| Virginia Board of Education Agenda Item | Seal of the Commonwealth of Virginia |
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# Agenda Item: B

## Date: January 24, 2019

### Title: Final Review of Revisions to the Procedure for Appointment of a School Division Superintendent by the Virginia Board of Education to Comport with House Bill 81 (2018)

#### Presenter: Mr. Zachary Robbins, Director of Policy

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## Purpose of Presentation:

Action required by state or federal law or regulation.

## Executive Summary:

Section 22.1-60 of the *Code of Virginia* requires school boards to appoint a division superintendent within 180 after a vacancy occurs. The 2018 General Assembly passed [House Bill 81](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=181&typ=bil&val=hb81), amending this statute to provide that a school board, upon request, shall be granted up to an additional 180 days within which to appoint a division superintendent.

Section 22.1-61 requires the Board of Education to appoint a division superintendent in the event that a local school board fails to appoint a superintendent within the times specified in § 22.1-60.

The Board established the *Procedure for the Appointment of a School Division Superintendent by the Virginia Board of Education* on March 22, 2006 to specify how § 22.1-61 would be implemented. Amendments are proposed to this document to align with the 2018 legislation.

## Action Requested:

Final review: Action requested at this meeting.

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the revisions to the Procedure for Appointment of a School Division Superintendent by the Virginia Board of Education.

## Rationale for Action:

Action is necessary to comport the Board’s Procedure for Appointment of a School Division Superintendent to House Bill 81 (2018).

## Previous Review or Action:

Previous review and action. Specify date and action taken below:

On March 22, 2006, the Virginia Board of Education approved the existing [*Procedures for Appointment of a School Division Superintendent by the Virginia Board of Education*](http://www.doe.virginia.gov/VDOE/VA_Board/Meetings/2006/ItemH-mar.pdf).

## Background Information and Statutory Authority:

The 2018 Virginia General Assembly approved HB 81 (Krizek), which amends § 22.1-60 of the Code of Virginia as follows:

§ 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 eligible 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.

~~The~~ *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.*

~~B.~~ *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.

C. *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.

Additionally, § 22.1-61 of the *Code* provides:

§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](http://law.lis.virginia.gov/vacode/22.1-60/), the State Board shall appoint such division superintendent.

## Timetable for Further Review/Action:

Following the Board of Education’s action, the revised procedures will be used by the Board in the event that a school board fails to appoint a division superintendent within the time required by law.

## Impact on Fiscal and Human Resources:

The administrative impact required in promulgating these regulations will be absorbed within existing resources.

Attachment A

***Virginia Board of Education***

***Commonwealth of Virginia***

***P. O. Box 2120***

***Richmond, Virginia 23218-2120***

**Procedure for Appointment of a**

**School Division Superintendent by the Virginia Board of Education**

In the event that a school board fails to appoint a division superintendent within the time prescribed by Sections 22.1-60 and 22-1-61 of the *Code of Virginia*, the Virginia Board of Education shall appoint the division superintendent. The procedures for the appointment of such division superintendent by the Virginia Board of Education shall be as follows:

1. An individual appointed as a division superintendent must hold a valid division superintendent license issued by the Virginia Board of Education prior to the appointment.

2. The Virginia Board of Education shall appoint the division superintendent if the school board has not appointed the division superintendent within *the time prescribed by Section 22.1-60 of the Code of Virginia.*~~180 (calendar) days after a vacancy occurs. However, in the event a school board appoints a division superintendent in accordance with the provisions of Section 22.1-60 of the~~ *~~Code of Virginia~~* ~~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 (calendar days) from the time of release within which to make another appointment.~~

3. A school board that has not appointed a superintendent within 120 (calendar) days of a vacancy shall submit a written report, containing at least a status report with a timeline for making the appointment ~~prior to 180 (calendar) days~~ *within the time prescribed by Section 22.1-60 of the Code of Virginia* to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment.

4. The school board immediately shall notify the Virginia Board of Education, in writing, of its failure to appoint a division superintendent within the time prescribed by Section 22.1-60 of the *Code of Virginia*. Within 30 calendar days after the time prescribed by Section 22.1-60 of the *Code of Virginia* for the local school board to appoint the division superintendent, the school board must submit in writing its preferred candidate(s), not to exceed three, for the division superintendent position. The Virginia Board of Education may consider these candidates and other eligible individuals. The Virginia Board of Education may authorize the State Superintendent of Public Instruction to conduct the search for a division superintendent.

5. The Virginia Board of Education shall appoint a division superintendent, and the contract for the superintendent shall be negotiated by the school board.