

SENATE BILL NO. 227

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute--Senator Hashmi)

A BILL to amend and reenact §§ 22.1-199.1, 22.1-253.13:2, as it shall become effective, and 51.1-617 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-98.3, relating to public school funding; certain calculations; certain support services positions; programs for at-risk students.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-199.1, 22.1-253.13:2, as it shall become effective, and 51.1-617 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-98.3 as follows:

§ 22.1-98.3. Certain funding calculations.

A. As used in this section:

"Identified student" has the same meaning as provided in § 22.1-207.4:1.

"Identified student percentage" means the fraction, expressed as a percentage, that results from dividing the number of identified students enrolled in a school division by the total number of students enrolled in such school division, weighted by the factor of 1.5.

B. The determination of the amount of funding for which a school division is eligible pursuant to the statewide voluntary pupil/teacher ratio and class size reduction program or the Standards of Learning Algebra Readiness Initiative shall be based on the school division's identified student percentage.

C. When calculating the cost of salaries under the Standards of Quality funding formula, the Department shall include facilities staff and transportation staff salaries in the calculation of any cost of competing adjustment to salaries for instructional and support positions that is provided as part of the state share of basic aid pursuant to the general appropriation act.

27 D. When estimating the cost of any compensation supplement for instructional and support
28 positions under the Standards of Quality funding formula, the Department shall include and estimate the
29 cost of such a compensation supplement for facilities staff.

30 E. The Department shall not apply any cap on inflation rate adjustments to non-personal cost
31 categories during the biennial process of rebenchmarking the direct aid to public education budget.

32 F. The Department shall utilize a three-year average of the most recently available data to calculate
33 the composite index of local ability-to-pay for each school division.

34 **§ 22.1-199.1. Programs designed to promote educational opportunities.**

35 A. The General Assembly finds that Virginia educational research supports the conclusion that
36 poor children are more at risk of educational failure than children from more affluent homes and that
37 reduced pupil/teacher ratios and class sizes result in improved academic performance among young
38 children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios
39 and class sizes for grades K through three in those schools in the Commonwealth with high or moderate
40 concentrations of at-risk students.

41 With such funds as are provided in the appropriation act for this purpose, there is hereby
42 established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of
43 reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades
44 K through three in schools with high or moderate concentrations of at-risk students, consistent with the
45 provisions provided in the appropriation act.

46 In order to facilitate these primary grade ratio and class size reductions, the Department shall
47 calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost
48 of providing the lower class sizes according to the greater of the division average per-pupil cost of all
49 divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary
50 ratio and class size reductions based on the composite index of local ability to pay. School divisions shall
51 notify the Department of their intention to implement the reduced ratios and class sizes in one or more of
52 their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall
53 forward data substantiating that each participating school has a complying pupil/teacher ratio.

54 In developing each proposed biennium budget for public education, the Board shall include
55 funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget
56 for public education.

57 B. The General Assembly finds that educational technology is one of the most important
58 components, along with highly skilled teachers, in ensuring the delivery of quality public school education
59 throughout the Commonwealth. Therefore, the Board shall strive to incorporate technological studies
60 within the teaching of all disciplines. Further, the General Assembly notes that educational technology
61 can only be successful if teachers and administrators are provided adequate training and assistance. To
62 this end, the following program is established.

63 With such funds as are appropriated for this purpose, the Board shall award to the several school
64 divisions grants for expanded access to educational technology. Funding for educational technology
65 training for instructional personnel shall be provided as set forth in the appropriation act.

66 Funds for improving the quality and capacity of educational technology shall also be provided as
67 set forth in the appropriation act, including (i) funds for providing a technology resource assistant to serve
68 every elementary school in this Commonwealth and (ii) funds to maintain the currency of career and
69 technical education programs. Any local school board accepting funds to hire technology resource
70 assistants or maintain currency of career and technical education programs shall commit to providing the
71 required matching funds, based on the composite index of local ability to pay.

72 Each qualifying school board shall establish an individualized technology plan, which shall be
73 approved by the Superintendent, for integrating technology into the classroom and into schoolwide
74 instructional programs, including career and technical education programs. The first priority for funding
75 shall be consistent with those components of the Board's revised six-year technology plan that focus on
76 (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii)
77 providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of
78 pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors
79 as required by the Standards of Learning, and (d) training and professional development on available
80 technologies and software to all levels and positions, including professional development for personnel

81 delivering career and technical education at all levels and positions; and (iii) assisting school divisions in
82 developing integrated voice-, video-, and data-connectivity to local, national and international resources.

83 This funding may be used to implement a local school division's long-range technology plan, at
84 the discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of
85 the Board's revised six-year technology plan and has been approved by the Superintendent.

86 The Department of Education, the Department of General Services, and the Virginia Information
87 Technologies Agency shall coordinate master contracts for the purchase by local school boards of the
88 aforementioned educational technologies and reference materials.

89 A technology replacement program shall be, with such funds as may be appropriated for this
90 purpose, implemented to replace obsolete educational hardware and software. As provided in subsection
91 D of § 22.1-129, school boards may donate obsolete educational technology hardware and software that
92 are being replaced. Any such donations shall be offered to other school divisions and to preschool
93 programs in the Commonwealth or to public school students as provided in guidelines to be promulgated
94 by the Board. Such guidelines shall include criteria for determining student eligibility and need, a reporting
95 system for the compilation of information concerning the number and socioeconomic characteristics of
96 recipient students, and notification of parents of the availability of such donations of obsolete educational
97 hardware and software.

98 ~~C. The General Assembly finds that local autonomy in making decisions on local educational~~
99 ~~needs and priorities results in effective grassroots efforts to improve education in the Commonwealth's~~
100 ~~public schools only when coupled with sufficient state funding; to this end, the following block grant~~
101 ~~program is hereby established. With such funds as are provided in the appropriation act, the Department~~
102 ~~shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for~~
103 ~~school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block~~
104 ~~grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act~~
105 ~~for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project~~
106 ~~YES; Project Discovery; English as a second language programs, including programs for overage,~~
107 ~~nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance~~

108 ~~Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds~~
109 ~~shall not be used to pay any expenses of participating students at institutions of higher education; and~~
110 ~~school/community health centers. Each school board may use any funds received through the block grant~~
111 ~~to implement the covered programs and other programs designed to save the Commonwealth's children~~
112 ~~from educational failure.~~

113 ~~D.~~ In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds
114 as may be appropriated for this purpose, each school board may employ additional classroom teachers,
115 remedial teachers, and reading specialists for each of its elementary schools over the requirements of the
116 Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers,
117 and reading specialists shall be apportioned as provided in the appropriation act.

118 ~~E.~~D. Pursuant to a turnaround specialist program administered by the Department, local school
119 boards may enter into agreements with individuals to be employed as turnaround specialists to address
120 those conditions at the school that may impede educational progress and effectiveness and academic
121 success. Local school boards may offer such turnaround specialists or other administrative personnel
122 incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2
123 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603,
124 relocation expenses, bonuses, and other incentives as may be determined by the board.

125 ~~F.~~E. The General Assembly finds that certain schools have particular difficulty hiring teachers for
126 certain subject areas and that the need for such teachers in these schools is particularly strong. Accordingly
127 in an effort to attract and retain high quality teachers, local school boards may offer instructional personnel
128 serving in such schools as a member of a middle school teacher corps administered by the Department
129 incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2
130 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603,
131 relocation expenses, bonuses, and other incentives as may be determined by the board.

132 For purposes of this subsection, "middle school teacher corps" means licensed instructional
133 personnel who are assigned to a local school division to teach in a subject matter in grades six, seven, or
134 eight where there is a critical need, as determined by the Department. The contract between such persons

135 and the relevant local school board shall specify that the contract is for service in the middle school teacher
136 corps.

137 § 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 2.
138 **Instructional, administrative, and support personnel.**

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

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

143 C. Each school board shall assign licensed instructional personnel in a manner that produces
144 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
145 excluding special education teachers, principals, assistant principals, school counselors or certain other
146 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following
147 ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily
148 membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the
149 class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to
150 one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English
151 classes in grades six through 12. After September 30 of any school year, anytime the number of students
152 in a class exceeds the class size limit established by this subsection, the local school division shall notify
153 the parent of each student in such class of such fact no later than 10 days after the date on which the class
154 exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class
155 size limit and describe the measures that the local school division will take to reduce the class size to
156 comply with this subsection.

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

160 ~~Further, school boards~~ School boards shall assign instructional personnel in a manner that produces
161 schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of

162 21 to one in middle schools and high schools. School divisions shall provide all middle and high school
163 teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory
164 duties.

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

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

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

180 F. In addition to the positions supported by basic aid and those in support of regular school year
181 programs of prevention, intervention, and remediation, ~~state funding, pursuant to the general appropriation~~
182 ~~act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021~~
183 ~~school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time~~
184 ~~equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students~~
185 ~~identified as having limited English proficiency, which positions may include dual language teachers who~~
186 ~~provide instruction in English and in a second language state-funded add-ons shall be applied for each~~
187 English language learner and special education student as follows:

188 1. A student weight of .293 of basic aid per-pupil funding, which weight shall be adjusted by the
189 Department during the biennial process of rebenchmarking the direct aid to public education budget based
190 on a recalculation of actual expenditures, plus the per-pupil amount of the cost of competing adjustment
191 as relevant by school division, for English language learner students; and

192 2. A student weight of 1.68 of basic aid per-pupil funding, which weight shall be adjusted by the
193 Department during the biennial process of rebenchmarking the direct aid to public education budget based
194 on a recalculation of actual expenditures, plus the per-pupil amount of the cost of competing adjustment
195 as relevant by school division, for special education students.

196 Such additional Standards of Quality funding shall be calculated by multiplying the relevant
197 weight by the relevant per-pupil amount for each qualifying English language learner student and each
198 special education student in each school division. Such relevant per-pupil amount shall consist of the
199 average actual per-pupil expenditures reported by the local school division less any expenditures reported
200 directly for English language learners, special education, remedial programs, career and technical
201 education, gifted education, transportation, food service, non-K-12 operations, capital investments,
202 transfers, and any other non-operating costs. Local funding obligations for such add-ons shall be
203 determined by the composite index of local ability-to-pay.

204 To provide flexibility in the instruction of English language learners who have limited English
205 proficiency and who are at risk of not meeting state accountability standards, school divisions may use
206 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to
207 employ additional English language learner teachers or dual language teachers to provide instruction to
208 identified limited English proficiency students. Using these funds in this manner is intended to supplement
209 the instructional services provided in this section. School divisions using the SOQ Prevention,
210 Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by
211 the Board.

212 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
213 school board shall employ one reading specialist for each 550 students in kindergarten through grade five
214 and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist

215 shall have training in science-based reading research and evidence-based literacy instruction practices. In
216 addition, each such reading specialist shall have training in the identification of and the appropriate
217 interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder
218 and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an
219 understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student
220 on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages
221 and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit,
222 systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and
223 assistive technology supports for students with dyslexia.

224 To provide reading intervention services required by § 22.1-253.13:1, school divisions may
225 employ reading specialists to provide the required reading intervention services. School divisions using
226 the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel
227 licensed by the Board. Local school divisions that employ a sufficient number of reading specialists to
228 meet this staffing standard may assign reading specialists to grade levels according to grade levels with
229 greatest need, regardless of the individual staffing standards established for grades kindergarten through
230 five and six through eight.

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

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

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

241 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
242 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
243 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
244 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet
245 this staffing requirement may assign librarians to schools within the division according to the area of
246 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

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

249 However, in order to meet the staffing requirements set forth in this subdivision, any local school
250 board (i) may employ, under a provisional license issued by the Department for three school years with
251 an allowance for an additional two-year extension with the approval of the division superintendent, any
252 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
253 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
254 professional with appropriate experience and training, provided that any such individual makes progress
255 toward completing the requirements for full licensure as a school counselor during such period of
256 employment or (ii) in the event that the school board does not receive any application from a licensed
257 school counselor, professional counselor, clinical social worker, or psychologist or another licensed
258 counseling professional with appropriate experience and training to fill a school counselor vacancy in the
259 school division, may enter into an annual contract with another entity for the provision of school
260 counseling services by a licensed professional counselor, clinical social worker, or psychologist or another
261 licensed counseling professional with appropriate experience and training. Local school boards that
262 employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision
263 may assign such individuals to schools within the division according to the area of greatest need,
264 regardless of whether such schools are elementary, middle, or high schools.

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

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

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

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

280 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
281 requirements for the highest grade level in that school; this requirement shall apply to all staff, except for
282 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based
283 on the school's total enrollment. The Board may grant waivers from these staffing levels upon request
284 from local school boards seeking to implement experimental or innovative programs that are not consistent
285 with these staffing levels.

286 M. School boards shall, however, annually, on or before December 31, report to the public (i) the
287 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the
288 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local
289 school division by school for the current school year. Actual pupil/teacher ratios shall include only the
290 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School
291 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any
292 classes funded through the voluntary kindergarten through third grade class size reduction program shall
293 be identified as such classes. Any classes having waivers to exceed the requirements of this subsection

294 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to
295 ensure the confidentiality of all teacher and pupil identities.

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

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

310 In order to fill vacant school psychologist positions, any local school board may employ, under a
311 provisional license issued by the Department for three school years with an allowance for an additional
312 two-year extension with the approval of the division superintendent, clinical psychologists licensed by the
313 Board of Psychology, provided that any such individual makes progress toward completing the
314 requirements for full licensure as a school psychologist during such period of employment.

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

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

319 1. Executive policy and leadership positions, including school board members, superintendents
320 and assistant superintendents;

- 321 2. Fiscal and human resources positions, including fiscal and audit operations;
- 322 3. Student support positions, including (i) social work administrative positions not included in
- 323 subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii)
- 324 homebound administrative positions supporting instruction; (iv) attendance support positions related to
- 325 truancy and dropout prevention; and (v) health and behavioral administrative positions not included in
- 326 subsection O;
- 327 4. Instructional personnel support, including professional development positions and library and
- 328 media positions not included in subdivision H 3;
- 329 5. Technology professional positions not included in subsection J;
- 330 6. Operation and maintenance positions, including facilities; pupil transportation positions;
- 331 operation and maintenance professional and service positions; and security service, trade, and laborer
- 332 positions;
- 333 7. Technical and clerical positions for fiscal and human resources, student support, instructional
- 334 personnel support, operation and maintenance, administration, and technology;~~and~~
- 335 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
- 336 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
- 337 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
- 338 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
- 339 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
- 340 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
- 341 schools within the division according to the area of greatest need, regardless of whether such schools are
- 342 elementary, middle, or secondary; and
- 343 9. Any central office clerical position that is not set forth in subdivisions 1 through 8.
- 344 Pursuant to the appropriation act, support services shall be funded from basic school aid.
- 345 School divisions may use the state and local funds for support services to provide additional
- 346 instructional services.

347 Q. In addition to the positions supported by basic aid, state funding, pursuant to the general
348 appropriation act, shall be provided to cover the actual average school division cost to educate children
349 with disabilities.

350 R. Notwithstanding the provisions of this section, when determining the assignment of
351 instructional and other licensed personnel in subsections C, D, and E and subsections G through J, a local
352 school board shall not be required to include full-time students of approved virtual school programs.

353 S. As used in subsection T:

354 "At-Risk Program" means any state funding provided for programs of prevention, intervention, or
355 remediation or pursuant to the at-risk add-on.

356 "Identified student" has the same meaning as provided in § 22.1-207.4:1.

357 "Identified student percentage" means the fraction, expressed as a percentage, that results from
358 dividing the number of identified students enrolled in a school division by the total number of students
359 enrolled in such school division, weighted by the factor of 1.5, and then adjusted by the addition of a
360 percentage that corrects for undercounting English language learner students as identified students. Such
361 addition shall be calculated as the percentage of students who are identified as English language learners
362 divided by four.

363 T. There is hereby established the At-Risk Program for the purpose of supporting programs for
364 students who are educationally at risk. The determination of the amount of state funding for which a school
365 division is eligible pursuant to the At-Risk Program shall be based on the school division's identified
366 student percentage, and such funding shall be distributed as follows:

367 1. Sixty percent of funding appropriated to the At-Risk Program shall be allocated to school
368 divisions on a flat per-student percentage rate set out in the general appropriation act; and

369 2. Forty percent of funding appropriated to the At-Risk Program shall be allocated to school
370 divisions on a variable rate set out in the general appropriation act based on the concentration of poverty
371 in the school division.

372 § 51.1-617. **Definitions.**

373 As used in this chapter, unless the context requires a different meaning:

374 "Board" means the Board of Trustees of the Virginia Retirement System.

375 "Eligible employee" means any turnaround specialist or member of the middle school teacher
376 corps providing services for a participating public school division pursuant to subsections D and E ~~and F~~
377 of § 22.1-199.1.

378 "Participating employer" means any local public school board that offers and pays the costs of
379 improved retirement benefits as described in subsections D and E ~~and F~~ of § 22.1-199.1.

380 "Plan" means the defined contribution plan established pursuant to this chapter and the provisions
381 of § 401 (a) of the Internal Revenue Code of 1986, as amended.

382 "Qualified participant" means an eligible employee of a participating employer.

383 **2. That the Department of Education shall first adjust the weights set forth in subsection F of § 22.1-**
384 **253.13:2 of the Code of Virginia, as amended by this act, during the process of rebenchmarking the**
385 **direct aid to public education budget for the 2026–2028 biennium.**

386 **3. That any school division that would have received more state funds for the at-risk add-on and**
387 **programs of prevention, intervention, or remediation than it would pursuant to the consolidation**
388 **of such state funding sources under the At-Risk Program established in subsection T of § 22.1-**
389 **253.13:2 of the Code of Virginia, as amended by this act, shall be held harmless and shall not have**
390 **its share of such state funding reduced, effective for the 2024–2025 school year through the 2026–**
391 **2027 school year.**

392 **4. That the Department of Education shall collect data on actual expenditures in each school division**
393 **for (i) the education of English language learners and (ii) intervention, remediation, and other**
394 **services for students who are academically at risk for the purpose of implementing the provisions**
395 **of the first enactment of this act.**

396 #