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## SENATE BILL NO. 1118

Offered January 11, 2023

Prefiled January 10, 2023

*A BILL to amend and reenact § 22.1-295 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-299.2:1, relating to employment of teachers; English as a Second Language Incentive Reward Program and Fund; established.*

Patrons—Hashmi and Boysko; Delegates: Kory, Rasoul and Simonds

Referred to Committee on Education and Health

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

**1. That § 22.1-295 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-299.2:1 as follows:**

**§ 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 highly qualified teachers and to effectively serve the educational needs of students, *including English language learners*. Such policies shall include, but need not be limited to, incentives for excellence in teaching, including financial support for teachers (i) attending professional development seminars ~~or those~~, (ii) seeking and obtaining national certification, *or* (iii) *seeking and obtaining an endorsement in English as a second language pre-kindergarten through grade 12.*

C. School boards shall develop a procedure for use by division superintendents and principals in evaluating teachers 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.

Teachers employed by local school boards who have achieved continuing contract status shall be formally evaluated at least once every three years and more often as deemed necessary by the principal, and they shall be evaluated informally during each year in which they are not formally evaluated. Any teacher who has achieved continuing contract status who receives an unsatisfactory formal evaluation and who continues to be employed by the local school board shall be formally evaluated in the following year. 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.

**§ 22.1-299.2:1. English as a Second Language Incentive Reward Program and Fund.**

A. *There is hereby created in the state treasury a special nonreverting fund to be known as the English as a Second Language Incentive Reward Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding incentive grants to public school teachers in the Commonwealth who obtain an endorsement in English as a second language pre-kindergarten through grade 12. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent.*

B. *The English as a Second Language Incentive Reward Program (the Program) is established to award incentive grants to public school teachers seeking and obtaining an endorsement in English as a second language pre-kindergarten through grade 12, for the purpose of incentivizing public school teachers to obtain such endorsement in order to effectively support the educational needs of students of all grade levels who are English language learners.*

C. *To the extent funds are available in the Fund, starting July 1, 2023, the Board shall award to any teacher who obtains an endorsement in English as a second language pre-kindergarten through grade 12 an initial state-funded grant of \$5,000 and a subsequent award of \$2,500 each year for the life of the endorsement. Such incentive grants shall continue to be awarded upon renewal of the endorsement. The Board shall establish procedures for determining amounts and prioritizing the award of such*

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59 *incentive grants in the event that the moneys in the Fund are not sufficient to award each eligible*  
60 *teacher the appropriate award amount. Such procedures shall require the Board to prioritize the award*  
61 *of such incentive grants to teachers employed by school divisions with less than 3,000 students and*  
62 *school divisions with poverty rates above 20 percent for children between the ages of five and 17, as*  
63 *measured by the U.S. Census Bureau's Small Area Income and Poverty Estimates Program.*  
64 *D. The Board shall establish guidelines and procedures as it deems necessary for the administration*  
65 *of the Program.*