

Section 7-31.5. Grounds for suspension of staff members; no suspension longer than 60 days; escrow requirements when charged for certain offenses; suspension of insurance benefits prohibited; superintendent to notify school board when arrest of employee. — A. An employee may be suspended for good and just cause:

- (1) when the safety or welfare of Suffolk Public Schools or the students therein are threatened or
- (2) when the employee has been charged by summons, warrant, indictment or information with the commission of:
- (3) a felony; or
- (4) a misdemeanor involving
 - (i) sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, of the Code of Virginia,
 - (ii) obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, of the Code of Virginia,
 - (iii) drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, of the Code of Virginia,
 - (iv) moral turpitude, or
 - (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state.

Except when an employee is suspended because of being charged by summons, warrant, indictment or information with the commission of any of the above-listed offenses, the superintendent or appropriate central office designee shall not suspend an employee for longer than sixty (60) days and shall not suspend an employee for a period of in excess of five (5) days, unless such employee is advised in writing of the reason for the suspension and afforded an opportunity for hearing before the School Board in accordance with Va. Code §§ 22.1-311 and 22.1-313, if applicable. No employee shall be suspended solely on the basis of the employee's refusal to submit to a polygraph examination requested by the School Board. Any employee so suspended shall continue to receive his or her then applicable salary unless and until the School Board after a hearing determines otherwise.

B. Any 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 an employee is suspended without pay an amount equal to the employee's salary while on suspension shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of any of the above-listed criminal offenses, the employee shall be reinstated with all unpaid salary and accrued interest from the escrow account less any earning received by the employee during the period of suspension. But in no event shall such payment exceed one (1) year salary.

In the event an employee is found guilty by an appropriate court of any of the above-listed criminal offenses and after all available appeals have exhausted and such

conviction is upheld, all funds, including interest in the escrow account shall be repaid to the School Board.

If an employee is suspended because of information appearing on the employee's criminal history record, the School Board provides a copy of the information obtained from the Central Criminal Records Exchange to the employee.

C. No employee shall have his insurance benefits suspended or terminated because of such suspension in accordance with this section. The placing of a school employee on probation pursuant to the terms and conditions of Va. Code § 18.2-251 shall be deemed a finding of guilt.

D. The superintendent shall inform the School Board of any notification of arrest of a school board employee received pursuant to Virginia Code § 19.2-83.1. The School Board shall require such employee, whether full-time or part-time, permanent, or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee. The contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§ 22.1-307 and 22.1-315 of the Code of Virginia. (Adopted August 10, 1995; Ordinance 22/23-51, Revised/Effective: February 9, 2023)

Legal Authority - Virginia Code §§ 22.1-315, 22.1-78, and 22.1-296.2.