

VIRGINIA ACTS OF ASSEMBLY -- 1996 RECONVENED SESSION

CHAPTER 960

An Act to amend and reenact §§ 19.2-83.1, 22.1-296.1, and 22.1-315 of the Code of Virginia, relating to notification of arrest of school employees.

[H 290]

Approved April 17, 1996

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-83.1, 22.1-296.1, and 22.1-315 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-83.1. Report of arrest of school employees for certain offenses.

Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a *full-time, part-time, permanent, or temporary* teacher or *other* employee in any public school division in this Commonwealth for a *felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child*, shall file a report of such arrest with the ~~local school~~ division superintendent *of the employing division* as soon as reasonably practical. The contents of the report required pursuant to this section shall be utilized by the local school division solely to implement the provisions of § 22.1-315.

§ 22.1-296.1. Data on convictions for certain crimes required; penalty.

As a condition of employment for all of its public school employees, *whether full-time or part-time, permanent, or temporary*, every school board shall require on its application for employment certification that the applicant has not been convicted of a *felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse or rape of a child*. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's ~~certificate~~ *license* to teach.

§ 22.1-315. Grounds and procedure for suspension.

A. A teacher *or other public school employee, whether full-time or part-time, permanent, or temporary*, may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened or when the teacher *or school employee* has been charged by summons, warrant, indictment or information with the commission of a felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child. Except when a teacher *or school employee* is suspended because of being charged by summons, warrant, indictment or information with the commission of a felony or a crime of moral turpitude, a division superintendent or appropriate central office designee shall not suspend a teacher *or school employee* for longer than sixty days and shall not suspend a teacher *or school employee* for a period in excess of five days unless such teacher *or school employee* is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with §§ 22.1-311 and 22.1-313, *if applicable*. Any teacher *or other school employee* so suspended shall continue to receive his or her then applicable salary unless and until the school board, after a hearing, determines otherwise. No teacher *or school employee* shall be suspended solely on the basis of ~~the teacher's~~ *his or her* refusal to submit to a polygraph examination requested by the school board.

B. Any ~~teacher~~ *school employee* suspended because of being charged by summons, warrant, information or indictment with a felony, a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child may be suspended with or without pay. In the event a ~~teacher~~ *any school employee* is suspended without pay, an amount equal to ~~the teacher's~~ *the teacher's* ~~his or her~~ salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child or upon the dismissal or nolle prosequi of the charge, such ~~teacher~~ *school employee* shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the ~~teacher~~ *school employee* during the period of suspension, but in no event shall such payment exceed one year's salary.

C. In the event a ~~teacher~~ *any school employee* is found guilty by an appropriate court of a felony, a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the school board.

D. No ~~teacher~~ *school employee* shall have his or her insurance benefits suspended or terminated because of such suspension in accordance with this section.

E. Nothing in this section shall be construed to limit the authority of a school board to dismiss or

place on probation a teacher *or school employee* pursuant to Article 3 (§ 22.1-306 et seq.) of this chapter.