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SENATE BILL NO. 1437

Offered January 17, 2025

A BILL to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to Standards of Quality; class size limits; exception for certain fine and performing arts classes.

Patron—Durant

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

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

§ 22.1-253.13:2. 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, except for any fine or performing arts class offered in grade six, 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 the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

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

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

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

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

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

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

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited

59 English proficiency students. Using these funds in this manner is intended to supplement the instructional
60 services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation
61 funds in this manner shall employ only instructional personnel licensed by the Board.

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

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

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

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

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

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

97 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through
98 12.

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

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

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

120 To provide flexibility, school divisions may use the state and local funds for instructional technology

121 resource teachers to employ a data coordinator position, an instructional technology resource teacher position,
 122 or a data coordinator/instructional resource teacher blended position. The data coordinator position is
 123 intended to serve as a resource to principals and classroom teachers in the area of data analysis and
 124 interpretation for instructional and school improvement purposes, as well as for overall data management and
 125 administration of state assessments. School divisions using these funds in this manner shall employ only
 126 instructional personnel licensed by the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

181 7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel

182 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 at 300
184 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600
185 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high
186 schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-
187 time for the library at 750 students. Local school divisions that employ a sufficient number of school-based
188 clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the
189 division according to the area of greatest need, regardless of whether such schools are elementary, middle, or
190 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 instructional
193 services.

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

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