

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 22.1-79 of the Code of Virginia, relating to school board employee grievance procedure; timing of dispute resolution.

[H 116]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-79 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-79. Powers and duties.

Each school board shall:

1. See that the school laws are properly explained, enforced, and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage, and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching, and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees ~~regarding~~ *before* dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board's procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory employees;
7. Perform such other duties as shall be prescribed by the Board or as are imposed by law;
8. Obtain public comment through a public hearing not less than seven days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting, or pupil assignment plan that is to be implemented after the effective date of this provision, an additional public hearing shall not be required;
9. (Expires July 1, 2028) At least annually, survey the school division to identify critical shortages of (i) teachers and administrative personnel by subject matter, (ii) specialized student support positions as that term is described in subsection O of § 22.1-253.13:2, and (iii) school bus drivers and report such critical shortages to the Superintendent and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System;
10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within that school division pursuant to § 9.1-914;
11. Ensure that at any back to school night event in the local school division to which the parents of

57 enrolled students are invited, any such parent in attendance receives prominent notification of and access, in
58 paper or electronic form, or both, to information about application and eligibility for free or reduced price
59 meals for students and a fillable free or reduced price meals application that may be completed and submitted
60 on site;

61 12. Ensure that the information sheet on the SNAP benefits program developed and provided by the
62 Department of Social Services pursuant to subsection E of § 63.2-801 is sent home with each student enrolled
63 in a public elementary or secondary school in the local school division at the beginning of each school year
64 or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after
65 enrollment;

66 13. Ensure that a fillable free or reduced price meals application is sent home with each student enrolled
67 in a public elementary or secondary school in the local school division at the beginning of each school year
68 or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after
69 enrollment;

70 14. Permit any student enrolled in a public elementary or secondary school in the local school division
71 who provides acceptable proof of identification as set forth in subdivision 15, if requested, and signs up in
72 accordance with sign-up procedures for the respective school board meeting, to submit oral comments during
73 any public comment or citizen participation portion of such meeting subject to the same reasonable time,
74 place, and manner restrictions imposed by such school board on the expression of any other citizen
75 participant in such meetings; and

76 15. Accept as proof of student identification for the purpose of providing oral public comment as
77 permitted pursuant to subdivision 14 any current student identification card or other school document such as
78 a report card or a personal school email address.