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SENATE BILL NO. 1437

AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Education and Health
 on January 28, 2025)

(Patron Prior to Substitute—Senator Durant)

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 ensemble music classes.*

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 being larger than 35 students, *except for any ensemble music class offered in grade six for which no class shall be larger than 45 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 English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation

60 funds in this manner shall employ only instructional personnel licensed by the Board.

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

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

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

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

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

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

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

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

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

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

119 To provide flexibility, school divisions may use the state and local funds for instructional technology
120 resource teachers to employ a data coordinator position, an instructional technology resource teacher position,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

182 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300

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

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

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

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

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