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HOUSE BILL NO. 2484

Offered January 12, 2005

Prefiled January 12, 2005

A BILL to amend and reenact §§ 22.1-199 and 22.1-253.13:2 of the Code of Virginia, relating to kindergarten programs.

Patrons—Petersen, Dillard, Ebbin, Eisenberg, Plum and Sickles

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-199 and 22.1-253.13:2 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-199. Kindergarten programs suitable for certain children.

A. The kindergarten program in each school division shall include a *full-day* program suitable for children who will reach their fifth birthday on or before September 30 of the school year. The school board's plan for such program shall be furnished to the Board of Education and shall include the following:

1. A statement of purpose and objectives of the kindergarten program that reflects consideration of the different readiness and maturity levels of children in the program;

2. A description of the organization, scheduling and staffing of the program that reflects a responsiveness to the needs of the children of the age span to be served in the program;

3. Evidence that the program plan was developed by a committee that included early childhood specialists, parents, teachers and administrators;

4. Scheduling and an agenda of in-service activities for kindergarten teachers to ensure adequate preparation for the program; *and*

5. A plan for the interface of the kindergarten program with the primary program to allow for continuous progress.

B. The Superintendent of Public Instruction shall disseminate to the school divisions information concerning the ages when children are required or eligible to attend school. Each school division shall disseminate such information to parents of such children of such ages upon or prior to enrollment of such children in the public schools of the division.

C. The age requirements set forth in subsection A of this section shall not affect the operation of any two-tiered, junior or other developmentally appropriate pre-kindergarten program or transitional first grade. In those school divisions implementing such programs, children whose fifth birthday occurs between October 1 and December 31 of the school year may be enrolled in kindergarten after an appropriate readiness evaluation has demonstrated that attendance in these programs will educationally benefit such children.

D. The parent of a child who will reach his fifth birthday on or before September 30 of the school year, or whose fifth birthday occurs between October 1 and December 31 of the school year and who has been accepted for enrollment in kindergarten pursuant to subsection C, and will attend kindergarten for the first time may petition the division superintendent to enroll his child half-day in the kindergarten program. Such petitions shall be granted unless the division superintendent determines that attendance in a full-day kindergarten program will be in the best interest of the child. At the beginning of each school year, or prior to the enrollment of a child required or eligible to attend kindergarten, each division superintendent shall disseminate information to parents concerning the parent's right to petition the division superintendent to enroll the child half-day in kindergarten.

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

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

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

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

59 Within its regulations governing special education programs, the Board shall seek to set pupil/teacher
60 ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil/teacher ratios for
61 self-contained classes for pupils with specific learning disabilities.

62 (21:1 ratio is funded for the second year - see Editor's note) Further, school boards shall assign
63 instructional personnel in a manner that produces schoolwide ratios of students in average daily
64 memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools.
65 School divisions shall provide all middle and high school teachers with one planning period per day or
66 the equivalent, unencumbered of any teaching or supervisory duties.

67 D. Each local school board shall employ with state and local basic, special education, gifted, and
68 career and technical education funds a minimum number of licensed, full-time equivalent instructional
69 personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation
70 act. Calculations of kindergarten positions shall be based on full-day kindergarten programs.
71 ~~Beginning~~ *Until July 1, 2008, on which full-day kindergarten programs shall be required in all school*
72 *divisions, beginning* with the March 31 report of average daily membership, those school divisions
73 offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average
74 daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily
75 memberships, as provided in the appropriation act.

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

83 F. In addition to the positions supported by basic aid and those in support of regular school year
84 programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act,
85 shall be provided to support 10 full-time equivalent instructional positions for each 1,000 students
86 identified as having limited English proficiency.

87 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
88 school board shall employ the following reading specialists in elementary schools, one full-time in each
89 elementary school at the discretion of the local school board.

90 H. Each local school board shall employ, at a minimum, the following full-time equivalent positions
91 for any school that reports fall membership, according to the type of school and student employment:

92 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students;
93 principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high
94 schools, one full-time, to be employed on a 12-month basis;

95 2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900
96 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals
97 in high schools, one full-time for each 600 students;

98 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
99 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time
100 at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students,
101 two full-time at 1,000 students;

102 4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at
103 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance
104 counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional
105 period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70
106 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof;
107 and

108 5. Clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students;
109 clerical personnel in middle schools, one full-time and one additional full-time for each 600 students
110 beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools,
111 one full-time and one additional full-time for each 600 students beyond 200 students and one full-time
112 for the library at 750 students.

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

115 J. (See Editor's note) Local school boards shall employ two positions per 1,000 students in grades
116 kindergarten through 12, one to provide technology support and one to serve as an instructional
117 technology resource teacher.

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

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

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

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

For the purposes of this title, unless the context otherwise requires, "support services" shall include services provided by the school board members; the superintendent; assistant superintendents; student services (including guidance counselors, social workers, and homebound, improvement, principal's office, and library-media positions); attendance and health positions; administrative, technical, and clerical positions; operation and maintenance positions; educational technology positions; school nurses; and pupil transportation positions.

Pursuant to the appropriations act, support services shall be funded from basic school aid on the basis of prevailing statewide costs.

2. That in order to facilitate planning, organization, and transitioning from half-day to full-day kindergarten programs, school divisions that do not currently have full-day kindergarten programs shall establish such programs by July 1, 2008.

3. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is passed during the 2005 Session of the General Assembly, which appropriation becomes effective on July 1, 2005.