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HOUSE BILL NO. 1005

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend and reenact § 22.1-304 of the Code of Virginia, relating to public school teachers; continuing contract; resignation.*

Patrons—Guzman and Hope

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-304 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

A. If a teacher who has not achieved continuing contract status receives notice of reemployment, he must accept or reject in writing within 15 days of receipt of such notice. Except as provided in § 22.1-305 and except in the case of a reduction in force as provided in subsection F, written notice of nonrenewal of the probationary contract must be given by the school board on or before June 15 of each year. If no such notice is given a teacher by June 15, the teacher shall be entitled to a contract for the ensuing year in accordance with local salary stipulations including increments.

B. ~~Teachers~~ A teacher employed after completing the probationary period shall be entitled to a continuing contracts during good behavior and competent service. ~~Written notice of noncontinuation of the contract by either party must be given by June 15 of each year; otherwise contract whereby the contract continues in effect for the ensuing year in conformity with local salary stipulations, including increments-~~

C. A teacher may resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent. The teacher, provided, however, that such teacher may be dismissed for any cause set forth in § 22.1-307 and in accordance with the procedures set forth in §§ 22.1-309 and 22.1-311.

C. A teacher who seeks to resign from a continuing contract for the ensuing school year shall give written notice of such resignation on or before June 15 of the current school year. A teacher who seeks to resign from a continuing contract in effect for the current school year or from a continuing contract for the ensuing school year after June 15 of the current school year shall request release from the contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation.

If the division superintendent has been authorized to approve resignations, a teacher may, within one week, withdraw a request to resign. Upon the expiration of the one-week period, the division superintendent shall notify the school board of his decision to accept or reject the resignation. The school board, within two weeks, may reverse the decision of the division superintendent. *If the school board has not authorized the division superintendent to approve resignations, the school board shall decide whether to accept or reject the resignation.*

In the event that the board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include written reprimand, suspension, or revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

D. As soon after June 15 as the school budget shall have been approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary.

Nothing in the continuing contract shall be construed to authorize the school board to contract for any financial obligation beyond the period for which funds have been made available with which to meet such obligation.

E. A school board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.

F. Within two weeks of the approval of the school budget by the appropriating body, but no later than July 1, school boards shall notify all teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body.

G. If a school board implements a reduction in workforce pursuant to this section, such reduction shall not be made solely on the basis of seniority but must include consideration of, among other things, the performance evaluations of the teachers potentially affected by the reduction in workforce.

INTRODUCED

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