

## 1 SENATE BILL NO. 90

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on Education and Health

4 on January 29, 2026)

5 (Patron Prior to Substitute—Senator Favola)

6 *A BILL to amend and reenact §§ 22.1-199.1, 22.1-253.13:2, as it shall become effective, and 51.1-617 of the*  
7 *Code of Virginia, relating to public schools; Standards of Quality; certain calculations; At-Risk Program*  
8 *established.*9 **Be it enacted by the General Assembly of Virginia:**10 **1. That §§ 22.1-199.1, 22.1-253.13:2, as it shall become effective, and 51.1-617 of the Code of Virginia**  
11 **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  
57 of Learning, and (d) training and professional development on available technologies and software to all  
58 levels and positions, including professional development for personnel delivering career and technical  
59 education at all levels and positions; and (iii) assisting school divisions in developing integrated voice-,

60 video-, and data-connectivity to local, national and international resources.

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

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

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

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

90 ~~D. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as may be~~

91 appropriated for this purpose, each school board may employ additional classroom teachers, remedial  
92 teachers, and reading specialists for each of its elementary schools over the requirements of the Standards of  
93 Quality. State and local funding for such additional classroom teachers, remedial teachers, and reading  
94 specialists shall be apportioned as provided in the appropriation act.

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

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

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

113 **§ 22.1-253.13:2. (Effective July 1, 2026) Standard 2. Instructional, administrative, and support  
114 personnel.**

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

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

118 C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide  
119 ratios of students in average daily membership to full-time equivalent teaching positions, excluding special  
120 education teachers, principals, assistant principals, school counselors or certain other licensed individuals as

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

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

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

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

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

148 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may  
149 employ mathematics teacher specialists to provide the required algebra readiness intervention services.

150 School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall  
151 only employ instructional personnel licensed by the Board.

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

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

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

176 To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ  
177 reading specialists to provide the required reading intervention services. School divisions using the Early  
178 Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the

179 Board. Local school divisions that employ a sufficient number of reading specialists to meet this staffing  
180 standard may assign reading specialists to grade levels according to grade levels with greatest need,  
181 regardless of the individual staffing standards established for grades kindergarten through five and six  
182 through eight.

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

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

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

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

199 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through  
200 12.

201 However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i)  
202 may employ, under a provisional license issued by the Department for three school years with an allowance  
203 for an additional two-year extension with the approval of the division superintendent, any professional  
204 counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work,  
205 psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate  
206 experience and training, provided that any such individual makes progress toward completing the  
207 requirements for full licensure as a school counselor during such period of employment or (ii) in the event

208 that the school board does not receive any application from a licensed school counselor, professional  
209 counselor, clinical social worker, or psychologist or another licensed counseling professional with  
210 appropriate experience and training to fill a school counselor vacancy in the school division, may enter into  
211 an annual contract with another entity for the provision of school counseling services by a licensed  
212 professional counselor, clinical social worker, or psychologist or another licensed counseling professional  
213 with appropriate experience and training. Local school boards that employ a sufficient number of individuals  
214 to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within  
215 the division according to the area of greatest need, regardless of whether such schools are elementary, middle,  
216 or high schools.

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

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

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

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

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

237 staffing levels.

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

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

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

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

266 licensure as a school psychologist during such period of employment.

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

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

271 1. Executive policy and leadership positions, including school board members, superintendents and  
272 assistant superintendents;

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

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

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

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

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

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

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

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

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

295 services.

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

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

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

309 *T. There is hereby established the At-Risk Program for the purpose of supporting programs and services  
310 for students who are educationally at-risk, including prevention, intervention, or remediation activities  
311 required pursuant to § 22.1-253.13:1; teacher recruitment programs and incentives; dropout prevention;  
312 community and school-based truancy officer programs; Advancement Via Individual Determination (AVID);  
313 Project Discovery; programs for English language learners; the hiring of additional school counselors,  
314 testing coordinators, and licensed behavioral analysts; and programs relating to increasing the success of  
315 disadvantaged students in completing a high school diploma and providing opportunities to encourage  
316 further education and training for such students. A portion of the state funding provided for the At-Risk  
317 Program shall be allocated to school divisions on a flat per pupil percentage rate set out in the general  
318 appropriation act and a portion of such funding shall be allocated to school divisions on a variable rate set  
319 out in the general appropriation act based on the concentration of poverty in the school division. Each school  
320 division that receives funds under this subsection shall:*

321 *1. Demonstrate, in accordance with the requirements of the Department, compliance with the  
322 requirements of this subsection and the local maintenance of effort requirements as established by the  
323 Department relating to such school division's local appropriation for the At-Risk add-on pursuant to this  
324 subsection for the current fiscal year. If the Department determines, after making any allocation under this  
325 subsection, that a school division was not in compliance with the provisions of this subdivision for such fiscal*

326 year, the Department shall, following notice and an opportunity for corrective action, recover from such  
327 school division any amounts paid under this subsection for such fiscal year, including by offsetting future  
328 state payments otherwise payable to the school division. The Department may establish such policies and  
329 procedures and require such documentation as it deems necessary to ensure compliance with the provisions  
330 of this subdivision, including procedures providing for a waiver of any local maintenance of effort  
331 requirements for a period of one fiscal year to a school division upon (i) a written request from such school  
332 division supported by such documentation as required by the Department and (ii) a written determination by  
333 the Superintendent that the school division is unable to comply due to extraordinary fiscal circumstances;  
334 and

335 2. Annually report to the Department on the uses of such funds for the immediately preceding fiscal year,  
336 pursuant to the requirements developed by the Department. The Department shall compile and publish on its  
337 website an annual summary of the reports received from each school division on the use of such funds.

338 U. For the purpose of better meeting the educational needs of students with disabilities, state-funded,  
339 flexible add-ons shall be applied for each special education student. These add-ons shall be calculated by  
340 multiplying the relevant student weight of basic aid per pupil funding established in the general  
341 appropriation act, as adjusted by the Department during the biennial process of re-benchmarking the direct  
342 aid to the public education budget, by the relevant basic aid per pupil amount for each Service Level I and  
343 Service Level II special education student in each school division. Local funding obligations for such add-ons  
344 shall be determined by the composite index of local ability-to-pay. Each school division that receives funds  
345 pursuant to this subsection shall:

346 1. Demonstrate, in accordance with the requirements of the Department, compliance with the  
347 requirements of this subsection and the local maintenance of effort requirements as established by the  
348 Department relating to such school division's local appropriation for this add-on for the current fiscal year.  
349 If the Department determines, after making any allocation under this subsection, that a school division was  
350 not in compliance with the provisions of this subdivision for such fiscal year, the Department shall, following  
351 notice and an opportunity for corrective action, recover from such school division any amounts paid under  
352 this subsection for such fiscal year, including by offsetting future state payments otherwise payable to the  
353 school division. The Department may establish such policies and procedures and require such documentation  
354 as it deems necessary to ensure compliance with the provisions of this subdivision, including procedures  
355 providing for a waiver of any local maintenance of effort requirements for a period of one fiscal year to a  
356 school division upon (i) a written request from such school division supported by such documentation as

357 required by the Department and (ii) a written determination by the Superintendent that the school division is  
358 unable to comply due to extraordinary fiscal circumstances; and

359 2. Annually report to the Department on the uses of such funds for the immediately preceding fiscal year,  
360 pursuant to the requirements established by the Department. The Department shall compile and publish on  
361 its website an annual summary of the reports received from each school division on the use of such funds.

362 V. For the purpose of better meeting the educational needs of English language learner students, state-  
363 funded, flexible add-ons shall be applied for each English language learner student. These add-ons shall be  
364 calculated as a percentage rate set out in the general appropriation act multiplied by the relevant school  
365 division's per pupil basic aid for each English language learner student. Local funding obligations for such  
366 add-ons shall be determined by the composite index of local ability-to-pay. Each school division that receives  
367 funds pursuant to this subsection shall:

368 1. Demonstrate, in accordance with the requirements of the Department, compliance with the  
369 requirements of this subsection and the local maintenance of effort requirements as established by the  
370 Department relating to such school division's local appropriation for this add-on for the current fiscal year.  
371 If the Department determines, after making any allocation under this subsection, that a school division was  
372 not in compliance with the provisions of this subdivision for such fiscal year, the Department shall, following  
373 notice and an opportunity for corrective action, recover from such school division any amounts paid under  
374 this subsection for such fiscal year, including by offsetting future state payments otherwise payable to the  
375 school division. The Department may establish such policies and procedures and require such documentation  
376 as it deems necessary to ensure compliance with the provisions of this subdivision, including procedures  
377 providing for a waiver of any local maintenance of effort requirements for a period of one fiscal year to a  
378 school division upon (i) a written request from such school division supported by such documentation as  
379 required by the Department and (ii) a written determination by the Superintendent that the school division is  
380 unable to comply due to extraordinary fiscal circumstances; and

381 2. Annually report to the Department on the uses of such funds for the immediately preceding fiscal year,  
382 pursuant to the requirements established by the Department. The Department shall compile and publish on  
383 its website an annual summary of the reports received from each school division on the use of such funds.

384 **§ 51.1-617. Definitions.**

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

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

387 "Eligible employee" means any turnaround specialist or member of the middle school teacher corps

388 providing services for a participating public school division pursuant to subsections *D and E and F* of  
389 § 22.1-199.1.

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

392 "Plan" means the defined contribution plan established pursuant to this chapter and the provisions of §  
393 401(a) of the Internal Revenue Code of 1986, as amended.

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

395 **2. That the provisions of the first enactment of this act shall become effective on July 1, 2027.**

396 **3. That the Department of Education shall, by no later than January 1, 2027, establish local**  
397 **maintenance of effort requirements for school divisions relating to such school division's (i) local**  
398 **appropriation for the At-Risk Program established pursuant to subdivision T 1 of § 22.1-253.13:2 of**  
399 **the Code of Virginia, as amended by this act, for the applicable fiscal year; (ii) local appropriation for**  
400 **the add-on for students with disabilities established pursuant to subdivision U 1 of § 22.1-253.13:2 of**  
401 **the Code of Virginia, as amended by this act, for the applicable fiscal year; and (iii) local appropriation**  
402 **for the add-on for English language learner students established pursuant to subdivision V 1 of**  
403 **§ 22.1-253.13:2 of the Code of Virginia, as amended by this act, for the applicable fiscal year.**

404 **4. That the Department of Education (the Department) shall, by no later than January 1, 2027, develop**  
405 **and make available to each school division requirements for each annual report each school division is**  
406 **required to submit to the Department on the use of funds allocated to such school division for (i) the**  
407 **At-Risk Program pursuant to subdivision T 2 of § 22.1-253.13:2 of the Code of Virginia, as amended by**  
408 **this act; (ii) the add-on for students with disabilities pursuant to subdivision U 2 of § 22.1-253.13:2 of**  
409 **the Code of Virginia, as amended by this act; and (iii) the add-on for English language learner students**  
410 **pursuant to subdivision V 2 of § 22.1-253.13:2 of the Code of Virginia, as amended by this act. The**  
411 **requirements developed by the Department pursuant to this enactment shall require each school**  
412 **division to include in each annual report for the At-Risk Program, the add-on for students with**  
413 **disabilities, and the add-on for English language learning students, respectively, (a) the total amount of**  
414 **funds received and the total amount expended during the reporting period; (b) an accounting of the**  
415 **expenditures by purpose and programmatic use within the applicable add-on, including the amount**  
416 **expended for each expenditure category; and (c) for each expenditure category, the amount and**  
417 **percentage of funds used for new versus existing positions, services, and supports.**