



Lynchburg City Schools • 915 Court Street • Lynchburg, Virginia 24504

**Lynchburg City School Board**

Keith R. Anderson  
School Board District 2

Mary Ann H. Barker  
School Board District 1

Albert L. Billingsly  
School Board District 3

Regina T. Dolan-Sewell  
School Board District 1

Treney L. Tweedy  
School Board District 3

J. Marie Waller  
School Board District 2

Thomas H. Webb  
School Board District 2

Charles B. White  
School Board District 1

**School Administration**

Paul McKendrick  
Superintendent

William A. Coleman, Jr.  
Assistant Superintendent of  
Curriculum and Instruction

Edward R. Witt, Jr.  
Assistant Superintendent of  
Operations and Administration

Beverly A. Padgett  
Chief Financial Officer

Wendie L. Sullivan  
Clerk

**SCHOOL BOARD MEETING  
October 19, 2010 5:30 p.m.  
School Administration Building  
Board Room**

**A. PUBLIC COMMENTS**

1. Public Comments  
Paul McKendrick. . . . .Page 1  
Discussion/Action (30 Minutes)

**B. CONSENT AGENDA**

1. School Board Meeting Minutes: September 21, 2010 (Regular Meeting)
2. Personnel Report  
Billie Kay Wingfield . . . . .Page 2  
Discussion/Action
3. Administrative Regulation 2-42: Community Use of School  
Facilities: Rules and Conditions  
Paul McKendrick. . . . .Page 4  
Discussion/Action

**C. STUDENT REPRESENTATIVE COMMENTS**

**D. UNFINISHED BUSINESS**

1. Education Jobs Fund  
William A. Coleman, Jr. . . . .Page 15  
Discussion

**E. NEW BUSINESS**

1. Employee Profile  
Billie K. Wingfield. . . . .Page 17  
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2. School Health Advisory Board  
William A. Coleman, Jr. . . . . Page 18  
Discussion/Action
  
3. Administrative Regulation 5-3.2: Grievances and  
Grievance Procedures: Procedure for Compliance –  
Classified Employees  
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Discussion

**F. SUPERINTENDENT’S COMMENTS**

**G. BOARD COMMENTS**

**H. CLOSED MEETING**

1. Notice of Closed Meeting  
Paul McKendrick. . . . .Page 24  
Discussion/Action
  
2. Certification of Closed Meeting  
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Discussion/Action

**I. INFORMATIONAL ITEMS**

Next School Board Meeting: Tuesday, November 2, 2010, 5:30 p.m.  
Board Room, School Administration Building

**J. ADJOURNMENT**

# Agenda Report

**Date:** 10/19/10

**Agenda Number:** A-1

**Attachments:** No

**From:** Paul McKendrick, Superintendent

**Subject:** Public Comments

## **Summary/Description:**

In accordance with School Board Policy 1-41: Public Participation, the school board welcomes requests and comments as established in the guidelines within that policy. Individuals who wish to speak before the school board shall have an opportunity to do so at this time.

**Disposition:**  Action  
 Information  
 Action at Meeting on:

## **Recommendation:**

The superintendent recommends that the school board receive this agenda report as an informational item.

# Agenda Report

**Date:** 10/19/10

**Agenda Number:** B-2

**Attachments:** Yes

**From:** Paul McKendrick, Superintendent  
Billie Kay Wingfield, Director of Personnel

**Subject:** Personnel Report

## **Summary/Description:**

The personnel recommendations for October 5 – 19, 2010, appear as an attachment to this agenda report.

**Disposition:**  **Action**  
 **Information**  
 **Action at Meeting on:**

## **Recommendation:**

The superintendent recommends that the school board approve the personnel recommendations for October 5 – 19, 2010.

NAME	COLLEGE	DEGREE/ EXPERIENCE	SCHOOL/ ASSIGNMENT	EFFECTIVE DATE
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**NOMINATIONS, INSTRUCTIONAL PERSONNEL, 2010-11:**

Koenig, Lauren	Concord University	B.S./0 yr. (Lv. 0 3)	Heritage Elementary Grant Funded Coordinator	10/11/10
Taheny, Thomas	Lynchburg College	M.Ed./15 yrs. (Lv.3 4)	Sandusky Middle Grant Funded Coordinator	10/18/10
Watson, April	Va Commonwealth University	B.A./0 yrs. (Lv. 0 3)	R.S. Payne Elementary Grant Funded Coordinator	10/15/10

**RESIGNATIONS:**

Davis, Lisa	University of Virginia	M.Ed./9 yrs. (Lv. 9 3)	Sandusky Elementary Instructional Tech Specialist	12/03/10
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# Agenda Report

**Date:** 10/19/10

**Agenda Number:** B-3

**Attachments:** No

**From:** Paul McKendrick, Superintendent

**Subject:** Administrative Regulation 2-42: Community Use of School Facilities: Rules and Conditions

## **Summary/Description:**

The school administration has reviewed the Lynchburg City School Board's administrative regulation regarding the use of school facilities by the community and other organizations. Revisions to the administrative regulation, which includes a new fee schedule, appear as an attachment to this agenda report.

**Disposition:**  **Action**  
 **Information**  
 **Action at Meeting on:**

## **Recommendation:**

The superintendent recommends that the school board approve the changes to Administrative Regulation 2-42: Community Use of School Facilities: Rules and Conditions

COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

A. Supervision

In order to protect the interests of the school board when school buildings and facilities are rented or are being used by non-rental fee paying organizations or groups, the superintendent, or his designee, may when **{it is deemed}** ~~he deems it~~ necessary, require that the lessee or user employs a responsible school board employee, familiar with the particular school building and its facilities to supervise the area during the rental or use and be responsible for school-owned equipment.

As part of the rental fee, one responsible full-time employee of the school division shall be designated to open and close the building and remain on duty while the building or premises is occupied by the lessee or user.

~~B. Liability~~

~~— Neither the school board nor any school personnel shall be liable for injury to person or persons present, nor for damage to property of persons in attendance resulting from this rental. Lessee obligates itself:~~

- ~~— 1. To make good any loss sustained by the lessor as a result of or in connection with the rental.~~
- ~~— 2. To maintain order and decorum in the building or premises.~~
- ~~— 3. To prevent smoking within the building except in designated areas.~~
- ~~— 4. To prohibit the consumption of alcoholic beverages on the premises.~~
- ~~— 5. To use only regular driveways in transporting persons, equipment, and supplies to and from the building.~~

**{B. General}**

**The Lynchburg City Schools welcomes the use of the school facilities by the community for purposes directly related to the educational, civic, cultural, recreational and social life of the community. The school division recognizes that the primary purpose of school facilities is to implement the school division’s instructional, extracurricular, and school-sponsored programs and that other usage shall not interfere with these programs.**

**Permission to use facilities shall be allowed at the discretion of the school division and will be given with the understanding that the user assumes full**

COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**  
**financial responsibility and liability for actions of attendees, care of equipment, and protection of school property.**

**Programs and activities of users must be of a nature suitable for a public school, must be lawful, and must conform to all of the policies of the school board.**

**C. Use of Facilities**

**1. Who May Use the Facilities**

**Established organizations within the city (parent/teacher organizations, booster groups, governmental and quasi-governmental public service bodies, religious, business/industrial organizations) serving the residents of the city may apply to use school facilities provided the use is for an educational, civic, cultural, recreational, social or other legitimate purpose of the organization. In addition, at the discretion of LCS, outside organizations may apply to use school facilities, provided they meet all the requirements for such use.**

**2. Classification of Users**

**To ensure the care and preservation of school facilities and equipment and to ensure fairness and consistency in the implementation of school board policy governing use of facilities, the following categories have been established. These categories are to determine priority for facility use and a schedule fee has been provided for approved users when space and facilities are available.**

**Approval of all applications will be based upon the following criteria: benefits to the school division and the community; educational contribution; potential wear and tear on school facilities; appropriateness of the activity; and relationship of the activity to the stated mission of the school division.**

**The use of school facilities for K-12 school instructional and extracurricular programs, meeting of students, teachers, parent/teacher organizations or other organizations directly affiliated with the schools will have precedence over all other requests.**

**Of the four categories, Category 1 will be given the highest priority and Category 4 the lowest priority. However, every effort will be made to accommodate all requests. Generally, those who are in Category 1 will only be charged for after-hours use of school division personnel.**



COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

- a. **Category 1: Lynchburg City Schools Use (Rental Rate - No Charge)**  
LCS-sponsored educational or interscholastic activities limited to student and school related functions.
  
- b. **Category 2: Educational Support Groups/Government Agency Programs/Community Programs (Rental Rate – 75 percent discount)**
  - 1.) **Educational Support Groups:** Could include but are not limited to partner groups providing educational or support services for the schools (including fund raising activities).
  
  - 2.) **Government Agencies/Community Programs** providing student or citizen enrichment and support. Government Agency Programs could include but are not limited to: the Department of Parks and Recreation and their partner programs, government meetings, and government polling sites.
  
- c. **Category 3: Non-Profit Groups (Rental Rate – 50 percent discount)**
  - 1.) **Non-Profit Groups:** Defined as governmental agencies, church groups, or organized groups that provide civic, educational, religious or cultural activities. Groups may need to show proof of non-profit status.  
  
(Examples could include but are not limited to: civic organizations, community theatre, scout troops, little league (not partnered with Department of Parks and Recreation), and churches.
  
- d. **Category 4: Private Citizen Use/For Profit Groups/Commercial Users (Full Rental Rate – No Discount)**

**Private Citizen Use/For-Profit Groups/Commercial Users:** Defined as groups, other than those identified in Categories 1, 2, and 3, interested in using school facilities for a particular use such as recreational, educational, and cultural activities. All groups must comply with all rules and regulations contained in this regulation.

**D. Process to Obtain a Facility Use Reservation**

- 1. All organizations requesting facility use must submit a facility use application form. All applications for facility use must be processed through the Lynchburg City Schools Facility Scheduling Office.

## COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

- 2. The application can be printed, completed, and submitted to the Facility Scheduling Office along with a \$10.00 processing fee during business hours, mailed through US Postal Service, or the application can be submitted online.**
- 3. All requests must be submitted to the Facility Scheduling Office no later than 30 days prior to the event. Requests may be submitted up to one year in advance.**
- 4. The Facility Scheduling Office cannot “hold” space for any organization.**
- 5. Facilities are rented and reserved on a first come, first served basis. When requests for the same facility at the same time are made, Category 1 has the highest priority and Category 4 the least.**
- 6. The application must be submitted by a designated person who will be responsible for the event. This person must be at least 21 years of age.**
- 7. Once the application is received, the Facility Scheduling Office will calculate estimated fees and send the approved application to the applicant. Once the applicant signs and returns the form, the form becomes the contract between the Lynchburg City Schools and the applicant. The contract will contain the details of the event, a summary of fees, and a copy of this administrative regulation will be provided. This contract, along with the required deposit of 50 percent of estimated fees, must be signed and returned to the Facility Scheduling Office within 10 business days of receipt for the reservation to be approved and confirmed.**
- 8. Representatives who have been granted permission to use facilities shall not reassign, transfer, sublet or charge a fee to others for the use of school property.**
- 9. A certificate of insurance must be provided at least two weeks prior to event. (See Liability and Insurance section below.)**
- 10. The Lynchburg City Schools reserves the right to deny or withdraw facility use privileges at any time.**

**E. Cancellations**

- 1. Events must be cancelled within 15 days prior to event. Notification of cancellation less than 15 days before the scheduled time of use will result**

## COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

in forfeiture of the deposit. All cancellations must be received in writing in the Facilities Scheduling Office.

2. School events may override any previously requested reserved space. The Facility Scheduling Office will do everything possible to accommodate your group when this occurs with as much notice as possible.
3. The Lynchburg City Schools reserves the right to cancel events due to inclement weather or any other unexpected reason. Every effort will be made to reschedule the event at a mutually agreeable location, date, and time. If this is not possible, a full refund will be given.

**F. Liability and Insurance**

1. A Proof of Liability/Personal Injury/Bodily Injury and Property Damage Insurance Certificate is required for non-school groups for each event in the amount of least \$1,000,000 for Bodily Injury and \$1,000,000 for Property Damage, with the Lynchburg City Schools named as "an additional insured" on the policy. User is responsible for obtaining the insurance.
2. A copy of the insurance certificate is due at least two weeks prior to the event.
3. Failure to present proof of insurance voids all agreements.
4. All users must agree to hold harmless the Lynchburg City Schools and its agents and employees from and against all claims, damages, losses, and expenses including attorney fees arising out of or resulting from applicants' use of school division facilities. A Hold Harmless statement will accompany the signed application form/contract.

**G. Payment**

1. The individual(s) who signed the application and agreement are responsible for payment of all charges associated with the related facility use.
2. Payment in full is due 10 business days prior to the event. All rental fees will be computed based on information contained in the application. Any additional time, facilities, or services will result in extra charges to the applicant. Additional charges are billed after the event and are due within 30 days.

## COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

3. Late payments are subject to a 1.0% per month fee on unpaid balances.

**H. On-Site Rules**

1. User groups are expected to leave all rooms and furniture in the condition and arrangement in which they were found. Any additional custodial services which are necessary to return the facility to the condition in which it was originally found shall be compensated by the using group. If school division staff is required for set up/breakdown activities, additional costs may be incurred. All Lynchburg City Schools staff time for the event is billable.
2. Messages that may appear on whiteboards or chalkboards in the classroom areas are NOT to be disturbed. If the user needs the use of whiteboards or chalkboards, it must be specifically requested.
3. **ABSOLUTELY NO ALCOHOLIC BEVERAGES** may be served or consumed in school buildings or on school property.
4. **ABSOLUTELY NO USE OF TOBACCO PRODUCTS** is permitted in school buildings, on school property, including school division-owned vehicles.
5. The user is not entitled to use areas or equipment not specifically requested and approved per the Facility Use Application Form. Use of technology equipment must be specifically requested.
6. All activities must be under competent adult supervision. Children attending this event must be supervised by an adult at all times.
7. User groups must take reasonable steps to insure orderly behavior. The Lynchburg City Schools will determine and schedule safety and security services. In addition, use of the school facilities may require that additional school employees be present during the period of use. The user will be billed for these services.
8. Users will be responsible for paying for all damage incurred by their use of the facility or equipment, including property of pupils and employees. The rental space will be inspected by a school division staff member and the user before and after the event. In the event that property loss or damage is incurred during use or occupancy of school division facilities, the amount of damage shall be determined by the Lynchburg City Schools, and a bill for damages will be presented to the group using the facilities.

## COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

Payment for damage must be made within 30 days of receipt of the bill. The Lynchburg City Schools will not be responsible for any loss of valuables or personal property.

9. Approved users are restricted to the dates and hours approved and to the building area and facilities specified.
10. No pets of any kind are permitted on school property. Service animals are permitted.
11. Approved users are responsible for the observance of city and state fire and safety regulations at all times. Corridors, exits, and stairways shall be kept free of obstructions. Members of an audience or spectators must never stand or sit to block exits, aisle ways, or stairways. Facility capacities, as determined by the Fire Marshall, shall be observed.
12. Only decoration materials acceptable to the local Fire Marshall shall be used. Decorations shall be removed immediately after the event.
13. Only LCS personnel may move or direct movement of equipment, furniture, etc. If stage curtains, projection equipment, lighting, and PA systems are to be used, arrangements will be made with Facility Scheduling to provide technically qualified personnel to perform and/or supervise the tasks at wage rate specified in the Tiered Fee Schedule.
14. No food/drink items of any type are to be served in LCS facilities without the prior knowledge and consent of Facility Scheduling. Should a kitchen area be desired for use, it is understood that an approved member of the school cafeteria staff will be required to supervise the kitchen. The user will be billed for these services.
15. Applicant must have their approved Facility Use Contract in their possession at the event.
16. The user is responsible for the payment of all city, state, and federal taxes, assessments, or levies now or hereafter levied because of this use. If charging an admission fee, the Lynchburg City Collections Office (434-455-3840) must be contacted two weeks prior to the scheduled event.
17. A copy of the OSHA Standards applicable to the use of any Lynchburg City Schools facility will be provided to the user.

COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

**18. Tickets available for sale may not exceed the capacity of the rented space.**

**I. Additional On-Site Rules for Athletic Field Use**

- 1. Vehicles, bicycles, scooters, skates, skateboards, etc., are not allowed on fields or tracks.**
- 2. Due to the surfacing of the tracks, limit footwear to flat smooth-soled walking/tennis shoes. Absolutely no cleats allowed on the tracks. Two inches, or less, cleats are acceptable on all fields. One quarter inch, or less, track spikes are allowed on tracks and field event areas only. Rubber crosswalks are required on the tracks.**
- 3. No fireworks, open flames or sources of fire.**
- 4. No food, gum, peanuts, popcorn, or sunflower seeds allowed on synthetic turf fields or tracks.**
- 5. No additional field markings or painting on fields is allowed.**
- 6. No chairs, tables, or tents are to be placed on tracks or synthetic turf fields.**

**J. Fees**

- 1. Reduction of Fees: Users in Categories 2 and 3 may request a reduction of fees by submitting the Fee Reduction Request form to the assistant superintendent of operations and administration.**
- 2. Lynchburg City Schools Facility Rental Rates and Fees**

<b>Site</b>	<b>Rental Rate (Hourly)</b>	<b>Minimum</b>	<b>Notes</b>
<b>ECG Civic Auditorium</b>			<b>3 hr. min. for auditoriums</b>
<b>Event Day</b>	<b>\$250</b>	<b>\$750</b>	
<b>Pre-event day(s)</b>	<b>\$125</b>	<b>\$375</b>	
<b>HHS Auditorium</b>	<b>\$100</b>	<b>\$300</b>	
<b>PLDMSI Auditorium</b>	<b>\$100</b>	<b>\$300</b>	
<b>WMBES Auditorium</b>	<b>\$75</b>	<b>\$225</b>	
<b>TCMESI Auditorium</b>	<b>\$75</b>	<b>\$225</b>	
<b>RSPES Auditorium</b>	<b>\$75</b>	<b>\$225</b>	
<b>HHS Gym</b>	<b>\$150</b>	<b>\$300</b>	<b>2 hr. min. for gyms</b>

COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

Site	Rental Rate (Hourly)	Minimum	Notes
ECG Gym	\$125	\$250	
ECG Aux Gym	\$125	\$250	
Gym Locker Rooms (No Gym Rental)	\$25	\$50	
PLDMSI Gym	\$100	\$200	
LMS Gym	\$100	\$200	
LMS Aux Gym (No Outside Rental)	\$100	\$200	
SMS Gym	\$100	\$200	
SMS Aux Gym	\$100	\$200	
WMBES Gym	\$50	\$100	
TCMESI Gym	\$50	\$100	
RSPES Gym	\$50	\$100	
HS Artificial Turf Fields	\$100		All other spaces are hourly
HS Grass Fields	\$50		
ECG/HHS Baseball	\$50		
ECG/HHS Softball	\$50		
Outdoor Track	\$25		
Middle School Field	\$50		
MS Tennis Courts	\$50		
Elem. Field	\$25		
Classrooms	\$25		
Computer Labs	\$75		
HHS Lecture Hall	\$25		
ECG Lecture Hall	\$25		
ECG Automotive	\$35		
Kitchen	\$50		
Cafeteria - MS and HS	\$100		
Elem. Multipurpose Rms.	\$50		
Outside area/parking (No other space rented)	\$75/day		

**Additional Fees:**

Police/Fire	\$30.00 per hour each
More than 1 Lynchburg City Schools Staff	\$15.00 per hour each

COMMUNITY RELATIONS

**Community Use of School Facilities: Rules and Conditions R 2-42**

<b>Athletic Field Lights</b>	<b>\$25.00 per hour</b>
<b>Athletic Field – Scoreboard/PA System</b>	<b>\$20.00 per hour</b>
<b>High School Stage Pit Cover Removal</b>	<b>\$100.00 per event</b>
<b>Follow Spotlight</b>	<b>\$35.00 per event</b>
<b>Grand Piano Tuning</b>	<b>\$100.00 per day \$75.00</b>
<b>Auditorium/Sound and Lighting Systems</b>	<b>\$20.00 per hour</b>

Adopted by School Board: June 19, 1973  
 Revised by School Board: August 16, 1977  
 Revised by School Board: October 17, 1978  
 Revised by School Board:



# Agenda Report

**Date:** 10/19/10

**Agenda Number:** D-1

**Attachments:** No

**From:** Paul McKendrick, Superintendent  
William A. Coleman, Jr., Assistant Superintendent of Curriculum and Instruction

**Subject:** Education Jobs Fund

## **Summary/Description:**

The Education Jobs Fund legislation was signed into law on August 10, 2010. The law provides more than \$10 billion for schools, similar to that given to schools through the State Fiscal Stabilization Funds under the American Recovery and Reinvestment Act of 2009 (ARRA). Dr. Patricia Wright, superintendent for public instruction, stated in a memo to division superintendents that the "primary purpose of [these funds] is to provide additional funding to states to support local teachers salaries and related costs." These funds are available on a one-time basis; thus it is critical that school divisions plan for use of these funds so that it reflects this one-time availability. Based on timelines submitted by the U.S. Department of Education, Virginia may be awarded its funds, more than \$249 million, by October 1, 2010.

Lynchburg City Schools is projected to receive \$1,976,551 from the Jobs Fund. The funds are available for obligations that occur as of August 10, 2010. Any funds remaining after the 2010-11 school year must be spent by September 30, 2012.

There are restrictions in the use of these funds. For example, school divisions may use the funds to pay for salaries of teachers and other employees who provide school-level education and related services. However, school divisions cannot use the funds for administrative expenditures related to the operation of the superintendent's office and/or for division-level employees. Schools also may not use the funds for payment of expenditures for fiscal services, program planning, or human resource services.

During the school board meeting on October 5, 2010, the school administration offered recommendations on how to use the funds. Since that meeting, the school administration has set up a special email address for employees to submit suggestions regarding the use of the

# Agenda Report

**Date:** 10/19/10

**Agenda Number:** D-1

**Attachments:** No

funds. In addition to the information gathered from the email suggestions, the school administration will provide information regarding how to provide employees with a bonus using the Education Jobs Fund.

**Disposition:**  Action  
 Information  
 Action at Meeting on:

## **Recommendation:**

The superintendent recommends that the school board receive this agenda report as an informational item.

# Agenda Report

Date: 10/19/10

Agenda Number: E-1

Attachments: No

From: Paul McKendrick, Superintendent  
Billie Kay Wingfield, Director of Personnel

Subject: Employee Profile

## Summary/Description:

A profile of professional staffing for 2010-11 will be presented to the school board. Information regarding recalled staff from last spring's reduction in force will be highlighted.

Disposition:  Action  
 Information  
 Action at Meeting on:

## Recommendation:

The superintendent recommends that the school board receive this agenda report as an informational item.

# Agenda Report

Date: 10/19/10

Agenda Number: E-2

Attachments: Yes

From: Paul McKendrick, Superintendent  
William A. Coleman, Jr., Assistant Superintendent of Curriculum and Instruction

Subject: School Health Advisory Board

## Summary/Description:

The School Health Advisory Board is composed of individuals from broad-based segments of the community to create healthy school environments so that students realize their learning potential. Members are appointed by the Lynchburg City School Board. The proposed membership for the School Health Advisory Board for the 2010-11 school year appears as an attachment to this agenda report.

Disposition:  Action  
 Information  
 Action at Meeting on:

## Recommendation:

The superintendent recommends that the school board approve the membership of the School Health Advisory Board for 2010-11.

**School Administration**

Anne Bond-Gentry, Coordinator of Student Services  
Marilyn Gordon, Nurse Coordinator  
Gloria Preston, Director of Student Services  
Meryl Smith, Supervisor of School Nutrition  
Derrick Womack, Administrative Assistant, Robert S. Payne Elementary School

**Community Agencies**

Tracey Dixon, The Family Alliance  
Kerry Gateley, Central Virginia Health District  
Wanda Guthrie, Virginia Department of Health  
Stacey Hinderliter, Lynchburg Family Medicine  
Jennifer Keaton, YMCA  
Betsy Layne, Lynchburg Junior League  
Ruth Maragni, Workforce Development  
Cathy Melvin, Central Virginia Community  
Crystal Mills, Amazement Square  
Joan Phelps, United Way of Central Virginia  
Dana Wright, Youth and Prevention Services

**Parents**

Leslie Hogle, Paul Munro Elementary School  
Helen Wheelock, E. C. Glass High School

**School Board Member**

Tom Webb

# Agenda Report

**Date:** 10/19/10

**Agenda Number:** E-3

**Attachments:** Yes

**From:** Paul McKendrick, Superintendent

**Subject:** Administrative Regulation 5-3.2: Grievances and Grievance  
Procedures: Procedures for Compliance – Classified Employees

## **Summary/Description:**

Following a review of the Lynchburg City School Board's Administrative Regulation 5-3/2: Grievances and Grievance Procedures: Procedures for Compliance – Classified Employees, Mr. D. Patrick Lacy, an attorney for Reed Smith, recommended revisions to the regulation. Those changes appear as an attachment to this agenda report.

**Disposition:**  Action  
 Information  
 Action at Meeting on: 11/02/10

## **Recommendation:**

The superintendent recommends that the school board receive this agenda report as an informational item and consider action at the school board meeting on November 2, 2010.

PERSONNEL

**Grievances and Grievance Procedures: Procedure for Compliance- Classified Employees R 5-3.2**

Employees may submit grievances in the following manner:

Step 1

Employees are requested to first discuss their concern with their administrative supervisor in order to reach an informal resolution of the matter. If this attempt is not successful, the employee shall present the grievance in writing to the director of personnel within five (5) working days of the date of the occurrence of the matter being grieved. The director of personnel or the director's designee shall attempt to resolve the matter and reply to the employee in writing within ten (10) working days of the presentation of the grievance.

Step 2

In the event that the decision of the director of personnel is not satisfactory to the employee, the employee may, within five (5) working days of the receipt of the answer, present the grievance in writing to the superintendent or the superintendent's designee. The parties to the dispute will meet with the superintendent or his/her designee and any witnesses called by either party for the hearing within ten (10) working days of the receipt of the written grievance. The superintendent or his/her designee shall review all testimony and materials pertinent to the grievance and issue a written decision to the employee within ten (10) working days after the hearing. The decision of the superintendent shall be considered final.

Timelines

The right of any party to proceed at any step of this grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this procedure.

**{The school board adopts the following procedure in accordance with §22.1-79(6) of the Code of Virginia. Nothing in this procedure is intended to create, nor shall it be construed as creating, a property right in employment, nor shall this procedure be interpreted to limit in any way whatsoever the school board's exclusive final authority over the management and operation of the school division.**

**A. Definitions**

**The following words and terms have the following meanings when used in this procedure, unless the context clearly indicates otherwise.**

## PERSONNEL

**Grievances and Grievance Procedures: Procedure for Compliance- Classified Employees R 5-3.2**

1. "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 next day that is not a Saturday, Sunday or legal holiday. "Working days" means those days that the central office is open for business.
2. "Dismissal" means the dismissal of an employee for disciplinary reasons during the term of such employee's contract.
3. "Demotion" means the involuntary assignment of an employee to a lower paying position for disciplinary reasons during the term of such employee's contract.
4. "Grievance" means a complaint or dispute involving the dismissal or demotion of an employee. "Grievance" shall not mean a complaint or dispute regarding the suspension of an employee, the nonrenewal or layoff of an employee, or reprimands or other forms of disciplinary action other than a dismissal or demotion. The procedure for the suspension of classified employees will be that as set forth in §22.1-315 of the Code of Virginia.
5. "Employee" or "employees" means all full-time employees of the school division, who have completed the required probationary period, except the Division Superintendent and those employees covered under Part III of the Procedure for Adjusting Grievances. "Employee" does not mean a part-time or temporary employee.

**B. Procedure**

1. Written notice of the proposed action, along with a statement of the reasons for the action, shall be given to the employee by his or her supervisor or appropriate administrator. Such notice shall also advise the employee that he may file a written request for a hearing with the superintendent within five days of the written notice, and that the failure to make a written request within the prescribed time will constitute a waiver of the right to a hearing and the action will become final without a hearing or further notice.
2. Upon a timely request, the superintendent or his designee shall hold a hearing within ten working days of receipt of the employee's request. Notice of the



## PERSONNEL

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hearing shall be given orally or in writing to the employee at least five calendar days before the hearing.

3. The employee and his supervisor may be represented by legal counsel at the hearing. The hearing shall be private and the superintendent or his designee shall have full discretion over the conduct of the hearing. However, the employee and the supervisor may make opening statements, may present all material and relevant evidence, including the testimony of witnesses, and may cross-examine witnesses. Witnesses may be questioned by the superintendent or his designee.
4. The superintendent or designee shall give the employee a written decision within five working days after the completion of the hearing. The decision shall be based on the evidence relevant to the issues produced at the hearing in the presence of each party. If the Superintendent/designee decides to accept the recommendation of dismissal or demotion, the decision shall specify the effective date of the action, which may be immediate.
5. The school board shall conduct a hearing regarding the recommended dismissal or demotion only when such action is initiated by the Superintendent. In all other cases, the Superintendent or designee shall provide the hearing. A hearing before the school board, when applicable, must be requested in the manner and within the time, and will be conducted, as set forth above.
6. In cases in which the Superintendent or designee has provided the hearing, the employee may appeal the decision to the school board by providing written notice of appeal to the Superintendent within five (5) days of the decision of Superintendent or designee. Upon timely appeal, the school board shall decide the appeal on the record and render its decision within 30 days of the appeal.}

Approved by School Board: May 19, 1992

Revised by School Board: May 21, 1996

Revised by School Board:

# Agenda Report

**Date:** 10/19/10

**Agenda Number:** H-1

**Attachments:** No

**From:** Paul McKendrick, Superintendent

**Subject:** Notice of Closed Meeting

**Summary/Description:**

Pursuant to the Code of Virginia §2.2-3711 (A) (1), the school board needs to convene a closed meeting for the purpose of discussing the following specific matters:

Personnel Matters

**Disposition:**  **Action**  
 **Information**  
 **Action at Meeting on:**

**Recommendation:**

The superintendent recommends that the school board approve a motion to enter into Closed Meeting in accordance with the Code of Virginia §2.2-3711 (A) (1) personnel matters.

# Agenda Report

**Date:** 10/19/10

**Agenda Number:** H-2

**Attachments:** No

**From:** Paul McKendrick, Superintendent

**Subject:** Certification of Closed Meeting

**Summary/Description:**

The Lynchburg City School Board certifies that, in the closed meeting just concluded, nothing was discussed except the matters specifically identified in the motion to convene in a closed meeting and lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion.

**Disposition:**  **Action**  
 **Information**  
 **Action at Meeting on:**

**Recommendation:**

The superintendent recommends that the school board approve the Certification of Closed Meeting in accordance with the Code of Virginia §2.2-3712(D).