

Board of Education Agenda Item

Item: _____ F. _____

Date: _____ March 24, 2011 _____

Topic: Final Review of Guidelines to Implement the Provisions of Section 22.1-302(A) of the Code of Virginia Pertaining to the Employment of Substitute Teachers

Presenter: Mrs. Patty S. Pitts, Assistant Superintendent for Teacher Education and Licensure

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Origin:

_____ Topic presented for information only (no board action required)

Board review required by

State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

Action requested at this meeting _____ Action requested at future meeting: _____

Previous Review/Action:

_____ No previous board review/action

Previous review/action

date February 17, 2011

action First Review of Guidelines to Implement the Provisions of Section 22.1-302(A) of the Code of Virginia Pertaining to the Employment of Substitute Teachers

Background Information:

Section 22.1-302 of the *Code of Virginia* was amended in the 2010 Virginia General Assembly to allow the Superintendent of Public Instruction on a case-by-case basis, during one school year to approve an extension of the 90-teaching-day restriction for substitute teachers in a teacher vacancy. The *Code* section, in part, states the following:

§ 22.1-302. Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and regulations.

- A. A written contract, in a form prescribed by the Board of Education, shall be made by the school board with each teacher employed by it, except those who are temporarily employed, before such teacher enters upon his duties. Such contract shall be signed in duplicate, with a copy thereof furnished to both parties. A temporarily employed teacher, as used in this section, shall mean (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90

teaching days in such vacancy, *unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.*

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

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

The General Assembly further requested that the Board of Education develop guidelines to implement provisions of subsection A of Section 22.1-302 pertaining to the employment of substitutes for longer than 90 teaching days during one school year, no later than July 1, 2011.

Summary of Major Elements

A committee was established to recommend guidelines to the Board of Education to implement the provisions of Section 22.1-302 (A) of the *Code of Virginia* pertaining to the employment of substitute teachers. The committee was composed of Dr. Kitty Boitnott, president of the Virginia Education Association; Ms. Charla Cordle, assistant superintendent of human resources, Hanover County Schools; Mrs. Tracey Dingus, chair of the Advisory Board on Teacher Education and Licensure; Dr. Howard Ben Kiser, superintendent of Gloucester County Schools and member of the Board of Directors of the Virginia Association of School Superintendents; Dr. Judi N. Swingen, personnel administrator for licensure, Chesterfield County Schools; Ms. Barbara Warren-Jones, assistant director of human resources, Hampton City Schools, and immediate past-president of the Virginia Association of School Personnel Administrators; and Department of Education staff.

The committee met in December 2010 and recommended the attached *Guidelines to Implement the Provisions of Section 22.1-302(A) of the Code of Virginia Pertaining to the Employment of Substitute Teachers*.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education approve the proposed *Guidelines to Implement the Provisions of Section 22.1-302(A) of the Code of Virginia Pertaining to the Employment of Substitute Teachers*.

Impact on Resources:

There is a minimal impact on resources.

Timetable for Further Review/Action:

The Board of Education guidelines will be distributed to school divisions through a Superintendent's Memorandum.

*GUIDELINES TO IMPLEMENT THE
PROVISIONS OF SECTION 22.1-302(A) OF
THE CODE OF VIRGINIA PERTAINING TO
THE EMPLOYMENT OF SUBSTITUTE
TEACHERS*

*Presented to the
Virginia Board of Education
February 17, 2011
and
March 24, 2011*

Guidelines to Implement the Provisions of Section 22.1-302(A) of the Code of Virginia Pertaining to the Employment of Substitute Teachers

Introduction

Section 22.1-302 of the *Code of Virginia* was amended in the 2010 Virginia General Assembly to allow the Superintendent of Public Instruction on a case-by-case basis, during one school year to approve an extension of the 90-teaching-day restriction for substitute teachers in a teacher vacancy. The *Code* section, in part, states the following:

§ 22.1-302. Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and regulations.

- A. A written contract, in a form prescribed by the Board of Education, shall be made by the school board with each teacher employed by it, except those who are temporarily employed, before such teacher enters upon his duties. Such contract shall be signed in duplicate, with a copy thereof furnished to both parties. A temporarily employed teacher, as used in this section, shall mean (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, *unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.*
- B. The Board of Education shall promulgate regulations regarding temporarily employed teachers, as defined in this section, which shall provide that such teachers be at least eighteen years of age and that they hold a high school diploma or a general educational development (GED) certificate.

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

The General Assembly further requested that the Board of Education develop guidelines to implement provisions of subsection A of Section 22.1-302 pertaining to the employment of substitutes for longer than 90 teaching days during one school year, no later than July 1, 2011.

Guidelines

An individual (temporarily employed teacher) may be employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, *unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year*. In **a rare exceptional and justifiable case due to extenuating circumstances**, a school division superintendent may submit a request to the Superintendent of Public Instruction to consider an extension of the teaching days a substitute teacher may serve in a vacant teaching position.

The letter of request to the Superintendent of Public Instruction must be submitted and **signed by the division superintendent**. The letter for the exception must include the following information:

1. Date of the teacher vacancy;
2. Justification of efforts made to fill the position, including timelines (such as, when and where the position was advertised);
3. Candidate pool (such as, the number of qualified/acceptable candidates, whether a qualified candidate declined offer of employment, etc.);
4. Full name of the substitute teacher, license number (if applicable), name of school assigned, title of class(es)/grade level(s)/assignment(s); and
5. Qualifications of the temporarily employed teacher (substitute teacher):
 - A. Documentation that the substitute teacher holds or is eligible to hold a Virginia teaching license in the assigned teaching area/content, **or**
 - B. Documentation of the following:
 - (1) Educational level [For a request to be considered, the substitute teacher must have an earned baccalaureate degree from a regionally accredited college or university except in cases where an individual is assigned to a technical professional (occupational) area that does not require a bachelor's degree (i.e., Technical Professional License). If the individual is assigned as a substitute teacher in a technical professional area, the documentation needs to include verification of the occupational experience and, if applicable, a copy of the Virginia license (such as a nursing license or a cosmetology license) to practice in that field.];
 - (2) Content knowledge and expertise in teaching area assigned; and
 - (3) Teaching experience (prior substitute and/or teaching experience).

The Superintendent of Public Instruction will respond within 10 business days of receipt of the request. If the division has not received the response within this time frame, it is the responsibility of the requesting school division to contact the Department of Education to inquire about the status of the request.