

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

*Approved by the
Virginia Board of Education
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.