

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-304 of the Code of Virginia, relating to public elementary and secondary*
 3 *schools; teachers; terms of employment; reemployment of teacher who has received continuing contract*
 4 *status; written notice required.*

5 [H 125]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 22.1-304 of the Code of Virginia is amended and reenacted as follows:**9 **§ 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of**
 10 **continuing contract; resignation of teacher; reduction in number of teachers.**

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

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

21 C. A teacher may resign after June 15 of any school year with the approval of the local school board or,
 22 upon authorization by the school board, with the approval of the division superintendent. The teacher shall
 23 request release from contract at least two weeks in advance of intended date of resignation. Such request shall
 24 be in writing and shall set forth the cause of resignation.

25 If the division superintendent has been authorized to approve resignations, a teacher may, within one
 26 week, withdraw a request to resign. Upon the expiration of the one-week period, the division superintendent
 27 shall notify the school board of his decision to accept or reject the resignation. The school board, within two
 28 weeks, may reverse the decision of the division superintendent.

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

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

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

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

41 F. Within two weeks of the approval of the school budget by the appropriating body, but no later than July
 42 1, school boards shall notify all teachers who may be subject to a reduction in force due to a decrease in the
 43 school board's budget as approved by the appropriating body.

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