

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.1-639.16 of the Code of Virginia, relating to conflicts of interest for*
3 *employees of school boards.*

4 [S 843]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.1-639.16 of the Code of Virginia is amended and reenacted as follows:**

8 § 2.1-639.16. Additional provisions applicable to school boards, and employees of school boards.

9 Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any
10 county or city or of any town constituting a separate school division to employ or pay any teacher or
11 other school board employee from the public funds, federal, state or local, or for a division
12 superintendent to recommend to the school board the employment of any teacher or other employee, if
13 the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law,
14 daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school
15 board.

16 This section shall apply to any person employed by any school board in the operation of the public
17 free school system, adult education programs or any other program maintained and operated by a local
18 county, city or town school board.

19 This section shall not apply to any person within such relationship who has been (i) employed
20 pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide
21 by a school board prior to the taking of office of any member of such board or division superintendent
22 of schools; ~~or~~ ; (ii) who has been employed pursuant to a written contract with a school board or
23 employed as a substitute teacher or teacher's aide by a school board prior to the inception of such
24 relationship; *or (iii) who was employed by a school board at any time prior to June 10, 1994, and who*
25 *had been employed at any time as a teacher or other employee of any Virginia school board prior to*
26 *the taking of office of any member of such school board or division superintendent of schools.* A person
27 employed as a substitute teacher may not be employed to any greater extent than he was employed by
28 the school board in the last full school year prior to the taking of office of such board member or
29 division superintendent or to the inception of such relationship. The ~~exception~~ *exceptions* in this
30 paragraph shall apply only if the prior employment has been in the same school division where the
31 employee and the superintendent or school board member now seek to serve simultaneously.

32 If any member of the school board or any division superintendent knowingly violates these
33 provisions, he shall be personally liable to refund to the local treasury any amounts paid in violation of
34 this law, and the funds shall be recovered from the individual by action or suit in the name of the
35 Commonwealth on the petition of the attorney for the Commonwealth. Recovered funds shall be paid
36 into the local treasury for the use of the public schools.

37 **2. That an emergency exists and this act is in force from its passage.**

ENROLLED

SB843ER