

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-304 of the Code of Virginia, relating to notification of employment*  
3 *of teachers.*

4  
5 Approved

[H 605]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 22.1-304 of the Code of Virginia is amended and reenacted as follows:**

8 § 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of  
9 continuing contract; resignation of teacher; reduction in number of teachers.

10 A. If a teacher who has not achieved continuing contract status receives notice of reemployment, he  
11 must accept or reject in writing within fifteen days of receipt of such notice. Except as provided in  
12 § 22.1-305 *and except in the case of a reduction in force as provided in subsection F*, written notice of  
13 nonrenewal of the contract must be given by the school board on or before April 15 of each year. If no  
14 such notice is given a teacher by April 15, the teacher shall be entitled to a contract for the ensuing year  
15 in accordance with local salary stipulations including increments.

16 B. Teachers employed after completing the probationary period shall be entitled to continuing  
17 contracts during good behavior and competent service and prior to the age at which they are eligible or  
18 required to retire except as hereinafter provided. Written notice of noncontinuation of the contract by  
19 either party must be given by April 15 of each year; otherwise the contract continues in effect for the  
20 ensuing year in conformity with local salary stipulations including increments.

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

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

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

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

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

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

41 F. By May 15 of each year, the school board of a county having the county executive form of  
42 government that is adjacent to a county having the urban county executive form of government shall  
43 notify all teachers who may be subject to a reduction in force due to a decrease in the school board's  
44 budget as approved by the appropriating body.

ENROLLED

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