

PERSONNEL

Conditions of Employment

A. General qualifications

All applicants and employees must meet or exceed the necessary knowledge, skills, essential functions, and abilities to perform the functions of the his/her job sought or hired for as outlined in the position's job description. All positions require the basic ability to read/understand/speak English.

Employees are subject to all conditions of the employment contract, notification or agreement including any special covenants or other conditions imposed by the School Board or state or federal agencies.

B. Licensed Employees

All applicants or employees are responsible for providing evidence of required licensure, certification, or other qualifications for their positions. Employees shall be required to provide proof of baccalaureate degree, major, concentration, or graduate degrees, and field of discipline. Educational transcripts are required as evidence of eligibility for Virginia Licensure.

Failure to maintain required licensure, certification, or other qualifications will constitute a breach of any employment contract or agreement with the School Board that adversely affects the business and operations of the School Division. An applicant may be subject to withdrawal of an employment offer or an employee may be disciplined up to and including termination for failing to maintain licensure, certification, or other qualifications.

1. Instructional personnel whose positions require licenses issued by the Virginia Department of Education will be issued annual probationary contracts until they have met the criteria for a continuing contract. Licensed instructional personnel who have met the criteria for a continuing contract with the School Board will receive a continuing contract their first year of eligibility and will receive employment notification/assignment forms each following school year unless their continuing contracts are otherwise terminated.
2. Assistant Principals, Principals, and Supervisors/Coordinators who require licenses in accordance with Virginia Department of Education Regulations will receive annual probationary contracts until they meet the criteria for a continuing contract in their positions.

3. The School Board may enter into written employment agreements/contracts with other individuals when the School Board determines that such an arrangement is beneficial to the School Division.

C. Non-licensed Employees

All non-licensed employees will be given an employment notification upon hire and will receive annual employment notifications thereafter. Non-licensed employees with employment agreements or annual assignments do not have a guarantee of employment and remain at-will employees.

D. Substitute Employees

The Superintendent or designee is authorized to employ substitutes for certain certified and classified personnel at an hourly rate established by the School Board as published in the Annual Compensation Plan. Persons employed as substitute teachers must have a minimum of thirty (30) credit hours of college study. In an emergency, the Superintendent or designee may approve the employment of substitute teachers who do not meet this requirement, but who are otherwise competent to perform the needed service, at least twenty-one (21) years of age, and hold a high school diploma or a general education development (GED) certificate.

Qualifications for other categories of substitute employees will be determined by the Superintendent or designee and will be in accordance with applicable law, regulation, and Virginia Board of Education regulations as applicable.

Substitute employees shall be employed and paid on an hourly basis and for a minimum of two (2) hours. They shall not be given a contract. Substitute employees shall receive no leave benefits (e.g., sick leave, annual leave, and personal reasons leave) or other employee benefits except for the Employee Assistance Program, Tax-Sheltered Accounts 403(b), the Deferred Compensation 457 plan and health coverage if deemed eligible as defined by the Employer Mandate of the Patient Protection and Affordable Care Act.

E. Coaching or Extracurricular Sponsorship Contracts

Coaching contracts or extracurricular activity sponsorship contracts shall be separate and apart from annual or continuing contracts or employment agreements. Termination of the coaching contract or extracurricular activity sponsorship contract may occur at any time. Such termination shall not constitute cause for the termination of the annual or continuing contract or employment agreement.

F. Conditions of Work

The Superintendent, or a designee, shall establish work schedules, provisions for absences and other conditions of work in keeping with School Board policy, regulation and guidance.

G. Background Check Required

The Superintendent or designee shall require that all employees, whether full-time or part-time, permanent or temporary, submit to fingerprinting and provide personal descriptive information to obtain criminal history record information for the purpose of screening individuals who accept employment ~~within~~ the School Division.

The Superintendent or designee shall forward the personal descriptive information through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee.

The Superintendent or designee shall require that any applicant who is offered or accepts employment requiring direct contact with students provide written consent and the necessary personal information to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Virginia Department of Social Services. The Superintendent or designee shall thereafter request a search of the records of the Virginia Department of Social Services to be conducted for each such applicant.

The Superintendent or designee shall ensure compliance with Code of Virginia § 19.2-392.02, as amended. ~~The School Division will also~~ require that each employee, whether full-time or part-time, permanent or temporary, certify that ~~the employee he or she~~ has not been: 1) convicted of any violent -felony set forth in the definition of a barrier crime in subsection A of Code of Virginia §19.2-392.02, as amended, any crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and 2) has not been the subject of a founded case of child abuse and neglect. ~~The School Division may employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in Code of Virginia §19.2-392.02, as amended and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, the Governor has restored the individual's civil rights.~~

Substitute employees may be permitted to work pending the results of the Federal Bureau of Investigation background investigation and Virginia Department of Social Services search of the registry of founded complaints if the following conditions are met:

1. The School Division has successfully completed a state and local police background check for the individual; and

2. The School Division has successfully completed a check of the sex offender website and the sex offender and crimes against minors registry for the individual; and
3. The School Division requires the individual to serve in the presence of an employee who has successfully completed the Federal Bureau of Investigation background investigation and the Department of Social Services search of the registry of founded complaints.

H. Health Requirements

All persons selected for employment shall submit a certificate signed by a licensed physician stating they are~~he/she is~~ free of communicable tuberculosis.

I. Probationary Periods

1. Instructional: Although contracts for probationary instructional personnel are issued for one (1) year only, the first three (3) years of a person's employment shall be considered a probationary period for new personnel. In calculating a probationary year of service, the first year is defined as 160 or more actual days worked. The remaining probationary years of service shall be defined as 180 or more actual days worked during one school year.~~The School Board authorizes the Superintendent or designee to extend a probationary period up to five (5) years total for an individual employee.~~
 - a. All probationary employees, except those with prior successful teaching experience, shall be provided with a mentor teacher during their first year. Further, probationary employees will be given extra supervision and assistance in adjusting to their new positions, and particular attention will be given to a continuing evaluation of their efficiency.
 - b. Probationary teachers shall annually be evaluated using the procedures developed by the School Board. The Superintendent shall consider each annual evaluation of a probationary employee in the nonrenewal process. If a teacher's annual performance evaluation during the probationary period is unsatisfactory, the School Board shall not reemploy such teacher.
 - c. Teachers who have attained continuing status in another public school division in Virginia shall serve a probationary period of no less than one (1) year and not to exceed two (2) years in the School Division before attaining continuing contract status. Such probationary period shall be a part of the initial contract.

2. Non-instructional: All employees, other than those subject to §§ 22.1-303 and 22.1-294 of the Code of Virginia, as amended shall serve an twelveeighteen-month probationary period. ~~The probationary period can be extended up to six (6) additional months under certain circumstances (see Policy 4-1). The total probationary period shall not exceed 18 months.~~

Legal Reference

~~Code of Virginia § 19.2-389, as amended. Dissemination of criminal history record information.~~

~~Code of Virginia § 22.1-296.2, as amended. Fingerprinting required.~~

Immigration Reform and Control Act of 1986.

Code of Virginia § 22.1-296.1, as amended. Data on convictions for certain crimes and child abuse and neglect required; penalty.

Code of Virginia § 22.1-296.2, as amended. Fingerprinting required; reciprocity permitted.
~~Code of Virginia § 22.1-296.1, as amended. Data on convictions for child abuse or molestation required.~~

Code of Virginia § 22.1-296.4, as amended. Child abuse and neglect data required.

Code of Virginia § 19.2-389, as amended. Dissemination of criminal history record information.

Code of Virginia § 19.2-390.1, as amended. Sex ~~o~~Offender and Crimes Against Minors Registry; maintenance; access.

~~Code of Virginia § 19.2-390.2, as amended. Automatic notification of registration to certain entities.~~

Code of Virginia § 19.2-392.02, as amended. National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children and the elderly.

~~State of Virginia~~ State Police Sex Offender and Crimes Against Minors Registry.

Related Links

School Board [Policy 4-1](#)

School Board [Policy 4-5](#)

School Board [Policy 4-12](#)

School Board [Policy 4-56](#)

School Board Regulation 4-57.1

State of Virginia Sex Offender Registry

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

Amended by School Board: March 21, 2000

Amended by School Board: December 4, 2017
Amended by School Board: February 25, 2020
Amended by School Board: 2021

APPROVED AS TO
LEGAL SUFFICIENCY

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