LICENSED TEACHING STAFF GRIEVANCES

The Albemarle County School Board has adopted the attached regulations and procedures for adjusting grievances established by the State Board of Education. This grievance procedure shall afford a timely and fair method for the resolution of disputes arising between the School Board and its employees regarding dismissal, suspension or other disciplinary actions.

Adopted: July 1, 1993
Amended: December 8, 1997; July 8, 2004; November 5, 2015

Regulations of the Virginia Board of Education, 8 VAC 20-90-10 et seq.
PROCEDURE FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

Preamble

The Virginia Board of Education and the Albemarle County School Board adopt the following Procedure for Adjusting Grievances to provide, in accordance with the Standards of Quality for school divisions and the statutory mandate of Chapters 13.1 and 15, Article 3, Title 22.1, of the Code of Virginia, an orderly procedure for resolving disputes concerning application of local School Board policies, rules, and regulations as they affect the work of licensed teaching employees, and disciplinary actions which includes dismissal.

PART I

Definitions

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

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

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday, or legal holiday, the period of time for taking action under this procedure shall be extended to the close of business on the next day that is not a Saturday, Sunday, or legal holiday.

"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.

"Grievance" means, for the purpose of Part II, a complaint or a dispute by a teacher relating to his or her employment, including but not necessarily limited to disciplinary actions other than dismissal: the application or interpretation of personnel policies, procedures, rules, and regulations, ordinances, and statutes; acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a hearing officer; and complaints of discrimination on the basis of one or more protected classes as outlined in Albemarle County School Board Policy GB, Equal Employment Opportunity. "Grievance" means, for the purpose of Part III, a complaint or a dispute by a teacher relating to his or her employment involving dismissal. The term "grievance" shall not include a complaint or dispute by a teacher relating to the establishment and revision of wages or salaries, position classifications, or general benefits; suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; failure to promote; discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding; hiring, transfer, assignment, and retention of teachers within the school division; suspension from duties in emergencies; the methods, means, and personnel by which the school division's operations are to be carried on; or coaching or extracurricular activity sponsorship.

While these management rights are reserved to the School Board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the School Board is grievable.
"Personnel file" means, for the purpose of Part III, any and all memoranda, entries, or other documents included in the teacher's file as maintained in the Department of Human Resources or in any file on the teacher maintained within a school in which the teacher serves.

"Teacher" or "Teachers" means, for the purpose of Part II, all licensed employees of the school division involved in classroom instruction and all other licensed full-time employees of the school division except those employees considered supervisory employees. "Teacher" means, for the purpose of Part III, all regularly licensed professional public school personnel employed under a written contract as provided by § 22.1-302 of the Code of Virginia by the school division as a teacher or supervisor of classroom teachers but excluding all Superintendents.

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

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

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

PART II

Grievance Procedure for Actions Other than Dismissal

Section 2.1 Purpose of Part II of this Grievance Procedure

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 School Board policies, procedures, rules, and regulations as they affect the work of teachers, other than dismissal. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any teacher to discuss any matter of concern with any member of the school administration, nor should the procedure be construed to restrict any teacher's right to seek, or the school division administration's right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit the School Board's exclusive final authority over the management and operation of the school division. While signed and dated designated forms must be used at each step of the process, this does not preclude any party from attaching typed responses.
Section 2.2 Grievability

A. Initial Determination of Grievability.

1. Decisions regarding whether or not a matter is grievable shall be made by the School Board at the request of the Division Superintendent or grievant. The grievance must be reduced to writing before a grievability determination by the School Board may be requested. The School Board shall reach its decision only after allowing the Superintendent and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether oral arguments will be permitted shall be at the discretion of the School Board after considering written arguments. If either the grievant or the Superintendent requests a determination on grievability, the other party shall be provided a copy of the written argument and given the opportunity to respond.

2. Requests for determination may only be initiated once the grievant has submitted the statement of the grievance to the principal/designee. A request to the School Board may be initiated by the grievant, principal/designee, or the Superintendent/designee. (Use Grievance Form GBM-F1-D.) It may be filed at any of the following times:

a. By the principal/designee within five (5) business days of receipt of the statement of the grievance

b. By the principal/designee within five (5) business days of the meeting in Section 2.3.B

c. By the grievant within five (5) business days of receipt of the principal/designee’s response

d. By the Superintendent within five (5) business days of receipt of the written appeal by the grievant

e. By the Superintendent within five (5) business days of the meeting with the Superintendent

f. By the grievant within five (5) business days of receipt of the Superintendent’s response

The Superintendent shall submit the request for determination of grievability with all arguments to the School Board within five (5) business days of receiving the argument from the grievant.

3. Decisions shall be made by the School Board within ten (10) business days of such request from the Superintendent. (Use Grievance Form GBM-F1-A.) Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any hearing before a hearing officer or Board hearing or the right to such determination shall be deemed to have been waived. Failure of the School Board to make such a determination within such a prescribed ten (10)-business-day period shall entitle the grievant to advance to the next step as if the matter were grievable.
4. If the grievance is allowed to be heard, the process shall continue with the next established step in the process within five (5) business days of receipt of the decision from the School Board.

B. Appeal of Determination on Grievability.

1. Decisions of the School Board may be appealed to the Albemarle County Circuit Court for a hearing on the issue of grievability.
   a. Proceedings for a review of the decision of the School Board shall be instituted by filing a notice of appeal with the School Board within ten (10) business days after the date of the decision and giving a copy thereof to all other parties. (Use Grievance Form GBM-F1-A.)
   b. Within ten (10) business days thereafter, the School Board shall transmit to the Albemarle County Clerk of the Court, a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the School Board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court may, on motion of the grievant, issue a writ of certiorari requiring the School Board to transmit the records on or before a certain date.
   c. Within ten (10) business days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the School Board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court may, in its discretion, receive such other evidence as the ends of justice require.
   d. The court may affirm the decision of the School Board or may reverse or modify the decision. The decision of the court shall be rendered not later than fifteen (15) calendar days from the date of the conclusion of the court’s hearing.

2. Upon receipt of the court’s decision, the Superintendent shall notify the grievant within five (5) business days. (Use Grievance Form GBM-F1-AD.) Following the circuit court’s decision allowing the grievance to proceed, the process must continue with the next step within five (5) business days of receipt of notice. If the Albemarle County Circuit Court determines that the matter is not grievable, the matter shall be dismissed and concluded.

Section 2.3 Grievance Procedure

Recognizing that grievances should be begun and settled promptly, a grievance must be initiated within fifteen (15) business days following either the event giving rise to the grievance, or within fifteen (15) business days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

A. Step 1 – Informal Conference. At the initiation of the teacher, the first step shall be an informal conference between the teacher and his immediate supervisor (which may be the principal). The teacher shall state that he or she is initiating the grievance process and the nature of the grievance; the relief/outcome requested shall be discussed at the conference. The immediate
supervisor shall attempt to adjust the grievance from this conference, held within five (5) business days upon initiation of the grievance. Representatives on behalf of either party shall not be present at this conference. It is mandatory that the teacher present the grievance informally prior to proceeding to Step 2. If not decided at the informal conference, the supervisor must render a decision to the teacher within five (5) business days of the informal conference.

B. **Step 2 – Meeting with Principal.** If for any reason the grievance is not resolved informally in Step 1 to the satisfaction of the teacher, the teacher must file a written grievance appeal within five (5) business days of notification of the decision by the supervisor, specifying on the form the specific relief expected. (Use Grievance Form GBM-F1.) Regardless of the outcome of Step 1, if a written grievance is not, without just cause, filed within the specified time, the grievance will be barred.

A meeting shall be held between the principal (and/or his designee) and the teacher (and/or his designee) within five (5) business days of the receipt by the principal of the written grievance, unless additional information is requested (see below). Notice of the meeting shall be given within three (3) business days of receipt. (Use Grievance Form GBM-F2-M.) At such meeting the teacher and/or other party involved shall be entitled to present appropriate witnesses and to be accompanied by a representative other than an attorney. The principal (and/or his designee) shall respond in writing within five (5) business days following such meeting. (Use Grievance Form GBM-F2.)

The principal (and/or his designee) may file a written request to the teacher within five (5) calendar days from the receipt of the written grievance for more specific information regarding the grievance. (Use Grievance Form GBM-F2-I.) The teacher shall file an answer thereto within ten (10) business days, and the meeting must then be held within five (5) business days upon receipt of the information by the principal (and/or his designee). The principal (and/or his designee) shall respond in writing within five (5) business days following such meeting. (Use Grievance Form GBM-F2.)

C. **Step 3 – Meeting with Superintendent.** If the grievance is not settled to the teacher's satisfaction in Step 2, the teacher can proceed to Step 3 by filing a written notice of appeal with the Superintendent or his/her designee, accompanied by the original grievance appeal form(s) (GBM-F1 and GBM-F2-I) within five (5) business days after receipt of the Step 2 answer. (Use Grievance Form GBM-F2.) Upon receipt of the written grievance documents, the Superintendent/designee may file a written request for more specific information from the teacher within five (5) calendar days, but only if such information was not requested in Step 2. (Use Grievance Form GBM-F3-I.) The grievant shall respond in writing within ten (10) business days, and the meeting shall be held within five (5) business days of the date on which the response was received. If additional information was requested in Step 2 or is not requested by the Superintendent/Designee, the meeting shall then be held between the Superintendent (and/or his designee) and the teacher (and/or his designee) within five (5) business days, giving notice within three (3) business days of receipt. (Use Grievance Form GBM-F3-M.) At such meeting both the Superintendent/designee and the teacher shall be entitled to present appropriate witnesses and be accompanied by a representative who may be an attorney. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the Superintendent without violating the provisions of § 54.1-3904 of the Code of Virginia. The Superintendent (or his or her designee) shall respond in writing within five (5) business days following such meeting. (Use Grievance Form GBM-F3.)
If the grievance is not resolved to the satisfaction of the teacher in Step 3, the teacher may elect to request a hearing by the School Board, or at the election of the School Board, a hearing by a hearing officer appointed by the School Board as provided in Step 4. (Use Grievance Form GBM-F3.)

D. Step 4 – Hearing by Hearing Officer. In the event the grievance is not settled upon completion of Step 3, the teacher may request to have a hearing by the School Board or at the election of the School Board, a hearing officer appointed by the School Board, as provided in Step 4. If the teacher elects to proceed to Step 4, he shall file in writing with the Superintendent a request for a hearing and enclose a copy of the previous grievance forms applicable (GBM-F1, GBM-F2-I, GBM-F2, GBM-F3-I) within five (5) business days after receipt of a Step 3 answer. (Use Grievance Form GBM-F3.)

1. Hearing Officer.
   a. Upon a timely request for a hearing pursuant to Section 2.3.D, the School Board or, at the option of the School Board, a hearing officer appointed by the School Board shall hold a hearing within fifteen (15) calendar days of receipt of the request and the teacher shall be given at least five (5) calendar days' written notice of the time and the place. (Use Grievance Form GBM-F4.) The hearing shall be private unless the teacher requests the hearing to be public. At the hearing the teacher may appear with or without a representative, and be heard, presenting testimony of witnesses and other evidence. Both the teacher and the Superintendent may be represented by legal counsel.
   b. The School Board may appoint an impartial hearing officer from outside the school division to conduct hearings pursuant to this §§. A hearing officer shall not have been involved in the matter that is grieved as a witness or a representative. A hearing officer shall possess some knowledge and expertise in public education and education law and be capable of presiding over an administrative hearing. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall file a written recommendation to the School Board, a copy of which shall be provided to the teacher. (Use Grievance Form GBM-F4-R.) 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. In the event of a hearing before a hearing officer, the School Board may make its decision upon the record or recording of such hearing, pursuant to § 22.1-313, or the School Board may elect to conduct a further hearing to receive additional evidence by filing written notice of the time and place to the teacher and the Superintendent within ten (10) business days after the board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the School Board. (Use Grievance Form GBM-F4-R.)

A record or recording of any hearing conducted pursuant to this section shall be made. The parties shall share the cost of the recording equally. The recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party
shall bear the expense of its preparation. If both parties request a transcript, the costs of the transcript shall be shared equally by both.

2. Expenses.
   a. The teacher shall bear his or her own expenses. The School Board shall bear the expenses of the Superintendent.
   b. The School Board shall bear the expenses of the hearing officer.

5. Witnesses.

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

4. Right to Further Hearings.

Following a hearing by a hearing officer, the teacher shall not have the right to a further hearing by the School Board as provided in subsection E.2 of this section. The School Board shall have the right to require a further hearing in any grievance proceeding as provided in subsection E.2 of this section.

E. Step 5 - Decision by the School Board.

1. In the case of a hearing before a hearing officer, the School Board shall respond in writing to the grievant its decision within thirty (30) calendar days after the School Board receives both the record or recording of such hearing, if any, and the hearing officer’s finding of fact and recommendations unless the School Board proceeds to a hearing under Section 2.3 Subsection E.2. The decision of the School Board shall be reached after considering the transcript, if any; the findings of fact and recommendations of the hearing officer; and such further evidence as the School Board may receive at any further hearing which the School Board elects to conduct. (Use Grievance Form GBM-F5.)

2. In any case in which a hearing before a hearing officer is held in accordance with Step 4, the School Board may conduct a further hearing before such School Board.
   a. The School Board shall initiate such hearing by sending written notice of its intention to the teacher and the Superintendent within ten (10) business days after receipt by the Board of the findings of fact and recommendations of the hearing officer and any transcript of the hearing by the hearing officer. Such notice shall be provided upon forms to be prescribed by the Board of Education and shall specify each matter to be inquired into by the School Board. (Use Grievance Form GBM-F4-R.)
   b. In any case where such further hearing is held by a School Board after a hearing before the hearing officer, the School Board shall consider at such further hearing the transcript, if any; the findings and recommendations of the hearing officer; and such further evidence including, but not limited to, the testimony of those witnesses who have previously testified before the hearing officer as the School Board
Board deems may be appropriate or as may be offered on behalf of the grievant or the administration.

c. The further hearing before the School Board shall be held within thirty (30) calendar days of the notice of such hearing, and the teacher must be given at least fifteen (15) calendar days written notice of the date, place, and time of the hearing. The teacher and the Superintendent may be represented by legal counsel or other representatives. The hearing before the School Board shall be private, unless the teacher requests a public hearing. The School Board shall establish the rules for the conduct of any hearing before it. Such rules shall include the opportunity for the teacher and the Superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by the School Board.

The School Board's attorney, assistants, or representative, if he, she or they, represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the Superintendent shall be excluded from any executive session of the School Board which has as its purpose reaching a decision on the grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board's Attorney or representative and the Superintendent may join the School Board in executive session to assist in the writing of the decision.

A record or recording of any hearing conducted pursuant to this section shall be made, excluding the executive session discussion by the School Board after the hearing has been concluded. The parties shall share the cost of the recording equally. The recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation. If both parties request a transcript, the costs of the transcript shall be shared equally by both.

d. The decision of the School Board shall be based solely on the transcript, if any; the findings of fact and recommendations of the hearing officer; and any evidence relevant to the issues of the original grievance presented at the School Board hearing in the presence of each party. The School Board shall file its written decision to the grievant within thirty (30) calendar days after the completion of the hearing before the School Board. (Use Grievance Form GBM-F5.) In the event the School Board's decision is at variance with the recommendations of the hearing officer, the School Board's written decision shall include the rationale for the decision.

3. In any case where a hearing before a hearing officer is not held, the Board may, but is not required to, hold a separate hearing or may make its determination on the basis of the written evidence presented by the teacher and the recommendation of the Superintendent. If the Board elects to hold a hearing without a previous hearing before a hearing officer, the procedures established in Section 2.3 Subsection E.2. shall be followed. The School Board shall make its decision whether to conduct a hearing within ten (10) business days of receipt of the request. The hearing before the School Board
shall be set within thirty (30) calendar days of the notice of such hearing, and the teacher must be given at least fifteen (15) calendar days written notice of the date, place, and time of the hearing. (Use Grievance Form GBM-F4.)

In the event the School Board elects not to conduct any hearing, a written decision shall be filed within thirty (30) calendar days of receipt the request for a hearing. All documents submitted shall be used to reach a decision. (Use Grievance Form GBM-F5.)

4. The School Board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel.

Section 2.4 Time Limitations

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

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

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

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

E. Exceptions to the time periods stated may be extended by written mutual agreement by both parties.

Section 2.5 Separability

If any portion of this Part II of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.

PART III

Procedure for Dismissals

This Part III of the Procedure for Adjusting Grievances adopted by the Albemarle County School Board in accordance with the statutory mandate of Article III (§ 22.1-306 et seq.) Chapter 15 of Title 22.1 of the Code of Virginia and the Standards of Quality for school divisions, Chapter 13.1 (§ 22.1-253.13:1 et seq.)
of Title 22.1 of the Code of Virginia, is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal of any teacher. While signed and dated designated forms must be used at each step of the process, this does not preclude any party from attaching typed responses.

Section 3.1 Procedure for Dismissals

A. Notice to teacher of recommendation for dismissal.

1. In the event the Superintendent determines to recommend dismissal of any teacher, written notice shall be sent to the teacher on a form prescribed by the School Board notifying him or her of the proposed dismissal, and informing the teacher that within ten (10) business days after receiving the notice, the teacher may request a hearing before the School Board or, at the option of the School Board, a hearing officer appointed by the Board as provided in Virginia Code § 22.1-311. (Use Grievance Form GBM-F6.)

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

3. At the request of the teacher, the Superintendent/Designee shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. Representatives for either party shall not be present at this interview. A request for the reasons shall be filed within three (3) business days of receipt of notification by the Superintendent. (Use Grievance Form GBM-F6-I.) A response shall be filed within three (3) business days of the request. (Use Grievance Form GBM-F6-I.)

In the event a teacher requests a hearing pursuant to § 22.1-311, the Superintendent shall provide, within ten (10) calendar days of the request, the teacher or his representative, who may be an attorney, with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal. (Use Grievance Form GBM-F7.) Within ten (10) calendar days of the request of the Superintendent, at a time designated by the Superintendent, the teacher or his representative shall provide the Superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal. (Use Grievance Form GBM-F7-I).

The Superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

B. Hearing by Hearing Officer or School Board.

1. Upon a timely request for a hearing pursuant to Virginia Code § 22.1-309, the School Board or, at the option of the school board, a hearing officer appointed by the School Board shall hold a hearing within fifteen (15) calendar days of receipt of the request and the teacher shall be given at least five (5) calendar days' written notice of the time and the place. (Use Grievance Form GBM-F7.) The hearing shall be private unless the teacher
requests the hearing to be public. At the hearing, the teacher and the Superintendent may appear with or without a representative who may be an attorney, and be heard, presenting testimony of witnesses and other evidence. The School Board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing or hold a separate hearing for each action.

2. The School Board may appoint an impartial hearing officer from outside the school division to conduct hearings pursuant to this section. A hearing officer shall not have been involved in the recommendation of dismissal as a witness or a representative. A hearing officer shall possess some knowledge and expertise in public education and education law and be capable of presiding over an administrative hearing. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall file a written recommendation to the School Board, a copy of which shall be filed to the teacher. (Use Grievance Form GBM-F8.) 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. In the event of a hearing before a hearing officer, the School Board may make its decision upon the record or recording of such hearing, pursuant to Virginia Code § 22.1-313, or the School Board may elect to conduct a further hearing to receive additional evidence by filing written notice of the time and place to the teacher and the Superintendent within ten (10) business days after the Board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the School Board. (Use Grievance Form GBM-F9.)

3. A record or recording of any hearing conducted pursuant to this section shall be made. The two parties shall share the cost of the recording equally. The record or recording shall be preserved for a period of six months. If the School Board requests that a transcript be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The School Board shall bear the cost of the transcription.

4. The School Board shall file its written decision to the teacher within thirty (30) calendar days after receiving the record from the hearing officer or within thirty (30) calendar days after the completion of a further hearing by the School Board. (Use Grievance Form GBM-F9.)

5. Expenses.
   a. The teacher shall bear his own expenses. The School Board shall bear the expenses of the Superintendent.
   b. The School Board shall bear the expenses of the hearing officer.

6. Witnesses.

   Witnesses who are employees of the School Board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.
7. **Right to Further Hearing.**

    If initially heard by a hearing officer, the School Board shall have the right to require a further hearing as provided in subsection C.

C. **Subsequent Hearing by School Board.**

1. In any case in which a further hearing is held by the School Board after a hearing before the hearing officer, the School Board shall consider at such further hearing the record, or transcript, if any, the findings of fact and recommendations made by the hearing officer and such further evidence, including, but not limited to, the testimony of those witnesses who have previously testified before the hearing officer as the School Board deems may be appropriate or as may be offered on behalf of the teacher or the Superintendent.

2. The School Board hearing shall be set and conducted within thirty (30) days of the giving by the School Board of its notice which shall be within ten (10) business of receipt of the recommendation by the hearing officer. The teacher shall be given at least fifteen (15) calendar days’ written notice of the date, place, and time of the hearing, and shall specify each matter to be inquired into by the School Board; such notice shall also be provided to the Superintendent. (Use Grievance Form GBM-F9.)

3. The teacher and the Superintendent may be represented by legal counsel or other representatives. The hearing before the School Board shall be private, unless the teacher requests a public hearing. The School Board shall establish the rules for the conduct of any hearing before it, and such rules shall include the opportunity for the teacher and the Superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties to cross-examine the witnesses. Witnesses may be questioned by the School Board. The School Board may hear a recommendation for dismissal and make a determination to the Board of the Education regarding the teacher’s license at the same hearing or hold a separate hearing for each action.

4. A record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the School Board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The School Board shall bear the expense of the recording and the transcription.

5. The School Board shall give the teacher its written decision within thirty (30) calendar days after the completion of the hearing before the School Board. (Use Grievance Form GBM-F9.)

6. The decision by the School Board shall be based on the transcript, the findings of fact and recommendations made by the hearing officer, and any evidence relevant to the issues of the original grievance produced at the School Board hearing in the presence of each party.

    The School Board's attorney, assistants, or representative, if he, she, or they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of § 22.1-69 of the Code of Virginia, the Superintendent shall be excluded from any executive session of the School
Board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the School Board's attorney or representative and the Superintendent may join the School Board in executive session to assist in the writing of the decision.

D. School Board Determination.

1. In any case in which a hearing before a hearing officer appointed by the School Board, but no further hearing before the School Board is conducted, the School Board shall file to the teacher its written decision as soon as practicable and no more than (30) calendar days after the School Board receives both the transcript of such hearing and the hearing officer’s findings of fact and recommendation. (Use Grievance Form GBM-F9.) The decision of the School Board shall be reached after considering the transcript, the findings of fact, and the recommendations made by the hearing officer. However, should there be a further hearing before the School Board, at the School Board’s discretion, such decision shall be furnished to the teacher as soon as practicable and no more than 30 calendar days after such further hearing.

4. The School Board may dismiss or suspend a teacher upon a majority vote of a quorum of the School Board.

5. 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.

Section 3.2 Time Limitations

The right of any party to proceed at any step of the grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this grievance procedure.

A. The failure of the grievant to comply with all substantial procedural requirements shall terminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.

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

C. The determination as to whether the substantial procedural requirements of this Part III of the Procedure for Adjusting Grievances have been complied with shall be made by the School Board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the School Board shall have the option of allowing the grievance to proceed to its next step.

Albemarle County Public Schools
The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

D. Exceptions to the time periods stated may be extended by written mutual agreement by both parties.

Section 3.3 Separability

If any portion of this Part III of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.

Adopted: July 1, 1993
Amended: December 8, 1997; November 5, 2015
Reviewed: July 8, 2004

Cross Ref.: GB, Equal Employment Opportunity
PART II

FORMS FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES IN ALBEMARLE COUNTY PUBLIC SCHOOLS

Enclosed herein are the necessary forms for adjusting grievances in accordance with Part II of the Grievance Procedure of the State Board of Education.

The grievant is advised to become familiar with the procedure for adjusting grievances. Special emphasis should be given to the procedural steps.

Adopted: December 8, 1997
Reviewed: July 8, 2004
GBM-AP  Page 2

GRIEVANCE FORM GBM-F1
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

STATEMENT OF GRIEVANCE
TO BE PRESENTED TO PRINCIPAL/DESIGNEE WITHIN 5 BUSINESS DAYS
OF NOTIFICATION OF DECISION BY THE PRINCIPAL/DESIGNEE

Please print all information.

Name of Grievant: _________________________________________________
Phone: _______________________ Email: __________________________
School/Department of Assignment: ____________________________________
Instructional Assignment Area(s): _____________________________________
Date of Conference with Supervisor: __________________________________
Immediate Supervisor’s Name and Position:
________________________________________________________________
Grievant’s Representative (if applicable, may not be an attorney at this level):
________________________________________________________________

Cite the policy, procedure, regulation, ordinance, and/or statute being grieved and the date you knew, or
reasonably should have known, of its occurrence:
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________

Statement of Grievance:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________ 

Specific Relief Requested:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________ 

Grievant’s Signature: ______________________________________  Date Signed: __________________
Representative’s Signature: __________________________________  Date Signed: _________________
GRIEVANCE FORM GBM-F1-D
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

REQUEST FOR DETERMINATION OF GRIEVABILITY
TO BE PRESENTED TO SUPERINTENDENT WITHIN 5 BUSINESS DAYS
OF: 1) RECEIPT STATEMENT OF THE GRIEVANCE BY THE PRINCIPAL/DESIGNEE, 2) THE
MEETING WITH THE PRINCIPAL, OR 3) RECEIPT OF THE PRINCIPAL/DESIGNEE’S RESPONSE,
OTHER PARTY TO BE NOTIFIED OF REQUEST WITHIN 5 BUSINESS DAYS OF RECEIPT
(Attach typed argument and GBM-F1.)

Name of Grievant: _________________________________________________
Date of Event (specify): ___________________________________________

I am requesting a determination by the School Board regarding the grievability of the issue
stated on Form GBM-F1. Included is my typed argument on this matter. I understand that oral
arguments will be at the request of the School Board only.

Requestor’s Signature: ___________________________________ Date Signed: ______________
Representative’s Signature: ________________________________ Date Signed: ______________

NOTIFICATION OF REQUEST FOR DETERMINATION OF GRIEVABILITY
TO BE PRESENTED TO GRIEVANT WITHIN 5 BUSINESS DAYS
OF: 1) RECEIPT OF REQUEST, 2) RECEIPT OF WRITTEN APPEAL, OR 3) MEETING WITH THE
SUPERINTENDENT, BOTH ARGUMENTS SUBMITTED TO SCHOOL BOARD WITHIN 5
BUSINESS DAYS OF RECEIPT OF ARGUMENT FROM GRIEVANT
(Attach typed argument.)

Date Request Received: _________________________

I am requesting a determination by the School Board regarding the grievability of the issue stated on
Form GBM-F1. Attached is my typed argument on this matter. I understand that oral arguments will be
at the request of the School Board only. You may submit to me, within 5 business days of receipt of
this notice, your typed argument to present to the School Board.

Superintendent/Desigee’s Signature: _____________________________ Date Signed: _____________
GRIEVANCE FORM GBM-F1-A
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

DETERMINATION BY SCHOOL BOARD ON GRIEVABILITY
TO BE PRESENTED TO GRIEVANT BY SUPERINTENDENT WITHIN 10 BUSINESS DAYS
OF SCHOOL BOARD’S RECEIPT OF REQUEST FOR DETERMINATION

Date Request Received: _____________________

_____ The matter is grievable and the grievant may proceed with the process within 5 business days of receipt of this notice.

_____ The matter is not grievable and the grievance is barred. An appeal may be filed to be heard by the circuit court having jurisdiction.

Board Chair/Designee’s Signature: __________________________ Date Signed: ______________

APPEAL OF SCHOOL BOARD’S DECISION ON GRIEVABILITY
TO BE PRESENTED TO SCHOOL BOARD BY SUPERINTENDENT WITHIN 10 BUSINESS DAYS OF RECEIPT OF SCHOOL BOARD’S DECISION, COPY TO OTHER PARTY

Date Decision Received: ____________________

_____ I hereby request a decision on the determination of grievability by the circuit court having jurisdiction.

Requestor’s Signature: ____________________________ Date Signed: ______________

Representative’s Signature: __________________________ Date Signed: ______________
GRIEVANCE FORM GBM-F1-AD
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

NOTICE OF DETERMINATION BY CIRCUIT COURT ON GRIEVABILITY
TO BE PRESENTED TO GRIEVANT BY SUPERINTENDENT WITHIN 5 BUSINESS DAYS
OF RECEIPT OF CIRCUIT COURT’S DECISION

Date Court’s Decision Received: _____________________

_____ The matter is grievable and the grievant may proceed with the process within 5 business days of receipt of this notice.

_____ The matter is not grievable and the grievance is barred.

Superintendent’s Signature: __________________________ Date Signed:___________________
GRIEVANCE FORM GBM-F2-M
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

NOTIFICATION OF RECEIPT OF GRIEVANCE AND MEETING
TO BE PRESENTED TO GRIEVANT BY PRINCIPAL/DESIGNEE WITHIN 3 BUSINESS DAYS OF RECEIVING STATEMENT OF GRIEVANCE, MEETING TO BE HELD WITHIN 5 BUSINESS DAYS OF RECEIPT OF STATEMENT OF GRIEVANCE OR WITHIN 5 BUSINESS DAYS OF RECEIPT OF ADDITIONAL INFORMATION

Name of Grievant: ______________________________________________________
Date of Receipt of Grievance/Information: __________________________________

A meeting to discuss the issues stated on GBM-F1 will be held on ____________________________
at______________, to be held at ____________________________. You may present appropriate witnesses and be accompanied by a representative other than an attorney.

Principal/Designee’s Signature: _____________________________ Date Signed: __________________
GRIEVANCE FORM GBM-F2-I
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

PRINCIPAL/DESIGNEE’S REQUEST FOR MORE INFORMATION
TO BE PRESENTED TO GRIEVANT WITHIN 5 CALENDAR DAYS
OF RECEIPT OF GBM-F1

Please print all information.
Name of Grievant: ______________________________
Date Grievance Received: ________________________

Please provide more information regarding:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Principal/Designee’s Signature: __________________________ Date Signed: ______________

GRIEVANT’S RESPONSE FOR MORE INFORMATION
TO BE PRESENTED TO PRINCIPAL/DESIGNEE WITHIN 10 BUSINESS DAYS
OF RECEIPT OF GBM-F2-I

Please print all information.
Date Request Received: ______________________________
Response for more information regarding above request:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Grievant’s Signature: ______________________________ Date Signed: ______________
Representative’s Signature: ________________________ Date Signed: ______________
GRIEVANCE FORM GBM-F2
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

PRINCIPAL/DESIGNEE’S DECISION
TO BE PRESENTED TO GRIEVANT WITHIN 5 BUSINESS DAYS OF MEETING

Please print all information.

Name of Grievant: ______________________________________

Date Grievance Received: ____________________

Date Additional Information Received (if applicable): __________________________

Date of Meeting: _____________________

Decision of Principal/Designee:
___________________________________________________________________________________
___________________________________________________________________________________
___________________________________________________________________________________

OR

_____ Not accepted/individual is not a covered employee.

_____ Not accepted for failure to comply with time limitations.

_____ The issue is not a grievable issue.

_____ I am requesting a determination of grievability.

_____ I lack the authority to grant the relief requested.

Principal/Designee’s Signature: ________________________________ Date Signed: _______________

GRIEVANT’S APPEAL TO SUPERINTENDENT
TO BE PRESENTED TO SUPERINTENDENT WITHIN 5 BUSINESS DAYS
OF RECEIPT OF GBM-F2
(Attach copies of all previous forms.)

Date of Receipt of Principal/Designee’s Decision: ________________

Grievant’s Representative (if applicable, may be an attorney at this level):

____________________________________________________________________________________

I hereby appeal this decision to Step 3, Superintendent’s level. I, the grievant, disagree with the action taken and the Principal/Designee’s response because:
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Grievant’s Signature: ________________________________ Date Signed: ________________

Representative’s Signature: ________________________________ Date Signed: ________________
GRIEVANCE FORM GBM-F3-I
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

SUPERINTENDENT’S REQUEST FOR MORE INFORMATION
TO BE PRESENTED TO GRIEVANT WITHIN 5 CALENDAR DAYS
OF RECEIPT OF GBM-F2 IF GBM-F2-I WAS NOT USED

Please print all information.
Name of Grievant: ______________________________________
Date Grievance Received: ________________________________
Please provide more information regarding: _____________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
Superintendent/Designee’s Signature: ________________________ Date Signed: ________________

GRIEVANT’S RESPONSE FOR MORE INFORMATION
TO BE PRESENTED TO SUPERINTENDENT WITHIN 10 BUSINESS DAYS
OF RECEIPT OF GBM-F3-I

Please print all information.
Date Request Received: __________________________________
Response for more information regarding above request:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
Grievant’s Signature: ________________________ Date Signed: ________________

Representative’s Signature: ________________________ Date Signed: ________________
GRIEVANCE FORM GBM-F3-M
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

NOTIFICATION OF RECEIPT OF GRIEVANCE AND MEETING
TO BE PRESENTED TO GRIEVANT BY SUPERINTENDENT WITHIN 3 BUSINESS DAYS OF RECEIVING APPEAL OR WITHIN 3 BUSINESS DAYS OF RECEIPT OF ADDITIONAL INFORMATION, MEETING TO BE HELD WITHIN 5 BUSINESS DAYS OF RECEIPT OF GRIEVANCE OR RECEIPT OF ADDITIONAL INFORMATION

Name of Grievant: ______________________________________________________

Date Grievance Received: _______________________________________________

A meeting to discuss the issues stated on GBM-F1 will be held on___________
at________________, to be held at__________________. You may present
appropriate witnesses and be accompanied by a representative who may be an attorney.

Superintendent/Desigee’s Signature: ________________________________ Date Signed: ____________

Albemarle County Public Schools
GRIEVANCE FORM GBM-F3
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

SUPERINTENDENT’S DECISION
TO BE PRESENTED TO GRIEVANT WITHIN 5 BUSINESS DAYS OF MEETING

Please print all information.

Name of Grievant: _______________________________________________________

Date Appeal Received: __________________   Date of Meeting: ________________

Date Additional Information Received (if applicable): __________________________

Decision of Superintendent/Designee:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

OR

_____ Not accepted/individual is not a covered employee.
_____ Not accepted for failure to comply with time limitations.
_____ The issue is not a grievable matter.
_____ I am requesting a determination of grievability.
_____ I lack the authority to grant the relief requested.

Superintendent/Designee’s Signature: ___________________________  Date Signed: ________________

GRIEVANT’S APPEAL TO SCHOOL BOARD
TO BE PRESENTED TO SUPERINTENDENT WITHIN 5 BUSINESS DAYS OF RECEIPT OF
NOTIFICATION SUPERINTENDENT’S DECISION
(Attach copies of all previous forms.)

Date Superintendent’s/Designee’s Decision Received: _______________________

I hereby petition that the attached grievance be heard by the School Board or at their option, a Hearing
Officer appointed by the School Board. If a Hearing Officer is appointed by the School Board, I
understand that I shall not be entitled to a further hearing by the School Board unless at their request. I
disagree with the action taken and the previous response for the reason(s) cited below. Supporting
documentation is attached. The relief sought is also included.

_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Grievant’s Signature: ___________________________ Date Signed: ________________

Representative’s Signature: ___________________________ Date Signed: ________________
GRIEVANCE FORM GBM-F4
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

SCHOOL BOARD’S NOTIFICATION OF HEARING BEFORE HEARING OFFICER
TO BE PRESENTED TO GRIEVANT WITHIN 15 CALENDAR DAYS OF SUPERINTENDENT’S
RECEIPT OF GRIEVANT’S REQUEST FOR HEARING,
HEARING TO BE HELD WITHIN 15 DAYS OF REQUEST FOR HEARING, GIVING AT LEAST 5
CALENDAR DAYS’ NOTICE FOR HEARING

Date Request Received: ________________________________

_____ This grievance will be heard by a hearing officer appointed by the School Board on
____________________ at _______________, to be held at
______________________________.

OR

SCHOOL BOARD’S NOTIFICATION OF HEARING BEFORE SCHOOL BOARD
TO BE PRESENTED TO GRIEVANT WITHIN 10 BUSINESS DAYS OF SUPERINTENDENT’S
RECEIPT OF GRIEVANT’S REQUEST FOR HEARING,
HEARING TO BE HELD WITHIN 30 CALENDAR DAYS OF REQUEST FOR HEARING, GIVING
AT LEAST 15 CALENDAR DAYS’ NOTICE FOR HEARING

Date Request Received: ______________________________

_____ This grievance will be heard by the School Board on ________________ at__________, to be
held at ________________________________.

Board Chair/Desigee’s Signature:__________________________ Date Signed:_______________
GRIEVANCE FORM GBM-F4-R
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

RECOMMENDATION FROM HEARING OFFICER
TO BE SUBMITTED TO SUPERINTENDENT, WITH COPY TO GRIEVANT, TO PRESENT TO
SCHOOL BOARD WITHIN 10 BUSINESS DAYS OF HEARING
(Attach record or recording of hearing for School Board.)

Please print all information.

Name of Grievant: ________________________________

Date of Hearing: ________________________________

Recommendation to School Board from Hearing Officer:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Hearing Officer’s Signature: ______________________ Date Signed: ________________

RESPONSE BY SCHOOL BOARD FOR ADDITIONAL HEARING
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT WITHIN 10 BUSINESS DAYS OF
RECEIPT OF RECOMMENDATION FROM HEARING OFFICER. HEARING TO BE HELD
WITHIN 30 CALENDAR DAYS OF RECEIPT OF RECOMMENDATION FROM HEARING
OFFICER AND GIVING 15 CALENDAR DAYS’ NOTICE.

Date Recommendation from Hearing Officer Received: ________________

The Board agrees to hold an additional hearing. The hearing will be held on ______________ at
____________, to be held at ________________________________.

Issues that will be addressed:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Board Chair/Designee’s Signature: _______________________ Date Signed: ________________
GRIEVANCE FORM GBM-F5
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

DECISION BY SCHOOL BOARD
TO BE PRESENTED TO GRIEVANT WITHIN 30 CALENDAR DAYS OF HEARING OR REQUEST
FOR HEARING IF NO HEARING HELD

Name of Grievant: _____________________________
Date of Hearing: _________________     OR     Date Request Received: ___________________

The Board’s decision regarding matter grieved and relief sought:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________ 

This matter is now closed.

Board Chair/Designee’s Signature:_______________________________ Date Signed:_______________
PART
III

FORMS FOR PROPOSED DISMISSAL IN ALBEMARLE COUNTY PUBLIC SCHOOLS

Enclosed herein are the necessary forms for proposed dismissal proceedings as prescribed in Part III of the procedure enacted by the Virginia State Board of Education.

Adopted: December 8, 1997
Reviewed: July 8, 2004
Please print all information.

Name of Employee: ________________________________

School/Department: ______________________________

The Superintendent will be recommending to the School Board that you be dismissed from your position as ________________________________.

You have three (3) business days from receipt of this notice to request the reasons for this recommendation, using Form GBM-F6-I. Reasons will be provided to you in writing or at your request, in a personal interview, within three (3) business days of your request. Representatives shall not be present at this interview.

You have ten (10) business days from receipt of this form to request, in writing, a hearing before the School Board or at the option of the School Board, a hearing officer appointed by the Board as provided in the regulation. Please advise me as soon as possible whether you wish to have such a hearing, using Form GBM-F7. Enclosed, for your information, is a copy of the policy and regulation.

Superintendent/Designee’s Signature: _____________________________  Date Signed: _____________
**GRIEVANCE FORM GBM-F6-I**
**FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES**

**GRIEVANT’S REQUEST FOR MORE INFORMATION**
TO BE PRESENTED TO SUPERINTENDENT WITHIN 3 BUSINESS DAYS
OF RECEIPT OF GBM-F6

Please print all information.

Name of Grievant: ____________________________________________
Date of Receipt of Notice: ______________________________________

I hereby request reasons for the dismissal. I request the reasons _____ in writing/_____ in a personal interview.

Grievant’s Signature: ________________________________ Date Signed: ________________

**SUPERINTENDENT’S RESPONSE**
TO BE PRESENTED TO GRIEVANT WITHIN 3 BUSINESS DAYS
OF RECEIPT OF GBM-F6-I, MEETING TO BE HELD WITHIN 3 BUSINESS DAYS OF REQUEST

Please print all information.

Reasons for recommendation:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

OR

A meeting with the Superintendent/Designee has been scheduled on ______________________ at
________________________, to be held at ______________________ to provide the reasons for the
recommendation.

Superintendent/Designee’s Signature: ___________________________ Date Signed: ________________
GRIEVANCE FORM GBM-F7
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

REQUEST FOR HEARING BEFORE SCHOOL BOARD
TO BE PRESENTED TO SUPERINTENDENT WITHIN 10 BUSINESS DAYS
OF RECEIPT OF GBM-F6

Please print all information.

Name of Grievant: ____________________________________________

Date of Receipt of Notice: ______________________________________

Grievant’s Representative: ______________________________________

I hereby request that I be afforded a hearing before the School Board, or at the option of the School Board, a hearing officer appointed by the School Board regarding the recommendation for dismissal. I understand that I will be given opportunity to inspect and copy my personnel file and other related documents. I understand I am responsible for the cost of the preparation of the documents. I understand that I am under continuing obligation to provide all documents used in rebuttal to the Superintendent’s recommendation within 10 calendar days of this request. Expense of copying shall be of the Superintendent.

Grievant’s Signature: __________________________ Date Signed: ______________

Representative’s Signature: __________________________ Date Signed: ______________

NOTIFICATION OF HEARING
TO BE PRESENTED TO GRIEVANT, HEARING TO BE HELD WITHIN 15 CALENDAR DAYS OF RECEIPT OF GBM-F7, GIVING AT LEAST 5 CALENDAR DAYS’ NOTICE

Please print all information.

Date of Receipt of Request: ___________________________________

_____ This grievance will be heard by a hearing officer appointed by the School Board on _______ at _______, to be held at __________________________. You may present appropriate witnesses and be accompanied by a representative who may be an attorney.

OR

_____ This grievance will be heard by the School Board on _______ at _______, to be held at __________________________. You may present appropriate witnesses and be accompanied by a representative who may be an attorney.

Board Chair/Designee’s Signature: __________________________ Date Signed: ______________
GRIEVANCE FORM GBM-F7-I
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

MEETING TO EXCHANGE DOCUMENTS
TO BE PRESENTED TO GRIEVANT, MEETING HELD WITHIN 10 CALENDAR DAYS
OF RECEIPT OF GBM-F7

Name of Grievant: ____________________________________________

Date of Receipt of Request: ______________________________________

The meeting to exchange documents related to the grievance will be on ____________ at
_______________, to be held at _________________________________.

Superintendent/Designee’s Signature: ___________________________ Date Signed: _______________
GRIEVANCE FORM GBM-F8
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

RECOMMENDATION BY HEARING OFFICER
TO BE SUBMITTED TO SUPERINTENDENT, WITH COPY TO GRIEVANT, TO PRESENT TO
SCHOOL BOARD WITHIN 10 BUSINESS DAYS OF HEARING
(Attach record or recording of hearing.)

Please print all information.
Name of Grievant: ________________________________
Date of Hearing: ________________________________
Recommendation to School Board by Hearing Officer:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Hearing Officer’s Signature: ________________________________  Date Signed: ________________
GRIEVANCE FORM GBM-F9
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

RESPONSE BY SCHOOL BOARD FOR ADDITIONAL HEARING
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT WITHIN 10 BUSINESS DAYS OF RECEIPT OF GBM-F8. HEARING TO BE HELD WITHIN 30 CALENDAR DAYS OF RECEIPT OF GBM-F8 AND GIVING 15 CALENDAR DAYS’ NOTICE

Please print all information.

Name of Grievant: ______________________________

Date Recommendation Received: __________________

An additional hearing on this grievance will be held by the School Board. The hearing will be held on __________________________ at ________________, to be held at __________________________. You may present appropriate witnesses and be accompanied by a representative who may be an attorney.

Issues that will be addressed:

_____________________________________________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

Board Chair/Desigee’s Signature: ___________________________ Date Signed: ________________

DECISION BY SCHOOL BOARD
TO BE PRESENTED TO GRIEVANT WITHIN 30 CALENDAR DAYS OF HEARING

Please print all information.

Date of Hearing: ______________________________

The Board’s decision regarding matter grieved and relief sought:

_____________________________________________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

This matter is now closed.

Board Chair/Desigee’s Signature: ___________________________ Date Signed: ________________