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HOUSE BILL NO. 2199

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact §§ 22.1-253.13:2 and 22.1-274 of the Code of Virginia, relating to the Standards of Quality; Standard 2.

 Patron—Wardrup

 Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:2 and 22.1-274 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.

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 pupils with mental retardation 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 17 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 enrollment:

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

INTRODUCED

HB2199

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

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

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

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

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

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

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

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

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

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

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

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

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

120 § 22.1-274. School health services.

121 A. A school board shall provide pupil personnel and support services, in compliance with
122 § 22.1-253.13:2. A school board may employ school nurses, physicians, physical therapists, occupational
123 therapists and speech therapists. No such personnel shall be employed unless they meet such standards
124 as may be determined by the Board of Education. Subject to the approval of the appropriate local
125 governing body, a local health department may provide personnel for health services for the school
126 division.

127 B. In implementing subsection *ON* of § 22.1-253.13:2, relating to providing support services which
128 are necessary for the efficient and cost-effective operation and maintenance of its public schools, each
129 school board may strive to employ, or contract with local health departments for, nursing services
130 consistent with a ratio of at least one nurse (i) per 2,500 students by July 1, 1996; (ii) per 2,000
131 students by July 1, 1997; (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1,
132 1999. In those school divisions in which there are more than 1,000 students in average daily
133 membership in school buildings, this section shall not be construed to encourage the employment of
134 more than one nurse per school building. Further, this section shall not be construed to mandate the
135 aspired-to ratios.

136 C. The Board of Education shall monitor the progress in achieving the ratios set forth in subsection
137 B of this section and any subsequent increase in prevailing statewide costs, and the mechanism for
138 funding health services, pursuant to subsection *ON* of § 22.1-253.13:2 and the appropriation act. The
139 Board shall also determine how school health funds are used and school health services are delivered in
140 each locality and shall provide, by December 1, 1994, a detailed analysis of school health expenditures
141 to the House Committee on Education, the House Committee on Appropriations, the Senate Committee
142 on Education and Health, and the Senate Committee on Finance.

143 D. With the exception of school administrative personnel and persons employed by school boards
144 who have the specific duty to deliver health-related services, no licensed instructional employee,
145 instructional aide, or clerical employee shall be disciplined, placed on probation or dismissed on the
146 basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii)
147 obtain training in the administration of insulin and glucagon. However, instructional aides and clerical
148 employees may not refuse to dispense oral medications.

149 For the purposes of this subsection, "health-related services" means those activities which, when
150 performed in a health care facility, must be delivered by or under the supervision of a licensed or
151 certified professional.

152 E. Each school board shall ensure that, in school buildings with an instructional and administrative
153 staff of ten or more, (i) at least two employees have current certification in cardiopulmonary
154 resuscitation or have received training, within the last two years, in emergency first aid and
155 cardiopulmonary resuscitation and (ii) if one or more students diagnosed as having diabetes attend such
156 school, at least two employees have been trained in the administration of insulin and glucagon. In school
157 buildings with an instructional and administrative staff of fewer than ten, school boards shall ensure that
158 (i) at least one employee has current certification in cardiopulmonary resuscitation or has received
159 training, within the last two years, in emergency first aid and cardiopulmonary resuscitation and (ii) if
160 one or more students diagnosed as having diabetes attend such school, at least one employee has been
161 trained in the administration of insulin and glucagon. "Employee" shall include any person employed by
162 a local health department who is assigned to the public school pursuant to an agreement between the
163 local health department and the school board. When a registered nurse, nurse practitioner, physician or
164 physician assistant is present, no employee who is not a registered nurse, nurse practitioner, physician or
165 physician assistant shall assist with the administration of insulin or administer glucagon. Prescriber
166 authorization and parental consent shall be obtained for any employee who is not a registered nurse,
167 nurse practitioner, physician or physician assistant to assist with the administration of insulin and
168 administer glucagon.