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SENATE BILL NO. 731

Offered January 12, 2005

Prefiled January 3, 2005

A BILL to amend and reenact §§ 22.1-253.13:2 and 22.1-295 of the Code of Virginia, relating to qualifications of public school teachers.

 Patron—Puller

 Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:2 and 22.1-295 of the Code of Virginia are amended and reenacted as follows:

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

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

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas as provided in § 22.1-295.

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.

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

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

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

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

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

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

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

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

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59 schools, one full-time, to be employed on a 12-month basis;

60 2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900
61 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals
62 in high schools, one full-time for each 600 students;

63 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
64 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time
65 at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students,
66 two full-time at 1,000 students;

67 4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at
68 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance
69 counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional
70 period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70
71 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof;
72 and

73 5. Clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students;
74 clerical personnel in middle schools, one full-time and one additional full-time for each 600 students
75 beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools,
76 one full-time and one additional full-time for each 600 students beyond 200 students and one full-time
77 for the library at 750 students.

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

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

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

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

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

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

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

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

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

§ 22.1-295. Employment of teachers.

A. The teachers in the public schools of a school division shall be employed and placed in appropriate schools by the school board upon recommendation of the division superintendent. In placing teachers, school boards shall fill positions with licensed instructional personnel qualified in the relevant subject areas.

A1. For the purpose of placing licensed instructional personnel in underfilled or overcrowded classes in secondary schools, teachers who are "qualified in the relevant subject area" shall include licensed instructional personnel who do not hold an undergraduate degree in the relevant subject area but are actively enrolled in a program that leads to meeting such degree requirements within three years. "Active enrollment" shall mean earning at least six semester hours of credit per academic year.

The Board of Education shall develop procedures, consistent with any federal requirements governing the employment of highly qualified instructional personnel, for implementation by local school boards employing such licensed personnel in underfilled or overcrowded classes in secondary schools. The procedures shall, among other things, (i) establish criteria for determining underfilled or overcrowded classes and (ii) require local school boards to document and regularly report to the Board compliance with active enrollment requirements by such licensed personnel.

B. School boards shall adopt employment policies and practices designed to promote the employment and retention of the highest quality instructional personnel and to effectively serve the educational needs of students. Such policies shall include, but need not be limited to, incentives for excellence in teaching, including financial support for teachers attending professional development seminars or those seeking and obtaining national certification. School boards shall develop a procedure for use by division superintendents and principals in evaluating instructional personnel that is appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge.