rented or otherwise used for instruction, administration, co-curricular activities, extra-curricular activities, support services, maintenance and storage, and all vehicles used by Suffolk Public Schools for transporting students, staff, visitors or other persons.
2. “Tobacco” shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing, smoking or both. In addition, tobacco shall also include cloves or any other product packaged for smoking.
3. “Electronic cigarettes” means a device used to simulate the experience of smoking, having a cartridge with a heater that vaporize liquid nicotine instead of burning tobacco.
4. “Use” shall mean lighting, chewing, inhaling or smoking any tobacco product. (Adopted August 10, 1995; Revised March 10, 2016; Ordinance Number 15/16-6; Effective Date: March 10, 2016)

**Note:** The 2016 revision added “co-curricular activities and extra-curricular activities” to the definition of “School Property.” Also added, “Electronic cigarettes” to the definitions.

Legal Authority - Virginia Code §15.2-2800 (1950), as amended.

**Section 7-6.3. Exemptions.** — The School Board may consider requests for exemptions from this policy which demonstrate that extraordinary circumstances exist to warrant such an exemption and which do not violate and/or federal law. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-6.4. Notice of policy required; policy enforcement.**—A. This policy shall be published in student handbooks, posted on bulletin boards and announced in meetings.

B. Staff and students found to be in violation of this policy shall be subject to appropriate disciplinary action.

C. Visitors and guests who violate this policy are subject to removal from school property. (Adopted August 10, 1995; Revised March 10, 2016; Ordinance Number 15/16-6; Effective Date: March 10, 2016)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-6.5. Authority to issue regulations providing for designated smoking areas.**— (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 & 15.2-2802 (1950), as amended.

## **Article 7**

### **Staff Participation in Political Activities, Staff Gifts and Solicitations**

**Section 7-7.1. Solicitation outside of workplace permitted.**—The School Board recognizes the right of its employees to engage in political activity. Employees may solicit support for political candidates or political issues outside regular work hours, and off school property. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-7.2. Disclaimer required.**—School employees engaging in political activity must make it clear that their views and actions are made as individuals and that they do not represent the views of Suffolk Public Schools. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-7.3. Exchange of gifts not encouraged; solicitation prohibited except with written authorization.** — A. Exchange of gifts between students and staff not to be encouraged.

B. No solicitation for goods and services for personal use of employees or students shall be permitted during school hours on school property without written authorization from the superintendent. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

## Article 8 Personnel Records

**Section 7-8.1. Personnel files required; Access allowed; Unfounded information; dispute resolution; Teacher Performance Indicators; Written release required except in limited situation.** —A. The superintendent or superintendent's designee is responsible for maintaining a system of personnel records for all employees of the School Board. Personnel files of all School Board employees may be produced and maintained in digital or paper format. References, transcripts, placements folders, and other materials, which are received on the basis of pledged confidentiality as a part of pre-employment routine shall not be considered as part of the file material for purposes of the sections which follow.

B. Present and past employees shall have access to their personnel information maintained by the Department of Human Resources. No separate files shall be maintained regarding an employee which is not available for that employee's inspection.

C. Teacher performance indicators, or other data collected by or for the Department of Education or the School Board or made available to and able to be used to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, is confidential but may be disclosed, in a form that does not personally identify any student or other teacher, (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this policy prohibits the release of or limits the availability of nonidentifying, aggregate teacher performance indicators or other data.

D. Information determined to be unfounded after reasonable administrative review shall not be maintained in any employee personnel file, but may be retained in a separate sealed file by the administration, if such information alleges civil or criminal offenses.

E. Any dispute over such unfounded information, exclusive of opinions retained in the personnel file or in a separate sealed file, notwithstanding the provisions of the Privacy Protection Act, shall be settled through the employee grievance procedure.

F. If information relative to employment is requested by banks or other establishments or individuals, written permission from the employee to release such information is required, except to comply with a judicial order, lawfully issued subpoena or Virginia Code §2.2.-3706(B) or other law. (Adopted August 10, 1995; Revised and Adopted: March 10, 2005; Ordinance Number 04/05-18; Effective: July 1, 2005; Revised June 9, 2016; Ordinance Number 15/16-55; Effective Date: July 1, 2016; Revised October 13, 2016; Ordinance Number 16/17-14; Effective Date: July 1, 2017)

**Note:** The 2017 revision which read "Present and past employees shall have access to their personnel records, which are maintained by the Department of Human Resources" to read "Present and past employees shall have access to their personnel information maintained by the Department of Human Resources." Also added subsection C. The 2016 revision deleted in Subsection A, "School Board shall maintain a personnel file on each employee and shall protect the confidentiality of personnel files, personnel references, academics, credits and other similar documents" and inserted in its place "The superintendent or superintendent's designee is responsible for

maintaining a system of personnel records for all employees of the School Board. Personnel files of all School Board employees may be produced and maintained in digital or paper format.” Subsection B which read “Present and past employees shall have access to their personnel files and records, exclusive of those items made confidential by law, which are maintained by the Personnel Department” was revised to read “Present and past employees shall have access to their personnel files and records, exclusive of those items—made confidential by law, which are maintained by the Personnel Department.

**Legal Authority** - Virginia Code §22.1-295.1 (1950), as amended.

**Section 7-8.2. File contents; personnel data.** —A. Following the date of employment, no material derogatory to an employee’s conduct, service, character or personality shall be placed in the personnel file, unless the employee has had the opportunity to review the material. The employee shall acknowledge that he or she had the opportunity to review such material by affixing his or her signature. Such signature in no way indicates agreement with the contents thereof. The employee shall also have the right to submit a written answer to such material and his answer shall be reviewed by the superintendent or the superintendent’s designee and attached to the file copy.

B. Employees shall, upon request, furnish the superintendent with information regarding age, education, experience and other personal data as may be deemed necessary for the effective administration of Suffolk Public Schools. If information relative to employment is requested by banks or other establishments, written permission from the employee to release such information is required. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §2.1-377 *et. seq.* (1950), as amended.

**Section 7-8.3 Release of information to banks etc.; filed maintained in digital or paper format.**— A. Whenever information relative to employment is requested by banks or other establishments or individuals, written permission from the employee to release such information is required, except to comply with a judicial order or a lawfully issued subpoena. However, the employee will be notified of the request for information, unless prohibited by law.

B. Personnel files of all School Board employees may be produced and maintained in digital or paper format. (Adopted: February 14, 2008; Ordinance Number 07/08-8; Effective Date: February 14, 2008)

**Legal Authority** – Virginia Code § 22.1-295.1 (1950), as amended.

## **Article 9 Public Complaints**

**Section 7-9.1. Complaints regarding personnel.**— A complaint involving a particular employee employed by Suffolk Public Schools shall be handled within the school through the chain of responsibility. If the complaint cannot be resolved at the principal level, it shall be referred to the superintendent. If the superintendent cannot satisfactorily resolve the situation, the matter may, at the superintendent’s discretion, be

referred to the School Board to be heard and considered at a regular meeting of the School Board. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-79 (1950), as amended.

**Section 7-9.2 Complaint notification; time period for conducting investigation.** — A. Individuals lodging a complaint against Suffolk Public Schools will be sent a letter notifying them that the complaint has been received and is in the process of being investigated.

B. The complaint must be filed within 30 days after the alleged incident giving rise to the complaint and should be processed after a reasonable period of time, normally within 60 days or less. (Adopted: February 14, 2008; Ordinance Number 07/08-10; Effective: February 14, 2008)

**Legal Authority** – Virginia Code § 22.1-79 (1950), as amended.

## **Article 10**

### **Procedure for Adjusting Grievances**

**Section 7-10.1. Preamble.** — The School Board adopts employee grievance procedures that are consistent with the Code of Virginia, 1950, as amended, and applicable regulations. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-10.2 Definitions.** — The following words and terms, when used in this Policy, shall have the following meaning, unless the context clearly indicates otherwise:

"Business day" means any day that the relevant School Board office is open.

"Day" means calendar days unless a different meaning is clearly expressed in this regulation. Whenever the last day for performing an act required by this regulation falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

"Grievance" means a complaint or a dispute by a teacher relating to his or her employment, including but not necessarily limited to: 1) disciplinary action including dismissal; 2) the application or interpretation of: a) personnel

policies; b) procedures; c) rules and regulations; d) ordinances; and e) statutes; 3) 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; and 4) complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. The School Board shall have the exclusive right to manage the affairs and operations of the School Division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to: 1) the establishment and revision of wages or salaries, position classifications, or general benefits; 2) suspension of a teacher or non-renewal of the contract of a teacher who has not achieved continuing contract status; 3) the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; 4) failure to promote; 5) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject, or insufficient funding; 6) hiring, transfer, assignment, and retention of teachers within the School Division; 7) suspension from duties in emergencies; 8) the methods, means, and personnel by which the School Division's operations are to be carried on; or 9) coaching or extracurricular activity sponsorship. 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.

"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 the School Board 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 School 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 Virginia Board of Education and supplied by the local School Board. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

## **Article 11**

### **Grievance for Other than Dismissal and Probation of Teachers**

**Section 7-11.1. Orderly Procedure for Resolving Disputes Other than Dismissals; Grievance must be initiated within fifteen business days; Steps to Resolving Grievance.** — A. The purpose this procedure 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. 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 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.

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

C. 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. Teachers are not entitled to have lawyers or personal representatives present at the informal conference.

**(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) business days following the event giving rise to the grievance, or within fifteen (15) business 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) business 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 have a representative present other than an attorney. The principal (and/or his or her designee) shall respond in writing within five (5) business days following such meeting.

**(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) business 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) business 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 54.1-3904 of the Code of Virginia, as amended. If no settlement can be reached in said meeting, the Superintendent (or his or her designee) shall respond in writing within five (5) business 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) business days, and the meeting shall be held within five business 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 as provided in Step 4.

**(d) Step 4 - Hearing Officer**

In the event the grievance is not settled upon completion of Step 3 the teacher may request that a further hearing on the grievance be held. If the teacher elects to proceed to Step 4, he or she must notify the Superintendent in writing of the intention to request a further hearing and enclose a copy of the original grievance form within ten (10) business days after receipt of a Step 3 answer (or the due date of such answer). The School Board elects to have all requests for further hearings be assigned to a hearing officer who will be appointed by the School Board as provided by law. The School Board authorizes the Superintendent or designee to maintain a list of eligible hearing officers and make all arrangements for the appointment of a hearing officer and necessary arrangements for conducting such further hearings. The School Board may choose to hear a specific grievance rather than directing the grievance to a hearing officer at its sole discretion. If the School Board chooses to hear a specific grievance rather than have a hearing officer conduct

the hearing, the School Board will follow the procedure set forth in subsection 7-11.2 below; however no report will be made other than the School Board's final decision. . (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-11.2. Further Hearing; Procedure for Hearing before Hearing Officer; Expenses; Witnesses; Right to Further Hearing before School Board.— A.** The further hearing shall be set within fifteen (15) days of the request and the teacher shall be given at least five days' written notice of the time and place. Waiver of the time period to hold the hearing may only happen for unusual or emergency circumstances. At the hearing, the teacher may appear with or without a representative. Non-availability of legal counsel or personal representatives due to scheduling issues will not constitute unusual or emergency circumstances for the purpose of waiving the time period.

B. The procedure for conducting a hearing before a hearing officer shall be as follows:

- a. The hearing officer 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 hearing officer may ask for statements from the Superintendent and the teacher clarifying the issues involved at the beginning of the hearing and at the discretion of the hearing officer may allow closing statements.
- c. The parties shall then present their claims in evidence. Witnesses may be questioned by the hearing officer, the teacher and the Superintendent, or their representatives. The hearing officer, in his 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 hearing officer may deem necessary to an understanding and determination of the dispute. The hearing officer will be the judge of the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the hearing officer and of the parties.
- e. Exhibits offered by the teacher or the Superintendent may be received in evidence by the hearing officer and, when so received, shall be marked and made a part of the record.
- f. The hearing officer shall make a written recommendation to the School Board and the teacher as soon as practicable but no more than 10 business days after the close of the hearing.
- g. The hearing officer shall create a recording of the hearing and transmit the recording along with the written recommendation to the School Board. The

recording may be a stenographic record or tape recording. If the grievance concerns matters other than dismissal, 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. If the grievance concerns a dismissal, the recording may not be dispensed with.

C. The teacher shall bear his or her own expenses. The School Board shall bear the expenses of the Superintendent. The expenses of the hearing officer shall be borne one-half by the School Board and one-half by the teacher. The Superintendent or superintendent's designee is authorized to set the per diem rate of the hearing officer.

D. 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.

E. Following a hearing by a hearing officer, the School Board may make its decision upon the record or recording of the hearing conducted before the hearing officer, or the School Board may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place to the teacher and the Superintendent within ten (10) business days after the School Board receives the record or recording of the initial hearing. Such notice shall specify each matter to be inquired into by the School Board. The School Board will give the teacher its written decision as soon as practicable and not more than thirty (30) days after receiving the record or recording of the hearing; however, should there be a further hearing before the School Board, such decision shall be furnished the teacher as soon as practicable and not more than thirty (30) days after such further hearing has concluded. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-11.3. School Board's Attorney, etc. Excluded from Closed Meeting.**  
—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 Virginia Code § 22.1-69, as amended, the Superintendent shall be excluded from any closed meeting 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 closed session to assist in the writing of the decision. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-11.4. School Board has final authority.** — The School Board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel. The School Board may alter, accept or reject any decision by the Superintendent, the School Administration or a hearing officer. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-11.5. Grievability Determination; Oral or Written Arguments; Decision of School Board** — A. Decisions regarding whether a matter is grievable shall be made by the School Board at the request of the Superintendent or teacher. The School Board shall reach its decision only after allowing the Superintendent and the teacher the opportunity to present written or oral arguments regarding grievability.

B. The decision as to whether the arguments shall be written or oral shall be in the discretion of the School Board.

C. Decisions of the School Board shall be made within ten (10) business days of such request. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any hearing before a hearing officer or the School Board 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 business-day period shall entitle the teacher to advance to the next step as if the matter were grievable. Parties are not entitled to a grievability determination regarding failure to comply with substantial grievance procedure requirements. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-11.6. Appeal of Determination on Grievability; Time Limitations and Failure to Comply; Substantial Compliance Decision made by School Board.** — Decisions of the School Board regarding grievability may be appealed to the Suffolk Circuit Court as set forth by law.

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

C. 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. 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.

D. The determination as to whether the substantial procedural requirements of Section 7-11.1.C of this procedure 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. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-11.7. Separability.** — If any portion of this procedure, 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. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

## **Article 12**

### **Procedure for Dismissals of Teachers**

**Section 7-12.1. Statement of Purpose.** — The purpose of this procedure, is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal of any teacher or placement of any teacher on probation. Teachers may be recommended for dismissal in accordance with Code of Virginia §22.1-307, as amended. School Board Policy Section 7-14.1 *et.seq.* provides the procedure for resolving recommendations for dismissal, suspension or other disciplinary action for non-instructional and classified employees. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-12.2. Notice to Teacher of Recommendation for Dismissal; Merits not to be considered; Reasons for recommendation to be provided upon request; Opportunity to Inspect and Copy Personnel File and Other Documents; Continuing Duty.** — A. In the event the Superintendent determines to recommend dismissal of any teacher, written notice shall be sent to the teacher on forms to be prescribed by the Virginia Board of Education notifying him or her of the proposed dismissal and informing the teacher that within ten (10) business days after receiving the notice, the

teacher may request a hearing before the School Board. The School Board elects to have all requests for further hearings be assigned to a hearing officer who will be appointed by the School Board as provided by law. The School Board authorizes the Superintendent or designee to maintain a list of eligible hearing officers and make all arrangements for the appointment of a hearing officer and necessary arrangements for conducting such further hearings. At its sole discretion, the School Board may choose to hear a specific grievance rather than directing the grievance to a hearing officer.

B. During such ten (10) business day period and thereafter until a hearing is held in accordance with the provisions of this section if one is requested by the teacher, the merits of the recommendation of the Superintendent or designee shall not be considered, discussed, or acted upon by the School Board except as provided for in this section.

C. At the request of the teacher, the Superintendent or designee will provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview.

D. In the event that a teacher requests a hearing, the Superintendent or designee 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. Within ten (10) days of the request of the Superintendent or designee, the teacher or his representative shall provide the Superintendent or designee with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal.

E. The Superintendent or designee 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. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-12.3. Holding of Hearing; Procedure for Hearing; Expenses; List of Eligible Hearing Officers.** — A. The hearing shall be held within fifteen (15) calendar days from the date of the request for a hearing. The teacher and the Superintendent each may have present at the hearing and be represented at all stages by a legal counsel and another representative.

B. The procedure for conducting a hearing before a hearing officer shall be as follows:

- a. The hearing officer or the School Board (if the hearing is before the School Board) 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 public.

- b. At the beginning of the hearing, statements from the Superintendent and the teacher (or their representatives) clarifying the issues will be allowed and, at the discretion of the hearing officer or the School Board closing statements, also may be allowed.
  - c. The parties shall then present their claims in evidence. Witnesses may be questioned by the hearing officer or the School Board or by the teacher and the Superintendent, or their representatives. However, the hearing officer or the School Board 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 hearing officer or the School Board may deem necessary to an understanding and determination of the dispute. The hearing officer or the School Board may be the judge of the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the hearing officer and the parties.
  - e. Exhibits offered by the teacher or the Superintendent may be received in evidence and, when so received, shall be marked and made a part of the record.
  - f. In hearings before a hearing officer, the written recommendations made by the hearing officer shall be based exclusively upon the evidence presented at the hearing.
  - g. The hearing may be reopened by the hearing officer at any time before the hearing officer's report is made or before the School Board has rendered a final decision. Upon its own motion, the hearing officer or the School Board, may reopen the hearing or may reopen upon application of the teacher or the Superintendent for good cause shown to hear after-discovered evidence.
  - h. If the recommendation for dismissal is heard before a hearing officer, the hearing officer shall make a written recommendation to the School Board, the Superintendent, and the teacher, not later than ten (10) business days after the completion of the hearing.
  - i. A stenographic record or tape recording of the proceedings shall be taken. In cases of dismissal, 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-(6) 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.
- C. The teacher shall bear his or her own expenses. The School Board shall bear the expenses of the Superintendent. The expenses of the hearing



officer shall be borne one-half by the School Board and one-half by the teacher.

- D. The School Board authorizes the Superintendent or designee to maintain a list of eligible hearing officers and make all arrangements for the appointment of a hearing officer and necessary arrangements for conducting such hearings. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-12.4. Decision by the School Board and Further Hearing; Representation Allowed; Record of Proceedings Required; Excluded from Closed Meeting.** — A. At its sole discretion, the School Board may choose to hear a specific grievance rather than directing the grievance to a hearing officer. If the School Board hears the grievance, the School Board will render its decision within ten (10) business days after the close of the hearing. If the hearing is held before a hearing officer, the School Board may make its decision upon the record or recording the hearing as well as the hearing officer's report or it may elect to hold a further hearing to receive additional evidence. In either circumstance, the School Board will reach its decision on the case by a majority vote of a quorum of the School Board. If the School Board elects to hold a further hearing, it will give written notice to the Superintendent and the teacher within ten (10) business days after it receives the record or recording of initial hearing. Such notice shall also specify the matter to be inquired into by the School Board. In the case of a hearing before the School Board, the School Board shall give the teacher its written decision as soon as practicable but not more than thirty (30) days after the hearing. A teacher may be dismissed or suspended by a majority vote of a quorum of the School Board.

B. The teacher and the 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 Superintendent to make opening statement and to present all material or relevant evidence and to cross-examine the witnesses. Witnesses may be questioned by the School Board.

C. A record or recording of the proceedings shall be made and preserved for a period of six (6) 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.

D. 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 Virginia Code Section 22.1-69, as

amended, 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. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-12.5. Time Limitations and Failure to Comply; Decision regarding substantial compliance made by School Board.** — A. 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. 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.

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.

B. The determination as to whether the substantial procedural requirements of this subpart 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. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Section 7-12.6. Separability.** — If any portion of the procedure of this subpart, 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. (Adopted: June 9, 2016; Ordinance Number 15/16-56; Effective July 1, 2016).

**Legal Authority** — Code of Virginia §§ 22.1-306, 22.1-307, 22.1-309, 22.1-311, 22.1-313, and 22.1-314 (1950), as amended.

**Article 13**  
**Grievance Procedure for Suspension, Probation**  
**or Dismissal of Classified Personnel**

**Section 7-13.1. Classified Employee Defined.**—A classified employee is any person employed by Suffolk Public Schools, who does not require licensure by the State Department of Education. (Adopted August 10, 1995)

**Legal Authority** – Virginia Code §22.1-79 (1950), as amended.

**Section 7-13.2. Grievance Procedure; Investigation Requirement; Notice; Hearing before School Board.**—A. The Suffolk City School Board adopts the following procedure in accordance with § 22.1-79(6) of the Code of Virginia, as amended. Nothing in this procedure is intended to create, nor shall it be construed as creating, a property right in employment, nor shall this procedure be interpreted to limit in any way whatsoever the School Board’s exclusive final authority over the employment and supervision of its personnel.

B. The following words and terms are defined as indicated when used in this procedure, 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 that is not a Saturday, Sunday or legal holiday. "Working days" means those days that the School Board office is open for business.

"Dismissal" means the termination of employment of any covered employee with or without cause during the term of such employee's employment.

"Employee" or "employees" means all full-time employees of Suffolk Public Schools who have completed the required probationary period except the division superintendent and those employees covered under the provisions of Articles 2 and 3 of Chapter 15 of Title 22.1 of the Code of Virginia, as amended. "Employee" does not mean a part-time or temporary employee.

“Grievance” means a complaint or dispute involving the dismissal or other disciplinary action of an employee. A dismissal, reassignment or other action pursuant to a Reduction in Force (RIF) is not a disciplinary action and is not grievable. Employee evaluations are not disciplinary actions and are not greivable. “Grievance” does not mean a complaint or dispute regarding the suspension or probation of an employee.

C. Before recommending the dismissal of a classified employee, the division superintendent should first conduct an investigation to determine the factual basis of the charge or charges against the employee.

D. During this investigatory stage, the division superintendent should gather written statements from witnesses or other persons having pertinent information regarding the charge or charges being brought against the employee. All documentary

evidence obtained during this investigation should be carefully preserved. During this investigatory stage, the employee may be called in and asked questions about the matter under consideration, but a face to face meeting with the employee is not required at this stage of the investigation. However, should the division superintendent be of the opinion that the most reliable information can only be obtained by meeting with the employee, then such a meeting is encouraged. At such a meeting, the division superintendent should have a third person of his/her choice present. While the matter is under investigation, the employee may be suspended with pay by the division superintendent or appropriate central office designee.

E. Following the investigation, if the division superintendent is of the opinion, based on evidence obtained through the investigation, that a recommendation for dismissal is warranted, then the employee shall be provided written notice by certified mail or hand delivery, setting forth the following: (i) a statement of the charge or charges in sufficient detail to enable the employee to understand fully the violation, infraction, conduct or offense for which suspension, probation, or dismissal is being considered; (ii) a statement outlining the factual evidence in support of the recommendation for dismissal. However, in order to protect the identity of witnesses and to avoid disruption in the work environment to the extent possible, it is not required that the names of persons from whom this information was obtained be provided to the employee; (iii) a statement that the employee's past work performance, including any employee evaluations prior to this disciplinary action, was reviewed and carefully considered; (iv) that the employee has a right to appear in person before a Hearing Officer should the employee disagree with the division superintendent's recommendation for dismissal.

The request for hearing must be made in writing to the Clerk of the School Board within five (5) calendar days after receiving the notice required in this section. If the employee does not request a hearing before a Hearing Officer within five (5) calendar days after receiving the notice, the employee waives his/her right to a hearing and the proposed action will become final without a hearing or further notice.

F. The Hearing Officer will be selected from a list approved by the School Board. The Hearing Officer will hold a hearing within fifteen (15) working days of receipt of the employee's request. Notice of the hearing shall be given orally or in writing to the employee at least five (5) working days before the hearing. The employee and the school division will share the cost of the Hearing Officer and the cost of recording the hearing equally. The employee shall be notified of the date, time and place for the hearing. During this appeal period, the recommendation by the division superintendent for dismissal shall not be considered, discussed, debated or acted upon by the School Board until such time as the matter is heard by the Hearing Officer.

G. The employee shall be afforded the opportunity to explain his/her side of what took place, and to present any documentary evidence on his/her behalf, which may include statements from witnesses, and to argue the case.

H. After the hearing, the Hearing Officer shall then issue a written recommendation to the School Board within two (2) days of the hearing, setting forth one of the following: (i) affirm the recommendation for dismissal; (ii) suspend the employee

with or without pay; (iii) return the employee to his/her position; or (iv) take such further disciplinary action as may be appropriate under the circumstances.

I. The School Board shall review the transcript of the hearing before the Hearing Officer and either accept or reject the recommendation of the Hearing Officer. Should the School Board decide to the reject the Hearing Officer's recommendation, the reasons therefor must be supported by evidence contained in the record of hearing before the Hearing Officer and included in the ruling of the School Board. The School Board shall issue its decision within 30 days from receipt of the recommendation from the Hearing Officer. The decision of the School Board shall be final. (Adopted August 10, 1995; Revised October 13, 2016; Ordinance Number 16/17-13; Effective Date: July 1, 2017)

**Note:** The 2017 revision added subsections A, B & I. Subsection C, formerly Subsection B, read, "Before recommending the suspension, probation, or dismissal of a classified employee, the division superintendent should first conduct an investigation to determine the factual basis of the charge or charges against the employee but was revised to read, "Before recommending the dismissal of a classified employee, the division superintendent should first conduct an investigation to determine the factual basis of the charge or charges against the employee." Subsection E, formerly Subsection D, read, "Following the investigation, if the division superintendent is of the opinion, based on evidence obtained through the investigation, that a recommendation for suspension, probation, or dismissal is warranted.." was revised to read, "Following the investigation, if the division superintendent is of the opinion, based on evidence obtained through the investigation, that a recommendation for dismissal is warranted..." Furthermore, Subsection E, formerly Subsection D, read, "(ii) a statement outlining the factual evidence in support of the recommendation for suspension, probation, or dismissal" was revised to read, "(ii) a statement outlining the factual evidence in support of the recommendation for dismissal." Subsection E(iv), which read "(iv) that a recommendation for suspension, probation, or dismissal will be presented at the next regularly scheduled School Board meeting;" was revised to read, "(iv) that the employee has a right to appear in person before a Hearing Officer should the employee disagree with the division superintendent's recommendation for dismissal." Finally, Subsection E, last paragraph, which read, "The request for hearing must be made in writing to the Clerk of the School Board within five (5) calendar days after receiving the notice required in this section. If the employee does not request a hearing before the School Board within five (5) calendar days after receiving the notice, the employee waives his/her right to appear before the School Board" was revised to read, "The request for hearing must be made in writing to the Clerk of the School Board within five (5) calendar days after receiving the notice required in this section. If the employee does not request a hearing before a Hearing Officer within five (5) calendar days after receiving the notice, the employee waives his/her right to right to a hearing and the proposed action will become final without a hearing or further notice. Subsection F, which was formerly Subsection E, read, "Should the employee request a hearing before the School Board, the hearing shall be promptly set for hearing before the School Board by the school superintendent or designee. The hearing shall be set within three (3) work days from receiving the employee's request for hearing before the School Board" was deleted and was replaced with "The Hearing Officer will be selected from a list approved by the School Board. The Hearing Officer will hold a hearing within fifteen (15) working days of receipt of the employee's request. Notice of the hearing shall be given orally or in writing to the employee at least five (5) working days before the hearing. The employee and the school division will share the cost of the Hearing Officer and the cost of recording the hearing equally." Subsection H, which was formerly G, read "After the hearing, the School Board Hearing Officer shall then issue a written decision within two (2) days of the hearing, setting forth one of the following: (i) affirm the recommendation for suspension, probation, or dismissal;" to read, "After the hearing, the Hearing Officer shall then issue a written recommendation to the School Board within two (2) days of the hearing, setting forth one of the following: (i) affirm the recommendation for dismissal;"

**Legal Authority** - Virginia Code §22.1-79 (1950), as amended.

## Article 14 Professional and Support Staff

**Section 7-14.1. Section 7-14.1. Licensure Requirements; Provisional License and Military Service; Definitions.**—A. The State School Board of Education shall, by regulation, prescribe the requirements for licensure of teachers and other school personnel required to hold a license. No teacher shall be regularly employed by a School Board or paid from public funds, unless such teacher (i) holds a license or provisional license issued by the State Board of Education; (ii) holds a three-year license to teach high school career and technical education courses in specified subject areas; or (iii) is hired to teach in a trade and industrial education program and for whom the teacher licensure requirements have been waived by the Virginia Department of Education. Requirements for classroom teachers, special education, vocational education, guidance counselors, reading specialists, school psychologists, visiting teacher/social worker are stated in the Licensure Regulations for School Personnel adopted by the State School Board of Education and effective July 1, 1993.

B. If a teacher employed under a provisional license is activated or deployed for military service within a school year (July 1 - June 30), an additional year will be added to the teacher's provisional license for each school year or portion thereof the teacher is activated or deployed. The additional year or years shall be granted the following year or years after the return of the teacher from deployment or activation.

C. The following definitions shall apply in this policy:

(a) “Professional staff” shall include the following personnel:

- (1) Licensed personnel by state education authorities: classroom teachers, speech/therapists, guidance, psychologists, assistant principals, principals, superintendent
- (2) Support personnel (who need not hold a certificate issued by state education authorities in order to obtain their positions): public relations, coordinators, assistant superintendents, directors

(b) “Classified/Support personnel” are those employees who need not hold a license issued by the State School Board of Education in order to obtain their positions and shall include: non-certified administrative positions, clerical, maintenance, transportation, food service, teacher assistants, nurses, and print shop employees.

D. Employees may be placed into categories as follows:

- (a) “Full-time” means full-time employment for six (6) hours or more daily under a contract as established by the School Board.
- (b) “Part-time” means part-time employment for any period of time less than six (6) hours daily.
- (c) “Temporary” means temporary employment for a specific short period of time or for programs of short or uncertain duration.

E. The number of days/hours employed shall be as specified in each contract and/or school calendar. Scheduled hours of employment shall be approved by the superintendent. (Adopted August 10, 1995; Revised October 13, 2016; Ordinance Number 16/17-12; Effective Date: July 1, 2017)

**Note:** The 2017 revision added subparts (ii) and (iii) to Subsection A and also added Subsection B.

**Legal Authority** - Virginia Code §22.1-299 (1950), as amended.

**Section 7-14.2 Local License Permitted; Qualifications for; certain limitations; probationary status; duty of State Board of Education; limit on number of local licenses; application process; reporting requirement DELETED**

**Legal Authority** – Virginia Code § 22.1-299.3 (1950), as amended.

**Article 15**  
**Professional and Support Staff Positions**

**Section 7-15.1. Application Required; Promotions and Demotions—A.** Application for employment in Suffolk Public Schools shall be in writing and on forms provided by the Personnel Department. A personal interview is required of all applicants as a prerequisite to employment. It shall be the responsibility of the applicant to furnish accurate information, and any falsification of either information or credentials shall be cause for dismissal or refusal to employ. It is the desire of the School Board to recruit and retain the best possible qualified applicants. Qualified applicants within the division will be given an opportunity to apply for vacancies for which they are qualified. Vacancies within the division will be advertised and notifications provided to each school and appropriate supervisors.

B. Opportunities for promotion shall be made known and all other things being equal, first consideration shall be given to all qualified applicants within the division. The superintendent or designee shall develop procedures to assure (1) that promotion opportunities are publicized among employees and (2) that qualified applicants may have an opportunity to submit applications. Objective criteria shall be employed whenever possible during the process. Recommendations for promotion shall be made to the School Board by the superintendent.

C. Recommendation for demotion shall be made to the School Board by the superintendent. Due process shall be afforded any employee as set forth in Article 11, as it pertains to teachers, and in Article 13, as it pertains to classified employees. (Adopted August 10, 1995)

**Legal Authority** – Virginia Code §22.1-78 (1950), as amended.

## **Article 16**

### **Professional Staff Contracts and Compensation Plans**

**Section 7-16.1. Hiring by School Board; Emergency Situations.**—A. The hiring of all employees of the School Board shall be made by the School Board upon recommendation of the superintendent, except where the School Board has delegated such authority to the superintendent, or in emergency situations set forth herein.

B. In emergency situations, the superintendent may hire any employee without first obtaining School Board approval, provided the superintendent submits, in writing, to the School Board within forty-five (45) days after the superintendent has made the hiring decision, the name and address of the newly hired employee along with the reasons for the decision for School Board approval. Should the School Board not approve the hiring decision made by the superintendent, the new hire shall be relieved of his/her responsibilities and will be entitled to receive compensation for services rendered up until the time that the new hire is relieved of his/her job responsibilities. An emergency situation for the purpose of this section is deemed to exist whenever, in the superintendent's professional judgment, a position must be filled immediately because of a continued vacancy in the position will adversely affect the instruction, transportation and/or safety of students enrolled in Suffolk Public Schools. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-297 (1950), as amended.

**Section 7-16.1:1. Employment authority of school superintendent; report required.**—A. The School Board delegates to the school superintendent the authority to employ school personnel and authorize payment of school personnel from school board funds, subject to final approval by the School Board.

B. Whenever the school superintendent exercises the authority granted by subsection A above, within sixty (60) days of employing personnel under this subsection, the school superintendent shall report any such employment decisions to the School Board at a regular or call meeting of the School Board, for final School Board approval. Should the School Board vote not to approve an employment decision made by the school superintendent, the individual's employment shall end upon such terms and conditions as directed by the School Board. (Adopted June 12, 2003; Ordinance Number 02/03-27; Effective: June 12, 2003; Revised: December 9, 2004; Ordinance 04/05-16; Adopted: December 9, 2004; Effective Date: December 9, 2004)



**Note:** The 2004 amendment to section 7-16.1:1 deleted the word “Hiring” and inserted the word “Employment”. In subsection A, line 2, deleted the words “hire instructional” and inserted the language “and authorize payment of school personnel from school board funds, subject to final approval by the School Board.” Deleted language in subsection A, “during the months of August and September of every school year, without prior approval of the School Board.” Subsection B, line 1, inserted the language “exercises the authority granted by” and deleted language in line 2, “hires instructional personnel as authorized in”, inserted language, “within sixty (60) days of employing personnel under this subsection,”. Inserted the word “any” in line 3. Deleted the words “these hiring” and, “as an informational item,” in line 4, and inserted the language “a regular or call meeting of” and deleted “October meeting.” in line 5. Inserted language, “Should the School Board vote not to approve an employment decision made by the school superintendent, the individual’s employment shall end upon such terms and conditions as directed by the School Board.”

**Legal Authority** – Virginia Code §22.1-297 (1950), as amended.

**Section 7-16.2. Written contracts required; Definitions; Continuing contract status explained; Probationary Term; Mentors Required; Principal or Supervisor Continuing Contract; Supervisor Defined; Contracting Contracts**—A. The School Board shall enter into written contracts with teachers, principals, assistant principals, and supervisors as defined in 8 VAC 20-440-10 before such employee assumes his or her duties except as noted below. Contracts will be in the form permitted by the State School Board of Education, with special covenants added by the School Board as appropriate. Contracts shall be signed in duplicate, with a copy thereof furnished to both parties.

- B. The following definitions shall apply in this policy:
- (i) “Teacher” shall mean instructional personnel who are required to hold a valid teacher license.
  - (ii) “Principal” shall mean a person who is regularly employed full time as a principal or assistant principal who holds a Postgraduate Professional license with certification in Administration and Supervision.
  - (iii) “Supervisor” shall mean a person who is regularly employed full time in a supervisory capacity.

Written contracts are not required with persons who are temporarily employed. A temporarily employed teacher, is 1) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or 2) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

C. Only persons regularly employed full time by the School Board as teachers, principals, or supervisors (qualifying through possession of a teaching license) shall be eligible for continuing contract status. “Continuing Contract” means the employment of teachers upon completion of their probationary period who are entitled to employment contracts during good behavior and competent service.

D. A probationary term of service of three (3) years in the same school division is required before a teacher is issued a continuing contract. Service under a local teacher license does not count towards satisfying this probationary requirement. Once a

continuing contract status has been attained in a school division elsewhere in the state, a one (1) year probationary period shall be served in Suffolk Public Schools prior to the issuance of a continuing contract. A teacher holding probationary status in another school division in another state shall be required to serve a three (3) year probationary term in Suffolk Public Schools prior to issuance of a continuing contract.

E. A mentor teacher is provided to every first year probationary teacher to assist the teacher in achieving excellence in instruction. Probationary teachers with prior successful teaching experience may be exempt from this requirement with approval from the superintendent. Probationary teachers shall be evaluated at least annually. Any teacher in their first year of probation shall be evaluated informally at least once during the first semester of the school year. The superintendent shall consider such evaluations as one factor in making recommendations to the School Board regarding nonrenewal of the teacher's employment contract. If a probationary teacher's evaluation is not satisfactory, the School Board shall not reemploy the teacher.

F. A person employed as a principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve three (3) years in such position in Suffolk Public Schools before acquiring continuing contract status as a principal or supervisor. Continuing contract status acquired by a principal or supervisor shall not be construed as (i) as prohibiting the School Board from reassigning such principal, assistant principal or supervisor to a teaching position if notice of reassignment is given by the School Board by June 15 of any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as principal, assistant principal or supervisor in the case of any such reassignment to a teaching position. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the superintendent, the superintendent's designee or the School Board.

G. Before recommending such reassignment, the superintendent shall consider, among other things, the performance evaluations for such principal, assistant principal or supervisor. The principal, assistant principal or supervisor shall elect whether such meeting shall be with the superintendent, the superintendent's designee or the School Board. The School Board, superintendent or superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the School Board.

The intent of this section is to provide an opportunity for a principal, assistant principal or supervisor to discuss the reasons for such salary reduction and reassignment with the superintendent, his designee or the School Board, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause for the salary reduction and reassignment of a principal, assistant principal or supervisor.

H. As used in this policy, "Supervisor" means a person who holds an instructional supervisory position as specified in the regulations of the Board of Education and who is required to hold a license as prescribed by the Board of Education.

I. Coaching contracts, department chairs, and contracts for extracurricular activity sponsorship assignments where a monetary supplement is paid shall be separate from the employee's primary contract and termination of the separate contract shall not constitute cause for the termination of the primary contract. For purposes of this policy, "extracurricular activity sponsorship" means an assignment for which a monetary supplement is received, requiring responsibility for any student organizations, clubs, or groups such as service clubs, academic clubs and teams, cheerleading squads, student publication and literary groups, and visual and performing arts organizations except those that are conducted in conjunction with regular classroom, curriculum, or instructional programs. (Adopted August 10, 1995; Revised April 10, 2013; Ordinance Number 12/13-41; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-57; Effective July 1, 2016; Revised October 13, 2016; Ordinance Number 16/17-9; Effective Date: July 1, 2017)

**Note:** The **2017** which read, "Continuing contract status acquired by a principal or supervisor shall not be construed as prohibiting the School Board from reassigning the administrative or supervisory personnel to a teaching position if notice of reassignment is given by the School Board by April 15 of any year. If a principal or supervisor is reassigned to a teaching position, such reassignment shall be to continuing contract status" was replaced to read, "Continuing contract status acquired by a principal or supervisor shall not be construed as (i) as prohibiting the School Board from reassigning such principal, assistant principal or supervisor to a teaching position if notice of reassignment is given by the School Board by June 15 of any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as principal, assistant principal or supervisor in the case of any such reassignment to a teaching position. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the superintendent, the superintendent's designee or the School Board. The **2016** revision revised Subsection A which read "The School Board shall enter into written contracts with teachers, principals, assistant principals, and supervisors as defined in 8 VAC 20-440-10 before such employee assumes his or her duties. Contracts will be in the form prescribed permitted by the State School Board of Education, with special covenants added by the School Board as appropriate. Contracts shall be signed in duplicate, with a copy thereof furnished to both parties" to read "The School Board shall enter into written contracts with teachers, principals, assistant principals, and supervisors as defined in 8 VAC 20-440-10 before such employee assumes his or her duties except as noted below. Contracts will be in the form permitted by the State School Board of Education, with special covenants added by the School Board as appropriate. Contracts shall be signed in duplicate, with a copy thereof furnished to both parties." Subsection D which read "A probationary term of service of three (3) years in the same school division is required prior to the issuance of a continuing contract was revised to read "A probationary term of service of three (3) years in the same school division is required before a teacher is issued a continuing contract." A new Subsection E was also added.

**Legal Authority** - Virginia Code §22.1-302 (1950), as amended.

**Section 7-16.3. Probationary term explained; When Probationary Period Required Following Separation from Service; Mentor Required in Limited Circumstances; Certain Trained Required; Notice of Re-Employment; Continuing Contract Status; Notice After Budget Approval.**—A. In calculating probationary terms of service for teachers, principals and supervisors, employment for 180 or more teaching days during one school year shall constitute a single year of service. A

probationary term of service of three years in Suffolk Public Schools shall be required before a teacher is issued a continuing contract. Service under a local teacher licensure shall not count towards satisfying this probationary requirement.

B. If a teacher, principal, or supervisor separates from service during his or her probationary period and does not return to service in the same school division by the beginning of the year following the year of separation, such person shall be required to begin a new probationary period.

C. Once a continuing contract status has been attained in a school division in this state, another probationary period need not be served unless such probationary period, not to exceed two years, is made a part of the contract of employment. If a teacher separates from service and returns to teaching service in Virginia public schools by the beginning of the third year, the teacher shall be required to begin a new probationary period, not to exceed two years, if made part of the contract. Teaching service outside of the Virginia Public School System shall not be counted as meeting in whole or in part the required probationary term.

D. Each probationary teacher, except probationary teachers who have prior successful teaching experience, as determined by the School Board, shall be assigned a mentor teacher as described by guidelines adopted by the Board of Education. Probationary teachers with prior successful teaching experience may be exempt from this requirement with approval from the Superintendent. A teacher in his first year of the probationary period is evaluated informally at least once during the first semester of the school year. The Superintendent shall consider such evaluations as one factor in making recommendations to the School Board regarding the employment of probationary teachers. If a probationary teacher's evaluation is not satisfactory, the School Board shall not reemploy such teacher.

E. In order to achieve continuing contract status, every teacher must successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Suffolk Public Schools will provide this training at no cost to teachers employed by the School Board. If such training is not offered in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

F. If a teacher who has not achieved continuing contract status receives notice of re-employment, the teacher must accept or reject in writing within 15 calendar days of receipt of the notice. Unless a conference with the Superintendent is requested as specified in the Code of Virginia, written notice of non-renewal of the contract must be given by the School Board on or before June 15 of each year. If the teacher requests a conference with the Superintendent, then written notice of non-renewal by the School Board must be given within thirty days after the Superintendent notifies the teacher of his intention with respect to the recommendation.

G. Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service. Written notice of non-continuation of the contract by either party must be given by June 15 of each year; otherwise the contract continues in effect for the ensuing years. 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. Furthermore, nothing in the continuing contract shall be construed to authorize the School Board to contract for any financial obligation beyond the period for which funds have been made available.

H. As soon after June 15 as the school budget is approved by City Council, the School Board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary. Within two weeks of the approval of the School Budget by City Council, but no later than June 1, the school board will notify any teacher who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. (Adopted August 10, 1995; Revised November 11, 1999; Revised April 10, 2013; Ordinance Number 12/13-42; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-58; Effective July 1, 2016)

**Note:** The **2016** revision added the following language in Subsection C, "Once a continuing contract status has been attained in a school division in this state, another probationary period need not be served unless such probationary period, not to exceed two years, is made a part of the contract of employment. Deleted the following language from Subsection C, "If a teacher who has attained continuing contract status separates from service and does not return to teaching in Virginia public schools for a period longer than two (2) years, such person shall be required to begin a new three-year probationary period" an inserted the following language in its place, "A teacher in his first year of the probationary period is evaluated informally at least once during the first semester of the school year. Subsection E which read "Any teacher hired on or before July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments" was revised to read "In order to achieve continuing contract status, every teacher must successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments."

**Legal Authority** - Virginia Code §§ 22.1-302 and 22.1-303 (1950), as amended.

**Section 7-16.4. Execution of continuing contracts.**— Continuing contracts may be executed on behalf of persons holding a valid postgraduate, collegiate professional, or vocational license. The contractual period is that prescribed by the State Board. Compensation is provided for a ten (10) month contractual period and shall include a minimum of 180 teaching days, ten (10) days minimum for activities such 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 defined by School Board policy, and ten days for the continuation of activities set forth herein and/or such other activities as may be assigned or approved at the discretion of the School Board. Supervisors and principals shall be given contracts for ten, eleven, or twelve months as determined by the School Board. (Adopted August 10, 1995)

**Legal Authority** – Virginia Code §22.1-302 (1950), as amended.

**Section 7-16.5. Pay Periods; Payroll Deductions**—A. The School Board shall annually, establish and approve salaries for all school employees. The School Board authorizes that bus drivers who complete the terms of their contracts with no preventable accidents will be eligible for an annual supplement.

B. The superintendent shall determine the pay periods and pay dates for each type of employee in accordance with current standards and as possible with existing staff and computer capabilities. These pay dates will be communicated to all employees efficiently and effectively.

C. Absence without pay will be deducted on the next available pay date in accordance with required payroll preparation cut-off dates for the receipt of absence notification. Absence deductions may not be delayed by employee request. Statutory payroll deductions as mandated by federal, state and local governments shall be made as required by law and in accordance with allowable exceptions. The School Board may also provide various programs, benefits and pre-tax plans where employee participation is elective, including, but not limited to: hospitalization, dental and other supplemental insurance plans, tax sheltered annuity plans, credit unions, U.S. savings bonds, Education Association of Suffolk dues, the United Way, the Suffolk Education Foundation and other programs as recommended by the superintendent. The School Board shall determine annually, the amount, if any, of these program costs which will be paid by the School Board. Where employee elected deductions cannot be supported by actual employee earnings for a particular pay period, the employee must provide the funds in the manner and by the dates prescribed by the superintendent, or else the employee must forfeit the benefit and/or program and may not be allowed to reinstate at a later date. (Adopted August 10, 1995)

**Legal Authority** – Virginia Code §22.1-78 (1950), as amended.

**Section 7-16.5:1. Placement on Salary Scale; Credit for Teaching Experience; Credit for Work Experience; Credit for Military Experience; Reserve Military Experience Not Included; Superintendent to Development Regulations.**—A. Any employee hired by Suffolk Public Schools, beginning with employees hired for the 1999-2000 school year, will be placed on the salary scale in accordance with years of related experience and/or military experience as set forth in this policy effective July 1, 2000.

B. Any teacher employed by Suffolk Public Schools, who has previously worked as a teacher full-time for ninety (90) days or more under a teaching contract during any school year, shall be entitled to receive full credit for such teaching experience when: (1) the teaching experience was in a public school in or out of the state; or (2) the teaching experience was in an accredited institution of higher learning in or out of the state; or (3) the teaching experience was at a school operated on a military installation supported by federal tax funds and for which academic credit is accepted for admission to the public schools of Virginia; or (4) the teaching experience was in a public resident school such as the Virginia School for the Deaf and Blind; or (5) the teaching experience was in

accredited private school for which teachers receive credit under the provisions of the Virginia Retirement System.

C. Any person hired by Suffolk Public Schools to fill a support position, who has six months or more of continuous full-time related work experience will be entitled to receive credit on the appropriate salary scale for such work experience, provided such work experience is verified by the previous employer(s) on an appropriate form provided by Suffolk Public Schools. However, any such credit for full-time related work experience shall be subject to the following:

(1) Any person hired by Suffolk Public Schools to fill a support position, who had been employed previously by Suffolk Public Schools but voluntarily resigned from employment and is subsequently rehired shall, at the time of their rehire, receive full credit on the appropriate salary scale for any previous full-time related work experience with Suffolk Public Schools; and

(2) When a person who is hired by Suffolk Public Schools to fill a support position and that person has full-time related work experience with an employer other than Suffolk Public Schools, the employee cannot be given more than seven (7) years of credit on the appropriate salary scale for any such full-time related work experience, except when the related work experience was (a) at a public school or in or out of the state; or (b) at an accredited institution of higher learning in or out of the state; or (c) at a school operated on a military installation supported by federal tax funds and for which academic credit is accepted for admission to the public schools in Virginia; or (d) at a public accredited private school for which employees receive credit under the provisions of the Virginia Retirement System. All support personnel hired after July 1, 2003, shall receive full credit on the appropriate salary scale for any such previous full-time related work experience, if the employee's previous full-time related work experience meets the criteria set forth in subparts (a) thru (e).

(3) Support personnel employed by Suffolk Public Schools as of July 1, 2003, who voluntarily resigns from employment, seeks re-employment and is subsequently rehired by Suffolk Public Schools, will not be eligible to receive credit for full-time related work experience as set forth in subparts (a) thru (e) above, unless more than a full calendar year passes between the employee's voluntary resignation from employment and subsequent rehire by Suffolk Public Schools.

D. Service in the Armed Forces of the United States will be considered the same as full-time related work experience for the purpose of this policy. However, an employee cannot receive more than four (4) years of credit for military experience.

E. Reserve military training will not be deemed military experience for the purpose of this policy.

F. The superintendent shall develop regulations deemed necessary for the effective implementation of this policy. (Adopted August 10, 1995; Revised May 13, 2004; Ordinance Number 03/04-15; Effective: May 13, 2004)

**Note:** The 2004 revision to subparagraph C, line 1, deleted the following words "classified employee" and inserted in its place "person hired by Suffolk Public Schools to fill a support position". Also in subparagraph C, line 6, deleted the words, "In addition," and inserted the word "However" and also inserted the words "for full-

time related work experience”, deleted the words “will also” and inserted the word “shall”. In subparagraph C, (1), line 1, deleted the word “former” and inserted the words “person hired by”, and deleted the words “employee of”; line 2, inserted the words “to fill a support position” and “had been employed previously by Suffolk Public Schools but”; in line 4, inserted the words “ at the time of their rehire.” In subparagraph C (2), line 1, deleted the words “classified employee’s” and inserted the words “person is hired by Suffolk Public Schools to fill a support position and that person has”; in line 4, inserted the word “appropriate”. Also, added the following language to subparagraph C (2) “except when the related work experience was (a) at a public school in or out of the state; or (b) at an accredited institution of higher learning in or out of the state; or (c) at a school operated on a military installation supported by federal tax funds and for which academic credit is accepted for admission to the public schools in Virginia; (d) at a public resident school such as the Virginia School for the Deaf and Blind; or (e) at an accredited private school for which employees receive credit under the provisions of the Virginia Retirement System. All support personnel hired after July 1, 2003, shall receive full credit on the appropriate salary scale for any such previous full-time related work experience, if the employee’s previous full-time related work experience meets the criteria set forth in subparts (a) thru (e).” A new subsection (3) was also added to subparagraph C.

**Legal Authority** - Virginia Code §§22.1-78 & 22.1-296 (1950), as amended.

**Section 7-16.6. Statement of policy; professional staff fringe benefits; retirement benefits paid by School Board; Continuation of group health insurance for retirees; payment of premiums.**—A. The School Board recognizes the need for fringe benefits in order to promote the employment and retention of the highest quality personnel and effectively serve the educational needs of students. Accordingly, fringe benefits shall be provided consistent with School Board policy and regulations promulgated by Suffolk Public Schools.

B. All professional staff and applicable support staff employees’ fringe benefits shall be subject to School Board policy and regulations and promulgated by Suffolk Public Schools. The superintendent shall provide for the interpretation and application of Suffolk Public School’s regulations regarding fringe benefits.

C. All School Employees, who are members of the Virginia Retirement System (VRS), either as Plan 1 or Plan 2 members, shall be required to pay member contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code in the amount of five percent of creditable compensation as follows: (i) any employee who commences or recommences employment on or after July 1, 2012 shall be required to contribute five percent of their creditable compensation upon commencing or recommencing employment and (ii) any employee in service on June 30, 2012 shall be required to contribute five percent of their charitable compensation by no later than July 1, 2016. Such employee described in subdivision (ii) shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employee’s creditable compensation equals five percent.

D. All School Employees, who become members of the Virginia Retirement System (VRS) after January 1, 2014, will be considered Hybrid Retirement Plan employees. Hybrid Retirement Plan employees shall be required to pay member contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code in the amount of 4 percent to the defined benefit portion and 1 percent to the defined contribution benefit portion of Hybrid Retirement Plan. Employees may also



elect to contribute more to the defined contribution portion of the Hybrid Retirement Plan in accordance with rules and regulations set forth by the Virginia Retirement System (VRS) with a portion thereof being matched by the School Board as authorized by law and approved by the School Board.

E. Suffolk Public Schools employees, who are members of the Virginia Retirement System (VRS), either as Plan 1 or Plan 2 members, and qualify for regular or disability VRS retirement prior to age 65, shall be eligible to continue on the School Board's group health insurance plan provided the following conditions are met: (i) the employee has been employed by Suffolk Public Schools for a total of twenty years; and (ii) has been enrolled in Suffolk Public Schools group health insurance plan for at least twenty-four months immediately preceding the effective date of retirement.

At the time of retirement the retiree can select the level of continual coverage, however the level of continual coverage selected by the retiree must be equal to or less than that which the retiree had during the last twenty-four months of employment with Suffolk Public Schools. The retiree cannot participate in the School Board's group health insurance plan at a level greater than that which the retiree had during the last twenty-four months of employment with Suffolk Public Schools.

F. All School employees, who are considered Hybrid Retirement Plan employees under the Virginia Retirement System (VRS), shall become participants in the sick and disability program of the Virginia Retirement System, unless the School Board adopts a resolution on or before January 1, 2014, which shall be submitted to the Board of Trustees of the Retirement System requesting that the School Board's eligible employees not participate in the sick and disability program of the Virginia Retirement System (VRS) because the School Board has or will establish, and continue to maintain, comparable disability coverage for such eligible employees. (Adopted August 10, 1995; Revised October 9, 2003; Ordinance Number 03/04-05; Effective: July 1, 2004; Revised September 13, 2012; Ordinance 12/13-1; Effective July 1, 2013; Revised October 13, 2013; Ordinance 1314-1 Effective October 13, 2013)

**Note:** The **2013** revision deleted the following language in subsection C, "The School Board shall pay the full cost for the employees retirement contributions and group life insurance premiums required by the state for all employees eligible for membership in the Virginia Retirement System (VRS)" and inserted the following language in its place "All School Employees who are members of the Virginia Retirement System (VRS) shall be required to pay member contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code in the amount of five percent of creditable compensation as follows: (i) any employee who commences or recommences employment on or after July 1, 2012 shall be required to contribute five percent of their creditable compensation upon commencing or recommencing employment and (ii) any employee in service on June 30, 2012 shall be required to contribute five percent of their charitable compensation by no later than July 1, 2016. Such employee described in subdivision (ii) shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employee's creditable compensation equals five percent." The **2012** revision deleted paragraph C in its entirety and replaced with a new paragraph C. The **2004** revision inserted paragraph A; re-alphabetized this section; added the words "and promulgated by Suffolk Public Schools" in subparagraph B, line two; added the words "Suffolk Public Schools employees who qualify for regular or disability VRS retirement" at the beginning of subparagraph D; deleted the words "Employees who retire under the provisions of VRS" in line 1; deleted the word "hospitalization" in line 3 and replaced it with "health insurance plan"; and added the following language at

the end of subparagraph D, “provided the following conditions are met: (i) the employee has been employed by Suffolk Public Schools for a total of ten years; and (ii) has been enrolled in Suffolk Public Schools group health insurance plan for at least twenty-four months immediately preceding the effective date of retirement”; and added the last paragraph of subparagraph D. Further amendments in 2013 added the language “either as Plan 1 or Plan 2 members in subsection C. Added subsection D. Added the language “members of the Virginia Retirement System (VRS), either as Plan 1 or Plan 2 members” deleted “who” an inserted in its place the word “and” after “members” in the first sentence and increase the number of years for employee eligibility to participate in the group health insurance program from ten years to twenty years. Also added subsection F.

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-16.6:1 Defined Contribution Plan Offered; Plan Provisions; Annual Notification.** — A. The School Board offers its employees the opportunity to participate in a defined contribution retirement plan, also known as a tax sheltered annuity or 403(b) program. This program is maintained and operated pursuant to a written plan.

B. The written plan contains all the material terms and conditions for eligibility, benefits, applicable limitations, the contracts available under the plan and the time and form under which benefit distributions may be made. The written plan also addresses any optional features, including hardship withdrawal distributions, loans, plan-to-plan or annuity contract-to-annuity contract transfers and acceptance of rollovers to the plan, which are included in the Division’s program. The written plan may (1) allocate responsibility for administrative functions, including functions to comply with the requirements of 26 U.S.C. § 403(b) and other tax requirements; (2) assign such responsibilities to parties other than the school division, but not to participants (unless the administration of the plan is a substantial portion of the duties of the participant); (3) incorporate by reference other documents which thereupon become part of the written plan; (4) address termination of the program.

C. Every employee of the school division is notified annually about the program. (Adopted June 9, 2016; Ordinance Number 15/16-59; Effective Date: July 1, 2016)

**Legal Authority** – Virginia Code §§ 51.1-603, 51.1-603.1 (1950), as amended.

**Section 7-16.7. Professional and support staff leaves and absences; categories of leaves; extended leave, etc.**—A. All professional and support staff employee leaves and absences shall be subject to policies of the School Board and regulations of Suffolk Public Schools. The superintendent shall provide for the interpretation and application of Suffolk policies and regulations regarding leaves and absences. All leaves, whether paid or unpaid, shall preserve the right of continuing contract, retirement, annual leave with pay, salary increments, and other benefits provided by law for those employees who return from leave within the agreed time.

B. The following categories of leaves shall be recognized by the Suffolk School Board as applicable to Suffolk Public School personnel who are employed on a contractual basis: (i) professional leave; (ii) personal leave; (iii) sickness and accident

leave; (iv) 30-day rule; (v) family medical leave; (vi) annual leave; and (vii) leave of absence. Employees are required to complete and submit the appropriate forms and applicable documentation for approval of the requested leave.

C. The term “Extended Leave” shall be used to define a period of time in which the employee shall be absent from his/her position exceeding ten (10) consecutive days by reason of one or more of the types of leave listed above. The following schedule shall be used for deduction of leave time and/or salary as follows:

10-11 + Month Personnel

Personnel off less than 3.5 consecutive hours - - - - - deduct 1/2 day

Personnel off more than 3.5 consecutive hours - - - - -deduct 1 day

12 Month Personnel

Personnel off less than 4 consecutive hours - - - - - deduct 1/2 day

Personnel off more than 4 consecutive hours - - - - - deduct 1 day

(Adopted August 10, 1995)

**Legal Authority** – Virginia Code §22.1-78 (1950), as amended.

**Section 7-16.7:1 Leave without pay for debilitating or life threatening illness or injury; medical documentation and prior approval required; rights expire at end of first year; may not engage in other work.**— A. A leave of absence, without pay, may be granted to School Board employees who have a debilitating or life-threatening illness or injury and who are not eligible for Family Medical Leave because they have not worked for Suffolk Public Schools for 12 months or have not worked at least 1250 hours according to the Fair Labor Standards Act.

B. Employees with a debilitating or life-threatening illness or injury who are entitled to leave under this policy may take up to 30 days unpaid leave during their first year of employment with Suffolk Public Schools. Leave may be taken only in full-day increments. Leave may be taken only when the employee has no other leave, such as sick leave, available.

C. Employees must submit medical documentation of their need for leave and whenever possible, documentation must be provided and approval must be obtained prior to leave being taken.

D. All rights under this policy expire at the end of the employee’s first year of service.

E. Employees who are on unpaid leave pursuant to this policy or any other policy, except those on leave pursuant to the Uniformed Services Employment and Reemployment Rights Acts of 1994, may not engage in work for which they receive pay or any other type of remuneration without the prior written approval of the superintendent. (Adopted: August 21, 2008, Ordinance Number 08/09-2; Effective: August 21, 2008)

**Legal Authority** – Virginia Code § 22.1-296 (1950), as amended.

**Section 7-16.8. Jury duty encouraged; adverse employment action prohibited**

—A. The School Board supports its employees in fulfilling civic duties by serving on federal and state jury panels. Employees called for jury duty may be absent without loss of pay, subject to verification of actual days served by the clerk of court.

B. Upon giving reasonable notice to his/her immediate supervisor, any Suffolk Public School employee summoned to serve on jury duty or any employee, except a defendant in a criminal case, who is summoned or subpoenaed to appear in any court of law or equity when a case is to be heard, or having appeared, is required in writing by the court to appear at any future hearing, shall not be discharged from employment, nor shall any adverse personnel action be taken against the employee, including, but not limited to, requiring the employee to use sick leave, personal leave or vacation time as result of his/her absence from employment due to such jury duty or court appearance. (Adopted June 8, 2000; Ordinance Number 99/00-46; Revised January 9, 2003, Ordinance Number 02/03-5; Effective Date: July 1, 2003)

**Note:** The 2003 amendment to subsection B, deleted the former which read: “Employees subpoenaed or summons to appear in court for job related legal transactions or matters deemed to be in the public interest may be absent without loss of pay. The superintendent or designee shall have the authority to grant approval for such leave for employees attending any such legal transactions. In order to be paid under these circumstances, a copy of the subpoena or summons shall be transmitted to the payroll office.” Also deleted subsection C, “When attending to personal legal transactions, employees must use personal leave or annual leave, or be placed on a leave without pay status.” Inserted a new subsection B to replace subsections B and C to read: “Upon giving reasonable notice to his/her immediate supervisor, any Suffolk Public School employee summoned to serve on jury duty or any employee, except a defendant in a criminal case, who is summoned or subpoenaed to appear in any court of law or equity when a case is to be heard, or have appeared, is required in writing by the court to appear at any future hearing, shall not be discharged from employment, nor shall any adverse personnel action be taken against the employee, including, but not limited to, requiring the employee to use sick leave, personal leave or vacation time as a result of his/her absence from employment due to such jury duty or court appearance.”

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

## **Article 17**

### **Transportation and Travel Expense Reimbursement**

**Section 7-17.1. Use of School Board vehicles; superintendent to determine; efficient use required.** —A. The School Board maintains a limited number of vehicles for use by employees. The superintendent is authorized to assign such vehicles to selected twelve (12) month employees. Assignment of school vehicles to individual employees shall include the custodial responsibility, involving use only for public purposes, regular maintenance and necessary repairs in cooperation with the transportation department and operation in accord with state law.

B. The School Board recognizes that travel is sometimes required by its employees to perform their duties completely and efficiently. Itinerant travel is required by some employees who work at more than one location. It is necessary for some employees to travel to local, regional, state and/or national meetings, seminars, and/or conferences to gain additional knowledge of the latest developments in their respective fields which will benefit Suffolk Public Schools and its students. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §§22.1-78 & 22.1-70 (1950), as amended.

**Section 7-17.2. Superintendent's Authority; efficient use requirement.**—A. The School Board authorizes the superintendent to determine what employee travel is beneficial to Suffolk Public Schools and to students and to set regulations to provide a system of approval and reimbursement and the required documentation necessary to support and account for the related expenditures of School Board funds.

B. It is incumbent upon all School Board employees to make efficient travel arrangements and obtain the most economical rates while travelling on business. Employees travelling on official business for the School Board are expected to utilize reasonably priced lodging accommodations. When overnight stays are required while on travel status, first preference shall be given to selecting lodging in the economy class. In all cases employees shall request government rates when making reservations for lodging. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §§22.1-67, 22.1-78, 22.1-122, 22.1-253.13:5 (1950), as amended.

## **Article 18**

### **Posting of Professional Staff Vacancies**

**Section 7-18.1. Posting of Employment vacancies required; limited exception.**  
— A. Notices of available employment within Suffolk Public School shall be posted in every school and in the administrative office. Where applicable, notice will be mailed to placement services of colleges and universities, professional publications, and other school divisions.

B. However, the school superintendent is granted the authority to dispense with the notice requirement set forth above in the following situations; (i) with the opening of a new school, the school superintendent may transfer existing school personnel to the new school and the requirement for posting employment vacancies under this section shall not apply to any such transfer; or (ii) when an administrative vacancy occurs in the administrative offices of Suffolk Public Schools and the school superintendent is of the opinion that it would be in the best interests of Suffolk Public Schools to fill that vacancy by selecting an internal candidate who has (a) expressed in writing an interest in the position; (b) the required educational background, relevant work experience, and skills to perform the job; and (c) been certified as an eligible candidate

for the position by the Human Resources Department. (Adopted: August 10, 1995; Revised: July 14, 2006; Ordinance Number 05/06-5; Effective: July 1, 2007)

**Note:** The 2006 amendment to Section 7-18.1, added subsection B.

**Legal Authority** – Virginia Code 1950 §§22.1-70 & 22.1-78, as amended.

## **Article 19**

### **Professional Staff Hiring & Employment Relationships**

**Section 7-19.1. Best Possible Candidates; Advertising Procedures developed by Superintendent; Accurate Information Required on Application; Current Employees—** A. It is the desire of the Suffolk School Board to recruit, hire and retain the best possible qualified applicants. The applicant determined to be the best qualified shall be selected for a vacant or new position, regardless of whether the applicant is an internal or external candidate. Current division employees are given an opportunity to apply for positions for which they are qualified.

B. Vacancies and new positions within the division are advertised on the internet, in each school and in the School Administrative Office. The Superintendent is responsible for developing procedures for advertising vacancies and new positions. Those procedures will be designed to ensure that all openings are properly advertised to give all interested and qualified parties the opportunity to apply. While most positions will be filled using those procedures, the School Board may, at the request of the Superintendent, fill positions in other ways. For example, the School Board may authorize the filling of a position to accommodate the disability of an employee, to transfer an employee when it is determined to be in the best interest of the school division, to satisfy the rights of employees returning from leave, to move an employee whose performance is unsuccessful to a position in which the employee might be successful or to discipline an employee for conduct deficiencies.

C. It shall be the responsibility of the applicant to furnish accurate information and any falsification of either information or credentials shall be cause for dismissal from employment or refusal to employ. (Adopted August 10, 1995; Revised June 9, 2016; Ordinance Number 15/16-60; Effective Date: July 1, 2016)

**Note:** The 2016 revision deleted the following language from Subsection A, “Procedures shall be developed for filling vacancies or new positions to insure that all openings have been properly advertised to give all interested parties the opportunity to be considered and to expedite the selection process” and inserted the following language in its place “It is the desire of the Suffolk School Board to recruit, hire and retain the best possible qualified applicants. The applicant determined to be the best qualified shall be selected for a vacant or new position, regardless of whether the applicant is an internal or external candidate. Current division employees are given an opportunity to apply for positions for which they are qualified.” In Subsection B the following language was deleted “Applications for employment with Suffolk Public Schools shall be in writing and on forms provided by the Personnel Department. A personal interview is required as a prerequisite to employment” and the following language was inserted “Vacancies and new positions within the division are advertised on the internet, in each school and in the School Administrative

Office. The Superintendent is responsible for developing procedures for advertising vacancies and new positions. Those procedures will be designed to ensure that all openings are properly advertised to give all interested and qualified parties the opportunity to apply. While most positions will be filled using those procedures, the School Board may, at the request of the Superintendent, fill positions in other ways. For example, the School Board may authorize the filling of a position to accommodate the disability of an employee, to transfer an employee when it is determined to be in the best interest of the school division, to satisfy the rights of employees returning from leave, to move an employee whose performance is unsuccessful to a position in which the employee might be successful or to discipline an employee for conduct deficiencies.” A Subsection C was also added.

**Legal Authority** - Virginia Code §§ 22.1-70 & 22.1-78 (1950), as amended.

**Section 7-19.2. Employment of family members prohibited; assignment of family members discouraged.**—A. The School Board may not employ, and the superintendent may not recommend for employment, any family member of the superintendent or of a School Board member. This prohibition shall not apply to any family member who was employed pursuant to a written contract with the School Board or employed as a substitute teacher by the School Board prior to the time of the taking of office of the superintendent or School Board member or who was so employed prior to the inception of the family membership. A family member so employed may not be given any greater employment than that obtained in the last full school year prior to the taking of office of the superintendent or a School Board member.

B. No family member of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit will be discouraged.

C. Family members are defined as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §2.1-639.16 (1950), as amended.

## **Article 20**

### **Effect of Criminal Conviction**

**Section 7-20.1. Policy stated; disclosure of prior criminal convictions required; founded complaints of child abuse or neglect; when employment denied because of report from Social Services; grounds for termination of employment.**—

A. The School Board will not employ or to continue the employment of any part-time, full-time, temporary, or permanent personnel who may be deemed unsuited for service by reason of criminal conviction, or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

B. The School Board requires, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the

necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. The School Board shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, the School Board requires as a condition of employment that such applicant provide written consent and the necessary personal information for the School Board to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The School Board shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. Such reasonable steps shall include, but not be limited to, contacting any central child abuse and neglect registry maintained by the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states for use by local school boards. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the School Board. From such funds as may be available for this purpose, however, the School Board may pay for the search.

If the information obtained pursuant to the preceding paragraph indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment, or the employment shall be rescinded.

C. If an applicant is denied employment because of information appearing on his record in the registry, the School Board shall, upon request of the applicant, provide a copy of the information obtained from the registry to the applicant only. The information provided to the School Board by the Department of Social Services shall be confidential and shall not be disseminated by the School Board to anyone other than the applicant.

D. Individuals applying for employment with Suffolk Public Schools for any position shall be required to disclose prior convictions of law other than minor traffic violations (unless applicable to the position) or juvenile offenses. Information provided by applicants may be verified by work history, personal reference or criminal record inquiries to determine the applicant's acceptability for employment. Where a prior conviction is ascertained, Suffolk Public Schools will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which the applicant has sought. Offenses which are incompatible with employment by the School Board include, but are not limited to, the following: (i) conviction of sexual offenses; (ii) conviction of crimes involving the taking of money or other property; (iii) conviction of violent crimes; (iv) conviction of drug-related offenses; and (v) conviction of crimes of moral turpitude.

E. If an applicant makes any misrepresentation or willful omission of fact regarding a prior criminal history, such misrepresentation or omission shall be sufficient cause of disqualification of the applicant or termination of employment. (Adopted August 10, 1995; Revised September 8, 2011; Ordinance Number 11/12-6; Effective Date: September 9, 2011; Revised April 10, 2013; Ordinance Number 12/13-43; Effective Date: July 1, 2013)



**Note:** The 2013 revision deleted the following language from subsection A which read, “It is the policy of the School Board not to employ or to continue the employment of classified, professional or administrative personnel who may be deemed unsuited for service by reason of criminal conviction, or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services” and inserted the following language in its place “The School Board will not employ or continue the employment of any part-time, full-time, temporary, or permanent personnel who may be deemed unsuited for service by reason of criminal conviction, or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.” The 2011 amendment to Section 7-20.1 inserted “founded complaints of child abuse or neglect; when employment denied because of report from Social Services” and inserted in line 3 the words “or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.” Added subsections B and C.

**Legal Authority** - Virginia Code §22.1-296.1 (1950), as amended.

**Section 7-20.2. Certification requirement; fingerprinting and descriptive information required; costs for fingerprinting; sharing of criminal record information; when employment denied information to be provided to applicant.—**

A. Applicants for any position with Suffolk Public Schools must certify that they have not been convicted of a felony or a misdemeanor involving (i) sexual assault; (ii) obscenity and related offenses; (iii) drugs; (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state. Where a conviction relates to the suitability of the individual to perform duties in a particular position, such person may be denied employment.

B. As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with Suffolk Public Schools shall submit to fingerprinting and provide personal descriptive information. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information on applicants who offer or accept employment.

C. The applicant or employee shall pay the costs for the fingerprinting, criminal record check and for the search of the registry of founded complaints of child abuse and neglect.

D. To conserve the costs to applicants and the School Board in conducting criminal history record checks, upon the written request of the applicant, the School Board shall inform another school board with which reciprocity has been established and to which the applicant also has applied for employment, of the results of the criminal record information conducted within the previous ninety days that it obtained concerning the applicant. Criminal history record information pertaining to an applicant for employment by a school board shall be exchanged only between school boards in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect. Reciprocity agreements shall provide for the apportionment of the costs of the fingerprinting or criminal records check between the applicant and the School Board as provided by statute.

E. If an applicant is denied employment because of information appearing on his/her criminal history record, the Suffolk Public Schools shall provide a copy of the

information received from the Central Criminal Records Exchange to the applicant. (Adopted August 21, 2008; Ordinance Number 08/09-7; Effective: August 21, 2008)

**Legal Authority** – Virginia Code §§ 22.1-296.2 (1950) as amended.

**Section 7-20.3. Search of registry of founded child abuse complaints.** — A. The School Board shall require, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, certification that the applicant has not been the subject of a founded case of child abuse and neglect and provide written consent and necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. The School Board shall ensure that all such searches are requested in conformance with regulations of the Board of Social Services

B. Any person making a materially false statement regarding a finding of child abuse and neglect shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach. (Adopted August 21, 2008; Ordinance Number 08/09-6; Effective: August 21, 2008; Revised April 10, 2013; Ordinance Number 12/13-44; Effective Date: July 1, 2013)

**Note:** The 2013 revision added the following language to subsection A, requiring “certification that the applicant has not been the subject of a founded case of child abuse and neglect.” Subsection B was also added.

**Legal Authority** —Virginia Code §§ 22.1-296.4 (1950), as amended.

**Section 7-20.4. Notice of arrest; employee convictions; placement of employee on probation by court; information appearing on criminal record; founded complaints of child abuse and neglect.** — A. The superintendent shall inform the School Board of any notification of arrest of a School Board employee received pursuant to state law. The School Board may require such employee, whether full-time or part-time, permanent, or temporary, to submit fingerprinting and to provide personal descriptive information to be forwarded along with employee's fingerprints 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 contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§22.1-307 and 22.1-315 of the Code of Virginia.

B. If charged with the commission of a felony or of a misdemeanor involving (i) sexual assault; (ii) obscenity and related offense; (iii) drugs; (iv) moral turpitude; or (v) the physical or sexual abuse or neglect of a child, the employee may be suspended without pay and salary placed in an interest bearing escrow account as provided for by state law. If the employee is found guilty of the charge, and all appeals have been exhausted and the conviction is upheld, the employee shall be dismissed from

employment with Suffolk Public Schools and all funds held in the escrow account shall be paid to the School Board. If the employee is found not guilty of the charge or upon dismissal of the charge, the employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the employee during the period of suspension, but in no event shall such payment exceed one year's salary.

C. For the purpose of this policy, if a court places an employee on court ordered probation, it shall be treated as a conviction, notwithstanding the fact that the court may have withheld the formal finding of guilt.

D. If a current employee is suspended or dismissed because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information provided by the Central Criminal Records Exchange to the employee.

E. Any employee of the School Board will be dismissed if he or she is or becomes the subject of a founded complaint of child abuse and neglect and after all rights to an appeal provided by Va. Code §63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provide by Va. Code § 63.2-1526 have been exhausted, shall be grounds for Suffolk Public Schools to recommend that the Board of Education revoke such person's license to teach. (Adopted: August 21, 2008, Ordinance Number 08/09-5; Effective: August 21, 2008; Revised April 10, 2013; Ordinance Number 12/13-44; Effective Date: July 1, 2013)

**Note:** The **2013** revision added the following language to subsection A, "The School Board may require such employee, whether full-time or part-time, permanent, or temporary, to submit fingerprinting and to provide personal descriptive information to be forwarded along with employee's fingerprints 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 contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§22.1-307 and 22.1-315 of the Code of Virginia." Subsections D & E were also added. The **2009** revisions to 7-20.4 inserted subsections B & C.

**Legal Authority** — Virginia Code § 22.1-315 (1950), as amended.

## **Article 21**

### **Substitute Staff Employment**

**Section 7-21.1. Approval by School Board required; absence from duty notification; principal to secure.**—A. All substitutes shall have an appropriate application form completed and on file in the School Board office. All substitute employees shall be approved by the School Board before receiving payment for services.

B. Employees are required to notify the principal or immediate supervisor of their intention to be absent from their duties as far in advance as possible. The request to be absent from duty should be made in such time as to permit the principal or department head to make necessary arrangements for a substitute.

C. Principals or department heads shall secure a substitute from the list of substitutes approved by the School Board. Selection of a substitute and granting authority for the substitute to report to duty is vested only in the principal or department head. (Adopted August 18, 1995; Revised November 13, 1997)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-21.2. Principal to secure substitute teachers; substitute teachers defined; qualifications for substitutes; temporarily employed teachers defined; rate of pay; part-time teachers; summer school teachers; homebound teachers; interns; student teachers.**—A. It shall be the responsibility of the principal or designee to secure an approved substitute to serve in the place of the regular teacher.

B. A substitute teacher, as used in this section, is (i) one who is employed to substitute for a contracted teacher for temporary period of time during the contracted teacher's absence, or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than ninety (90) teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

C. In addition to satisfying general requirements for employment, substitute teachers shall (i) be at least 18 years old; (ii) possess good moral character; (iii) hold a high school diploma or have passed a high school equivalency examination approved by the Board of Education; (iv) attend orientation to school policies and procedures; and (v) having earned thirty (30) semester hours or more from an accredited institution of higher learning.

D. The superintendent or designee may also secure teachers on a temporary basis. A "temporarily employed teacher" is (i) employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence or (ii) is employed to fill a teacher vacancy for a period of time, but for no longer than ninety teaching days in a school year. In order to qualify as a temporarily employed teacher, the employee must hold a valid Virginia teaching license with an endorsement in the area in which the employee will be temporarily employed to teach. A "temporarily employed teacher" will be compensated at the long term rate of pay.

E. An employee working less than 180 days or less than six (6) hours per day or who is restricted to temporary or interim employment is considered part-time. Part-time teachers shall meet the certification requirements of the State Board of Education.

F. Summer school teachers shall meet all certification requirements.

G. Homebound teachers shall be employed on a part-time, hourly basis. They shall be selected from the active file of applicants in the Personnel Office or from the approved substitute teacher list and shall hold a valid teaching certificate.

H. Arrangements for the utilization of interns in the school division should be initiated through the superintendent.

I. Suffolk Public Schools shall accept student teachers only from accredited institutions. All student teachers shall meet the same health requirements as all other

personnel. The superintendent shall have the responsibility for the assignment and placement of student teachers in Suffolk Public Schools. Student teachers shall not be used as substitute teachers. (Adopted August 18, 1995; Revised November 13, 1997; Revised November 11, 1999; Ordinance Number 99/00-19; Revised April 10, 2013; Ordinance Number 12/13-46; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-61; Effective Date: July 1, 2016)

**Note:** The 2016 revision revised Subsection C which read “In addition to satisfying general requirements for employment, substitute teachers shall (i) be at least 18 years old; (ii) possess good moral character; (iii) hold a high school diploma or GED certificate; (iv) attend orientation to school policies and procedures; and (v) having earned thirty (30) semester hours or more from an accredited institution of higher learning” to read “In addition to satisfying general requirements for employment, substitute teachers shall (i) be at least 18 years old; (ii) possess good moral character; (iii) hold a high school diploma or have passed a high school equivalency examination approved by the Board of Education; (iv) attend orientation to school policies and procedures; and (v) having earned thirty (30) semester hours or more from an accredited institution of higher learning.” A Subsection G, H, and I were also added.

**Legal Authority** - Virginia Code §§22.1-70, 22.1-78 & 22.1-302 (1950), as amended.

**Section 7-21.3. School of Practical Nursing.** —A. It shall be the responsibility of the Director of the Obici School of Practical Nursing to secure an approved substitute to serve in place of the regular LPN teacher. In addition to satisfying general requirements for employment, the substitute shall be a registered nurse licensed by the Commonwealth of Virginia.

B. It shall be the responsibility of the head nurse to secure and approve substitutes to serve in the place of the regular school nurse. In addition to satisfying general requirements for employment, the substitute shall be a registered nurse licensed by the Commonwealth of Virginia. (Adopted August 18, 1995; Revised November 13, 1997)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-21.4. Substitute Bus Drivers.** It shall be the responsibility of the Supervisor of Transportation to secure an approved substitute from the approved list of substitute bus drivers or bus assistants. In addition to satisfying general requirements for employment, bus drivers shall meet all state and federal regulations necessary to drive a commercial vehicle. (Adopted August 18, 1995; Revised November 13, 1997)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-21.5. Substitute Food Service Workers.** —It shall be the responsibility of the Cafeteria Manager or the Principal to secure substitutes from the approved substitute list to serve in the place of regular food service personnel. In addition to satisfying general requirements for employment, the cafeteria worker shall hold a valid food service card issued by the Commonwealth of Virginia Health Department. (Adopted August 18, 1995; Revised November 13, 1997)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-21.6. Substitute Custodial Personnel.** — It shall be the responsibility of the Maintenance Department upon notification by the Principal or Department Head, to secure substitutes from the approved substitute custodial list to serve in the place of the regular custodian. (Adopted August 18, 1995; Revised November 13, 1997)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-21.7. Substitute Clerical Assistants.** — Any principal or immediate supervisor shall seek approval from the Assistant Superintendent for Personnel prior to the employment of substitute clerical assistants. Substitute clerical assistants provided on an “as needed” basis shall be obtained from an approved substitute list. (Adopted August 18, 1995; Revised November 13, 1997)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

## **Article 22**

### **Part-time Professional Staff Employment**

**Section 7-22.1. Employment of Part-time Personnel.** —The School Board may employ part-time personnel on a regular basis for a schedule of less than six (6) hours daily or for specific short periods of time, whenever such employment is recommended by the superintendent and is deemed necessary and expedient by the School Board. Part-time employees must meet requirements appropriate for assigned positions. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-22.2. Homebound Teachers.** — In addition to satisfying general requirements for employment, homebound teachers will be employed on a part-time hourly basis. All homebound teachers shall hold a valid teaching license. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-22.3. Summer School Employees; Rate of Pay Set by School Board.**—A. Summer school employees will be employed through the School Board office from the regular staff, if available. Summer school teachers shall meet all licensure and health requirements of full-time teaching personnel. Summer school employees shall not be entitled to the benefits of full-time employees.

B. The salary paid instructional personnel, teacher assistants or other employees for summer school work shall be at a rate of pay established by the School Board. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-22.4. Interns.** — Arrangements for the use of youth interns in Suffolk Public Schools shall be initiated through the superintendent. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended

**Section 7-22.5. Teachers for Night Alternative Programs.** — Teachers for the night alternative program shall meet all requirements applicable for this position. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-22.6. Student Teachers; Use as Substitutes Forbidden; Remuneration Prohibited.** —A. Suffolk Public Schools will accept student teachers only from accredited institutions. All student teachers shall meet the same health requirements as all other personnel. The superintendent or designee shall have the responsibility for the assignment and placement of student teachers in the school system.

B. Student teachers shall not be used as substitute teachers.

C. No remuneration or salary is to be paid the student teacher by the School Board. However, fees from the college or university may be paid directly to the cooperating teacher. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-300 & 22.1-78 (1950), as amended.

## **Article 23**

### **Professional Staff, Probation and Continuing Contract Status**

**Section 7-23.1. Probationary Term for Teacher; Acceptance or Rejection of Employment; Good Behavior and Competent Service Required; Miscellaneous Requirements.** —A. A probationary term of service of three (3) years in Suffolk Public Schools shall be required before a teacher is issued a continuing contract. Service under a local teacher license shall not count towards satisfying this probationary requirement. A mentor teacher shall be provided to every first year probationary teacher to assist him or her in achieving excellence in instruction. Probationary teachers with prior successful teaching experience may be exempt from this requirement with approval from the Superintendent. Probationary teachers shall be evaluated at least annually in accordance with school board policy. The superintendent shall consider such evaluations as one factor in making recommendations to the School Board regarding the employment of

probationary teachers. If a probationary teacher's evaluation is not satisfactory, the School Board shall not reemploy such teacher.

B. In order to achieve continuing contract status, every teacher must successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Suffolk Public Schools will provide said training at no cost to teachers it employs. If such training is not offered in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

C. Except as provided for in School Policy 7-16.3.C, once a continuing contract status has been obtained in a school division in this state another probationary period need not be served unless such probationary period, not to exceed one year, is made a part of the contract of employment. If a teacher separates from service and does not return to teaching service in Virginia Public Schools by the beginning of the third year, the person shall be required to begin a new probationary period, not to exceed one year, if made a part of the contract.

D. If a teacher who has not achieved continuing contract status receives notice of reemployment, the teacher must accept or reject in writing within fifteen (15) calendar days of receipt of the notice. Unless a conference with the superintendent is requested as specified in the Code of Virginia, or in the case of reduction in force, written notice of non-renewal of the contract must be given by the School Board on or before June 15 of each year. If the teacher requests a conference with the superintendent, then written notice of non-renewal by the School Board must be given within thirty days after the superintendent notifies the teacher of his intention with respect to the recommendations.

E. Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service. Written notice of recommendation of the contract by either party must be given by June 15 of each year; otherwise the contract continues in effect for the ensuing year.

F. The School Board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of a decrease in enrollment or abolition of particular subjects. Further, nothing in the continuing contract shall be construed to authorize the School Board to contract for any financial obligation beyond the period for which funds have been made available. As soon after June 15 as the school budget is approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary. Within two weeks of the approval of the school budget by the appropriate body, but no later than June 1, the school board will notify any teacher who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. (Adopted August 10, 1995; Revised January 15, 2004, Ordinance Number 03/04-12; Effective: July 1, 2004; Revised April 10, 2013; Ordinance Number 12/13-47; Effective Date: July 1, 2013)

**Note:** The 2013 revision revised subsection B. The former subsection B read "Any teacher hired on or after July 1, 2001 shall be required, as a condition of achieving achieve continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or



remediation of students who fail or are at risk of failing the Standards of Learning assessments. Suffolk Public Schools will provide such training at no cost to teachers it employs. If such training is not offered in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.” The revision now reads “In order to achieve continuing contract status, every teacher must successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Suffolk Public Schools will provide said training at no cost to teachers it employs. If such training is not offered in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.” Subsection C was revised and at the beginning of this subsection the following language was added “Except as provided for in School Policy 7-16.3.C.” The following language was also deleted from subsection C, “of one (1) year shall be served in Suffolk Public Schools and shall be made part of the contract of employment, unless such probationary period, not to exceed one year, is made a part of the contract of employment.” In subsection D the word “he” was deleted and “the teacher” was inserted instead, and the words “or in the case of reduction in force” was also added. Finally, the date April 15 was deleted and June 15 inserted. In subsection E at the end of the first sentence the words “and prior to the age at which they are eligible to retire” were deleted. The following language was also added to subsection E, “Written notice of recommendation of the contract by either party must be given by June 15 of each year; otherwise the contract continues in effect for the ensuing year.” The following sentence as also added to subsection F, “As soon after June 15 as the school budget is approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary. Within two weeks of the approval of the school budget by the appropriate body, but no later than June 1, the school board will notify any teacher who may be subject to a reduction in force due to a decrease in the school board’s budget as approved by the appropriating body.” The 2004 revision deleted language in line 3, subparagraph A after the words “continuing contract” which read “provided that in the discretion of the School Board service rendered prior to July 1, 1969 in the same county or city may be determined as satisfying in whole or in part the probationary term.” Also, added the following language to subpart A, “Service under a local teacher license shall not count towards satisfying this probationary requirement. A mentor teacher shall be provided to every first year probationary teacher to assist him or her in achieving excellence in instruction. Probationary teachers with prior successful teaching experience may be exempt from this requirement with approval from the Superintendent. Probationary teachers shall be evaluated at least annually in accordance with school board policy. The superintendent shall consider such evaluations as one factor in making recommendations to the School Board regarding the employment of probationary teachers. If a probationary teacher’s evaluation is not satisfactory, the School Board shall not reemploy such teacher.” The 2004 revision also inserted subparagraphs B and E. Inserted language in subparagraph C, line 3 to read “unless such probationary period, not to exceed one year, is made part of the contract of employment.” In line 5, deleted the words “within two (2) years” and replaced with “by the beginning of the third year,” and at the end of the last sentence in subparagraph C, added “not to exceed one year, if made a part of the contract.” In subparagraph D, line 3, added “Unless a conference with the superintendent is requested as specified in the Code of Virginia.” Added last sentence in subparagraph D, beginning with the word “If” and ending with the word “recommendations.”

**Legal Authority** – Virginia Code §22.1-303 (1950), as amended

**Section 7-23.1:1. —When notice of employment required generally; notice of reduction in force.**—A. As soon after April 15 as the School Board’s budget is approved by City Council, the School Board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary.

B. Within two weeks of the approval of the School Board’s budget by City Council, but no later than June 1, the School Board will notify any teacher who may be subject to a reduction in force due to a decrease in the School Board’s budget as approved by City Council. (Adopted December 11, 2003; Ordinance Number 03/04-7; Effective: July 1, 2004)

**Legal Authority** - Virginia Code §22.1-303 (1950), as amended.

**Section 7-23.2. Compliance with State Board Regulations.** –The teaching load of every teacher shall be in compliance with regulations of the State Board. The School Board shall comply with the standards of quality requirements pertaining to student/teacher ratio. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-253.13:1 (1950), as amended.

## **Article 24**

### **Professional Staff Assignment and Transfers**

**Section 7-24.1. Assignment and Reassignment of Personnel; Written Request Required; Discretion of Superintendent.**—A. Principals and other supervisory personnel may submit recommendations to the superintendent for the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to his supervision. Upon recommendation of the superintendent, the School Board shall place all employees within the various schools and facilities located in the school division. The superintendent has the authority to assign such employees to their respective positions within the school or facility wherein they have been placed by the School Board.

B. Any employee seeking a transfer or assignment to another work location for the next school year must submit their request by such means as designated by Suffolk Public Schools by no later than July 15 of that calendar year. This type of request, if granted, will be a voluntary transfer. A change of assignment within an immediate work station is the responsibility of the immediate supervisor.

C. The superintendent may also reassign any such employee for that school year to any school or facility within such division, provided no change or reassignment during a school year shall affect the salary of such employee for that school year. However, no one will be employed in or reassigned to a situation where a family member, as defined in School Board Policy, is directly responsible for that employee's supervision. (Adopted August 10, 1995; Revised June 9, 2016; Ordinance Number 15/16-62; Effective Date: July 1, 2016; Revised August 17, 2017; Ordinance Number 17/18-1; Effective Date: August 17, 2017)

**Note:** The **2017** revision amended the following language in subsection B, which read, “Any employee seeking a transfer or assignment to another work location for the next school year must make a request in writing to the superintendent with copies to the current supervisor not later than April 1 of that calendar year” to read “Any employee seeking a transfer or assignment to another work location for the next school year must submit their request by such means as designated by Suffolk Public Schools by no later than July 15 of that calendar year.” The **2016** revision added the following language was added to Subsection A “Upon recommendation of the superintendent, the School Board shall place all employees within the various schools and facilities located in the school division. The superintendent has the authority to assign such employees to their respective positions within the school or facility wherein they have been placed by the School Board.” Subsection B which read “Any employee seeking a transfer or assignment to another work location must make a request in writing to the superintendent with copies to the current supervisor not later

than April 1 of that calendar year” was revised to read “Any employee seeking a transfer or assignment to another work location for the next school year must make a request in writing to the superintendent with copies to the current supervisor or the superintendent’s designee, with copies to the current supervisor, not later than April 1 of that calendar year.” Subsection C was deleted which read “Each employee shall be assigned or transferred by the superintendent in accordance with the needs of the division and requirements of the Code of Virginia” and the following language was inserted in its stead “The superintendent may also reassign any such employee for that school year to any school or facility within such division, provided no change or reassignment during a school year shall affect the salary of such employee for that school year. However, no one will be employed in or reassigned to a situation where a family member, as defined in School Board Policy, is directly responsible for that employee's supervision.”

**Legal Authority** - Virginia Code §§22.1-297 & 22.1-78 (1950), as amended.

## **Article 25**

### **Overtime/Compensatory Policy**

**Section 7-25.1. Overtime Compensation; superintendent to develop regulations.**—A. All School Board employees shall be compensated for overtime work performed in accordance with the Fair Labor Standards Act.

B. The superintendent of schools shall develop regulations for overtime compensation for all School Board employees consistent with federal and state laws, rules and regulations. (Adopted August 10, 1995; Revised September 12, 1996; Revised June 14, 2012; Ordinance Number: 11/12-17; Effective: July 1, 2012)

**Note:** The 2012 amendment to Section 7-25.2 deleted “Purpose declared; establishment of work period; pay periods.” Subsection B delete the language in its entirety and replace with new language “The superintendent of schools shall develop regulations for overtime compensation for all School Board employees consistent with federal and state laws, rules and regulations.” Delete subsection C in its entirety. Delete Sections 7-25.2 and 7-25.3 in its entirety.

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

## **Article 26**

### **Professional Growth**

**Section 7-26.1. Policy Statement; Expenses for Travel etc.**—A. The School Board supports an organized program of in-service education for all employees which shall be directed toward increasing knowledge, improving performance and services within the schools. Employees shall be encouraged to attend professional meetings, conferences, workshops and other such activities.

B. The School Board shall budget for expenses incurred by the staff, in travel and attendance to such conventions, conferences and meetings as are recommended by the superintendent in accordance with the following:

1. The superintendent, with the approval of the School Board, may attend conventions which may prove

beneficial to the superintendent and the school system. A detail record of all expenses incurred by the superintendent shall be kept in the superintendent's office.

2. Personnel may attend conventions or meetings which may prove beneficial after first receiving approval from the superintendent.
3. Personnel shall be reimbursed for actual and reasonable expenses incurred when travel is done in performance of assigned duty and in attendance to approved conventions, conferences and meetings. Mileage shall be based on a rate set by the School Board. Supporting bills, receipts and other documentation shall be furnished as required by the superintendent and/or travel regulations. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended and Fair Labor Standards Act, 29 C.F.R., 785.33 *et. seq.*

**Section 7-26.2. Professional Development Encouraged; Requests for Reimbursement.** — A. The School Board encourages attendance and participation of school personnel in professional development activities in order to improve work skills and to maintain high morale.

B. Requests for reimbursement from School Board funds will be honored only for activities approved in advance by the superintendent or superintendent's designee and for which a statement of travel, with supporting documents, is submitted at the conclusion of the trip. (Adopted November 11, 1999; Ordinance Number 99/00-20; Revised June 9, 2016; Ordinance Number 15/16-63; Effective Date: July 1, 2016)

**Note:** The 2016 revision deleted the following language "In order to improve the quality of public education in the city, the School Board encourages participation by its employees in programs of professional development and training" and rewrote this section in its entirety.

**Legal Authority** - Virginia Code § 22.1-253.13:5 (1950), as amended.

**Section 7-26.3 Professional Staff Development; Participation Required.**—A. Suffolk Public Schools provides a program of high-quality professional development in the following areas:

1. In the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers and administrators to clarify roles and performance expectations and to

facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels;

2. As part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education;
3. In educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula;
4. For administrative personnel designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; and
5. Designed to educate School Board employees about bullying and the need to create a bully-free environment.

B. In addition, the Suffolk Public Schools provides teachers and principals with high-quality professional development programs each year in the following areas:

1. Instructional content;
2. The preparation of tests and other assessment measures;
3. Methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives;
4. Instruction and remediation techniques in English, mathematics, science, and history and social science;
5. Interpreting test data for instructional purposes;
6. Technology applications to implement the Standards of Learning; and
7. Effective classroom management.

C. All instructional personnel are required to participate each year in professional development programs. Suffolk Public Schools will annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students. (Adopted: October 9, 2008; Ordinance Number 08/09-18; Effective: October 10, 2008; Revised June 9, 2016; Ordinance Number 15/16-64; Effective Date: July 1, 2016)

**Note:** The 2016 revision revised Subsection A which read “Suffolk Public Schools will provide a program of high-quality professional development in the following areas” to read Suffolk Public Schools provides a program of high-quality professional development in the following areas.” Subpart A.5 and Subsection B were also added.

**Legal Authority**—Virginia Code §§ 22.1-253.13:5E (1950), as amended.

**Article 27**  
Supervision of the Evaluation Process

**Section 7-27.1. Evaluation of Employees Required; Role of Superintendent.**

— A. Every employee of the School Board will be evaluated on a regular basis at least as frequently as required by law.

B. The superintendent shall assure that cooperatively developed procedures for professional staff evaluations are implemented throughout Suffolk Public Schools and included in regulations promulgated by Suffolk Public Schools. The results of the evaluation shall be in writing, dated and signed by the evaluator and the person being evaluated, with one copy going to the central office personnel file and one copy to the person being evaluated. Adopted August 10, 1995; Revised: August 21, 2008, Ordinance Number 08/09-4; Effective: August 21, 2008; Revised: April 10, 2013; Ordinance Number 12/13-48; Effective Date: July 1, 2013)

**Note:** The 2013 revision deleted the former 7-27.1 and re-wrote this section. The 2008 revision inserted the sentence “The Board of Education Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators and Superintendents should be consulted during the development of the evaluation procedures.”

**Legal Authority** - Virginia Code §22.1-70 (1950), as amended.

**Section 7-27.2. Primary Purposes of the Evaluation Process; Guidelines for Uniform Performance Standards, etc., applicable; when teacher deficient in managing student behavior; unsatisfactory teacher performance evaluation.—A.**

The primary purposes of the evaluation are (a) to optimize student learning and growth; (b) to contribute to the successful achievement of the goals and objectives of Suffolk Public Schools’ educational plan; (c) to improve the quality of instruction by ensuring accountability for classroom performance and teacher effectiveness; (d) to provide a basis for leadership improvement through productive performance appraisal and professional growth; (e) to implement a performance evaluation system that promotes a positive working environment and continuous communication between the employee and the evaluator that promotes continuous professional growth, leadership effectiveness, improvement of overall job performance and improved student outcomes; and (f) to promote self-growth, instructional effectiveness, and improvement of overall professional performance.

B. The procedures will be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals. Evaluations shall include student academic progress as a sufficient component and an overall summative rating.

C. Any teacher whose evaluation indicates deficiencies in managing student conduct may be required to attend professional development activities designed to improve classroom management and discipline skills.

D. If a teacher's performance evaluation during the probationary period is not satisfactory, the Board shall not reemploy the teacher. (Adopted August 10, 1995; Revised April 10, 2013; Ordinance Number 12/13-49; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-64; Effective Date: July 1, 2016)

**Note:** The 2016 revision added the following language to Subsection B "Evaluations shall include student academic progress as a sufficient component and an overall summative rating." Subsection C which read "Any teacher whose evaluation indicates deficiencies may be required to attend professional development activities designed to improve teacher performance" was revised to read "Any teacher whose evaluation indicates deficiencies in managing student conduct may be required to attend professional development activities designed to improve classroom management and discipline skills."

**Legal Authority** - Virginia Code §22.1-253.12 (1950), as amended.

## **Article 28**

### **Reduction in Professional Staff Workforce**

**Section 7-28.1. Effect of Decrease in Enrollment; Budget Reduction or Adjustment; Consolidation of Schools; school superintendent to develop regulations.**—A. When there has been a decrease in enrollment, abolition of particular subjects, a decrease in the School Board's budget as approved by the appropriating body, a consolidation of schools, the phasing out of programs, departments or grade levels and other conditions, the School Board may reduce the number of staff needed in a building, program or department or in the entire school division.

B. General reduction in total personnel and redistribution of personnel within designated programs shall be done in accordance with regulations adopted by Suffolk Public Schools. The regulations will not provide for reductions to be made solely on the basis of seniority; they will include consideration of the performance evaluations of the teachers potentially affected by the reduction in workforce. (Adopted August 10, 1995; Revised February 5, 2009, Ordinance Number 08/09-26; Effective: February 5, 2009; Revised June 9, 2016; Ordinance Number 15/16-66; Effective Date: July 1, 2016)

**Note:** The 2016 revision revised Subsection A which read "When there has been a decrease in enrollment, a budget reduction or adjustment, a consolidation of schools, the phasing out of programs, departments or grade levels and other conditions, the School Board may, on recommendation of the school superintendent, approve a reduction in the number of staff needed in a building, program or department or in the entire school division" to read "When there has been a decrease in enrollment, abolition of particular subjects, a decrease in the School Board's budget as approved by the appropriating body, a consolidation of schools, the phasing out of programs, departments or grade levels and other conditions, the School Board may reduce the number of staff needed in a building, program or department or in the entire school division." Subsection B which read "The school superintendent shall develop regulations to provide for the general reduction in force in total personnel and for a redistribution of personnel within designated programs" was replaced in its entirety.

**Legal Authority** - Virginia Code §§22.1-70 & 22.1-78 (1950), as amended.

**Article 29**  
**Resignation of Professional and Support Staff Members**

**Section 7-29.1. Resignation of Employees; Teacher resignations; other employees.**—A. The superintendent is authorized to accept and approve resignations of employees. Any resignation must be in writing.

B. A teacher may resign after June 15 of any school year with the approval of the superintendent. The teacher shall request release from contract at least two weeks in advance of the intended date of resignation. Such request shall be in writing and state the cause of resignation. The teacher may, within one week, withdraw a request to resign. Upon the expiration of the one week period, the superintendent shall notify the School Board of the decision to accept or reject the resignation. The School Board, within two weeks, may reverse the decision of the superintendent. In the event that the Board or the division superintendent declines to grant the request for release on grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

C. Other employees who wish to terminate their employment must give notice at least ten school days prior to their desired separation date. Notice should be given to the employee's immediate supervisor, who will inform the superintendent. The superintendent will inform the School Board of the resignation at its next regular meeting. (Adopted August 10, 1995; Revised April 10, 2013; Ordinance Number 12/13-52: Effective Date: July 1, 2013)

**Note:** The 2013 revision deleted the former 7-29.1 and re-wrote this section.

**Legal Authority** - Virginia Code §22.1-304 (1950), as amended.

**Section 7-29.2. Release from Contract by Non-licensed Personnel.** —Non-licensed personnel who desire a release from their contract shall give at least two (2) week notice to their immediate superior. The request will be forwarded to the superintendent or designee who in turn will present to the School Board for action. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code 22.1-304 (1950), as amended.



**Article 30**  
**Retirement of Professional and Support Staff Members**

**Section 7-30.1. Employment Discretion; Eligibility for Termination Pay; Accumulated Annual Leave.**—A. Retirement shall be at the discretion of the employee. Employees of the School Board who qualify are eligible for the benefits of the Virginia Retirement System.

B. Upon acceptance for retirement by the Virginia Retirement System, full-time personnel who have been employed for at least five (5) years by the School Board shall be eligible to receive terminal pay for all unused sick leave as set forth in regulations issued by Suffolk Public Schools. Such employee shall be responsible for verifying to the superintendent acceptance by the Virginia Retirement System.

C. Annual leave can be accumulated as provided for in regulations issued by Suffolk Public Schools. Persons retiring or leaving the system through resignation can receive pay for unused annual days up to the maximum provided for in regulations issued by Suffolk Public Schools. Pay shall be based on the employee's prevailing daily rate at the time of retirement or resignation. (Adopted August 10, 1995; Revised April 3, 2003; Ordinance Number 02/03-8; Effective July 1, 2003)

**Note:** The 2003 revision to this section in subsection B, line 3, deleted "at the rate of ten dollars (\$10.00)" after the words "terminal pay" and inserted in line 4, after the words "sick leave" "as set forth in regulations issued by Suffolk Public Schools." In subsection C, line 1, deleted "up to thirty (30) days" after the word "accumulated" and inserted "as provided for in regulations issued by Suffolk Public Schools." In subsection C, line 3, deleted the word "vacation" after the word "unused" and inserted the word "annual." In subsection C, line 3, deleted "of thirty (30 days)" after the word "maximum" and inserted "provided for in regulations issued by Suffolk Public Schools."

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Article 31**  
**Suspension and Dismissal of Professional Staff Members**

**Section 7-31.1. Employment Contract Required.**— A. All licensed personnel in Suffolk Public Schools shall be issued a written employment contract, except those temporarily employed as substitute teachers. Before such employee enters upon his or her duty, such contract, shall be signed in duplicate with a copy thereof furnished to both parties.

B. No teacher is regularly employed by the School Board or paid from public funds unless such teacher holds a local teacher license or a license or provisional license issued by the State Board of Education. If a teacher employed under a provisional license is activated or deployed for military service within a school year (July 1 - June 30), an additional year will be added to the teacher's provisional license for each school year or portion thereof the teacher is activated or deployed. The additional year or years shall be granted the following year or years after the return of the teacher from deployment or

activation. The Board of Education prescribes, by regulation, the requirements for the licensure for teachers and other school personnel required to hold a license. (Adopted August 10, 1995; Revised June 9, 2016; Ordinance Number 15/16-67; Effective Date: July 1, 2016)

**Note:** The 2016 revision added Subsection B.

**Legal Authority** - Virginia Code §22.1-302 (1950), as amended.

**Section 7-31.2. Definitions.**—As used in this policy, “supervisor” means a person who holds a supervisory position as specified in the regulations of the State Board of Education and who is required to hold a certificate as prescribed by the State Board of Education.

Unless a different meaning is apparent from the context, the term “teacher” shall mean all regular certified public school personnel such as curriculum specialist, principal, visiting teacher, classroom teacher, librarian and guidance counselor.

“Support staff” personnel are those employees who need not hold a license issued by the Virginia Board of Education in order to obtain their positions. This category includes, but is not limited to, non-licensed administrative, clerical, maintenance, transportation, food services, and paraprofessional positions. (Adopted August 10, 1995; April 10, 2013; Ordinance Number 12/13-53; Effective Date: July 1, 2013)

**Note:** The 2013 revision inserted definition for “Support staff.”

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-31.3. Reassignment of Principals, Assistant Principals, Supervisors etc.; Salaried Reduction Prohibited except upon notice and opportunity for hearing; cause not required; supervisor defined.**—A. A person employed as a principal, assistant principal or supervisor including a person who has previously achieved continuing contract status as a teacher shall serve three (3) years in such position in Suffolk Public Schools before acquiring continuing contract status as a principal, assistant principal or supervisor. Continuing contract status acquired by a principal, assistant principal or supervisor shall not be construed as (i) as prohibiting the School Board from reassigning such principal, assistant principal or supervisor to a teaching position if notice of reassignment is given by the School Board by April 15 of any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as principal, assistant principal or supervisor in the case of any such reassignment to a teaching position.

B. No such salary reduction and reassignment however, shall be made without first providing such principal, assistant principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the superintendent or designee or the School Board. The principal, assistant principal or supervisor shall elect whether such meeting shall be

with the superintendent, the superintendent's designee or the School Board. The School Board, superintendent or designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the School Board.

C. The intent of this section is to provide an opportunity for a principal, assistant principal or supervisor to discuss the reasons for any such salary reduction and reassignment with the superintendent or designee or the School Board and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause for the salary reduction and reassignment of a principal, assistant principal or supervisor. (Adopted August 10, 1995; Revised April 10, 2013; Ordinance Number 12/13-54; Effective Date: July 1, 2013)

**Note:** The 2013 revision added the words "as a principal, assistant principal or supervisor" to subsection A at the end of the first sentence.

**Legal Authority** - Virginia Code §22.1-294 (1950), as amended.

**Section 7-31.4. Dismissal of Teachers generally; Dismissal of Teacher Required When Subject to Founded Complaint of Child Abuse and Neglect; Report to State Board of Education Required in Certain Situations; When Copy of Criminal History Record Required; Regulations Required for Dismissal and Placing on Probation.** A.—Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability when in compliance with state and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. "Incompetency" includes, but is not be limited to, consistent failure to meet the endorsement requirements for the position one or more unsatisfactory performance evaluations.

B. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to Va. Code § 63.2-1505, and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the School Board to recommend that the Board of Education revoke such person's license to teach.

C. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; any offense involving drugs; or due to having become the subject of a founded case of child abuse or neglect, the School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

D. If a current employee is dismissed because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

E. Regulations shall be developed by Suffolk Public Schools for the dismissal of placing on probation of continuing contract teachers and probationary teachers during

the school year. (Adopted August 10, 1995; Revised September 8, 2011; Ordinance Number 11/12-5; Effective Date: September 9, 2011; Revised April 10, 2013; Ordinance Number 12/13-55; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-68; Effective Date: July 1, 2016)

**Note:** The 2016 revision revised Subsection A which read “Teachers may be dismissed or placed on probation for incompetency, immorality, noncompliance 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. Administrative regulations shall be developed for the dismissal or placing on probation of continuing contract teachers and probationary teachers during the school year. “Incompetency” includes, but is not be limited to, consistent failure to meet the endorsement requirements for the position or performance that is documented through evaluation to be consistently less than satisfactory” to read “Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability when in compliance with state and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. “Incompetency” includes, but is not be limited to, consistent failure to meet the endorsement requirements for the position one or more unsatisfactory performance evaluations.” Subsection E was also added.

**Legal Authority** - Virginia Code §22.1-307 (1950), as amended.

**Section 7-31.5. Suspension of Teachers; escrow requirements; suspension of insurance benefits prohibited.**—A. A teacher may be suspended for good and just cause when the safety or welfare of Suffolk Public Schools or the students therein are threatened or when the teacher has been charged by summons, warrant, indictment or information with the commission of a felony, a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse or rape of a child, except when a teacher is suspended because of being charged by summons, warrant, indictment or moral turpitude, the superintendent or appropriate central office designee shall not suspend a teacher for longer than sixty (60) days and shall not suspend a teacher for a period of in excess of five (5) days, unless such is advised in writing of the reason for the suspension and afforded an opportunity for hearing before the School Board in accordance with state law. Any teacher so suspended shall continue to receive his or her then applicable salary unless and until the School Board after a hearing determines otherwise.

B. Any teacher suspended because of being charged by summons, warrant, information, or indictment with a felony, a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse or rape of a child may be suspended with or without pay. In the event a teacher is suspended without pay an amount equal to the teacher’s salary while on suspension shall be placed in an interest bearing demand escrow account. Upon being found not guilty of a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse or rape of a child, the teacher shall be reinstated with all unpaid salary and accrued interest from the escrow account less any earning received by the teacher during the period of suspension. But in no event shall such payment exceed one (1) year salary.

In the event a teacher is found guilty by an appropriate court 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 after all available appeals have exhausted and such conviction is upheld, all funds, including interest in the escrow account shall be repaid to the School Board.

C. No teacher shall have his insurance benefits suspended or terminated because of such suspension in accordance with this section. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-315 (1950), as amended.

**Section 7-31.6. Authority of School Board.**—Nothing in this article shall be construed to limit the authority of the School Board to dismiss a teacher pursuant to Chapter 15, Article 3 of §22.1-307 of the Code of Virginia and Section 7-31.5 herein. (Adopted August 10, 1995; Revised June 9, 2016; Ordinance Number 15/16-69; Effective Date: July 1, 2016)

**Note:** The 2016 revision revised this Section which read “Nothing in this article shall be construed to limit the authority of the School Board to dismiss or place on probation a teacher pursuant to Chapter 15, Article 3 of §22.1-307 of the Code of Virginia and Section 7-31.5 herein” to read “Nothing in this article shall be construed to limit the authority of the School Board to dismiss a teacher pursuant to Chapter 15, Article 3 of §22.1-307 of the Code of Virginia and Section 7-31.5 herein.”

**Legal Authority** - Virginia Code §22.1-313 (1950), as amended.

**Section 7-31.7. Non-license personnel employees at will.**—Non-license personnel other than bus drivers shall be employed on a non-contract basis and shall serve at the pleasure of the School Board. Seniority shall be earned in the department or category to which the employee is assigned. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

## **Article 32**

### **Non-School Employment by Professional and Support Staff Members**

**Section 7-32.1. Outside employment permission required.**—No employee shall accept gainful employment in any private business or outside activity during the term of his contract when such employment shall detract from employees effectiveness in his or her assigned duties nor shall the outside employment reflect adversely upon Suffolk Public Schools. The individual involved shall first secure permission from the superintendent before entering into supplementary employment. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-32.2. Selling educational aids.**—No employee shall take advantage of his or her position in Suffolk Public Schools to promote or sale any educational aids to students or parents of students. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-32.3. Acceptance of any commission, gift or other favor prohibited**—No employee may accept any commission, gift or other favor from any person or persons doing business with Suffolk Public Schools. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-32.4. Tutoring for pay.**—Professional staff members may not be paid by anyone other than the School Board for tutoring students enrolled in a class under their direct supervision except for a student who has been approved for homebound instruction. (Adopted August 10, 1995; Revised April 10, 2013; Ordinance Number 12/13-56; Effective Date: July 1, 2013)

**Note:** The 2013 revision added the words “by anyone other than the School Board.”

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

### **Article 33**

#### **Professional, Staff, Research and Publishing**

**Section 7-33.1. Superintendent to establish procedures.**— In order to encourage employee creativity and to protect the rights of both the employee and the public, the Administration shall establish procedures to clearly assign the rights of ownership of employee produced educational materials. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-70 (1950), as amended.

### **Article 34**

#### **Suspension, Probation or Dismissal of Classified Employees**

**Section 7-34.1. Just cause required; authority to suspend; suspension of insurance benefits prohibited; escrow required.**—A. Classified employees whether full- time or part-time, permanent or temporary may be dismissed, suspended or placed on probation for just cause when the safety or welfare of Suffolk Public Schools or students is threatened or when the school employee has been charged by summons, warrants, indictment or information with a commission of a felony; a misdemeanor involving (i) sexual assault as established in §18.2-61 of the Code of Virginia (1950), as amended; (ii) obscenity and related offenses as established in §18.2-372 of the Code of

Virginia (1950), as amended; (iii) drugs as established in §18.2-247 of the Code of Virginia (1950), as amended; (iv) moral turpitude, or (v) a physical or sexual abuse or neglect of a child, or an equivalent offense in another state. In case of reduction in force, classified personnel shall be notified of impending dismissal by their immediate supervisor at least thirty (30) days in advance of an anticipated separation date.

Classified employees dismissed from employment for just cause by the School Board shall be ineligible thereafter for employment in any school or duty station within Suffolk Public Schools.

B. The Superintendent or appropriate central office designee can suspend a classified employee for up to sixty (60) days but in no event longer than five (5) days without first advising the school employee of the reason for the suspension and of the employee's right to a hearing before the School Board as provided for herein.

C. The Superintendent or appropriate central office designee can suspend a classified employee for up to five (5) days and the reasons for the suspension may not be in writing and the employee is not entitled to a hearing before the School Board.

D. Any school employee suspended pursuant to sections (b) or (c) above shall continue to receive his or her then applicable salary unless and until the School Board after a hearing determines otherwise. No school employee shall have his or her insurance benefits suspended or terminated when the employee has been suspended as provided for herein.

E. Any employee suspended because of being charged by summons, warrant, information or indictment with one of the offenses listed in subsection (a), may be suspended without pay. In the event the School Board elects to suspend without pay an amount equal to the employee's 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 listed in subsection (a) or upon the dismissal or *nolle prosequi* of the charge, such school employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earning used by the school employee during the suspension but in no event shall such payment exceed one year's salary.

F. In the event any school employee is found guilty by an appropriate court of one of the offenses listed in subsection (a) 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.

G. If an employee is suspended because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

H. No employee will have his insurance benefits suspended or terminated because of suspension in accordance with this policy.

I. The placing of a school employee on probation pursuant to the terms and conditions of Va. Code § 18.2-251 shall be deemed a finding of guilt. (Adopted August 10, 1995; Revised October 13, 2016; Ordinance Number 16/17-10; Effective Date: July 1, 2017)

**Note:** The 2017 revision added subsections G, H and I.

**Legal Authority** - Virginia Code §22.1-315 (1950), as amended.

**Section 7-34.2. Polygraph examination.**—No school employee shall be suspended solely on the basis of the employee’s refusal to submit to a polygraph examination requested by the School Board. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-307 (1950), as amended.

**Section 7-34.3. Suspension for refusal to provide certain health services prohibited.**—With the exception of school administrative personnel and persons specifically employed by the School Board to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee, shall be disciplined, placed on probation or dismissed because of the employee’s refusal to perform non-emergency health-related services for students or (b) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

For the purpose of this policy, the term “Health-related services” means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional. (Adopted November 11, 1999; Ordinance Number 99/00-21; Revised April 10, 2013; Ordinance Number 12/13-57; Effective Date: July 1, 2013)

**Note:** The 2013 revision added subpart (b) which reads “obtain training in the administration of insulin and glucagon” and also added the last paragraph.

**Legal Authority** - Virginia Code §22.1-274 (1950), as amended.

**Section 7-34.4 Support staff and written contracts; three types of support staff; terminated with five calendar days’ notice** — A. Support staff are not issued written contracts unless such contracts are required by law.

B. The school division employs three types of support staff: (i) Temporary employees who are hired for short-term needs on a daily basis; these employees do not receive benefits and are paid only for hours worked; (ii) Probationary employees who are fully qualified new employees assigned to authorized positions; these employees are eligible for salary increases and receive benefits; and (iii) Regular employees who have successfully completed the prescribed probationary period; regular employees receive all employment benefits available under School Board policy.

C. The employment of support personnel may be terminated with five calendar days’ notice. Support personnel may also be subject to immediate dismissal for just cause. (Adopted April 10, 2013; Ordinance Number 12/13-58; Effective Date: July 1, 2013)

**Legal Authority** – Virginia Code § 22.1-78 (1950) as amended.



**Section 7-34.5. Probationary period for support staff; when transferred to another position; assignment of; transfers—** A. The probationary period for all support staff positions will be six months of uninterrupted service from the date of hire.

B. Employees who have successfully completed the probationary period for one position will serve another probationary period if they move to another position.

C. Support staff shall be assigned to positions for which their qualifications meet the needs for the efficient operation of Suffolk Public Schools.

D. Support staff personnel may request a transfer to a position within their area of competence and for which they are qualified. Support staff personnel may be transferred to positions for which their qualifications best meet the needs of the school division. (Adopted April 10, 2013; Ordinance Number 12/13-59; Effective Date: July 1, 2013)

**Legal Authority** - Virginia Code § 22.1-78 (1950) as amended.

## **Article 35**

### **Drug and Alcohol Testing for Employees**

**Section 7-35.1. Drug and Alcohol Testing Program required.**—Suffolk Public Schools shall implement a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver’s license (CDL) or who performs safety sensitive functions as defined by federal and state law and regulations. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.2. Prohibited Conduct.** —Drivers shall be prohibited from (i) alcohol possession in or use on the job (ii) use during the four (4) hours before performing safety sensitive functions (iii) having prohibited concentrations of alcohol in their system while on duty or performing safety sensitive functions (iv) exhibiting behavior and/or appearance characteristic of alcohol misuse (v) use during eight (8) hours following an accident or until after he or she undergoes a post accident alcohol test whichever occurs first.

B. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any control substances, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect his ability to safely operate a motor vehicle. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.3. Required Testing; pre-employment and pre-duty testing etc.; refusal to submit.** —A. Drivers shall be subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post accident alcohol and drug testing, return to duty and follow-up alcohol and drug testing pursuant to procedures set out in federal regulations. Pursuant to state law, drivers shall also be subject to pre-employment alcohol testing. Any employee who refuses to submit to a post accident, random, reasonable suspicion or follow-up test shall not perform or continue to perform safety sensitive functions.

B. Furthermore any act by an employee in refusing to submit to an alcohol and/or drug test or clearly obstructs the testing process or fails to provide sufficient breath or urine without a medical reason will be deemed an act of insubordination and the employee will be discharged. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.4. Notification of Requirement.**— Each driver shall receive educational materials that explain the requirements of federal law and regulations. Together with a copy of Suffolk Public Schools Policy and Procedures for meeting these requirements. Each driver shall sign a statement certifying that he or she has received a copy of the above materials and Suffolk Public Schools shall maintain this signed copy. Suffolk Public Schools shall also notify employees as required by federal law. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.5. Consequence when employee test positive.**—If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance the employee shall be removed immediately from safety sensitive functions in accordance with federal regulations. All drivers shall be advised that resources are available and before a driver is reinstated, if at all, the driver shall undergo an evaluation by his substance abuse professional and comply with any required rehabilitation and undergo a return to duty test with negative urine sample. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.6. Record retention; information released to subsequent employer.**—A. Suffolk Public Schools shall maintain records in compliance with federal regulations in a secure location with controlled access. With the driver's consent, Suffolk Public Schools may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver shall be entitled, upon request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug test.

B. Records shall be made available to a subsequent employer upon receipt of a written request from a driver only as expressly authorized by terms of the driver's request. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.7. Test procedure.**—Suffolk Public Schools shall administer controlled substance tests in accordance with federal laws governing test procedure and testing sites. Suffolk Public Schools shall take steps to ensure proper training and testing procedures are provided. (Adopted August 10, 1995)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.8. Statement of Policy.**—By enacting this policy, the School Board recognizes (i) that children are a precious asset to our society and are active, unpredictable and in need of constant supervision; (ii) that even momentary inattention or delay in dealing with a potentially dangerous situation could have grievous consequences; and (iii) that the daily interaction between teachers and students enables teachers to influence the values and perceptions of children. (Adopted November 11, 1999)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.9. Prohibited conduct; reasonable suspension required.**—A. Notwithstanding the provisions of section 7-35.1, the School Board strictly prohibits the following activities, and any employee having violated any of the following will be subject to immediate discipline, up to and including dismissal: (i) the buying, selling, transportation, possession, or use of intoxicants, including alcohol, or any controlled substance as defined by law while on school property, during work hours (including meal periods), while assigned to extra duty or special projects, including those held after or in addition to regular school hours and while driving between work sites during the work day in either a district-supplied vehicle or a vehicle supplied by the employee; (ii) reporting for work under the influence of alcohol, intoxicants or any controlled substance. An individual is considered *under the influence of alcohol, intoxicants and/or controlled substance* when, based upon testing conducted and interpreted by trained medical or law enforcement personnel, the controlled substance, alcohol or intoxicant is at a level that it may impair the individual's ability to safely and/or efficiently perform assigned work or prevent the employee from presenting a positive role model to students. If there exists reasonable grounds to believe that an employee is under the influence of intoxicants, including alcohol or any controlled substance, Suffolk Public Schools may require the employee to submit to immediate testing by trained medical personnel. Refusal to submit immediately to such tests may result in disciplinary action, up to and including dismissal. *Reasonable grounds* may include, but are not limited to, such things as slurred speech, dilated pupils, peculiar odors and unsteady balance. (Adopted November 11, 1999)

**Legal Authority** - Virginia Code §22.1-78 (1950), as amended.

**Section 7-35.10 - Searches on School Property Permitted in Limited Situations; Prior Notice and Reasonable Suspicion Required; Administration to Develop Regulations** — A. Suffolk Public Schools, with prior notice and reasonable suspicion, may conduct searches on school property of employees and/or of their personal property which is also on school property.

B. Suffolk Public Schools also reserves the right, with prior notice and reasonable suspicion, to conduct searches of school property, including, but not limited to, vehicles, furniture or equipment at any time. A refusal by an employee to submit to a search may result in disciplinary action, up to and including dismissal.

C. The administration will develop appropriate regulations, procedures, consent forms and such notifications as are needed for an orderly implementation of this policy. (Adopted November 11, 1999; Ordinance Number 99/00-43)

**Legal Authority** – Virginia Code §22.1-78 (1950), as amended.