HUMAN RESOURCES

Certificated Personnel-Licensure Suspension and/or Revocation

The “Code of Virginia” and the Licensure Regulations of the Virginia Board of Education require the Division Superintendent to file a complaint and initiate proceedings for the suspension and/or revocation of the license of any teacher or other certificated employee for whom the Division Superintendent has knowledge or reasonable cause to believe, directly or through his or her designees, that the teacher or other certificated employee has engaged in conduct in violation of Virginia’s licensure regulations.

I. Grounds for Suspension of License

Under the Licensure Regulations of the Virginia Board of Education, a license may be suspended for the following reasons:

A. Physical, mental, or emotional incapacity as shown by competent medical authority;

B. Incompetence or neglect of duty;

C. Failure or refusal to comply with school laws and regulations, including willful violation of contractual obligations;

D. Acts related to secure mandatory tests as specified in §22.1-292.1 of the “Code of Virginia”;

E. Knowingly and willfully with the intent to compromise the outcome of an athletic competition, procure, sell, or administer anabolic steroids or cause such drugs to be procured, sold or administered to a student who is a member of a school athletic team, or failure to report the use of such drugs by a student to the school principal and Division Superintendent as required by § 22.1-279.3:1 of the “Code of Virginia.” Any person whose administrative or teaching license is suspended or revoked by the State Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth; or

F. Other good and just cause of a similar nature in the best interest of the public schools of the Commonwealth of Virginia.

II. Grounds for Revocation of License

The Virginia Board of Education may revoke a license for the following reasons:
A. Obtaining or attempting to obtain such license by fraudulent means or though misrepresentation of material facts;

B. Falsification of school records, documents, statistics, or reports;

C. Conviction of any felony;

D. Conviction of any misdemeanor involving moral turpitude;

E. Conduct with direct and detrimental effect on the health, welfare, discipline, or morale of students;

F. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;

G. Acts related to secure mandatory tests as specified in §22.1-292.1 of the “Code of Virginia”;

H. Knowingly and willfully with the intent to compromise the outcome of an athletic competition, procure, sell, or administer anabolic steroids or cause such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or failure to report the use of such drugs by a student to the school principal and Division Superintendent as required by §22.1-279.3:1 of the “Code of Virginia.” Any person whose administrative or teaching license is suspended or revoked by the State Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth;

I. Other good and just cause of a similar nature in the best interest of the public schools of the Commonwealth of Virginia.

III. Procedures

A. Complaints:

A complaint may be filed by anyone, but must be filed by the Division Superintendent if he or she has knowledge that a licensed employee is guilty of any offense set forth in Section I of this regulation or has committed any offense set forth in Section II of this regulation.
B. Investigation of Complaints:

Circumstances giving rise to a complaint against a licensed employee shall be investigated by the Associate Superintendent for Human Resources or his/her designee, and where appropriate, by the Office of Risk Management and Security Services. In some cases, investigation into the grounds for the suspension or revocation of an employee’s license may take place at the same time as any investigation into employee misconduct or performance concerns, which may also provide grounds for the suspension, nonrenewal, or dismissal of a certificated employee. If, on the basis of the investigation, the Division Superintendent finds the complaint to be without merit, he or she shall notify the complaining party or parties in writing and close the investigation. The Division Superintendent’s action shall be final unless the School Board, on its own motion, votes to hold a hearing on the complaint.

C. Petition for Suspension or Revocation:

Should the Division Superintendent or the School Board conclude that there is reasonable cause to believe that a complaint against a license-holder is well-founded, the employee shall be notified of the complaint by a written petition for suspension and/or revocation of license signed by the Division Superintendent. The petition shall be provided to the employee in the form and manner prescribed by the Licensure Regulations of the Virginia Board of Education.

Unless the employee timely responds to the petition by requesting the cancellation of his or her license, the School Board shall provide the employee with a hearing, following which the School Board will either dismiss the complaint or make such recommendations relative to the suspension and/or revocation of the license as it deems appropriate. A decision to dismiss the complaint shall be final, except as to any action which the Virginia Board of Education might take on its own motion, and the investigative file on the complaint shall be closed and maintained by the Department of Human Resources in a separate investigative file. Should the School Board recommend the revocation or suspension of the employee’s license, the Division Superintendent or designee shall forward the recommendation and investigative file to the Superintendent of Public Instruction within 14 days.

The Petition for Suspension or Revocation may be filed in conjunction with any recommendation for the nonrenewal or dismissal of a licensed employee. The School Board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the State Board of Education regarding an employee’s license at the same hearing or provide a separate hearing. Alternately, the
School Board may appoint an impartial hearing officer from outside the school division to hold such a hearing and make a recommendation as to both dismissal and licensure, following which the School Board shall make a decision based upon the record, as provided in Virginia Code § 22.1-311 and Part III of Regulation 508.01-1, “Procedures for Adjusting Grievances for Certificated Employees.”

The Associate Superintendent for Human Resources (or designee) is responsible for implementing and monitoring this regulation.

The Associate Superintendent for Human Resources (or designee) is responsible for reviewing this regulation in 2020.