

SENATE BILL NO. 1325

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on February 2, 2023)

(Patrons Prior to Substitute--Senators McClellan and Hashmi)

A BILL to amend and reenact § 22.1-253.13:2, as it is currently effective and as it shall become effective,
of the Code of Virginia, relating to the Standards of Quality; specialized student support positions.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. (For expiration date, see 2022 Acts cc. 549, 550, cl. 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 or certain other licensed individuals as set forth in subdivision H 4, 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

27 the parent of each student in such class of such fact no later than 10 days after the date on which the class
28 exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class
29 size limit and describe the measures that the local school division will take to reduce the class size to
30 comply with this subsection.

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

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

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

42 E. In addition to the positions supported by basic aid and in support of regular school year programs
43 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be
44 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
45 through 12 who are identified as needing prevention, intervention, and remediation services. State funding
46 for prevention, intervention, and remediation programs provided pursuant to this subsection and the
47 appropriation act may be used to support programs for educationally at-risk students as identified by the
48 local school boards.

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

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

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

68 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
69 school board shall employ the following reading specialists in elementary schools, one full-time in each
70 elementary school at the discretion of the local school board. One reading specialist employed by each
71 local school board that employs a reading specialist shall have training in the identification of and the
72 appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related
73 disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have
74 an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student
75 on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages
76 and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit,
77 systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and
78 assistive technology supports for students with dyslexia.

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

83 H. Each local school board shall employ, at a minimum, the following full-time equivalent
84 positions for any school that reports fall membership, according to student enrollment:

85 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students;
86 principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools,
87 one full-time, to be employed on a 12-month basis;

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

94 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
95 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
96 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
97 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet
98 this staffing requirement may assign librarians to schools within the division according to the area of
99 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

100 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten
101 through 12.

102 However, in order to meet the staffing requirements set forth in this subdivision, any local school
103 board (i) may employ, under a provisional license issued by the Department for three school years with
104 an allowance for an additional two-year extension with the approval of the division superintendent, any
105 professional licensed by the Board of Counseling, clinical social worker licensed by the Board of Social

106 Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with
107 appropriate experience and training, provided that any such individual makes progress toward completing
108 the requirements for full licensure as a school counselor during such period of employment or (ii) in the
109 event that the school board does not receive any application from a licensed school counselor, professional
110 counselor, clinical social worker, or psychologist or another licensed counseling professional with
111 appropriate experience and training to fill a school counselor vacancy in the school division, may enter
112 into an annual contract with another entity for the provision of school counseling services by a licensed
113 professional counselor, clinical social worker, or psychologist or another licensed counseling professional
114 with appropriate experience and training. Local school boards that employ a sufficient number of
115 individuals to meet the staffing requirements set forth in this subdivision may assign such individuals to
116 schools 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 or certain other licensed individuals as set forth in subdivision H 4, and shall be based
136 on the school's total enrollment. The Board of Education may grant waivers from these staffing levels
137 upon request from local school boards seeking to implement experimental or innovative programs that are
138 not consistent with these staffing levels.

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

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

158 O. Each school board shall provide at least ~~three~~ four specialized student support positions per
159 1,000 students. For purposes of this subsection, specialized student support positions include school social

160 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
161 analysts, and other licensed health and behavioral positions, which may either be employed by the school
162 board or provided through contracted services.

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

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

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

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

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

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

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

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

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

183 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
184 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
185 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
186 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and

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

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

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

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

197 § 22.1-253.13:2. (For effective date, see 2022 Acts, cc. 549, 550, cl. 2) **Standard 2.**
198 **Instructional, administrative, and support personnel.**

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

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

203 C. Each school board shall assign licensed instructional personnel in a manner that produces
204 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
205 excluding special education teachers, principals, assistant principals, school counselors or certain other
206 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following
207 ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily
208 membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the
209 class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to
210 one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English
211 classes in grades six through 12. After September 30 of any school year, anytime the number of students
212 in a class exceeds the class size limit established by this subsection, the local school division shall notify
213 the parent of each student in such class of such fact no later than 10 days after the date on which the class

214 exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class
215 size limit and describe the measures that the local school division will take to reduce the class size to
216 comply with this subsection.

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

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

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

228 E. In addition to the positions supported by basic aid and in support of regular school year programs
229 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be
230 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
231 through 12 who are identified as needing prevention, intervention, and remediation services. State funding
232 for prevention, intervention, and remediation programs provided pursuant to this subsection and the
233 appropriation act may be used to support programs for educationally at-risk students as identified by the
234 local school boards.

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

239 F. In addition to the positions supported by basic aid and those in support of regular school year
240 programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation

241 act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021
242 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time
243 equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students
244 identified as having limited English proficiency, which positions may include dual language teachers who
245 provide instruction in English and in a second language.

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

254 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
255 school board shall employ one reading specialist for each 550 students in kindergarten through grade
256 three. Each such reading specialist shall have training in science-based reading research and evidence-
257 based literacy instruction practices. In addition, each such reading specialist shall have training in the
258 identification of and the appropriate interventions, accommodations, and teaching techniques for students
259 with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such
260 reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of
261 (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that
262 may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including
263 multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions,
264 accommodations, and assistive technology supports for students with dyslexia.

265 To provide reading intervention services required by § 22.1-253.13:1, school divisions may
266 employ reading specialists to provide the required reading intervention services. School divisions using

267 the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel
268 licensed by the Board of Education.

269 H. Each local school board shall employ, at a minimum, the following full-time equivalent
270 positions for any school that reports fall membership, according to student enrollment:

271 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students;
272 principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools,
273 one full-time, to be employed on a 12-month basis;

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

280 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
281 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
282 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
283 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet
284 this staffing requirement may assign librarians to schools within the division according to the area of
285 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

286 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten
287 through 12.

288 However, in order to meet the staffing requirements set forth in this subdivision, any local school
289 board (i) may employ, under a provisional license issued by the Department for three school years with
290 an allowance for an additional two-year extension with the approval of the division superintendent, any
291 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
292 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
293 professional with appropriate experience and training, provided that any such individual makes progress

294 toward completing the requirements for full licensure as a school counselor during such period of
295 employment or (ii) in the event that the school board does not receive any application from a licensed
296 school counselor, professional counselor, clinical social worker, or psychologist or another licensed
297 counseling professional with appropriate experience and training to fill a school counselor vacancy in the
298 school division, may enter into an annual contract with another entity for the provision of school
299 counseling services by a licensed professional counselor, clinical social worker, or psychologist or another
300 licensed counseling professional with appropriate experience and training. Local school boards that
301 employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision
302 may assign such individuals to schools within the division according to the area of greatest need,
303 regardless of whether such schools are elementary, middle, or high schools.

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

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

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

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

319 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
320 requirements for the highest grade level in that school; this requirement shall apply to all staff, except for

321 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based
322 on the school's total enrollment. The Board of Education may grant waivers from these staffing levels
323 upon request from local school boards seeking to implement experimental or innovative programs that are
324 not consistent with these staffing levels.

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

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

344 O. Each school board shall provide at least ~~three~~ four specialized student support positions per
345 1,000 students. For purposes of this subsection, specialized student support positions include school social
346 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior

347 analysts, and other licensed health and behavioral positions, which may either be employed by the school
348 board or provided through contracted services.

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

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

353 1. Executive policy and leadership positions, including school board members, superintendents
354 and assistant superintendents;

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

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

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

364 6. Operation and maintenance positions, including facilities; pupil transportation positions;
365 operation and maintenance professional and service positions; and security service, trade, and laborer
366 positions;

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

369 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
370 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
371 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
372 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
373 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of

374 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
375 schools within the division according to the area of greatest need, regardless of whether such schools are
376 elementary, middle, or secondary.

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

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

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

383 § 22.1-253.13:2. (Effective pursuant to Va. Const., Art. IV, § 13; for expiration date, see Acts
384 2022, cc. 549, 550, cl. 2) **Standard 2. Instructional, administrative, and support personnel.**

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386 and other professional personnel.

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390 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
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392 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following
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394 membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the
395 class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to
396 one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English
397 classes in grades six through 12. After September 30 of any school year, anytime the number of students
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400 exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class

401 size limit and describe the measures that the local school division will take to reduce the class size to
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403 Within its regulations governing special education programs, the Board shall seek to set
404 pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for
405 self-contained classes for pupils with specific learning disabilities.

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

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

414 E. In addition to the positions supported by basic aid and in support of regular school year programs
415 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be
416 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
417 through 12 who are identified as needing prevention, intervention, and remediation services. State funding
418 for prevention, intervention, and remediation programs provided pursuant to this subsection and the
419 appropriation act may be used to support programs for educationally at-risk students as identified by the
420 local school boards.

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

425 F. In addition to the positions supported by basic aid and those in support of regular school year
426 programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation
427 act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021

428 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time
429 equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students
430 identified as having limited English proficiency, which positions may include dual language teachers who
431 provide instruction in English and in a second language.

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

440 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
441 school board shall employ the following reading specialists in elementary schools, one full-time in each
442 elementary school at the discretion of the local school board. One reading specialist employed by each
443 local school board that employs a reading specialist shall have training in the identification of and the
444 appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related
445 disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have
446 an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student
447 on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages
448 and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit,
449 systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and
450 assistive technology supports for students with dyslexia.

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

455 H. Each local school board shall employ, at a minimum, the following full-time equivalent
456 positions for any school that reports fall membership, according to student enrollment:

457 1. Principals, one full-time in each elementary school, middle school, and high school, to be
458 employed on a 12-month basis;

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

465 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
466 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
467 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
468 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet
469 this staffing requirement may assign librarians to schools within the division according to the area of
470 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

471 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten
472 through 12.

473 However, in order to meet the staffing requirements set forth in this subdivision, any local school
474 board (i) may employ, under a provisional license issued by the Department for three school years with
475 an allowance for an additional two-year extension with the approval of the division superintendent, any
476 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
477 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
478 professional with appropriate experience and training, provided that any such individual makes progress
479 toward completing the requirements for full licensure as a school counselor during such period of
480 employment or (ii) in the event that the school board does not receive any application from a licensed
481 school counselor, professional counselor, clinical social worker, or psychologist or another licensed

482 counseling professional with appropriate experience and training to fill a school counselor vacancy in the
483 school division, may enter into an annual contract with another entity for the provision of school
484 counseling services by a licensed professional counselor, clinical social worker, or psychologist or another
485 licensed counseling professional with appropriate experience and training. Local school boards that
486 employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision
487 may assign such individuals to schools within the division according to the area of greatest need,
488 regardless of whether such schools are elementary, middle, or high schools.

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

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

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

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

504 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
505 requirements for the highest grade level in that school; this requirement shall apply to all staff, except for
506 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based
507 on the school's total enrollment. The Board of Education may grant waivers from these staffing levels

508 upon request from local school boards seeking to implement experimental or innovative programs that are
509 not consistent with these staffing levels.

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

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

529 O. Each school board shall provide at least ~~three~~ four specialized student support positions per
530 1,000 students. For purposes of this subsection, specialized student support positions include school social
531 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
532 analysts, and other licensed health and behavioral positions, which may either be employed by the school
533 board or provided through contracted services.

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

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

538 1. Executive policy and leadership positions, including school board members, superintendents
539 and assistant superintendents;

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

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

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

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

549 6. Operation and maintenance positions, including facilities; pupil transportation positions;
550 operation and maintenance professional and service positions; and security service, trade, and laborer
551 positions;

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

554 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
555 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
556 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
557 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
558 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
559 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to

560 schools within the division according to the area of greatest need, regardless of whether such schools are
561 elementary, middle, or secondary.

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

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

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

568 **§ 22.1-253.13:2. (Effective pursuant to Va. Const., Art. IV, 13; for effective date, see Acts**
569 **2022, cc. 549, 550, cl. 2) Standard 2. Instructional, administrative, and support personnel.**

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

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

574 C. Each school board shall assign licensed instructional personnel in a manner that produces
575 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
576 excluding special education teachers, principals, assistant principals, school counselors or certain other
577 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following
578 ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily
579 membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the
580 class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to
581 one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English
582 classes in grades six through 12. After September 30 of any school year, anytime the number of students
583 in a class exceeds the class size limit established by this subsection, the local school division shall notify
584 the parent of each student in such class of such fact no later than 10 days after the date on which the class
585 exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class

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

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

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

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

599 E. In addition to the positions supported by basic aid and in support of regular school year programs
600 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be
601 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
602 through 12 who are identified as needing prevention, intervention, and remediation services. State funding
603 for prevention, intervention, and remediation programs provided pursuant to this subsection and the
604 appropriation act may be used to support programs for educationally at-risk students as identified by the
605 local school boards.

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

610 F. In addition to the positions supported by basic aid and those in support of regular school year
611 programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation
612 act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021

613 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time
614 equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students
615 identified as having limited English proficiency, which positions may include dual language teachers who
616 provide instruction in English and in a second language.

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

625 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
626 school board shall employ one reading specialist for each 550 students in kindergarten through grade
627 three. Each such reading specialist shall have training in science-based reading research and evidence-
628 based literacy instruction practices. In addition, each such reading specialist shall have training in the
629 identification of and the appropriate interventions, accommodations, and teaching techniques for students
630 with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such
631 reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of
632 (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that
633 may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including
634 multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions,
635 accommodations, and assistive technology supports for students with dyslexia.

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

640 H. Each local school board shall employ, at a minimum, the following full-time equivalent
641 positions for any school that reports fall membership, according to student enrollment:

642 1. Principals, one full-time in each elementary school, middle school, and high school, to be
643 employed on a 12-month basis;

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

650 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
651 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
652 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
653 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet
654 this staffing requirement may assign librarians to schools within the division according to the area of
655 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

656 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten
657 through 12.

658 However, in order to meet the staffing requirements set forth in this subdivision, any local school
659 board (i) may employ, under a provisional license issued by the Department for three school years with
660 an allowance for an additional two-year extension with the approval of the division superintendent, any
661 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
662 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
663 professional with appropriate experience and training, provided that any such individual makes progress
664 toward completing the requirements for full licensure as a school counselor during such period of
665 employment or (ii) in the event that the school board does not receive any application from a licensed
666 school counselor, professional counselor, clinical social worker, or psychologist or another licensed

667 counseling professional with appropriate experience and training to fill a school counselor vacancy in the
668 school division, may enter into an annual contract with another entity for the provision of school
669 counseling services by a licensed professional counselor, clinical social worker, or psychologist or another
670 licensed counseling professional with appropriate experience and training. Local school boards that
671 employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision
672 may assign such individuals to schools within the division according to the area of greatest need,
673 regardless of whether such schools are elementary, middle, or high schools.

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

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

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

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

689 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
690 requirements for the highest grade level in that school; this requirement shall apply to all staff, except for
691 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based
692 on the school's total enrollment. The Board of Education may grant waivers from these staffing levels

693 upon request from local school boards seeking to implement experimental or innovative programs that are
694 not consistent with these staffing levels.

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

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

714 O. Each school board shall provide at least ~~three~~ four specialized student support positions per
715 1,000 students. For purposes of this subsection, specialized student support positions include school social
716 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
717 analysts, and other licensed health and behavioral positions, which may either be employed by the school
718 board or provided through contracted services.

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

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

723 1. Executive policy and leadership positions, including school board members, superintendents
724 and assistant superintendents;

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

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

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

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

734 6. Operation and maintenance positions, including facilities; pupil transportation positions;
735 operation and maintenance professional and service positions; and security service, trade, and laborer
736 positions;

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

739 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
740 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
741 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
742 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
743 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
744 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to

745 schools within the division according to the area of greatest need, regardless of whether such schools are
746 elementary, middle, or secondary.

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

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

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

753 **2. That the provisions of this act shall not become effective unless an appropriation effectuating the**
754 **purposes of this act is included in a general appropriation act passed in 2023 by the General**
755 **Assembly that becomes law.**

756 #