



COMMONWEALTH of VIRGINIA
Department of Education

DATE: July 27, 2018
TO: Division Superintendents
FROM: James F. Lane, Superintendent of Public Instruction
SUBJECT: **Requirements for the Appointment of Division Superintendents**

The purpose of this memorandum is to provide information regarding the appointment of a division superintendent. [Title 22.1, Chapter 6](#) ➡ of the *Code of Virginia* sets forth the requirements for division superintendents.

Requirement of a Division Superintendent

Section 22.1-58 of the *Code of Virginia* noted below requires each school division to have a division superintendent.

- [Section 22.1-58. Division superintendent required](#) ➡
- For each school division there shall be a division superintendent of schools.

Qualifications of Superintendent

Section 22.1-59 of the *Code of Virginia* requires the Board of Education to prescribe by regulation the requirements for the division superintendent. Pursuant to the [Licensure Regulations for School Personnel](#) ➡ (8VAC20-22-600 et seq.), an individual must meet specified requirements and hold an active division superintendent license to be eligible to serve as a division superintendent.

- [Section 22.1-59. Qualifications of superintendent](#) ➡.
- The Board of Education shall prescribe by regulation the minimum qualifications for the position of division superintendent of schools and a copy of such regulations shall be furnished to all applicants.

Appointment of a Superintendent

The 2018 General Assembly passed [House Bill 81](#) ➡ amending the *Code of Virginia's* timelines for appointing a division superintendent. The following are excerpts from the amended *Code of Virginia* requirements for the appointment and term of superintendents, as well as the timelines for appointing a division superintendent.

[Section 22.1-60. Appointment and term of superintendent; certain contractual matters](#) ➡.

- A. The division superintendent of schools shall be appointed by the school board of the division from the entire list of eligibles certified by the State Board. All contract terms for superintendents shall expire on June 30. The division superintendent shall serve for an initial term of not less than two years nor more than four years. At the expiration of the initial term, the division superintendent shall be eligible to hold office for the term specified by the employing school board, not to exceed four years.

Except as provided in subsection B, the division superintendent shall be appointed by the school board

within 180 days after a vacancy occurs. In the event a school board appoints a division superintendent in accordance with the provisions of this section and the appointee seeks and is granted release from such appointment prior to assuming office, the school board shall be granted a 60-day period from the time of release within which to make another appointment.

- B. A school board that has not appointed a superintendent within 120 days of a vacancy shall submit a written report to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment. Upon request, a school board shall be granted up to an additional 180 days within which to appoint a division superintendent.
- C. No school board shall renegotiate a superintendent's contract during the period following the election or appointment of new members and the date such members are qualified and assume office.
- D. Whenever a superintendent's contract is being renegotiated, all members of the school board shall be notified at least 30 days in advance of any meeting at which a vote is planned on the renegotiated contract unless the members agree unanimously to take the vote without the 30 days' notice. Each member's vote on the renegotiated contract shall be recorded in the minutes of the meeting.

[Section 22.1-61. When Board to appoint superintendent ➡.](#)

In the event that a school board fails to appoint a division superintendent within the time prescribed by § 22.1-60, the State Board shall appoint such division superintendent.

[Note: On March 22, 2006, the Virginia Board of Education approved the procedures for the appointment of a division superintendent that is not appointed within the time prescribed by Sections 22.1-60 and 22.1-61 of the *Code*. These procedures may be accessed in the [Procedures for Appointment of a School Division Superintendent by the Virginia Board of Education](#) (PDF) document.]

- [Section 22.1-62. Appointment of same person by two or more school divisions; approval of part-time superintendent by State Board ➡.](#)
 - A. Any two or more school divisions may appoint the same person to be division superintendent.
 - B. No person may be employed as a part-time division superintendent without the approval of the Board of Education.
- [Section 22.1-63. Certain officers ineligible for or to hold office of superintendent ➡.](#)
 - A. No member of the governing body of a county, city or town and no member of a school board shall be eligible for the office of division superintendent of schools in the school division in which he serves.
 - B. No federal officer or employee, no state officer, except an officer appointed by the Governor, no state employee, no deputy of such officers, no officer or employee or the deputy of an officer of a city, county or town, no member of the governing body of a county, city or town, no member of a school board and no chairman of any political party shall be eligible to hold the office of division superintendent of schools.

Oath of Superintendent

- [Section 22.1-64. Oath of Superintendent ➡.](#)
- Every division superintendent, before entering upon the duties of office, shall take and subscribe the oath prescribed for an officer of this Commonwealth as provided in Chapter 1 (§ [49-1 ➡](#) et seq.) of Title 49 of this Code, and a certificate of the clerk of the court in which the oath is administered setting forth the qualification and its record shall be furnished the Superintendent of Public Instruction.

Please advise, in writing, the Superintendent of Public Instruction when a division superintendent vacancy occurs and the name of the acting superintendent. Upon appointing a division superintendent, the attached Certificate of Appointment and Oath of Superintendent must be completed and submitted to the Superintendent of Public Instruction. The Virginia statute requires that every division superintendent, before entering upon the duties of the office, must take and subscribe the oath prescribed for an officer of the Commonwealth. A certificate of the clerk of the court in which the oath is administered must be submitted to the Superintendent of Public Instruction.

If you have any questions regarding the appointment of a division superintendent, please do not hesitate to contact Mrs. Patty S. Pitts, Assistant Superintendent for Teacher Education and Licensure, by email at Patty.Pitts@doe.virginia.gov ✉ or by telephone at (804) 371-2522.

JFL/kac

Attachments:

- A. [Certificate of Appointment](#) (Word)
- B. [Oath of Superintendent](#) (Word)

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