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HOUSE BILL NO. 2297

Offered January 13, 2025

Prefiled January 8, 2025

A *BILL to amend and reenact §§ 9.1-110, 9.1-184, 22.1-253.13:2, and 22.1-280.2:3 of the Code of Virginia, relating to school boards; employment of school resource officers in each public elementary and secondary school.*

Patrons—Earley, Arnold, Ballard, Campbell, Cherry, Cordoza, Coyner, Ennis, Fowler, Garrett, Gilbert, Green, Griffin, Higgins, Kent, Lovejoy, Milde, Oates, Obenshain, Owen, Phillips, Scott, P.A., Taylor, Walker, Webert, Williams, Wilt, Wyatt and Zehr; Senator: Sturtevant

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-110, 9.1-184, 22.1-253.13:2, and 22.1-280.2:3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-110. School Resource Officer Grants Program and School Resource Officer Incentive Grants Fund.

A. From the funds appropriated for such purpose and from the gifts, donations, grants, bequests, and other funds received on its behalf, there is established (i) the School Resource Officer Grants Program, to be administered by the Board, in consultation with the Board of Education, and (ii) a special nonreverting fund within the state treasury known as the School Resource Officer Incentive Grants Fund, hereinafter known as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

Subject to the authority of the Board to provide for its disbursement, the Fund shall be disbursed to award matching grants to local law-enforcement agencies and local school boards that have established a collaborative agreement in accordance with § 22.1-280.2:3 to employ uniformed school resource officers, as defined in § 9.1-101, *in addition to the school resource officers employed in such schools in accordance with subsection S of § 22.1-253.13:2*; school security officers, as defined in § 9.1-101; and other relevant school safety personnel within the relevant school division or law-enforcement agency as determined by the Department. Grants may be awarded for the expenses related to the equipment necessary for such uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department, provided, however, that such grants shall not be used for any expense related to the purchase of firearms, handcuffs or other wrist restraints, or any stun weapon as defined in § 18.2-308.1.

The Board may disburse annually up to five percent of the Fund for the training of the school resource officers. School resource officers shall be certified law-enforcement officers and shall be employed to help ensure safety and prevent truancy and violence in schools.

B. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of a grant and the required local match. Any grant of general funds shall be matched by the locality on the basis of the composite index of local ability to pay. The Board may adopt guidelines governing the Program and the employment and duties of the school resource officers as it deems necessary and appropriate.

§ 9.1-184. Virginia Center for School and Campus Safety created; duties.

A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the Center) is hereby established within the Department. The Center shall:

1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification of students who may be at risk for violent behavior and in need of special services or assistance;

2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns, such as conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and technology, current state and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding school safety and individual rights;

3. Maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation;

4. Develop a case management tool for the collection and reporting of data by threat assessment teams pursuant to § 22.1-79.4;

58 5. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit
 59 information submitted to it pursuant to § 22.1-279.8, collected by the Department and, in conjunction with
 60 the Department of Education, information relating to the activities of school resource officers submitted
 61 pursuant to § 22.1-279.10;

62 6. Encourage the development of partnerships between the public and private sectors to promote school
 63 safety in Virginia;

64 7. Provide technical assistance to Virginia school divisions in the development and implementation of
 65 initiatives promoting school safety, including threat assessment-based protocols with such funds as may be
 66 available for such purpose;

67 8. Develop a memorandum of understanding between the Director of the Department of Criminal Justice
 68 Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and
 69 responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

70 9. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent
 71 with § 9.1-110;

72 10. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health
 73 and Developmental Services, and the Department of Education, a model critical incident response training
 74 program for public school personnel and others providing services to schools that shall also be made
 75 available to private schools in the Commonwealth;

76 11. In consultation with the Department of Education, provide schools with a model policy for the
 77 establishment of threat assessment teams, including procedures for the assessment of and intervention with
 78 students whose behavior poses a threat to the safety of school staff or students;

79 12. Develop a model memorandum of understanding setting forth the respective roles and responsibilities
 80 of local school boards and local law-enforcement agencies regarding the use of school resource officers. Such
 81 model memorandum of understanding may be used by local school boards and local law-enforcement
 82 agencies to satisfy the requirements of ~~subsection A of § 22.1-280.2:3~~; and

83 13. Designate an employee of the Center as the school personnel safety official for the Commonwealth
 84 whose duty is to compile, maintain, and make publicly available a list of each division safety official
 85 designated and the contact information for such individual included in each collated packet of school safety
 86 audits received pursuant to subsection B of § 22.1-279.8. Such school personnel safety official for the
 87 Commonwealth shall at least annually confirm with each division superintendent that such contact
 88 information is up to date and accurate.

89 B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center
 90 in the performance of its duties and responsibilities.

91 **§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

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

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

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

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

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

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

118 E. In addition to the positions supported by basic aid and in support of regular school year programs of

119 prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided
 120 to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12
 121 who are identified as needing prevention, intervention, and remediation services. State funding for
 122 prevention, intervention, and remediation programs provided pursuant to this subsection and the
 123 appropriation act may be used to support programs for educationally at-risk students as identified by the local
 124 school boards.

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

129 F. In addition to the positions supported by basic aid and those in support of regular school year programs
 130 of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be
 131 provided to support ratios of instructional positions to English language learner students, based on each such
 132 student's English proficiency level, as established in the general appropriation act, which positions may
 133 include dual language teachers who provide instruction in English and in a second language.

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

141 G. In addition to the full-time equivalent positions required elsewhere in this section, each local school
 142 board shall employ one reading specialist for each 550 students in kindergarten through grade five and one
 143 reading specialist for each 1,100 students in grades six through eight. Each such reading specialist shall have
 144 training in science-based reading research and evidence-based literacy instruction practices. In addition, each
 145 such reading specialist shall have training in the identification of and the appropriate interventions,
 146 accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as
 147 an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the
 148 definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills
 149 with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic
 150 foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading
 151 instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for
 152 students with dyslexia.

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

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

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

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

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

176 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through
 177 12.

178 However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i)
 179 may employ, under a provisional license issued by the Department for three school years with an allowance

180 for an additional two-year extension with the approval of the division superintendent, any professional
181 counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work,
182 psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate
183 experience and training, provided that any such individual makes progress toward completing the
184 requirements for full licensure as a school counselor during such period of employment or (ii) in the event
185 that the school board does not receive any application from a licensed school counselor, professional
186 counselor, clinical social worker, or psychologist or another licensed counseling professional with
187 appropriate experience and training to fill a school counselor vacancy in the school division, may enter into
188 an annual contract with another entity for the provision of school counseling services by a licensed
189 professional counselor, clinical social worker, or psychologist or another licensed counseling professional
190 with appropriate experience and training. Local school boards that employ a sufficient number of individuals
191 to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within
192 the division according to the area of greatest need, regardless of whether such schools are elementary, middle,
193 or high schools.

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

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

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

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

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

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

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

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

239 In order to fill vacant school psychologist positions, any local school board may employ, under a
240 provisional license issued by the Department for three school years with an allowance for an additional two-

241 year extension with the approval of the division superintendent, clinical psychologists licensed by the Board
242 of Psychology, provided that any such individual makes progress toward completing the requirements for full
243 licensure as a school psychologist during such period of employment.

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

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

248 1. Executive policy and leadership positions, including school board members, superintendents and
249 assistant superintendents;

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

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

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

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

258 6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and
259 maintenance professional and service positions; and security service, trade, and laborer positions;

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

262 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300
263 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600
264 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high
265 schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-
266 time for the library at 750 students. Local school divisions that employ a sufficient number of school-based
267 clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the
268 division according to the area of greatest need, regardless of whether such schools are elementary, middle, or
269 secondary.

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

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

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

276 R. Each local school board shall designate a faculty member to serve as a special education parent/family
277 liaison. The special education parent/family liaison shall serve as a resource to parents and families to
278 understand and engage in (i) the referral, evaluation, reevaluation, and eligibility process if they suspect that
279 their child has a disability and (ii) the IEP process and shall work in collaboration with the special education
280 family support centers established pursuant to § 22.1-214.5. Each school board shall post the name of the
281 designated special education parent/family liaison publicly on its website.

282 *S. Each school board shall enter into a collaborative agreement with the local law-enforcement agency to*
283 *employ at least one school resource officer, as defined in § 9.1-101, in each public elementary and secondary*
284 *school in the local school division. No school board shall be granted any full or partial waiver from the*
285 *staffing requirements set forth in this subsection.*

286 **§ 22.1-280.2:3. School boards; safety and security personnel.**

287 ~~A. The Each school board in each school division in which the local law-enforcement agency employs~~
288 ~~school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such~~
289 ~~the local law-enforcement agency that sets forth the powers and duties of such school resource officers, as~~
290 ~~defined in § 9.1-101. The provisions of such memorandum of understanding shall be based on the model~~
291 ~~memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to~~
292 ~~subdivision A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular~~
293 ~~needs. Each such school board and local law-enforcement agency shall review and amend or affirm such~~
294 ~~memorandum at least once every two years or at any time upon the request of either party. Each school board~~
295 ~~shall ensure the current division memorandum of understanding is conspicuously published on the division~~
296 ~~website and provide notice and opportunity for public input during each memorandum of understanding~~
297 ~~review period.~~

298 ~~B. The chief local law-enforcement officer for any local school division in which a public elementary or~~
299 ~~secondary school does not employ a school resource officer, as defined in § 9.1-101, shall designate a~~
300 ~~law-enforcement officer to receive, either in-person or online, the training set forth in subsection E of §~~
301 ~~22.1-279.8. Such officer shall serve as the law-enforcement liaison for the school administrator described in~~

302 subsection E of § ~~22.1-279.8~~ in each public elementary or secondary school that does not employ a school
303 resource officer.
304 **2. That the provisions of this act shall become effective beginning with the fiscal year in which funding**
305 **has been provided pursuant to the general appropriation act to fully fund the requirement set forth in**
306 **subsection S of § 22.1-253.13:2 of the Code of Virginia, as amended by this act.**