

1 SENATE BILL NO. 490

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on Finance and Appropriations

4 on February 9, 2022)

5 (Patron Prior to Substitute--Senator McClellan)

6 A BILL to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to the Standards of Quality;
7 specialized student support.

8 **Be it enacted by the General Assembly of Virginia:**

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

10 **§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

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

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

15 C. Each school board shall assign licensed instructional personnel in a manner that produces
16 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
17 excluding special education teachers, principals, assistant principals, school counselors, and librarians,
18 that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than
19 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time
20 teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being
21 larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students;
22 and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year,
23 anytime the number of students in a class exceeds the class size limit established by this subsection, the
24 local school division shall notify the parent of each student in such class of such fact no later than 10 days
25 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, to be employed on a 12-month basis;

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

100 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
101 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
102 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
103 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet
104 this staffing requirement may assign librarians to schools within the division according to the area of
105 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

- 106 4. School counselors:
- 107 a. Effective with the 2020-2021 school year, in elementary schools, one hour per day per 75
- 108 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction
- 109 thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period
- 110 per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300
- 111 students, one additional period per 60 students or major fraction thereof.
- 112 b. Effective with the 2021-2022 school year, local school boards shall employ one full-time
- 113 equivalent school counselor position per 325 students in grades kindergarten through 12.
- 114 c. Local school divisions that employ a sufficient number of school counselors to meet the school
- 115 counselor staffing requirements set forth in this subdivision may assign school counselors to schools
- 116 within the division according to the area of greatest need, regardless of whether such schools are
- 117 elementary, middle, or high schools.
- 118 I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades
- 119 kindergarten through five to serve as elementary resource teachers in art, music, and physical education.
- 120 J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades
- 121 kindergarten through 12, one to provide technology support and one to serve as an instructional technology
- 122 resource teacher.
- 123 To provide flexibility, school divisions may use the state and local funds for instructional
- 124 technology resource teachers to employ a data coordinator position, an instructional technology resource
- 125 teacher position, or a data coordinator/instructional resource teacher blended position. The data
- 126 coordinator position is intended to serve as a resource to principals and classroom teachers in the area of
- 127 data analysis and interpretation for instructional and school improvement purposes, as well as for overall
- 128 data management and administration of state assessments. School divisions using these funds in this
- 129 manner shall employ only instructional personnel licensed by the Board of Education.
- 130 K. Local school boards may employ additional positions that exceed these minimal staffing
- 131 requirements. These additional positions may include, but are not limited to, those funded through the
- 132 state's incentive and categorical programs as set forth in the appropriation act.

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

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

150 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in
151 the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
152 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
153 basis in any mathematics, science, English, history, social science, career and technical education, fine
154 arts, foreign language, or health education or physical education course shall be counted in the ADM in
155 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course
156 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home
157 school student shall be counted as more than one-half a student for purposes of such pro rata calculation.
158 Such calculation shall not include enrollments of such students in any other public school courses.

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

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

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

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

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

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

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

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

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

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

184 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
185 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each

186 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
187 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
188 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
189 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
190 schools within the division according to the area of greatest need, regardless of whether such schools are
191 elementary, middle, or secondary.

192 Pursuant to the appropriation act, support services shall be funded from basic school aid.

193 School divisions may use the state and local funds for support services to provide additional
194 instructional services.

195 Q. Notwithstanding the provisions of this section, when determining the assignment of
196 instructional and other licensed personnel in subsections C through J, a local school board shall not be
197 required to include full-time students of approved virtual school programs.

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