

SENATE BILL NO. 490

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Senator McClellan)

A BILL to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to the Standards of Quality; employment of principals and assistant principals.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that

26 the class size exceeds the class size limit and describe the measures that the local school division will take
27 to reduce the class size to comply with this subsection.

28 Within its regulations governing special education programs, the Board shall seek to set
29 pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for
30 self-contained classes for pupils with specific learning disabilities.

31 Further, school boards shall assign instructional personnel in a manner that produces schoolwide
32 ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in
33 middle schools and high schools. School divisions shall provide all middle and high school teachers with
34 one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

35 D. (Effective until July 1, 2022) Each local school board shall employ with state and local basic,
36 special education, gifted, and career and technical education funds a minimum number of licensed, full-
37 time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as
38 set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day
39 kindergarten programs. Beginning with the March 31 report of average daily membership, those school
40 divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their
41 average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily
42 memberships, as provided in the appropriation act.

43 D. (Effective July 1, 2022) Each local school board shall employ with state and local basic, special
44 education, gifted, and career and technical education funds a minimum number of licensed, full-time
45 equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set
46 forth in the appropriation act.

47 E. In addition to the positions supported by basic aid and in support of regular school year programs
48 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be
49 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
50 through 12 who are identified as needing prevention, intervention, and remediation services. State funding
51 for prevention, intervention, and remediation programs provided pursuant to this subsection and the

52 appropriation act may be used to support programs for educationally at-risk students as identified by the
53 local school boards.

54 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions
55 may employ mathematics teacher specialists to provide the required algebra readiness intervention
56 services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this
57 manner shall only employ instructional personnel licensed by the Board of Education.

58 F. In addition to the positions supported by basic aid and those in support of regular school year
59 programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation
60 act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021
61 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time
62 equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students
63 identified as having limited English proficiency, which positions may include dual language teachers who
64 provide instruction in English and in a second language.

65 To provide flexibility in the instruction of English language learners who have limited English
66 proficiency and who are at risk of not meeting state accountability standards, school divisions may use
67 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to
68 employ additional English language learner teachers or dual language teachers to provide instruction to
69 identified limited English proficiency students. Using these funds in this manner is intended to supplement
70 the instructional services provided in this section. School divisions using the SOQ Prevention,
71 Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by
72 the Board of Education.

73 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
74 school board shall employ the following reading specialists in elementary schools, one full-time in each
75 elementary school at the discretion of the local school board. One reading specialist employed by each
76 local school board that employs a reading specialist shall have training in the identification of and the
77 appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related
78 disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have

79 an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student
80 on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages
81 and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit,
82 systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and
83 assistive technology supports for students with dyslexia.

84 To provide reading intervention services required by § 22.1-253.13:1, school divisions may
85 employ reading specialists to provide the required reading intervention services. School divisions using
86 the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel
87 licensed by the Board of Education.

88 H. Each local school board shall employ, at a minimum, the following full-time equivalent
89 positions for any school that reports fall membership, according to the type of school and student
90 enrollment:

91 1. ~~Principals in elementary schools, one half time to 299 students, one full time at 300 students;~~
92 ~~principals in middle schools, one full time, to be employed on a 12-month basis; principals in high schools,~~
93 one full-time in each elementary school, middle school, and high school, to be employed on a 12-month
94 basis;

95 2. Assistant principals ~~in elementary schools, one half time at 600 students, one full time at 900~~
96 ~~students; assistant principals in middle schools, one full time for each 600 students; assistant principals in~~
97 ~~high schools, one full-time for each 600~~ per 500 elementary school, middle school, and high school
98 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing
99 requirement may assign assistant principals to schools within the division according to the area of greatest
100 need, regardless of whether such schools are elementary, middle, or secondary;

101 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
102 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
103 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
104 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet

105 this staffing requirement may assign librarians to schools within the division according to the area of
106 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

107 4. School counselors:

108 a. Effective with the 2020-2021 school year, in elementary schools, one hour per day per 75
109 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction
110 thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period
111 per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300
112 students, one additional period per 60 students or major fraction thereof.

113 b. Effective with the 2021-2022 school year, local school boards shall employ one full-time
114 equivalent school counselor position per 325 students in grades kindergarten through 12.

115 c. Local school divisions that employ a sufficient number of school counselors to meet the school
116 counselor staffing requirements set forth in this subdivision may assign school counselors to schools
117 within the division according to the area of greatest need, regardless of whether such schools are
118 elementary, middle, or high schools.

119 I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades
120 kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

121 J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades
122 kindergarten through 12, one to provide technology support and one to serve as an instructional technology
123 resource teacher.

124 To provide flexibility, school divisions may use the state and local funds for instructional
125 technology resource teachers to employ a data coordinator position, an instructional technology resource
126 teacher position, or a data coordinator/instructional resource teacher blended position. The data
127 coordinator position is intended to serve as a resource to principals and classroom teachers in the area of
128 data analysis and interpretation for instructional and school improvement purposes, as well as for overall
129 data management and administration of state assessments. School divisions using these funds in this
130 manner shall employ only instructional personnel licensed by the Board of Education.

131 K. Local school boards may employ additional positions that exceed these minimal staffing
132 requirements. These additional positions may include, but are not limited to, those funded through the
133 state's incentive and categorical programs as set forth in the appropriation act.

134 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
135 requirements for the highest grade level in that school; this requirement shall apply to all staff, except for
136 school counselors, and shall be based on the school's total enrollment; school counselor staff requirements
137 shall, however, be based on the enrollment at the various school organization levels, i.e., elementary,
138 middle, or high school. The Board of Education may grant waivers from these staffing levels upon request
139 from local school boards seeking to implement experimental or innovative programs that are not consistent
140 with these staffing levels.

141 M. School boards shall, however, annually, on or before December 31, report to the public (i) the
142 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the
143 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local
144 school division by school for the current school year. Actual pupil/teacher ratios shall include only the
145 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School
146 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any
147 classes funded through the voluntary kindergarten through third grade class size reduction program shall
148 be identified as such classes. Any classes having waivers to exceed the requirements of this subsection
149 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to
150 ensure the confidentiality of all teacher and pupil identities.

151 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in
152 the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
153 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
154 basis in any mathematics, science, English, history, social science, career and technical education, fine
155 arts, foreign language, or health education or physical education course shall be counted in the ADM in
156 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course
157 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home

158 school student shall be counted as more than one-half a student for purposes of such pro rata calculation.

159 Such calculation shall not include enrollments of such students in any other public school courses.

160 O. Each school board shall provide at least three specialized student support positions per 1,000
161 students. For purposes of this subsection, specialized student support positions include school social
162 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
163 analysts, and other licensed health and behavioral positions, which may either be employed by the school
164 board or provided through contracted services.

165 P. Each local school board shall provide those support services that are necessary for the efficient
166 and cost-effective operation and maintenance of its public schools.

167 For the purposes of this title, unless the context otherwise requires, "support services positions"
168 shall include the following:

169 1. Executive policy and leadership positions, including school board members, superintendents
170 and assistant superintendents;

171 2. Fiscal and human resources positions, including fiscal and audit operations;

172 3. Student support positions, including (i) social work administrative positions not included in
173 subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii)
174 homebound administrative positions supporting instruction; (iv) attendance support positions related to
175 truancy and dropout prevention; and (v) health and behavioral administrative positions not included in
176 subsection O;

177 4. Instructional personnel support, including professional development positions and library and
178 media positions not included in subdivision H 3;

179 5. Technology professional positions not included in subsection J;

180 6. Operation and maintenance positions, including facilities; pupil transportation positions;
181 operation and maintenance professional and service positions; and security service, trade, and laborer
182 positions;

183 7. Technical and clerical positions for fiscal and human resources, student support, instructional
184 personnel support, operation and maintenance, administration, and technology; and

