

**Section 2-9.3. Special Nepotism Rules regarding School Board Members and Superintendent; Limited Exception; Substitute Teacher Employment; Direct Supervisory and/or Administrative Relationship Prohibited. —**

A. The School Board may not employ or pay, and the superintendent may not recommend for employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent or of a School Board member. This prohibition shall not be construed to prohibit the employment, promotion or transfer within the school division, of any person within a relationship described above when such person:

- (a) has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of any member of the Board or superintendent; or
- (b) has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of such relationship; or
- (c) was employed by the School Board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or superintendent.

B. Notwithstanding the rules stated in Subsection A above, the School Board may employ or pay, and the superintendent may recommend for employment, any family member of a School Board member provided that:

- (1) the member certifies that he had no involvement with the hiring decision;
- (2) the superintendent certifies to the remaining members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual, and
- (3) that no member of the Board had any involvement with the hiring decision.

C. Notwithstanding the rules stated above, the School Board may employ or pay any family member of the superintendent provided that:

- (1) the superintendent certifies that he had no involvement with the hiring decision; and
- (2) the assistant superintendent certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision.

C. Any family member employed as a substitute teacher may not be employed to any greater extent than he was employed by the School Board in the last full school year prior to the taking of office of such Board member or superintendent or to the inception of such relationship.

D. No family member as listed in subsection A above of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit is discouraged. (Adopted: April 14, 2016; Ordinance Number 15/16-22; Effective Date July 1, 2016, Revised: October 11, 2018, Ordinance Number 18/19-22, Effective Date: October 11, 2018; Revised October 10, 2019; Ordinance Number 19/20-16; Effective Date: October 10, 2019)

**Legal Authority** – Virginia Code §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2- 3110, 2.2-3112, 2.2-3115, 2.2-3119 and 2.2-3124 (1950), as amended.