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## SENATE BILL NO. 324

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education  
on March 6, 2006)

(Patron Prior to Substitute—Senator Whipple)

A BILL to amend and reenact §§ 22.1-289.1, 22.1-295, and 22.1-303 of the Code of Virginia, relating to teacher quality.

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

**1. That §§ 22.1-289.1, 22.1-295, and 22.1-303 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-289.1. Teacher compensation; biennial review required.

It is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive in order to attract and keep ~~competent~~ *highly qualified* teachers. The Director of Human Resource Management shall conduct a biennial review of the compensation of teachers and other occupations requiring similar education and training *and shall consider the Commonwealth's compensation for teachers relative to member states in the Southern Regional Education Board.* The results of these reviews shall be reported to the Governor, the General Assembly and the Board of Education by June 1 of each odd-numbered year ~~beginning with 1989. However, a preliminary report shall be submitted by the Director of Human Resource Management by December 15, 1987.~~

§ 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~~ *highly qualified teachers* 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 not limited to, instructional methodology, classroom management, and subject matter knowledge.

*Instructional personnel employed by local school boards who have achieved continuing contract status shall be evaluated not less than once every three years. Any instructional personnel, who has achieved continuing contract status, receiving an unsatisfactory evaluation who continues to be employed by the local school board shall be evaluated no later than one year after receiving such unsatisfactory evaluation. The evaluation shall be maintained in the employee's personnel file.*

*Each local superintendent shall annually certify divisionwide compliance with the provisions of this section to the Department.*

§ 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. 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~~ C. 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.

Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning

60 assessments. Local school divisions shall be required to provide said training at no cost to teachers  
61 employed in their division. In the event a local school division fails to offer said training in a timely  
62 manner, no teacher will be denied continuing contract status for failure to obtain such training.

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

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

73 D. Teachers holding three-year local eligibility licenses pursuant to § 22.1-299.3 shall not be eligible  
74 for continuing contract status while teaching under the authority of such license. Upon attainment of a  
75 collegiate professional or postgraduate professional license issued by the Department of Education, such  
76 teachers shall serve the three-year probationary period prior to being eligible for continuing contract  
77 status pursuant to this section.