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## SENATE BILL NO. 1201

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Education and Health  
on January 17, 2013)

(Patron Prior to Substitute—Senator McDougle)

*A BILL to amend and reenact §§ 22.1-25 and 22.1-302 of the Code of Virginia and to repeal the second enactment of Chapter 965 of the Acts of Assembly of 2004, relating to the Board of Education; regulations concerning the process for submitting proposals to consolidate school divisions, temporarily employed teachers, and division level academic reviews.*

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

**1. That §§ 22.1-25 and 22.1-302 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-25. How school divisions made.**

A. The Board of Education shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the standards of quality required by of Article VIII, Section 2 of the Constitution of Virginia, subject to the following conditions:

1. The school divisions as they exist on July 1, 1978, shall be and remain the school divisions of the Commonwealth until further action of the Board of Education taken in accordance with the provisions of this section except that when a town becomes an independent city, the town shall also become a school division.

2. No school division shall be divided or consolidated without the consent of the school board thereof and the governing body of the county or city affected or, if a town comprises the school division, of the town council.

3. No change shall be made in the composition of any school division if such change conflicts with any joint resolution expressing the sense of the General Assembly with respect thereto adopted at the session next following January 1 of the year in which the composition of such school division is to be changed.

B. Notice of any change in the composition of a school division proposed by the Board of Education shall be given by the Superintendent of Public Instruction, on or before January 1 of the year in which the composition of such school division is to be changed, to the clerks of the school board and of the governing body involved and to each member of the General Assembly.

C. Subject to the conditions set forth in subsection A, the Board of Education shall consider the following criteria in determining appropriate school divisions:

1. The school-age population of the school division proposed to be divided or consolidated.

2. The potential of the proposed school division to facilitate the offering of a comprehensive program for kindergarten through grade 12 at the level of the established standards of quality.

3. The potential of the proposed school division to promote efficiency in the use of school facilities and school personnel and economy in operation.

4. Anticipated increase or decrease in the number of children of school age in the proposed school division.

5. Geographical area and topographical features as they relate to existing or available transportation facilities designed to render reasonable access by pupils to existing or contemplated school facilities.

6. The ability of each existing school division to meet the standards of quality with its own resources and facilities or in cooperation with another school division or divisions if arrangements for such cooperation have been made.

D. Consistent with ~~its~~ *the* authority of the Board pursuant to Article VIII, Section 5 of the Constitution of Virginia to designate school divisions in the Commonwealth of such geographic size and school-age population as will best promote the realization of the standards of quality, ~~the Board shall promulgate regulations consistent with the provisions of this section that provide for a process whereby school divisions local school boards may submit proposals for the consolidation of school divisions to the Board of Education. Such regulations shall provide for, among other things, a public Prior to the submission of a consolidation proposal, the submitting school board shall give notice to the public and hearing process to be conducted by the applicant school divisions shall conduct one or more public hearings.~~

School divisions submitting proposals for consolidation shall include such information and data as may be ~~required by the Board~~ *necessary to support their proposal*, including (i) the criteria set forth in subsection C; (ii) evidence of the cost savings to be realized by such consolidation; (iii) a plan for the transfer of title to school board property to the resulting combined school board governing the consolidated division; (iv) procedures and a schedule for the proposed consolidation, including

60 completion of current division superintendent and school board member terms; (v) a plan for  
61 proportional school board representation of the localities comprising the new school division, including  
62 details regarding the appointment or election processes currently ensuring such representation and other  
63 information as may be necessary to evidence compliance with federal and state laws governing voting  
64 rights; and (vi) evidence of local support for the proposed consolidation.

65 For five years following completion of such consolidation, the computation of the state and local  
66 share for an educational program meeting the standards of quality for school divisions resulting from  
67 consolidations approved pursuant to this subsection shall be the lower composite index of local  
68 ability-to-pay of the applicant school divisions, as provided in the appropriation act.

69 **§ 22.1-302. Written contracts required; execution of contracts; qualifications of temporarily**  
70 **employed teachers; rules and requirements.**

71 A. A written contract, in a form prescribed by the Board of Education, shall be made by the school  
72 board with each teacher employed by it, except those who are temporarily employed, before such  
73 teacher enters upon his duties. Such contract shall be signed in duplicate, with a copy thereof furnished  
74 to both parties. A temporarily employed teacher, as used in this section, ~~shall mean~~ means (i) one who  
75 is employed to substitute for a contracted teacher for a temporary period of time during the contracted  
76 teacher's absence; or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no  
77 longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of  
78 Public Instruction on a case-by-case basis, during one school year.

79 B. ~~The Board of Education shall promulgate regulations regarding temporarily~~ Temporarily employed  
80 teachers, as defined in this section, ~~which shall provide that such teachers be at least eighteen~~ 18 years  
81 of age and ~~that they shall~~ hold a high school diploma or a general educational development (GED)  
82 certificate.

83 However, local school boards shall establish employment qualifications for temporarily employed  
84 teachers ~~which that~~ may exceed ~~the Board's regulations~~ these requirements for the employment of such  
85 teachers. School boards shall also seek to ensure that temporarily employed teachers who are engaged as  
86 long-term substitutes ~~shall~~ exceed baseline employment qualifications.

87 C. A separate contract in a form prescribed by the Board of Education shall be executed by the  
88 school board with such employee who is receiving a monetary supplement for any athletic coaching or  
89 extracurricular activity sponsorship assignment. This contract shall be separate and apart from the  
90 contract for teaching.

91 Termination of a separate contract for any athletic coaching or extracurricular activity sponsorship  
92 assignment by either party thereto shall not constitute cause for termination of the separate teaching  
93 contract of the coach or teacher.

94 All such contracts shall require the party intending to terminate the coaching or extracurricular  
95 activity sponsorship contract to give reasonable notice to the other party before termination thereof shall  
96 become effective.

97 For the purposes of this section, "extracurricular activity sponsorship" means an assignment for which  
98 a monetary supplement is received, requiring responsibility for any student organizations, clubs, or  
99 groups, such as service clubs, academic clubs and teams, cheerleading squads, student publication and  
100 literary groups, and visual and performing arts organizations except those that are conducted in  
101 conjunction with regular classroom, curriculum, or instructional programs.

102 **2. That the second enactment of Chapter 965 of the Acts of Assembly of 2004 is repealed.**