

## **PROFESSIONAL STAFF DISCIPLINE**

### **A. Probation and Dismissal**

Teachers may be dismissed for incompetency, immorality, non-compliance with school laws and regulations, disability in accordance with State and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. "Incompetency" includes, but is not limited to, consistent failure to meet the endorsement requirements for the position, including obtaining the Virginia Gifted Endorsement within four years of initial employment. Provisionally licensed teachers have four years beyond the receipt of the five-year renewable license to complete the Virginia Gifted Endorsement. Current teachers out of compliance with the Virginia Gifted Endorsement requirement, have until June 30, 2016 to comply. A teacher will be recommended for placement on a Performance Improvement Plan if one or more standards are Unacceptable, or two or more standards are Developing/Needs Improvement or a teacher who has failed to make progress on a Performance Improvement Plan or consistently performs below the established standards or in a manner that is inconsistent with the school's mission and goals will be recommended for dismissal.

A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to Va. Code § 63.2-1505, and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the Regional 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 Regional School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

If a current employee is dismissed because of information appearing on his/her criminal history record, the Regional School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

Administrative regulations shall be developed for the dismissal or placing on probation of continuing contract teachers and probationary teachers during the school year.

No teacher shall be dismissed or placed on probation solely on the basis of the teachers' refusal to submit to a polygraph examination requested by the Regional School Board.

### **B. Suspension**

Employees of Maggie L. Walker Governor's School Regional Board may be suspended as provided in Policy No. 5022 Suspension of Staff Members.

### C. Failure to Perform Nonemergency Health-Related Services

With the exception of school administrative personnel and employees who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

"Health-related services" means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

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

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

Adopted: December 12, 2013

Amended: September 14, 2017

---

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

Cross Refs.: Pol No. 5100 Part-Time and Substitute Staff Employment  
Pol No. 5005 Professional Staff Probationary Term and Continuing Contract  
Pol Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect (*under development*)  
Pol No. 5022 Suspension of Staff Members  
Pol No. 4019 Student Health Services