

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 824]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-79 of the Code of Virginia is amended and reenacted as follows:**8 **§ 22.1-79. Powers and duties.**

9 Each school board shall:

- 10 1. See that the school laws are properly explained, enforced, and observed;
- 11 2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public  
 12 schools in the school division and take care that they are conducted according to law and with the utmost  
 13 efficiency;
- 14 3. Care for, manage, and control the property of the school division and provide for the erecting,  
 15 furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and  
 16 the maintenance thereof by purchase, lease, or other contracts;
- 17 4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment  
 18 plans whenever such procedure will contribute to the efficiency of the school division;
- 19 5. Insofar as not inconsistent with state statutes and regulations of the Board, operate and maintain the  
 20 public schools in the school division and determine the length of the school term, the studies to be pursued,  
 21 the methods of teaching, and the government to be employed in the schools;
- 22 6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and  
 23 administer by July 1, 1992, a grievance procedure for all school board employees, except the division  
 24 superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article  
 25 3 (§ 22.1-306 et seq.) of Chapter 15, who have completed such probationary period as may be required by the  
 26 school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the  
 27 resolution of disputes arising between the school board and such employees ~~regarding~~ *before* dismissal or  
 28 other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board's  
 29 procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action,  
 30 the grievance procedure prescribed by the Board pursuant to § 22.1-308 shall apply to all full-time employees  
 31 of a school board, except supervisory employees;
- 32 7. Perform such other duties as shall be prescribed by the Board or as are imposed by law;
- 33 8. Obtain public comment through a public hearing not less than seven days after reasonable notice to the  
 34 public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation  
 35 of schools; (ii) the transfer from the public school system of the administration of all instructional services for  
 36 any public school classroom or all noninstructional services in the school division pursuant to a contract with  
 37 any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily  
 38 membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the  
 39 assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such  
 40 public hearing may be held at the same time and place as the meeting of the school board at which the  
 41 proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been  
 42 held prior to the effective date of this provision on a proposed consolidation, redistricting, or pupil  
 43 assignment plan that is to be implemented after the effective date of this provision, an additional public  
 44 hearing shall not be required;
- 45 9. (Expires July 1, 2028) At least annually, survey the school division to identify critical shortages of (i)  
 46 teachers and administrative personnel by subject matter, (ii) specialized student support positions as that term  
 47 is described in subsection O of § 22.1-253.13:2, and (iii) school bus drivers and report such critical shortages  
 48 to the Superintendent and to the Virginia Retirement System; however, the school board may request the  
 49 division superintendent to conduct such survey and submit such report to the school board, the  
 50 Superintendent, and the Virginia Retirement System;
- 51 10. Ensure that the public schools within the school division are registered with the Department of State  
 52 Police to receive from the State Police electronic notice of the registration, reregistration, or verification of  
 53 registration information of any person required to register with the Sex Offender and Crimes Against Minors  
 54 Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within that school division pursuant to  
 55 § 9.1-914;
- 56 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.