# Superintendent’s Memo #206-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: August 7, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Appointment of a Division Superintendent

The purpose of this memorandum is to provide information regarding the appointment of a division superintendent. The division superintendent must be appointed by the school board from the entire list of eligibles, and the individual also must hold an active Division Superintendent License issued by the Virginia Board of Education prior to the appointment.

[Title 22.1, Chapter 6](https://law.lis.virginia.gov/vacode/title22.1/chapter6/) of the *Code of Virginia* sets forth the requirements for division superintendents.  Selected sections of *Code* are highlighted below:

**Requirement of a Division Superintendent**

[Section 22.1-58](https://law.lis.virginia.gov/vacode/title22.1/chapter6/section22.1-58/) of the *Code of Virginia*requires a division superintendent in each school division.

*For each school division there shall be a division superintendent of schools.*

**Qualifications of Superintendent**

[Section 22.1-59](https://law.lis.virginia.gov/vacode/title22.1/chapter6/section22.1-59/) of the *Code of Virginia*requires the Board of Education to prescribe by regulation the requirements for the division superintendent.  The Board of Education requirements are set forth in [Section 8VAC20-23-630](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/section630/) of the *Licensure Regulations for School Personnel.*

*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 and Term of a Superintendent**

[Section 22.1-60](https://law.lis.virginia.gov/vacode/title22.1/chapter6/section22.1-60/) of the *Code of Virginia* outlines the appointment and term of superintendent. The individual appointed must hold a Virginia division superintendent license and his or her name must be included on the list of eligible prior to appointment.

*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.*

**When Board to Appoint Superintendent**

[Section 22.1-61](https://law.lis.virginia.gov/vacode/title22.1/chapter6/section22.1-61/) of the *Code of Virginia* requires the Board of Education to appoint a division superintendent when a school board fails to appoint.

*In the event that a school board fails to appoint a division superintendent within the time prescribed by §* [*22.1-60*](https://law.lis.virginia.gov/vacode/22.1-60/)*, the State Board shall appoint such division superintendent.*

**Appointment of the Same Person by Two or More School Divisions; Approval of Part-Time Superintendent by State Board**

[Section 22.1-62 of](https://law.lis.virginia.gov/vacode/title22.1/chapter6/section22.1-62/) the *Code of Virginia* sets forth requirements for the appointment of the same person by two or more divisions and approval by the Board of Education for a division to employ a part-time division superintendent.

1. *Any two or more school divisions may appoint the same person to be division*

*superintendent.*

1. *No person may be employed as a part-time division superintendent without*

 *the approval of the Board of Education.*

**Certain Officers Ineligible for or to Hold Office of Superintendent**

[Section 22.1-63](https://law.lis.virginia.gov/vacode/title22.1/chapter6/section22.1-63/) of the *Code of Virginia* lists members of governing bodies or officers ineligible for the 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](https://law.lis.virginia.gov/vacode/title22.1/chapter6/section22.1-64/) of the *Code of Virginia* requires every division superintendent to take and subscribe the oath of superintendent before entering upon the duties of the office.

*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*](https://law.lis.virginia.gov/vacode/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 the Superintendent of Public Instruction, in writing, 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/psp

**Attachments:**

1. [Certificate of Appointment](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/206-20a.docx) (Word)
2. [Oath of Superintendent](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/206-20b.docx) (Word)