

**Section VII– Personnel
Table of Contents**

Article I – General Provisions

7-1.1	Equal Employment Opportunity	4
7-1.2	Harassment – School Personnel.....	5
7-1.3	Board-Staff Communications	11
7-1.4	Personnel Records.....	11
7-1.5	Personnel – Statement of Ethics	13
7-1.6	Official Status as School Division Employee.....	13

Article II – Hiring, Appointment and Transfer

7-2.1	Posting of Vacancies and Recruitment	14
7-2.2	Application for Positions	14
7-2.3	Hiring: Health Issues.....	14
7-2.4	Hiring: Criminal Background Checks and Fingerprinting.....	16
7-2.5	Hiring: Nepotism and Conflict of Interest Prohibitions.....	19
7-2.6	Hiring: Temporary Personnel, Part-Time and Substitute Professional Staff.....	20
7-2.7	Appointment and Reappointment	22
7-2.8	Assignment and Transfer	22

Article III – Conditions of Employment, Generally

7-3.1	Drug-Free Workplace	25
7-3.2	Staff: Weapons in Schools.....	32
7-3.3	Staff Participation in Political Activities and Professional Organizations	32
7-3.4	Dress Code.....	32
7-3.5	Non-School Employment.....	33
7-3.6	Staff Time Schedules	33
7-3.7	Reduction in Force.....	35
7-3.8	Fraudulent and Wrongful Acts.....	35
7-3.9	Fraud, Waste and Abuse Hotline	36
7-3.10	Selling and Endorsements.....	37
7-3.11	Use of Computer Technology.....	37
7-3.12	Cellular Telephone Usage.....	40
7-3.13	Electronic Communication with Pupils	41
7-3.14	Use of Private Cars for Transporting Pupils	41
7-3.15	Employee Accidents	42
7-3.16	Reports of Certain Acts and Other Conduct	42
7-3.17	Child Abuse and Neglect Reporting	43
7-3.18	Tobacco-Free School for Staff.....	44
7-3.19	Lactation Support-Staff.....	45
7-3.20	Workplace Bullying.....	46
7-3.21	Access to Employee Social Media Accounts.....	50

Article IV – Administration

7-4.1 Philosophy and Purpose..... 52
7-4.2 Lines of Responsibility 52
7-4.3 Organizational Chart..... 53
7-4.4 Division Superintendent 53
7-4.5 Principals and Assistant Principals 54
7-4.6 Review of Administrative Decisions 55
7-4.7 Administrative Leeway in Absence of Policy..... 55
7-4.8 School-Based Planning and Management..... 55
7-4.9 Communications with Staff 56
7-4.10 Committees and Councils 56
7-4.11 Administrative Salary Guides 56
7-4.12 Travel Expenses 57

Article V – Conditions of Employment – Professional Staff

7-5.1 Professional Staff: Conditions of Employment 58
7-5.2 Professional Staff: Contracts..... 58
7-5.3 Professional Staff: Employment Status..... 59
7-5.4 Professional Staff: Reporting Responsibilities 61
7-5.5 Professional Staff Development 61
7-5.6 Professional Staff: Evaluation..... 62
7-5.7 Professional Staff Research and Publishing..... 62
7-5.8 Professional Staff: Resignation..... 63

Article VI – Conditions of Employment – Support Staff

7-6.1 Support Staff Employment Status..... 64
7-6.2 Support Staff: Probation 65
7-6.3 School Bus Drivers 65
7-6.4 Support Staff: Development Opportunities 67
7-6.5 Support Staff: Evaluation..... 67
7-6.6 Support Staff: Resignation 67

Article VII – Employee Pay and Benefits

7-7.1 Employee Compensation 69
7-7.2 Insurance 71
7-7.3 Benefits for Part-time Employees 71
7-7.4 Retirement..... 71
7-7.5 Travel Expenses 74
7-7.6 Holidays 75
7-7.7 Employee Absences/Leave 75

Article VIII – Employee Discipline and Grievance Procedure

7-8.1 Employee Discipline – Generally 82
7-8.2 Suspension 82
7-8.3 Probation and Dismissal 83
7-8.4 Demotion 85

7-8.5 Grievance Procedures 85

SECTION VII- PERSONNEL

ARTICLE I GENERAL PROVISIONS

POLICY 7-1.1 EQUAL EMPLOYMENT OPPORTUNITY

Policy Statement

The School Board of the City of Richmond is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention, and other personnel action affecting employees and/or candidates for employment. Discrimination in employment against any person on the basis of race, color, religion, national origin, political affiliation, gender, age, marital status, sexual orientation, gender identity or disability is prohibited. The School Board also supports equal employment opportunities and treatment of all individuals regardless of gender expression. Personnel decisions shall be based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation, when necessary.

The School Board shall provide facilities, programs, and activities that are accessible, usable and available to qualified persons with disabilities. Further, the School Board shall not discriminate against qualified persons with disabilities in the provision of health, welfare and other social services in accordance with applicable state and federal law.

The statement, "The School Board of the City of Richmond is an equal opportunity employer," shall be placed on all job postings/notices and employment application forms and shall be disseminated throughout the Richmond Public Schools division through all delivery methods utilized by the school division.

Notice of Policy/Prevention

This policy shall be: (a) posted in prominent areas of each Richmond Public Schools building, (b) included in the administrative procedures manual, and (c) provided to any employee or candidate for employment upon request. Training to prevent prohibited discrimination should be provided with employee in-service training.

Complaints

Employees who believe that they have been discriminated against in violation of this policy may use the complaint procedure found in Policy 7-1.2. If an employee is covered by another grievance procedure, which applies, the employee may also elect to use that grievance procedure.

Application

This policy does not render lawful any conduct prohibited by the laws of the Commonwealth of Virginia.

LEGAL REFERENCE: 20 U.S.C. § 1681 et seq.; 29 U.S.C. § 701; 42 U.S.C. §§ 6101 et seq., 2000 e-2 et seq. and 12101 et seq; Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902.

Adopted December 5, 2011
Revised/Adopted June 16, 2014
Revised/Adopted July 13, 2015

POLICY 7-1.2 HARASSMENT – SCHOOL PERSONNEL

Policy Statement

The School Board of the City of Richmond is committed to maintaining a working environment free from harassment of any kind. Therefore, the School Board prohibits sexual harassment and harassment based on race, religion, national origin, disability, sexual orientation, gender identity or gender expression (collectively “harassment”) of any school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any school personnel to harass a student or school personnel sexually or based on the above-stated characteristics. Further, it shall be a violation of this policy for any school personnel to tolerate harassment of any kind by school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, “school personnel” School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Board and Richmond Public Schools.

The school division shall: (1) promptly investigate all complaints, written or verbal, of harassment; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel.

Definitions

a. Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- i. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment;
- ii. 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
- iii. that conduct or communication substantially or unreasonably interferes with an individual’s employment, or creates an intimidating, hostile or offensive work environment (i.e. the conduct is sufficiently severe, persistent or pervasive to limit an employee’s ability to participate in or benefit from the work environment).

Examples of conduct, which may constitute sexual harassment, include but are not limited to:

- i. unwelcome, sexually motivated or inappropriate patting, pinching or other physical contact;
- ii. unwelcome, ongoing or repeated sexual flirtation, remarks or propositions;
- iii. sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;

- iv. graphic verbal or written comments about an individual's body, or overly personal conversation of a sexual nature;
- v. sexual jokes, notes, stories, drawings, gestures or pictures;
- vi. spreading sexual rumors;
- vii. touching an individual's body or clothes in a sexual way;
- viii. displaying sexually suggestive objects, pictures, cartoons or posters;
- ix. impeding or blocking movement in a sexually intimidating manner;
- x. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act or another;
- xi. touching oneself sexually or talking about one's sexual activity in front of others;
- xii. other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by either: (1) implied or overt threats concerning an individual's educational status; or (2) implied or overt promises of preferential treatment with respect to one's educational status;
- xiii. unwelcome behavior or words directed at an individual because of gender; or
- xiv. unwelcome verbal harassment or abuse, threats of physical harm, or assaults directed at an individual because of their sexual orientation.

b. Harassment Based on Race, Religion, National Origin, Disability, Sexual Orientation and Gender Identity or Expression

Harassment based on race, religion, national origin, disability, sexual orientation, gender identity or gender expression consists of physical or verbal conduct that:

- i. has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- ii. has the purpose or effect of substantially or unreasonably interfering with an individual's work; or
- iii. otherwise adversely affects an individual's employment opportunities.

Examples of conduct, which may constitute harassment based on the stated characteristics, include but are not limited to:

- i. graffiti containing offensive language;
- ii. name calling, jokes or rumors;
- iii. physical acts of aggression against a person or his/her property;
- iv. slurs, negative stereotypes and hostile acts; or
- v. written or graphic material containing ethnic comments or stereotypes which is posted or circulated and is intended to degrade individuals.

Complaint Procedure

a. Reporting

Any employee who believes he or she has been the victim of harassment by a student, teacher, administrator or other school personnel, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of Richmond Public Schools, is strongly encouraged to immediately report the alleged acts to an appropriate school division official designated by 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.

The school division encourages the reporting party or complainant to use the included Report of Discrimination/Harassment Complaint Form (Appendix I) available from the principal of each building or available from Richmond Public Schools' administrative offices. Use of formal reporting forms is not mandated. Verbal reports of harassment shall be treated as formal complaints. Nothing in this policy shall prevent any person from reporting harassment directly to the division superintendent or his or her designee.

In each school building, the principal is the person responsible for receiving verbal or written reports of harassment at the building level. Any adult school division personnel who receives a report of harassment shall inform the building principal immediately. Upon receipt of a report, the principal must notify the compliance officer, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged must be forwarded as soon as practicable by the principal to the division superintendent or his or her designee. If the report was given verbally, the principal shall personally reduce the complaint to written form within 24 hours and forward the complaint to the compliance officer. Failure to forward any harassment report or complaint as provided in this policy will result in disciplinary action against the principal.

If the complaint involves the building principal, the complaint shall be made or filed directly with the compliance officer by the reporting party or the complainant. If any complaint involves the compliance officer or alternate compliance officer, the complaint shall be made or filed directly with the division superintendent. If the complaint involves the division superintendent, the complaint shall be made or filed directly with the School Board. If the complaint involves a School Board member, the complaint shall be made or filed directly with the School Board Chair or Vice-Chair should the complaint involve the School Board Chair.

The division superintendent has designated the Executive Director of Human Resources as the compliance officer for the school division with responsibility to identify, prevent, and remedy harassment in accordance with this policy. In the absence of the Executive Director of Human Resources, the division superintendent has designated the Chief of Staff as the alternate compliance officer to be responsible for the duties listed herein.

The compliance officer or alternate shall:

- i. Receive reports or complaints of harassment;
- ii. Oversee the investigative process;
- iii. Be responsible for assessing the training needs of the school division's staff and students in connection with the dissemination, comprehension, and compliance with this policy;
- iv. Arrange for necessary training required for compliance with this policy; and
- v. Ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal education opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful harassment, recommend appropriate discipline and remedies when prohibited harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including interim protection of the victim during the course of the investigation.

The complaint and the identity of the complainant and the person or persons allegedly responsible for the harassment 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 or complaint alleging harassment, the compliance officer or alternate shall immediately undertake or authorize an investigation. The investigation may be conducted by Richmond Public Schools' officials or, at Richmond Public Schools' discretion, by a third party designated by Richmond Public Schools. All employees shall cooperate with any investigation of alleged harassment or discrimination conducted under this policy or by an appropriate state or federal agency.

Upon receipt of the complaint, the compliance office 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 complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents that may be relevant to the particular allegations.

In determining whether the alleged conduct constitutes a violation of this policy, Richmond Public Schools shall consider:

- i. The nature of the behavior;
- ii. How often the conduct occurred;
- iii. Whether there were past incidents or past continuing patterns of behavior;
- iv. The relationship between the parties involved;
- v. The sex and age of the victim;
- vi. The identity of the perpetrator, including whether the perpetrator was in a position of power over the employee allegedly subjected to harassment;
- vii. The number of alleged harassers;
- viii. The age of the harasser;
- ix. Where the harassment occurred;
- x. Whether there have been other incidents in the school involving the same or other employees;
- xi. Whether the conduct has adversely, or continues to adversely affect the employee's job performance or work environment; and
- xii. 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 the facts and surrounding circumstances revealed through the investigation.

The investigation shall be completed no later than thirty (30) calendar days from receipt of the report. The investigator shall make a written report to the compliance officer or alternate upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether there appears to be violation of this policy. The investigator's

duty to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded. The compliance officer shall submit the report to the division superintendent upon the completion of the investigation.

c. Division Superintendent Action

Within five (5) calendar days of receiving the compliance officer's report, the division superintendent or designee shall issue a decision regarding whether the policy was violated. The results of Richmond Public Schools' investigation of each complaint filed under these procedures will be reported in writing to the complainant and other parties by Richmond Public Schools in accordance with state and federal laws regarding data and records privacy, and consistent with the privacy rights of the complainant and the alleged harasser.

If the division superintendent determines that prohibited harassment occurred, Richmond Public Schools will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include, but are not limited to, counseling, awareness training, termination, or discharge. Any action taken for violation of this policy shall be consistent with the requirements of state and federal law, School Board *Bylaws and Policies*, and the *Administrative Procedures Manual*.

In determining what is an appropriate response to a finding that harassment in violation of this policy has occurred, Richmond Public Schools shall consider:

- i. What response is most likely to end any ongoing harassment;
- ii. Whether a particular response is likely to deter similar future conduct by the harasser or others;
- iii. The amount and kind of harm suffered by the victim of the harassment;
- iv. The identity of the party or parties who engaged in the harassing conduct; and
- v. Whether the harassment was engaged in by school personnel, and if so, the school division will also consider how it can best remediate the effects of the harassment.

In the event that evidence suggests that the harassment is also a crime under state or federal law, school officials shall report the results of the investigation to the appropriate law enforcement agency.

d. Appeal

If the results of Richmond Public Schools' evaluation of a complaint or harassment conclude that an individual has engaged in harassment in violation of this policy, or that any individual has failed to report harassment as required by this policy, that individual may appeal this determination by use of established School Board procedures for appealing other adverse employment related actions. If the results of Richmond Public Schools' investigation of a complaint of harassment conclude that no harassment has occurred, an individual who was allegedly subjected to harassment and believes this conclusion to be erroneous may appeal this determination by use of established School Board procedures for appealing other adverse personnel related actions.

Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained for a period of two years at the School Board administrative offices.

e. Privacy

The school division will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with Richmond Public Schools' legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

f. Acts of Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant's grades, learning environment, or work assignments.

The School Board shall discipline or take appropriate action against any student, teacher, administrator, or other school personnel who knowingly files a false complaint of harassment.

The School Board shall discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person who reports an incident of alleged harassment, or any person who testifies, assists, or participates in a proceeding, investigation or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

g. 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 discriminatory actions or harassment including initiating civil action, filing a complaint with outside agencies, or seeking redress under state or federal law.

Dissemination of Policy and Training

Richmond Public Schools shall conspicuously post this policy against harassment in each school, in a place accessible to students, faculty administrators, employees, parents, and members of the public. The notice shall include the name, mailing address and telephone number of the compliance officer and alternate for Richmond Public Schools, the Virginia Council on Human Rights, and the mailing address and telephone number of the United States Department of Education, Office of Civil Rights.

A summary of this policy shall appear in the *Standards of Student Conduct*. A summary of this policy is included in Appendix D. A complete copy of the policy shall be made available upon the request of parents, students, and other interested parties.

The division superintendent is directed to develop procedures and guidelines to implement this policy to include but not be limited to (a) a method of discussing this policy with students and employees; (b) training on the requirements of this policy and the appropriate responses to issues regarding harassment; (c) a division-wide plan to promote strategies to prevent harassment. Training of school personnel should take place on an annual basis, and at such other times as the School Board determines necessary or appropriate.

Application

This policy does not render lawful any conduct prohibited by the laws of the Commonwealth of Virginia. This policy shall be reviewed at least annually for compliance with state and federal law.

LEGAL REFERENCE: 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d – 2000 d-7; 42 U.S.C. §§ 2000e – 2000e-17.

Adopted September 4, 2012
Revised/Revised June 16, 2014
Revised/Revised July 13, 2015

POLICY 7-1.3 BOARD-STAFF COMMUNICATIONS

All reports and recommendations to the School Board from any officer of employee under the direction and supervision of the division superintendent shall be made through the office of the division superintendent, except with otherwise specifically directed by the School Board. All School Board actions requiring or authorizing the performance of a duty or function by an officer or employee, shall be directed to the division superintendent. The intent of this section is that the School Board and its members shall deal only with the division superintendent in respect to all matters for which she or he is responsible.

The School Board desires to develop the best possible working relationship with employee organizations. The School Board shall offer time at its meetings for employee organizations to be heard. It is the policy of the School Board not to discriminate against any employee by reason of his or her membership or non-membership in an employee organization, participation in any lawful activities of the employee organization, or institution of any grievance or complaint.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.C.1, 40.1-57.2, and 40.1-57.3.

Adopted December 5, 2011

POLICY 7-1.4 PERSONNEL RECORDS

Confidentiality of Files

The School Board and school administration shall protect the confidentiality of personnel files, personnel references, academic credits and other similar documents regarding individual employees, as required and to the extent permitted by applicable law. Dissemination of personnel records to other School Board employees will be limited to those School Board employees with a legitimate business need to review the employee record(s). Knowledge of said record(s) shall be held in the utmost confidence by the employee. Employees who fail to abide by this policy may be subject to disciplinary action.

Teacher performance indicators, or other data used by the School Board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise shall be confidential but may be disclosed (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 subsection shall be construed to prohibit the release or to limit the availability of non-identifying, aggregate teacher performance indicators or other data.

File Contents

The following are examples of materials that may be included in a School Board employee file. The list is not exhaustive, but illustrative.

1. Employment application
2. Reference forms
3. Educational transcripts
4. Employment contracts
5. Salary history forms
6. Certificate(s) and other documentation of initial licensure and of continuing education efforts
7. Letters to the Virginia Department of Education regarding teaching certificates
8. Evaluations
9. Forms from other school divisions showing past teaching experience
10. Miscellaneous correspondence concerning employee
11. Garnishments and/or tax claims

References, transcripts, placement folders and other materials that are received on the basis of pledged confidentiality, as a part of pre-employment routinely shall not be considered as a part of the employee file for purposes of this policy.

Personnel files of all School Board employees may be produced and maintained in digital or paper format.

Review of Contents

Present and past employees shall have access to their personnel files, which are maintained by the School Board. No separate employee files shall be maintained that are not available for an employee's inspection.

Information determined to be unfounded after a reasonable administrative review shall not be maintained in any employee file but may be retained in a separate sealed file by the administration if such information alleges civil or criminal offenses.

If information relative to employment is requested by banks or other establishments, written permission from the employee to release such information is required, except to comply with a judicial order, a lawfully issued subpoena, or other applicable law. When information about an employee is required to be released without the employee's permission, the employee shall be notified in writing of the release.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-3700 et seq.; 2.2-3800 et seq.; and 22.1-295.1.

Adopted December 5, 2011
Revised/Adopted July 15, 2013

POLICY 7-1.5 PERSONNEL – STATEMENT OF ETHICS

The Richmond City Public Schools belong to the public. They serve the primary purpose of providing educational opportunities for all eligible Richmond City citizens. School Board employees acknowledge that schools operate through a cooperative effort with the community. All employees have the responsibility to maintain standards of exemplary professional conduct and provide services that create a positive school environment. Employee duties, responsibilities and personal judgment shall be consistent with School Board policies and regulations. By accepting employment with Richmond Public Schools, all employees shall strive to fulfill their individual responsibilities with honesty and integrity and shall strive to keep the well being of the pupils as their primary goal while maintaining the highest standards of professional ethics.

To support this philosophy, School Board employees shall adhere to the following standards.

Employees shall strive to:

1. make the well-being of pupils the fundamental value of all decision-making and actions;
2. support the civil and human rights of all individuals;
3. maintain personal and professional behaviors that demonstrate positive role modeling for pupils, colleagues, and the education profession;
4. refrain from discourse and actions that undermine the integrity of self or other employees and compromise the professional standards of Richmond Public Schools;
5. fulfill job responsibilities with honesty and integrity;
6. maintain the standards of Richmond Public Schools and seek to improve effectiveness through continuous professional development;
7. avoid using position for personal gain through political, social, religious, economic, or other influence; and
8. honor all contracts with honesty and integrity until fulfillment or release.

Nothing in this policy should be interpreted as infringing upon employees' civil rights and liberties that have been established by the State and Federal Constitutions, court rulings, and statutory laws and administrative regulations.

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

Adopted December 5, 2011

POLICY 7-1.6 OFFICIAL STATUS AS SCHOOL DIVISION EMPLOYEE

Only those individuals who have received written notification from the Executive Director of Human Resources that the individual has been hired to fill a position in the Richmond Public Schools organization shall be entitled to compensation and benefits as set forth in the personnel policy.

Any employee who authorizes employment to an individual outside of the process noted above will be financially responsible for the payroll obligations related to the improper hiring and will be subject to disciplinary consequences up to and including termination.

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

Adopted June 2, 2014

**ARTICLE II
HIRING, APPOINTMENT AND TRANSFER**

POLICY 7-2.1 POSTING OF VACANCIES AND RECRUITMENT

Notices of available employment with Richmond Public Schools will be posted on the school division website and in every school and administrative building within the division for a minimum of ten (10) calendar days. In emergency situations and special circumstances in which a position must be filled immediately, the Director of Human Resources may post a position for fewer than ten (10) calendar days.

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

Adopted December 5, 2011

POLICY 7-2.2 APPLICATION FOR POSITIONS

It is the desire of Richmond Public Schools to recruit and retain the best possible qualified applicants. Qualified applicants applying to Richmond Public Schools will be given an opportunity to apply for positions for which they are qualified.

Application for employment in the Richmond Public Schools shall be submitted in electronic form to the Department of Human Resources. The application form shall, among other required information, require the applicant to certify (i) that (s)he has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) whether (s)he has been convicted of a crime of moral turpitude. A personal interview may be required of applicants as a prerequisite to employment.

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

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-295, 22.1-296.1, 22.1-296.4

Adopted December 5, 2011

POLICY 7-2.3 HIRING: HEALTH ISSUES

Staff Health

As a condition of employment every new employee of the School Board of the City of Richmond including teachers, cafeteria workers, janitors and bus drivers, shall submit a certificate signed by a licensed physician, nurse practitioner, or registered nurse stating the employee appears free of communicable tuberculosis. Volunteers may be required to provide such a certificate.

The certificate will be based on recorded results of those x-rays, skin tests, and other examinations, singly or in combination, considered necessary by the physician. The x-rays, tests, and/or other examinations must have been performed within the twelve (12)-month period immediately preceding submission of the certificate. Any employee who begins duty without having complied with this requirement will have violated the terms of employment and is not entitled to compensation. Any

new employee, aide, or student teacher that begins duty without having complied with this requirement shall be removed from that assignment until the requirement is fulfilled. A new employee is designated as someone hired for the first time or rehired after a one-year absence.

Persons who have tuberculosis, a previous positive tuberculin test, or who have taken anti-tubercular medication, shall submit the results of a chest X-ray to the Human Resources Department. Employees with positive tuberculin reactions and those who received chest X-rays shall continue to follow the schedule of reexaminations set by their physicians. Evidence of such reexamination shall be submitted to the Human Resources Department.

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.

Physical Examinations

No person shall be employed as a bus driver unless he or she has a physical exam of the scope required by the Board of Education and provides the School Board the results of the exam on the form prescribed by the Board of Education. Such exam and report may be provided by a licensed nurse practitioner or physician assistant. School bus operators and employees who are designated drivers must have an annual medical examination. Food service workers must have medical examination every two years and provide written certification of said examination.

Communicable/Bloodborne Contagious Diseases

The School Board recognizes the importance of protecting its employees and pupils from the transmission of communicable diseases which present a threat to their health and safety, while also protecting the legitimate interests and rights employees with communicable diseases. In carrying out this responsibility, the School Board directs the division superintendent to act in compliance with applicable law to exclude from work in the school setting any person who has a communicable disease. Both the decision to remove the employee and the decision to permit the employee to return to work shall be made by the division superintendent on a case-by-case basis in consultation with the local health department, the pupil's or employee's physician, nurse practitioner, and/or other medical authorities. The employee may be excluded from work pending the division superintendent's decision.

The division superintendent is directed to develop administrative procedures concerning the exclusion of employees with communicable diseases that are consistent with the requirements of law, including the policies of the Virginia Department of Education, and should reflect current medical knowledge and research.

Bloodborne Pathogens – Exposure Control Plan

The Director of Human Resources, working in collaboration with the coordinator of Health Services, shall have the primary responsibility for writing, implementing and maintaining the Richmond Public Schools Bloodborne Pathogens Exposure Control Plan. This will include performing the following tasks:

- a. Identifying employee groups exposed to potential bloodborne pathogens to include all employees having direct contact with pupils;

The School Board shall also require on its application for employment, as a condition of employment requiring direct contact with pupils, 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 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 Investigation for the purpose of obtaining criminal history record information on applicants who are offered or accept employment.

If an applicant is denied employment because of information appearing on his record in the registry, the School Board shall provide a copy of the information obtained from the registry to the applicant.

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 pupils, 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 shall ensure 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 shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. 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 his record in the registry, the School Board shall provide 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 shall be confidential and shall not be disseminated by the School Board.

Employee Charges and Convictions

Employees may be placed on probation or suspended in accordance with policies 7-8.1 and 7-8.2, if charged by summons, warrant, indictment or information with the commission of a felony or a misdemeanor involving (i) sexual assault, (ii) obscenity and related offenses, (iii) drugs, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child as established in Title 18.2 of the Code of Virginia, or an equivalent offense in another state. Where a conviction relates to the suitability of the employee to perform duties in a particular position, such employee may be dismissed.

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

Notification of Employee Arrests

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

Probation

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

Costs of Fingerprinting, Criminal Record, Division of Motor Vehicles, and Abuse and Neglect Checks

The School Board may (i) pay for all or a portion of the cost of fingerprinting, criminal records check, Department of Motor Vehicles check, and/or abuse and neglect check; or (ii) in its discretion, require the applicant to pay for all or a portion of the cost of fingerprinting, criminal records check, Department of Motor Vehicles check, and/or abuse and neglect check conducted pursuant to this policy.

Sex Offender Registry Notification

School Board Policy 4-2.2 provides additional information regarding receipt of Sex Offender Registry Notification as it relates to current or prospective School Board employees.

LEGAL REFERENCE: Code of Virginia, 1950, 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, 22.1-315, 63.2-1515.

Adopted December 5, 2011
Revised August 18, 2014

POLICY 7-2.5 HIRING: NEPOTISM AND CONFLICT OF INTEREST PROHIBITIONS

The School Board of the City of Richmond may not employ, and the division superintendent may not recommend for employment, any family member of the division superintendent or of a School Board member. This prohibition shall not be construed to prohibit the employment, promotion, or transfer within the school division of any person within a relationship described in the previous sentence when such person: (i) has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of any member of the School Board or division superintendent; (ii) has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to inception of such relationship; or (iii) was employed by the School Board at any time prior to June 10, 1994, and has been employed at any time as a teacher or any other employee of any Virginia school board prior to the taking of office of any member of such school board or division superintendent. A family member employed as a substitute teacher may not be given any greater employment than that obtained in the last full school year prior to the taking of office of the division superintendent or any School Board member.

The School Board may employ no immediate family member of any employee if the immediate family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. It is not the practice of the Human Resources Department to assign family members to the same organizational unit, although such assignment is not prohibited and may be made if the assignment meets the needs of the organizational unit. For the purposes of this policy, an organizational unit is defined as a department or a school. In addition, the School Board and the division superintendent, according to School Board policy, retain the right to transfer or reassign family members to separate organizational units to meet the school district's needs. In no circumstances shall any employee be involved in any personnel matter involving a member of his or her immediate family. The division superintendent is directed to develop guidance to ensure compliance with this policy.

"Family member," as used in this policy, is defined as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law. "Immediate family member," as used in this policy, means (1) a spouse and (2) any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

No employee shall have a personal interest in a contract with the agency of which he/she is an officer or employee other than his/her own contract of employment.

No officer or employee shall:

- a. solicit or accept money or other thing of value for services performed within the scope of the employee's or officer's official duties;
- b. offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;
- c. offer or accept any money or other thing of value for or in consideration of the use of the employee's or officer's public position to obtain a contract for any person or business with any governmental or advisory agency;
- d. use for the employee's or officer's own economic benefit or that of any other party confidential information which the employee or officer has acquired by reason of his/her public position and which is not available to the public;

- e. accept any monies, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence the officer or employee in the performance of his/her official duties (certain political contributions excluded);
- f. accept any business or professional opportunity when the officer or employee knows that there is a reasonable likelihood that the opportunity is being afforded him/her to influence her/him in the performance of official duties;
- g. accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his/her official duties, or
- h. accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor; or
- i. accept gifts from sources on a basis so frequent as to raise an appearance of the use of public office for private gain.

Any officer or employee should contact the Director of Human Resources to request assistance when there is a question about whether a conflict of interest exists. The law provides criminal penalties for known violations of the Conflict of Interests Act.

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

Adopted December 5, 2011

POLICY 7-2.6 HIRING: TEMPORARY PERSONNEL, PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF

Substitute Teachers

Substitute teachers must (i) be at least 18 years old, with preference given to persons 21 years old or older; (ii) hold a high school diploma or have passed a high school equivalency examination approved by the Board of Education; (iii) have completed sixty (60) college semester credit hours or ninety (90) college quarter credit hours to substitute teach in Richmond Public Schools; and (iv) possess good moral character.

A substitute teacher or temporarily employed teacher shall mean (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.

All persons newly employed as substitute teachers must complete all employment paperwork required by applicable Virginia law and School Board policy, including, but not limited to:

- 1. A medical certificate stating that such person appears free from communicable tuberculosis;
- 2. Fingerprints and descriptive information to be submitted, along with the fingerprints, through the Central Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal record information;

3. Written consent and the necessary personal information to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Virginia Department of Social Services.
4. Submit to drug and alcohol testing as described in Policy 7-3.1.

Before being assigned to a classroom as a substitute teacher, the candidate must participate in a substitute orientation presented by Richmond Public Schools' Human Resources Department. Emergency circumstances may exist which require deviation from this policy with respect to the orientation process. The program shall provide substitutes with information concerning Richmond Public Schools and building procedures, class routines, division and school philosophy, the use of the Richmond Public Schools' automated substitute calling system, the division's policies regarding sexual harassment, student and employee health, and other relevant policies.

Substitute teachers will be paid at a daily rate identified on the current School Board substitute teacher salary scale. Any substitute teacher placed in a long-term assignment extending more than twenty (20) days shall begin to earn the higher substitute salary from the substitute teacher salary scale on the twenty-first (21) day of the assignment.

Richmond Public Schools' Human Resources Department will maintain a centralized calling system to secure daily substitute teachers from the approved official list. Only those substitutes on the approved list maintained by the Human Resources Department are eligible for employment. Principals must utilize substitutes who have completed the mandatory orientation training and who are on the official approved substitute list. Emergency circumstances may arise which require the Human Resources Department to directly engage qualified substitute teachers not appearing on the list.

No substitute placed on the official approved list is guaranteed or entitled to any appointment or to regular appointments. The Human Resources Department may remove substitutes from the official approved list for any reason.

Homebound Teachers

Homebound teachers will be employed on a part-time, hourly basis. Homebound teachers shall be selected from the active file of qualified applicants maintained in Pupil Personnel Department and shall hold a valid teaching license.

Part-Time Teachers

A teacher 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 same licensure requirements and other human resource requirements delineated in policies 7-2.3 and 7-2.4 and all other certification requirements of the Virginia Board of Education shall be met.

Summer School Teachers

Summer school teachers shall meet all licensure and health requirements of full-time teaching personnel. No benefits or leave programs applicable to teachers during the regular session are available to summer school teachers with the exception that summer school teachers shall receive two (2) personal leave days.

Interns

Arrangements for the utilization of interns in the Richmond Public Schools system should be initiated through the division superintendent or his/her designee.

Student Teachers

Richmond Public Schools will accept student teachers only from accredited institutions. All student teachers shall meet the same health and screening requirements as all other personnel. The division superintendent shall have the responsibility for the assignment and placement of student teachers in the school system. Student teachers who are enrolled in a graduate internship model may be used as substitute teachers when it does not conflict with responsibilities associated with their internship.

LEGAL REFERENCE: Code of Virginia, 1950, as amended §§ 22.1-70, 22.1-78, 22.1.302.

Adopted December 5, 2011

Revised/Adopted June 16, 2014

POLICY 7-2.7 APPOINTMENT AND REAPPOINTMENT

The School Board of the City of Richmond will appoint and reappoint contracted employees only upon the recommendation of the division superintendent. The division superintendent or his/her designee is authorized to offer employment to personnel between School Board meetings, subject to approval by the School Board at its next regular meeting.

For information purposes, the division superintendent will report the names and positions of all non-contracted employees hired by the administration to the School Board during the next regular meeting following the date of hire. Non-contracted employees will be compensated based on an hourly rate schedule approved by the School Board.

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

Adopted December 5, 2011

Revised/Adopted June 2, 2014

POLICY 7-2.8 ASSIGNMENT AND TRANSFER

Professional Staff Assignments and Transfers

Assignment

Every effort shall be made by the Richmond Public Schools Superintendent to assure that individuals are assigned to positions that are consistent with their abilities.

- a. Administrators and supervisors other than principals: Assignment of administrative positions shall be based upon leadership skills, scholarship, character, special abilities or skills, and competence.

- b. Principals and teachers: The division superintendent shall have authority to assign all teachers, principals and assistant principals to their respective positions in the school wherein they have been placed by the School Board.

- i. Eligibility for exchange programs

The division superintendent may authorize instructional personnel to participate in a teacher exchange program, in accordance with regulations governing participation in the specific program and any other requirements which may be imposed by the division superintendent.

Transfers and Reassignments

The division superintendent may reassign or transfer any teacher, principal, or assistant principal for that school year to any school within Richmond Public Schools provided no change or reassignment during a school year shall affect the salary of such teacher, principal, or assistant principal for that school year.

The division superintendent may reassign or transfer other employees to any school or position within Richmond Public Schools for which the employee is qualified within Richmond Public Schools. For purposes of this policy, the salary of any employee reassigned or transferred during the school year or during a prior school year shall be adjusted on July 1 of the following school year to the salary of the position to which such employee has been reassigned or transferred. Upon recommendation of the division superintendent, the School Board may consider individual exceptions to the salary provisions of this policy.

- a. Supervisors, principals, assistant principals: A person employed as a principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve three (3) years in such position in the same school division before acquiring continuing contract status as principal or supervisor.

Continuing contract status acquired by a principal or supervisor shall not be construed as prohibiting the School Board from reassigning such principal or supervisor to a teaching position if notice of reassignment is given by the School Board by June 15 of any year or as entitling any such principal or supervisor to the salary paid him/her as principal or supervisor in the case of any such reassignment to a teaching position; provided, however, that no such salary reduction and reassignment shall be made without first providing such 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 division superintendent, the division superintendent's designee, or the School Board. The School Board, division superintendent or his/her designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the discretion of the School Board.

The intent of this section is to provide an opportunity for a principal or supervisor to discuss the reasons for such salary reduction and reassignment with the Superintendent, his/her designee or the School Board. Provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause as defined in Virginia Code § 22.1-307 for the salary reduction and reassignment of a principal or supervisor.

As used in this section, "supervisor" includes all central office administrators below the rank of the division superintendent.

- b. Teachers: Teachers are entitled to initiate a transfer request for classroom assignment within the areas of their certification. The administration shall develop procedures for the handling of voluntary teacher transfer requests.

Support Staff Assignments and Transfers

Support staff shall be assigned to positions for which their qualifications best meet the needs of Richmond Public Schools' operations. Support staff personnel are entitled to initiate a transfer request for a position within their area of competence and for which they are qualified. Classified/support staff personnel may be transferred to positions for which their qualifications best meet the needs of Richmond Public Schools.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-280.2:1, 22.1-293, 22.1-294, 22.1-295, 22.1-297.

Adopted December 5, 2011
Revised/Adopted July 15, 2013
Revised/Adopted July 13, 2015

ARTICLE III
CONDITIONS OF EMPLOYMENT, GENERALLY

POLICY 7-3.1 DRUG-FREE AND ALCOHOL-FREE WORKPLACE

The School Board of the City of Richmond is committed to the health, safety and well-being of its employees. Our employees are the indispensable key to our goal of providing the best possible educational program for our students. The School Board considers the influence of drugs and alcohol in the workplace to be detrimental to its employees and school division, as well as to the continued personal growth and academic success of our students. Employee substance abuse increases the potential for accidents, absenteeism, substandard performance, low morale, and tends to undermine public confidence in the school division. Such tendencies are counterproductive to the policy of the School Board. Recognizing that drug and alcohol abuse pose a direct and significant threat to its goals, the School Board is committed to maintaining a drug-free and alcohol-free working environment throughout the school division which is designed to foster a safe, healthy and productive work environment for all employees.

The division superintendent or his/her designee shall develop the necessary procedures to implement this policy and take such steps as may be necessary to ensure maximum employee awareness of and compliance with this policy. In addition, the Department of Human Resources shall create and maintain an alcohol and drug awareness program for all School Board employees.

This policy and subsequent procedures apply to all applicants and all School Board and Richmond Public Schools employees regardless of service, position or appointment status. All employees, persons working in personal service arrangements and covered contractors, have an obligation to report any violation of this policy.

LEGAL REFERENCE: 41 U.S.C. §§ 702 and 703; Code of Virginia, 1950, as amended, §§ 4.1-309 and 18.2-255.2; Virginia Administrative Code 8 VAC 20-560-10.

Adopted December 5, 2011
Revised/Adopted October 21, 2013
Revised/Adopted July 13, 2015

DRUG-FREE AND ALCOHOL-FREE WORKPLACE PROCEDURES

Generally

Richmond Public Schools maintains a drug-free and alcohol-free workplace for all individuals employed within the school division. The following procedures have been developed pursuant to School Board Policy 7-3.1, Drug-Free and Alcohol-Free Workplace.

Definitions

As used in these procedures:

- a. "Alcohol" means any product defined as alcohol in "The Alcoholic Beverage Control Act," Title 4.1 of the Code of Virginia, as amended.
- b. "Controlled Drug" means any substance as defined in the "Drug Control Act," Title 54.1, Chapter 34 of the Code of Virginia, as amended, and whose manufacture, distribution, dispensation, use or possession is controlled by law.
- c. "Conviction" means a finding of guilt (including a plea of guilty or a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug laws, alcoholic beverage control laws, or laws that govern driving while intoxicated.
- d. "Criminal Drug Law" means any criminal law governing the manufacture, distribution, use or possession of any controlled substance.
- e. "Drug paraphernalia" means those items described in §18.2-265.1 of the Code of Virginia.
- f. "Employee" means any employee of the School Board of the City of Richmond or Richmond Public Schools, whether part-time, full-time, or temporary.
- g. "Imitation controlled substance" means those substances defined in §18.2-247(B) of the Code of Virginia.
- h. "Reasonable suspicion" means suspicion, based upon objective and articulable facts, sufficient to lead a prudent supervisor to suspect that an employee is under the influence of alcohol or drugs. Such objective and articulable facts may include, but are not limited to, impaired motor coordination, smell of alcohol, observed use, possession or sale, frequent tardiness and/or absences, job performance.
- i. "Safety-sensitive positions" means (1) those positions within the Department of Pupil Transportation for which maintenance of a valid Commercial Driver's License is required as a condition of employment, or which require the performance of "safety sensitive functions" as defined in U.S. Department of Transportation regulations; (2) positions within the Department of Safety and Security; and (3) positions within the Office of Family and Community Engagement (FACE).
- j. "Under the influence of alcohol" means having an alcohol concentration of .02 or greater.

- k. “Under the influence of drugs” means having a detectable trace of anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in the Drug Control Act, Chapter 34 of Title 54.1, Code of Virginia, as amended, and as defined in Schedules I through V of Title 21, §812 of the United States Code, any imitation controlled substance.
- l. “Workplace” means the site for the performance of work and includes any school property, school-owned or school-approved vehicles used to transport employees or students, the site of any school-sponsored activity and any site where a school division employee is performing assigned duties.

Prohibited Activity

In the Workplace

No employee shall unlawfully manufacture, distribute, dispense, purchase, possess, be under the influence of, or use in the workplace any form of alcohol, anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in the Drug Control Act, Chapter 34 of Title 54.1, Code of Virginia, as amended, and as defined in Schedules I through V of Title 21, §812 of the United States Code, any imitation controlled substance, or drug paraphernalia.

Outside the Workplace

If an employee is charged with and/or convicted of the use, manufacture, possession, distribution, or purchase of a controlled substance, imitation controlled substance or drug paraphernalia while outside of the workplace, disciplinary action may result, up to and including termination, if the employee’s conduct may adversely impact or otherwise presents an unacceptable security risk to the school division, its employees or its students.

Violation of Criminal Drug or Alcohol Beverage Control Laws

Any employee convicted of violating a criminal drug statute or alcohol beverage control law or law which governs driving while intoxicated or driving under the influence, shall notify his or her supervisor and the Director of Human Resources, in writing, no later than five (5) calendar days after his or her conviction. Appealing the conviction does not affect the requirement to notify the supervisor and the Director of Human Resources of the conviction. Upon notification of a conviction, an employee shall be subject to appropriate disciplinary actions up to and including termination. The employee may be required to participate, at their own expense, in a substance abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

Drug and Alcohol Testing

Generally

Richmond Public Schools reserves the right to conduct drug and alcohol tests on employees and job applicants under the circumstances described below and to require employees and applicants to release to the division superintendent, the Director of Human Resources, or their designee(s), and to a Medical Review Officer the test results performed by any laboratory or health care provider performing drug and alcohol testing.

Types of Testing

Testing of an individual for the presence of alcohol or drugs may be conducted under any of the following circumstances:

- a. where there is reasonable suspicion, as defined above, that an employee is under the influence and/or using drugs or alcohol in violation of the School Board policy and school division procedures;
- b. following a work-related accident involving personal injury or property damage while on the job or an accident involving a School Board owned vehicle;
- c. as part of pre-employment screening for all positions;
- d. follow-up and return to duty testing, or testing as part of an agreed upon testing schedule, as a result of prior drug or alcohol-related disciplinary proceedings against an employee; and
- e. random testing of employees who hold safety-sensitive positions as defined above.

Drug and Alcohol Testing Procedures

All drug and alcohol testing procedures (including, but not limited to, sample collection procedures, laboratory analysis of samples, and reporting and review of test results) shall also be developed in accordance with Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40.

Searches

Richmond Public Schools reserves the right to search, without employee consent, all areas and property in which it maintains either full control or joint control with the employee, including, but not limited to, School Board vehicles, property and equipment, when:

- a. an employee is required to submit to reasonable suspicion testing;
- b. when an employee is required to submit to post-accident testing; and
- c. when an employee who is subject to random testing receives a confirmed positive result.

Searches made pursuant to these procedures may be conducted only by authorized administrative personnel after consultation with the division superintendent or his/her designee.

Nothing in the School Board policy or procedures, however, shall be interpreted to prohibit any search by law enforcement personnel.

Costs of Testing

Richmond Public Schools shall bear the cost of all initial testing, including the initial screen and confirmation testing. Should an applicant or employee have a confirmed positive test result and elect to have a re-test pursuant to the testing procedures, the cost of such test shall be borne by the applicant or employee.

Prescription and Non-Prescription Drugs

An individual who is taking a drug legitimately, whether it is a non-prescription drug being used for bona fide health reasons, a prescription drug being taken pursuant to a valid prescription, or a drug being taken under supervision as part of a court-approved or court-supervised drug rehabilitation program, shall not be deemed to have violated these procedures due to testing positive for that drug, provided that the individual provides a valid prescription or order for that drug to the Medical Review Officer in accordance with the policy and the applicable procedures for review of test results.

Confidentiality of Test Results

The results of all alcohol and drug testing conducted pursuant to the policy and procedures shall remain confidential and may be released by the Medical Review Officer only to the division superintendent, the Director of Human Resources or their designee(s) upon the written consent of the employee. Test results may be released to and relied upon by the School Board in any disciplinary action taken by the school division, or to the court in any criminal proceeding.

The Medical Review Officer shall maintain all test results in a secure fashion. All personnel records and information regarding referral, evaluation, test results and treatment shall be maintained in a confidential manner and shall be maintained separate from an employee's personnel file.

Consequences

Alcohol

- a. Applicants - Any applicant who refuses to submit to alcohol testing, attempts to tamper with the results of an alcohol test, tests positive for alcohol, or refuses to release the results of an alcohol test will be disqualified from consideration for the position sought and shall be ineligible for employment and shall be prohibited from entering into any other contractual relationship with Richmond Public Schools for a period of three (3) years from the date of the test.
- b. Refusal to Submit to an Alcohol Test – An employee who refuses to provide an adequate breath sample for alcohol testing without a valid medical explanation after they have received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure, shall be recommended for termination.

- c. On-Duty Use of Alcohol – Any employee who is found consuming alcohol on the School Board premises or during work time shall be recommended for termination.
- d. Results of an Alcohol Test Indicating an Alcohol Concentration of .04 or Greater– Any employee who tests for alcohol at a concentration level of .04 or greater shall be relieved from duty and recommended for termination.
- e. Results of an Alcohol Test Indicating an Alcohol Concentration between .02 and .039 – Any employee who tests for alcohol at a concentration level between .02 and .039 will be relieved from duty and be recommended for suspension with or without pay. Such employee may conditionally return to duty upon completion of the suspension and after they have retested at an alcohol concentration level below .02. The employee will receive a mandatory referral to the Richmond Employee’s Assistance Program (REAP) and be required to participate and successfully complete any rehabilitation imposed through REAP.
- f. Repeat Usage – Employees who test for a second time at an alcohol concentration of .02 or greater will be recommended for termination.
- g. Any employee terminated pursuant to sub-sections (b), (c), (d) or (f) above will be ineligible for re-employment and shall be prohibited from entering into any other contractual relationship with Richmond Public Schools for a three (3) year period from the effective date of termination.

Illegal Drugs or Controlled Substances

- a. Applicants - Any applicant who refuses to submit to drug testing, attempts to tamper with the results of a drug test, tests positive for illegal drugs, or refuses to release the results of a drug test will be disqualified from consideration for the position sought and shall be prohibited from entering into any other contractual relationship with Richmond Public Schools for a period of three (3) years from the date of the test.
- b. Refusal to Submit to a Drug Test – An employee who refuses to provide an adequate urine sample for drug testing without a valid medical explanation after they have received notice of the requirement to be tested, or who engages in conduct that clearly obstructs the testing procedure, shall be recommended for termination.
- c. On-Duty Use or Possession of Illegal Drugs or Controlled Substances – Any employee who is found in possession of or using illegal drugs or controlled substances on the School Board premises or during work time shall be recommended for termination.
- d. Positive Drug Testing Results – Any employee found to have a detectable trace of anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in the Drug Control Act, Chapter 34 of Title 54.1, Code of Virginia, as amended, and as defined in Schedules I through V of Title 21, Section 812 of the United States Code or any imitation controlled substance shall be recommended for termination.
- e. Any employee terminated pursuant to sub-sections (b), (c) or (d) above will be ineligible for re-employment and shall be prohibited from entering into any other contractual

relationship with Richmond Public Schools for a three (3) year period from the effective date of termination.

Voluntary Participation in Substance Abuse Programs or Rehabilitation

An employee voluntarily seeking assistance for a substance abuse problem through an appropriate medical source or treatment programs approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency will not be disciplined pursuant to these procedures provided the employee volunteers for such treatment prior to being charged by any local, state or federal authorities with a violation of a drug controlled statute or regulation or charged with a violation of the School Board policy and procedures regarding alcohol or drugs.

An employee who performs safety sensitive functions shall be removed from those functions temporarily until released to perform those functions by the treating physician, therapist or counselor and/or when the employee can perform the duties of the position in compliance with these procedures.

Drug-Free and Alcohol –Free Workplace Awareness Program

Each employee shall be required to participate in a continuing drug-free and alcohol-free work place education and awareness program on a periodic basis regarding:

- a. The dangers of drug and alcohol abuse in the workplace;
- b. The School Board policy of maintaining a drug-free and alcohol-free workplace;
- c. Any available substance abuse counseling, rehabilitation and employee assistance programs; and
- d. The penalties that may be imposed upon employees for substance abuse violations.

REFERENCE: School Board Policy 7-3.1; 41 U.S.C. §§ 702 and 703; Code of Virginia, 1950, as amended, §§ 4.1-309 and 18.2-255.2; Virginia Administrative Code 8 VAC 20-560-10.

Effective Date: October 21, 2013
Revised/Adopted July 13, 2015

POLICY 7-3.2 STAFF: WEAPONS IN SCHOOLS

The School Board of the City of Richmond is committed to maintaining a safe and secure working and learning environment. Staff members are prohibited from carrying, bringing, using or possessing any weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school or the school division. The division superintendent and School Board will take appropriate personnel action up to and including dismissal of any employee found in violation of this provision. Such actions of the division superintendent and School Board shall begin immediately upon notification of a violation. All incidents involving illegal carrying of a firearm shall be reported in accordance with state law.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 18.2-308.1, 22.1-78, and 22.1-279.3:1; Virginia Administrative Code 8 VAC 20-560-10.

Adopted December 5, 2011

POLICY 7-3.3 STAFF PARTICIPATION IN POLITICAL ACTIVITIES AND PROFESSIONAL ORGANIZATIONS

Political Activities

The School Board of the City of Richmond recognizes the rights of its employees to engage in political activity. Employees may solicit support for political candidates or political issues outside regular work hours and off school property.

School employees engaging in political activity must make it clear that their views and actions are made as individuals and they do not represent the views of Richmond Public Schools. No employee shall use his/her position in Richmond Public Schools to promote a political cause. No employee shall attempt to indoctrinate students by virtue of his/her position.

Political posters, announcements and flyers shall not be displayed on school bulletin boards. School mail or school property shall not be used for the production or distribution of partisan political material. These restrictions shall not apply to classroom bulletin boards and displays being used to supplement instructional units.

Professional Organizations

The School Board recognizes that employees participate in professional organizations. Such participation shall not negatively interfere with the job duties of the employee.

LEGAL REFERENCE: Code of Virginia, 1950, as amended §§ 22.1-70, 22.1-78, 22.1-79.3, 40.1-57.2, and 40.1-57.3.

Adopted December 5, 2011

POLICY 7-3.4 DRESS CODE

Richmond Public Schools honors all of its employees as highly skilled professionals. To this end, the Richmond Public Schools encourages its employees to bear in mind that as professionals, employees are expected to dress accordingly. Employee attire is expected to reflect the tenets of the education profession and to set an appropriate example for pupils.

All Richmond Public Schools employees are required to dress and present themselves in a mature, professional manner, consistent with their worksite duties (i.e., physical education teachers, nurses, and uniform employees dress as duties require). The School Board directs the division superintendent or his/her designee to develop procedures to implement this policy to be updated regularly. The principal of each school is responsible for ensuring compliance with this policy and resulting administrative procedures.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70 and 22.1-78.

Adopted December 5, 2011

**POLICY 7-3.5
NON-SCHOOL EMPLOYMENT**

Nonschool Employment by Professional Staff Members

Employees shall not engage in outside employment that conflicts with their employment by the School Board of the City of Richmond. A conflict will be deemed to exist if the outside employment in a private business or activity detracts from the employee's effectiveness in his/her contractually assigned duties.

Tutoring and Professional Services

No employee shall receive compensation for the provision of tutoring or professional services offered to pupils of schools with which the employee is directly associated in a professional way, nor shall any activity or project be promoted in the schools from which the employee will receive compensation or remuneration other than the salary as an employee of the school board. No employee shall suggest that a pupil receive tutoring or professional services without reporting that fact to the principal.

LEGAL REFERENCE: Code of Virginia, 1950, as amended §§ 2.2-4367, et seq., 22.1-70, 22.1-78.

Adopted December 5, 2011

POLICY 7-3.6 STAFF TIME SCHEDULES

Work Schedules

The workday for full-time administrative and professional staff will be a minimum of seven hours and will continue until professional responsibilities to the pupil, school, and division are completed. Elementary school teachers will be provided at least an average of thirty minutes per day during the pupils' school week as planning time. 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. Work schedules for other employees will be defined by the division superintendent or his/her designee, consistent with the Fair Labor Standards Act and the provisions of this policy.

Workweek Defined

Working hours for all employees not exempted under the Fair Labor Standards Act, including administrative assistants, bus drivers, cafeteria, custodial, security and maintenance personnel, will conform to federal and state regulations. The division superintendent will ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors will make every effort to avoid circumstances which will require non-exempt employees to work more than 40 hours each week.

For purposes of compliance with the Fair Labor Standards Act, the workweek for school division employees spans from Monday 12:01 a.m. through Sunday at 12:00 midnight. Unless expressly stated in a contract, letter of agreement, or special term of employment, employees will observe a five-day workweek which begins on Monday and ends on Friday.

Overtime and Compensatory Time

Unless an emergency situation dictates otherwise, employees shall not work overtime without expressed, advance written approval from their building principals or department supervisors and/or the division superintendent or his/her designee. Using overtime on a continued basis for accomplishing regular services is prohibited.

Principals or supervisors are responsible for the timely and accurate recording of all overtime and compensatory time which must be documented on a regular basis. All overtime and compensatory time earned shall be properly recorded on overtime/compensatory time sheets and forwarded to the Department of Human Resources at the end of each month.

Employees who intentionally work unauthorized overtime may be subject to disciplinary action. Principals or supervisors who fail to prevent employees from working unauthorized overtime may also be subject to discipline.

Non-exempt employees must receive overtime pay for hours worked over 40 per workweek at a rate not less than one and one-half times the regular rate of pay. In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each one hour of overtime worked, if such compensatory time is:

- a. pursuant to an agreement between the employer and employee reached before overtime work is performed; and
- b. is authorized by the immediate supervisor.

Accrued compensatory time should be taken within a reasonable period of time, as required by the Fair Labor Standards Act. For the purposes of this policy, "reasonable time" shall mean no later than June 30 of the year in which the compensatory time is earned. Employees may accrue a maximum of 50 compensatory time hours before they will be provided overtime pay at the rate earned by the employee at the time the employee receives such payment. In addition, upon leaving the school division, an employee must be paid for any unused compensatory time at the rate of not less than the higher of:

- a. the average regular rate received by the employee during his/her last three years of employment; or
- b. the final regular rate received by the employee.

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

Employees will be provided with a copy of this policy and will be required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy will constitute the written agreement required in this section.

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.

LEGAL REFERENCE: 29 U.S.C. § 201 et seq.; 29 C.F.R. § 516.1 et seq.; Code of Virginia, 1950, as amended, §§ 22.1-291.1 and 40.1-28.8 et seq.

Adopted December 5, 2011

POLICY 7-3.7 REDUCTION IN FORCE

A decrease in enrollment, budget reduction or adjustment, consolidation of schools, 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 shall be done in accordance with regulations developed by the division superintendent or his/her designee and adopted by the School Board of the City of Richmond.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304, and 22.1-305(G).

Adopted December 5, 2011

POLICY 7-3.8 FRAUDULENT AND WRONGFUL ACTS

Illegal, fraudulent or wrongful activity by Richmond Public Schools employees is prohibited. Illegal, fraudulent or wrongful activity shall include, but is not limited to:

- a. Misuse and/or abuse of Richmond Public Schools resources, including making long distance telephone calls, use of fax machines, copiers, postage meters and other office machinery for personal use or use unrelated to Richmond Public Schools business;
- b. Conducting illegal activity on school property or through the use of Richmond Public Schools resources;
- c. Abuse of leave policies;
- d. Falsifying of work records;

- e. Mishandling or misappropriation of public funds;
- f. Theft, misuse or misappropriation of Richmond Public Schools supplies and materials for personal use or use unrelated to Richmond Public Schools business;
- g. Use of City vehicles assigned for the use of the Richmond Public Schools for purposes or activities unrelated to Richmond Public Schools business; and
- h. Any illegal, fraudulent or wrongful activity perpetuated for the “benefit” of Richmond Public Schools.

The Department of Internal Audit shall conduct full and complete investigations of all illegal, fraudulent or wrongful acts and shall establish procedures for the conduct of such investigations. The Department of Internal Audit shall advise the division superintendent when it requires the cooperation and/or resources of other departments to complete its investigations and shall secure such cooperation and/or resources through the division superintendent. Reports of all investigations shall be made to the division superintendent and the School Board and/or a committee thereof.

Any employee who suspects that an illegal, fraudulent or wrongful act has been committed shall immediately notify his immediate supervisor or the Department of Internal Audit.

All persons alleged to have violated this policy shall be disciplined in accordance with school board policies and administrative regulations relating to discipline without regard to the position held or length of service.

The administration is responsible for identifying areas of exposure to illegal, fraudulent or wrongful acts and shall establish controls and procedures to deter and detect such acts. The administration shall cooperate fully with all internal investigations as well as those conducted by law enforcement, including support of prosecution.

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

Adopted December 5, 2011

Policy 7-3.9 FRAUD, WASTE AND ABUSE HOTLINE

The Department of Internal Audit shall establish and maintain a fraud, waste and abuse hotline to which individuals may report fraud, waste and abuse of school division resources. The Department of Internal Audit shall adopt procedures consistent with the policy for the implementation of the hotline, receipt of information and investigation of complaints. All investigative activity resulting from use of the hotline shall be reported to the School Board and the division superintendent.

Except in the case of an employee who knowingly makes a false report, no retaliatory or adverse personnel action may be taken against any employee who reports fraud, waste or abuse within the school division solely on the basis of making such report. “Retaliatory or adverse personnel action” shall include, but not limited to: discharge, suspension, transfer, or demotion of any employee or the withholding of salary increases, the reduction in salary or benefits, or any adverse action taken against an employee within the terms and conditions of employment by the School Board.

Upon request, disclosure of information from the records of completed investigations of hotline complaints shall be released to the general public in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation. Unless disclosure is otherwise prohibited, disclosure of information from the completed investigations shall include, but is not limited to: (1) the department involved, (2) the identity of the person who is the subject of the complaint, (3) the nature of the complaint, and (4) the actions taken to resolve the complaint. If the investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of subject person.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 2.2-3705.3, 22.1-78.

Adopted December 5, 2011

Policy 7-3.10 SELLING AND ENDORSEMENTS

Selling and Endorsements

No employee shall be permitted to sell pamphlets, books or other related classroom materials for personal gain within the school division of the City of Richmond. No employee shall be permitted to endorse or promote such books and materials without the approval of the School Board if such books and materials are to be used within the school division of the City of Richmond.

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

Adopted December 5, 2011

Policy 7-3.11 USE OF COMPUTER TECHNOLOGY

Generally

All computer users have the responsibility to use computer resources in an efficient, effective, ethical, and lawful manner. The following policy, rules, and conditions apply to all users of school division computer resources and services.

For the purposes of this policy, “computer resources” include, but are not limited to, the following:

- a. host computers,
- b. file servers,
- c. workstations,
- d. standalone computers,
- e. laptops and mobile devices,
- f. printers,
- g. digital scanners,
- h. digital cameras,
- i. plotters,
- j. software, and
- k. internal or external communications networks.

Employees are expected to exercise reasonable protection of school division computer resources such as laptops, mobile devices, digital cameras, computers, and electronic data from damage and theft.

All users of school division mobile devices and computers are expected to comply and agree with the Acceptable Use Policy.

Care of Richmond Public Schools Computer Resources

Users must take the utmost care of school division computer resources. To that end, all users:

1. Shall not install software/hardware onto their individual computers or the network or change the system configuration including network settings unless under direct supervision or at the direction of Department of Information Communication and Technology Services.
2. Must comply with all software licenses, copyrights, and other state and federal laws governing intellectual property.
3. Will be responsible for the costs (including labor costs) of repairing any hardware or software damage or problems that occurs on or off school premises that is caused by their negligence as deemed by RPS' administration.

Use of Richmond Public Schools Computer Resources

All uses of school division computer resources shall comply with the following:

1. Users shall not alter or copy any files belonging to another user without first obtaining permission from the owner of the file. The ability to read, alter or copy a file belonging to another user does not imply permission to do so.
2. Fraudulent, harassing, embarrassing, indecent, profane, obscene, intimidating, or any unlawful material shall not be sent by e-mail or other form of electronic communication or displayed on or stored in school division computers. Users encountering or receiving such material shall immediately report the incident to their immediate supervisor for investigation.
3. Users shall not forward e-mail or data to any other person or entity without the express permission of the sender.
4. Users may not remove computer equipment, electronic files or data, or software from any school division facility without prior written and/or verbal permission from designated personnel.
5. Downloading, copying, or transferring confidential and/or sensitive data, including but not limited to financial, employee, or pupil data to external media or a computer's local drive without expressed permission from designated personnel is not permitted.

Privacy and Security

School Board employees must work to ensure that all school division computer resources are safeguarded in all respects. To that end, the following applies:

1. Users shall be responsible for safeguarding their passwords. Individual passwords shall not be printed, scanned or stored on-line, or given to others. Users are responsible for all transactions made using their passwords.
2. Users shall not tamper with or attempt to gain or gain access to computer data to which a staff member has no security authorization such as, but not limited to, financial, employee and pupil information.

3. Users and staff members shall turn-in or provide appropriate access to any mobile device, computer, and/or computer equipment and accessories assigned to or used by them, upon request from immediate supervisor or authorized district personnel.
4. The computer and telecommunications resources and services of the school division shall not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), political material or any other unauthorized or personal use without prior written permission.
5. Port scanning, security scanning, or network monitoring including capturing network data is not permitted unless the activity is part of the employee's normal job duty.
6. Users shall exercise extreme care in downloading executable programs, program codes, or accessing websites which contains scripts, executable programs, and/or program codes.
7. Removal of any computer equipment's identification markings such as asset tags, bar codes, serial numbers, product number, manufacture name, model numbers or any other identification labels are not permitted.

Mobile Device/Computer Theft or Loss

Employees will be held personally responsible for any school division mobile device, computers, equipment, data and/or accessories that are stolen during the time they have been assigned to that staff member.

School Division Rights and Duties

The School Board and Richmond Public Schools:

1. Shall not be liable or responsible for the support of any unauthorized hardware or software.
2. Reserve the right, to gain access to and read a user's file when there is substantiated reason to believe that a violation of law or policy has taken place or when the user is absent and the file is needed under a time-dependent, operationally critical circumstance.
3. Shall permit the inspection, monitoring, or disclosure of electronic mail or other electronic files without the consent of the holder when required by and consistent with law, when there is substantiated reason to believe that a violation of law or RPS policy has taken place or under time-dependent, operationally critical circumstances.
4. Reserve the right to limit disk space for the storage of electronic mail and other electronic files.
5. Reserve the right to deny computer resources; including but not limited to internal servers, internet access, or accessibility to data, to any device considered a threat to the integrity of the school division's computing environment.
6. Make no warranties of any kind, either express or written or implied, that the functions or the services provided by or through the school division's systems will be error-free or without defect.
7. Shall not be responsible for the accuracy or quality of the information obtained through or stored on systems accessible, but separate from its network.
8. Shall not be responsible for financial obligations arising through the unauthorized use of any of its systems.
9. Shall not be responsible for the actions of individual users.

Penalties for Violation

Users who violate this policy will be subject to disciplinary action, up to and including termination from employment with the School Board and/or legal action as deemed appropriate given the nature of the offense.

Any employee, who intentionally damages or destroys school division hardware and/or software, whether directly or indirectly, shall also be responsible for all costs associated with repair and/or replacement.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §22.1-70.2.

Adopted December 5, 2011

Policy 7-3.12 CELLULAR TELEPHONE USAGE

Operation of School Board Vehicles

No employee of the school division shall use wireless telecommunications devices, whether handheld or otherwise, while driving a school board-owned vehicle while the vehicle is in motion. This prohibition includes the placing and/or receiving and responding to telephone calls, reading of text messages and electronic mail via cellular phone while the vehicle is in motion. The use of head sets and other hands-free devices is also prohibited.

School Bus Drivers and Monitors

School bus drivers and monitors shall not use wireless telecommunications devices, whether handheld or otherwise, while driving a school bus, except in case of an emergency, or when the vehicle is lawfully parked and for the purposes of dispatching. Nothing in this section shall be construed to prohibit the use of two-way radio devices authorized by the school division.

Teachers, Instructional Aides and Support Staff

No teacher, instructional aide or member of the support staff shall use a cellular telephone to place or receive calls, or to send or receive text messages or electronic mail while in the classroom setting or during the normal hours when pupils are in class. Calls may be made and received during lunch periods or planning periods or in case of an emergency related to the safety or security of pupils or employees.

Violations of this policy shall result in disciplinary action, up to and including termination.

LEGAL REFERENCE: Code of Virginia, 1950, as adopted, §§ 22.1-78, 22.1-79.

Adopted December 5, 2011

Policy 7-3.13

ELECTRONIC COMMUNICATION WITH PUPILS

The School Board recognizes that new technologies and media, such as social networking, home-based web-sites, message boards, and blogs have the potential to provide an enhanced ability for faculty, staff and pupils to communicate and collaborate. To that end, the School Board encourages its employees to explore and utilize available technologies to augment instructional programs and operational activities where appropriate. School Board employees are expected to conduct themselves in a professional manner at all times while using any means of electronic communication. The division superintendent is directed to develop guidelines for the acceptable use of electronic communication between faculty, staff and pupils consistent with this policy.

Using any means of electronic communication, either provided by the School Board or via personal device, such that it results in a substantial disruption of the educational process and operation of the school division will constitute grounds to investigate whether the use violates School Board policy. Using any means of electronic communication, either provided by the School Board or via personal device, for the purpose of soliciting sexual contact or romantic relationship with a pupil is expressly prohibited. Violation of this policy or related administrative procedures will result in disciplinary action, up to and including termination from employment with the school division and/or legal action as deemed appropriate given the nature of the offense.

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

Adopted December 5, 2011

POLICY 7-3.14 USE OF PRIVATE CARS FOR TRANSPORTING PUPILS

Whenever possible, pupils that are designated to receive school transportation traveling to and from school and school activities should be transported in a school division owned bus or vehicle. School employees shall not transport pupils in their private vehicles except under the circumstances described in this policy.

Employees may use their cars (when properly insured) to transport pupils to school-related events, such as small field trips when no other form of transportation is available and the event could not occur if the employee did not make private transportation available. Under such circumstances the employee is required to submit a request on the standard field trip request form to the building principal or immediate supervisor stating the details of the trip. The employee is responsible for seeing that all parent permission forms are gathered from the pupils who are participating in the trip.

Employees may use their car (when properly insured) to transport pupils to and from after-school activities, with the expressed written permission of the parent or legal guardian, when no other form of transportation is available to the pupil. The employee is responsible for obtaining written permission from the parent or legal guardian prior to transporting the pupil.

The principal or his/her designee may transport a pupil when emergency or special circumstances mandate that immediate transportation is in the best interests of the pupil and/or school. Employees transporting pupils pursuant to this policy shall ensure that the pupils are monitored at all times between pick-up from and return to the intended destination. The division superintendent is directed to develop guidance consistent with the provisions of this policy.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-176.

Adopted December 5, 2011

POLICY 7-3.15 EMPLOYEE ACCIDENTS

The School Board shall provide and maintain a safe and healthful place of employment for its employees and shall comply with the applicable safety and health requirements of the local, state and federal governments. The division superintendent is directed to develop regulations consistent with this policy to include procedures on the prompt reporting of employee accidents and methods by to respond to such accidents.

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

Adopted December 5, 2011

Policy 7-3.16 REPORTS OF CERTAIN ACTS AND OTHER CONDUCT

Reports of Certain Acts and Other Conduct

Conduct and Acts for Which Reports by Employees Shall be Made

Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Section 18.2-60.3 of the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property or at a school-sponsored activity, including the theft or attempted theft of pupil’s prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in Section 22.1-277.07 of the Code of Virginia, onto school property; (vi) any illegal conduct involving firebombs explosive materials or devices, or hoax explosive devices, as defined in Section 18.2-85 of the Code of Virginia, or explosive or incendiary devices, as defined in Section 18.2-433.1 of the Code of Virginia, or chemical bombs, as described in Section 18.2-87.1 of the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity; (vii) or any threats or false threats to bomb, as described in Section 18.2-83 of the Code of Virginia, made against school personnel or involving school property or school buses; or (viii) the arrest of any pupil for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the nature of the charge.

Reports to Local Law Enforcement by Principal

The principal shall immediately report to local law enforcement authorities and to the parents of any minor pupil who is the specific object of the act, any act described in clauses (ii) through (vii) above that may constitute a criminal offense. The principal may report to local law enforcement authorities any incident described in clause (i) above. The principal shall also report to the parents that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information if they so desire.

Reports of Incidents to Division Superintendent

The principal or his designee shall submit a report of all incidents required or authorized to be reported pursuant to this policy to the division superintendent. The division superintendent shall report annually, on forms provided by the Department of Education, all such incidents to the Department of Education for the purpose of recording the frequency of such incidents. Such information shall also be made available to the public. In submitting reports of such incidents, principals and the division superintendent shall accurately indicate any offenses, arrests, or charges as recorded by law enforcement authorities and required to be reported by such authorities pursuant to this policy. A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this policy shall be subject to the sanctions authorized in Section 22.1-65 of the Code of Virginia. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to discipline, up to and including dismissal.

Local Law Enforcement Reports to Principals

Local law enforcement authorities shall report, and the principal or his designee shall receive such reports, on offenses, wherever committed, by pupils enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (Virginia Code Sections 54.1-3400 *et seq.*) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any of the incidents described in this policy, and whether the pupil is released to the custody of his parent, or if the 18 years of age or more, is released on bond. In the event that the division superintendent receives notification that a juvenile has committed an act that would be a crime if committed by an adult shall report such information to the principal of the school in which the juvenile is enrolled.

Parent Notification

The principal or his designee shall also notify the parent of any pupil involved in an incident listed in this policy that is required or authorized by this policy to be reported, regardless of whether disciplinary action is taken against such pupil or the nature of the disciplinary action. Such notice shall relate to only the relevant pupil's involvement and shall not include information concerning other students *pupils*.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 18.2-60.3, 18.2-83, 18.2-85, 18.2-87.1, 18.2-433.1, 22.1-65, 22.1-277.07, 22.1-279.3:1, 54.1-3400 *et seq.*

Adopted December 5, 2011

POLICY 7-3.17 CHILD ABUSE AND NEGLECT REPORTING

Reporting Requirement

Every employee 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:

- (i) the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;

- (ii) to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- (iii) 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 shall post in each school a notice that:

- (i) 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
- (ii) 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 shall adopt 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 will be based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.A, 22.1-291.3, 63.2-1509, 63.2-1511.

Adopted June 16, 2014

POLICY 7-3.18 TOBACCO-FREE SCHOOL FOR STAFF

Smoking is prohibited at all times and under all circumstances in all Richmond Public School buildings as provided in federal, state and local law. Each principal shall post signs stating "No Smoking" as applicable within each school building. The supervisor of transportation shall post signs visible upon entering each school bus stating "No Smoking."

Smoking, chewing, or any other use of any tobacco products by staff, is prohibited on School Board property as defined in this policy.

For purposes of this policy, the following definitions shall apply:

- a. "School Board property" shall mean all property owned, leased, rented, or otherwise used by a school including, but not limited to, all interior portions of any building or structure used for instruction, administration, support services, maintenance or storage, as well as outdoor bleachers; and all vehicles used by Richmond Public Schools for transporting students, staff, visitors, or other persons.
- b. "Tobacco" shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking, or both. "Tobacco" shall include cloves or any other product packaged for smoking.
- c. "Smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling or smoke from a pipe, cigar, or cigarette of any kind.

This policy shall be published in employee handbooks, posted on bulletin boards, and announced in meetings. Staff found to be in violation of this policy shall be subject to appropriate disciplinary action.

Exemptions and Designated Smoking Areas

The School Board may consider requests for exemptions from this policy that demonstrate the existence of extraordinary circumstances to warrant such an exemption and that do not violate federal or state law. The School Board may direct the Superintendent to issue regulations designating smoking areas on school grounds outside buildings.

Electronic Cigarettes

The use of electronic cigarettes on school premises and in school vehicles is prohibited.

LEGAL REFERENCE: 20 U.S.C. § 6083, 7183. Code of Virginia, 1950, as amended, §§ 15.2-2820, 15.2-2824, 15.2-2825, 15.2-2827, 22.1-79.5, 22.1-279.6.

Adopted June 16, 2014

POLICY 7-3.19 LACTATION SUPPORT - STAFF

The division superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the School Board of the City of Richmond or Richmond Public Schools 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.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-79.6.

Adopted June 16, 2014

POLICY 7-3.20 WORKPLACE BULLYING

Policy Statement

The School Board of the City of Richmond is committed to maintaining a safe and healthy work environment for all employees that is free from workplace bullying. Realizing that workplace bullying can have a detrimental impact on individuals (e.g. mental anguish, physical illness, undue stress) and the organization as a whole (e.g. lost employee time, poor workplace morale, decreased productivity), the School Board strictly prohibits workplace bullying of any school division personnel at any school and/or school division assigned work site(s) and/or at any school sponsored activities.

For the purpose of this policy, "school personnel" means School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Board and Richmond Public Schools.

The Compliance Officer for Richmond Public Schools shall (a) promptly investigate all complaints, written or verbal, of workplace bullying; (b) promptly take appropriate action to stop workplace bullying; and (c) take appropriate action against any school personnel who violates this policy and take any other action reasonably calculated to end and prevent further workplace bullying of school personnel.

Definition

Workplace bullying is the repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. It is **abusive conduct** that is:

- i. threatening, humiliating, or intimidating;
- ii. work interference or sabotage which prevents work from getting done; or
- iii. verbal abuse

Workplace bullying is not limited to supervisor / employee relationships; it may also occur among peers / co-workers. While the following is list of examples of workplace bullying, this list is not exhaustive and other instances of inappropriate behavior on the part of an employee that is aligned with the identified definition may be considered workplace bullying:

- i. Verbal communication to include, but not be limited to, abusive and offensive language, insults, teasing, spreading rumors or innuendo, unreasonable criticism, cyber bullying or repeated yelling regarding job performance;
- ii. Manipulating the work environment to include, but not be limited to, isolating someone from normal work interaction, excessive demands or setting impossible deadlines; or
- iii. Psychological manipulation to include, but not be limited to, deliberate exclusion, excessive supervision, practical jokes or public criticism

The School Board does not consider the following to be examples of workplace bullying:

- i. Non-abusive exercise of management rights to assign tasks;
- ii. Appropriately monitoring work;

- iii. Performance evaluation;
- iv. Constructive criticism / feedback
- v. Reprimand for misconduct or lack of work performance;
- vi. High reasonable expectations for employees; or
- vii. Reporting concerns regarding the inappropriate behavior of another employee

Complaint Procedure

a. Submission of a Report of Workplace Bullying

Any school personnel who believes he or she has been the victim of workplace bullying should report the alleged bullying as soon as possible to one of the compliance officers designated below in this policy in sub-section (e).

The reporting party should use the form, "Report of Workplace Bullying", located in Appendix J, to make complaints of workplace bullying. However, oral reports of workplace bullying shall also be accepted if the report is made directly to the compliance officer during regular business hours on the day that the report is made. If a written complaint is submitted, the complaint must be submitted to either the building principal, the department's director, manager, or supervisor, or one of the compliance officers designated in this policy at sub-section (e). The principal / director shall immediately, but no later than twenty-four (24) hours after receiving the report, forward any report of alleged prohibited workplace bullying to the compliance officer. Any complaint that involves the building principal / director shall be reported directly to the compliance officer. Any complaint that involves the compliance officer shall be reported directly to the division superintendent. Any complaint that involves the division superintendent shall be reported directly to the Chair or the Vice-Chair of the School Board. Any complaint that involves the School Board shall be directed to the compliance officer who will retain an external (non-RPS personnel) investigator to conduct the investigation and issue a report regarding the alleged bullying.

The complaint and identity of the complainant and alleged harasser shall not be disclosed except as required by law or policy and/or as necessary to fully investigate the complaint or as authorized by the complainant. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the compliance officer's ability to fully respond to and investigate the complaint.

b. Investigation

Upon receipt of a report of alleged prohibited workplace bullying, the compliance officer shall immediately authorize or undertake an investigation. School personnel (person employed by RPS, but not involved in the alleged incident) may conduct the investigation or, if it is a claim against a member of the School Board, a third party shall be designated by the Compliance Officer, in conjunction with Chair of the School Board (or the Vice Chair if the allegation involves the Chair), to conduct an investigation. The investigation shall be completed as soon as practicable, but not later than 14 business days after receipt of the report. 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 workplace

bullying and the person accused of bullying. The Complainant will not have choice in whether an internal or external investigator is used to investigate the allegations. Additionally, the Complainant will not have a choice in who investigates the allegations.

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 accused and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the compliance officer determines that more than 14 business days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged bullying may also constitute child abuse, then the party that receives the complaint must follow Richmond Public Schools' Child Abuse Reporting Procedures including notification of the complaint to the Department of Social Services.

The investigation may consist of personal interviews with the complainant, the accused, and any others who may have knowledge of the alleged bullying or the circumstances giving rise to the complaint. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, Richmond Public Schools shall consider, at a minimum, (a) the surrounding circumstances; (b) the nature of the behavior; (c) past incidents or past or continuing patterns of behavior; (d) how often the conduct occurred; (e) the location(s) of the alleged bullying; (f) the ages of the parties and (g) the context in which the alleged incidents occurred. Whether a particular sequence of events 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.

Based on the results of the investigation, the compliance officer shall issue a written report to the division superintendent upon completion of the investigation. If the complaint involves the division superintendent, then the report shall be sent to the Chair of the School Board. If the complaint involves a member of the School Board, the report shall be sent to the compliance officer who will give a copy to the Chair of the School Board. If the Chair of the School Board is the one being accused of bullying, the report shall be given to the Vice Chair of the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated, and give recommendations for corrective action, if any.

All employees shall cooperate with any investigation of workplace bullying conducted under this policy or by an appropriate state or federal agency. Failing to cooperate with an investigation of this nature constitutes a violation of the employee's employment and/or terms of employment.

c. Division Superintendent Action

Within five (5) business days of receiving the compliance officer's report, the division superintendent or his or her designee shall issue a decision regarding whether this policy was

violated. The decision must be provided in writing to the complainant and the alleged perpetrator. If the division superintendent determines that prohibited workplace bullying occurred, Richmond Public Schools 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 discharge of the employee(s) involved. If the compliance officer, based on the results of the investigation, determines that prohibited workplace bullying occurred as a result of a Board member's action, Policy 1-1.5, *School Board Procedures and Standards of Conduct*, of the Board Bylaws will be implemented as written.

If the division superintendent or designee determines that prohibited actions 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.

d. Appeal

If the division superintendent determines that no workplace bullying occurred, the employee who was allegedly subjected to workplace bullying may appeal this finding to the School Board within five (5) business days of receiving the written decision. Notice of appeal must be filed with the division superintendent who shall forward the record to the School Board within fifteen (15) business days of receipt. The School Board shall make a decision whether to uphold the decision of the Superintendent within thirty (30) business days of receiving the record. In order to make its decision as to whether to uphold the decision of the Superintendent, the School Board may ask for oral or written argument from the aggrieved party and the division superintendent and any other individual the School Board deems relevant.

e. Compliance Officer and Alternate Compliance Officer

The School Board has designated the Chief of Staff, Richmond City Public Schools, 301 N. Ninth Street, 17th Floor, Richmond, Virginia 23219, as the compliance officer to be responsible for identifying, preventing, and remedying prohibited workplace bullying. The School Board has designated the Associate Superintendent for Academic Services, Richmond City Public Schools, 301 N. Ninth Street, 17th Floor, Richmond, Virginia 23219 as the alternate compliance officer.

The compliance officer or the alternate compliance officer shall:

- i. receive reports or complaints of workplace bullying;
- ii. oversee the investigation of any alleged workplace bullying;
- iii. assess the training needs of Richmond Public Schools in connection with this policy; and
- iv. arrange necessary training of all school division employees and staff to achieve compliance with this policy

Retaliation

Retaliation against school personnel who report workplace bullying or who participate in any related proceedings is prohibited. Richmond Public Schools shall take appropriate disciplinary action against school personnel who retaliate against any other school personnel who

reports alleged workplace bullying or participates in related proceedings. Such action may include discipline up to and including discharge of the employee(s) involved.

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 workplace bullying including initiating civil action, filing a complaint with outside agencies, or seeking redress under state or federal law.

Prevention and Notice of Policy

Training to prevent bullying shall be included in employee orientation as well as employee in-service training at least annually, no later than October 31st, in each school / department. Documentation of participation shall be retained at the school / department for at least 12 months from the date of the training. Employees hired after the training date, will receive the training within 30 days of employment.

This policy shall be displayed in the Administrative Manual, posted to the RPS School Board website with other relevant School Board policies, and displayed in prominent areas of each Richmond Public Schools building.

False Charges

School personnel who knowingly make false charges of workplace bullying may be subject to disciplinary action up to and including discharge of the employee(s) involved.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, § 22.1-291.4.

Adopted July 13, 2015

POLICY 7-3.21 ACCESS TO EMPLOYEE SOCIAL MEDIA ACCOUNTS

The School Board of the City of Richmond 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 School 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 School Board of allegations of an employee's violation of federal, state or local laws or regulations or of the School Board's written policies. If the School 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.

LEGAL REFERENCE: Code of Virginia, 1950, as amended § 40.1-28.7:5.

Adopted July 13, 2015

ARTICLE IV ADMINISTRATION

POLICY 7-4.1 PHILOSOPHY AND PURPOSE

The purpose of school administration is to help create and to foster an environment in which pupils can learn most effectively. All administrative duties and functions should be appraised in terms of the contribution that is made to better instruction and more effective learning, which will result in the development of worthwhile citizens who have the ability to think and who are capable of using their abilities wisely. One of the most important responsibilities that rest upon the administration is to select good teachers who will discover and develop abilities in pupils that might otherwise remain dormant.

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

Adopted December 5, 2011

POLICY 7-4.2 LINES OF RESPONSIBILITY

The division superintendent in administering this policy shall be guided by the knowledge that the School Board values the freest possible interchange of ideas outside the established framework of direct responsibility as pre-eminently desirable in the schools of Richmond. Nothing provided herein shall be interpreted as intending to interrupt the free and open flow of ideas and assistance among personnel at every level.

The following principles shall govern the administrative operation of the school system:

1. Responsibility shall flow simply and clearly from pupils through teachers, principals, and the division superintendent to the School Board.
2. Each member of the staff shall be told to whom he/she is responsible and for what functions.
3. Whenever possible, each member of the staff shall be made responsible to only one immediate superior for any one function.
4. Each staff member shall be told to whom to appeal in case of disagreement with the person to whom he/she is responsible.
5. Each staff member shall be told to whom to go for help in working out his/her own functions in the school program.
6. Each employee in the school system shall be responsible to the School Board through the division superintendent.
7. All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises.
8. Administrative officers shall refer such matters to the next higher administrator when necessary.

9. Employees shall have the right to appeal any decision made by an administrative officer to the next high authority and through successive steps as provided in the appropriate appeal process.

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

Adopted December 5, 2011

POLICY 7-4.3 ORGANIZATIONAL CHART

The division superintendent shall prepare an organizational chart and distribute it to the School Board and to members of the school division staff for purposes of communication.

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

Adopted December 5, 2011

POLICY 7-4.4 DIVISION SUPERINTENDENT

The division superintendent of schools shall be the chief executive and administrative officer of the School Board and shall have, in addition to the powers and duties specifically imposed on his office by statute, all executive and administrative powers or duties in connection with the conduct of the schools which are not required by statute to be executed directly by the School Board or by some other officer. The enumeration in this section or elsewhere in these policies of specific powers and duties shall not be construed to lessen responsibility for those duties of a general nature hereby imposed.

It shall be the responsibility of the division superintendent to direct and supervise the work of all the schools and employees of the School Board, and all such employees shall be responsible to the division superintendent in all matters, including those specifically assigned to a particular department, division, or official.

It is the division superintendent's responsibility under the direction of the School Board to mobilize and coordinate all available resources in the development of an educational program designed to stimulate the best effort in all pupils.

Other duties of the division superintendent include the following:

1. To enforce the policies of the School Board;
2. To prepare and submit the annual budgets for adoption by the School Board;
3. To approve and direct all expenditures within the appropriation adopted by the School Board;
4. To prepare the annual calendar for adoption by the School Board;
5. To attend meetings of the School Board and its special committees and assist them in their deliberations;

6. To make continuous study of the development and needs of the schools;
7. To prepare reports to the School Board on the conditions and needs of the schools;
8. To acquaint the public with the activities and needs of the schools;
9. To cause a copy of the policies and regulations and a copy of any amendment thereto to be placed in the hands of or made available to each regular employee of the School Board;
10. To cause to be prepared and printed for submission to the city manager, to the mayor of the City of Richmond, to the city council, and to any other person or organization requiring or desiring it, an annual report covering the many and various activities of the Richmond Public Schools;
11. To maintain or cause to be maintained accurate attendance records; the daily presence or absence of pupils to be recorded on a full-day basis; and
12. To participate in annual professional development to include, but not be limited to, the Standards of Quality, Board of Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for teachers, principals and superintendents.

When any task is required to be done by the division superintendent, the doing of such task by any officer or employee to whom the responsibility has been delegated in the regular course of duty or by the direction of the division superintendent, respectively, shall be deemed to be the doing thereof by the division superintendent, except in such matters as by statute or by terms of any resolution of the School Board may not be delegated.

The division superintendent shall meet the qualifications established by the State Board of Education and the School Board.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-59, 22.1-60, 22.1-63, 22.1-70.

Adopted December 5, 2011
 Revised/Adopted July 15, 2013

POLICY 7-4.5 PRINCIPALS AND ASSISTANT PRINCIPALS

Principals

The principal is the administrative and professional leader of the school, and as such is directly responsible to the division superintendent and/or his/her designee for its successful operation. The major effort of principals shall be in the field of educational leadership and supervision, with stress on the improvement of teaching and learning. To accomplish optimum results, the principal shall cooperate with parents, teachers, and pupils in planning and executing all phases of school activities.

The principal shall make the decisions involving the activities and personnel of the school within the limits of policy established by the School Board and the regulations of the division superintendent. The principal shall develop and maintain a cordial relationship between the pupil's home and the school.

The principal shall carry out administrative regulations designed to provide adequate physical conditions and an educational environment under which teachers and pupils work with staff in a cooperative manner. The principal shall stimulate the teacher to guide and direct the physical, mental, social, and emotional growth of the pupils.

Assistant Principals

Assistant principals shall, in the absence of the principal, assume responsibility for the operation of the school. They must make necessary emergency decisions involving pupils, teachers, or other personnel and shall perform such duties as may be prescribed by the principal and in his absence shall act as the executive officer of the school. When there is more than one assistant principal in a school, the principal shall designate the one who shall act as the executive officer in his absence.

LEGAL REFERENCE: Code of Virginia, 1950, as adopted, §§ 22.1-253.13:5, 22.1-293.

Adopted December 5, 2011

POLICY 7-4.6 REVIEW OF ADMINISTRATIVE DECISIONS

All matters having to do with management of personnel of the school division shall first be discussed with the proper administrative officers and shall not be brought before the School Board until they have been reported to the division superintendent; except, however, that communications directed to the School Board through the division superintendent shall be presented by the division superintendent to the School Board. Any employee or group of employees may present matters to the School Board at the public information period consistent with the Policy 1-6.7.

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

Adopted December 5, 2011

POLICY 7-4.7 ADMINISTRATIVE LEEWAY IN ABSENCE OF POLICY

In cases where action must be taken within the school division where the School Board has provided no policy, the division superintendent shall have power to act, but decisions by the division superintendent shall be subject to review by action of the School Board at its regular meeting. It shall be the duty of the division superintendent to inform the School Board promptly of such action and of the need for policy.

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

Adopted December 5, 2011

POLICY 7-4.8 SCHOOL-BASED IMPROVEMENT TEAMS

The School Board of the City of Richmond believes that all schools shall aspire to continuously improve teaching and learning. The School Board recognizes the role stakeholders play in supporting schools and will ensure stakeholders will have input in the development of the

school improvement plan and be kept informed of the progress of the school in meeting the data-driven measurable goals as described in the plan.

The School Board shall direct the Superintendent to develop procedures for the establishment of school-based improvement teams, to include stakeholder involvement, in alignment with the Academic Improvement Plan. Improvement plans developed by each school-based improvement team shall be maintained at each building and shall be available for review based on published procedures.

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

Adopted December 5, 2011

Revised/Adopted February 2, 2015

POLICY 7-4.9 COMMUNICATIONS WITH STAFF

The division superintendent shall issue such administrative bulletins, circulars, manuals or booklets of instruction as may be deemed necessary for the effective operation of the schools, consistent with the policies of the School Board, and shall distribute them to the employees directly concerned who shall be bound by them.

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

Adopted December 5, 2011

POLICY 7-4.10 COMMITTEES AND COUNCILS

The School Board approves the creation of such committees of employees as the division superintendent may deem appropriate for the consideration of any problems affecting the security, satisfaction, conditions of work, general welfare of employees, or of other matters pertaining to the welfare of the schools.

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

Adopted December 5, 2011

POLICY 7-4.11 ADMINISTRATIVE SALARY GUIDES

The compensation to be paid to the division superintendent and the division superintendent's staff shall be set by the School Board at a level necessary to secure and retain the quality of leadership which the School Board requires.

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

Adopted December 5, 2011

POLICY 7-4.12 TRAVEL EXPENSES

Necessary travel expenses for administrators to attend conventions, conferences, and such other meetings that benefit the school division, shall be budgeted for and paid by the School Board. The division superintendent shall develop regulations governing approval of and payment for such expenses.

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

Adopted December 5, 2011

ARTICLE V
CONDITIONS OF EMPLOYMENT – PROFESSIONAL STAFF

POLICY 7-5.1 PROFESSIONAL STAFF: CONDITIONS OF EMPLOYMENT

The Virginia Department of Education prescribes the requirements for certification of teachers and other school personnel. No teacher shall be regularly employed by the School Board or paid from public funds unless such teacher holds a full or provisional license issued by the Virginia Department of Education. Requirements for classroom teachers, special education teachers, vocational education, guidance counselors, reading specialists, school psychologists, visiting teachers, and social workers are stated in the Licensure Regulations for School Personnel adopted by the Virginia Department of Education. All recertification documentation shall be submitted to the Department of Human Resources in December of the year prior to the employee's recertification deadline. Such requirements shall be included in the Administrative Procedures Manual for the school division and shall be amended as required by the Virginia Department of Education and applicable law.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-298.1, 22.1-299 and 22.1-299.3; 8 VAC 20-22-10, et seq.

Adopted December 5, 2011

POLICY 7-5.2 PROFESSIONAL STAFF: CONTRACTS

Employment Contracts

The School Board of the City of Richmond shall enter into written contracts with professional staff, (teachers, assistant principals, principals, and supervisors) before such employees assume their duties. Written contracts with those who are temporarily employed are not required. A temporarily employed teacher, 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.

Contracts will be in the form prescribed by the State Board of Education, with special covenants added by the School Board as appropriate. Contracts shall be signed in duplicate, with a copy furnished to each party.

Supplemental Contracts

The School Board may authorize extra pay for the supervision of activities that require at least some special training or experience by one or more certified employees and that are of such nature that, although the school program includes these activities, they cannot feasibly be included in the regular school day. The School Board annually shall establish categories and determine compensation for supplements.

Coaching contracts and contracts for extracurricular activity sponsorship assignments for which a monetary supplement is paid shall be separate and apart from the annual or continuing contract. Termination of such contract supplement shall not constitute cause for termination of the annual or

continuing contract. For the purposes of this policy, “extracurricular activity sponsorship” means an assignment for which monetary supplement is received requiring responsibility for any student organizations, clubs, or groups except those activities that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §22.1-78, 22.1-302; 8 VAC 20-440-10; 8 VAC 20-440-30; 8 VAC 20-440-110.

Adopted December 5, 2011

POLICY 7-5.3 PROFESSIONAL STAFF- EMPLOYMENT STATUS

Contractual Status of Administrative Staff

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 three (3) years in such position in the same school with Richmond Public Schools 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 of the City of Richmond 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 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 division superintendent, the superintendent's designee, or the School Board. The principal, assistant principal, or supervisor shall elect whether such meeting shall be with the division superintendent, the superintendent's designee, or the School Board. The School Board, division 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 division superintendent, his/her designee, or the School Board. 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 a supervisory provision as specified in the regulations of the Virginia Department of Education and who is required to hold a certificate as prescribed by the Virginia Department of Education.

Probationary Contracts for Teaching Staff

A probationary term of service for five (5) years in the same school division shall be required before a teacher is issued a continuing contract. Once a continuing contract status has been attained in a school division in the Commonwealth, the teacher shall be required to serve a probationary period of one year before attaining continuing contract status in this school division, which shall be made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth and separates from and returns to teaching service in a school division in

Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed one (1) year, if made a part of the contract for employment.

Any teacher hired on or after July 1, 2001 shall, as a condition of achieving continuing contract status, successfully complete training in instructional strategies and techniques for intervention or remediation of pupils who fail or are at risk of failing the Standards of Learning assessments. Richmond Public Schools shall provide the required training at no cost to its teachers. No teacher shall be denied continuing contract status for failure to obtain the required training if the school division fails to offer such training in a timely manner.

Re-employment of a Probationary Contract Teacher

If a teacher who has not achieved continuing contract status receives notice of re-employment, he/she must accept or reject in writing within fifteen (15) days of receipt of such notice. Unless a conference with the division superintendent is requested as specified under administrative regulations for non-renewal of probationary contract teachers, written notice of non-renewal of the contract must be given by the School Board on or before June 15 of each year. If no such notice is given to a teacher by June 15, the teacher shall be entitled to a contract for the ensuing year.

Continuing Contracts for Teaching Staff

Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service and prior to the age at which they are eligible or required to retire. Continuing contracts may be executed on behalf of persons holding a valid postgraduate-collegiate professional license.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§.22.1-294, 22.1-303, 22.1-304; 8 VAC 20-440-10 et seq.

Adopted December 5, 2011
Revised/Adopted June 18, 2012
Revised July 15, 2013

POLICY 7-5.4 PROFESSIONAL STAFF: REPORTING RESPONSIBILITIES

Investigating/Reporting Alcohol or Drug Use

Employees who, in good faith with probable cause and without malice, act to report or investigate the activities of any pupil or any other person as they relate to alcohol or drug use or abuse in or related to the school or to any school activity, shall be immune from all civil liability that might otherwise be incurred or imposed as the result of making such a report, investigation or disclosure, as provided by applicable law.

Reporting Child Abuse or Neglect

Employees who have reason to suspect that a child is an abused or neglected child shall report the matter immediately in accordance with Policy 7-3.17, Child Abuse and Neglect Reporting.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 8.01-47, 22.1-291.3, 63.2-1509, 63.2-1511.

Adopted December 5, 2011
Revised/Adopted June 18, 2012
Revised/Adopted June 16, 2014

POLICY 7-5.5 PROFESSIONAL STAFF DEVELOPMENT

The School Board of the City of Richmond will offer a program of high-quality professional development which includes training:

- (1) in the use and documentation of performance standards and evaluation criteria based on academic progress of the student 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;
- (2) 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 Department of Education;
- (3) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and
- (4) 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 academic progress of students and the skills and knowledge of such instructional or administrative personnel.

In addition, the School Board will also provide teachers and principals with high-quality professional development programs in:

- (1) instructional content;
- (2) the preparation of tests and other assessment measures;

- (3) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives;
- (4) instruction and remediation techniques in English, mathematics, science, history, social science, and foreign language when appropriate;
- (5) interpreting test data for instructional purposes;
- (6) technology applications to implement the Standards of Learning;
- (7) effective classroom management; and
- (8) bullying prevention

All instructional personnel are required to participate each year in professional development programs. The School Board will annually review 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 Richmond Public Schools. Failure to participate in required professional development activities will be reflected in the employee's evaluation and may result in disciplinary action, up to and including termination and dock of pay, for serious or continual violations.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-253.13:5; 8 VAC 20-450-10.

Adopted December 5, 2011
 Revised/Adopted July 15, 2013
 Revised/Adopted July 13, 2015

POLICY 7-5.6 PROFESSIONAL STAFF: EVALUATION

The division superintendent shall supervise the establishment of a cooperatively developed procedure for adequate and periodic evaluation of the work of each employee and shall maintain suitable records. The evaluation procedure developed in accordance with this policy shall be consistent with all applicable laws and the goals and objectives of the School Board.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§22.1-253.13:7, 22.1-294, 22.1-295.

Adopted December 5, 2011
 Revised/Adopted July 15, 2013

POLICY 7-5.7 PROFESSIONAL STAFF RESEARCH AND PUBLISHING

Ownership of Materials

The School Board of the City of Richmond adopts the "work for hire doctrine" and shall hold the copyright to all employees' work produced at the instance and expense of the School Board and/or any of its administrative staff. Work made for hire is defined as materials prepared by an employee in connection with his/her job duties, and it includes instructional texts, tests, answer sheets, and materials specifically commissioned.

Copyrights to works authored by employees on their own time, without expense to the School Board and without instruction, direction, or control of the School Board or its employees, are the sole property of that employee.

Waiver and Assignment of Proprietary Rights

Copyrights of the School Board may be waived in favor of or assigned to the author by the School Board upon application submitted to the School Board through the division superintendent. The School Board authorizes the division superintendent to review materials prepared by employees for which the School Board has no copyright and to waive or assign all or part of any interest or proprietary rights therein which the School Board may have in favor of the employees producing such works. Any materials copyrighted under this policy shall be made available to Public Schools at no charge to the School Board.

LEGAL REFERENCE: 17 U.S.C. §§ 201 through 205; Code of Virginia, 1950 as amended, § 22.1-78.
Adopted December 5, 2011

POLICY 7-5.8 PROFESSIONAL STAFF: RESIGNATION

The division superintendent and/or his or her designee are authorized to accept resignations of employees for School Board approval at the next regularly scheduled meeting. Any resignation must be in writing.

A teacher may resign after April 15 of any school year with the approval of the division superintendent. The teacher shall request release from contract at least two weeks in advance of intended date of resignation. Such request shall 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 division superintendent shall notify the School Board of the City of Richmond of the decision to accept or reject the resignation. The School Board, within two weeks, may reverse the decision of the division superintendent. In the event that the School Board or the division 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.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, § 22.1-304.

Adopted December 5, 2011

ARTICLE VI
CONDITIONS OF EMPLOYEMENT – SUPPORT STAFF

POLICY 7-6.1 SUPPORT STAFF EMPLOYMENT STATUS

Generally

Support staff personnel are those employees who need not hold a certificate issued by state education authorities in order to obtain their positions. This category includes, but is not limited to, non-licensed administrative positions, clerical, maintenance, transportation, school nutrition services, and instructional assistants. Support staff personnel shall be employed on a non-contract basis unless otherwise required by state law. Support staff employees will receive an annual notice of appointment which confirms the position assigned, salary and term of appointment.

The School Board of the City of Richmond offers three (3) types of employment to support staff personnel.

1. Temporary employees shall be hired for short-term needs. These employees shall not accrue any benefits and be paid only for hours worked.
2. Probationary employees are new employees assigned to authorized positions with a designated position control number. Probationary employees can be recommended for termination with or without notice. These employees are eligible for salary increments and shall accrue sick leave benefits at the rate of one (1) day per month as an active employee.
3. Regular employees shall have successfully completed a twelve (12)-month probationary period and shall be paid on a semi-monthly basis. Regular employees shall be eligible for all employment benefits available under School Board policy. Upon promotion or transfer to a new department within the school division, employees shall maintain regular employment status while serving a probationary period of six (6) months in the new position.

Conditions of Work

The division superintendent or his/her designee shall establish work schedules, provisions for absences, and other conditions of work for support employees in keeping with the School Board's policies.

Re-appointment

The School Board shall consider the re-appointment of support staff employees on an annual basis. Prior to the expiration of an appointment term, the division superintendent or designated supervisor may recommend, with written notice, that a support staff employee not be re-appointed to a position due to incompetency, immorality, non-compliance with school laws and regulations or other good and just cause. An employee receiving notice of a recommendation pursuant to this paragraph may appeal the recommendation pursuant the support staff appeal process detailed in Policy 7-8.3.

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

Adopted December 5, 2011
Revised/Adopted July 13, 2015

POLICY 7-6.2 SUPPORT STAFF: PROBATION

The probationary period for all support employees shall be twelve (12) months.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-78 and 22.1-79(6).

Adopted December 5, 2011

POLICY 7-6.3 SCHOOL BUS DRIVERS

Generally

School Board of the City of Richmond transportation employees shall be under the general direction of the division superintendent and/or his/her designee.

Qualifications

In addition to other requirements set forth in federal and state law and elsewhere in School Board policies, applicants for regular and substitute transportation employee positions must satisfy the requirements of this policy, the Code of Virginia, and the Virginia Administrative Code.

Training

Before receiving a contract to drive a school bus or before being assigned as a substitute bus employee, an applicant must fulfill the requirements for training set by the Virginia Department of Education and those set by the division superintendent.

Substitute Bus Employee Qualifications and Pay

Substitute bus employees shall meet all qualification requirements of regular bus employees. A substitute employee shall receive a daily rate of pay for each day of employment commensurate to his/her own qualifications and experience. Substitute employees shall be employed by and paid by the School Board and not by the regular employee needing the substitute.

Evaluation

Each school and activity bus driver shall be evaluated by the director of pupil transportation or designee at least once each year. The results of the evaluation shall be discussed with the driver and included in the driver's personnel file.

Drug and Alcohol Testing for Covered Employees

The School Board shall implement a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver's license (CDL) by U.S. Department of Transportation Regulations and who perform safety-sensitive functions as required by federal and state law and regulations.

Prohibited Conduct

Drivers shall be prohibited from (1) alcohol possession and/or use on the job; (2) alcohol use during the four hours before performing safety-sensitive functions; (3) having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions; (4) exhibiting behavior or appearances characteristic of alcohol misuse; and (5) use during eight hours following an accident or until after the driver undergoes 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 physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a motor vehicle.

Required Testing

Pursuant to state law and Policy 7-3.1, drivers shall be subject to pre-employment/pre-duty drug testing, random alcohol and drug testing, reasonable suspicion of alcohol and/or drug use, post-accident alcohol and drug testing, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Any employee who refuses to submit to a post-accident, random, reasonable suspicion or follow up testing shall not perform or continue to perform safety-sensitive functions.

Notification

Each driver shall receive educational materials that explain the requirements of federal law and regulations together with a copy of School Board policy and procedures for meeting these requirements. Each driver shall sign a statement certifying that he/she has received a copy of the above materials, and RPS shall maintain this signed copy.

Consequences If Testing Indicates Drug or Alcohol Misuse

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from operating a school board vehicle in accordance with the federal regulations. All drivers shall be advised of resources available and before a driver is re-instated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation, and undergo a return-to-duty test with negative urine sample.

Record Retention

Richmond Public Schools shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, Richmond Public Schools may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. Upon written request, a driver shall be entitled 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 only as expressly authorized by the terms of the driver's request.

Test Procedure

Richmond Public Schools shall administer controlled substance tests in accordance with federal laws governing test procedure and testing sites. Richmond Public Schools shall take steps to ensure that proper training and testing procedures are provided.

LEGAL REFERENCE: 49 U.S.C. § 3136; 49 C.F.R. 382.101 et seq.; Code of Virginia, 1950 as amended, §22.1-178; 8 VAC 20-70-280.

Adopted December 5, 2011

POLICY 7-6.4 SUPPORT STAFF: DEVELOPMENT OPPORTUNITIES

The School Board of the City of Richmond is committed to providing a comprehensive program of in-service education for support staff. The in-service program includes subject-matter courses, special interest courses, workshops, and conferences.

The objectives of in-service education programs include keeping employees aware of the latest developments in specific fields of responsibility, enabling employees to improve their job performance, assisting employees in meeting requirements for new responsibilities and/or job assignments, and helping employees in meeting certification and recertification requirements.

The School Board, the division superintendent, and his/her staff will make every effort to gear in-service programs to the special needs of employees. To this end, employees will be given opportunities to help identify in-service education needs.

Most in-service programs are available at no cost to employees except travel, books, and materials. For those courses with tuition fees, tuition scholarships are available if the individual's objective meets certain established criteria.

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

Adopted December 5, 2011

POLICY 7-6.5 SUPPORT STAFF: EVALUATION

Evaluation shall be a requirement for all personnel in Richmond Public Schools.

Evaluation of classified/support staff employees shall be a cooperative and continuing process with formal appraisal periodically. Evaluation shall be in writing, dated and signed by the evaluator and employee, with one copy going to the Department of Human Resources to be placed in the personnel file and one copy to the employee.

The purposes of evaluation and assistance are:

1. To raise the quality of instruction and educational service to the children of the community;
2. To raise the standards of the division as a whole;

3. To aid the individual to grow and improve; and
4. To assess the quality of service to make decisions regarding continuation of employment.

Probationary employees may be evaluated twice yearly during the probationary period. Regular employees shall be evaluated at least once every year.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-70, 22.1-78, 22.1-253.13:7 (C)(7).

Adopted December 5, 2011

POLICY 7-6.6 SUPPORT STAFF: RESIGNATION

Support staff who wish to terminate their employment shall give at least two (2) calendar weeks (14 days) written notice to their immediate supervisor. The request will be forwarded to the Superintendent or his/her designee, who in turn will notify the School Board at its next regularly scheduled meeting.

Failure to comply with this Policy may result in the recommendation that the employee be ineligible for re-employment at a future date. Employees who terminate their employment without the approval of the School Board shall only be paid for the days of their actual employment.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-1-70, 22.1-78.

Adopted December 5, 2011

**ARTICLE VII
EMPLOYEE PAY AND BENEFITS**

POLICY 7-7.1 EMPLOYEE COMPENSATION

Salary Adoption

The School Board of the City of Richmond shall annually establish and approve salaries for all school employees.

Incentives for Excellence in Teaching

The School Board shall provide incentives for excellence in teaching. Such incentives shall include, but are not limited to, financial support for teachers attending professional development seminars and financial support for teachers seeking and obtaining national board certification. The division superintendent is directed to develop regulations implementing this policy.

Athletic and Extracurricular Activities

The School Board may authorize extra pay for the supervision of activities which require at least some special training or experience by one or more certified employees and which are of such a nature that, although the school program includes these activities, they cannot feasibly be included in the regular school day. The School Board shall establish categories and shall determine compensation on an annual basis.

The School Board shall execute a separate agreement in the form prescribed by the State Board of Education with an employee who is receiving a monetary supplement for any athletic coaching assignment or extracurricular activity sponsorship assignment. This agreement will be separate and apart from the contract for teaching.

For the purposes of this policy, “extra curricular activity sponsorship” means an assignment for which a supplement is received requiring responsibility for any student organizations, clubs or groups except those activities that are conducted in conjunction with regular classroom, curriculum or instructional programs.

Payroll Deductions

The School Board shall accept assignments from the salaries or wages of officers and employees of the School Board as follows:

1. Assignments required by federal or state law.
2. Assignments for an officer's or employee's share of the cost of any program available to the officers and employees of the School Board conducted or sponsored by the City of Richmond or by the School Board, which program is designed for the benefit of officers and employees and a portion of the cost of providing such program, exclusive of administrative cost, is borne by the City of Richmond or by the School Board.
3. Assignments for purchase of United States savings bonds.

The School Board may accept assignments from the salaries or wages of officers and employees of the School Board to entities permitted by the School Board according to the following policy:

1. Assignments to a credit union which have the direct effect of making low-cost loans available to officers and employees and of encouraging and maintaining the habit of savings.
2. Assignments for the purpose of participation by officers and employees in plans of insurance made available to the officers and employees of the School Board as a group to provide income protection to them during periods of extended disability as a consequence of injury or illness.
3. Assignments for payment of contributions by officers and employees to the corporation, organization, association, trust, or fund which represents the combined solicitation of the numerical majority of the non-sectarian charitable groups soliciting contributions within the City of Richmond.
4. Assignment of membership dues to all organizations approved by the board.
5. Assignment for the purpose of Flexible Spending Accounts and other accounts as authorized in Section 125 of the Internal Revenue Code approved by the School Board.

For reasons of economy, it shall be the policy of the School Board to limit the number of entities permitted to receive assignments under the provisions of the preceding paragraph. While the School Board may consider any matter relevant to granting or withholding permission for assignments to an entity within this policy, it disclaims any responsibility for the subsequent performance and service of the entity if such permission is granted. The School Board reserves the right to withdraw such permission upon reasonable notice to the entity. The School Board may charge an administrative fee for such assignments.

Garnishment and Child Support Payments

The School Board encourages its employees to pay their bills promptly. Disciplinary action in accordance with the procedures set up by the division superintendent and consistent with federal and state law shall be taken against any employee who receives a garnishment or other action holding up his or her pay. Employees will be subject to a ten dollar (\$10.00) administrative fee to process each garnishment and child support deduction.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-70, 22.1-78, 22.1-289.1, 22.1-295, 22.1-296, 22.1-302.

Adopted December 5, 2011

POLICY 7-7.2 INSURANCE

Health Insurance

The School Board of the City of Richmond will make available health insurance coverage to eligible employees. Such coverage for eligible employees shall be on a voluntary basis. Effective July 1, 2014, eligible employees will automatically be enrolled into the school division health insurance program, unless the employee stipulates otherwise.

Virginia Workers' Compensation

The School Board recognizes its obligation to abide by the requirements of the Virginia Workers' Compensation laws. The division superintendent is directed to develop regulations consistent with workers' compensation requirements.

Retirement /Life Insurance Coverage

Employees are required to participate in the retirement or group life insurance plan under which he/she qualifies and which is approved by the School Board.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§15.2-1517, 22.1-85, 65.2-100.

Adopted December 5, 2011

POLICY 7-7.3 BENEFITS FOR PART-TIME EMPLOYEES

Permanent part-time employees who work at least 50 percent of the regular work period shall receive all benefits on a pro-rata basis, except that they are not eligible for retirement and life insurance benefits. Permanent part-time employees who are contracted to work less than 50 percent of the regular work period are not eligible to receive benefits.

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

Adopted December 5, 2011

POLICY 7-7.4 RETIREMENT

Generally

Employees of the Richmond Public Schools who meet the requirements of the Virginia Retirement System are eligible for retirement with benefits for their term of service at age 50, with a minimum of 30 years of service. Such employees have the option of expediting their effective retirement dates by using accrued annual leave at their per diem rate and accrued sick leave equal to one-half of the daily substitute teacher rate of pay. To purchase service credit, the employee member must have at least five years of service. The purchase must take place at the time of retirement, not after. The employee must be a current employee at the time of the purchase.

Those employees who served under Richmond City classified service prior to July 1, 1983 may continue coverage under the Richmond Supplemental Retirement System or transfer to the Virginia Retirement System.

The Transition Plan

Employees who have at least twenty (20) years of VRS eligible service (including the last ten (10) consecutive years with Richmond Public Schools) as of June 30, 2005 will be eligible for a transition benefit under the Transition Plan (formerly “Early Retirement Incentive Program”) upon their retirement after age 50 as follows:

- (a) 30 Years of Service: Fifty percent (50%) of final pay in the last twelve (12) months paid evenly (twelve and one-half percent (12.5%) annually) over the first four (4) years of retirement.
- (b) 20 to 29 Years of Service: Thirty percent (30%) of final pay in the last twelve (12) months paid evenly (seven and one-half percent (7.5%) annually) over the first four (4) years of retirement.
- (c) Less Than 20 Years of Service: No transition benefit. Final pay shall be limited to the maximum pay of the highest teacher scale with master’s degree plus thirty (30) credit hours beyond master’s degree (ten (10) month contract employee).

**SECOND AMENDMENT TO THE AMENDED AND RESTATED
EARLY RETIREMENT INCENTIVE PLAN
FOR EMPLOYEES OF
RICHMOND PUBLIC SCHOOLS**

This Second Amendment to the Amended and Restated Early Retirement Incentive Plan of Employees of Richmond Public Schools (this "Amendment") is made on April __, 2007 by the School Board of the City of Richmond, Virginia (the "Board").

WHEREAS, the Board entered into the Early Retirement Incentive Plan for Employees of Richmond Public Schools effective July 1, 1994; and

WHEREAS, the Board amended and restated the Early Retirement Incentive Plan for Employees of Richmond Public Schools effective July 1, 2001 (the "Restated Plan"); and

WHEREAS, the Board amended the Restated Plan through its first amendment effective June 27, 2005; and

WHEREAS, pursuant to Section 7.01 of the Restated Plan, the Board has the authority to amend the Restated Plan from time to time; and

WHEREAS, the Board has determined that the Restated Plan should modify the notification requirement and must be amended accordingly.

NOW, THEREFORE BE IT RESOLVED, the Restated Plan be amended with effective dates as follows:

1. Effective April 1, 2007, Section 2.05 is amended by the addition of Subsection (c) and shall now read as follows:

"2.05(c) solely for Plan benefits beginning July 1, 2007, the following Participants who failed to give timely notice of their intent to retire as of July 1, 2007 shall have the option to elect to retire as of such date if written notification is provided to the Employer between April 1, 2007 and May 11, 2007:

- (i) Assistant principals
- (ii) Guidance counselors
- (iii) Custodians
- (iv) Bus drivers
- (v) Maintenance and ground employees
- (vi) STARS teachers."

2. Effective July 1, 2007, Section 2.05 is amended by replacing Section 2.05(a), (b) and (c) with a new Section 2.05(a) and shall now read as follows:

"2.05(a) all Employees must provide written notification of their intent to retire by February 1 immediately preceding a July 1 retirement date."

IN WITNESS WHEREOF, this Amendment is executed this 2nd day of April 2007.

ATTEST: SCHOOL BOARD OF THE CITY OF RICHMOND, VIRGINIA, a political subdivision of the Commonwealth of Virginia

403(b) Supplemental Retirement and 457(b) Deferred Compensation Plans

Effective August 1, 2005, all employees may participate in a school division sponsored 403(b) supplemental retirement plan and/or 457(b) deferred compensation plan. Employees shall be entitled to defer from one percent (1%) to fifty percent (50%) of eligible pay (base salary plus contractual supplements) but not in excess of Internal Revenue Code annual deferral limits. All School Board employees who serve in a contracted position are eligible for the employer match. The employer contribution will provide a match of employee voluntary deferrals equal to twenty percent (20%) of the salary deferral up to three percent (3%) of pay. Employer contributions shall be posted on participant accounts monthly. All employee and employer contributions under this plan will be deposited with an investment company selected by the school division.

Employees will vest in the employer matching contributions after the completion of three (3) years of contractual service or age 65 if earlier. Vested employer contributions will not be available for withdrawal or loans prior to the earlier of age 59 ½ or termination of employment.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §51.1-124.2, et seq.

Adopted December 5, 2011

POLICY 7-7.5 TRAVEL EXPENSES

Generally

School Board employees who use their personal vehicles for travel on official school business within and outside the division and who have received prior approval for such use shall be paid a travel allowance at a rate approved by the School Board.

Itinerant Teachers

Itinerant teachers who teach in more than one school building during the school day and are required to travel from school to school in order to carry out their assigned instructional duties are eligible for reimbursement for such travel at a rate approved by the School Board.

Attendance at Conferences and Workshops

Employees may be granted reimbursement for travel expenses incurred for attendance at conferences, work shops, etc., provided such expenses and reimbursements have the prior approval of the division superintendent or his designee.

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

Adopted December 5, 2011

POLICY 7-7.6 HOLIDAYS

Twelve-month employees shall be entitled to the following legal holidays:

New Year’s Day	January 1
Martin Luther King Jr. Day	First Monday following January 15
George Washington’s Birthday	Third Monday in February
Spring Break	Last Friday of Spring Break
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving	4 th Thursday and Friday in Nov.
Winter Break	December 24 and December 25

Should school be operating on any of the above holidays, a compensatory day will be added to the accumulated vacation allowance.

When December 25, New Year’s Day or Independence Day falls on a Saturday or Sunday, it will be observed on the following Monday. When December 24 falls on a Saturday or Sunday, it will be observed as a holiday on the preceding Friday.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §2.2-3300.

Adopted December 5, 2011

POLICY 7-7.7 EMPLOYEE ABSENCES/ LEAVE

Generally

The School Board recognizes the importance of a sound and inclusive leave policy for the promotion of the physical and mental health of its employees and for maintaining good morale. All leaves, whether paid or unpaid, shall preserve the right of continuing contract status, retirement, annual leave with pay, salary increments and other benefits provided by law for those employees who return from leave within the agreed time.

All professional staff leaves and absences shall be subject to School Board policy and regulations. The division superintendent shall provide for the interpretation and application of the School Board's policies and regulations regarding leaves and absences. The division superintendent or his/her designee shall issue regulations for the reporting of employee absences. Excessive unexcused absences may result in an employee’s dismissal.

The division superintendent is directed to develop regulations consistent with this policy and applicable laws. The following categories of leave shall be recognized by the Richmond City School Board as applicable to Richmond City Public School division personnel who are employed on a regular basis.

Personal Leave

The division superintendent may grant three (3) urgent personal business days per school year with full pay for personal reasons to less-than-twelve month employees who are not eligible for vacation. Unused urgent personal business days will be credited to sick leave accrual at the end of each fiscal year.

Absence for religious reasons shall be included in the category of urgent personal business reasons.

Sick Leave

Sick leave may be used for personal illness or disability not of a permanent nature, including quarantine, maternity reasons, and necessary appointments with physicians or dentists.

Eligibility

All permanent full and part-time contracted employees are eligible for sick leave.

Proof of Illness

When there is reason to suspect abuse of sick leave, a principal or supervisor may require any reasonable proof of illness including a certificate from a physician. This certificate must state the kind and nature of the illness or injury and that the employee has been incapacitated for work for the period of absence. Where such proof of illness is requested and not presented, such absence may be considered leave without pay. Certification from a physician will be required in every case of absence of five or more consecutive days.

Computation of Sick Leave Credit

If an employee is on an approved leave of absence without pay for ten or more working days in any calendar month, he/she does not accrue vacation leave or sick leave for that month. Upon return to work from an approved leave without pay, an employee is entitled to accrued vacation leave and sick leave earned prior to the beginning of the leave.

Transfer of Credits

Accumulated sick leave earned in other school divisions in Virginia and any other VRS institution will be accepted at full value upon presentation of appropriate proof of such leave by an instructional or administrative employee transferring to Richmond City Schools.

Selling Unused Sick Leave

Active employees with ten (10) or more years of service, will have the option of selling sick leave, accumulated over 100 days, back to the system with a maximum of 50 days per year, at the 1/2 substitute rate.

Payment for Unused Sick Leave

Effective September 1, 2014, employees who have served five or more years of continuous employment with Richmond Public Schools shall be compensated for unused sick leave only upon retirement.

For employees hired prior to September 1, 2014, payment for unused sick leave will be processed as follows:

1. Each employee eligible to receive payment for unused sick leave will receive as compensation for his or her unused days of sick leave, up to and including 100 days, one-half (1/2) of the daily compensation paid to a substitute teacher, based on the daily rate, during the year in which the employee retired.
2. Beginning with the 101st unused sick day, each employee eligible to receive payment for unused sick leave will receive the full daily compensation paid to a substitute teacher, based on the daily rate, during the year in which the employee retired.

For employees hired beginning September 1, 2014, payment for unused sick leave will be processed as follows:

1. Each employee eligible to receive payment for unused sick leave will receive as compensation for his or her unused days of sick leave, up to and including 100 days, one-half (1/2) of the daily compensation paid to a substitute teacher, based on the daily rate, during the year in which the employee retired.
2. Beginning with the 101st unused sick day, each employee eligible to receive payment for unused sick leave will receive the full daily compensation paid to a substitute teacher, based on the daily rate, during the year in which the employee retired up to a maximum of 200 unused sick days.

Extraordinary Sick Leave

An application for short-term disability is required before additional sick leave is granted. Sick leave beyond the amount usually permitted will be granted to an employee who has an extended illness and who has exhausted all sick leave and urgent personal business days. Additional sick leave will be granted to an employee in the amount of ½ day per month for each month employed, up to 20 days, based on documented medical evidence. This leave is not payable upon termination, resignation, or retirement.

Leave Without Pay

The division superintendent, upon request and pursuant to enacted regulations, may grant an employee a leave of absence without pay (a) for a period which extends beyond the leave period allowed for a leave with pay, (b) for those reasons specifically identified in the Human Resources Department Manual as eligible for leave without pay, or (c) when unusual circumstances exist and it can be shown that the absence would be beneficial to Richmond Public Schools.

A leave of absence without pay will not be granted for an employee to perform other work for pay except in the case of military leave, educational exchange, service in a full-time capacity as an officer in a professional organization, or governmental assignment on the national, state, or local level.

Duration

The maximum duration of a leave of absence without pay will be two years. The initial request will be limited to one year, with the employee allowed to request an extension for the second year.

Employees shall, upon their return to the division, be advanced to the next step on the salary scale provided they return within two years.

Reemployment

Persons who voluntarily take a leave of absence without pay for any approved reason are assured of returning to the same position at the same location provided they return to a full-time active status within one semester or the equivalent (six months for a 12-month employee). Persons who voluntarily remain on leave without pay in excess of one semester are assured of a position in the division, but not necessarily at the same location. Failure to return before or at the end of the second year may result in termination of employment.

Military Leave

All employees of the School Board who are members of the state or federal military reserves are entitled to a leave 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.

Leave With Pay

Any employee is eligible to receive military leave with pay for field training or active duty with any of the armed forces or auxiliaries to the armed forces of the United States. This leave may not exceed fifteen (15) calendar days in any calendar year. This leave is independent of vacation leave.

Supplemental Pay

Any employee whose active duty service with the regular armed forces of the United States, the National Guard or other reserve component has required his absence from full-time employment shall receive supplemental pay if the military compensation of the employee is less than the employee's regular salary.

Leave Without Pay

The division superintendent may grant military leave without pay to any employee who is ordered to active duty in the armed forces of the United States. An employee on an approved military leave shall, upon return, have the advantage of any step increases which may be due as if he/she had remained continuously in the service of the school division. An employee on military leave shall, on return to the school division, have prior sick leave credit restored. The employee will not earn sick leave during the military leave of absence.

Civil Leave

A leave of absence designated as civil leave with full pay shall be granted to employees who serve on a jury, to attend court as a plaintiff or defendant (except as a criminal defendant), or as a witness under subpoena. Employees shall provide documentation of the required jury duty or court appearance to his or her supervisor prior to the date(s) of the jury duty or court appearance. The division superintendent or his/her designee has the discretion to approve application for leave with full pay for any absence, necessary for other public service activities such as service on government boards or public task forces. Approval of leave may be contingent upon the ability of the school division to provide continuity in the instructional program or other job responsibilities.

Any person who serves as an officer of election as defined in Code of Virginia, 1950 as amended, § 24.2-101 shall not be terminated from his or her employment, have any adverse personnel action taken against him or be required to use sick leave or vacation time as a result of his absence, provided he gave reasonable notice to his employer of such service. No person who serves for four (4) or more hours, including travel time, on his day of service shall be required to start any work shift that begins on or after 5:00 p.m. on the day jury duty is served or before 3:00 a.m. on the day following the day of his service.

No employee (except a criminal defendant) shall be terminated from his or her employment, have any adverse employment action taken against him or her or be required to use sick leave or vacation time as a result of his absence due to having been (1) summoned or subpoenaed to appear in court when a case is to be heard; or (2) required in writing by the court to appear at a future hearing, upon giving reasonable notice to his supervisor of the court appearance or summons.

Injury Leave

For the first six months of disability, the injured employee may supplement the amount of indemnity payments required under the Virginia Workers' Compensation Act by using up to three hours a day of the employee's accumulated sick and/or vacation leave. An employee must obtain prior approval from the Human Resources Department for use of more than three hours of sick or vacation leave. After the initial six-month period, an employee may request an extension of time to continue to supplement the aforementioned indemnity payments. Such extensions are granted at the sole discretion of the Human Resources Department and in increments not to exceed six months.

If an injured employee does not return to work upon his medical release for duty, the division superintendent, after investigating the circumstances, may charge such absence to vacation leave, or to leave without pay, or may consider it as grounds for disciplinary action.

Family Illness

Leave with full pay, not in excess of three (3) days per illness, may be granted to an employee in case of serious illness in the immediate family. Such leave shall be chargeable to the employee's sick leave.

The immediate family is defined as natural parents, adoptive parents, foster parents, stepmother, stepfather, wife, husband, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother and grandfather, and any other relative living in the household of the employee.

Family and Medical Leave

The School Board recognizes its obligation to provide eligible employees with unpaid leaves pursuant to the Family and Medical Leave Act (FMLA), 29 U.S.C. §2601 et seq.

Bereavement

An employee shall be granted leave of no more than five (5) days with full pay on account of death in the immediate family. When granted, such leave is not charged against any leave accumulation.

The immediate family is defined as natural parents, adoptive parents, foster parents, stepmother, stepfather, wife, husband, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-

law, son-in-law, daughter-in-law, grandmother, grandfather, and any other relative living in the household of the employee.

Professional Leave

Employees may be allowed to represent the school division at professional meetings and conferences, to participate in workshops, to serve on committees, and to observe other personnel without loss of pay pursuant to regulations promulgated by the division superintendent provided prior approval has been secured from the division superintendent or designee.

Educational Trips

Whenever employees are absent from their duties by reason of approved educational trips, such absences may be charged to some combination of educational and urgent personal business leave, and/or to leave without pay, at the discretion of the division superintendent.

No employee will be granted educational leave with pay for any course of study or educational trip that has not been specifically approved by the division superintendent prior to enrolling in the course or commitment to the trip.

Leave for Summer School Teachers

Each teacher employed for the summer session shall be granted two days leave with full pay (non-cumulative) for absence due to personal illness or death in the immediate family.

Vacation: Twelve-Month Employees

Means of Accumulating

Twelve-month employees shall accumulate vacation leave at the rate of:

<u>Years of Service</u>	<u>Earning Rate Per month</u>	<u>Maximum Accumulation</u>
Less than ten	10 hours	240 hours
Ten or more	12 hours	400 hours

Military instructors are awarded 20 hours per month for vacation with a maximum accumulation of 480 hours.

Accumulated Vacation Days

Any excess accumulation greater than 240 hours or 400 hours will be transferred to the employee's Sick Leave Record Balance. Employees may not use vacation during the first six months of employment without the written approval of the division superintendent.

Vacation: Less-Than-Twelve-Month Employees

Less-than-twelve-month contracted personnel shall not earn vacation leave but shall be entitled to all of the holidays to which regular contract teachers are entitled.

Absence Without Approved Leave

An employee who is absent, without approved leave, for five (5) or more days is subject to termination or other disciplinary action. In addition, the salary of such employee will be deducted for the amount of time of unapproved leave.

Sabbatical/Educational Leave

Personnel who have been employed by the School Board for six (6) consecutive years prior to the year in which sabbatical/educational leave is to commence will be eligible to apply for a sabbatical/educational leave for no more than one full year.

The purpose of sabbatical/educational leave will be flexible enough to provide for the specific needs of the individual and schools. Unusual cases will be given special consideration by the division superintendent and the School Board.

Sabbatical/Educational leave recipients will be paid 50% of the salary they would have earned had they remained in their regular job, and they must agree to return to employment with the School Board for a minimum of two (2) years. Such leave may be granted by the School Board when, in its judgment, there are sufficient funds and the leave is justifiable according to the needs of the school system.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 44-93, 18.2-465.1, 22.1-289.2; Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§ 4301, et seq.; 20 C.F.R. Part 1002, et seq.

Adopted December 5, 2011

Revised/Approved September 15, 2014

**ARTICLE VIII
EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURE**

POLICY 7-8.1 EMPLOYEE DISCIPLINE – GENERALLY

All employees are expected to comply with instructions, policies, procedures, rules, regulations, and accepted standards of personal conduct. If an employee fails to comply with these requirements, or if performance is below acceptable standards, appropriate disciplinary action, including but not limited to, suspension, demotion, or termination will be taken.

Administrative regulations shall be developed to implement this policy, provide a comprehensive disciplinary program for school division employees and provide employees the appropriate opportunity to grieve disciplinary actions as prescribed by law.

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

Adopted December 5, 2011
Revised/Adopted July 13, 2015

POLICY 7-8.2 SUSPENSION

Any full time, part time, permanent, or temporary employee may be suspended for good and just cause when the safety or welfare of Richmond Public Schools or the pupils is threatened or when the employee has been charged by summons, warrant, indictment or information with the commission of a felony, a misdemeanor involving (i) sexual assault as established in Article 7 of Chapter 4 of Title 18.2 of the Code of Virginia, as amended, (ii) obscenity and related offenses as established in Article 5 of Chapter 8 of Title 18.2 of the Code, (iii) drugs as established in Article 1 of Chapter 7 of Title 18.2 of the Code, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state.

Except when the employee is suspended because of being charged by summons, warrant, indictment or information with the commission of one of the above-listed criminal offenses, the division superintendent or an appropriate central office designee shall not suspend the employee for longer than sixty (60) days and shall not suspend the employee for a period in excess of five (5) days unless the 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 state law. Any employee so suspended shall continue to receive his or her then applicable salary unless and until the School Board, after a hearing, determines otherwise. No employee shall be suspended solely on the basis of his or her 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 one of the above listed criminal offenses may be suspended with or without pay. If the employee is suspended without pay, an amount equal to his or her 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, the employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earning received by the employee during the period of suspension, but in no event shall such payment exceed one year's salary. No employee shall have his or her insurance benefits suspended or terminated because of a suspension in accordance with the policy.

If an employee is found guilty by an appropriate court of one 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 a current employee is suspended or dismissed because of information appearing on his or her criminal history record, the School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

For purposes of this policy, the placing of a school employee on probation by a court pursuant to the terms and conditions of Section 18.2-251 of the Code of Virginia shall be deemed a finding of guilt and treated as a conviction of the offense.

Nothing in this policy shall limit the authority of the School Board to dismiss an employee or to place an employee on probation.

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

Adopted December 5, 2011

POLICY 7-8.3 DISMISSAL

Professional Staff - Teachers and Licensed Personnel

Teachers may be dismissed for incompetence, immorality, non-compliance with school laws and regulations, disability in accordance with state and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. For the purposes of this section, “incompetency” may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or one of 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 Code of Virginia § 63.2-1505, and after all rights to an appeal provided by Code of Virginia § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Code of Virginia § 63.2-1526 have been exhausted, shall be grounds for the School Board to recommend that the Board of Education revoke such person's license to teach.

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 ten (10) business days of such dismissal or the acceptance of such resignation.

In the event the division superintendent recommends dismissal of any teacher, written notice shall be sent to the teacher with notification of the proposed dismissal and informing the teacher that within ten (10) business days after receiving such notice the teacher may request a hearing before a hearing officer appointed as provided in Code of Virginia § 22.1-311. At the request of the teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview.

Upon a timely request for a hearing pursuant to Code of Virginia § 22.1-309, the hearing officer shall set a hearing within fifteen (15) days of the request, and the teacher shall be given at least five (5) days' written notice of the time and the place. The hearing shall be private unless the teacher requests that

it be made public. At the hearing the teacher may appear with or without a representative and be heard, presenting testimony of witnesses and other evidence.

After a hearing, the hearing officer shall make a written recommendation to the School Board, a copy of which shall be provided to the teacher. The hearing officer shall transmit the recommendation and the record or recording of the hearing to the School Board as soon as practicable and no more than ten (10) business days after the hearing. The School Board may make its decision upon the record or recording of the hearing pursuant to Code of Virginia § 22.1-313 or may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place to the teacher and the division superintendent within ten (10) business days after the School Board receives the record of the hearing. Such notice will also specify each matter to be inquired into by the School Board.

School Board employees who appear as witnesses in a hearing shall be granted release time if the hearing is held during the school day.

The School Board shall give the teacher its written decision as soon as practicable and no more than thirty (30) days after receiving the record or recording of the hearing; however, should there be a further hearing before the School Board, such decision shall be furnished to the teacher as soon as practicable and no more than thirty (30) days after such further hearing.

A teacher may be dismissed or suspended by a majority of a quorum of the School Board.

Support Staff

Support staff, individuals in positions not requiring a Virginia teaching license, may be dismissed for the reasons stated above. In the event a supervisor, division superintendent or superintendent's designee recommends the dismissal of a support staff member, the employee will be given oral or written notice of the dismissal by his or her supervisor or any other supervisory person designated by the division superintendent prior to or contemporaneous with the employer's action. The employee shall be given the opportunity to present his or her reasons why the employer's action should not be taken. All information presented shall be considered by the supervisor who shall confirm, modify or reverse the action.

The employee may appeal the decision by submitting a written request to the division superintendent within five (5) business days of the decision. The division superintendent or his or her designee, who may not be the person who previously heard the employee's reasons, shall hold a hearing within ten (10) business days of receipt of the employee's appeal request. The employee shall be given notice of the hearing date orally or in writing at least three (3) calendar days before the hearing.

The employee and his or her supervisor may be represented by legal or other representatives at the hearing. The hearing shall be private and the division superintendent or designee shall have full discretion over the conduct of the hearing. The employee and supervisor shall be afforded the opportunity to present opening and closing statements, present all material and relevant evidence including the testimony and cross-examination of witnesses.

The division superintendent or designee shall give a written decision within five (5) business 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.

The School Board shall hear appeals of employer actions only when such actions were initiated and taken by the Superintendent. In all other cases, the Superintendent or designee shall provide the final appeal hearing.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, § 22.1-307.
Adopted December 5, 2011
Revised/Adopted July 13, 2015

POLICY 7-8.4 DEMOTION

An employee whose services are unsatisfactory may be demoted to a position in which it can be reasonably expected that the employee will be successful. In the case of an employee whose appointment is subject to confirmation by the school board, the demotion shall be confirmed by the board. Such employee shall be notified in writing of reasons for demotion.

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

Adopted December 5, 2011

POLICY 7-8.5 ADJUSTMENT OF GRIEVANCES

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

Part II of the Procedure for Adjusting Grievances shall apply to all regularly employed school board employees, except the superintendent, assistant and associate superintendents, principals, assistant principals, and supervisors, who have completed such probationary period as may be required by the school board, not to exceed eighteen months. The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning the application, interpretation, or violation of any of the provisions of the School Board's policies, rules and regulations as they affect the work of applicable employees. Part II does not address dismissals.

Part III of the Procedure for Adjusting Grievances shall apply to all regularly certified professional public school personnel employed under a written contract as a teacher or supervisor of classroom teachers but excludes the division superintendent. The purpose of Part III of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolution of disputes involving the dismissal of any applicable employee. For disputes involving the dismissal of support staff, refer to Policy 7-8.3 above.

Hearings required to be held in accordance with the grievance procedures shall be heard by a hearing officer appointed by the School Board and assigned by the division superintendent or designee.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-253.13:7.C.8, 22.1-306 et seq.; 8 VAC 20-90-10, et. seq.

Adopted December 5, 2011
Revised/Adopted July 13, 2015
