

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-303 of the Code of Virginia, relating to public elementary and*
3 *secondary school teachers; probationary term of service; performance evaluation.*

4
5 Approved

[H 365]

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

7 **1. That § 22.1-303 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 22.1-303. Probationary terms of service for teachers.**

9 A. A probationary term of service of at least three years and, at the option of the local school board,
10 up to five years in the same school division shall be required before a teacher is issued a continuing
11 contract. School boards shall provide each probationary teacher except probationary teachers who have
12 prior successful teaching experience, as determined by the local school board in a school division, a
13 mentor teacher, as described by Board guidelines developed pursuant to § 22.1-305.1, during the first
14 year of the probationary period, to assist such probationary teacher in achieving excellence in
15 instruction. During the probationary period, such probationary teacher shall be evaluated annually based
16 upon the evaluation procedures developed by the employing school board for use by the division
17 superintendent and principals in evaluating teachers as required by subsection C of § 22.1-295. A teacher
18 in his first year of the probationary period shall be evaluated informally at least once during the first
19 semester of the school year. The division superintendent shall consider such evaluations, among other
20 things, in making any recommendations to the school board regarding the nonrenewal of such
21 probationary teacher's contract as provided in § 22.1-305.

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

26 Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing
27 contract status, to have successfully completed training in instructional strategies and techniques for
28 intervention for or remediation of students who fail or are at risk of failing the Standards of Learning
29 assessments. Local school divisions shall be required to provide said training at no cost to teachers
30 employed in their division. In the event a local school division fails to offer said training in a timely
31 manner, no teacher will be denied continuing contract status for failure to obtain such training.

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

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

42 D. Teachers holding three-year local eligibility licenses issued prior to July 1, 2013, shall not be
43 eligible for continuing contract status while teaching under the authority of such license. Upon
44 attainment of a collegiate professional or postgraduate professional license issued by the Department of
45 Education, such teachers shall serve a probationary term of service of at least three years and, at the
46 option of the local school board, up to five years prior to being eligible for continuing contract status
47 pursuant to this section.

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