

SUPPORT STAFF MEMBERS: CONTRACT STATUS AND DISCIPLINE

Support personnel shall be notified of impending dismissal by their immediate superiors at least two calendar weeks (14 days) in advance of an anticipated separation date. Support personnel may be subject to immediate dismissal for just cause.

Support personnel who are removed from employment for just cause by the superintendent shall be ineligible thereafter for employment in any school or duty station within the school system.

Support personnel, whether full-time or part-time, permanent or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein are threatened or when the support personnel has been charged by summons, warrant, indictment or information with the commission of a felony, a misdemeanor involving (i) sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state. Except when a support employee is suspended because of being charged by summons, warrant, indictment or information with the commission of any of the above listed offenses, the superintendent or appropriate central office designee shall not suspend a support employee for longer than sixty (60) days and shall not suspend a support employee for a period in excess of five (5) days unless such employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the board in accordance with state law. Any support personnel so suspended shall continue to receive his then applicable salary unless and until the Board, after a hearing, determines otherwise. No support employee shall be suspended solely on the basis of the employee's refusal to submit to a polygraph examination requested by the School Board.

Any support employee suspended because of being charged by summons, warrant, information or indictment with any of the above listed criminal offenses may be suspended with or without pay. In the event an employee is suspended without pay, an amount equal to the employee's salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of any of the above listed criminal offenses or upon the dismissal or nolle prosequi of the charge, such employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earning received by the employee during the period of suspension, but in no event shall such payment exceed one year's salary.

In the event a support employee is found guilty by an appropriate court of any of the above listed criminal offenses and, after all available appeals have been exhausted and such conviction is upheld, all funds, including interest, in the escrow account shall be repaid to the School Board. The placing of a school employee on probation pursuant to the terms and conditions of Va. Code section 18.2-251 shall be deemed a finding of guilt.

If a current employee is suspended or dismissed because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee. No support employee shall have his insurance benefits suspended or terminated because of such suspension in accordance with this policy.

Instructional aides and clerical employees may not be disciplined, placed on probation or dismissed solely for refusing to perform nonemergency health-related services for students. However, instructional aides and clerical employees may be disciplined for refusing to dispense oral medications to students.

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

Adopted: July 9, 2001

Legal Refs: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-274(D), 22.1-315.

Cross Ref. GCDA Effect of Criminal Conviction