

STAFF GRIEVANCES REGULATIONS

With the adjustments noted below, the Alexandria City School Board (Board) has adopted the most recent version of Procedure for Adjusting Grievances (Grievance Procedures) promulgated by the Virginia Board of Education based on current statutory provisions.

The Grievance Procedures are fully detailed in the Virginia Administrative Code Chapter 90. Procedure for Adjusting Grievances. The Grievance Procedures have the following sections:

- Part I. Definitions
 - Section 10 - Definitions
- Part II. Grievance Procedure
 - Section 20 - Purpose of Part II of this grievance procedure
 - Section 30 - Grievance procedure
 - Section 40 - Grievability
 - Section 50 - Time limitations
- Part III. Procedure for Dismissals
 - Section 60 - Dispute resolution
 - Section 70 - Procedure for dismissals
 - Section 80 - Time limitations
- FORMS

Adjustments:

- The term teachers applies to all ACPS staff

Established: May 19, 2016

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-69, 22.1-253.13:7.B.8, 22.1-294, 22.1-302, 22.1-306 et seq., 22.1-311, 22.1-312, 54.1-3904

Cross Refs.: GBM Licensed Staff Grievances
 GBMA Support Staff Grievances

LICENSED-STAFF GRIEVANCES REGULATIONS

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Part I

Definitions

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

"Business day" means any day that the School Board office is open.

"Days" means calendar days unless otherwise specified. Whenever the last day for performing an act required by this procedure falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday. The time limits contained herein may, by express agreement between the School Board or school division, and the teacher (or representative), be reasonably extended.

"Dismissal" means the dismissal of any teacher within the term of such teacher's contract and the nonrenewal of a contract of a teacher on a continuing contract, unless otherwise provided by law.

Commented [1]: The current regulation is a copy/paste from the code. This causes issues when the code changes. The new regulation creates breadcrumbs to the code. It also merges GBM-R and GBMA-R, clarifying that the procedures are the same for all staff members.

Commented [2]: Added to clarify that the procedures apply to all staff

47
48 ~~"Grievance" means, for the purpose of Part II, a complaint or a dispute by a teacher relating to~~
49 ~~his/her employment, including but not necessarily limited to the application or interpretation of~~
50 ~~personnel policies, rules and regulations, ordinances, and statutes; acts of reprisal against a teacher~~
51 ~~for filing or processing a grievance, or participating as a witness in any step, meeting, or hearing~~
52 ~~related to a grievance; or complaints of discrimination on the basis of race, color, creed, political~~
53 ~~affiliation, handicap, age, national origin, or sex. "Grievance" means, for the purposes of Part III,~~
54 ~~a complaint or a dispute involving a teacher relating to his/her employment involving dismissal.~~
55 ~~The term "grievance" shall not include a complaint or dispute by a teacher relating to the~~
56 ~~establishment and revision of wages or salaries, position classifications or general benefits;~~
57 ~~suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing~~
58 ~~contract status; the establishment or contents of ordinances, statutes or personnel policies,~~
59 ~~procedures, rules and regulations; failure to promote; discharge, layoff, or suspension from duties~~
60 ~~because of decrease in enrollment, decrease in enrollment in or abolition of a particular~~
61 ~~subject, or insufficient funding; hiring, transfer, assignment and retention of teachers within the~~
62 ~~school division; suspension from duties; the methods, means and personnel by which the school~~
63 ~~division's operations are to be carried on; or coaching or extracurricular activity sponsorship.~~
64 ~~While these management rights are reserved to the School Board, failure to apply, where~~
65 ~~applicable, these rules, regulations, policies, or procedures as written or established by the School~~
66 ~~Board is grievable.~~

67
68 ~~"Hearing officer" means an impartial hearing officer from outside the school division who~~
69 ~~possesses some knowledge and expertise in public education and education law and who is capable~~
70 ~~of presiding over an administrative hearing.~~

71
72 ~~"Personnel file" means, for the purposes of Part III, any and all memoranda, entries or other~~
73 ~~documents included in the teacher's file as maintained in the central school administration office~~
74 ~~or in any file regarding the teacher maintained within a school in which the teacher serves.~~

75
76 ~~"Teacher" or "teachers" means all regularly licensed professional public school personnel~~
77 ~~employed under a written contract as provided by § 22.1-302 of the Code of Virginia, as a teacher~~
78 ~~or as an assistant principal, principal, or supervisor but excluding all Superintendents as provided~~
79 ~~by § 22.1-294 of the Code of Virginia.~~

80
81 ~~"Shall file," "shall respond in writing," or "shall serve written notice" means the document is either~~
82 ~~delivered personally or is mailed by registered or certified mail, return receipt requested, and~~
83 ~~postmarked within the time limits prescribed by this procedure to the grievant or office of the~~
84 ~~proper School Board representative.~~

85
86 ~~"Supervisory employee" means any person having authority in the interest of the Board (i) to hire,~~
87 ~~transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees;~~
88 ~~and (ii) to direct other employees; or (iii) to adjust the grievance of other employees; or (iv) to~~
89 ~~recommend any action set forth in clause (i), (ii), or (iii) above; provided that the authority to act~~
90 ~~as set forth in clause (i), (ii), (iii), or (iv) requires the exercise of independent judgment and is not~~
91 ~~merely routine and clerical in nature.~~

92

93 ~~"Written grievance appeal" means a written or typed statement describing the event or action~~
94 ~~complained of, or the date of the event or action complained of, and a concise description of those~~
95 ~~policies, rules, regulations, or statutes upon which the teacher bases his/her claim. The grievant~~
96 ~~shall specify what he/she expects to obtain through use of the grievance procedure. A written~~
97 ~~grievance appeal shall be on forms prescribed by the Board of Education and supplied by the~~
98 ~~School Board.~~

99
100 **Part II**

101
102 **Purpose**

103
104 ~~The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure~~
105 ~~for resolving disputes concerning the application, interpretation, or violation of any of the~~
106 ~~provisions of local School Board policies, rules and regulations as they affect the work of teachers,~~
107 ~~other than dismissals. An equitable solution of grievances should be secured at the most immediate~~
108 ~~administrative level. The procedure should not be construed as limiting the right of any teacher to~~
109 ~~discuss any matter of concern with any member of the school administration, nor should the~~
110 ~~procedure be construed to restrict any teacher's right to seek, or the school division administration's~~
111 ~~right to provide, review of complaints that are not included within the definition of a grievance.~~
112 ~~Nothing in this procedure shall be interpreted to limit a School Board's exclusive final authority~~
113 ~~over the management and operation of the school division.~~

114
115
116
117
118 **Grievance procedure**

119
120 ~~Recognizing that grievances should begin and should be settled promptly, a grievance must be~~
121 ~~initiated within 15 business days following either the event giving rise to the grievance, or within~~
122 ~~15 business days following the time when the employee knew or reasonably should have known~~
123 ~~of its occurrence. Grievances shall be processed as follows:~~

124
125 ~~1. Step 1 — Informal. The first step shall be an informal conference between the teacher and his/her~~
126 ~~immediate supervisor (which may be the principal). The teacher shall state the nature of the~~
127 ~~grievance, and the immediate supervisor shall attempt to adjust the grievance. It is mandatory that~~
128 ~~the teacher present the grievance informally prior to proceeding to Step 2.~~

129
130 ~~2. Step 2 — Principal. If for any reason the grievance is not resolved informally in Step 1 to the~~
131 ~~satisfaction of the teacher, the teacher must perfect his/her grievance by filing a written grievance~~
132 ~~appeal on the required form within 15 business days following the event giving rise to the~~
133 ~~grievance, or within 15 business days following the time when the employee knew or reasonably~~
134 ~~should have known of its occurrence, specifying on the form the specific relief expected.~~
135 ~~Regardless of the outcome of Step 1, if a written grievance appeal is not, without just cause, filed~~
136 ~~within the specified time, the grievance will be barred.~~

GBM-R/GBMA-R

138 ~~A meeting shall be held between the principal (or his/her designee or both) and the teacher (or~~
139 ~~his/her designee or both) within five business days of the receipt by the principal of the written~~
140 ~~grievance. At such meeting the teacher or other party involved, or both, shall be entitled to present~~
141 ~~appropriate witnesses and to be accompanied by a representative other than an attorney. The~~
142 ~~principal (or his/her designee or both) shall respond in writing within five business days following~~
143 ~~such meeting.~~

144
145 The principal may forward to the teacher within five days from the receipt of the written grievance
146 a written request for more specific information regarding the grievance. The teacher shall file an
147 answer thereto within 10 business days, and the meeting must then be held within five business
148 days thereafter.

149
150 ~~3. Step 3 — Superintendent or Designee. If the grievance is not settled to the teacher's satisfaction~~
151 ~~in Step 2, the teacher can proceed to Step 3 by filing a written notice of appeal with the~~
152 ~~Superintendent, accompanied by the original written grievance appeal form within five business~~
153 ~~days after receipt of the Step 2 answer (or the due date of such answer). A meeting shall then be~~
154 ~~held between the Superintendent (or his/her designee or both) and the teacher (or his/her designee~~
155 ~~or both) at a mutually agreeable time within five business days. The Superintendent or designee~~
156 ~~may make a written request for more specific information from the teacher, but only if such~~
157 ~~information was not requested in Step 2. The teacher shall file an answer to such request within 10~~
158 ~~business days, and the meeting shall be held within five business days of the date on which the~~
159 ~~answer was received. At such meeting both the Superintendent and the teacher shall be entitled to~~
160 ~~present witnesses and to be accompanied by a representative who may be an attorney. A~~
161 ~~representative may examine, cross-examine, question, and present evidence on behalf of a grievant~~
162 ~~or the Superintendent without violating the provisions of § 54.1-3904 of the Code of Virginia. If~~
163 ~~no settlement can be reached in said meeting, the Superintendent (or designee) shall respond in~~
164 ~~writing within five business days following such meeting. If the grievance is not resolved to the~~
165 ~~satisfaction of the teacher in Step 3, the teacher may request a decision by the School Board~~
166 ~~pursuant to Step 4.~~

167
168 ~~4. Step 4 — Decision by the School Board.~~

169
170 ~~a. If a teacher elects to request a decision by the School Board as provided for in Step 3, he/she~~
171 ~~must notify the Superintendent in writing of the intention to make the request of the Board, within~~
172 ~~five business days after receipt of the decision as required in Step 3 or the due date thereof. Upon~~
173 ~~receipt of such notice, the Board may hold a hearing on the grievance, may elect to have the hearing~~
174 ~~conducted by a hearing officer appointed by the School Board consistent with the procedures in~~
175 ~~§ 22.1-311 of the Code of Virginia, or may make its determination on the basis of the written~~
176 ~~evidence presented by the teacher, the recommendation of the Superintendent, and the record of~~
177 ~~the proceedings at steps 1-3.~~

178
179 ~~b. In any case in which the School Board elects to hold a hearing or elects to have a hearing officer~~
180 ~~conduct the hearing, the hearing shall be set within 30 days of the School Board's receipt of the~~
181 ~~notice required by subdivision 4 a of this section (Step 4a), and the teacher must be given at least~~
182 ~~15 days' written notice of the date, time, and place of the hearing.~~

GBM-R/GBMA-R

184 ~~The teacher and the Division Superintendent may be represented by legal counsel or other~~
185 ~~representatives. The hearing shall be private, unless the teacher requests a public hearing. The~~
186 ~~School Board or the hearing officer, as the case may be, shall establish the rules for the conduct~~
187 ~~of the hearing. Such rules shall include the opportunity for the teacher and the Division~~
188 ~~Superintendent to make an opening statement and to present all material or relevant evidence,~~
189 ~~including the testimony of witnesses and the right of all parties or their representatives to cross-~~
190 ~~examine the witnesses. Witnesses may be questioned by the School Board or the hearing officer.~~

191
192 ~~In the case of a hearing conducted by the School Board, the School Board's attorney, assistants, or~~
193 ~~representative, if he/she or they represented a participant in the prior proceedings, the grievant, the~~
194 ~~grievant's attorney or representative and, notwithstanding the provisions of § 22.1-69 of the Code~~
195 ~~of Virginia, the Superintendent shall be excluded from any closed session of the School~~
196 ~~Board that has as its purpose reaching a decision on the grievance. However, immediately after a~~
197 ~~decision has been made and publicly announced, as in favor of or not in favor of the grievant, the~~
198 ~~School Board's attorney or representative, and the Superintendent, may join the School Board in~~
199 ~~executive session to assist in the writing of the decision.~~

200
201 ~~A stenographic record or other recording of the hearing shall be taken. However, the recording~~
202 ~~may be dispensed with entirely by mutual consent of the parties. If the recording is not dispensed~~
203 ~~with, the two parties shall share the cost of the recording equally, and if either party requests a~~
204 ~~transcript, that party shall bear the expense of its preparation.~~

205
206 ~~e. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing~~
207 ~~officer shall be based exclusively upon the evidence presented at the hearing. Upon the hearing~~
208 ~~officer's own motion or upon application by either party to the grievance, the hearing officer may~~
209 ~~reopen the hearing for the purpose of hearing after-discovered evidence upon a finding of good~~
210 ~~cause by the hearing officer at any time before his/her recommendation is due. The hearing officer~~
211 ~~shall transmit his/her written recommendation and a record or recording of the hearing to the~~
212 ~~School Board as soon as practicable and no more than 10 business days after the hearing.~~

213
214 ~~d. In the event of a hearing by a hearing officer, the School Board may make its decision upon the~~
215 ~~record or recording of such hearing or the School Board may elect to conduct a further hearing to~~
216 ~~receive additional evidence. The School Board must hold such further hearing as soon as~~
217 ~~practicable and must give written notice of the time and place of such further hearing to the~~
218 ~~Division Superintendent and the teacher within 10 business days after the Board received the~~
219 ~~record or recording of the initial hearing. The notice must specify each matter to be inquired into~~
220 ~~by the School Board. The School Board shall determine the procedure to be followed at such~~
221 ~~further hearing.~~

222
223 ~~e. In the event of a hearing before the School Board, the School Board shall give the teacher its~~
224 ~~written decision as soon as practicable and no more than 30 days after the hearing. The decision~~
225 ~~of the School Board shall be reached after considering the evidence and information presented at~~
226 ~~the School Board hearing.~~

227
228 ~~f. In the event of a hearing before a hearing officer followed by a further hearing by the School~~
229 ~~Board, the School Board shall give the teacher its written decision as soon as practicable and no~~

230 more than 30 days after such further hearing. The decision of the School Board shall be reached
231 after considering the record or recording of the initial hearing, the recommendations of the hearing
232 officer, and the evidence and information presented at the further hearing before the School Board.

233
234 ~~g. In the event of a hearing before a hearing officer in cases in which no further hearing is~~
235 ~~conducted by the School Board, the School Board shall give the teacher its written decision as~~
236 ~~soon as practicable and no more than 30 days after receiving the record or recording of the hearing.~~
237 ~~The decision of the School Board shall be reached after considering the record or recording of the~~
238 ~~hearing and the recommendations of the hearing officer.~~

239
240 ~~h. The School Board shall retain its exclusive final authority over matters concerning employment~~
241 ~~and the supervision of its personnel.~~

242 **Grievability**

243
244
245 ~~A. Initial determination of grievability. Decisions regarding whether a matter is grievable shall be~~
246 ~~made by the School Board at the request of the Division administration or grievant and such~~
247 ~~decision shall be made within 10 business days of such request. The School Board shall reach its~~
248 ~~decision only after allowing the Division administration and the grievant opportunity to present~~
249 ~~written or oral arguments regarding grievability. The decision as to whether the arguments shall~~
250 ~~be written or oral shall be at the discretion of the School Board. Such determination of grievability~~
251 ~~shall be made subsequent to the reduction of the grievance to writing but prior to any hearing by~~
252 ~~the Board or a hearing officer, or the right to such determination shall be deemed to have been~~
253 ~~waived. Failure of the School Board to make such a determination within such a prescribed 10-~~
254 ~~business-day period shall entitle the grievant to advance to the next step as if the matter were~~
255 ~~grievable.~~

256 ~~B. Appeal of determination on grievability.~~

257
258
259 ~~1. Decisions of the School Board may be appealed to the circuit court having jurisdiction in the~~
260 ~~school division for a hearing on the issue of grievability.~~

261
262 ~~a. Proceedings for a review of the decision of the School Board shall be instituted by filing a notice~~
263 ~~of appeal with the School Board within 10 business days after the date of the decision and giving~~
264 ~~a copy thereof to all other parties.~~

265
266 ~~b. Within 10 business days thereafter, the School Board shall transmit to the clerk of the court to~~
267 ~~which the appeal is taken, a copy of its decision, a copy of the notice of appeal, and the exhibits.~~
268 ~~The failure of the School Board to transmit the record within the time allowed shall not prejudice~~
269 ~~the rights of the grievant. The court may, on motion of the grievant, issue a writ of certiorari~~
270 ~~requiring the School Board to transmit the records on or before a certain date.~~

271
272 ~~c. Within 10 business days of receipt by the clerk of such record, the court, sitting without a jury,~~
273 ~~shall hear the appeal on the record transmitted by the School Board and such additional evidence~~
274 ~~as may be necessary to resolve any controversy as to the correctness of the record. The court may,~~
275 ~~in its discretion, receive such other evidence as the ends of justice require.~~

276 ~~d. The court may affirm the decision of the School Board or may reverse or modify the decision.~~
277 ~~The decision of the court shall be rendered not later than 15 days from the date of the conclusion~~
278 ~~of the court's hearing.~~
279

280
281 **Time Limitations**

282
283 ~~A. The right of any party to proceed at any step of this Part II grievance procedure shall be~~
284 ~~conditioned upon compliance with the time limitations and other requirements set forth in this~~
285 ~~procedure.~~

286
287 ~~B. The failure of the teacher to comply with all substantial procedural requirements including~~
288 ~~initiation of the grievance and notice of appeal to the next step in the procedure, shall eliminate~~
289 ~~the teacher's right to any further proceedings on the grievance unless just cause for such failure~~
290 ~~can be shown.~~

291
292 ~~C. The failure of the School Board or any supervisory employee to comply with all substantial~~
293 ~~procedural requirements without just cause shall entitle the grievant, at his option, to advance to~~
294 ~~the next step in the procedure or, at the final step, to a decision in his favor.~~

295
296 ~~D. The determination as to whether the substantial procedural requirements of this Part II of the~~
297 ~~Procedure for Adjusting Grievances have been complied with shall be made by the School Board.~~
298 ~~In any case in which there is a factual dispute as to whether the procedural requirements have been~~
299 ~~met or just cause has been shown for failure to comply, the School Board shall have the option of~~
300 ~~allowing the grievant to proceed to its next step. The fact that the grievance is allowed to proceed~~
301 ~~in such case shall not prevent any party from raising such failure to observe the substantial~~
302 ~~procedural requirements as an affirmative defense at any further hearing involving the grievance.~~

303
304 **Part III**

305
306 **Procedure for Dismissals**

307
308 ~~A. Notice to teacher of Recommendation for Dismissal~~

309
310 ~~1. In the event the Division Superintendent determines to recommend dismissal of any teacher,~~
311 ~~written notice shall be sent to the teacher on forms prescribed by the Virginia Board of Education~~
312 ~~notifying him of the proposed dismissal, and informing the teacher that within 10 business days~~
313 ~~after receiving the notice, the teacher may request a hearing before the School Board or, at the~~
314 ~~option of the School Board, a hearing officer appointed by the School Board as provided in § 22.1-~~
315 ~~311 of the Code of Virginia.~~

316
317 ~~2. During such 10-business-day period and thereafter until a hearing is held in accordance with the~~
318 ~~provisions herein, if one is requested by the teacher, the merits of the recommendation of the~~
319 ~~Division Superintendent shall not be considered, discussed, or acted upon by the School Board~~
320 ~~except as provided for herein.~~
321

322 ~~3. At the request of the teacher, the Superintendent shall provide the reasons for the~~
323 ~~recommendation in writing or, if the teacher prefers, in a personal interview with the~~
324 ~~Superintendent or designee. In the event a teacher requests a hearing pursuant to § 22.1-~~
325 ~~311 or 22.1-312 of the Code of Virginia, the Division Superintendent shall provide, within 10~~
326 ~~days of the request, the teacher, or his/her representative, with the opportunity to inspect and copy~~
327 ~~his/her personnel file and all other documents relied upon in reaching the decision to recommend~~
328 ~~dismissal. Within 10 days of the request of the Division Superintendent, the teacher, or his/her~~
329 ~~representative, shall provide the Division Superintendent with the opportunity to inspect and copy~~
330 ~~the documents to be offered in rebuttal to the decision to recommend dismissal. The Division~~
331 ~~Superintendent and the teacher or his/her representative shall be under a continuing duty to~~
332 ~~disclose and produce any additional documents identified later that may be used in the respective~~
333 ~~parties' cases in chief. The cost of copying such documents shall be paid by the requesting party.~~

334
335 ~~4. Upon a timely request for a hearing, the School Board or, at the School Board's option, a hearing~~
336 ~~officer appointed by the School Board shall set a hearing within 15 days of the request and the~~
337 ~~teacher shall be given at least five days' written notice of the time and the place of the hearing.~~

338
339 **B. Procedure for Hearing**

340
341 ~~1. The hearing shall be conducted by the School Board or, at the School Board's option, a hearing~~
342 ~~officer appointed by the School Board. The teacher and the Division Superintendent may be~~
343 ~~represented by legal counsel or other representatives. The hearing shall be private, unless the~~
344 ~~teacher requests a public hearing. The School Board or hearing officer, as the case may be, shall~~
345 ~~establish the rules for the conduct of the hearing, and such rules shall include the opportunity for~~
346 ~~the teacher and the Division Superintendent to make an opening statement and to present all~~
347 ~~material or relevant evidence, including the testimony of witnesses, and the right of all parties to~~
348 ~~cross-examine the witnesses. Witnesses may be questioned by the School Board or hearing officer.~~

349
350 ~~2. The parties shall produce such additional evidence as the School Board or hearing officer may~~
351 ~~deem necessary to an understanding and determination of the dispute. The School Board or hearing~~
352 ~~officer shall determine the relevancy and materiality of the evidence offered. All evidence shall be~~
353 ~~taken in the presence of the School Board or hearing officer and of the parties.~~

354
355 ~~3. Exhibits offered by the teacher or the Division Superintendent may be received in evidence by~~
356 ~~the School Board or hearing officer and, when so received, shall be marked and made a part of the~~
357 ~~record.~~

358
359 ~~4. A stenographic record or other recording of the proceedings shall be taken. The two parties shall~~
360 ~~share the cost of the recording equally. The record or recording of the proceedings shall be~~
361 ~~preserved for a period of six months. If the School Board requests that a transcript of the record or~~
362 ~~recording be made at any time prior to expiration of the six-month period, it shall be made and~~
363 ~~copies shall be furnished to both parties. The School Board shall bear the expense of the~~
364 ~~transcription.~~

365
366 ~~5. The teacher shall bear his/her own expenses. The School Board shall bear the expenses of the~~
367 ~~Division Superintendent and the hearing officer.~~

368
369 ~~6. Witnesses who are employees of the School Board shall be granted release time if the hearing~~
370 ~~is held during the school day. The hearing shall be held at the school in which most witnesses~~
371 ~~work, if feasible.~~

372
373 ~~7. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing~~
374 ~~officer shall be based exclusively upon the evidence presented at the hearing. Upon the hearing~~
375 ~~officer's own motion or upon application by the teacher or the Division Superintendent, the hearing~~
376 ~~officer may reopen the hearing for the purpose of hearing after discovered evidence upon a finding~~
377 ~~of good cause by the hearing officer at any time before his/her recommendation is due. The hearing~~
378 ~~officer shall transmit his/her written recommendation and a record or recording of the hearing to~~
379 ~~the School Board as soon as practicable and no more than 10 business days after the hearing.~~

380
381 ~~8. In the event of a hearing by a hearing officer, the School Board may make its decision upon the~~
382 ~~record or recording of such hearing or the School Board may elect to conduct a further hearing to~~
383 ~~receive additional evidence. The School Board must hold such further hearing as soon as~~
384 ~~practicable and must give written notice of the time and place of such further hearing to the~~
385 ~~Division Superintendent and the teacher within 10 business days after the Board received the~~
386 ~~record or recording of the initial hearing. The notice must specify each matter to be inquired into~~
387 ~~by the School Board. The School Board shall determine the procedure to be followed at such~~
388 ~~further hearing.~~

389
390 **C. School Board Determination**

391
392 ~~1. In the event of a hearing before the School Board, the School Board shall give the teacher its~~
393 ~~written decision as soon as practicable and no more than 30 days after the hearing. The decision~~
394 ~~of the School Board shall be reached after considering the evidence and information presented at~~
395 ~~the School Board hearing.~~

396
397 ~~2. In the event of a hearing before a hearing officer followed by a further hearing by the School~~
398 ~~Board pursuant to subdivision B 8 of this section, the School Board shall give the teacher its written~~
399 ~~decision as soon as practicable and no more than 30 days after such further hearing. The decision~~
400 ~~of the School Board shall be reached after considering the record or recording of the initial hearing,~~
401 ~~the recommendations of the hearing officer, and the evidence and information presented at the~~
402 ~~further hearing before the School Board.~~

403
404 ~~3. In the event of a hearing before a hearing officer in cases in which no further hearing is~~
405 ~~conducted by the School Board, the School Board shall give the teacher its written decision as~~
406 ~~soon as practicable and no more than 30 days after receiving the record or recording of the hearing.~~
407 ~~The decision of the School Board shall be reached after considering the record or recording of the~~
408 ~~hearing and the recommendations of the hearing officer.~~

409
410 ~~4. The School Board may dismiss or suspend a teacher upon a majority vote of a quorum of the~~
411 ~~School Board. The School Board's attorney, assistants, or representative, if he/she or they~~
412 ~~represented a participant in the prior proceedings; the grievant; the grievant's attorney or~~
413 ~~representative; and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the~~

414 Superintendent shall be excluded from any closed session of the School Board that has as its
415 purpose reaching a decision on a grievance. However, immediately after a decision has been made
416 and publicly announced, as in favor of or not in favor of the grievant, the School Board's attorney
417 or representative and the Superintendent may join the School Board in executive session to assist
418 in the writing of the decision.

419 **Virginia State Board of Education Forms – Links**

420 [Statement of Grievance \(11/2015\)](#)

421 [Principal's Decision \(11/2015\)](#)

422 [Superintendent's Decision \(11/2015\)](#)

423 [Request for Hearing \(11/2015\)](#)

424 [Notice of Proposed Dismissal \(11/2015\)](#)

425 Established: May 19, 2016

426 Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-69, 22.1-253.13:7.B.8,
427 22.1-294, 22.1-302, 22.1-306 et seq., 22.1-311, 22.1-312, 54.1-3904

428 Cross Refs.: GBM Licensed Staff Grievances
429 GBMA Support Staff Grievances
430 ~~GBMA R Support Staff Grievances Regulations~~