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PROCEDURE FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

Preamble

The Virginia Board of Education and the Albemarle County School Board ("School Board" or "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 include dismissal or probation.

PART I – GENERAL TERMS APPLICABLE TO ALL GRIEVANCES

Section 1.1 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 if itthat 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:,

a. fFor the purpose of Part II:, a complaint or a dispute by a teacher relating to his or hertheir employment, including but not necessarily limited to (i) disciplinary actions other than dismissal or placing on probation;: (ii) the application or interpretation of (a) personnel policies, (b) procedures, (c) rules, and regulations, (d) ordinances, (e) and statutes; (iii) 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 member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, disability, age, national origin, or sex one or more protected classes as outlined in Board Policy AC, Nondiscrimination.

b. "Grievance" means, fFor the purpose of Part III:, a complaint or a dispute by a teacher relating to his or her their employment involving dismissal or placing on

probation.

c. Exclusions. For both Part II and Part III, Tthe term "grievance" shall not include a complaint or dispute by a teacher relating to (i) the establishment and revision of wages or salaries, position classifications, or general benefits; (ii) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; (iii) the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; (iv) failure to promote; (v) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject, or insufficient funding; (vi) hiring, transfer, assignment, and retention of teachers within the school division; (vii) suspension from duties in emergencies; (viii) or the methods, means, and personnel by which the school division's operations are to be carried on; or (ix) coaching or extracurricular activity sponsorship. While these management rights are reserved to the School Board, failure to apply, where applicable, these rules, regulations, policies, or procedures as written or established by the School Board is grievable.

“Hearing officer” means an impartial hearing officer from outside the school division who possesses some knowledge and expertise in public education and education law and who is capable of presiding over an administrative hearing.

"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 by the Department of Human Resources or in any file on the teacher maintained within a school/department in which the teacher serves.

"Probation" means a period not to exceed one (1) year during which time it shall be the duty of the teacher to remedy those deficiencies which gave rise to the probationary status.

"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 classified as supervising employees. "Teacher" means, for the purpose of Part III, all regularly licensed professional public school personnel employed under a written contract as provided by Section 22.1-302 of the Code of Virginia by any the school division as a teacher or supervisor of classroom teachersinstructional supervisory position as provided by Section 22.1-294 of the Code of Virginia, 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/designee or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure. Electronic mail submissions may also be permissible with the expectation that the receiving party confirms receipt with the sending party. Employees shall state their preferred communication method upon initiation of the grievance.

“Superintendent” means the Superintendent of the school division or may be the designee so assigned to oversee such 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) aboveof this definition; 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 complained of, and a concise description of those policies, procedures, regulations, ordinances, or statutes upon which the teacher bases his or herthe claim. The grievant shall specify what he or she seeks the specific relief sought through use of the grievance procedure. A statement written grievance appeal shall be written upon forms prescribed by the Board of Education and supplied by the local School Board. While signed and dated designated forms, which may be electronic, must be used at each step of the process, this does not preclude any party from attaching additional typed responses.

Section 1.2 Separability

If any portion of this 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.

In the event of any conflict or inconsistency between the provisions of this policy (or its accompanying regulations) and the Code of Virginia, federal or state law, or regulations of the State Board of Education, the applicable statute or regulation shall govern and prevail.

PART II -

GRIEVANCE PROCEDURE FOR ACTIONS OTHER THAN DISMISSAL OR PLACEMENT ON PROBATION

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 local school board policies, procedures, rules, and regulations as they affect the work of teachers, other than dismissal or probation. 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,. Nnor 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 a the School Board's exclusive final authority over the management and operation of the school division.

Section 2.2 Grievance Procedure

Recognizing that grievances should be begun and settled promptly, after meeting informally with the supervisor, a grievance must be formalized within 15 working business days following either the event giving rise to the grievance, or within 15 working business days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

A. A. Step 1 -– Informal Conference. At the initiation of the teacher, theThe first step shall be an informal conference which should occur immediately, generally within five (5) business days of the event giving rise to the grievance between the teacher and his/her their immediate supervisor (which may be the principal). The employee may have a representative present who is not an attorney. The teacher shall state they are initiating the grievance process and the nature of the grievance; the relief/outcome sought shall be discussed at the conference. , and the The immediate supervisor shall attempt to adjust the grievance from this conference. 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.

It is mandatory that the teacher present the grievance informally prior to proceeding to Step 2.

B. B. Step 2 -– Meeting with Principal.

1. Filing. If for any reason the grievance is not resolved informally in Step 1 to the satisfaction of the teacher, the teacher must perfect his/her file a written grievance

appeal by filing said grievance in writing within fifteen (15) working days following the event giving rise to the grievance, or within fifteen (15) working days following the time when the employee knew or reasonably should have known of its occurrence, within 15 business days following the event giving rise to the grievance or when the teacher knew or should have known of its occurrence, specifying on the form the specific relief soughtexpected. (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. Upon receipt of the formalization of the grievance, the principal/designee must contact the Department of Human Resources to determine eligibility for grievability. If the employee is eligible or more information is needed to determine eligibility, the process shall continue as follows.

2. Meeting. A meeting shall be held, giving notice of the meeting within two (2) business days of receipt, between the principal (and/or his/hertheir designee) and the teacher (and/or his/her their designee), within five (5) working business days of the receipt by the principal of the written grievance, unless additional information is requested (see below). (Use Grievance Form GBM-F2-M.) At such meeting the teacher and/or other party involved shall be entitled to present appropriate witnesses and be represented by legal counsel and to be accompanied by a representative other than an attorney. another representative.The principal (and/or his/her designee) shall respond in writing within five (5) working days following such meeting. (Use Grievance Form GBM-F2.)

3. Additional Information. The principal/designee may forward file a written request to the teacher within five (5) calendar days from the receipt of the written grievance a written request for more specific information regarding the grievance. (Use Grievance Form GBM-F2-I.) The teacher shall file an answer thereto within ten (10) working business days, and the meeting must then be held within five (5) business days thereafter upon receipt of the information by the principal/designee, giving notice of the meeting within two (2) business days of receipt of the additional information. (Use Grievance Form GBM-F2-M.) The principal/designee shall then respond in writing within five (5) business days following such meeting. (Use Grievance Form GBM-F2.)

4. Decision. The principal (and/or their designee) shall respond in writing within five (5) business days following such meeting. (Use Grievance Form GBM-F2.)

C. C. Step 3 -– Meeting with Superintendent.

1. Filing. 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, accompanied by the original grievance appeal form(s) (GBM-F1, GBM-F2-I) within five (5) working business days after receipt of the Step 2 answer (or the due date of such answer). (Use Grievance Form GBM-F2.)

2. Additional Information. 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 10 business days, and the meeting shall be held within five (5) business days of the date on which the response was received.

3. Meeting. If additional information was requested in Step 2 or is not requested by the Superintendent/designee, theA meeting shall then be held between the Superintendent/ (and/or his/hertheir designee) and the teacher (and/or his/her their designee) at a mutually agreeable time within five (5) working business days, giving notice within two (2) 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 represented by a representative who may be an attorneylegal counsel and another representative. The Superintendent shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the Superintendent without violating the provisions of Section 54-44 54.1-3904 of the Code of Virginia. At the discretion of the Superintendent/designee, the hearing may be reopened for good cause shown, at any time to hear after-discovered evidence before the Superintendent/designee's decision is delivered.

4. Decision. If no settlement can be reached in said meeting, tThe Superintendent (or his/hertheir designee) shall respond in writing within five (5) working business days following such meeting. (Use Grievance Form GBM-F3.)

D. The Superintendent/Designee may make a written request for more specific information from the teacher, but only if such was not requested in Step 2. Such request shall be answered within ten (10) working days, and the meeting shall be held within five (5) working days of the date on which the answer was received. If the grievance is not resolved to the satisfaction of the teacher in Step 3, the teacher may elect to have a hearing by a fact-finding panel, as provided in Step 4, or after giving proper notice may request a decision by the School Board pursuant to Step 5.

E.

F. D. Step 4 - Fact-Finding PanelDecision by the School Board.

1. Filing. In the event the grievance is not settled upon completion of Step 3, the teacher may elect to request a decision by the School Board. either the teacher or the School Board may elect to have a hearing by a fact-finding panel prior to a decision by the School Board, as provided in Step 4. (Use Grievance Form GBM-F4.) If the teacher elects to proceed to Step 4, he/shethey must notify the Superintendent in writing of the intention to make the request a fact-finding panel and enclose a copy of the original grievance form of the Board within five (5) working business days after receipt of a Step 3 answer (or the due date of such answer). (Use Grievance Form GBM-F43.)

2. Record Review and Option for Hearing. Upon receipt of such notice and evidence, the Board may hold a hearing on the grievance, may elect to have a hearing conducted by a hearing officer appointed by the School Board consistent with the procedures in Section 22.1-311 of the Code of Virginia, or may make its determination on the basis of the written evidence presented by the teacher and the recommendation of the Superintendent. The Board may deliberate on whether to affirm, modify, or reverse the decision of the Superintendent/designee.
   If the School Board elects to proceed to a fact-finding panel, the Superintendent must serve written notice of the Board's intention upon the grievant within fifteen (15) working days after the answer provided by Step 3.

Panel. Within five (5) working days after the receipt by the Superintendent of the request for a fact-finding panel, the teacher and the division Superintendent shall each select one panel member from among the employees of the school division other than an individual involved in any previous phase of the grievance procedure as a supervisor, witness, or representative. The two panel members so selected shall within five (5) working days of their selection select a third impartial panel member.

3. ___
2. Selection of Impartial Third Member. In the event that the two panel members are unable to agree upon a third panel member within five (5) working days, both members of the panel shall request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five (5) qualified and impartial individuals from which one individual shall be selected by both members of the panel to serve as the third member. The individuals named by the chief judge may reside either within or outside the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and possess some knowledge and expertise in public education and education law and shall be deemed by the judge to be capable of presiding over an administrative hearing. Within five (5) days after receipt by the two panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by alternately deleting names from the list until only one remains. The panel member selected by the teacher shall make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. With the agreement of the teacher's and Superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

3. Holding of Hearing Protocol.

   a. In any case in which the School Board elects to hold a hearing or elects to have a hearing officer conduct the hearing, theThe hearing shall be held by the panel within thirty (30) calendar days of the School Board's receipt of the notice for the Step 4 appeal. The teacher must be given at least 15 calendar days' written notice of the date, time, and place of the hearing. (Use Grievance Form GBM-F4-H.)

b. The teacher and the Superintendent may be represented by legal counsel or other representatives. The hearing shall be private, unless the teacher requests a public hearing. The School Board or the hearing officer, as the case may be, shall establish the rules for the conduct of the hearing. 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 or the hearing officer.

c. In the case of a hearing conducted by the School Board, the School Board's attorney, assistants, or representative, if 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 that 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.

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

4. Hearing by Hearing Officer.

a. In the event of a hearing conducted by a hearing officer, the recommendation of the hearing officer shall be based exclusively upon the evidence presented at the hearing. Upon the hearing officer's own motion or upon application by either party to the grievance, the hearing officer may reopen the hearing for the purpose of hearing after-discovered evidence upon a finding of good cause by the hearing officer at any time before his recommendation is due. The hearing officer shall transmit their written recommendation and a record or recording of the hearing to the grievant and the School Board as soon as practicable and no more than 10 business days after the hearing. (Use Grievance Form GBM-F4-R.)

b. In the event of a hearing by a hearing officer, the School Board may make its decision upon the record or recording of such hearing or the School Board may elect to conduct a further hearing to receive additional evidence. The School Board must hold such further hearing as soon as practicable within 30 calendar days and must give at least 15 calendar days' written notice of the time and place of such further hearing to the Superintendent and the teacher within 10 business days after the Board received the record or recording of the initial hearing. The notice must specify each matter to be inquired into by the School Board. The

School Board shall determine the procedure to be followed at such further hearing. (Use Grievance Form GBM-F4-R.)

5. School Board Determination.

a. In the event of a hearing before the School Board, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 calendar days after the hearing. The decision of the School Board shall be reached after considering the evidence and information presented at the School Board hearing. (Use Grievance Form GBM-F5 or other written notice at the Board's discretion.)

b. In the event of a hearing before a hearing officer followed by a further hearing by the School Board, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 calendar days after such further hearing. (Use Grievance Form GBM- F5 or other written notice at the Board's discretion.) The decision of the School Board shall be reached after considering the record or recording of the initial hearing, the recommendations of the hearing officer, and the evidence and information presented at the further hearing before the School Board.

c. In the event of a hearing before a hearing officer in cases in which no further hearing is conducted by the School Board, the School Board shall give the teacher its written decision as soon as practicable and no more than 30 calendar days after receiving the record or recording of the hearing. (Use Grievance Form GBM-F5 or other written notice at the Board's discretion.) The decision of the School Board shall be reached after considering the record or recording of the hearing and the recommendations of the hearing officer.

d. In cases in which the determination is made on the basis of the written evidence presented by the teacher and the recommendation of the Superintendent and no hearing is held, the School Board shall give the teacher its written decision within 30 calendar days of the receipt of the teacher's request for a hearing. (Use Grievance Form GBM-F5 or other written notice at the Board's discretion.)

4. Procedure for Fact-Finding Panel.

a. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.

b. The panel may ask for statements from the Superintendent and the teacher clarifying the issues involved at the beginning of the hearing and at the discretion of the panel may allow closing statements.

c. The parties shall then present their claims in evidence. Witnesses may be questioned by the panel members, or by the teacher and the Superintendent, or their representative. The

panel, in its discretion, may vary this procedure, but shall afford full and equal opportunity for all

parties to present any material or relevant evidence and shall afford the parties the right of cross-examination.

d. The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel may be the judge of the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.

e. Exhibits offered by the teacher or the Superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.

f. The finding of facts and recommendations by the panel shall be based exclusively upon the evidence presented at the hearing and the panel's recommendations shall be arrived at by a majority vote of the panel members.

g. On its own motion or upon application of the teacher or Superintendent, the hearing may be reopened by the panel, for good cause shown, at any time to hear after-discovered evidence before its final report is delivered.

h. The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the members of the School Board, the Superintendent, and the teacher, not later than thirty (30) days after the completion of the hearing.

i. A stenographic record or tape recording shall be taken of the proceedings. The recording may be dispensed with entirely by mutual consent of the parties. If the recording is not dispensed with, the two parties shall share equally the cost of the recording. If either party requests a transcript, that party shall bear the expense involved in preparing it.

E5. Expenses.

1. a. The teacher shall bear his their own expenses.

2. The School Board shall bear the expenses of the Superintendent.

3. The expenses of the panel hearing officer shall be borne one-half by the School Board and one-half by the teacher.

b. The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his/her normal working hours if he/she receives the normal salary for the period of such service.

F. Witnesses.

c. Witnesses who are employees of the School Board shall be granted release time if the hearing is held during the school day. Non-exempt employees will be compensated for all such time participating in the grievance as time worked. The hearing shall be held at the school in which most witnesses work, if feasible.

6. Right to Further Hearings.

Following a hearing by a fact-finding panel, the teacher shall not have the right to a further hearing by the School Board as provided in subsection E(3) of this section. The School Board shall have the right to require a further hearing in any grievance proceeding as provided in subsection E(3) of this section.

E. Step 5 - Decision by the School Board.

1. If a teacher elects to proceed directly to a determination before the School Board as provided for in Step 5, he/she must notify the Superintendent in writing of the intention to appeal directly to the Board, of the grievance alleged and the relief sought, within five (5) working days after receipt of the answer as required in Step 3 or the due date thereof. Upon receipt of such notice, the School Board may elect to have a hearing before a fact-finding panel, as indicated in Step 4, by filing a written notice of such intention with the teacher within ten (10) working days of the deadline for teacher's request for a determination by the School Board.

2. In the case of a hearing before a fact-finding panel, the School Board shall give the grievant its written decision within thirty (30) days after the School Board receives both the transcript of such hearing, if any, and the panel's finding of fact and recommendations unless the School Board proceeds to a hearing under Section 2.2 Subsection E.3. The decision of the School Board shall be reached after considering the transcript, if any; the findings of fact and recommendations of the panel; and such further evidence as the School Board may receive at any further hearing which the School Board elects to conduct.

3. In any case in which a hearing before a fact-finding panel is held in accordance with Step 4, the local School Board may conduct a further hearing before such School Board.

a. The local School Board shall initiate such hearing by sending written notice of its intention to the teacher and the Superintendent within ten (10) days after receipt by the Board of the findings of fact and recommendations of the fact-finding panel and any transcript of the panel hearing. 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.

b. In any case where such further hearing is held by a School Board after a

hearing before the fact-finding panel, the School Board shall consider at such further hearing the transcript, if any; the findings and recommendations of the fact-finding panel; and such further evidence including, but not limited to, the testimony of those witnesses who have previously testified before the fact-finding panel as the School 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 set within thirty (30) days of the initiation of such hearing, and the teacher must be given at least fifteen (15) days written notice of the date, place, and time of the hearing. The teacher and the Superintendent may be represented by legal counsel and another representative. 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 Section 22.1-69, 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.

A stenographic record or tape recording of the proceedings, excluding the executive session discussion by the School Board after the hearing has been concluded, shall be taken. However, the recording may be dispensed with entirely by mutual consent of the parties. If 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 fact-finding panel; 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 shall give the grievant its written decision within thirty (30) days

after the completion of the hearing before the School Board. In the event the School Board's decision is at variance with the recommendations of the fact-finding panel, the School Board's written decision shall include the rationale for the decision.

4. In any case where a hearing before a fact-finding panel is not held, the Board may 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.

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

Section 2.3 Grievability

A. A. Initial Determination of Grievability.

Decisions regarding whether a matter is grievable shall be made by the School Board at the request of the Division Superintendent or grievant. Such decisions shall be made within ten (10 business) days of such request. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing and prior to any panel hearing by the School or BoardBoard or h hearingearing officer, ofor 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.

1. 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 Step 2 meeting;

   c. By the grievant within five (5) business days of receipt of the principal/designee's Step 2 response;

   d. By the Superintendent within five (5) business days of receipt of the Step 3 written appeal by the grievant;

   e. By the Superintendent within five (5) business days of the Step 3 meeting with the Superintendent; or

f. By the grievant within five (5) business days of receipt of the Step 3 Superintendent's response.

Responses are due within five (5) business days of the request. 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.

2. 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.

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.)

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. B. Appeal of Determination on Grievability

1. 1. Decisions of the School Board may be appealed to the Albemarle County Ccircuit Court having jurisdiction in the school division for a hearing on the issue of grievability.

a. 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 Cclerk of the Circuit Ccourt to which the appeal is taken 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, on motion of the grievant, may issue a writ of certiorari requiring the School Board to transmit the record on or before a certain date.

c.

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 courtCourt, in its discretion, may receive such other evidence as the ends of justice require.

d.

d. The Ccourt may affirm the decision of the School Board or may reverse or modify the decision. The decision of the court Court shall be rendered not later than 15 calendar daysthe fifteenth day from the date of the conclusion of the Ccourt''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 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 2.4 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.

BA. 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.

CB. 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 hertheir option, to advance to the next step in the procedure or, at the final step, to a decision in his/her their favor.

D. All procedures requiring action by the School Board will adhere to regular meeting agenda protocols. The Board in its sole discretion may choose to schedule meetings with the purpose of hearing grievance matters.

EC. 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.

F. 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 OR PLACING ON PROBATION

This Part III of the Procedure for Adjusting Grievances adopted by the Albemarle County School Board of Education in accordance with the statutory mandate of Article III, (Section 22.1-306 et seq.) Chapter 15 of Chapter 11, Title 22.1 of the Code of Virginia and the Standards of Quality for school divisions, Chapter 13.1 (Section 22.1-253.13:1 et seq.) of Title 22.1 of the Code of Virginia Chapter 667 of the Acts of Assembly, 1980, is to provide an orderly procedure for the expeditious resolution of disputes

involving the dismissal or placing on probation of any teacher. While signed and dated designated forms, which may be electronic, must be used at each step of the process, this does not preclude any party from attaching typed responses. The School Board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel.

Section 3.1 Procedure for Dismissals or Placing on Probation

A. A. Notice to teacher of rRecommendation for dismissal or placing on probation.

1. Notice. 1. In the event Superintendent determines to recommend dismissal of any teacher or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher via letter with forms to beon a form prescribed by the School Board attached, notifying the teacherhim/her of the proposed dismissal or placing on probation and informing the teacher that within fifteen (15) 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 School Board as provided in Section 22.1-311 or before a fact-finding panel as hereinafter set forth. (Use Grievance Form GBM-F5 F6 and Grievance Form GBM-F6F7.)

2. During such 1510-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.

2. Requesting Reasons. 3. Within three (3) business days of receipt of the notice of recommendation from the Superintendent, the teacher may request At the request of the teacher, the Superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview from the Superintendent/designee. The reasons shall be provided within three (3) business days of the request. (Use Grievance Form GBM-F6-I.) Representatives for either party may be present at this interview but may not participate as the sole

purpose is to provide the reasons.

3. Document Exchange. In the event a teacher requests a hearing pursuant to Section 22.1-311 or Section 22.1-312, the parties shall exchange documents within 10 calendar days of such request. tThe Superintendent shall provide, within ten (10) calendar days of the request for a hearing, the teacher or his/hertheir representative with the opportunity to inspect and copy his/herthe teacher's personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. WWithin ten (10) calendar days of the request of the Superintendent for a hearing, the teacher or his their representative shall also provide the Superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The notice of the meeting to exchange documents shall be given by the Superintendent within three (3) business days of receipt of the request for a hearing. (Use Grievance Form GBM-F7-I.)

   The Superintendent and the teacher or his their representative shall be under a continuing duty to disclose and produce within three (3) business days of the request, 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. Electronic records may also be shared with mutual agreement of the parties.

B. Hearing Before School Board, Hearing Officer, or Fact-Finding Panel.

Upon a timely request for a hearing pursuant to § 22.1-309, the School Board will determine to hold a hearing, or, at the option of the School Board, before a hearing officer appointed by the School Board or a three-member fact-finding panel. The teacher shall be given at least 10 calendar days' written notice of the time and the place. (Use Grievance Form GBM-F7 and GBM-F7-H.)

1. 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, who may be legal counsel, and be heard, presenting testimony of witnesses and other evidence.

2. The School Board may hear a recommendation for dismissal and, in the event dismissal is ordered, consider 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. If a determination regarding licensure is to be considered at the same hearing, explicit written notice of this intention shall be included in the written notice of hearing provided to the teacher.

3. The rules for the conduct of the hearing shall be established by the presiding party of such hearing, 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, hearing officer, or three-member fact-finding panel.

4. The parties shall produce such additional evidence as the School Board, hearing officer, or three-member fact-finding panel may deem necessary to an understanding and determination of the dispute. The School Board, hearing officer, or three-member fact-finding panel shall determine the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the School Board, hearing officer, or three-member fact-finding panel and of the parties.

5. Exhibits offered by the teacher or the Superintendent may be received in evidence by the School Board, hearing officer, or three-member fact-finding panel, and, when so received, shall be marked and made a part of the record.

6. A record or recording shall be made of any hearing conducted and the expenses shall be shared equally by the two parties. A record or recording of the proceedings shall be made and preserved for a period of six (6) months. If either party requests a transcript, that party shall bear the expense of its preparation. If 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 Board shall bear the expense of the transcription.

C.

B. Hearing Before a Hearing Officer.

1. 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 or probation 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.

2. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall make a written recommendation to the School Board, a copy of which shall be provided to the teacher and the Superintendent. 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 10 business days after the hearing. (Use Grievance Form GBM-F7-R.)

D. Fact-Finding Panel. Within fifteen (15) days after the teacher receives the notice referred to in Section 3.1 Subsection A. 1. either the teacher or the School Board, by written notice to the other party upon a form to be prescribed by the Board of Education, may

elect to have a hearing before a fact-finding panel prior to any decision by the School Board.

1. 1. Panel. The School Board may elect for a three-member fact-finding panel to conduct hearings pursuant to this section. Coordinating selections with the School Board's designee, Within five working days after the receipt by the Superintendent of the request for a fact-finding panel, tthe teacher and the Superintendent shall each select one (1) panel member from among the employees of the school division other than an individual involved in the recommendation of dismissal or placing on probation as a supervisor, witness, or representative within five (5) business days of notice of hearing by a fact-finding panel. The two (2) panel members so selected shall within five (5) working business days of their selection select a thirdn impartial panel memberhearing officer to serve as the chairman of the panel. No elected official shall serve as a panel member. The fact-finding panel shall schedule and preside over such hearings and shall create a record or recordings of such proceedings.

2. Selection of Impartial Third Member. In the event that the two panel members are unable to agree upon a third panel member within five (5) businessworking days, both members of the panel shall request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five qualified and impartial individuals from which list one individual shall be selected by the two members of the panel as the third member. The individuals named by the chief judge may reside either within or without the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and in all cases shall possess some knowledge and expertise in public education and education law and shall be deemed by the judge capable of presiding over an administrative hearing. Within five (5) days after receipt by the two panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by the panel members, alternately deleting names from the list until only one remains with the panel member selected by the teacher to make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. With the agreement of the teacher's and Superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

3. Holding of Hearing. The hearing shall be held by the panel within thirty (30) calendar days from the date of the selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the Superintendent and the teacher. The teacher and the Superintendent each may have present at the hearing and be represented at all stages by legal counsel and another representative.

3. 4. Procedure for Fact-Finding PanelHearing.

a. a. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.

b. b. The panel may ask for statements from the Superintendent and the teacher (or their representative) clarifying the issues involved at the beginning of the hearing and at the discretion of the panel may allow closing statements.

c.

d.

e. c. The parties shall then present their claims in evidence. Witnesses may be questioned by the panel members and by the teacher, and by the Superintendent, or their respective representatives. However, the panel may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross examination.

f. d. The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.

g. e. Exhibits offered by the teacher or the Superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.

f. The facts found and recommendations made by the panel shall be based exclusively upon the evidence presented to the panel at the hearing and such facts found and recommendations made shall be arrived at by a majority vote of the panel members.

g. The hearing may be reopened by the panel at any time before the panel''s report is made upon its own motion or upon application of the teacher or the Superintendent for good cause shown to hear after-discovered evidence.

h.

h. The panel shall make a written report which shall include its findings of fact and recommendations and the record or recording of the hearing and shall file it with the members of the School Board, the Superintendent, and the teacher, not later than thirty (30) 10 business days after the completion of the hearing. (Use Grievance Form GBM-F7-R.)

i. A stenographic record or tape recording of the proceedings shall be taken. In cases of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six (6) 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. Expenses

a. The teacher shall bear his own expenses. The School Board shall bear the expenses of the Superintendent. The expenses of the panel shall be borne one-half by the School Board and one-half by the teacher.

b. The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his normal working hours if he receives his normal salary for the period of such service.

6. Right to Further Hearing. If the School Board elects to have a hearing by a fact-finding panel on the dismissal or placing on probation of a teacher, the teacher shall have the right to a further hearing by the School Board as provided in subsection C of this section. The School Board shall have the right to require a further hearing as provided in subsection C also.

7. 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.

CE. Subsequent Hearing by School Board.

1. In the event of a hearing before a hearing officer or fact-finding panel, 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. If the School Board elects to hold a further hearing, it shall give written notice to the teacher and the Superintendent within 10 business days after receiving the record or recording of the initial hearing. Such further hearing shall be held within 30 calendar days of receipt of the record or recording, giving at least 10 calendar days' advance written notice of the time, place, and specific matters to be inquired into. (Use Grievance Form GBM-F8.)

After receipt of the notice of pending dismissal or placing on probation described in Section 3.1 Subsection A. 1., the teacher may request a hearing before the School Board by delivering written notice to the Superintendent within fifteen (15) days from the receipt of notice from the Superintendent. Subsequent to the hearing by a fact-finding panel under Section 3.1 Subsection B., the teacher, as permitted by Section 3.1 Subsection B. 6., or the School Board may request a School Board hearing by written notice to the opposing party and the

Superintendent within ten (10) days after the receipt by the party initiating such hearing of the findings of fact and recommendations made by the fact-finding panel and the transcript of the panel hearing. Such notice shall be provided upon a form to be prescribed by the Board of Education and shall specify each matter to be inquired into by the School Board.

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

3. The School Board hearing shall be set and conducted within thirty (30) days of the receipt of the teacher's notice or the giving by the School Board of its notice. The teacher shall be given at least fifteen (15) days written notice of the date, place, and time of the hearing and such notice shall also be provided to the Superintendent.

4. The teacher and the Superintendent may be represented by legal counsel and another representative. 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 to cross-examine the witnesses. Witnesses may be questioned by the School Board.

5. 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 Board shall bear the expense of the recording and the transcription.

6. The School Board shall give the teacher its written decision within thirty (30) days after the completion of the hearing before the School Board.

7. The decision by the School Board shall be based on the transcript, the findings of fact, and recommendations made by the fact-finding panel, 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 Section 22.1-69,

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.

FD. School Board Determination.

1. 1. In the case of a hearing before a hearing officer appointed by the School Board or a three-member fact-finding panel, the School Board shall give the teacher its written decision as soon as practicable but in no case more than 30 calendar days after receiving the record or recording of the hearing; however, should there be a further hearing before the School Board, such decision shall be furnished to the teacher as soon as practicable but in no case more than 30 calendar days after such further hearing. (Use Grievance Form GBM-F8 or other written notice at the Board's discretion.)In any case in which a hearing is held before a fact-finding panel but no further hearing before the School Board is requested by either party, the School Board shall give the teacher its written decision within thirty (30) days after the School Board receives both the transcript of such hearing and the panel's findings of fact and recommendations. The decision of the School Board shall be reached after considering the transcript, the findings of fact, and the recommendations made by the panel.

2. In the case of a hearing before the School Board, the School Board shall give the teacher its written decision as soon as practicable but in no case more than 30 calendar days after the hearing. (Use Grievance Form GBM-F8 or other written notice at the Board's discretion.)

3. The decision of the School Board shall be reached after considering the record or recording of the initial hearing, the recommendations of the hearing officer or three-member fact-finding panel, and the evidence and information presented at the further hearing before the School Board.

2.4. The School Board may dismiss, suspend, or place on probation a teacher upon a majority vote of a quorum of the School Board.

5. The School Board's attorney, assistants, or representative, if they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative, and notwithstanding the provisions of § 22.1-69, 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.

In the event the School Board's decision is at variance with the recommendations of the fact-finding panel, the School Board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the School Board pursuant to Section 3.1.C.1&2, except that the grievant and the Superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The School Board's written decision shall include the rationale for the dec6. ision.

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 10 business days of such dismissal or the acceptance of such resignation.

G. Expenses.

1. The teacher shall bear his own expenses.

2. The School Board shall bear the expenses of the Superintendent.

3. The expenses of the hearing officer shall be borne by the School Board.

H. Witnesses.

Witnesses who are employees of the School Board shall be granted release time if the hearing is held during the school day. Non-exempt employees will be compensated for all such time participating in the grievance as time worked. The hearing shall be held at the school in which most witnesses work, if feasible.

Section 3.2 Time Limitations

A. 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.

B. 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.

BC. 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 ortheir

C. option, to advance to the next step in the procedure or, at the final step, to a decision in

his their favor.

D.

C. All procedures requiring action by the School Board will adhere to regular meeting agenda protocols. The Board in its sole discretion may choose to schedule meetings with the purpose of hearing grievance matters.

E. 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. 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.

F. 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
Reviewed: July 8, 2004; April 27, 2023
Equity Review: April 4, 2023

Cross Ref.: AC, Nondiscrimination
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; April 27, 2023
Equity Review: April 4, 2023

G
GRIEVANCE FORM GBM-F1
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

STATEMENT OF GRIEVANCE
TO BE PRESENTED TO PRINCIPAL:
STEP 2A*

Please print or type all information.

Name of Grievant: _____
Date of Grievance Filed: _____

School/Department of Assignment: _____
Instructional Assignment Area(s): _____

Immediate Supervisor: _____

Grievant's Representative (if applicable): _____

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: _____

Representatives' Signature: _____ Date Signed: _____

***NOTE: In STEP 1, which is mandatory, the teacher must present the grievance informally prior to proceeding to Step 2.**

GRIEVANCE FORM GBM-F2
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

PRINCIPAL'S DECISION

TO BE PRESENTED TO GRIEVANT
STEP 2B
Please print or type all information.

Name of Grievant; _____

Date Grievance Received: _____

Decision of Principal/Supervisor/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 lack the authority to grant the relief requested.

Signature of Principal/Designee: _____
Date Signed: _____

To Be Complete by Grievant.
Is the above decision acceptable?
Check one: ___ YES ___ NO

If no, grievant hereby appeals this decision to Step 3, Superintendent's Level.
I, the grievant, disagree with the action taken and the previous response because

_____

_____

_____ .

[Signed form is to be sent to the Superintendent.]

Grievant's Signature: _____Date Signed: _____
Representative's Signature: _____Date Signed: _____

GRIEVANCE FORM GBM-F3
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

SUPERINTENDENT'S DECISION

TO BE PRESENTED TO GRIEVANT
STEP 3

Please print or type all information.

Name of Grievant: _____

Date appeal Received: _____

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 lack the authority to grant the relief requested.**

Signature of Superintendent/Designee: _____

Date Signed: _____

To Be Completed by Grievant.

Is the above decision acceptable?
Check one: ____YES ____NO

I hereby appeal this decision. I disagree with the action taken and the previous response for the reason(s) cited below. Support documentation is attached.

_____

_____

_____

Grievant's signature: _____Date Signed: _____

Representative's Signature: _____Date Signed: _____

GRIEVANCE FORM GBM-F4
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

REQUEST FOR HEARING
TO BE SUBMITTED TO SUPERINTENDENT/DESIGNEE
STEP 5*

Please print or type all information.

Name of Grievant: _____

Date Grievance Filed: _____

Check One:

☙ **I hereby petition that the attached grievance be submitted to an advisory fact-finding hearing (*which constitutes STEP 4).**

I have chosen _____ as my Panel Designee.

☙ **I hereby waive my right to an advisory fact-finding hearing and petition that the attached grievance be submitted to the School Board.**

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

PART III

FORMS FOR PROPOSED DISMISSAL/DISCIPLINARY PROBATION IN ALBEMARLE COUNTY PUBLIC SCHOOLS

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

Adopted: December 8, 1997
Reviewed: July 8, 2004; April 27, 2023
Equity Review: April 4, 2023

GRIEVANCE FORM GBM-F5

FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

NOTIFICATION
NOTICE OF PROPOSED DISMISSAL OR
PROPOSED PLACEMENT ON DISCIPLINARY PROBATION

Please print or type all information.

Date:_____

Name of Teacher:_____

School/Department: _____

Check One:

The Superintendent will recommend to the School Board that you be placed on probation for the period
_____ to _____.
(Date) (Date)
Reasons for this recommendation will be provided to you in writing or at your request in a personal interview within three (3) working days of your request.

The Superintendent will recommend to the School Board that you be dismissed from your position as
_____.
(Position)
Reasons for this recommendation will be provided to you in writing or at your request in a personal interview within three (3) working days of your request.

You have fifteen (15) working days from receipt of this form to request, in writing, a hearing before the School Board or an advisory fact-finding panel as provided in the regulation. Please advise me as soon as possible whether you wish to have such a hearing (see attached form). Enclosed, for your information, is a copy of the policy and regulation.

_____
Signature of Superintendent/Designee

GRIEVANCE FORM GBM-F6
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

NOTICE OF PROPOSED DISMISSAL OR PROPOSED PLACEMENT ON DISCIPLINARY PROBATION
NOTIFICATION TO BE SUBMITTED TO SUPERINTENDENT

Please print or type all information.

Name of Teacher: _____

Superintendent's Proposed Action

Check one: ☙ **Dismissal** ☙ **Disciplinary probation**

To Be Completed By Grievant.

Check one:

☙ **I hereby request that I be afforded an advisory fact-finding hearing on the above-referenced matter.**
I have selected _____ as my Panel Designee.

☙ **I hereby waive my right to an advisory fact-finding hearing and request that I be afforded a hearing before the School Board on the above-referenced matter.**

Teacher's Signature: _____Date Signed: _____

Representative's Signature: _____Date Signed: _____RIEVANCE FORM GBM-F1
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

STATEMENT OF GRIEVANCE
TO BE PRESENTED TO PRINCIPAL/DESIGNEE WITHIN 15 BUSINESS DAYS
OF EVENT GIVING RISE TO GRIEVANCE

Please print all information.

Name of Grievant: _____

Phone: _____ Email: _____

Method of Grievance Communication (Choose One):

_____ Email _____ Drop Off/Pick Up at COB _____ Registered/Certified US Mail

School/Department of Assignment: _____

Instructional Assignment Area(s): _____

Date of Informal 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:

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/DESIGNEE WITHIN 5 BUSINESS DAYS OF: 1) RECEIPT STATEMENT OF THE GRIEVANCE BY THE PRINCIPAL/DESIGNEE, 2) THE MEETING WITH THE PRINCIPAL/DESIGNEE, 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/DESIGNEE, 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 five (5) business days of receipt of this notice, your typed argument to present to the School Board.

Superintendent/Designee'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/DESIGNEE 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/DESIGNEE 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/DESIGNEE 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/Designee'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 2 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 and this matter is dismissed.
_____ 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/DESIGNEE
TO BE PRESENTED TO SUPERINTENDENT/DESIGNEE 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/DESIGNEE'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/DESIGNEE 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/DESIGNEE WITHIN 2 BUSINESS DAYS OF RECEIVING APPEAL OR WITHIN 2 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/Designee's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBM-F3
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

SUPERINTENDENT/DESIGNEE'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 and this matter is dismissed.
_____ The issue is not a grievable issue.
_____ 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/DESIGNEE WITHIN 5 BUSINESS DAYS OF RECEIPT OF NOTIFICATION SUPERINTENDENT/DESIGNEE'S DECISION
(Attach copies of all previous forms and documentation.)

Please print all information.

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) attached. The relief sought is also included.

Grievant's Signature: _____ Date Signed: _____

Representative's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBM-F4-H
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

SCHOOL BOARD'S NOTIFICATION OF HEARING BEFORE HEARING OFFICER
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE, 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 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 AND SUPERINTENDENT/DESIGNEE, 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/Designee's Signature:_____ Date Signed:_____

GRIEVANCE FORM GBM-F4-R
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

RECOMMENDATION FROM HEARING OFFICER
TO BE SUBMITTED TO SUPERINTENDENT/DESIGNEE, 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/DESIGNEE 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 _____.

Matters that will be inquired about:

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. *SEPARATE NOTICE MAY BE PROVIDED BY THE BOARD IN LIEU OF USING THIS FORM.

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

GRIEVANCE FORM GBM-F6
FOR ADJUSTING LICENSED STAFF GRIEVANCES

NOTICE OF PROPOSED DISMISSAL
TO BE PRESENTED TO EMPLOYEE BY SUPERINTENDENT/DESIGNEE

Please print all information.

Name of Employee: _____

School/Department: _____

I 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 may be present at this interview but may not participate as the sole purpose is to provide the reasons.

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 or three-member fact-finding panel 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/DESIGNEE WITHIN 3 BUSINESS DAYS
OF RECEIPT OF GBM-F6

Please print all information.

Name of Grievant: _____

Date of Receipt of Notice: _____

Method of Grievance Communication (Choose One):

_____ Email _____ Drop Off/Pick Up at COB _____ Registered/Certified US Mail

I hereby request reasons for the dismissal. I request the reasons _____ in writing OR _____in a personal interview. The purpose of such interview is to receive the reasons only.

Grievant's Signature: _____ Date Signed: _____

SUPERINTENDENT/DESIGNEE'S RESPONSE
TO BE PRESENTED TO GRIEVANT WITHIN 3 BUSINESS DAYS
OF RECEIPT OF GBM-F6-I OR, 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 only.

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/DESIGNEE WITHIN 10 BUSINESS DAYS
OF RECEIPT OF GBM-F6

Please print all information.

Name of Grievant: _____Date of Receipt of Notice: _____

Grievant's Representative: _____

Method of Grievance Communication (Choose One):

_____ Email _____ Drop Off/Pick Up at COB _____ Registered/Certified US Mail

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 or three-member fact-finding panel regarding the recommendation for dismissal. I understand that I will be given opportunity to inspect and copy my personnel file and other related documents.Expense of copying shall be borne by the requesting party. I understand I am responsible for the cost of the preparation of the documents. I also understand that I am under continuing obligation to provide all documents used in rebuttal to the Superintendent/Designee'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 AND SUPERINTENDENT/DESIGNEE PROMPTLY, GIVING AT LEAST 10 CALENDAR DAYS' NOTICE. OF HEARING

Date of Receipt of Request: _____

_____ This grievance will be heard by a hearing officer appointed by the School Board. You may present appropriate witnesses and be accompanied by a representative who may be an attorney. You will be contacted once this hearing is scheduled.

_____ This grievance will be heard by a three-member fact-finding panel. You may present appropriate witnesses and be accompanied by a representative who may be an attorney. You will be contacted once this hearing is scheduled.

_____ 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.

_____ A determination regarding licensure will be held at this hearing.

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 WITHIN 3 BUSINES DAYS OF RECEIPT OF GBM-F7,
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-F7-H
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

SCHEDULING OF HEARING
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE PROMPTLY, GIVING AT LEAST 10 CALENDAR DAYS' NOTICE OF HEARING.

_____ This grievance will be heard by a hearing officer on _____ at_____, to be held at _____.

_____ This grievance will be heard by a three-member fact-finding panel on _____ at_____, to be held at _____.

Board Chair/Designee's Signature:_____ Date Signed: _____

GRIEVANCE FORM GBM-F7-R
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

RECOMMENDATION BY HEARING OFFICER OR FACT-FINDING PANEL
TO BE SUBMITTED TO THE SCHOOL BOARD WITH COPIES TO THE SUPERINTENDENT/DESIGNEE, WITH COPY TO AND 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 or Panel:

Hearing Officer's Signature: _____ Date Signed: _____

GRIEVANCE FORM GBM-F8
FOR ADJUSTING LICENSED TEACHING STAFF GRIEVANCES

RESPONSE BY SCHOOL BOARD FOR ADDITIONAL HEARING
TO BE PRESENTED TO GRIEVANT AND SUPERINTENDENT/DESIGNEE WITHIN 10 BUSINESS DAYS OF RECEIPT OF GBM-F7-R. FURTHER HEARING TO BE HELD PROMPTLY WITHIN 30 CALENDAR DAYS OF RECEIPT OF RECOMMENDATION AND GIVING AT LEAST 10 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 Matters for inquirythat will be addressed:

Board Chair/Designee's Signature: _____ Date Signed:_____

DECISION BY SCHOOL BOARD
TO BE PRESENTED TO GRIEVANT
WITHIN 30 CALENDAR DAYS OF HEARING OR RECEIPT OF RECORD/RECOMMENDATION IF NO FURTHER HEARING HELD. *SEPARATE NOTICE MAY BE PROVIDED BY THE BOARD IN LIEU OF USING THIS FORM.

Please print all information.

Date of Hearing: _____

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

This matter is now closed.

Board Chair/Designee's Signature: _____ Date Signed: _____
____