

# **ARTICLE VI: EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURES**

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## **POLICY 5-6.1 SUSPENSION**

A teacher or other Poquoson City School Board employee, whether full-time or part-time, permanent, or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened or when the teacher or School Board employee has been charged by summons, warrant, indictment or information with the commission of a felony; a misdemeanor involving (i) sexual assault as established in Article 7 (§18.2-61, et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§18.2-372, et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§18.2-247, et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state. Except when a teacher or school employee is suspended because of being charged by summons, warrant, indictment or information with the commission of the above-listed criminal offenses, the Division Superintendent or appropriate central office designee shall not suspend a teacher or School Board employee for longer than sixty days and shall not suspend a teacher or School Board employee for a period in excess of five days unless such teacher or School Board employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the School Board in accordance with Virginia Code §§ 22.1-311 and 22.1-313, if applicable. Any teacher or other School Board employee so suspended shall continue to receive his then applicable salary unless and until the School Board, after a hearing, determines otherwise. No teacher or School Board employee shall be suspended solely on the basis of his refusal to submit to a polygraph examination requested by the School Board.

Any School Board employee suspended because of being charged by summons, warrant, information or indictment with one of the offenses listed above may be suspended with or without pay. In the event any School Board employee is suspended without pay, an amount equal to his 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 above or upon the dismissal or nolle prosequi of the charge, such School Board employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the School Board employee during the period of suspension, but in no event shall such payment exceed one year's salary.

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

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

Nothing in this policy shall be construed to limit the authority of the School Board to dismiss or place on probation a teacher or School Board employee pursuant to applicable law.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §22.1-315.

*Adopted: November 2002*

*Reviewed: August 2011*

## **POLICY 5-6.2 DISMISSAL OR PLACEMENT ON PROBATION**

### **Licensed and Classified Licensed Personnel**

Poquoson City School Board licensed and classified licensed personnel may be dismissed or placed on probation consistent with all applicable law.

#### Probation and Dismissal

Teachers may be dismissed or placed on probation for incompetence, immorality, non-compliance with school laws and regulations, disability in accordance with state and 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. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the School Board.

### **Non-Licensed Personnel**

School Board non-licensed personnel shall be notified of impending dismissal by their immediate supervisor at least two (2) calendar weeks (14 days) in advance of an anticipated separation date, when such notice is reasonable under the circumstances.

Support personnel may be subject to immediate dismissal for just cause. Support personnel who are removed from employment for just cause by the Division Superintendent shall be ineligible thereafter for employment in any school or duty station within the Poquoson City Public Schools.

### **Temporary and Part-Time Employees**

The Division Superintendent may place on probation or dismiss temporary and part-time employees when it is deemed that such action is in the best interest of the school division.

### **Failure to Perform Nonemergency Health Related Services**

With the exception of school administrative personnel and persons employed by the School Board who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation or dismissed on the basis of such employee's failure to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagen. However, instructional assistants and clerical employees may not refuse to dispense oral medication.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§22.1-30, 22-1-253.13:7(C), 22.1-274(D), 22.1-307.

*Adopted: November 2002*

*Reviewed: August 2011*

**POLICY 5-6.3 GRIEVANCES AND GRIEVANCE PROCEDURES: CLASSIFIED EMPLOYEES**

The Poquoson City School Board authorizes the Division Superintendent to develop grievance procedures in accordance with state law.

See SUPERINTENDENT'S REGULATION 5-6.3 PROCEDURE FOR ADJUSTING GRIEVANCES: CLASSIFIED EMPLOYEES

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §22.1-79-(6).

*Adopted: November 2002*

*Revised: August 2011*

## **POLICY 5-6.4 GRIEVANCES AND GRIEVANCE PROCEDURES: TEACHERS**

The Poquoson City School Board honors the procedures for adjusting grievances as prescribed by the Board of Education of the Commonwealth of Virginia as amended by that body from time to time. See SUPERINTENDENT'S REGULATION 5-6.4 PROCEDURES FOR ADJUSTING GRIEVANCES: TEACHERS

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§22.1-253.13:7, 22.1-306, et seq;  
Virginia Board of Education Regulations Governing Adjustment of Grievances, 8 VAC 20-90-10, et seq.

*Adopted: November 2002*

*Revised: July 200, August 2011*