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HOUSE BILL NO. 558

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact §§ 22.1-253.13:1 and 22.1-253.13:2 of the Code of Virginia, relating to the Standards of Quality.

Patron—Tata

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

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

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of this Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

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HB558

59 School boards shall implement the Standards of Learning or objectives specifically designed for their
60 school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to
61 achieve the educational objectives established by the school division at appropriate age or grade levels.
62 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

63 The Board of Education shall include in the Standards of Learning for history and social science the
64 study of contributions to society of diverse people. For the purposes of this subsection, "diverse" shall
65 include consideration of disability, ethnicity, race, and gender.

66 With such funds as are made available for this purpose, the Board shall regularly review and revise
67 the competencies for career and technical education programs to require the full integration of English,
68 mathematics, science, and history and social science Standards of Learning. Career and technical
69 education programs shall be aligned with industry and professional standard certifications, where they
70 exist.

71 C. Local school boards shall develop and implement a program of instruction for grades K through
72 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of
73 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts
74 and computations, proficiency in the use of computers and related technology, and scientific concepts
75 and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and
76 world and United States history, economics, government, foreign languages, international cultures, health
77 and physical education, environmental issues and geography necessary for responsible participation in
78 American society and in the international community; fine arts, which may include, but need not be
79 limited to, music and art, and practical arts; knowledge and skills needed to qualify for further
80 education, gainful employment, or training in a career or technical field; and development of the ability
81 to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to
82 achieve economic self-sufficiency.

83 Local school boards shall also develop and implement programs of prevention, intervention, or
84 remediation for students who are educationally at risk including, but not limited to, those who fail to
85 achieve a passing score on any Standards of Learning assessment in grades three through eight or who
86 fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include
87 components that are research-based.

88 Any student who achieves a passing score on one or more, but not all, of the Standards of Learning
89 assessments for the relevant grade level in grades three through eight may be required to attend a
90 remediation program.

91 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for
92 the relevant grade level in grades three through eight or who fails an end-of-course test required for the
93 award of a verified unit of credit shall be required to attend a remediation program or to participate in
94 another form of remediation. Division superintendents shall require such students to take special
95 programs of prevention, intervention, or remediation, which may include attendance in public summer
96 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

97 Remediation programs shall include, when applicable, a procedure for early identification of students
98 who are at risk of failing the Standards of Learning assessments in grades three through eight or who
99 fail an end-of-course test required for the award of a verified unit of credit. Such programs may also
100 include summer school for all elementary and middle school grades and for all high school academic
101 courses, as defined by regulations promulgated by the Board of Education, or other forms of
102 remediation. Summer school remediation programs or other forms of remediation shall be chosen by the
103 division superintendent to be appropriate to the academic needs of the student. Students who are
104 required to attend such summer school programs or to participate in another form of remediation shall
105 not be charged tuition by the school division.

106 The requirement for remediation may, however, be satisfied by the student's attendance in a program
107 of prevention, intervention or remediation that has been selected by his parent, in consultation with the
108 division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii)
109 a special program that has been determined to be comparable to the required public school remediation
110 program by the division superintendent. The costs of such private school remediation program or other
111 special remediation program shall be borne by the student's parent.

112 The Board of Education shall establish standards for full funding of summer remedial programs that
113 shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof
114 required for full funding and an assessment system designed to evaluate program effectiveness. Based on
115 the number of students attending and the Commonwealth's share of the per pupil instructional costs,
116 state funds shall be provided for the full cost of summer and other remediation programs as set forth in
117 the appropriation act, provided such programs comply with such standards as shall be established by the
118 Board, pursuant to § 22.1-199.2.

119 D. Local school boards shall also implement the following:

120 1. Programs in grades K through three that emphasize developmentally appropriate learning to

enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades; and

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance and job-seeking skills for all secondary students. Programs must be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations.

11. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

12. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide early reading intervention services to students in grades kindergarten through 3 who demonstrate deficiencies based on their individual performance on a diagnostic test that has been approved by the Department of Education. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction. Such intervention programs, at the discretion of the local school division, may include the use of special reading teachers, trained aides, volunteer tutors under the supervision of a licensed teacher, computer-based reading tutorial programs, aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance, or extended instructional time in the school day or year for such students.

Local school divisions shall also provide mathematics intervention services to students in grades 6, 7, 8, and 9 who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on a diagnostic test that has been approved by the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

13. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

14. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

15. A program of student services for grades kindergarten through 12 that shall be designed to aid students in their educational, social, and career development.

16. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

§ 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. 1. 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.

2. *Each local school board shall employ licensed, full-time equivalent positions as necessary to comply with the following requirements for special education services for students with disabilities. Students with disabilities shall be instructed with students without disabilities in general education settings and classrooms, as appropriate, and in accordance with the Individualized Education Program (IEP). When students with disabilities are removed from the general education setting and classroom to receive instruction, special education, and related services, they may receive such services with students with the same disability or with students with different disabilities. The service level, Level I or II, is based on the amount of time the student receives special education services and is calculated on the basis of the services described in the IEP, rather than the location of services. For the purposes of this subdivision, "teacher" means the special education teacher unless otherwise specified.*

a. *Level I services means the provision of special education to students with disabilities for less than 50 percent of their instructional school day, excluding meals. Teacher caseload maximums for Level I services as funded by the appropriation act shall be:*

(1) *24 students to one teacher for students with autism, emotional disability, hearing impairment/deaf, learning disability, intellectual disability, orthopedic impairment, other health impairment, or traumatic brain injury; and*

(2) *68 students to one itinerant speech-language pathologist for students with speech or language*

impairment.

b. Level II services means the provision of special education to students with disabilities for 50 percent or more of the instructional school day, excluding meals. Teacher caseload maximums for Level II services as funded by the appropriation act shall be:

(1) Eight students to one teacher with a paraprofessional 100 percent of the time, or six students to one teacher without a paraprofessional 100 percent of the time, for students with autism, deaf-blindness, or multiple disabilities;

(2) 10 students to one teacher with a paraprofessional 100 percent of the time, or eight students to one teacher without a paraprofessional 100 percent of the time, for students with developmental delay (ages five through six in a school-age program), emotional disability, hearing impairment/deaf, learning disability, intellectual disability, orthopedic impairment, other health impairment, or traumatic brain injury; and

(3) Eight students to one teacher in center-based preschool programs, or 10 students to one teacher where center-based students are combined with home-based or itinerant students, with a paraprofessional 100 percent of the time; or 12 students to one teacher in a home-based or itinerant program without a paraprofessional 100 percent of the time for students with disabilities ages two through five in a preschool program.

c. Teacher caseload maximums for a combined group of students needing Level I services and students needing Level II services are calculated using a point system with the following values:

(1) Values of one point shall be assigned to Level I students with disability categories of autism, deaf-blindness, developmental delay (ages five through six in a school-age program), emotional disability, hearing impairment/deaf, learning disability, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, or traumatic brain injury;

(2) Values of two points shall be assigned to Level II students with a paraprofessional 100 percent of the time for students with disability categories of developmental delay (ages five through six in a school-age program), emotional disability, hearing impairment/deaf, learning disability, intellectual disability, orthopedic impairment, other health impairment, or traumatic brain injury. Values of 2.5 points shall be assigned to Level II students with a paraprofessional 100 percent of the time for student disability categories of autism, deaf-blindness, or multiple disabilities; and

(3) Values of 2.5 points shall be assigned to Level II students without a paraprofessional 100 percent of the time for students with disability categories of developmental delay (ages five through six in a school-age program), emotional disability, hearing impairment/deaf, learning disability, intellectual disability, orthopedic impairment, other health impairment, or traumatic brain injury. Values of 3.3 points shall be assigned to Level II students without a paraprofessional 100 percent of the time for students with disability categories of autism, deaf-blindness, or multiple disabilities.

d. If students with disabilities in a single building receive academic content area instruction from multiple special education teachers, the teachers' caseloads may be determined by using a building average. A building average is computed by dividing the total points for all students served in this way by the number of special education teachers providing services. The building average shall not exceed 20 points if services are provided to students receiving Level I services and to students receiving Level II services. The building average shall not exceed 24 points if services are provided only to students receiving Level I services. No more than 14 students shall be assigned to a single class period where there are similar achievement levels and one subject area and level are taught. No more than 10 students shall be assigned to a single class period where there are varying achievement levels.

e. Special education services for students with visual impairments are established, maintained, and operated jointly by the local school board and the Virginia Department for the Blind and Vision Impaired.

f. Local school divisions and private special education schools may offer for consideration or approval an alternative staffing plan in accordance with Virginia Department of Education procedures. The Virginia Department of Education may grant approval for alternative staffing levels upon request from local school divisions and private special education schools seeking to implement innovative programs that are not consistent with the staffing levels described in this subdivision. Any such alternative staffing plan approved shall comply with applicable state and federal special education requirements.

3. Local school boards shall employ one licensed, full-time equivalent position per 1,000 students in grades kindergarten through 12 for gifted education services.

4. Local school boards shall employ licensed, full-time equivalent positions in career and technical education necessary to comply with the following requirements:

a. Career and technical education laboratory classes that use equipment that has been identified by the U.S. Department of Labor for hazardous occupations shall be limited to a maximum of 20 students per laboratory.

b. Career and technical education courses approved for students who are disadvantaged shall be limited to an average of 15 students per instructor per class period with no class being more than 18.

c. Career and technical education courses approved for students with disabilities shall be limited to an average of 10 students per instructor per class period with no class being more than 12 or up to an average of 12 students per class period with no class being more than 15 where an instructional aide is provided.

d. Enrollments in career and technical education courses shall not exceed the number of individual work stations.

e. Career and technical education programs using the cooperative education method of instruction shall be limited to an average of 20 students per instructor per class period with no class being more than 24 where the cooperative education method of instruction is required, and shall have a class period assigned to the instructor for on-the-job coordination for each 20 students participating in on-the-job training.

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.

To provide flexibility in the provision of mathematics intervention services, school divisions may use the Standards of Learning Algebra Readiness initiative funding and the required local matching funds, pursuant to subdivision D 12 of § 22.1-253.13:1, to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

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.

To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the Standards of Quality Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.

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.

To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding and the required local matching funds, pursuant to subdivision D 12 of § 22.1-253.13:1, to employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.

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;

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

School divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

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

4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at

500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof; and

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

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 only employ instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the 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 the following:

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

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

428 *procurement;*

429 *3. Student support positions, including (i) social workers and social work administrative positions;*
430 *(ii) guidance administrative positions not included in subdivision H 4; (iii) homebound administrative*
431 *positions supporting instruction; (iv) attendance support positions related to truancy and drop-out*
432 *prevention; and (v) health and behavioral positions, including school nurses and school psychologists;*

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

435 *5. Technology professional positions not included in subsection J;*

436 *6. Operation and maintenance positions, including facilities; pupil transportation positions; operation*
437 *and maintenance professional and service positions; and security service, trade, and laborer positions;*

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

440 *8. School-based clerical personnel in elementary schools, part-time to 299 students, one full-time at*
441 *300 students; clerical personnel in middle schools, one full-time and one additional full-time for each*
442 *600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in*
443 *high schools, one full-time and one additional full-time for each 600 students beyond 200 students and*
444 *one full-time for the library at 750 students.*

445 *Pursuant to the appropriation act, support services shall be funded from basic school aid on the basis*
446 *of prevailing statewide costs unless the Standards of Quality specify a staffing standard.*

447 *School divisions may use the state and local funds for support services to provide additional*
448 *instructional services.*

449 *Local school divisions shall report annually and publicly the state and local amounts budgeted and*
450 *expended for each category of support services listed above. Local school divisions shall also report*
451 *annually and publicly the amounts they received for support services that were used to provide*
452 *additional instructional services.*