

HOUSE BILL NO. 92
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Education
on _____)
(Patron Prior to Substitute—Delegate Rasoul)

A BILL to amend and reenact §§ 22.1-97, 22.1-199.1, 22.1-253.13:2, as it shall become effective, and 51.1-617 of the Code of Virginia, relating to public schools; Standards of Quality; certain calculations; At-Risk Program established; state-funded special education add-on.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-97, 22.1-199.1, 22.1-253.13:2, as it shall become effective, and 51.1-617 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-97. Calculation and reporting of required local expenditures; procedure if locality fails to appropriate sufficient educational funds.

A. The Department of Education shall collect annually the data necessary to make calculations and reports required by this subsection.

At the beginning of each school year, the Department shall make calculations to ensure that each school division has appropriated sufficient funds to support its estimated required local expenditure for providing an educational program meeting the prescribed Standards of Quality, required by Article VIII of the Constitution of Virginia and Chapter 13.2 (§ 22.1-253.13:1 et seq.) of this title. At the conclusion of the school year, the Department shall make calculations to verify whether the locality has provided the required expenditure, based on average daily membership as of March 31 of the relevant school year.

The Department shall report annually to the House Committees on Education and Appropriations and the Senate Committees on Finance and Appropriations and on Education and Health (i) the results of such calculations ~~and~~, (ii) the degree to which each school division has met, failed to meet, or surpassed its required expenditure, and (iii) the total and per pupil annual operating expenditures from local, state, and federal sources in each school division and the change in expenditures from each such source over the immediately preceding two-year, three-year, and five-year timeframes, expressed in both dollar amounts and percentages.

The Joint Legislative Audit and Review Commission shall report annually to the House Committees on Education and Appropriations and the Senate Committees on Finance and Appropriations and on Education and Health the state expenditure provided each locality for an educational program meeting the Standards of

Quality.

The Department and the Joint Legislative Audit and Review Commission shall coordinate to ensure that their respective reports are based upon comparable data and are delivered together, or as closely following one another as practicable, to the appropriate standing committees.

B. Whenever such calculations indicate that the governing body of a county, city or town fails or refuses to appropriate funds sufficient to provide that portion of the cost apportioned to such county, city or town by law for maintaining an educational program meeting the Standards of Quality, the Board of Education shall notify the Attorney General of such failure or refusal in writing signed by the president of the Board. Upon receipt of such notification, it shall be the duty of the Attorney General to file in the circuit court for the county, city or town a petition for a writ of mandamus directing and requiring such governing body to make forthwith such appropriation as is required by law.

The petition shall be in the name of the Board of Education, and the governing body shall be made a party defendant thereto. The court may, in its discretion, cause such other officers or persons to be made parties defendant as it may deem proper. The court may make such order as may be appropriate respecting the employment and compensation of an attorney or attorneys for any party defendant not otherwise represented by counsel. The petition shall be given first priority on the docket of such court and shall be heard expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and the writ of mandamus shall be awarded or denied according to the law and facts of the case and with or without costs, as the court may determine. The order of the court shall be final upon entry. Any appeal therefrom shall be heard and disposed of promptly by the Court of Appeals.

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

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through three in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through three in

schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the Department shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the Board shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established.

With such funds as are appropriated for this purpose, the Board shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act.

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth and (ii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

Each qualifying school board shall establish an individualized technology plan, which shall be approved

by the Superintendent, for integrating technology into the classroom and into schoolwide instructional programs, including career and technical education programs. The first priority for funding shall be consistent with those components of the Board's revised six-year technology plan that focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required by the Standards of Learning, and (d) training and professional development on available technologies and software to all levels and positions, including professional development for personnel delivering career and technical education at all levels and positions; and (iii) assisting school divisions in developing integrated voice-, video-, and data-connectivity to local, national and international resources.

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

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

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

~~C. The General Assembly finds that local autonomy in making decisions on local educational needs and priorities results in effective grassroots efforts to improve education in the Commonwealth's public schools only when coupled with sufficient state funding; to this end, the following block grant program is hereby established. With such funds as are provided in the appropriation act, the Department shall distribute block grants to localities to enable compliance with the Commonwealth's requirements for school divisions in effect~~

on January 1, 1995. Therefore, for the purpose of such compliance, the block grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project YES; Project Discovery; English as a second language programs, including programs for overage, nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds shall not be used to pay any expenses of participating students at institutions of higher education; and school/community health centers. Each school board may use any funds received through the block grant to implement the covered programs and other programs designed to save the Commonwealth's children from educational failure.

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

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

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

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

152 school board shall specify that the contract is for service in the middle school teacher corps.

153 **§ 22.1-253.13:2. (Effective July 1, 2026) Standard 2. Instructional, administrative, and support**
154 **personnel.**

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

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

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

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

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

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

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

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

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

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

204 G. In addition to the full-time equivalent positions required elsewhere in this section, each local school
205 board shall employ one reading specialist for each 550 students in kindergarten through grade five and one
206 reading specialist for each 1,100 students in grades six through eight. Each such reading specialist shall have
207 training in science-based reading research and evidence-based literacy instruction practices. In addition, each
208 such reading specialist shall have training in the identification of and the appropriate interventions,
209 accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as

210 an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the
211 definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills
212 with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic
213 foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading
214 instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for
215 students with dyslexia.

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

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

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

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

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

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

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

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

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

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

268 instructional personnel licensed by the Board.

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

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

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

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

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

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

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

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

311 1. Executive policy and leadership positions, including school board members, superintendents and
312 assistant superintendents;

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

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

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

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

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

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

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

326 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600
327 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high
328 schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-
329 time for the library at 750 students. Local school divisions that employ a sufficient number of school-based
330 clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the
331 division according to the area of greatest need, regardless of whether such schools are elementary, middle, or
332 secondary.

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

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

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

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

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

349 *T. There is hereby established the At-Risk Program for the purpose of supporting programs and services*
350 *for students who are educationally at risk, including prevention, intervention, or remediation activities*
351 *required pursuant to Standard 1 (§ 22.1-253.13:1); teacher recruitment programs and incentives; Dropout*
352 *Prevention; community and school-based truancy officer programs; Advancement Via Individual*
353 *Determination (AVID); Project Discovery; programs for English language learners; the hiring of additional*
354 *school counselors, testing coordinators, and licensed behavioral analysts; and programs relating to*
355 *increasing the success of disadvantaged students in completing a high school degree and providing*

opportunities to encourage further education and training. A portion of the state funding provided for the At-Risk Program shall be allocated to school divisions on a flat per-student percentage rate set out in the general appropriation act and a portion of such funding shall be allocated to school divisions on a variable rate set out in the general appropriation act based on the concentration of poverty in the school division.

U. State-funded add-ons shall be provided to support each special education student and shall be calculated by multiplying a differential student weight set forth in the general appropriation act based on whether the student is served at service level I or service level II, as set forth in 8VAC20-81-40, by the relevant basic aid per-pupil amount for each special education student. Local funding obligations for such add-ons shall be determined by the composite index of local ability-to-pay.

§ 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.