

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { } ACTION { X } CLOSED MEETING { }

SUBJECT: SUPERINTENDENT’S REPORT - ACTION

**VSBA Policy & Regulation Revisions, and Proposed Regulation
(GDQ, GCBD-R1/GDBD-R1, JEG-R)**

BACKGROUND:

- GDQ School Bus Drivers**
Revise policy to read “e. have reached the age of 21...”

- GCBD-R1/
GDBD-R1 Absences and Leaves for Professional & Support Personnel**
Revise policy to read:
*Sick leave beyond the fifth consecutive day or when
absences become excessive during the school year, (an
average of more than one (1) per month), may require a
doctor’s certification/return to work statement.*

- JEG-R Exclusions and Exemptions From School Attendance**
Request approval of proposed regulation to support Policy
JEG regarding religious exemptions from compulsory
attendance.

RECOMMENDATION: **Recommend approval for the revisions to Policy GDQ and Regulation GCBD-R1/GDBD-R1.**

Recommend approval of the proposed JEG-R regulation.

SCHOOL BUS DRIVERS

Eligibility for Employment

Any applicant for employment operating a school bus transporting pupils must

- a. have a physical examination of a scope prescribed by the Board of Education and furnish a form prescribed by the Board of Education showing the results of such examination
- b. furnish a statement or copy of records from the Department of Motor Vehicles showing that the applicant, within the preceding five years, has not been convicted of a charge of driving under the influence of alcohol or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to Va. Code § 18.2-271.1 or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to Va. Code § 46.2-498
- c. furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character
- d. exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339
- e. have reached the age of 18 on the first day of the school year
- f. submit to testing for alcohol and controlled substances as required by state and federal law and regulation

Persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for employment as a school bus driver.

Persons hired as school bus drivers must annually furnish the documents listed in (a) and (b) above prior to the anniversary date of their employment as a condition of continued employment as a school bus operator.

The Bath County School Board requires proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition of employment to operate a school bus transporting pupils.

Drug and Alcohol Testing

The school division has a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver's license (CDL) by U.S. Department of Transportation Regulations who perform safety-sensitive functions as required by federal and state law and regulations.

Prohibited conduct

Drivers are prohibited from alcohol possession and/or use on the job, use during the four hours before performing safety-sensitive functions, having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and use during eight hours following an accident or until after undergoing a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

Required testing

Drivers are subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post-accident alcohol and drug testing, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pursuant to state law, drivers are subject to pre-employment alcohol testing. Any employee who refuses to submit to a post-accident, random, reasonable suspicion or follow up test shall not perform or continue to perform safety-sensitive functions.

Notification

Each driver receives educational materials that explain the requirements of federal law and regulations together with a copy of the division's policy and procedures for meeting these requirements. Each driver must sign a statement certifying that he/she has received a copy of the above materials and the division maintains this signed copy.

Before performing each alcohol or controlled substances test, the division will notify the driver that the test is required by federal law or regulation.

Consequences if testing indicates drug or alcohol misuse

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-sensitive functions in accordance with the federal regulations. All drivers shall be advised of resources available and before a driver is re-instated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with negative urine sample.

Record retention

The division maintains records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the division may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver is entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

Test procedure

The division administers alcohol and controlled substance tests in accordance with federal laws.

Adopted: June 28, 2002

Revised: April 5, 2005; June 24, 2013

Legal Refs.: 49 U.S.C. § 31136

49 CFR § 382.101 et seq.

Code of Virginia, 1950, as amended, §§ 22.1-178, 46.2-339, 46.2-340.

8 VAC 20-70-280.

Cross Ref.: GBEA Unlawful Manufacture, Distribution, Dispensing, Possession or
Use of a Controlled Substance

**ABSENCES AND LEAVES
FOR PROFESSIONAL & SUPPORT PERSONNEL**

All leave requests are subject to Superintendent's approval.

Administrative Leave

Administrative leave may be granted for school business conducted outside the school or the division, and should be requested two weeks in advance. Prior approval is required from principal and/or superintendent. Administrative leave is not charged towards sick leave or personal business leave.

(BSBO 35)

Jury and Military Duty, Subpoenas

School Board employees are excused for jury duty and subpoenas without loss of pay. Military and National Guard Activity Duty is to be excused for up to fifteen days without loss of pay. See Policy: GCBI/GDBI.

Family and Medical Leave – See Policy GCBE.

Maternity/Paternity Leave

An employee who becomes pregnant shall notify her principal and Division Superintendent by the fifth month of pregnancy and shall provide the Division Superintendent with a medical report from her attending physician including the anticipated day of delivery and a recommendation for a date for leave of absence. The date for leave of absence and for return to duty shall be agreed to by the teacher, the attending physician, and the Division Superintendent. Consideration shall be given to the teacher's ability to perform her duties effectively. Maternity leave will be granted in a manner consistent with Policy GCBE - Family and Medical Leave.

Maternity leave is applied to sick leave. Should maternity leave be granted for the remainder of the school year, formal notification of the teacher's intent to return the following year shall be made in writing to the Division Superintendent by April 15th.

Substitutes hired to replace teachers on maternity, medical or other leave shall be hired only on a temporary basis.

Medical Leave

Medical leave may be granted by the School Board for up to one year by the School Board for appropriate reasons.

Personal Business Leave

When it is necessary to conduct personal business during contract hours, staff members may request personal business leave. Personal business leave may not be taken immediately prior to or following a school holiday.

This leave (except emergency) should be applied for two weeks in advance and must be approved by the principal and superintendent.

Employees are granted two (2) personal business days per year, however one (1) sick day per year may be used as a third personal leave day. This day is deducted from the employee's sick leave balance.

Up to two (2) unused personal days at the end of the school year are applied to the employee's sick leave.

Sick Leave

All full-time personnel are granted one day sick leave per month of employment.

Unearned sick leave may be anticipated only for the current year's contract. Unearned sick leave shall be deducted on the employee's final salary check.

Personnel may use sick leave for:

- 1) Personal illness;
- 2) Illness or death in the immediate family requiring the attendance of the employee for not more than five days. The "immediate family" of an employee shall be interpreted to include natural parents, adoptive parents, foster parents, stepmother, stepfather, wife, husband, children, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any other relative living in the household of the employee ("any other relative living in a household of an employee" is limited only in that the relative, however distant, must live in the household of the employee).
- 3) Appointments with doctor or dentist if no other appointment is available.
- 4) One sick day per year may be used for a third personal leave day. This day is deducted from the employee's sick leave balance.

Sick leave beyond the fifth consecutive day may require a doctor's certification/return to work statement.

Compensation for unused sick leave shall be made only at retirement or death in service. Professional personnel, upon retirement, will be reimbursed for up to 120 unused days of sick leave at a rate of \$25.00 per day. Support personnel, upon retirement, will be compensated for up to 70 days of unused days of sick leave at a rate of \$25.00 per day.

Emergency Leave

The Superintendent has the authority to grant emergency leave. Examples may include but are not limited to extraordinary sickness or accident, or other unusual or serious situations within the employee's immediate family.

Study and Travel Leave

Study and travel leave may be granted by the School board for appropriate reasons.

Leave for Part-time Employees

Sick leave and personal leave is awarded according to an individual's full-time equivalent (FTE) status. (Example: A .5 FTE employee would earn .5 sick day per month of employment and 1 personal leave day per year.)

Vacations

Vacations for ten-month personnel are established by the school calendar.

Vacations for twelve-month personnel are established as follows:

- 1.33 days per month for 0-5 years experience with Bath County Schools
- 1.75 days per month for 6-10 years experience with Bath County Schools
- 2.00 days per month for 11 and above years experience with Bath County Schools

Eleven-month employees will have the same vacation as ten month employees, with the last week of June granted as vacation.

The following holidays will be granted: July 4th, Labor Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve and Day, New Years Eve and Day, Good Friday and Memorial Day. Vacation leave is to be applied to all other leave.

Vacation leave must be requested two weeks prior, and be at a time mutually satisfactory to the person involved, the immediate supervisor and the Division Superintendent.

Maximum allowable vacation days to be carried at any time are 48. Days accumulated beyond 48 will not be recorded nor reported to employees.

No vacation days will be paid to personnel leaving the system except for retirement or death in service. At that time a maximum of 24 days at the person's daily rate of pay will be paid.

Earned compensatory time must be used before vacation or other paid leave is used. (See policy GAA Staff Time Schedules).

NOTE:

All employees hired prior to April 2, 1996 (including those employees who are no longer on a twelve-month contract after July 19th) had until June 20, 2000 to apply for vacation leave in order to reduce their accumulated annual leave below 48 days prior to June 30, 2000.

Effective July 1, 2003, the vacation accrual of FSLA exempt employees hired between July 1, 2001 and June 2003 will be adjusted to the appropriate step on the vacation scale to recognize previous relevant work experience. This accrual adjustment is not retroactive, and does not apply to any employees hired after June 30, 2003.

Adopted: November 7, 2000

Revised: March 4, 2003; April 1, 2003; June 26, 2003; March 2, 2004; August 3, 2004;
June 7, 2005, October 26, 2006; October 5, 2010

REF: GCBE: Family and Medical Leave
GCBI/GDBI: Civic Duties

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The School Board shall excuse from attendance at school:

1. Any student who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school.
2. On the recommendation of the juvenile and domestic relations court of the city or county in which the student resides, and for such period of time as the court determines appropriate, any student who, together with his parents, is opposed to attendance at a school by reason of concern for the student's health as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

The School Board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any student who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at school; or
2. On recommendation of the juvenile and domestic relations district court of the city or county in which the student resides, any student who, in the judgment of the court, cannot benefit from education at school.

Any request for exemption from attendance shall be presented annually in writing to the superintendent or his/her designee.

The compulsory education requirements do not apply to

- Children suffering from contagious or infectious diseases;
- Children whose immunizations against communicable diseases have not been completed;
- Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live; and
- Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live.

In addition, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

Adopted: March 26, 2002

Revised: May 6, 2003; June 7, 2005; September 5, 2006; June 23, 2011

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-254.

Cross Refs.:	JEA	Compulsory Attendance
	JHCB	Immunization of Students
	JHCC	Communicable Diseases
	LBD	Home Instruction

Sue Hirsh

From: Elizabeth Ewing <vsba@boardsolutions.com>
Sent: Monday, April 7, 2014 2:24 PM
To: Sue Hirsh
Subject: Policies on religious exemptions from compulsory attendance

The VSBA has had a great response to Craig Wood's presentation on religious exemptions from compulsory attendance at the recent VSBA Hot Topic Conference in Wytheville. We suggest that every school board member be familiar with the member's local policy on this topic.

The sample policy provided to members of VSBA Policy Services, Policy JEG Exclusions and Exemptions from School Attendance, states

The School Board shall excuse from attendance at school:

[a]ny student who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school . . .

This policy language is taken directly from Va. Code § 22.1-254 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-254>.

One frequently asked question on this topic is whether a religious exemption is permanent. Virginia law does not directly address this issue. However, VSBA recommends that a school board granting a religious exemption should contact the student and the student's parents annually. This contact provides a means of verifying that the student remains a resident of the division and that the religious exemption is still desired.

Every school board member should also know the process used by the member's division with regard to religious exemptions. In addition to policies such as VSBA Policy JEG, many divisions have regulations or procedures which provide additional details regarding the division's protocols for handling requests for religious exemptions. School board members should also be familiar with those regulations or procedures.

If you would like to discuss this issue further, please call me at 1-800-446-8722.

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RELIGIOUS EXEMPTION FROM COMPULSORY SCHOOL ATTENDANCE

A school Board shall excuse from attendance at school:

Any pupil who, together with his parents, by reasons of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposed of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code.

Applications for religious exemption from compulsory school attendance shall be approved by the School Board on a child-by-child basis. In approving applications, the Board may meet with children and must consider the independent religious beliefs of the children in question. The Board, or its designee, shall review religious exemptions, annually, and make recommendations for renewal of the exemptions.

A religious exemption is approved and issued by the School Board in the division where a student resides. Religious exemptions are not transferrable from one division to another, and they are granted to the child not his/her family.

Adopted: _____

Legal Ref: Code of Virginia, 1950, as amended, §22.1-254(B)(1).