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HOUSE BILL NO. 1412

House Amendments in [] — February 14, 2000

A BILL to amend and reenact §§ 22.1-294, 22.1-295, 22.1-299.2, 22.1-303, and 22.1-304 of the Code of Virginia, relating to quality instruction in the public schools.

Patrons—Katzen, Black, Cantor, Cox, Devolites, Drake, Sherwood, Ware and Weatherholtz

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-294, 22.1-295, 22.1-299.2, 22.1-303, and 22.1-304 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-294. Probationary terms of service for principals, assistant principals and supervisors; evaluation; reassigning principal, assistant principal or supervisor to teaching position.

A. A person employed as a principal, assistant principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve three years in such position in the same school division before acquiring continuing contract status as principal, assistant principal or supervisor.

B. Each local school board shall adopt for use by the division superintendent clearly defined criteria for a performance evaluation process for principals, assistant principals, and supervisors that includes, among other things, an assessment of such administrators' skills and knowledge; student academic progress and school gains in student learning; *effective evaluation of teacher performance as set forth in subsection C of § 22.1-295*; and effectiveness in addressing school safety and enforcing student discipline. The division superintendent shall implement such performance evaluation process in making employment recommendations to the school board pursuant to § 22.1-293.

C. Continuing contract status acquired by a principal, assistant principal or supervisor shall not be construed (i) as prohibiting a school board from reassigning such principal, assistant principal or supervisor to a teaching position if notice of reassignment is given by the school board by April 15 of any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as principal, assistant principal or supervisor in the case of any such reassignment to a teaching position.

D. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the division superintendent, the division superintendent's designee or the school board. The principal, assistant principal or supervisor shall elect whether such meeting shall be with the division superintendent, the division superintendent's designee or the school board. The school board, division superintendent or the division superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the school board.

The intent of this section is to provide an opportunity for a principal, assistant principal or supervisor to discuss the reasons for such salary reduction and reassignment with the division superintendent, his designee or the school board, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause, as defined in § 22.1-307, for the salary reduction and reassignment of a principal, assistant principal or supervisor.

E. As used in this section, "supervisor" means a person who holds a supervisory position as specified in the regulations of the Board of Education and who is required to hold a license as prescribed by the Board of Education.

§ 22.1-295. Employment of teachers.

A. The teachers in the public schools of a school division shall be employed and placed in appropriate schools by the school board upon recommendation of the division superintendent. In placing teachers, school boards shall fill positions with licensed instructional personnel qualified in the relevant subject areas.

B. School boards shall adopt employment policies and practices designed to promote the employment and retention of the highest quality instructional personnel and to effectively serve the educational needs of students. Such policies shall include, but need not be limited to, incentives for excellence in teaching, including financial support for teachers attending professional development seminars or those seeking and obtaining national certification.

C. School boards shall develop a procedure for use by division superintendents and principals in evaluating instructional personnel that is appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but

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not limited to, instructional methodology, classroom management, and subject matter knowledge.

§ 22.1-299.2. National Teacher Certification Incentive Reward Program and Fund.

A. From such funds as may be appropriated for such purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby established the National Teacher Certification Incentive Reward Program (the Program), to be administered by the Board of Education, and a special nonreverting fund within the state treasury known as the National Teacher Certification Incentive Reward Program Fund (the Fund). The Fund shall be established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

The State Treasurer shall manage the Fund, subject to the authority of the Board of Education to provide for its disbursement. The Fund shall be disbursed to award incentive grants to public school teachers obtaining national certification from the National Board for Professional Teaching Standards a nationally recognized certification program approved by the Board of Education.

To the extent funds are available in the Fund, teachers who obtain national certification shall receive an initial state-funded award of \$5,000 and a subsequent award of \$2,500 each year for the life of the certificate. Such awards shall continue to be paid upon renewal of the certificate. The Board shall establish procedures for determining amounts of awards if the moneys in the Fund are not sufficient to award each eligible teacher the appropriate award amount.

B. The Board may issue guidelines governing the Program as it deems necessary and appropriate.

§ 22.1-303. Probationary terms of service for teachers.

A. A probationary term of service for three years in the same school division shall be required before a teacher is issued a continuing contract. *[However, school boards may adopt procedures for the establishment of an alternative continuing contract employment process that (i) establishes a probationary term of service for teachers of not less than three and no more than five years, to be determined by the local school board and (ii) requires teachers to submit applications for continuing contract status. Applications for such continuing contract status may be made upon completion of at least three years of the initial probationary term of service in such school division. School boards may limit the number of times an application may be submitted. These procedures would apply to teachers who are hired for probationary terms of service that begin in an academic year following the school board's adoption of such procedures and would be available to all licensed teachers, including those licensed through an alternative route as provided in Board of Education regulations.*

The Board of Education, upon providing appropriate opportunity for public input, shall develop guidelines for these procedures that shall provide for, among other things, (i) the selection, training, and use of employment review committees, the membership of which shall include, but shall not be limited to, the principal of the school where the applicant is employed, teachers, parents of students enrolled in such school, and citizens from the local community; (ii) review of continuing contract status applications by such employment review committees and the submission of review committee recommendations to the principal and division superintendent regarding applicants; (iii) required application materials, which may include, but shall not be limited to, evidence of the professional credentials, employment evaluations, classroom observations, lesson plans and examinations, the applicant's demonstrated mastery of the relevant Standards of Learning, and other materials to assist the employment review committee in the application review process and the school board in making an employment determination; (iv) procedures for obtaining assistance from other teachers and administrators in the preparation of application materials; and (v) procedures for reversion by the school board to the teacher continuing contract processes set forth in §§ 22.1-294 and 22.1-304. However, local school boards may adopt procedures for the establishment of a continuing contract employment process that (i) establishes a probationary term of service for teachers of not less than three years and no more than five years for a period of three years; and (ii) requires teachers to submit an application to their building principal for continuing contract status. After review by and with a recommendation from the principal, the continuing contract application will be forwarded to the superintendent, or designee, for consideration and recommendation to the school board. Applications for such continuing contract status may be made upon completion of the initial three-year probationary term of service. Local school boards may determine the number of times an applicant may submit an application. Such procedures shall apply to teachers who are hired as probationary teachers in an academic year after July 1, 2000. This option shall be available to teachers licensed through either traditional or alternative licensure routes.

Procedures adopted by local school board pursuant to this subsection shall include, but need not be limited to, (i) application materials that shall include evidence of pupil academic performance and may also include other data and materials to assist the local superintendent, or designee, in the application review process and the school board in making an employment determination, e.g., professional credentials, employment evaluations, classroom observations, lesson plans and examinations and the

applicant's demonstrated mastery of the relevant Standards of Learning; and (ii) procedures for applicants to obtain assistance from other education professionals in the preparation of application materials.]

B. School boards shall provide each probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to § 22.1-305.1, during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating instructional personnel as required by § 22.1-295 B. The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in § 22.1-305.

If the teacher's performance evaluation during the probationary period is not satisfactory, the school board shall not reemploy the teacher; however, nothing contained in this subsection shall be construed to require cause, as defined in § 22.1-307, for the nonrenewal of the contract of a teacher who has not achieved continuing contract status.

C. Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed one year, is made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth, and separates from and returns to teaching service in a school division in Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed one year, if made a part of the contract for employment.

D. For the purpose of calculating the ~~three~~ years of service required to attain continuing contract status, at least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in the first year of service by a teacher.

§ 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

If a teacher who has not achieved continuing contract status receives notice of reemployment, he must accept or reject in writing within fifteen days of receipt of such notice. Except as provided in § 22.1-305, written notice of nonrenewal of the contract must be given by the school board on or before April 15 of each year. If no such notice is given a teacher by April 15, the teacher shall be entitled to a contract for the ensuing year in accordance with local salary stipulations including increments.

Teachers employed after completing the probationary period *or granted continuing contract status pursuant to the alternative continuing contract employment process set forth in subsection A of § 22.1-303* shall be entitled to continuing contracts during good behavior and competent service and prior to the age at which they are eligible or required to retire except as hereinafter provided. Written notice of noncontinuation of ~~the any such continuing~~ contract by either party must be given by April 15 of each year; otherwise the contract continues in effect for the ensuing year in conformity with local salary stipulations including increments.

A teacher may resign after April 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent. The teacher shall request release from contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation.

If the division superintendent has been authorized to approve resignations, a teacher may, within one week, withdraw a request to resign. Upon the expiration of the one-week period, the division superintendent shall notify the school board of his decision to accept or reject the resignation. The school board, within two weeks, may reverse the decision of the division superintendent.

In the event that the board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

As soon after April 15 as the school budget shall have been approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary.

Nothing in the continuing contract shall be construed to authorize the school board to contract for any financial obligation beyond the period for which funds have been made available with which to meet such obligation.

A school board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.