

## **ARTICLE II: HIRING, APPOINTMENT AND TRANSFER**

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## **POLICY 5-2.1 POSTING OF VACANCIES AND RECRUITMENT**

### **Recruitment and Selection - Generally**

The Division Superintendent or his designee shall advertise employment vacancies in appropriate media and shall post internal and external notices of new and vacant positions. The Division Superintendent shall emphasize in these advertisements, notices, and other recruiting tools deemed appropriate that the Poquoson City School Board employs and welcomes all candidates on a fair and equal basis.

The Poquoson City School Board shall annually report to the Department of Education, in accordance with prescribed deadlines and format, the number and type of teacher, other instructional personnel, and support staff vacancies in the school division.

### **Posting of Vacancies**

#### Generally: Classified Licensed and Administrative Positions

The Division Superintendent or his designee shall announce administrative/supervisory vacancies. Announcements will normally be memoranda to principals who will post the announcements in a prominent, accessible place. The memoranda will identify vacancies by title and location and will clarify eligibility requirements of the vacancies. The memoranda will also indicate how and to whom candidates should apply. Notices of vacancies may be forwarded to other school divisions, the Virginia Department of Education, colleges and universities.

#### Licensed Personnel

Whenever any position in the division requiring a license or certificate is open during the school year, in addition to the general recruitment efforts described above, the Division Superintendent or his designee shall inform all School Board employees of the opening by an announcement posted on staff bulletin boards. All qualified applicants shall be entitled to apply before the position is filled. During periods when school is not in session, the Division Superintendent or his designee shall make a reasonable attempt to inform those employees who previously have expressed in writing an interest in such a position.

#### Non-Licensed Personnel

Whenever a vacancy occurs for a non-licensed position in the school division, the Division Superintendent or his designee shall post notice of such vacancy at a central location within all schools, departments and/or locations in which employees are normally working. Any employee wishing to apply for the vacant position must make the request in writing directly to the Coordinator of Human Resources as provided in Policy 5-2.2.

**LEGAL REFERENCE:** (1992) Code of Virginia, 1950, as amended, §§ 2.2-3119, 22.1-70, 22.1-78, 22.1-290.2; Americans with Disabilities Act of 1990; Equal Pay Act of 1963; Civil Rights Act of 1964 (Title VII); Age Discrimination in Employment Act of 1967; Executive Order 11246; U.S. Department of Health, Education and Welfare/Office of Civil Rights, Final Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education.

*Adopted: November 2002*

*Revised: August 2011, June 2020*

**POLICY 5-2.2 APPLICATION FOR POSITIONS**

Application for employment in the Poquoson City Public Schools shall be in writing and on forms provided by the Coordinator of Human Resources. A personal interview is required of all applicants as prerequisite to employment.

It shall be the responsibility of the applicant to furnish accurate information. Any falsification of information, credentials or experience shall be cause for dismissal or refusal to employ.

The Poquoson City School Board intends to recruit and retain the best-qualified employees. Employees within the division may apply for positions for which they are qualified. Vacancies within the division will be advertised and notifications posted in each school and in the central office as further specified in Policy 5-2.1.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3119, 22.1-70, 22.1-78, 22.1-295, 22.1-296.1, 22.1-296.2, 22.1-296.4.

*Adopted: November 2002*

*Reviewed: August 2011*

## **POLICY 5-2.3 HIRING: HEALTH ISSUES**

### **Tuberculosis Certification Requirement**

Each new Poquoson City School Board employee, including teachers, instructional assistants, secretaries, cafeteria workers, custodians, and bus drivers, as well as approved substitute teachers, student teachers, administrative interns, and non-contracted coaches, shall submit a certificate signed by a licensed physician, nurse practitioner or a registered nurse stating that the employee is free of communicable tuberculosis. Volunteers may be required to provide such certifications. Certification shall be based on recorded results of such skin tests, x-rays, and other examinations as deemed necessary by the physician. The tests or examinations must have been performed within the twelve-month period immediately preceding submission of the certificate. In consultation with the local health director, the School Board may require submission of such certificates at such intervals as it deems appropriate as a condition for continued employment.

Persons who have had tuberculosis, a previous positive tuberculin test, or who have taken antitubercular medication, shall submit the results of a chest X-ray to the Coordinator of Human Resources. Continued testing for employees with negative tuberculin skin tests and/or negative chest X-rays is unnecessary. Employees with positive tuberculin reactions and those who received chest X-rays shall continue to follow the schedule of reexaminations set by their physicians. Evidence of such reexamination shall be submitted to the Coordinator of Human Resources.

### **Contagious, Infectious or Communicable Diseases**

#### Exclusion from Employment

Employment by the School Board of persons with a contagious or infectious disease poses an increased risk of infection to the school community. Therefore, the decision to employ any person with an infectious or contagious disease shall be made by the Division Superintendent or his/her designee on a case-by-case basis and, where appropriate, based on the recommendation from a review committee.

#### Continued Employment

The attendance at work of employees who suffer from, or are reasonably suspected of suffering from, a communicable disease that poses a substantial risk or danger of infection to the school community and that is serious or long-term (such as Tuberculosis or Hepatitis A), or blood-borne diseases that are infectious or contagious (such as HIV-1, Hepatitis B, or Cytomegalovirus), and that may be transmitted by the exchange of body fluids or secretions, shall be determined by the Division Superintendent on a case-by-case basis. The Division Superintendent shall seek a recommendation from a review committee to assist him/her in making his/her determination. The employee may be temporarily excluded from work with pay pending the Division Superintendent's decision. The Division Superintendent shall develop regulations setting forth the procedures to be followed to effect this policy. (See Superintendent's Regulation 5-2.3) All School Board employees are also subject to the provisions of Policies 7-5.3 and 7-5.4 regarding persons exposed to communicable diseases.

#### Reporting and Control

To ensure compliance with the Virginia Board of Health requirements for disease reporting and control, the Division Superintendent shall develop guidelines and procedures for reporting persons suffering from contagious and infectious diseases. (See Superintendent's Regulation 5-2.3)

#### Physical Exams For Bus Drivers

No person shall be employed by the School Board as a bus driver unless he or she: 1) has a physical exam of the scope required by the Virginia Board of Education, and 2) provides the Executive Director of Operations 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 or physician assistant as authorized by applicable law. The School Board shall

also require pre-employment alcohol and drug testing for bus driver applicants, as required by applicable federal and state law and Poquoson City School Board Policy 5-5.5.

See Superintendent's Regulation 5-2.3.

**LEGAL REFERENCE:** Code of Virginia, as amended, 1950, §§ 22.1-178, 22.1-272, 22.1-300, 22.1-301, 32.1-35 through 32.1-38; 54.1-2957.02; Title I of the Americans with Disabilities Act; 29 CFR Part 1910, 1030, Occupational Exposure to Blood-borne Pathogens, Final Rule December 6, 1991; Regulations for Disease Reporting and Control, 12 VAC 5-90-80, 90.

*Adopted: November 2002*

*Revised July 2003; July 2005; August 2006; August 2011*

## **POLICY 5-2.4 HIRING: CRIMINAL BACKGROUND CHECKS AND FINGERPRINTING**

The Poquoson City School Board will not hire or continue the employment of any part-time, full-time, temporary, or permanent employee who is deemed unsuited for service by reason of criminal conviction.

The Poquoson City School Board and any individual employee, contractor, or agent of the School Board shall not assist an employee, contractor, or agent of the School Board in obtaining a new job if the School Board or individual knows or has probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

### **Applicants for Employment**

Individuals applying for employment in the Poquoson City Public Schools for any position shall be required to disclose prior convictions of law other than minor traffic violations or juvenile offenses. The Poquoson City Public Schools Coordinator of Human Resources may verify information applicants provide by checking work history and personal references or by making criminal record inquiries to determine the applicant's acceptability for employment. Where a prior conviction is ascertained, the school officials will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is being made.

Applicants for any position in the Poquoson City Public Schools must certify whether they have been convicted of any violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02; any offense involving the sexual molestation, physical or sexual abuse or rape of a child, or the solicitation of any such offense; or any crime of moral turpitude. Further, where a conviction relates to the suitability of the individual to perform duties in a particular position, such person may be denied employment. Any individual making a materially false statement regarding any such offense is guilty of a Class 1 misdemeanor and, in the case of a teacher, upon conviction, the fact of such conviction is grounds for the Board of Education to revoke his license to teach.

The School Board shall not employ any individual who has been conviction of any violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense.

The School Board 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 subsection A of § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense, provided that in the case of a felony conviction, such individual has had his civil rights restored by the Governor.

Furthermore, as a condition of employment for full-time, part-time, temporary and permanent positions requiring direct contact with students, an applicant for employment shall certify that he/she has not been the subject of a founded case of child abuse and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect is guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction is grounds for the Board of Education to revoke such person's license to teach.

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with the Poquoson City 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.

If an applicant is denied employment because of information appearing on his criminal history record, the School Board shall provide a copy of the information provided by the Central Criminal Records Exchange to the applicant.

### **Department of Social Services Data**

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, 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 Virginia 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. The applicant may be required to pay the cost of the search 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.

In addition, where an applicant for employment has resided in another state within the last five years, he/she shall provide written consent and the necessary personal information for the school division 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.

If the school division obtains a record of a founded complaint of child abuse and neglect maintained by the Virginia Department of Social Services or another state social service agency, the applicant shall be denied employment, or the employment shall be rescinded.

Any Poquoson City Public Schools teacher who is or becomes the subject of a founded complaint of child abuse and neglect shall be dismissed after all rights to an appeal of the Department of Social Services' finding provided by the Code of Virginia § [63.2-1526](#) have been exhausted. The fact of such finding, after all rights to an appeal provided by the Code of Virginia § [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.

### **Employee Convictions**

Employees may be placed on probation or suspended in accordance with Policies 5-6.1 and 5-6.2 if charged by summons, warrant, indictment or information with the commission of a felony or a misdemeanor involving (i) sexual assault as established in Article 7 (§18.2-61, et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, (ii) obscenity and related offenses as established in Article 5 (§18.2-372, et seq.) 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. Where a conviction relates to the suitability of the employee to perform duties in a particular position, such employee may be dismissed.

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

If 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.

### **Notification of Employee Arrests**

The Division Superintendent shall inform the School Board of any notification of arrest of a School Board employee received pursuant to Virginia Code §19.2-83.1. The School Board shall require such employee, whether full-time or part-time, permanent or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record

information regarding such employee. However, such employee may be required to pay the cost of such fingerprinting or criminal records check at the discretion of the School Board. From such funds as may be available for this purpose, the School Board may pay for the fingerprinting or criminal records check.

### **Employee Notification to Superintendent of Criminal Charges Filed Against Employee**

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

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

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

### **Sex Offender Registry Notification**

The Poquoson City School Board recognizes the danger sex offenders pose to student safety. Therefore, to protect students while they travel to and from school and while they attend school or school-related activities, the School Board shall request automatic electronic notification of registered sex offenders in the same or contiguous zip codes as any school within the school division. Such request and notification shall be made according to the procedure established by the Virginia Department of State Police (State Police). The Division Superintendent shall serve as the contact person with the State Police for receipt of the registered sex offender information. See also Policy 2-2.2.

#### **A. Annual Notification**

At the beginning of each school year, the School Board shall notify parents and employees of the School Board's policy on the dissemination and use of sex offender registry information.

#### **B. Receipt and Dissemination of Sex Offender Registry Information**

Once notified that a registered sex offender resides in the same or contiguous zip codes as a school within the division, the Division Superintendent shall notify principals of those schools and determine which central office and other school employees should be provided the registry information. Sex offender registry information should be provided to employees who are most likely to observe unauthorized persons on or near school property, including but not limited to: school bus drivers; employees responsible for visitor registration; employees responsible for bus duty; security staff; coaches; playground supervisors; and maintenance personnel.

When registry information is disseminated, it shall include a notice that such information should not be shared with others and may only be used for the purposes discussed herein. Employees who inappropriately share registry information with others may be disciplined.

The School Board recognizes that it is the responsibility of law enforcement to notify the community of potential public danger. Therefore, the school division will not disseminate registry information to parents.

C. Use of Sex Offender Registry Information

Registry information shall only be used for the purposes of the administration of law-enforcement, screening current or prospective school division employees or volunteers, and for the protection of school division students and employees. Registry information shall not be used to intimidate or harass others.

1. Registered Sex Offender Sighted

If a notified employee sees a registered sex offender on or near school property, around any school division student, or attending any school division activity, the division superintendent or his designee shall be notified immediately. The Division Superintendent or his designee may, in his or her discretion, notify local law enforcement.

2. School Volunteers and Student Teachers

Each staff member shall submit to the principal the name and address of each volunteer the staff member is or may be using as soon as the person is identified. The principal shall screen each student teacher and volunteer's name and address against the registry information. If a match is found, the principal shall notify the Division Superintendent, who shall confirm the match. If the match is confirmed, the Division Superintendent shall inform the individual, by mail, that he or she may not be on School Board property without permission of the Division Superintendent. The notice shall provide the reason with reference to this Policy. The Division Superintendent shall also inform the principal and employees that the individual may not be used as a volunteer.

3. Contractors' Employees

The Division Superintendent shall include the following language in all School Board contracts that may involve an employee of the contractor having any direct contact with a student:

"The contractor shall not send any employee or agent who is a registered sex offender to any school building or school property. Monthly, the contractor shall check the registry to determine if any employee is registered."

4. School Board Employees

Each time sex offender registry information is received, the Division Superintendent shall review it to determine if a school division employee is registered. If a match is found, the Division Superintendent shall confirm or disprove the match with local law enforcement. If the match is confirmed, the Division Superintendent shall notify the School Board. The School Board will take the appropriate action to comply with state law, which may include termination of the employee's employment with the School Board.

5. Applicants for Employment

Before hiring any person, the Division Superintendent shall determine whether the prospective employee is a registered sex offender. If the prospective employee is a registered sex offender, he or she shall not be hired by the Poquoson City School Board.

6. Students and Parents of Students

A sex offender registrant who is the parent or guardian of a student shall be permitted to participate in appropriate parent or guardian activities, unless prohibited by court order. Students who are registered sex offenders may not be precluded from attending school.

#### 7. Precautions to Protect Students

When the Division Superintendent determines it is necessary, because of the presence of a registered sex offender, alternative arrangements may be made for bus and walking routes to and from school, recess and physical education periods, or any other activity in order to protect division students.

#### D. Requests for Registry Information

Anyone requesting registry information from the school division shall be referred to the Virginia State Police. Additional information regarding the sex offender registry can be found at the following Virginia State Police website: <http://sex-offender.vsp.virginia.gov/>.

### **Background Checks for Private Contractors**

As a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students, on school property, during regular school hours or during school-sponsored activities, the School Board shall require the contractor to provide certification of whether any individual who will provide such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02; any offense involving the sexual molestation, physical or sexual abuse or rape of a child, or the solicitation of any such offense; or any crime of moral turpitude.

Any individual making a materially false statement regarding any such offense is guilty of a Class 1 misdemeanor and, upon conviction, the fact of such conviction shall be grounds for the revocation of the contract to provide such services and, when relevant, the revocation of any license required to provide such services. The School Board shall not be liable for materially false statements regarding the certification required by this section.

This subsection shall not apply to a contractor or his employees providing services to Poquoson City Public Schools in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

The School Board shall not award a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense.

The School Board may award a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense, provided that in the case of a felony conviction, such individual has had his civil rights restored by the Governor.

See Superintendent's Regulation 5-2.4.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, 1950, §§ 9.1-900, et seq., 19.2-83.1, 19.2-389, 19.2-390.1, et seq., 22.1-78, 22.1-79, 22.1-79.3, 22.1-296.1, 22.1-296.2, 22.1-315, 63.2-1515.

*Adopted: November 2002*

*Revised: July 2003, August 2006, July 2007, July 2008, August 2011, August 2012, August 2018, June 2020, August 2023*

## **POLICY 5-2.5 HIRING: NEPOTISM AND CONFLICT OF INTEREST PROHIBITIONS**

All Poquoson City School Board employees are subject to the State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100, et seq. In addition to all other applicable provisions of the Act, the School Board may not employ, and the Division Superintendent may not recommend for employment, any family member of the Division Superintendent or of a School Board member.

This prohibition shall not be construed to prohibit the employment, promotion, or transfer within the school division of any person within a relationship described in the previous sentence when such person: (i) has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of any member of the School Board or Division Superintendent; (ii) has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of such relationship; or (iii) was employed by the School Board at any time prior to June 10, 1994, and has been employed at any time as a teacher or any other employee of any Virginia school board prior to the taking of office of any member of such school board or Division Superintendent.

This prohibition shall not apply to employment of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the School Board provided (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision.

A family member employed as a substitute teacher may not be given any greater employment than that obtained in the last full school year prior to the taking of office of the Division Superintendent or a School Board member.

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 shall be discouraged.

For purposes of implementing this policy, 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.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3100, et seq.

*Adopted: November 2002*

*Reviewed: August 2011*

*Revised: August 2018*

## **POLICY 5-2.6 APPOINTMENT AND REAPPOINTMENT**

The Poquoson City School Board will appoint and reappoint employees only upon the recommendation of the Division Superintendent. The Division Superintendent or designee is authorized to offer employment to personnel between School Board meetings, subject to approval by the School Board at its next regular meeting.

### **Licensed and Non-Licensed Personnel**

#### Licensed Personnel

Licensed personnel shall be appointed by the School Board upon the recommendation of the Division Superintendent. All licensed personnel shall be selected through the office of the Deputy Superintendent of Instruction and Support Services. The selection of teachers will be coordinated with the relevant school principal and subject area administrator. Administrative personnel will be interviewed by a panel, which will forward its recommendations for consideration to the Division Superintendent who shall make his recommendation to the School Board.

#### Non-Licensed Personnel

Non-licensed personnel shall be appointed by the School Board upon the recommendation of the Division Superintendent. All non-licensed, non-instructional personnel shall be employed through the office of the Deputy Superintendent of Instruction and Support Services. The employment of non-licensed personnel shall be coordinated with the lead administrator and the school principal in the area in which application is being made.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§22.1-293, 22.1-295.

*Adopted: November 2002*

*Reviewed: August 2011*

**POLICY 5-2.7      HIRING: TEMPORARY PERSONNEL, PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF**

**Substitute Teachers**

When it is necessary for the Poquoson City School Board to employ a substitute for a teacher, guidance counselor, or other licensed employee, the School Board expects that the best qualified available person shall be employed in each instance of absence of the regular employee. Principals shall not use a person for substitute work who is not on the substitute list maintained by the Coordinator of Human Resources. Substitute teachers shall be at least 18 years old, hold a high school diploma or GED certificate, and have completed two years of full-time post-secondary education or two years of work experience with children. The School Board shall seek to employ substitute teachers who exceed these requirements. A substitute teacher may not fill a particular teacher vacancy for longer than ninety (90) teaching days during one school year, unless otherwise approved by the Superintendent of Public Education on a case-by-case basis.

**Licensure and Contract Issues**

A substitute teacher who teaches continuously in excess of sixty (60) consecutive days or in excess of a total of ninety (90) days in any one school year shall hold a license. A written contract shall be required for a substitute teacher who fills a teacher vacancy for longer than 90 days in any one school year. Substitute teachers shall be employed and be paid by the School Board and under no circumstances shall they be paid by the regular teacher for whom they substitute.

**Social Security and Withholding Taxes**

Federal law provides that Social Security contributions be deducted from the wages of all School Board employees, whether full-time or part-time. By law, individual federal and state income tax must be withheld from the employee's earnings, provided earnings and exemptions are such that withholding tax is justified. The amount of tax withheld is based on the total earnings in a given pay period and the number of exemptions claimed by the employee.

**Retirement**

Substitute teachers are not eligible for participation in the Virginia Supplemental Retirement Service; however, under certain conditions they may be eligible for retirement under Social Security.

**Salary**

Long-term substitute teachers must present evidence of eligibility for licensure to the Division Superintendent's office prior to employment, otherwise the salary shall be based on a scale for a non-degree holder.

**Absences, less than 1/2 day (Teachers, Principals and Secretaries)**

Report of absences should be for 1/2 or whole days at all times. In cases of less than 1/2 day, teachers should be shown as arriving late and leaving early with appropriate explanation. When a substitute is called, he should be credited with 1/2 or one whole-day's service, and the teacher charged for absence accordingly. The School Board recognizes that substitute teachers frequently are requested to teach on very short notice, and sometimes in unfamiliar subjects and grades. However, when applicable, substitute teachers shall be expected to maintain the same hours as regular teachers and perform the same duties as are expected of the teachers for whom they are substituting.

**Student Teachers**

A student teacher from an approved accredited institution of higher learning may be accepted for practice teaching upon approval of the Division Superintendent or his/her designee and under provisions prescribed to ensure that the progress of Poquoson City Public School students will not be adversely affected. No student

teacher may teach in a school until the principal has received authorization by the Deputy Superintendent of Instruction and Support Services. Student teachers shall do their practice teaching with a teacher who has earned a continuing contract. All student teachers shall meet the same health requirements as all other School Board personnel, as outlined in Policy 5-2.3.

### **Summer School Teachers**

The minimum qualifications of summer school teachers should be the same in all respects as those required for the regular school session. In making teaching assignments to the summer school program, priority will be granted full-time staff members.

### **Adult Education Teachers**

In making teaching assignments to the adult education program, priority will be given full-time staff members.

### **Exchange Teachers**

When teachers come to the school division on an exchange basis, the Division Superintendent may waive the requirements of the policies and regulations relative to appointment, procedures and qualifications within the limitations of state law and subject to approval of the School Board.

### **Homebound Teachers**

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

### **Part-Time Teachers**

An employee working less than 180 days or less than five (5) 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 Virginia Board of Education.

### **Census Agents**

Appointment. Agents for the triennial census of school population shall be appointed by the School Board upon the recommendation of the Division Superintendent.

Compensation and Expenses. The School Board may establish compensation rates for census agents and allowances for travel during the preparation of the budget for the fiscal year in which the census shall be taken.

Duties. Census agents shall gather such statistics and prepare such lists as directed by the Division Superintendent and required by the Superintendent of Public Instruction.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22-1.281, 22.1-282, 22.1-283, 22.1-299, 22.1-302; Licensure Regulations for School Personnel, 8 VAC 20-21-10.

*Adopted: November 2002 Revised: June 2010, August 2011, August 2024*

## **POLICY 5-2.8 ASSIGNMENT AND TRANSFER**

Generally, upon recommendation of the Division Superintendent, the Poquoson City School Board shall place all employees within the various schools and facilities located in the school division. The Division Superintendent shall have the authority to assign such employees to their respective positions within the school or facility where they are placed by the School Board.

The Division Superintendent shall have the authority to transfer or reassign any teacher, principal or assistant principal during any school year to any school within the division, provided no change or reassignment during a school year shall affect the salary of such teacher, principal or assistant principal for that school year.

### **Administrative Staff Assignments and Transfers**

The initial assignment of Poquoson City Public School administrative personnel to individual schools shall be reserved to the School Board, upon recommendation of the Division Superintendent. After initial assignment, the subsequent transfer of administrative personnel to any school within the school division is the prerogative of the Division Superintendent with the approval of the School Board. Such transfers shall not affect the salaries of the individuals concerned for that school year. Before recommending such reassignment, the Division Superintendent shall consider, among other things, the performance evaluations of a principal, assistant principal, or supervisor. The Division Superintendent shall submit appropriate reports and explanations regarding such transfers upon the request of the School Board.

### **Support Staff Assignments and Transfers**

Support staff shall be assigned to positions for which their qualifications meet the needs of the school division's operations. Support staff personnel are entitled to initiate a transfer request for 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.

See **SUPERINTENDENT'S REGULATION 5-2.8 ASSIGNMENT AND TRANSFER**

**LEGAL REFERENCE:** Code of Virginia, §§ 22.1-70, 22.1-78, 22.1-293, 22.1-294, 22.1-295, 22.1-297.

*Adopted: November 2002*

*Revised: August 2011, August 2013*