

HOUSE BILL NO. 1247

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 7, 2024)

(Patron Prior to Substitute--Delegate Maldonado)

A BILL to amend and reenact § 22.1-253.13:2, as it shall become effective, of the Code of Virginia, relating to public school funding; ratios of instructional positions to English language learner students.

Be it enacted by the General Assembly of Virginia:

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

§ 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 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

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

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

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

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

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

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

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

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

71 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
72 school board shall employ one reading specialist for each 550 students in kindergarten through grade five
73 and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist
74 shall have training in science-based reading research and evidence-based literacy instruction practices. In
75 addition, each such reading specialist shall have training in the identification of and the appropriate
76 interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder
77 and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an
78 understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student
79 on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages
80 and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit,

81 systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and
82 assistive technology supports for students with dyslexia.

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

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

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

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

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

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

108 However, in order to meet the staffing requirements set forth in this subdivision, any local school
109 board (i) may employ, under a provisional license issued by the Department for three school years with
110 an allowance for an additional two-year extension with the approval of the division superintendent, any
111 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
112 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
113 professional with appropriate experience and training, provided that any such individual makes progress
114 toward completing the requirements for full licensure as a school counselor during such period of
115 employment or (ii) in the event that the school board does not receive any application from a licensed
116 school counselor, professional counselor, clinical social worker, or psychologist or another licensed
117 counseling professional with appropriate experience and training to fill a school counselor vacancy in the
118 school division, may enter into an annual contract with another entity for the provision of school
119 counseling services by a licensed professional counselor, clinical social worker, or psychologist or another
120 licensed counseling professional with appropriate experience and training. Local school boards that
121 employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision
122 may assign such individuals to schools within the division according to the area of greatest need,
123 regardless of whether such schools are elementary, middle, or high schools.

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

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

129 To provide flexibility, school divisions may use the state and local funds for instructional
130 technology resource teachers to employ a data coordinator position, an instructional technology resource
131 teacher position, or a data coordinator/instructional resource teacher blended position. The data
132 coordinator position is intended to serve as a resource to principals and classroom teachers in the area of
133 data analysis and interpretation for instructional and school improvement purposes, as well as for overall

134 data management and administration of state assessments. School divisions using these funds in this
135 manner shall employ only instructional personnel licensed by the Board.

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

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

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

155 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in
156 the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
157 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
158 basis in any mathematics, science, English, history, social science, career and technical education, fine
159 arts, foreign language, or health education or physical education course shall be counted in the ADM in
160 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course

161 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home
162 school student shall be counted as more than one-half a student for purposes of such pro rata calculation.
163 Such calculation shall not include enrollments of such students in any other public school courses.

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

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

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

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

178 1. Executive policy and leadership positions, including school board members, superintendents
179 and assistant superintendents;

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

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

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

