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PERSONNEL POLICIES GOALS

The goal of the employment policies and practices of the Surry County School Board is to promote the employment and retention of highly qualified personnel to effectively serve the educational needs of students.

No employee, contractor or agent of the Surry County School Board may assist a school board employee, contractor or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the employee, contractor or agent knows, or has probable cause to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of law. This prohibition does not apply if the information giving rise to probable cause

1. A. has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and
B. has been properly reported to any other authorities as required by federal or state law, including title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and the regulations implementing it and
2. A. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor or agent engaged in sexual misconduct regarding a minor in violation of law;
B. the school employee, contractor or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
C. the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor or agent within 4 years of the date on which the information was reported to a law enforcement agency.

Adopted: August 13, 2019

Legal Ref.: 20 U.S.C. § 7926.

Code of Virginia, 1950, as amended, §§ 22.1-79.8, 22.1-295.

Cross Refs.: AC	Nondiscrimination
GAE	Child Abuse and Neglect Reporting
GB	Equal Employment Opportunity/Nondiscrimination
GBL	Personnel Records
GBN	Staff Hiring Procedure

STAFF TIME SCHEDULES

Work Schedules

The workday for full-time licensed and professional staff is a minimum of seven hours and thirty minutes and continues until professional responsibilities to the students and school division are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum. Elementary school classroom teachers are provided at least an average of thirty minutes per day during the students' school week as planning time. Each full-time middle and secondary classroom teacher is provided one planning period per day, or the equivalent, as defined by the Board of Education, unencumbered of any teaching or supervisory duties. If a middle or secondary school classroom teacher teaches more than the standard load of students or class periods per week, as defined by the Board of Education, an appropriate contractual arrangement and compensation is provided.

Work schedules for other employees are defined by the superintendent or superintendent's designee consistent with the Fair Labor Standards Act and the provisions of this policy.

Workweek Defined

For purposes of compliance with the Fair Labor Standards Act, the workweek for employees of Surry County School Board is 12:00 a.m. Saturday until 11:59 p.m. Friday.

Overtime

Working hours for all employees not classified as exempt under the Fair Labor Standards Act, including secretaries, bus drivers, cafeteria, janitorial and maintenance personnel, conform to federal and state regulations. The superintendent ensures that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors make every effort to avoid circumstances which require non-exempt employees to work more than 40 hours each week. The Surry County School Board discourages overtime work by non-exempt employees. A non-exempt employee will not work overtime without the express approval of the employee's supervisor. All overtime work must be expressly approved in writing by the superintendent or superintendent's designee. All supervisory personnel must monitor overtime on a weekly basis and report such time to the superintendent or superintendent's designee. Principals and supervisors monitor employees' work, ensure that overtime provisions of this policy and the Fair Labor Standards Act are followed and ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete time sheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer reviews work records of employees on a regular basis to make an assessment of overtime use.

Non-exempt employees whose workweek is less than 40 hours are paid at the regular rate of pay for time worked up to 40 hours. Such employees are provided overtime pay as provided above for working more than 40 hours in a workweek.

Attendance Expectations

All employees are expected to be present during all work hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Adopted: July 13, 2021

Legal Refs.: 29 U.S.C. 29 U.S.C. §§ 203, 207

29 C.F.R § 516.1 et seq.

Code of Virginia, 1950, as amended, §§ 22.1-253.13:2, 22.1-253.13:3,
22.1-291.1, 40.1-29.2.

8 VAC 20-131-240.

Cross Ref.: IC/ID School Year/School Day

ACCEPTABLE COMPUTER SYSTEM USE

The School Board provides a computer system, including the internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and internal or external networks. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

All use of the division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Inappropriate use may result in cancellation of those privileges, disciplinary action, and/or legal action. Any communication or material generated using the computer system, including electronic mail, social media posts, instant or text messages, tweets, and other files, including communications and materials deleted from a user's account, may be monitored, read, and/or archived by division staff.

This policy applies to all users of the division's computer system. By using or accessing the computer system, the user agrees to abide by this policy and the Technology Use Guidelines established by the superintendent.

The superintendent is responsible for establishing Technology Use Guidelines, containing the appropriate uses, ethics and protocols for use of the computer system. The superintendent is also responsible for reviewing and updating, as necessary, the Guidelines at least every two years. It is the user's responsibility to know and follow this policy and the Technology Use Guidelines.

The Guidelines include:

- (1) a prohibition against use of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;
- (2) provisions, including the selection and operation of a technology protection measure for the division's computers having internet access to filter or block internet access through such computers, that seek to prevent access to:
 - a. child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
 - b. obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and
 - c. material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;

- (3) provisions establishing that the technology protection measure is enforced during any use of the division's computers;
- (4) provisions establishing that all usage of the computer system may be monitored;
- (5) provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;
- (6) provisions designed to prevent unauthorized online access by minors, including "hacking" and other unlawful online activities;
- (7) provisions requiring every user to protect the security of information necessary to access the computer system, such as usernames and passwords, and prohibiting the sharing of passwords;
- (8) provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and
- (9) a component of internet safety for students that is integrated in the division's instructional program.

Use of the school division's computer system must be consistent with the educational or instructional mission or administrative function of the division as well as the varied instructional needs, learning styles, abilities and developmental levels of students.

The division's computer system is not a public forum.

Users of the division's computer system have no expectation of privacy for use of the division's resources or electronic devices including non-division owned devices while connected to division networks or computer resources.

Software and/or services may not be installed or downloaded on the division's computer system without the prior approval of the superintendent or superintendent's designee.

The failure of any user to follow the terms of this policy or the Technology Use Guidelines may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

The School Board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the internet. Furthermore, the School Board is not responsible for any unauthorized charges or fees resulting from access to the computer system.

The School Board reviews and amends, if necessary, this policy every two years.

Adopted: July 13, 2021

Legal Refs: 18 U.S.C. §§ 1460, 2256.
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390,
22.1-70.2, and 22.1-78.

Cross Refs.:	EGAA	Reproduction and Use of Copyrighted Materials
	GBA/JHFA	Prohibition Against Harassment and Retaliation
	GCPD	Professional Staff Discipline
	GCQB	Staff Research and Publishing
	JFC	Student Conduct

ACCEPTABLE COMPUTER SYSTEM USE AGREEMENT

Each employee must sign this Agreement as a condition for using the School Division's computer/technology system. Each student and his or her parent/guardian must sign this Agreement before being permitted to use the School Division's computer/technology system. Read this Agreement carefully before signing.

Prior to signing this Agreement, read Policy GAB/IIBEA and Regulation GAB-R/IIBEA-R, Acceptable Computer/Technology System Use. If you have any questions about this policy or regulation, contact your supervisor or your student's principal.

I understand and agree to abide by the School Division's Acceptable Computer/Technology System Use Policy and Regulation. I understand that the School Division may access, monitor, and archive my use of the computer/technology system, including my use of the internet, e-mail and downloaded material, without prior notice to me. I further understand that should I violate the Acceptable Use Policy or Regulation, my computer/technology system privileges may be revoked and disciplinary action and/or legal action may be taken against me.

Student/Employee Signature _____ Date _____

Student/Employee Name _____

(Please Print)

I have read this Agreement and Policy GAB/IIBEA and Regulation GAB-R/IIBEA-R. I understand that access to the computer/technology system is intended for educational purposes and the **Surry County** School Division has taken precautions to eliminate inappropriate material. I also recognize, however, that it is impossible for the School Division to restrict access to all inappropriate material and I will not hold the School Division responsible for information acquired on the computer/technology system. I have discussed the terms of this agreement, policy, and regulation with my student.

I grant permission for my student to use the computer/technology system in accordance with Surry County School Division's policies and regulations and for the School Division to issue an account for my student.

Parent/Guardian Signature _____ Date _____

Parent/Guardian Name _____

(Please Print)

TECHNOLOGY USE GUIDELINES

All use of the **Surry County** School Division's computer/technology system shall be consistent with the school board's goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer/technology system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and any other internal or external network. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

Computer/Technology System Use-Terms and Conditions:

1. **Acceptable Use.** Access to the division's computer/technology system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the division or (2) for legitimate school business.
2. **Privilege.** The use of the division's computer/technology system is a privilege, not a right.
3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer/technology system. Prohibited conduct includes but is not limited to:
 - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
 - sending, receiving, viewing or downloading illegal material via the computer/technology system.
 - unauthorized downloading of software.
 - using the computer/technology system for private financial or commercial purposes.
 - wastefully using resources, such as file space.
 - gaining unauthorized access to resources or entities.
 - posting material created by another without his or her consent.
 - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
 - using the computer/technology system while access privileges are suspended or revoked.
 - vandalizing the computer/technology system, including destroying data by creating or spreading viruses or by other means.
 - intimidating, harassing, bullying, or coercing others.
 - threatening illegal or immoral acts.
4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:

- be polite.
 - users shall not forge, intercept or interfere with electronic mail messages.
 - use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
 - users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
 - users shall respect the computer/technology system's resource limits.
 - users shall not post chain letters or download large files.
 - users shall not use the computer/technology system to disrupt others.
 - users shall not modify or delete data owned by others.
5. **Liability.** The school board makes no warranties for the computer/technology system it provides. The school board shall not be responsible for any damages to the user from use of the computer/technology system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer/technology system. The user agrees to indemnify the school board for any losses, costs, or damages incurred by the school board relating to or arising out of any violation of these procedures.
6. **Security.** Computer/technology system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.
7. **Vandalism.** Intentional destruction of or interference with any part of the computer/technology system through creating or downloading computer viruses or by any other means is prohibited.
8. **Charges.** The school division assumes no responsibility for any unauthorized charges or fees as a result of using the computer/technology system, including telephone, data, or long-distance charges.
9. **Electronic Mail.** The school division's electronic mail system is owned and controlled by the school division. The school division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the school division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

10. **Enforcement.** Software will be installed on the division's computers/technology devices having internet access to filter or block internet access through such computers/technology devices to child pornography and obscenity. The online activities of users may also be monitored manually. **Any violation of these regulations shall result in loss of computer/technology system privileges and may also result in appropriate disciplinary action, as determined by school board policy, or legal action.**

Adopted: August 13, 2019

Legal Refs: 18 U.S.C. §§ 1460, 2256.
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2 and 22.1-78.

Cross Refs:	GAB/IIBEA	Acceptable Computer/technology system Use
	GCPD	Professional Staff Discipline
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct

ACCESS TO EMPLOYEE SOCIAL MEDIA ACCOUNTS

The Surry County School Board does not require current or prospective employees to disclose the username or password to the employee's personal social media accounts or to add an employee, supervisor or administrator to the list of contacts associated with the employee's personal social media account.

If the School Board or a School Board employee inadvertently receives an employee's username and password to, or other login information associated with, the employee's personal social media account through the use of an electronic device provided to the employee by the School Board or a program that monitors the School Board's network, the Board will not be liable for having the information but will not use the information to gain access to the employee's social media account.

This policy does not prohibit the School Board and its agents from viewing information about a current or prospective employee that is publicly available.

This policy does not prohibit the School Board from requesting an employee to disclose the employee's username and password for the purpose of accessing a personal social media account if the employee's social media account activity is reasonably believed to be relevant to a formal investigation or related proceeding by the Board of allegations of an employee's violation of federal, state or local laws or regulations or of the Board's written policies. If the Board exercises its rights under this paragraph, the employee's username and password will only be used for the purpose of the formal investigation or a related proceeding.

Adopted: August 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, § 40.1-28.7:5.

Cross Ref.: GAB/IIBEA Acceptable Computer System Use

CHILD ABUSE AND NEGLECT REPORTING

Reporting Requirement

Every employee of Surry County School Board who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq. shall immediately report the matter to

- the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- to the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

Notice of Reporting Requirement

The School Board posts in each school a notice that

- any teacher or other person employed there who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and
- all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

Complaints of Abuse and Neglect

The School Board and the local department of social services have adopted a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student. The interagency agreement is based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services. The School Board reports substantial modifications of the agreement to the Board of Education.

Adopted: August 13 , 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7, 22.1-291.3, 63.2-1509, 63.2-1511.

Cross Refs.:	EFB	Food Services
	JFHA/GBA	Prohibition Against Harassment and Retaliation
	GA	Personnel Policies Goals
	GBLA	Third Party Complaints Against Employees

SCHOOL EMPLOYEE CONFLICT OF INTERESTS

A. Purpose

The State and Local Government Conflict of Interests Act (the Act), applies to public school employees and officials. The Act creates uniform standards of conduct for all public employees and officials. The Act also defines and prohibits inappropriate conflicts of interest and requires disclosure of economic interests in some circumstances. The purpose of this policy is to provide an introduction to the Act for employees. Additional information regarding the Act may be obtained from Policy BBFA Conflict of Interests and Disclosure of Economic Interests and from the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) which assists with compliance with the Act.

B. Compliance

School board employees are required to read and be familiar with the Act. The superintendent provides employees with information regarding how to access the Act and how to contact the Ethics Council.

The Act's provisions are complex and their application is fact-specific. A violation of the Act could result in civil or criminal penalties. Therefore, if an employee has any question whether an interest the employee has in a contract or transaction involving the school division is prohibited under the Act, the employee should contact the superintendent's office or the Ethics Council for assistance.

C. Areas of Regulation

The Act prohibits school employees from having a "personal interest," as that term is defined by the Act, in certain contracts and transactions that involve the division and from engaging in other specified conduct related to the schools. The prohibited personal interest also may be that of the school employee's immediate family (a spouse or any other person who resides in the same household as the employee and who is a dependent of the employee).

Under the Act, an employee may be considered to have a prohibited conflict arising from:

- a personal interest in a contract;
- a personal interest in a transaction;
- business opportunities tied to official acts;
- misuse of confidential information; or
- receipt or solicitation of certain gifts.

Examples of prohibited conduct include:

- soliciting or accepting money or other thing of value for services performed within the scope of the employee's official duties, except for the employee's compensation, expenses or other remuneration paid by the division;
- using for the employee's own economic benefit or that of another party, confidential information that the employee has acquired by reason of the employee's public position and which is not available to the public;
- accepting any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the employee in the performance of the employee's official duties;
- accepting any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of the employee's official duties;
- entering into contracts with the school division under certain circumstances;
- accepting a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor; and
- accepting gifts from sources on a basis so frequent as to raise an appearance of the use of the employee's position for private gain.

D. Awards to Employees for Exceptional Service

The Act does not prohibit or apply to the acceptance by a teacher or other employee of Surry County School Board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

E. Advisory Opinions

Employees may seek written opinions regarding application of the Act from the local Commonwealth's Attorney, the local county attorney or the Ethics Council. Good faith reliance on a written opinion of the Commonwealth's Attorney or a formal opinion or written informal advice of the Ethics Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a knowing violation of the Act provided the opinion or advice was made after a full disclosure of the facts. If the employee relies on written informal advice given by the Ethics Council in a prosecution for a knowing violation of the Act, the record of the request and the written informal advice given shall be a public record and released upon request. An opinion of the local county attorney may be introduced at trial as evidence that the employee did not knowingly violate the Act.

Adopted: August 8, 2017

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3121, 2.2-3124 and 30-356.

Cross Ref.:	BBFA	Conflict of Interests and Disclosure Requirements
	CBCA	Disclosure Statement Required of Superintendent
	DJG	Vendor Relations
	GCCB	Employment of Family Members
	GCQA	Nonschool Employment by Staff Members
	KGA	Sales and Solicitations in Schools
	KJ	Advertising in the Schools

EQUAL EMPLOYMENT OPPORTUNITY/ NONDISCRIMINATION

I. Policy Statement

The Surry County School Board is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention and other personnel actions affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of race, color, creed, religion, national origin, ancestry, political affiliation, sex, sexual orientation, gender, gender identity, age, pregnancy, childbirth or related medical conditions, marital status, military status, genetic information or disability is prohibited. Personnel decisions are based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation.

The statement, "Surry County School Board is an equal opportunity employer," is placed on all employment application forms.

II. Notice of Policy/Prevention

This policy is (1) posted in prominent areas of each school division building, (2) included in employee handbooks and (3) provided to any employee or candidate for employment upon request. Training to prevent prohibited discrimination is included in employee in-service training.

III. Complaint Procedure

A. File Report

Any person who believes he has not received equal employment opportunities should report the alleged discrimination to one of the Compliance Officers designated in this policy. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the Compliance Officers designated in this policy.

The reporting party should use the form, Report of Discrimination, GB-F, to make complaints of discrimination. However, oral reports and other written reports will also be accepted. The complaint must be filed with one of the Compliance Officers designated in this policy. Any complaint that involves the Compliance Officer shall be reported to the superintendent.

The complaint and the identity of the complainant and the person or persons allegedly responsible for the discrimination will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is

required or permitted by law. A complainant who wishes to remain anonymous will be advised that anonymity may limit the school division's ability to fully respond to the complaint.

B. Investigation

Upon receipt of a report of alleged discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer will acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the complainant and the superintendent. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the superintendent will be notified of the reason for the extended investigation and the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the complainant, the person(s) alleged to have violated the policy and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the person(s) responsible for the alleged discrimination. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the investigation.

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed by a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint alleges the superintendent has violated this policy, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged discrimination conducted under this policy or by an appropriate state or federal agency.

C. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or superintendent's designee shall issue a written decision

regarding (1) whether this policy was violated and (2) what action, if any, should be taken.

If the complaint alleges that the superintendent has violated this policy, the School Board's standing Equal Employment Opportunity/Nondiscrimination Committee shall make the decision and determine what action should be taken. If the School Board does not have such a standing committee, at its next scheduled meeting it shall appoint a committee consisting of three of its members to handle the matter. The committee shall issue a written decision within 14 calendar days of the time the School Board receives the Compliance Officer's report or the time a committee is appointed, if there is no standing committee. The written decision shall state (1) whether this policy was violated and (2) what action, if any, should be taken.

The written decision must be mailed to or personally delivered to the complainant within 5 calendar days of the issuance of the decision. If the superintendent, superintendent's designee or committee concludes that prohibited discrimination occurred, the BLANK School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including dismissal.

D. Appeal

If the superintendent, superintendent's designee or committee determines that no prohibited discrimination occurred, the person who was allegedly subjected to discrimination may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent, or with a member of the committee which issued the written decision, who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the superintendent, superintendent's designee or the committee, whichever issued the written decision, and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to the complainant.

Employees may choose to pursue their complaints arising under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

E. Compliance Officer and Alternate Compliance Officer

The School Board designates a Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this Policy. The name and contact information for the Compliance Officer is posted on the Division's website at all times. The Compliance Officer may be contacted at compliance_officer@surryschoools.net

The Compliance Officer

- receives reports or complaints of discrimination;
- conducts or oversees the investigation of any alleged discrimination;
- assesses the training needs of the school division in connection with this policy;
- arranges necessary training to achieve compliance with this policy; and
- ensures that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal employment opportunity and has the authority to protect the alleged victim and others during the investigation.

IV. Retaliation

Retaliation against employees who report discrimination or participate in the related proceedings is prohibited. The school division appropriate action against any employee who retaliates against another employee or candidate for employment who reports alleged discrimination or participates in related proceedings. The Compliance Officer informs persons who make complaints, who are the subject of complaints and who participate in investigations of how to report any subsequent problems.

V. Right to Alternative Complaint Procedure

Nothing in this policy denies the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

VI. Prevention and Notice of Policy

Training to prevent discrimination is included in employee orientations and in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to school personnel and (2) included in employee handbooks. All employees are notified annually of the names and contact information of the Compliance Officers.

VII. False Charges

Employees who knowingly make false charges of discrimination are subject to disciplinary action.

Adopted: July 13, 2021

Legal Refs.: 20 U.S.C. § 1681 et seq.
29 U.S.C. § 701.
42 U.S.C. §§ 6101 et seq., 2000e-2 et seq., 2000ff-1(a) and 12101 et seq.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 2.2-3905.1, 22.1-23.3, 22.1-295.2, 22.1-306.

Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	BCE	School Board Committees
	GB-F	Report of Discrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	GCPD	Professional Staff Discipline
	JB	Equal Educational Opportunities/Nondiscrimination
	KKA	Service Animals in Public Schools

REPORT OF DISCRIMINATION

Name of Complainant:

For Employees, Position:

For Applicants, Position Applied For:

Address, Phone Number and Email Address:

Date(s) of Alleged Discrimination:

Name(s) of person(s) you believe discriminated against you or others:

Please describe in detail the incident(s) of alleged discrimination, including where and when the incident(s) occurred. Please name any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

Signature of Complainant

Date

Complaint Received By:

Compliance Officer

Date

PROHIBITION AGAINST HARASSMENT AND RETALIATION

I. Policy Statement

The Surry County School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists, hereinafter referred to as protected group status, at school or any school sponsored activity.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on protected group status at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's protected group status at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel includes School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the school division.

The school division

- promptly investigates all complaints, written or verbal, of harassment based on protected group status at school or any school sponsored activity;
- promptly takes appropriate action to stop any harassment;
- takes appropriate action against any student or school personnel who violates this policy; and
- takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

II. Definitions

The Compliance Officer is the person designated by the School Board to receive complaints of harassment referred by the Title IX Coordinator and oversee investigation of those complaints as described below.

“Consent” is clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

Prohibited Conduct

Harassment Based on Sex

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication, which may include use of cell phones or the internet, of a sexual nature when submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include:

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic comments about an individual's body
- sexual jokes, notes, stories, drawings, gestures or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexual objects, pictures, cartoons or posters
- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

"Sexual harassment prohibited by Title IX" means conduct on the basis of sex that satisfies one or more of the following:

- an employee of the School Board conditioning the provision of an aid, benefit, or service of the School Board on an individual's participation in unwelcome sexual conduct;
- unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School Board's education program or activity; or
- "sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

Harassment Based on Race, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct, which may include use of cell phones or the internet, relating to an individual's race, national origin, disability or religion when the conduct

- creates an intimidating, hostile or offensive working or educational environment;
- substantially or unreasonably interferes with an individual's work or education; or
- otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language
- name calling, jokes or rumors
- physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion
- hostile acts which are based on another's race, national origin, religion or disability
- written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability or religion

Additional Prohibited Behavior

Behavior that is not unlawful may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including socioeconomic level regardless of whether the personal characteristic is protected by law.

"Title IX" means 20 U.S.C. §§ 1681-1688 and the implementing regulations.

"Title IX Coordinator" means the person designated by the School Board to coordinate its efforts to comply with its responsibilities under this policy and Title IX.

The Title IX Coordinator may be contacted at compliance_officer@surryschoools.net.

III. Complaint Procedures

Report

Any student or school personnel who believes he or she has been the victim of harassment prohibited by law or by this policy by a student, school personnel or a third party should report the alleged harassment to the Title IX Coordinator or to any school personnel. The alleged harassment should be reported as soon as possible, and the

report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to the Title IX Coordinator or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to the Title IX Coordinator. Any complaint that involves the Title IX Coordinator should be reported to the superintendent.

The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports are also accepted.

The complaint, and identity of the person allegedly harassed and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a person allegedly harassed who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

After receiving a complaint, the Title IX Coordinator makes an initial determination whether the allegations may be sexual harassment prohibited by Title IX. If they may be, the Title IX Grievance Process below is followed. If they cannot be sexual harassment prohibited by Title IX, then the complaint is referred to the Compliance Officer who follows the procedures below.

The Title IX Coordinator also determines whether the alleged harassment may also constitute criminal conduct and ensures that law enforcement officials are notified if necessary.

If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Services in accordance with Policy GAE Child Abuse and Neglect Reporting.

Investigation by Compliance Officer

Generally

The Compliance Officer

- receives complaints of harassment referred by the Title IX Coordinator;
- conducts or oversees the investigation of any alleged harassment referred by the Title IX Coordinator;
- assesses the training needs of the school division in connection with complaints referred by the Title IX Coordinator;
- arranges necessary training; and
- ensures that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity and has the authority to protect the alleged victim and others during the investigation.

Compliance Officer Formal Procedure

Upon receiving a referral of a complaint of alleged prohibited harassment from the Title IX Coordinator, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after referral of the complaint to the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the person allegedly harassed and the alleged harasser shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the person allegedly harassed, the alleged harasser and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the alleged harasser and the person allegedly harassed. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the person allegedly harassed and others pending the completion of the investigation.

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.

Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or superintendent's designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the person allegedly harassed and the alleged harasser. If the superintendent or superintendent's designee determines that it is more likely than not that prohibited harassment occurred, the Surry County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the superintendent or superintendent's designee determines that prohibited harassment occurred, the superintendent or superintendent's designee may determine that school-wide or division-wide training be conducted or that the person allegedly harassed receives counseling.

Appeal

If the superintendent or superintendent's designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party, the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the alleged harasser and the person allegedly harassed.

If the superintendent or superintendent's designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

Compliance Officer Informal Procedure

If the person allegedly harassed and the person accused of harassment agree, the person allegedly harassed' s principal or principal's designee or supervisor may arrange for them to resolve the complaint informally with the help of a counselor, teacher or administrator.

If the person allegedly harassed and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Compliance Officer Formal Procedures set forth herein. The principal or principal's designee or supervisor shall notify the person allegedly harassed and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

Sexual Harassment Prohibited by Title IX

Definitions

"Actual knowledge" means notice of sexual harassment prohibited by Title IX or allegations of sexual harassment prohibited by Title IX to the Title IX Coordinator or any official of the school division who has authority to institute corrective measures or to any employee of an elementary or secondary school.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment prohibited by Title IX.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment prohibited by Title IX against a respondent and requesting that the allegation be investigated. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. The allegations in a formal complaint must be investigated. In response to a formal complaint, the Title IX Grievance Process below is followed.

"Program or activity" includes locations, events or circumstances over which the School Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment prohibited by Title IX.

"Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School Board's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of

absence, increased security or monitoring of parts of campus, and other similar measures, Any supportive measures provided to the complainant or respondent are maintained as confidential, to the extent that maintaining such confidentiality does not impair the ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX Grievance Process

Generally

Any person may report sex discrimination prohibited by Title IX, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The reporting party may use the form, Report of Harassment, GBA-F/JFHA-F, to make a complaint. Such a report may be made at any time, including non-business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Complainants and respondents are treated equitably by offering supportive measures to a complainant and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The Title IX Coordinator promptly contacts the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the School Board are notified

- of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator; and
- that the School Board does not discriminate on the basis of sex in its education program or activity and that it is required by Title IX not to discriminate in such a manner. The notification states that the requirement not to discriminate extends to admission and employment and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

The School Board prominently displays the contact information for the Title IX Coordinator and this policy on its website and in each handbook or catalog it makes available to persons listed above who are entitled to notifications.

Nothing herein precludes a respondent from being removed from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

Nothing herein precludes a non-student employee respondent from being placed on administrative leave during the pendency of a grievance process

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies are designed to restore or preserve equal access to the School Board's education program or activity.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

All relevant evidence is evaluated objectively, including both inculpatory and exculpatory evidence. Credibility determinations are not based on a person's status as a complainant, respondent, or witness.

Any Title IX Coordinator, investigator, decision-maker, or any person who facilitates an informal resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process receives training on the definition of sexual harassment prohibited by Title IX, the scope of the School Board's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

A finding of responsibility may result in disciplinary action up to and including expulsion for students or dismissal of employees.

The standard of evidence used to determine responsibility is preponderance of the evidence.

This grievance process does not allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

Notice of Allegations

On receipt of a formal complaint, the Title IX coordinator gives the following written notice to the parties who are known:

- notice of the grievance process, including any informal resolution process, and
- notice of the allegations of sexual harassment potentially constituting sexual harassment prohibited by title IX, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment prohibited by Title IX, and the date and location of the alleged incident, if known.

The written notice

- includes a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- informs the parties of any provisions in the School Board's code of conduct or the superintendent's Standards of Student Conduct that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, notice of the additional allegations is provided to the parties whose identities are known.

Dismissal of formal complaints

A formal complaint or any allegations therein must be dismissed if the conduct alleged in the complaint

- would not constitute sexual harassment prohibited by title IX even if proved,
- did not occur in the School Board's education program or activity, or

- did not occur against a person in the United States.

Such a dismissal does not preclude action under another provision of the School Board's code of conduct or the superintendent's Standards of Student Conduct.

A formal complaint or any allegations therein may be dismissed if at any time during the investigation:

- a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- the respondent is no longer enrolled or employed by the School Board; or
- specific circumstances prevent the School Board from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Investigation of formal complaint

When investigating a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School Board and not on the parties provided that a party's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party are not accessed, considered, disclosed or otherwise used without the voluntary, written consent of the party's parent, or the party if the party is an eligible student, to do so for this grievance procedure.

The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.

The parties have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The choice or presence of advisor for either the complainant or respondent is not limited in any meeting or grievance proceeding.

Any party whose participation is invited or expected is provided written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.

The investigator provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence which will not be relied upon in reaching a determination regarding responsibility and inculpatory or exculpatory

evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to the completion of the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator creates an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the time a determination regarding responsibility is made, sends to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the investigator has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the question any decision to exclude a question as not relevant.

Determination regarding responsibility

The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, must issue a written determination regarding responsibility.

The written determination must include

- identification of the allegations potentially constituting sexual harassment prohibited by Title IX;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- findings of fact supporting the determination;
- conclusions regarding the application of the School Board's code of conduct or the superintendent's Standards of Student Conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School Board imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided to the complainant; and

- the procedures and permissible bases for the complainant and respondent to appeal.

The decision-maker must provide the written determination regarding responsibility to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeals

Either party may appeal from a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Notification of appeal must be given in writing to the Title IX Coordinator.

As to all appeals, the Title IX Coordinator

- notifies the other party in writing when an appeal is filed and implements appeal procedures equally for both parties;
- ensures that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and
- ensures that the decision-maker for the appeal complies with the standards set forth in title IX and this policy.

The appeal decision-maker

- gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- reviews the evidence gathered by the investigator, the investigator's report, and the decision-maker's written decision;
- issues a written decision describing the result of the appeal and the rationale for the result; and

- provides the written decision simultaneously to both parties and the Title IX Coordinator.

Timelines

The investigative report will be provided to the parties within 35 days from the date the formal complaint is filed.

A decision will be issued within 10 working days from the date the investigative report is submitted to the decision-maker.

Either party may appeal within 5 working days from the date the written determination regarding responsibility is given to the parties.

Any appeal will be resolved with 15 calendar days from the filing of the appeal.

If the parties agree to an informal resolution process, these deadlines are tolled from the time one party requests an informal resolution process until either the time the other party responds, if that party does not agree to the informal resolution process, or until either party withdraws from the informal resolution process.

Temporary delays of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action are permitted. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; disciplinary processes required by law or School Board policy; or the need for language assistance or accommodation of disabilities.

Informal Resolution Process

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the parties may participate in an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility. When one party requests an informal resolution process, the other party must respond to the request within 3 days. The informal resolution process must be completed within 10 days of the agreement to participate in the process.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- the parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising

- from the same allegations; provided, however that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process, resume the grievance process with respect to the formal complaint, and be informed of any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- the parties, voluntarily and in writing, consent to the informal resolution process; and
 - the informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. If the matter is not resolved, the formal complaint process is resumed.

Parties cannot be required to participate in an informal resolution process.

An informal resolution process is not offered unless a formal complaint is filed.

Recordkeeping

The School Board will maintain for a period of seven years records of:

- each investigation of allegations of sexual harassment prohibited by Title IX including any determination regarding responsibility and any audio or audiovisual recording or transcript, if any, required under the Title IX regulations, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to School Board's education program or activity;
- any appeal and the result therefrom;
- any informal resolution and the result therefrom; and
- all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will also be made available on the School Board's website.

For each response required under 34 C.F.R. § 106.44, the School Board must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment prohibited by Title IX. In each instance, the School Board will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its education program or activity. If the School Board does not provide a complainant with supportive measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

IV. Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Title IX Coordinator will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent problems.

V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

VI. Prevention and Notice of Policy

Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees are notified annually of the names and contact information of the Compliance Officers.

VII. False Charges

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

Adopted: July 13, 2021

Legal Refs: 20 U.S.C. §§ 1681-1688.
29 U.S.C. § 794.
42 U.S.C. §§ 2000d-2000d-7.
42 U.S.C. §§ 2000e-2000e-17.
42 U.S.C. § 2000ff-1.
34 C.F.R. 106.2, 106.8, 106.9, 106.30, 106.44, 106.45, 106.71.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902,
22.1-23.3, 22.1-295.2.

Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	GAB/IIBEA	Acceptable Computer System Use
	GB	Equal Employment Opportunity/Nondiscrimination
	GBA-F/JFHA-F	Report of Harassment
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	JB	Equal Educational Opportunities/Nondiscrimination
	JFC	Student Conduct
	GCPD	Professional Staff Discipline
	GAE	Child Abuse and Neglect Reporting
	KKA	Service Animals in Public Schools

REPORT OF HARASSMENT

Name of Complainant:

For Students, School Attending:

For Employees, Position and Location:

Address, Phone Number and Email Address:

Date(s) of Alleged Incident(s) of Harassment:

Name of person(s) you believe harassed you or others:

If the alleged harassment was toward another, please identify that person:

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge:

Signature of Complainant

Date

Complaint Received By: _____

Compliance Officer or Principal

Date

PROHIBITION OF ABUSIVE WORK ENVIRONMENTS

Generally

The Surry County School Board prohibits abusive work environments in the school division.

Any School Board employee who contributes to an abusive work environment is appropriately disciplined.

Retaliation or reprisal against School Board employees who make allegations of abusive work environments or assist in the investigation of allegations of abusive work environments is prohibited.

Definitions

As used in this policy,

"Abusive conduct" means conduct of a School Board employee in the workplace that a reasonable person would find hostile and that is severe enough to cause physical harm or psychological harm to another School Board employee based on a determination in which the following factors are considered: the severity, nature, and frequency of the conduct and, when applicable, the continuation of the conduct after a School Board employee requests that it cease or demonstrates outward signs of physical harm or psychological harm in the face of the conduct. "Abusive conduct" includes verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; the gratuitous sabotage or undermining of another School Board employee's work performance; attempts to exploit another School Board employee's known psychological or physical vulnerability; or repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, or epithets. "Abusive conduct" does not include (i) a single act, unless it is especially severe, or (ii) conduct that the School Board proves with clear and convincing evidence is necessary for the furtherance of its legitimate and lawful interests.

"Abusive work environment" means a workplace in the school division in which abusive conduct occurs.

"Physical harm" means a material impairment of a School Board employee's physical health or bodily integrity, as documented by a licensed physician or another licensed health care provider.

"Psychological harm" means a material impairment of a School Board employee's mental health, as documented by a licensed psychologist, psychiatrist, or psychotherapist or another licensed mental health care provider.

Adopted: July 13, 2021

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-291.4.

STAFF COMPENSATION PROCEDURES

Employees may choose to have their salaries paid in full according to the division's pay schedule or may annualize their pay. Employees who choose to receive payment of wages beyond the period in which the wages were earned must provide a written election of such deferral prior to the first duty day of the year of deferral on a form provided by the division. Any change to the election must be made prior to the first duty day of the fiscal year of the deferment.

Adopted: August 3, 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Ref.: GBC-E1 Deferred Wage Payment Election Form

DEFERRED WAGE PAYMENT ELECTION FORM

This is to notify the Surry County school division that I have elected, beginning with the ____ - ____ school year, to have the salary for the period I actually perform services paid out over a 12-month period.

In the event that a separation from service occurs before the end of the 12-month payment period, I will be entitled to an additional payment for the amount I have actually earned from the beginning of the 12-month pay period until the date of my separation from service, but which has not yet been paid. This additional payment will be included in my final paycheck. For this purpose, "separation from service" has the same meaning as that term is defined in section 1.409A-1(h) of the Treasury Regulations.

This notice is irrevocable for any particular school year, and may not be changed or withdrawn after the beginning of the school year in which I am working. This notice will be effective for the ____ - ____ school year and all following school years unless I change my election. If I choose not to have my salary deferred in any future school year and be paid only during the period that I actually perform services, I will so notify the Surry County school division in writing prior to beginning work for that school year.

This notice will have no effect if it is not submitted to the division prior to the time I begin working for the ____ - ____ school year.

Signature

date signed

Printed Name

BOARD-STAFF COMMUNICATIONS

The Surry County School Board supports and encourages two-way communication between the board and employees. The superintendent is the official representative of the school board in its relations and communications with its employees.

Employees are encouraged to communicate their ideas and concerns in an orderly and constructive manner to the school board and/or the superintendent or superintendent's designee.

The school board desires to develop and maintain the best possible working relationship with the employees of the school division. The school board welcomes the viewpoints of employees, and allows time at its meetings for employees to be heard.

The school board does not discriminate against any employee because of membership in an employee organization, or participation in any lawful activities of the organization.

Adopted: August 13, 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

STAFF HEALTH

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. Volunteers may be required to provide such a certificate.

After consulting with the local health director, the School Board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

Adopted: June 16, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-300, 54.1-2952.2, 54.1-2957.02.

Cross Ref.:	EBAB	Possible Exposure to Viral Infections
	EBBB	Personnel Training—Viral Infections
	GDQ	School Bus Drivers
	JHCC	Communicable Diseases
	JHCCA	Blood-Borne Contagious or Infectious Diseases

UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF A CONTROLLED SUBSTANCE

Generally

The Surry County School Board is committed to maintaining a Drug-Free Workplace.

Prohibited Conduct

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 Surry County School Board will not engage in such prohibited conduct and will notify the Surry County 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.

Discipline

Within 30 days of receiving notice from a School Board employee as described above, 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 or require satisfactory participation in a drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.

Distribution of Policy

All employees are given a copy of this policy.

Drug-Free Awareness Program

The Surry County School Board shall establish a drug-free awareness program to inform its 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: June 16, 2020

Legal Refs.: 41 U.S.C. §§ 8103, 8104.

Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.:	GCPD	Professional Staff Discipline
	GDQ	School Bus Drivers

STAFF WEAPONS IN SCHOOL

No one may possess or use any firearm or any weapon, as defined in Policy JFCD Weapons in School, 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.

Violation of this policy by an employee will result in appropriate personnel action up to and including dismissal.

Illegal conduct will be reported to law enforcement officials.

Adopted: August 8, 2017

Legal Refs: Code of Virginia, 1950, as amended, §§ 18.2-308.1, 22.1-78, 22.1-279.3:1, 22.1-280.2:1.

8 VAC 20-560-10.

Cross Refs.: CLA	Reporting Acts of Violence and Substance Abuse
JFCD	Weapons in School
KGB	Public Conduct on School Property

TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

Generally

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, on a school bus, on school property, or at an on-site or off-site school-sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

Definitions

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

Adopted: August 13, 2019

Legal Refs.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ 18.2-371.2, 22.1-79.5, 22.1-279.6.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	JFC-R	Standards of Student Conduct
	JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	KG	Community Use of School Facilities
	KGB	Public Conduct on School Property

ELECTRONIC CIGARETTES

The use of electronic cigarettes is prohibited on school buses, on school premises and at school-sponsored activities.

Adopted: July 08, 2014

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.5.

Cross Refs.: GBEC/JFCH	Tobacco-Free School for Staff and Students
JFC-R	Standards of Student Conduct
KG	Community Use of School Facilities
KGB	Public Conduct on School Property
KGC	Use of Tobacco and Electronic Cigarettes on School Premises

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 Surry County School Board or enrolled as a student in the division 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: July 08, 2014

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.6.

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Surry County School Board recognizes the right of its employees to engage in political activity.

The Board also recognizes that school time and school property should not be used for partisan political purposes. Thus, when engaging in political activities, an employee may not

- use the employee's position within the school division to further a political cause;
- engage in any activity supporting or opposing a candidate or political party while on duty, while on school property during school hours, or while representing the school division;
- suggest in any manner that the school division or any component of it supports or opposes a candidate for election to any office; or
- use any school division property to engage in any activity supporting or opposing a candidate for public office or a political party.

These restrictions are not intended to limit the rights of school division employees to support or oppose any political candidate or party on their own time. They are intended to minimize distractions from instruction, to assure that no public funds are used to support any candidate for public office, and to assure that the public is not given the false impression that the school division supports or opposes any political candidate or party. School division employees who engage in political activities on their own time must make it clear that their views and actions represent their individual positions and do not represent the views of the SURRY COUNTY PUBLIC SCHOOL division.

Adopted: April 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

STAFF GIFTS AND SOLICITATIONS

Exchange of gifts between students and/or parents and staff is discouraged.

No school division employee solicits money, property, goods or services for personal use or use by staff or students during school hours on school property without written authorization from the superintendent or superintendent's designee.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Refs.: GAH	School Employee Conflict of Interest
JL	Fund Raising and Solicitation
KGA	Sales and Solicitations in Schools
KMA	Relations with Parent Organizations
KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

PERSONNEL RECORDS

Present and past employees have access to their personnel information maintained by the Surry County School Division.

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, a lawfully issued subpoena, the Virginia Freedom of Information Act (Va. Code § 2.2-3700 et seq.), or other law or court order. The employee will be notified of the request for records.

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.

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.

Adopted: April 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3705.1, 2.2-3800 et seq., 22.1-295.1.

Cross Ref.: CBA Qualifications and Duties for the Superintendent
 GA Personnel Policies Goals
 GBLA Third Party Complaints Against Employees

THIRD-PARTY COMPLAINTS AGAINST EMPLOYEES

Any parent or guardian of a student enrolled in the Surry County Public Schools or any resident of Surry County may file a complaint regarding an employee of the Surry County School Board. Such complaint should be filed with the superintendent or superintendent's designee. If the complaint involves allegations that an employee of the Surry County School Board has abused or neglected a child in the course of his employment, the complaint will be investigated in accordance with Va. Code §§ 63.2-1503, 63.2-1505 and 63.2-1516.1.

Information determined to be unfounded after a reasonable administrative review is not 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. 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 Government Data Collection and Dissemination Practices Act, Va. Code §§ 2.2-3800 et seq., is settled through the employee grievance procedure as provided in Va. Code §§ 22.1-306 and 22.1-308 through 22.1-314.

Individuals lodging a complaint are notified in writing that the complaint has been received and is being investigated.

The complaint should be filed as soon as possible after the alleged incident, usually within 15 school days, and will be processed promptly, usually within 15 days.

Adopted: June 16, 2020

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3800 et seq., 22.1-70, 22.1-78, 22.1-295.1.

Cross Refs.:	GB	Equal Employment Opportunity/Nondiscrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	GBL	Personnel Records
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	JB	Equal Educational Opportunities/Nondiscrimination
	GAE	Child Abuse and Neglect Reporting

PROFESSIONAL STAFF GRIEVANCES

The Surry County School Board adopts the most recent version of Procedure for Adjusting Grievances promulgated by the Virginia Board of Education based on current statutory provisions.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7 and 22.1-306 et seq.

8 VAC 20-90-10 through 8 VAC 20-90-80 and accompanying forms.

SUPPORT STAFF GRIEVANCES

The Surry County 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.

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 Surry County 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 the Surry County School Board who have completed the required probationary period except the 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 grievable. "Grievance" does not mean a complaint or dispute regarding the suspension of an employee. The procedure for the suspension of employees is set forth in Policy GCPF Suspension of Staff Members.

Procedure

1. Written notice of the proposed dismissal or other disciplinary action, along with a statement of the reasons for the action, shall be given to the employee by the employee's building administrator or department head. Upon receipt of the recommendation, the employee is required to meet with a Human Resources administrator. During this meeting the employee receives a copy of this policy as notice of the employee's grievance rights. The employee may file a written request for a hearing with the superintendent within ten (10) working days of receiving the written notice. The failure to file such a request within the prescribed time will constitute a waiver of the right to a hearing and the dismissal

or other disciplinary action will become final without a hearing or further notice.

2. Upon receiving a timely written request, the superintendent shall select an impartial hearing administrator to hear the grievance. The hearing administrator 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 administrator and the cost of recording the hearing equally.
3. The employee and the employee's supervisor may be represented by legal counsel or a lay advocate at the hearing, but not both. The division may also be represented by legal counsel at the hearing. The hearing will be private and the hearing administrator will have full discretion over the conduct of the hearing. However, the employee and the division representative may make opening statements, may present all material and relevant evidence, including the testimony of witnesses, and may cross examine witnesses. Witnesses may be questioned by the hearing administrator.
4. The hearing administrator shall give the employee and the division representative a written decision within ten (10) working days after the completion of the hearing. The decision shall be based on the evidence relevant to the issues produced at the hearing in the presence of each party.
5. The decision may be appealed to the School Board by providing written notice of appeal to the superintendent within five (5) working days of receiving the decision of the hearing administrator. Upon timely appeal, the School Board shall decide the appeal on the written record and render its decision within thirty (30) days of the appeal.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79(6), 22.1-311, 22.1-313.

Cross Refs.: GCPF
GDG

Suspension of Staff Members
Support Staff Probationary Period

STAFF HIRING PROCEDURES

It is the desire of the Surry County School Board to recruit, hire and retain the best possible qualified applicants.

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.

Current division employees are given an opportunity to apply for positions for which they are qualified.

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.

Application for employment in the Surry County Public Schools shall be made on forms provided by the Coordinator of Human Resources.

It is the responsibility of the applicant to furnish accurate information and any falsification of either information or credentials is cause for dismissal or refusal to employ.

Adopted: June 16, 2020

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Refs.:	AC	Nondiscrimination
	GA	Personnel Policies Goals
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect

VIRGINIA RETIREMENT SYSTEM

All eligible employees must be members of the Virginia Retirement System. Employee retirement benefits are governed by the rules and regulations established by the Virginia Retirement System.

Adopted: October 09, 2012

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 51.1-135.

Cross Ref.: GBR Voluntary Retirement Savings Program

VOLUNTARY RETIREMENT SAVINGS PROGRAM

The Surry County School Division 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.

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

- allocate responsibility for administrative functions, including functions to comply with the requirements of 26 U.S.C. § 403(b) and other tax requirements
- 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)
- incorporate by reference other documents which thereupon become part of the written plan
- address termination of the program

Every employee of the school division is notified annually about the program.

Adopted: August 11, 2015

Legal Refs.: 26 U.S.C. § 403(b).

26 CFR 1.403(b)-1 et seq.

Code of Virginia, 1950, as amended, §§ 51.1-603, 51.1-603.1

Cross Ref.: GBO Virginia Retirement System.

PROFESSIONAL STAFF

No teacher is regularly employed by the School Board or paid from public funds unless such teacher

- holds a license or provisional license issued by the Board of Education,
- holds a three-year license to teach high school career and technical education courses in specified subject areas or
- 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.

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 during which the teacher is activated or deployed. The additional year shall be granted the year the return of the teacher from deployment or activation.

The superintendent may request that the Board of Education extend the three-year provisional license of a teacher for at least one year but no more than two additional years. The request must be accompanied by the superintendent's recommendation for such extension and satisfactory performance evaluations for the teacher for each year of the original three-year license.

The Board of Education prescribes, by regulation, the requirements for the licensure for teachers and other school personnel required to hold a license. On recommendation of the superintendent, the School Board may waive applicable licensing requirements as specified Va. Code § 22.1-298.1 for any individual the School Board seeks to employ as a career and technical education teacher who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education.

Adopted: July 10, 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-298.1, 22.1-299, 22.1- 299.5 and 22.1-299.6.

PROFESSIONAL STAFF CONTRACTS

The School Board enters into written contracts with teachers, principals, assistant principals, and supervisors as defined in 8 VAC 20-441-10 before such employees assume their duties except as noted below. Contracts are in the form permitted by the Board of Education, with special covenants added by the School Board as appropriate. Contracts are signed in duplicate, with a copy furnished to each party.

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.

Coaching contracts and contracts for extracurricular activity sponsorship assignments where a monetary supplement is paid are separate from the employee's primary contract. Such contracts are in a form permitted by the Board of Education. Termination of the separate contract does 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: July 10, 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-302.

8 VAC 20-441-10.

8 VAC 20-441-40.

Cross Ref.:	GCB	Supplementary Pay
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCE	Part-Time and Substitute Professional Staff Employment
	GCG	Professional Staff Probationary Term and Continuing Contract
	GCPB	Resignation of Staff Members

GCPD
GCPF

Professional Staff Discipline
Suspension of Staff Members

STAFF SALARY SCHEDULES

The School Board establishes and approves salaries for all school employees.

Adopted: April 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-313.

SUPPLEMENTARY PAY

The Surry County School Board approves all athletic coaching and other extracurricular activity sponsorships for which supplemental pay is provided. The Board establishes the amount of compensation for employees who coach or supervise such activities.

A separate contract in a form permitted by the Board of Education is executed by the School Board with an employee who receives supplemental pay for any athletic coaching assignment or extracurricular activity sponsorship assignment. All such contracts require a party intending to terminate the contract to give reasonable notice to the other party before termination thereof becomes effective.

For purposes of this policy, "extracurricular activity sponsorship" means an assignment 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 activities that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

Adopted: July 10, 2018

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-302 and 22.1-313.

Cross Ref.: GCB

Professional Staff Contracts

STAFF BENEFITS

The Surry County School Board recognizes the need for benefits in order to promote the employment and retention of high quality personnel and effectively serve the educational needs of students. Accordingly, benefits are provided as established by the Board.

Adopted: April 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-85.

8 VAC 20-460-10.

Cross Ref.:	GCBD	Staff Leaves and Absences
	GBO	Virginia Retirement System

STAFF FRINGE BENEFITS

Taxable Use of School Board Owned Vehicles

I. PURPOSE

To establish procedures relating to the taxation of employees who are authorized to use employer-owned vehicles for commuting between home and work and set forth guidelines for employees to report personal use of employer-owned vehicles.

II. BACKGROUND

The Internal Revenue Service (IRS) has issued rules regarding taxation of employees who use employer-owned vehicles. The rules affect School Board employees who are assigned School Board vehicles and use the vehicles to commute between home and work. The rules state that the value of the employee's use of the vehicle must be added to wages upon which federal, state, and Federal Insurance Contributions Act (FICA) taxes are levied. The amount added to taxable wages for commuting mileage for any employee whose compensation exceeds that of federal employees at Executive Level V (as set by IRS annually) is determined by the annual lease valuation method as prescribed by IRS annually. For other employees, Surry County Schools uses the commuting valuation method to tax commuting car use and adds \$3 per day to the taxable wages of a person who uses a School Board-owned vehicle for commuting use.

III. GUIDELINES

Surry County Public Schools does not authorize employees to use employer-owned vehicles for personal use other than commuting and de Minimis personal use, such as a stop for lunch between two business calls. Persons who are occupying key staff positions are normally assigned employer-owned vehicles. For bona fide non-compensation school business reasons, Surry County Public Schools requires selected employees to commute to and/or from work in the vehicle since the employee is considered "on call" 24 hours each day to deal with problems that arise outside normal working hours.

The value of the commuting use of the vehicle for federal and state income tax purposes will be included as taxable wages on the employee's W-2 tax from Surry County Public Schools has elected not to withhold income taxes on the value of the use of a vehicle for commuting. The commuting value shall also be included in FICA (Social Security and Medicare) taxable wages on the employee's W-2 form if the FICA wage bases have not been exceeded. FICA taxes must be withheld.

IV. REPORTING

Any employee who is assigned a School Board-owned vehicle and who uses that vehicle for commuting between home and work is responsible for providing accurate documentation to the Finance Department as listed below. This information (Attachment A or B) must be provided by the end of the month following separation from service with Surry County Public Schools or discontinued use of the vehicle or by December 1 if the employee is continuing employment with Surry County Schools. The Finance Department shall enter the amount reported in the taxable wages of the employee. Appropriate deductions for FICA taxes (Social Security and Medicare) shall be made.

a. Annual Lease Valuation Form (Use Attachment A)

Employees whose compensation exceeds that of federal employees at the Executive Level V must complete the Annual Lease Valuation form (Attachment A). Employees must report total annual mileage, annual personal use and commuting mileage on this form. The basis for determining the annual lease valuation amount to be added to taxable wages is the purchase cost of the vehicle to the School Board, including tag and title fees.

b. Annual Commuting Valuation Form (Attachment B)

A person who is assigned a Surry County Public School vehicle must account for the commuting use of the vehicle. The Annual Commuting Valuation form (Attachment B) must be completed and submitted to the Department of Financial Services no later than December 1 of each year for the period November through October 31. Employees should report the exact number of days the vehicle was used for travel between home and work during the period. The Finance Director shall be responsible for implementing and monitoring this regulation.

Adopted: May 12, 2009

Attachment A

ANNUAL LEASE VALUATION
(To be submitted no later than December 1)

TO: Finance Department

FROM:

(Name)

(Title)

(Social Security #)

(Work Location)

NOTE: A separate form must be submitted for each vehicle used during the calendar year.

(Year, Make, and SCPS Vehicle #)

(Date Acquired)

Total annual mileage = _____ miles. (November 1, 2 _____ -October 31, 2 _____)

Round trip mileage between home and work = _____ miles.

Number of days in calendar year 20 _____ that vehicle was used in commuting to and from work = _____ days.

Commuting mileage _____ (round trip mileage x number of days).

Certification

I understand that the value of my commuting use of Surry County Schools-owned vehicles will be included in taxable wages on my Wage and Tax Statement (W-2) for federal and state income tax purposes.

I also understand that the valuation amount will be included in Medicare wages and Social Security wages (up to annual limit) on my W-2 form. Medicare and Social Security taxes (if applicable) will be withheld from December pay or final pay if separated from employment.

The determination of value for income tax purposes will be made by multiplying the annual lease value of the Surry County Schools-owned vehicle from the JRS Annual Lease Value Table by the percent of total use devoted to commuting/personal use.

I certify that the information submitted on this certification is true, correct, and complete to the best of my knowledge and belief.

Signature

Date

ANNUAL COMMUTING VALUATION
(To be submitted no later than December 1)

TO: Finance Department

FROM:

(Name)

(Title)

(Social Security #)

(Work Location)

I used a Surry County School Board vehicle to commute to and from work for _____ days during the period November 1, 20____ through October 31, 20_____.

I understand that the above number of days times the daily rate of \$3.00 will be included on my Wage and Tax Statement (W-2) for Federal and State income tax purposes and that Social Security and Medicare taxes will be deducted, if appropriate, during a pay period after October 31 but before December 31.

I certify that the information on this form is true, correct and complete to the best of my knowledge and belief.

Signature

Date

STAFF LEAVES AND ABSENCES

All employee leaves and absences are subject to school division policy and regulations. The superintendent shall establish any regulations necessary for the application of the division's policies regarding leaves and absences.

Adopted: September 11, 2012

Revised: November 13, 2018

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.:	GCBE	Family and Medical Leave
	GCBEA	Leave Without Pay
	GCBEB	Military Leave and Benefits
	GCQA	Nonschool Employment by Staff Members

Amended: TBD

SICK LEAVE DONATION

Any employee of Surry County Public Schools may “donate” up to 5 days of sick leave during a contract year to another employee who has used all of their sick leave and has extenuating medical circumstances or situations that prohibit them from working full time. The donation of sick leave is for employee sickness and cannot be applied to sickness of an employee’s family members.

An employee to whom sick leave is donated must have used all available leave, including annual or personal leave.

The employee who is donating the days must have an accumulated earned (not projected) sick leave of at least 15 days in order to be eligible to donate days.

Employees who wish to donate/transfer sick leave days to another employee must complete a **Request for Transfer of Sick Leave Days** form and submit the form to the Superintendent or the Superintendent’s designee.

A **Request for Transfer of Sick Leave Days** by an employee becomes void if the employee resigns his/her position or is terminated by the School Board before the sick leave days are transferred to the designated recipient(s).

The “named” grantee must be willing to accept the offer from the grantor. The superintendent will approve the request upon mutual agreement of both parties and after receiving verification from the payroll and personnel office of compliance.

Employees may receive up to thirty (30) sick leave days from other employees in a contract year.

Gifted days cannot be used for routine maternity leave.

When the employee returns to work, any unused days will be returned to donors on a prorated basis.

Employees may not solicit sick leave donations from other employees.

Sick leave credited at the beginning of the school year may not be donated unless the employee has worked the required number of days necessary to have earned such leave.

The total number of days donated shall not exceed the number of days required to provide sick-leave coverage through the end of the school year or fiscal year.

Adopted: November 13, 2018

Revised: April 2020

PROFESSIONAL STAFF LEAVES AND ABSENCES

The Surry County School Board recognizes the importance of a sound and inclusive leave policy for the promotion of physical and mental health of its employees and for maintaining good morale.

Personnel employed on a regular salaried basis may request or be placed on leave of absence for temporary medial disability if the school board determines, after consultation with a physician who has performed a thorough medical examination, that the employee's condition interferes with the performance of regular duties. The physician performing the examination shall be employed by the school board. Upon approval of the personnel office, may perform such examination. Such employee has the right to present testimony and/or information relevant to the employee's fitness to continue the performance of regular duties. The maximum length of a leave of absence for temporary disability shall in no event be more that 180 days.

All leaves, whether paid or unpaid, shall preserve the right of tenure, retirement, annual leave with pay, salary increments, and other benefits provided by law for those employees who return from leave within the agreed time.

The following categories of leaves shall be recognized by the Surry County School Board as applicable to Surry County Public Schools System personnel who are employed on a regular full-time salaried basis.

SICK LEAVE

1. All absences and/or leaves must have prior approval. The employee shall notify his or her supervisor or principal of the absence. Should the employee be incapacitated to make such a request, he or she can request someone else to notify the supervisor of the absence.
2. All absences of one-half (1/2) day or more must be recorded on the official certificate of absence form with reason given along with signature on Certificate of Absence.
3. Absences and leaves are to be used only when necessary.
4. The principal and division superintendent have the authority to require reasonable proof of illness and/or accident.
5. Anyone (teacher, administrator, other) having an illness lasting more than seven (7) working days may be required to present a doctor's statement.

The school board participates in the State sick leave plan for teachers. The State regulations will apply until the maximum number of sick leave days can be accumulated. Additional days of unused leave for certificated personnel will be credited and governed by local regulation of the school board.

1. Full-time certified personnel earn sick leave at a rate of ten (10) days per year for ten month employees, eleven (11) days per year for eleven-month employees, and twelve (12) days per year for twelve month employees. Sick leave, if not used, may accumulate to a maximum of 120 days.
2. Earnings for less than a full year of full-time employment shall be at the rate of (1) day per month. This provision applies to employees who do not begin work at the start of the contract year and to those who do not complete the full year.

FAMILY AND MEDICAL LEAVE

Generally

The Surry County School Board recognizes its obligation to provide its eligible employees with unpaid leave pursuant to the Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601 et seq. This policy describes the benefits available to eligible employees under the Act.

Definitions

Covered active duty: The term covered “active duty” means

- in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

Covered servicemember: The term “covered servicemember” means

- a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Eligible employee: To be eligible for leave under this policy the employee must have at least twelve (12) months of service with the school division and have worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., in the twelve (12) months preceding the commencement of the leave. Full-time teachers are deemed to meet the 1250 hour test.

Instructional employee: Employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting such as teachers, athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, or auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

Next of kin: The term “next of kin” used with respect to an individual, means the nearest blood relative of that individual other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as the covered servicemember’s nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members are considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual is deemed to be the covered servicemember’s only next of kin.

Outpatient status: The term “outpatient status,” with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to

- A. a military medical treatment facility as an outpatient; or
- B. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Serious health condition: A serious health condition is an illness, injury, impairment or condition that involves inpatient care or continuing treatment by a health care provider.

Serious injury or illness: The term “serious injury or illness,” in the case of

- a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
- a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period described in 29 U.S.C. § 2611(15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Year: A rolling 12-month period measured backward from the date an employee uses FMLA leave.

Leave

Any eligible employee is entitled to leave for a combined total of twelve (12) weeks per year for the following situations:

1. the birth and care of a newborn child;
2. the adoption or foster placement of a child;
3. to care for an employee's spouse, parent, or child with a serious health condition;
4. because of a serious health condition that makes the employee unable to perform the essential functions of the employee's job; and
5. because of any qualifying exigency as defined in Department of Labor regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to a total of 26 workweeks of leave per year to care for the servicemember. Leave under this paragraph is available only during a single year. During that year the employee is entitled to a combined total of 26 workweeks of leave under this policy.

To the extent that an employee is entitled to compensated leave under other policies, such paid leave shall be substituted for unpaid FMLA leave. Otherwise, family and medical leave is unpaid. When paid leave is available, the employee must satisfy any procedural requirements of the division's paid leave policy.

Employees on FMLA leave must report their status and intention regarding returning to work to the school division at least every four weeks.

Notice to Employees of Their Rights under the FMLA

Posting and General Notice

The school division posts, in conspicuous places, on the premises of the school division where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor. Attachment 1 may be used as the notice.

A copy of Attachment 1 is also given to each employee by including it in the employee handbook or similar document or by distributing it to each new employee upon hiring.

Eligibility Notice

When an employee requests FMLA leave, or the division has knowledge that an employee's leave may be for an FMLA-qualifying reason, the division should notify the employee of the employee's eligibility to take FMLA leave within five business days. The Eligibility Notice should state whether the employee is eligible for FMLA leave. If the

employee is not eligible for FMLA leave, the Notice must state at least one reason why the employee is not eligible (such as, for example, the number of months the employee has worked for the division.) This notification may be accomplished by providing the employee a copy of Attachment 4.

Notice of Rights and Responsibilities

The division provides written notice detailing the specific expectations and obligations of the employee and explaining the consequences of the failure to meet those obligations each time the employee is given an Eligibility Notice. This Notice includes, as appropriate:

- that the leave may be designated and counted against the employee's annual FMLA leave entitlement and the 12-month period for FMLA entitlement;
- any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status, and the consequences of failing to provide certification;
- that the division substitutes paid leave for unpaid leave and any conditions related to the substitution and the employee's right to take unpaid FMLA leave if the employee does not meet the conditions for paid leave;
- any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis;

- the employee's rights to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave; and
- the employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA leave if the employee fails to return to work after FMLA leave.

The Notice of Rights and Responsibilities should be accompanied by any required certification form.

The Notice of Rights and Responsibilities also includes notice that employees on FMLA leave must report their status and intention regarding returning to work to the division at least every four weeks.

If the information provided by the Notice of Rights and Responsibilities changes, the division will, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

Designation Notice

When the division has enough information to determine whether the leave is being taken for a FMLA-qualifying reason, the division should give the employee written notice whether the leave will be designated and will be counted as FMLA leave within five business days. If the division determines that the leave will not be designated as FMLA-qualifying, the division must inform the employee of that determination. The division will also notify the employee that paid leave must be substituted for unpaid FMLA leave or that paid leave taken under an existing leave plan be counted as FMLA leave at the time of designating the FMLA leave.

If the division will require the employee to present a fitness-for-duty certification to be restored to employment after taking leave for a continuous period of time, the division will provide notice of the requirement with the Designation Notice. If the division will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the division so indicates in the Designation Notice and includes a list of the essential functions of the employee's position.

If the division has reasonable safety concerns regarding the ability of an employee who is returning to work after intermittent or reduced leave schedule to perform the employee's duties based on the serious health condition for which the employee took leave, it may require the employee to submit a fitness for duty certification unless one has been submitted within the past 30 days.

If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

If the information provided by the division to the employee in the Designation Notice changes, the division will provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The division notifies the employee of the amount of leave counted against the employee's FMLA leave entitlement. If the amount of leave needed is known at the time the employer designates the leave as FMLA-qualifying, the division notifies the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the Designation Notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement, then the division provides notice of the amount of leave counted against the employee's FMLA leave entitlement upon request by the employee but no more often than once in a 30-day period and only if leave was taken in that period.

The division's decision to designate leave as FMLA-qualifying is based only on information received from the employee or the employee's spokesperson. If the division does not have sufficient information about the reason for an employee's use of leave, the division will inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the division has knowledge that the leave is being taken for a FMLA-qualifying reason, the division provides the employee the notice described in this subsection.

An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the division to determine whether the leave is FMLA-qualifying. If the employee fails to explain the reasons, leave may be denied.

Leave for the Birth, Adoption or Foster Placement of a Child

The employee's entitlement to leave for a birth, adoption or foster placement of a child expires at the end of the twelve month period beginning on the date of the birth, adoption or foster placement. Leave taken for the birth, adoption or foster placement of a child may be taken intermittently or on a reduced leave schedule if the superintendent or superintendent's designee agrees to such an arrangement.

If the necessity for leave for the birth, adoption or foster placement of a child is foreseeable based on an expected birth or placement, the employee shall provide the school division with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable. The employee's notice should be sufficient to make the division aware that

the employee needs FMLA-qualifying leave and of the anticipated timing and duration of the leave.

Leave Because of a Serious Health Condition of Employee

Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided below.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

- (1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
- (2) provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and of the anticipated timing and duration of the leave.

The School Board may require that a request for leave because of the employee's own serious health condition be supported by a certification issued by a health care provider of the employee. The division may use Form WH-380-E (Attachment 2) for this certification. The division should request that the employee furnish certification when the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave begins. The division may request certification at a later date if it later has reason to question the appropriateness of the leave or its duration. The employee must provide a complete and sufficient certification within 15 calendar days after the division's request. When the division requests certification, it advises the employee of the anticipated consequences of the employee's failure to provide adequate certification.

Certification will be sufficient if it states

- (1) the name, address, telephone number and fax number of the health care provider and the type of medical practice/specialization;
- (2) the approximate date on which the serious health condition commenced and its probable duration;
- (3) a statement or description of appropriate medical facts regarding the employee's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
- (4) information sufficient to establish that the employee is unable to perform the essential functions of the employee's position, the nature of any other work restrictions, and the likely duration of such inability.

If an employee requests leave on an intermittent or reduced leave schedule for planned medical treatment of the employee's serious health condition, the certification shall include information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates on which such treatment is expected to be given and the duration of such treatment and any period of recovery.

If an employee requests leave on an intermittent or reduced leave schedule because of the employee's own serious health condition that may result in unforeseeable episodes of incapacity, the certification shall include information sufficient to establish the medical necessity for the intermittent leave or leave on a reduced leave schedule, and an estimate of the frequency and duration of the episodes of incapacity.

If the employee submits a complete and sufficient certification signed by the health care provider, the division may not request additional information from the health care provider. However, the division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such contact, the division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee's direct supervisor may not contact the employee's health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning information certified. The opinion of the third health care provider will be binding on both the school division and the employee.

Leave Because of a Serious Health Condition of a Child, Spouse, or Parent of Employee

Family and medical leave is provided when the employee is needed to care for the employee's spouse, child or parent with a serious health condition, as defined above. Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided below.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

- (1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and

- (2) provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The School Board may require that a request for leave to care for an employee's spouse, parent, or child with a serious health condition be supported by a certification issued by a health care provider of the family member in need of care. The division may use Form WH-380-F (Attachment 3) for this medical certification. The division should ask the employee to furnish certification when the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave begins. The division may request certification at some later date if it has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification within 15 calendar days after the division's request. When the division requests certification, it advises the employee of the anticipated consequences of the employee's failure to provide adequate certification.

Certification will be sufficient if it states

- (1) the name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;
- (2) the approximate date on which the serious health condition commenced and its probable duration;
- (3) a statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
- (4) information sufficient to establish that the family member is in need of care and an estimate of the frequency and duration of the leave required to care for the family member.

If an employee requests leave on an intermittent or reduced leave schedule for planned medical treatment of a family member's serious health condition, the certification shall include information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and the duration of such treatments and any periods of recovery.

If an employee requests leave on an intermittent reduced leave schedule in order to care for a family member with a serious health condition, the certification shall include a statement that the employee's intermittent leave or leave on a reduced leave schedule is medically necessary for the care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

If the employee submits a complete and sufficient certification signed by the health care provider, the division may not request additional information from the health care provider. However, the division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such contact, the division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee's direct supervisor may not contact the employee's health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning information certified. The opinion of the third health care provider will be binding on both the school division and the employee.

Leave to Care for a Covered Servicemember

If the necessity for leave is foreseeable based on planned medical treatment for a serious injury or illness of a covered servicemember, the employee shall

- (1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
- (2) provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The School Board may require that a request for leave to care for a covered servicemember with a serious injury or illness be supported by a certification issued by a health care provider of the covered serviceperson. The certification may be completed by any health care provider listed in 29 C.F.R. 825.310(a). The employee shall provide, in a timely manner, a copy of such certification to the school division.

Certification will be sufficient if it states

- (1) the name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health

care provider is one of the following: a United States Department of Defense (DOD) health care provider, a United States Department of Veterans Affairs (VA) health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized health care provider or a health care provider as defined in 29 C.F.R. 825.125;

- (2) whether the covered servicemember's injury or illness was incurred in the line of duty on active duty;
- (3) the approximate date on which the serious health condition or serious injury or illness commenced or was aggravated and its probable duration;
- (4) a statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
- (5) information sufficient to establish that the covered servicemember is in need of care and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time.

If an employee requests FMLA leave on an intermittent or reduced leave schedule for planned medical treatment appointments for the covered servicemember, the certification must state that there is a medical necessity for the covered servicemember to have such periodic care and must contain an estimate of the treatment schedule of such appointments.

If an employee requests FMLA leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment, the certification must contain a statement that there is a medical necessity for the covered servicemember to have such periodic care, and must contain an estimate of the frequency and duration of the periodic care.

In addition to the information listed above, the division may also request that the certification set forth the information on Form WH-385 (Attachment 7.)

In lieu of Form WH-385, the division accepts invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at the servicemember's bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, the employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis.

The information on the certification must relate only to the serious injury or illness for which the current need for leave exists. The division may seek authentication or clarification of the certification, ITO, or ITA but may not seek second or third opinions.

The division may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The division also accepts as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Leave Related to a Qualifying Exigency arising from Covered Active Duty or a Call to Covered Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to covered active duty is foreseeable, the employee shall give such notice to the school division as is reasonable and practicable. The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member, the division may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service. A copy of new active duty orders or other documentation issued by the military shall be provided to the division if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member.

A request for leave because of a qualifying exigency must be supported by

- (1) a statement or description signed by the employee of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave;
- (2) the approximate date on which the qualifying exigency commenced or will commence;
- (3) the beginning and ending dates of absence if the employee requests leave because of a qualifying exigency for a single, continuous period of time;
- (4) an estimate of the frequency and duration of the qualifying exigency if the employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis;
- (5) if the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting and a brief description of the purpose of the meeting; and
- (6) if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other

documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

The division may use Form WH-384 (Attachment 6) for this certification.

Rules for Intermittent and Reduced Schedule Leave

When permitted by the FMLA, intermittent and reduced schedule leave may be used until the aggregate amount of such leave equals twelve weeks or 26 weeks if the leave is taken to care for a covered servicemember in the employee's rolling year. However, when the employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment the school division may temporarily transfer the employee to an available alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced schedule leave.

When an eligible employee employed principally in an instructional capacity requests leave to care for a family member with a serious health condition, leave because of the employee's own serious health condition, or leave to care for a covered servicemember and the leave is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the school division may require the employee to elect either

- (1) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- (2) to transfer temporarily to an available alternative position offered by the school division for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular employment position.

The school division may require an employee to make such an election when the employee has

- (1) made a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division, subject to the approval of the health care provider; and
- (2) has provided the division with not less than 30 days' notice before the date the leave is to begin, of the employee's intention to take leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

Rules for Husband and Wife Employed by BLANK School Division

A husband and wife who are both eligible for family and medical leave and are employed by the school division shall be granted family and medical leave only for a combined total of twelve weeks per year when the leave is taken for the birth, foster

placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition.

A husband and wife who are both eligible for family and medical leave and are employed by the school division shall be granted family and medical leave only for a combined total of 26 workweeks per year if the leave

- (1) is taken to care for a covered servicemember; or
- (2) is taken as a combination of leave to care for a covered servicemember and leave for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition. However, if the leave taken by the husband and wife includes leave for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition, the leave for that reason shall be limited to 12 workweeks per year.

Benefits During Family and Medical Leave

Employees on family and medical leave receive group health insurance plan coverage on the same conditions as coverage would have been provided if the employee had been working during the period of leave. Other benefits are provided according to school division policy for paid or unpaid leave, whichever applies.

If the employee fails to return to work when the period of leave to which the employee is entitled expires for any reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave, or other circumstances beyond the employee's control, the school division may recover the premium it paid for maintaining the employee's coverage during the period of unpaid leave in accordance with federal law.

Return to Work

An employee on family and medical leave shall provide the division at least two work days' notice of the intent to return to work. The employee shall be returned to the same or equivalent position at the end of the family and medical leave unless the division shows that the employee would not otherwise have been employed at the time reinstatement is requested.

The following return to work provisions apply to instructional employees:

1. If an instructional employee begins family and medical leave more than five (5) weeks before the end of an academic term, the employee may be required to continue taking leave until the end of the term if the leave is at least three (3) weeks in duration and the return to work would occur during the last three (3) weeks of the academic term.

2. If an instructional employee begins family and medical leave a) because of the birth, adoption, or foster care placement of a son or daughter of the employee, b) to care for a family member with a serious health condition, or c) to care for a covered servicemember during the five (5) week period before the end of an academic term, the employee may be required to continue taking leave until the end of the academic term if the leave is longer than two (2) weeks in duration and the return to work would occur during the last two (2) weeks of the academic term.
3. If an instructional employee begins family and medical leave a) because of the birth, adoption, or foster care placement of a son or daughter of the employee, b) to care for a family member with a serious health condition, or c) to care for a covered servicemember during the three (3) week period before the end of an academic term, the employee may be required to continue taking leave until the end of an academic term if the leave is longer than five (5) working days in duration.

If an instructional employee is required to continue leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be counted against the family and medical leave entitlement. However, the division continues the group health insurance coverage under the same conditions as if the employee were working.

Outside Employment

An employee who is on family and medical leave may not engage in employment for any other employer or self-employment while on leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline which may include termination from employment.

Adopted: April 13, 2021

Legal Refs.: 29 U.S.C. §§ 207, 2611, 2612, 2613, 2614, 2618, 2619.

29 C.F.R. 825.110, 825.115, 825.122, 825.124, 825.125, 825.200, 825.203, 825.207, 825.300, 825.301, 825.302, 825.303, 825.305, 825.306, 825.307, 825.309, 825.310, 825.311, 825.312, 825.600, 825.602, 825.603, 825.604, 825.800.

Cross Refs.: GCBD	Staff Leaves and Absences
GCBEA	Leave without Pay
GCQA	Nonschool Employment by Staff Members

ATTACHMENTS

- Attachment 1 **Employee Rights and Responsibilities Under the Family and Medical Leave Act** (WHD Publication 1420) (Revised April 2016)
Please note: a copy of this poster can be downloaded from
<http://www.dol.gov/whd/regs/compliance/posters/fmla.htm>
- Attachment 2 **Certification of Health Care Provider for Employee's Serious Health Condition Under the Family and Medical Leave Act** (Form WH-380-E) (Revised June 2020)
Please note: a copy of the certification form can be downloaded from
<http://www.dol.gov/whd/forms/WH-380-E.pdf>
- Attachment 3 **Certification of Health Care Provider for Family Member's Serious Health Condition Under the Family and Medical Leave Act** (Form WH-380-F) (Revised June 2020)
Please note: a copy of this form may be downloaded from
<http://www.dol.gov/whd/forms/WH-380-F.pdf>
- Attachment 4 **Notice of Eligibility and Rights & Responsibilities Under the Family and Medical Leave Act** (Form WH-381) (Revised June 2020)
Please note: a copy of this form may be downloaded from
<http://www.dol.gov/whd/forms/WH-381.pdf>
- Attachment 5 **Designation Notice Under the Family and Medical Leave Act** (Form WH-382) (Revised June 2020)
Please note: a copy of this form may be downloaded from
<http://www.dol.gov/whd/forms/WH-382.pdf>
- Attachment 6 **Certification for Military Family Leave for Qualifying Exigency under the Family and Medical Leave Act** (Form WH-384) (Revised June 2020)
Please note: a copy of this form may be downloaded from
<http://www.dol.gov/whd/forms/WH-384.pdf>
- Attachment 7 **Certification for Serious Injury or Illness of Current Servicemember for Military Caregiver Leave under the Family and Medical Leave Act** (Form WH-385) (Revised June 2020)

*Please note: a copy of this form may be downloaded from
<http://www.dol.gov/whd/forms/WH-385.pdf>*

Attachment 8

**Certification for Serious Injury or Illness of a Veteran for
Military Caregiver Leave (Family and Medical Leave Act)**

(Form WH-385-V (revised May 2015))

*Please note: a copy of this form may be downloaded from
<http://www.dol.gov/whd/forms/wh385V.pdf>*

LEAVE WITHOUT PAY

Employee's Debilitating or Life-Threatening Illness or Injury

A leave of absence, without pay, may be granted to employees of the school division who have a debilitating or life-threatening illness or injury and who are not eligible for Family and Medical Leave as described in Policy GCBE Family and Medical Leave because they have not worked for the division for 12 months or have not worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

Employees with a debilitating or life-threatening illness who are entitled to leave under this policy may take up to thirty (30) days unpaid leave during their first year of employment with the school division. 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.

Employees must submit medical documentation of their need for leave. Whenever possible, documentation must be provided prior to leave being taken.

Approval must be obtained prior to leave being taken.

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

Other Work During Leave

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 Act of 1994 (USERRA) (see Policy GCBE Military Leave and Benefits), 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 13, 2019

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.

Cross Refs.:	G CBD	Staff Leaves and Absences
	G CBE	Family and Medical Leave
	G CBEB	Military Leave and Benefits
	G CQA	Nonschool Employment by Staff Members

MILITARY LEAVE AND BENEFITS

Leave

All employees of Surry County School Board who are members of the state or federal military reserves are entitled to leaves of absence from their duties on all days during which they are engaged in federally funded military duty, including training duty, or when called forth by the Governor.

Immediately upon receipt of official notice to report for duty, the employee will notify his or her supervisor of the need for military leave. A copy of the official orders must accompany the leave request.

Pay/Paid Leave

All employees on military leave receive up to 15 days paid leave per federally funded tour of duty. When possible, military leave for employees on less than a 12 month contract should be arranged during non-duty hours.

An employee who is scheduled for a physical examination for military service during working hours, including but not limited to pre-induction physicals, receives paid leave.

In addition, full-time employees of the Surry County School Division whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component requires the employee's absence from employment will receive supplemental pay in the amount of **the difference between salary and military pay** if the employee's military compensation is less than the regular salary paid to the employee by the school division.

The employee will be permitted, upon request, to use any vacation, annual, or similar leave that had accrued at the time military leave began.

Except as outlined above, military leave is unpaid.

Benefits

Health Benefits

If the employee so desires, the employee and the employee's dependents may continue to participate in the division's group health plan for up to 24 months while the employee is on military leave. The employee must notify **the Benefit's Coordinator** if the employee wants to continue participation in the division's group health plan. Employees who elect to continue on the division's health plan will be responsible for the following payments:

Retirement Benefits

An employee reemployed after military leave will be treated as not having incurred a break in service. The period of military leave will be considered service to the

division for purposes of vesting and benefit accrual. The division is responsible for its pension plan funding obligation. The division is not required to make its contribution until the employee is reemployed.

The employee is allowed, but not required, to make up the employee's contributions to a contributory plan. The employee may repay his or her employee contributions for a period of up to three times the period of military service, but not to exceed five years. If the employee's retirement plan is contributory and the employee does not make up the employee's contributions, the employee will not receive the employer match or the accrued benefit attributable to the employee's contribution because the employer is required to make contributions that are contingent on the employee's contributions.

The employer and employee contribution will be calculated on the rate of pay the employee would have received but for the absence to serve military duty.

Reemployment

An employee who is entitled to military leave by reason of service in the federal military reserves is entitled to be reemployed by the School Board as long as the employee

- has given advance notice of the need for military leave (unless notice is precluded by military necessity or is otherwise impossible or unreasonable);
- has not been absent from his or her job for more than five years; and
- returns to work as outlined below.

If the employee was absent from work for

- less than 31 days, the employee must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
- more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days after the completion of service;
- more than 180 days, the employee must submit an application for reemployment within 90 days after the completion of service.

Employees who are entitled to military leave due to service in the Virginia military reserves must make written application for reemployment within (1) 14 days of release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services does not exceed 180 days or (2) 90 days of his release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services exceeds 180 days.

Upon returning from duty, an employee will be restored to the same job he held before leaving or to a comparable job. The School Board is not obligated to reemploy

persons returning from military leave in certain unusual situations specified by state and federal law.

Termination after Reemployment

A person who is reemployed after returning from more than 30 days of military duty will not be discharged except for cause

- within one year after the date of reemployment, if the person's period of military service before the reemployment was more than 180 days; or
- within 180 days after the date of reemployment, if the person's period of military service before the reemployment was more than 30 days but less than 181 days.

Discrimination Against Members of Military Reserves Prohibited

Members of the military reserves will not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership.

Adopted: June 16, 2020

Legal Refs: 38 U.S.C. §§ 4312, 4313, 4316, 4317.

20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267.

Code of Virginia, 1950, as amended, §§ 22.1-289.2, 44-93, 44-93.1, 44-93.3, 44-93.4, 44-102.1.

EMPLOYMENT OF FAMILY MEMBERS

- A. The School Board may not employ or pay, and the superintendent may not recommend for employment, any family member of the superintendent or of a School Board member except as authorized below. This prohibition does not apply to the employment, promotion, or transfer within the school division of any family member who
- 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 the superintendent or any School Board member, or
 - 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 the family relationship, or
 - was employed by the School Board at any time prior to June 10, 1994 and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or the superintendent.

A family member employed as a substitute teacher may not be employed to any greater extent than he was employed by the School Board in the last full school year prior to the taking of office of such Board member or superintendent or to the inception of such relationship.

- B. Notwithstanding the rules stated in Section A above, the School Board may employ or pay, and the superintendent may recommend for employment, any family member of a School Board member provided that
- the member certifies that he had no involvement with the hiring decision; and
 - the superintendent certifies to the remaining members of the School Board in writing that the recommendation 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.
- C. Notwithstanding the rules stated in Section A above, the School Board may employ or pay any family member of the superintendent provided that
- the superintendent certifies that he had no involvement with the hiring decision; and
 - the assistant superintendent certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision.

- D. 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 is discouraged.
- E. 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 13, 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 2.2-3119.

Cross Ref.:	BBFA	Conflict of Interests and Disclosure of Economic Interests
	GCI	Professional Staff Assignments and Transfers

EMPLOYMENT OF FAMILY MEMBERS

The Surry County Public School Board may not employ or pay and the superintendent may not recommend for employment, any family member of the superintendent or of a School Board member except as authorized below:

- The member certifies in writing that he/she had no involvement with the hiring decision; and
- The superintendent certifies to the remaining members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the School Board had any involvement with the hiring decision.

Signature of School Board Member (relative of employee)

Date

Signature of Superintendent/Designee

Date

Adopted: March 10, 2020

EFFECT OF CRIMINAL CONVICTION OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT

Generally

The Board does not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are determined to be 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.

I. APPLICANTS FOR EMPLOYMENT

A. Criminal Convictions

As a condition of employment for all of its employees, whether full-time or part-time, permanent, or temporary, the Surry County School Board requires on its application for employment certification of whether the applicant has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; or any crime of moral turpitude.

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

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 § Va. Code § 19.2-392.02 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, such individual's civil rights have been restored by the Governor.

The Surry County School Board also requires on its application for employment, as a condition of 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. 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.

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with the Surry County School Board 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 are offered or accept employment.

To conserve the costs of conducting criminal history record checks to applicants and school boards, upon the written request of the applicant, BLANK 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 history 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 Surry County School Board as provided by statute.

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

B. Founded Complaints of Child Abuse or Neglect

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 ensures 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 takes reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards 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.

If an applicant is denied employment because of information appearing on the applicant's record in the registry, the School Board provides a copy of the information obtained from the registry to the applicant. The information provided to the School

Board by the Department of Social Services is confidential and is not disseminated by the School Board.

II. EMPLOYEE CHARGES AND CONVICTIONS

A. Criminal Proceedings

An employee who is charged by summons, warrant, indictment, or information with the commission of a felony or a misdemeanor specified in Va. Code § 22.1-315 may be suspended in accordance with Policy GCPF Suspension of Staff Members.

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

The 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 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. Founded Complaints of Child Abuse or Neglect

Any employee of Surry County 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 provided by Va. Code § 63.2-1526 have been exhausted, is grounds for the school division to recommend that the Board of Education revoke such person's license to teach.

III. COURT ORDERED PROBATION

For purposes of this policy, a court's placing an individual on probation pursuant to Va. Code § 18.2-251 is treated as a conviction and as a finding of guilt.

IV. COSTS OF FINGERPRINTING, CRIMINAL RECORD AND ABUSE AND NEGLECT CHECKS

Option 1

The applicant or employee must pay for the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy.

Adopted: July 13, 2021

Legal Ref.: Code of Virginia, as amended, §§ 18.2-251, 19.2-83.1, 19.2-389, 22.1-78, 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 22.1-315, 63.2-1515.

Cross Refs.:	GCPF	Suspension of Staff Members
	GCPD	Professional Staff Discipline

PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

Substitute Teachers

Substitute teachers shall:

- be at least 18 years old, with preference given to persons 21 years old or older;
- possess good moral character;
- hold a high school diploma or have passed a high school equivalency examination approved by the Board of Education;
- attend orientation to school policies and procedures; and

The Surry County School Board shall seek to employ substitute teachers, especially those engaged as long-term substitutes, who exceed these requirements.

A substitute teacher, as used in this section, is (i) one who is employed to substitute for a contracted teacher for a 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 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.

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 Personnel Office 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 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.

Summer School Teachers

Summer school teachers shall meet all certification requirements.

Interns

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

Student Teachers

The school division 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 the school system.

Student teachers shall not be used as substitute teachers.

Adopted: July 8, 2014

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-302.

Cross Ref.:	GCB	Professional Staff Contracts
	GCPD	Professional Staff Discipline
	GCPF	Suspension of Staff Members

PROFESSIONAL STAFF PROBATIONARY TERM AND CONTINUING CONTRACT

Teachers

Probationary Term

A probationary term of service of three years in Surry County School Division is required before a teacher is issued a continuing contract. A mentor teacher is 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 are evaluated at least annually in accordance with policy GCN Evaluation of Professional Staff. A teacher in the first year of the probationary period is evaluated informally at least once during the first semester of the school year. The superintendent considers such evaluations as one factor in making recommendations to the School Board regarding the nonrenewal of such teacher's contract.

In order to achieve continuing contract status, every teacher must successfully complete 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. Surry County School Board provides 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.

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 person shall be required to begin a new probationary period, not to exceed two years, if made part of the contract.

If a teacher who has not achieved continuing contract status receives notice of re-employment, he 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, or in the case of reduction in force, written notice of nonrenewal of the probationary contract must be given by the 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.

Continuing Contract

Teachers employed after completing the probationary period are entitled to continuing contracts during good behavior and competent service. Written notice of

noncontinuation 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 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.

As soon after June 15 as the school budget is approved by the appropriating body, the School Board furnishes 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 appropriating body, but no later than July 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.

Principals, Assistant Principals, and Supervisors

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 a probationary term of three years in such position in the same school division 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 (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. 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, the superintendent's 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.

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.

Adopted: March 10, 2020

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-294, 22.1-303, 22.1-304.

Cross Refs.: GBM	Professional Staff Grievances
GCB	Professional Staff Contracts
GCE	Part-Time and Substitute Professional Staff Employment
GCN	Evaluation of Professional Staff
GCPA	Reduction in Professional Staff Work Force
GCPB	Resignation of Staff Members
GCPD	Professional Staff Discipline
GCPF	Suspension of Staff Members

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Principals and other supervisory personnel may submit recommendations to the superintendent for the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to their supervision.

Upon recommendation of the superintendent, the Surry County 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.

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 Policy GCCB Employment of Family Members, is directly responsible for that employee's supervision.

Any employee seeking a transfer of assignment to another work location for the next school year must make a request in writing to the superintendent or the superintendent's designee, with copies to the current supervisor, not later than April 1. This type of request, if granted, will be considered a voluntary transfer. A change of assignment within an immediate work station is the responsibility of the immediate supervisor.

Adopted: August 13, 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-293, 22.1-295, 22.1-297.

Cross Ref: GCCB Employment of Family Members

PROFESSIONAL STAFF DEVELOPMENT

The Surry County School Board provides a program of high-quality professional development

- (i) 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;
- (ii) 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;
- (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula;
- (iv) 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
- (v) designed to educate School Board employees about bullying as defined in Va. Code § 22.1-276.01 and the need to create a bully-free environment.

In addition, the Board provides teachers and principals with high-quality professional development programs each year in

- (i) instructional content;
- (ii) the preparation of tests and other assessment measures;
- (iii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives;
- (iv) instruction and remediation techniques in English, mathematics, science and history and social science;
- (v) interpreting test data for instructional purposes;
- (vi) technology applications to implement the Standards of Learning; and
- (vii) effective classroom management.

All instructional personnel are required to participate each year in professional development programs.

Each teacher and all contracted employees, employed on a full-time basis, is required to complete a mental health awareness training or similar program.

Every employee holding a license issued by the Board of Education is required to complete cultural competency training, in accordance with guidance issued by the Board of Education, at least every two years. Each employee required to complete cultural competency training must complete at least one such training no later than the beginning of the 2022-2023 school year.

The Board annually reviews 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 in the school division.

Adopted: July 13, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-23.3, 22.1-253.13:5, 22.1-276.01, 22.1-291.4, 22.1-298.6 and 22.1-298.7.

EVALUATION OF PROFESSIONAL STAFF

Every employee of the Surry County School Board staff is evaluated on a regular basis at least as frequently as required by law.

The superintendent assures that cooperatively developed procedures for professional staff evaluations are implemented throughout the division and included in the division's policy manual. The results of the evaluation are 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.

The primary purposes of evaluation are:

- to optimize student learning and growth;
- to contribute to the successful achievement of the goals and objectives of the division's educational plan;
- to improve the quality of instruction by ensuring accountability for classroom performance and teacher effectiveness;
- to provide a basis for leadership improvement through productive performance appraisal and professional growth;
- 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
- to promote self-growth, instructional effectiveness, and improvement of overall professional performance.

Teacher, principal, and superintendent evaluations are consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations include student academic progress as a significant component and an overall summative rating. Teacher evaluations include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations include an evaluation of cultural competency.

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.

Adopted: July 13, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-294, 22.1-295, 22.1-303, 22.1-253.13:5, 22.1-253.13:7 and 22.1-276.2.

Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers (Virginia Board of Education as approved March 18, 2021).

Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals (Virginia Board of Education as effective January 10, 2020).

Cross Ref.:	CBG	Evaluation of the Superintendent
	GCG	Professional Staff Probationary Term and Continuing Contract

REDUCTION IN PROFESSIONAL STAFF WORK FORCE

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 may cause a reduction in the number of staff needed in a building, program or department or in the entire school division.

General reduction in total personnel and redistribution of personnel within designated programs is done in accordance with Reduction in Force (RIF) Guidelines established by the superintendent and reviewed and approved by the School Board. The Guidelines 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: April 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304.

Cross Ref.: GCG Professional Staff Probationary Term and Continuing Contract

RESIGNATION OF STAFF MEMBERS

The superintendent is authorized to approve resignations of employees. Any resignation must be in writing.

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 the 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 superintendent declines to grant the request for release on the 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.

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: July 10, 2018

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-304.

Cross Refs.: GCPD
GDB

Professional Staff Discipline
Support Staff Employment Status

PROFESSIONAL STAFF DISCIPLINE

A. Probation and Dismissal

Teachers may be dismissed for incompetency, 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. "Incompetency" includes, but is not be limited to, consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations.

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.

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.

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.

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 teachers' refusal to submit to a polygraph examination requested by the School Board.

B. Suspension

Employees of Surry School Board may be suspended as provided in Policy GCPF Suspension of Staff Members.

C. Failure to Perform Nonemergency Health-Related Services

With the exception of school administrative personnel and employees 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 refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

"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.

D. Effect of Probation Pursuant to Va. Code §18.2-251

For purposes of this policy, a court's placing an individual on probation pursuant to Va. Code § 18.2-251 shall be treated as a conviction and as a finding of guilt.

Adopted: August 8, 2017

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-251, 22.1-274, 22.1-296.2, 22.1-307, 22.1-313, 22.1-315.

Cross Refs.:	GCE	Part-Time and Substitute Staff Employment
	GCG	Professional Staff Probationary Term and Continuing Contract
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCPF	Suspension of Staff Members
	JHC	Student Health Services

SUSPENSION OF STAFF MEMBERS

Employees of Surry County School Board, 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 employee has been charged by summons, warrant, indictment or information with the commission of
 - a felony; or
 - a misdemeanor involving
 - sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, of the Code of Virginia,
 - obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, of the Code of Virginia,
 - drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, of the Code of Virginia,
 - moral turpitude, or
 - the physical or sexual abuse or neglect of a child;
- or an equivalent offense in another state.

Except when an employee is suspended because of being charged by summons, warrant, indictment or information with the commission of any of the above-listed offenses, the superintendent or appropriate central office designee shall not suspend an employee for longer than sixty (60) days and shall not suspend an employee for a period in excess of five (5) days unless such 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 Va. Code §§ 22.1-311 and 22.1-313, if applicable. Any employee so suspended shall continue to receive his then applicable salary unless and until the school board, after a hearing, determines otherwise. No employee shall be suspended solely on the basis of the employee's refusal to submit to a polygraph examination requested by the School Board.

Any employee suspended because of being charged by summons, warrant, information or indictment with any of the above-listed criminal offenses may be suspended with or without pay. In the event an employee is suspended 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 above-listed criminal offenses or upon the dismissal or nolle prosequi of the charge, such 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.

In the event an employee is found guilty by an appropriate court of any of the above-listed criminal offenses and, after all available appeals have been exhausted and

such conviction is upheld, all funds in the escrow account shall be repaid to the School Board.

If an employee is suspended because of information appearing on the employee's criminal history record, the School Board provides a copy of the information obtained from the Central Criminal Records Exchange to the employee.

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

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: July 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.2, 22.1-315.

Cross Refs.

GBMA	Support Staff Grievances
GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
GCPD	Professional Staff Discipline
GDG	Support Staff Probationary Period

NONSCHOOL EMPLOYMENT BY STAFF MEMBERS

Employees may, during the hours not required of them to fulfill their responsibilities to Surry County School Board, engage in other employment as long as such employment does not detract from or interfere with their employment by Surry County School Board.

An employee who is on leave from Surry County School Board, in a paid or unpaid status, may not be employed by the School Board or any other employer in any capacity during the period of leave except with the prior written authorization of the superintendent or superintendent's designee.

The School Board does not endorse, support, or assume liability for any activity conducted by School Board employees in which division students or employees participate which is not sponsored by the School Board.

Adopted: April 13, 2021

Legal Ref.: 29 C.F.R. 825.216(e).

Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Refs.:	BBFA	Conflict of Interests and Disclosure or Economic Interests
	GAA	Staff Time Schedules
	GAH	School Employee Conflict of Interests
	GCBE	Family and Medical Leave
	GCBEA	Leave Without Pay
	GCBEB	Military Leave and Benefits
	GCQAB	Tutoring for Pay
	GCQB	Staff Research and Publishing
	IICA	Field Trips

TUTORING FOR PAY

Staff members may not be paid by anyone other than the Surry County School Board for tutoring students enrolled in a class under their direction.

Adopted: April 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Ref.: GCQA Nonschool Employment by Staff Members

STAFF RESEARCH AND PUBLISHING

The Surry County School Board encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of division operations. The School Board is the author of works produced by its employees within the scope of their employment and retains all rights to such works unless those rights are expressly waived or assigned to the employee who produced the work.

Any such assignment of rights will be accomplished in accordance with regulations promulgated by the superintendent. The regulations will provide that the work will remain available for the use of the School Board at no charge.

Employees who develop materials, including instructional materials and computer programs, outside the scope of their employment that have a connection to or are related to the division shall inform the superintendent in writing of their intent to develop such materials prior to commencing work.

Adopted: August 8, 2017

Legal Ref.: 17 U.S.C. §§ 101, 102, and 201.

Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Refs.: EGAA
GCQA

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Nonschool Employment by Staff Members

SUPPORT STAFF

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: October 9, 2012

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.: GCDA	Effect of Criminal Conviction or Founded Complaint of
	Child Abuse or Neglect
GCPB	Resignation of Staff Members
GCPF	Suspension of Staff Members
GDB	Support Staff Employment Status

SUPPORT STAFF EMPLOYMENT STATUS

Support staff are not issued written contracts unless such contracts are required by law.

The school division employs three types of support staff:

- 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.
- Probationary employees who are fully qualified new employees assigned to authorized positions; these employees are eligible for salary increases and receive benefits.
- Regular employees who have successfully completed the prescribed probationary period; regular employees receive all employment benefits available under School Board policy.

The employment of support personnel may be terminated with fifteen calendar days' notice. Support personnel may also be subject to immediate dismissal for just cause.

Support personnel who are removed from employment for just cause shall be ineligible thereafter for employment by Surry County School Board.

Employees of Surry County School Board may be suspended as provided in Policy GCPF Suspension of Staff Members.

Adopted: July 12, 2016

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Ref.:	GCDA	Effect of Criminal Conviction or Founded Complaint of
		Child Abuse or Neglect
	GDG	Support Staff Probationary Period
	GBMA	Support Staff Grievances
	GCPF	Suspension of Staff Members

SUPPORT STAFF PROBATIONARY PERIOD

The probationary period for all support staff positions is **ONE YEAR**.

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

Adopted: July 12, 2016

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

Cross Ref.:	GBMA	Support Staff Grievances
	GD	Support Staff
	GDB	Support Staff Employment Status

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 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: October 9, 2012

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Ref.:	GA	Personnel Policies Goals
	GD	Support Staff
	GDB	Support Staff Employment Status
	GDG	Support Staff Probationary Period

EVALUATION OF SUPPORT STAFF

Every employee of the Surry County School Board is evaluated on a regular basis.

The superintendent ensures that cooperatively developed procedures for support staff evaluations are implemented within the division. 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 employee.

The primary purposes of evaluation and assistance are:

- to optimize student learning and growth;
- to contribute to the successful achievement of the goals and objectives of the division's educational plan;
- to provide a basis for leadership improvement through productive performance appraisal and professional growth;
- 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
- to promote self-growth, instructional effectiveness, and improvement of overall professional performance.

Adopted: April 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-313, 22.1-253.13:7.

Cross Ref.:	CBG	Evaluation of the Superintendent
	GCN	Evaluation of the Professional Staff
	GD	Support Staff
	GDB	Support Staff Employment Status
	GDG	Support Staff Probationary Period
	GCPF	Suspension of Staff Members

SCHOOL BUS DRIVERS

Eligibility for Employment

Any applicant for employment operating a school bus transporting pupils must

- a. have a physical examination of a scope prescribed by the Board of Education and furnish a form prescribed by the Board of Education showing the results of such examination
- b. 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 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
- c. 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
- d. exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339
- e. have reached the age of 18 on the first day of the school year
- f. submit to testing for alcohol and controlled substances as required by state and federal law and regulation

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.

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.

The Surry County 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.

The Surry County School Board does not employ drivers subject to controlled substances and alcohol testing required by federal law without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse (the Clearinghouse) to obtain information about the driver. Drivers must give specific consent for the query.

No driver is permitted to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or

substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test; or that an employer has reported actual knowledge that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance in violation of federal regulations, except where a query of the Clearinghouse demonstrated that the driver has successfully completed the substance abuse professional (SAP) evaluation, referral, and education/treatment process required by federal regulation; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP

The School Board also conducts a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing required by federal law and regulation to determine whether information exists in the Clearinghouse about these employees.

Drug and Alcohol Testing

Drivers are subject to drug and alcohol testing as required by state and federal law. Any driver who refuses to submit to a test shall not perform or continue to perform safety-sensitive functions. The division administers alcohol and controlled substance tests in accordance with federal laws and regulations.

Prohibited conduct

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 is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

Notification

The superintendent or superintendent's designee is responsible for providing educational materials to drivers that explain the requirements of federal regulations and the divisions' policies and procedures with regard to meeting those requirements. The superintendent or superintendent's designee ensures that a copy of the materials is distributed to each driver prior to the start of testing and to each driver subsequently hired or transferred into a position requiring driving a commercial vehicle. Those materials contain at least the following information

- the identity of the person designated by the school division to answer driver questions about the materials;
- the categories of drivers subject to this policy;
- sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance;
- specific information concerning driver conduct that is prohibited;
- the circumstances under which a driver will be tested for alcohol and/or controlled substances, including post-accident testing;
- the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions;
- the requirement that a driver submit to alcohol and controlled substances tests;
- an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- the consequences for drivers found to have violated federal law or regulations, including the requirement that the driver be immediately removed from safety-sensitive functions;
- the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; and
- the requirement that the following personal information be reported to the Clearinghouse: a verified positive, adulterated, or substituted drug test result; an alcohol confirmation test with a concentration of 0.04 or higher; a refusal to submit to required tests; an employer's report of actual knowledge of on duty alcohol use, pre-duty alcohol use, post-accident alcohol use, and controlled substance use; a SAP report of the successful completion of the return-to-duty process; a negative return-to-duty test; and an employer's report of completion of follow-up testing.

Each driver must sign a statement certifying that the driver has received a copy of the above materials and the division maintains this signed copy.

Before performing each alcohol or controlled substances test, the division notifies the driver that the test is required by federal law or regulation.

Consequences of prohibited conduct

A driver who has engaged in conduct prohibited by federal regulation or for whom testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, is removed immediately from safety-sensitive functions. Before a driver is returned to the performance of safety-sensitive functions, if at all, the driver shall undergo an evaluation by a substance abuse professional, as defined by 49 C.F.R. § 40.281, comply with any required rehabilitation and undergo a return-to-duty test with negative drug test results and/or an alcohol test with an alcohol concentration of less than 0.02.

Record retention

The division maintains records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the division 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.

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.

Adopted: June 16, 2020

Legal Refs.: 49 U.S.C. § 31136.
49 C.F.R. §§ 40.305, 382.105, 382.113, 382.201, 382.205, 382.207,
382.209, 382.213, 382.217, 382.301, 382.303, 382.401, 382.405,
382.601, 382.605, 382.701.

Code of Virginia, 1950, as amended, §§ 22.1-178, 46.2-339, 46.2-340.

Cross Ref.: GBEA Unlawful Manufacture, Distribution, Dispensing,
Possession or Use of a Controlled Substance

ACCEPTANCE OF ELECTRONIC SIGNATURES AND RECORDS

Policy Statement

Electronic or digital signatures can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, and signed. The Surry County School Board adopts the following policy with respect to the use of electronic records and signatures in connection with its communications with parents, guardians, or other persons having control over a child enrolled in this division.

Definitions

“Attribution” – An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

“Electronic Signature” - An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Electronic Record” – Any record created, generated, sent, communicated, received or stored by electronic means.

Applicability

This policy applies to parents, guardians, and other persons having control or charge of a child enrolled in the division; and also to individuals affiliated with the division, whether paid or unpaid, including but not limited to teachers, administrators, staff, students, affiliates, and volunteers.

Electronic Records

Electronic records created or received by the division shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The division shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the division may be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and the Surry County School Board agrees to accept or send such communication electronically; and

2. If a signature is required on the record or communication by any statute, rule or other applicable law or School Board policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or policy that requires records to be signed in non-electronic form. The issuance and/or acceptance of an electronic signature by the School Board may be permitted in accordance with the provisions of this policy and all applicable state and federal law. If permitted, such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by the individual's name and title;
2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed;
4. The electronic signature conforms to all other provisions of this policy.

Acceptance, Use and Issuance of Electronic Records and Signatures

The School Board shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. Such system should include security procedures whereby the School Board can (a) verify the attribution of a signature to a specific individual, (b) detect changes or errors in the information contained in a record submitted electronically, (c) protect and prevent access, alteration, manipulation or use by an unauthorized person, and (d) provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.

The School Board shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.

The School Board shall maintain a secure hard copy log of the PIN/password or actual signature of any individual authorized to provide an electronic signature in connection with School Board business.

The School Board may receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.

Adopted: July 13, 2021

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79.3, 59.1-479 et seq.

Cross Ref.: JO Student Records