

PERSONNEL

Grievances and Grievance Procedures: Teachers

The School Board will provide an orderly and timely procedure for resolving disputes and recommendations for dismissal or other disciplinary action regarding teachers.

A. Grievability

1. Determination of Grievability

Decisions regarding whether or not a matter is grievable shall be made by the School Board at the request of the School Administration or the grievant and such decision shall be made within ten (10) business days of such request. The School Board shall reach its decision only after allowing the School Administration and the grievant the opportunity to present written or oral argument regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the School Board. Substantial compliance with the grievance procedures shall not be grievable and the Superintendent or designee is authorized to make the determination whether the grievant has substantially complied with the grievance procedures. If the grievant alleges that the School Administration has failed to substantially comply with the grievance procedures, the matter will be referred to legal counsel to determine whether the School Administration has substantially complied. Legal counsel will advise the School Board regarding the alleged failure to comply and the School Board will make a determination regarding whether the failure to comply entitles the grievant to proceed to the next grievance step.

B. Election of Hearing Before a Hearing Officer or School Board

Upon the appeal of a Part II grievance by any employee or the appeal of a Part III grievance by a teacher, the School Board elects that all such appeals shall be heard first by a hearing officer. At its sole discretion, the School Board may elect to hold a hearing for any such appeal without having a hearing officer first hear the appeal and make a written recommendation to the School Board.

Editor's Note

~~Effective July 1, 2013 the Code of Virginia amended the grievance procedures for teachers. The Virginia Department of Education did not amend the corresponding regulations. Accordingly, inconsistencies exist between the Code of Virginia and Procedure for Adjusting Grievances as currently set forth in 8VAC20-90 et seq. The procedures set forth in this Regulation will be followed until such time as the Virginia Board of Education adopts regulations consistent with the Code of Virginia. Should the Virginia Board of~~

~~Education regulations become effective before this Regulation is amended, the School Board will follow the Virginia Board of Education regulations.~~

Legal Reference

Code of Virginia § 22.1 306, as amended. Definitions.

Code of Virginia § 22.1 308, as amended. Grievance procedure.

Code of Virginia § 22.1- 311, as amended. Hearing before school board or hearing officer.

Code of Virginia § 22.1 314, as amended. Decision of school board; issue of grievability; appeal.

Virginia Board of Education Regulations 8VAC20-90 et seq., as amended. Procedure for Adjusting Grievances.

Adopted by School Board: July 19, 1973

Amended by School Board: February 19, 1974

Amended by School Board: August 23, 1974

Amended by School Board: September 16, 1975

Amended by School Board: November 16, 1976

Amended by School Board: August 21, 1979

Amended by School Board: October 18, 1983

Amended by School Board: June 18, 1985

Amended by School Board: May 17, 1988

Amended by School Board: November 15, 1988

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

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

Amended by School Board: March 19, 2002

Amended by School Board: February 4, 2003

Amended by School Board: October 15, 2013

Amended by School Board: October 18, 2016

Amended by School Board: 2020

APPROVED AS TO
LEGAL SUFFICIENCY

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