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1 SENATE BILL NO. 90

2 Offered January 14, 2026

3 Prefiled December 31, 2025

4 A BILL to amend and reenact §§ 22.1-199.1, 22.1-253.13:2, as it is currently effective and as it shall become
5 effective, and 51.1-617 of the Code of Virginia, relating to public schools; Standards of Quality; certain
6 calculations; At-Risk Program established.

7 Patron—Favola

8 Referred to Committee on Education and Health

9 Be it enacted by the General Assembly of Virginia:

10 1. That §§ 22.1-199.1, 22.1-253.13:2, as it is currently effective and as it shall become effective, and
11 51.1-617 of the Code of Virginia are amended and reenacted as follows:

12 § 22.1-199.1. Programs designed to promote educational opportunities.

13 A. The General Assembly finds that Virginia educational research supports the conclusion that poor
14 children are more at risk of educational failure than children from more affluent homes and that reduced
15 pupil/teacher ratios and class sizes result in improved academic performance among young children; to this
16 end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for
17 grades K through three in those schools in the Commonwealth with high or moderate concentrations of at-
18 risk students.19 With such funds as are provided in the appropriation act for this purpose, there is hereby established the
20 statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-
21 term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through three in
22 schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in
23 the appropriation act.24 In order to facilitate these primary grade ratio and class size reductions, the Department shall calculate the
25 state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the
26 lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual
27 division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size
28 reductions based on the composite index of local ability to pay. School divisions shall notify the Department
29 of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by
30 August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each
31 participating school has a complying pupil/teacher ratio.32 In developing each proposed biennium budget for public education, the Board shall include funding for
33 these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public
34 education.35 B. The General Assembly finds that educational technology is one of the most important components,
36 along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the
37 Commonwealth. Therefore, the Board shall strive to incorporate technological studies within the teaching of
38 all disciplines. Further, the General Assembly notes that educational technology can only be successful if
39 teachers and administrators are provided adequate training and assistance. To this end, the following program
40 is established.41 With such funds as are appropriated for this purpose, the Board shall award to the several school divisions
42 grants for expanded access to educational technology. Funding for educational technology training for
43 instructional personnel shall be provided as set forth in the appropriation act.44 Funds for improving the quality and capacity of educational technology shall also be provided as set forth
45 in the appropriation act, including (i) funds for providing a technology resource assistant to serve every
46 elementary school in this Commonwealth and (ii) funds to maintain the currency of career and technical
47 education programs. Any local school board accepting funds to hire technology resource assistants or
48 maintain currency of career and technical education programs shall commit to providing the required
49 matching funds, based on the composite index of local ability to pay.50 Each qualifying school board shall establish an individualized technology plan, which shall be approved
51 by the Superintendent, for integrating technology into the classroom and into schoolwide instructional
52 programs, including career and technical education programs. The first priority for funding shall be consistent
53 with those components of the Board's revised six-year technology plan that focus on (i) retrofitting and
54 upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-
55 ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready
56 microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards
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59 of Learning, and (d) training and professional development on available technologies and software to all
60 levels and positions, including professional development for personnel delivering career and technical
61 education at all levels and positions; and (iii) assisting school divisions in developing integrated voice-,
62 video-, and data-connectivity to local, national and international resources.

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

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

69 A technology replacement program shall be, with such funds as may be appropriated for this purpose,
70 implemented to replace obsolete educational hardware and software. As provided in subsection D of
71 § 22.1-129, school boards may donate obsolete educational technology hardware and software that are being
72 replaced. Any such donations shall be offered to other school divisions and to preschool programs in the
73 Commonwealth or to public school students as provided in guidelines to be promulgated by the Board. Such
74 guidelines shall include criteria for determining student eligibility and need, a reporting system for the
75 compilation of information concerning the number and socioeconomic characteristics of recipient students,
76 and notification of parents of the availability of such donations of obsolete educational hardware and
77 software.

78 C. The General Assembly finds that local autonomy in making decisions on local educational needs and
79 priorities results in effective grassroots efforts to improve education in the Commonwealth's public schools
80 only when coupled with sufficient state funding; to this end, the following block grant program is hereby
81 established. With such funds as are provided in the appropriation act, the Department shall distribute block
82 grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect
83 on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall
84 consist of a sum equal to the amount appropriated in the appropriation act for the covered programs,
85 including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery;
86 English as a second language programs, including programs for overage, nonschooled students;
87 Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated
88 under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any
89 expenses of participating students at institutions of higher education; and school/community health centers.
90 Each school board may use any funds received through the block grant to implement the covered programs
91 and other programs designed to save the Commonwealth's children from educational failure.

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

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

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

111 For purposes of this subsection, "middle school teacher corps" means licensed instructional personnel who
112 are assigned to a local school division to teach in a subject matter in grades six, seven, or eight where there is
113 a critical need, as determined by the Department. The contract between such persons and the relevant local
114 school board shall specify that the contract is for service in the middle school teacher corps.

115 **§ 22.1-253.13:2. (Effective until July 1, 2026) Standard 2. Instructional, administrative, and support
116 personnel.**

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

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

120 C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide

121 ratios of students in average daily membership to full-time equivalent teaching positions, excluding special
 122 education teachers, principals, assistant principals, school counselors or certain other licensed individuals as
 123 set forth in subdivision H 4, and librarians, that are not greater than the following ratios: (i) 24 to one in
 124 kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten
 125 class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one,
 126 two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no
 127 class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After
 128 September 30 of any school year, anytime the number of students in a class exceeds the class size limit
 129 established by this subsection, the local school division shall notify the parent of each student in such class of
 130 such fact no later than 10 days after the date on which the class exceeded the class size limit. Such
 131 notification shall state the reason that the class size exceeds the class size limit and describe the measures that
 132 the local school division will take to reduce the class size to comply with this subsection.

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

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

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

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

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

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

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

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

178 To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ
 179 reading specialists to provide the required reading intervention services. School divisions using the Early
 180 Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the
 181 Board. Local school divisions that employ a sufficient number of reading specialists to meet this staffing
 182 standard may assign reading specialists to grade levels according to grade levels with greatest need,

183 regardless of the individual staffing standards established for grades kindergarten through five and six
184 through eight.

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

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

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

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

201 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through
202 12.

203 However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i)
204 may employ, under a provisional license issued by the Department for three school years with an allowance
205 for an additional two-year extension with the approval of the division superintendent, any professional
206 counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work,
207 psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate
208 experience and training, provided that any such individual makes progress toward completing the
209 requirements for full licensure as a school counselor during such period of employment or (ii) in the event
210 that the school board does not receive any application from a licensed school counselor, professional
211 counselor, clinical social worker, or psychologist or another licensed counseling professional with
212 appropriate experience and training to fill a school counselor vacancy in the school division, may enter into
213 an annual contract with another entity for the provision of school counseling services by a licensed
214 professional counselor, clinical social worker, or psychologist or another licensed counseling professional
215 with appropriate experience and training. Local school boards that employ a sufficient number of individuals
216 to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within
217 the division according to the area of greatest need, regardless of whether such schools are elementary, middle,
218 or high schools.

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

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

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

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

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

240 M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual
241 pupil/teacher ratios in elementary school classrooms in the local school division by school for the current
242 school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school
243 division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who

244 teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report
 245 pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the
 246 voluntary kindergarten through third grade class size reduction program shall be identified as such classes.
 247 Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools
 248 shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher
 249 and pupil identities.

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

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

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

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

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

273 1. Executive policy and leadership positions, including school board members, superintendents and
 274 assistant superintendents;

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

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

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

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

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

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

287 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300
 288 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600
 289 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high
 290 schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-
 291 time for the library at 750 students. Local school divisions that employ a sufficient number of school-based
 292 clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the
 293 division according to the area of greatest need, regardless of whether such schools are elementary, middle, or
 294 secondary.

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

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

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

301 R. Each local school board shall designate a faculty member to serve as a special education parent/family
 302 liaison. The special education parent/family liaison shall serve as a resource to parents and families to
 303 understand and engage in (i) the referral, evaluation, reevaluation, and eligibility process if they suspect that
 304 their child has a disability and (ii) the IEP process and shall work in collaboration with the special education
 305 family support centers established pursuant to § 22.1-214.5. Each school board shall post the name of the

306 designated special education parent/family liaison publicly on its website.

307 *S. There is hereby established the At-Risk Program for the purpose of supporting programs and services*
308 *for students who are educationally at-risk, including prevention, intervention, or remediation activities*
309 *required pursuant to § 22.1-253.13:1; teacher recruitment programs and incentives; dropout prevention;*
310 *community and school-based truancy officer programs; Advancement Via Individual Determination (AVID);*
311 *Project Discovery; programs for English language learners; the hiring of additional school counselors,*
312 *testing coordinators, and licensed behavioral analysts; and programs relating to increasing the success of*
313 *disadvantaged students in completing a high school degree and providing opportunities to encourage further*
314 *education and training for such students. A portion of the state funding provided for the At-Risk Program*
315 *shall be allocated to school divisions on a flat per pupil percentage rate set out in the general appropriation*
316 *act and a portion of such funding shall be allocated to school divisions on a variable rate set out in the*
317 *general appropriation act based on the concentration of poverty in the school division. Each school division*
318 *that receives funds under this subsection shall (i) annually report to the Department on the planned and*
319 *actual uses of such funds and (ii) ensure that no less than 75 percent of the funds received are allocated at*
320 *the school level to schools in proportion to the number of at-risk students enrolled at such schools and are*
321 *used to expand or enhance existing programs and services, rather than to replace existing local expenditures.*
322 *The Department shall compile and publish on its website an annual summary of the reports received from*
323 *each school division on the use of such funds. The Department may, following notice and an opportunity for*
324 *corrective action, withhold, recover, or redirect funds provided under this subsection from any school*
325 *division found to be in noncompliance with the requirements set forth in clauses (i) and (ii), as determined by*
326 *the Department.*

327 *T. For the purpose of better meeting the educational needs of students with disabilities, state-funded,*
328 *flexible add-ons shall be applied for each special education student. These add-ons shall be calculated by*
329 *multiplying the relevant weight for Service Level I and Service Level II special education students established*
330 *in the general appropriation act by the relevant basic aid per pupil amount for each Service Level I and*
331 *Service Level II special education student in each school division. Local funding obligations for such add-ons*
332 *shall be determined by the composite index of local ability-to-pay. Each school division that receives funds*
333 *under this subsection shall (i) annually report to the Department on the planned and actual uses of such*
334 *funds and (ii) ensure that no less than 75 percent of the funds received are allocated at the school level to*
335 *provide new or expanded special education instructional positions, services, or supports and are not used to*
336 *supplant existing local expenditures for students with disabilities. The Department shall compile and publish*
337 *on its website an annual summary of the reports received from each school division on the use of such funds.*
338 *The Department may, following notice and an opportunity for corrective action, withhold, recover, or*
339 *redirect state funds provided under this subsection from any school division found to be in noncompliance*
340 *with the requirements set forth in clauses (i) and (ii), as determined by the Department.*

341 *U. For the purpose of better meeting the educational needs of English language learner students, state-*
342 *funded, flexible add-ons shall be applied for each English language learner student. These add-ons shall be*
343 *calculated as a percentage rate set out in the general appropriation act multiplied by the relevant school*
344 *division's per pupil basic aid for each English language learner student. This add-on shall be provided in*
345 *addition to, rather than in place of, existing funding for instructors, programming, curricular materials, or*
346 *academic support for English language learner students. Local funding obligations for such add-ons shall be*
347 *determined by the composite index of local ability-to-pay. Each school division that receives funds under this*
348 *subsection shall (i) annually report to the Department on the planned and actual uses of such funds and (ii)*
349 *ensure that no less than 75 percent of the funds received are allocated at the school level in proportion to the*
350 *number of English language learner students enrolled and are used to expand services, staff, or materials for*
351 *English language learner students, rather than replace existing local expenditures. The Department shall*
352 *compile and publish on its website an annual summary of the reports received from each school division on*
353 *the use of such funds. The Department may, following notice and an opportunity for corrective action,*
354 *withhold, recover, or redirect state funds provided under this subsection from any school division found to be*
355 *in noncompliance with the requirements set forth in clauses (i) and (ii), as determined by the Department.*
356 *Each school division shall also, as a condition of receiving funds under this subsection, certify that positions*
357 *and instructional personnel funded through existing state funds allocated for English language learner*
358 *teachers are assigned solely to serve English language learner students and are not designated as general*
359 *education or special education teachers of record or otherwise assigned primary instructional duties for non-*
360 *English language learner students. The Department may verify each school division's certification and*
361 *require that divisions demonstrate compliance with such requirement as a part of the annual reporting*
362 *required pursuant to clause (i).*

363 **§ 22.1-253.13:2. (Effective July 1, 2026) Standard 2. Instructional, administrative, and support**
364 **personnel.**

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

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

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

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

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

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

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

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

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

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

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

426 To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ
 427 reading specialists to provide the required reading intervention services. School divisions using the Early
 428 Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the
 429 Board. Local school divisions that employ a sufficient number of reading specialists to meet this staffing

430 standard may assign reading specialists to grade levels according to grade levels with greatest need,
431 regardless of the individual staffing standards established for grades kindergarten through five and six
432 through eight.

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

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

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

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

449 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through
450 12.

451 However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i)
452 may employ, under a provisional license issued by the Department for three school years with an allowance
453 for an additional two-year extension with the approval of the division superintendent, any professional
454 counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work,
455 psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate
456 experience and training, provided that any such individual makes progress toward completing the
457 requirements for full licensure as a school counselor during such period of employment or (ii) in the event
458 that the school board does not receive any application from a licensed school counselor, professional
459 counselor, clinical social worker, or psychologist or another licensed counseling professional with
460 appropriate experience and training to fill a school counselor vacancy in the school division, may enter into
461 an annual contract with another entity for the provision of school counseling services by a licensed
462 professional counselor, clinical social worker, or psychologist or another licensed counseling professional
463 with appropriate experience and training. Local school boards that employ a sufficient number of individuals
464 to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within
465 the division according to the area of greatest need, regardless of whether such schools are elementary, middle,
466 or high schools.

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

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

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

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

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

488 M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual
489 pupil/teacher ratios in elementary school classrooms in the local school division by school for the current
490 school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school

491 division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who
 492 teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report
 493 pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the
 494 voluntary kindergarten through third grade class size reduction program shall be identified as such classes.
 495 Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools
 496 shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher
 497 and pupil identities.

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

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

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

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

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

521 1. Executive policy and leadership positions, including school board members, superintendents and
 522 assistant superintendents;

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

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

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

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

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

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

535 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300
 536 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600
 537 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high
 538 schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-
 539 time for the library at 750 students. Local school divisions that employ a sufficient number of school-based
 540 clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the
 541 division according to the area of greatest need, regardless of whether such schools are elementary, middle, or
 542 secondary.

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

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

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

549 R. Each local school board shall designate a faculty member to serve as a special education parent/family
 550 liaison. The special education parent/family liaison shall serve as a resource to parents and families to
 551 understand and engage in (i) the referral, evaluation, reevaluation, and eligibility process if they suspect that
 552 their child has a disability and (ii) the IEP process and shall work in collaboration with the special education

553 family support centers established pursuant to § 22.1-214.5. Each school board shall post the name of the
554 designated special education parent/family liaison publicly on its website.

555 S. Each local school board shall designate a faculty member to serve as the high-quality instructional
556 materials liaison. Such liaison shall receive support from the Department to serve as a resource for the
557 division and its schools to select and implement textbooks and other high-quality instructional materials and
558 aligned professional learning resources.

559 *T. There is hereby established the At-Risk Program for the purpose of supporting programs and services*
560 *for students who are educationally at-risk, including prevention, intervention, or remediation activities*
561 *required pursuant to § 22.1-253.13:1; teacher recruitment programs and incentives; Dropout Prevention;*
562 *community and school-based truancy officer programs; Advancement Via Individual Determination (AVID);*
563 *Project Discovery; programs for English language learners; the hiring of additional school counselors,*
564 *testing coordinators, and licensed behavioral analysts; and programs relating to increasing the success of*
565 *disadvantaged students in completing a high school degree and providing opportunities to encourage further*
566 *education and training for such students. A portion of the state funding provided for the At-Risk Program*
567 *shall be allocated to school divisions on a flat per pupil percentage rate set out in the general appropriation*
568 *act and a portion of such funding shall be allocated to school divisions on a variable rate set out in the*
569 *general appropriation act based on the concentration of poverty in the school division. Each school division*
570 *that receives funds under this subsection shall (i) annually report to the Department on the planned and*
571 *actual uses of such funds and (ii) ensure that no less than 75 percent of the funds received are allocated at*
572 *the school level to schools in proportion to the number of at-risk students enrolled at such schools and are*
573 *used to expand or enhance existing programs and services, rather than to replace existing local expenditures.*
574 *The Department shall compile and publish on its website an annual summary of the reports received from*
575 *each school division on the use of such funds. The Department may, following notice and an opportunity for*
576 *corrective action, withhold, recover, or redirect funds provided under this subsection from any school*
577 *division found to be in noncompliance with the requirements set forth in clauses (i) and (ii), as determined by*
578 *the Department.*

579 *U. For the purpose of better meeting the educational needs of students with disabilities, state-funded,*
580 *flexible add-ons shall be applied for each special education student. These add-ons shall be calculated by*
581 *multiplying the relevant weight for Service Level I and Service Level II special education students established*
582 *in the general appropriation act by the relevant basic aid per pupil amount for each Service Level I and*
583 *Service Level II special education student in each school division. Local funding obligations for such add-ons*
584 *shall be determined by the composite index of local ability-to-pay. Each school division that receives funds*
585 *under this subsection shall (i) annually report to the Department on the planned and actual uses of such*
586 *funds and (ii) ensure that no less than 75 percent of the funds received are allocated at the school level to*
587 *provide new or expanded special education instructional positions, services, or supports and are not used to*
588 *supplant existing local expenditures for students with disabilities. The Department shall compile and publish*
589 *on its website an annual summary of the reports received from each school division on the use of such funds.*
590 *The Department may, following notice and an opportunity for corrective action, withhold, recover, or*
591 *redirect state funds provided under this subsection from any school division found to be in noncompliance*
592 *with the requirements set forth in clauses (i) and (ii), as determined by the Department.*

593 *V. For the purpose of better meeting the educational needs of English language learner students, state-*
594 *funded, flexible add-ons shall be applied for each English language learner student. These add-ons shall be*
595 *calculated as a percentage rate set out in the general appropriation act multiplied by the relevant school*
596 *division's per pupil basic aid for each English language learner student. This add-on shall be provided in*
597 *addition to, rather than in place of, existing funding for instructors, programming, curricular materials, or*
598 *academic support for English language learner students. Local funding obligations for such add-ons shall be*
599 *determined by the composite index of local ability-to-pay. Each school division that receives funds under this*
600 *subsection shall (i) annually report to the Department on the planned and actual uses of such funds and (ii)*
601 *ensure that no less than 75 percent of the funds received are allocated at the school level in proportion to the*
602 *number of English language learner students enrolled and are used to expand services, staff, or materials for*
603 *English language learner students, rather than replace existing local expenditures. The Department shall*
604 *compile and publish on its website an annual summary of the reports received from each school division on*
605 *the use of such funds. The Department may, following notice and an opportunity for corrective action,*
606 *withhold, recover, or redirect state funds provided under this subsection from any school division found to be*
607 *in noncompliance with the requirements set forth in clauses (i) and (ii), as determined by the Department.*
608 *Each school division shall also, as a condition of receiving funds under this subsection, certify that positions*
609 *and instructional personnel funded through existing state funds allocated for English language learner*
610 *teachers are assigned solely to serve English language learner students and are not designated as general*
611 *education or special education teachers of record or otherwise assigned primary instructional duties for non-*
612 *English language learner students. The Department may verify each school division's certification and*
613 *require that divisions demonstrate compliance with such requirement as a part of the annual reporting*
614 *required pursuant to clause (i).*

§ 51.1-617. Definitions.

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

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

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

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

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

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