

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 22.1-253.13:1 and 22.1-253.13:2 of the Code of Virginia, relating to*
3 *the Standards of Quality; instructional programs and positions; dual language.*

4 [H 507]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

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

9 **§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and**
10 **other educational objectives.**

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

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

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

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

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

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

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

56 School boards shall implement the Standards of Learning or objectives specifically designed for their

57 school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to
58 achieve the educational objectives established by the school division at appropriate age or grade levels.
59 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

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

63 The Board of Education shall include in the Standards of Learning for health instruction in
64 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,
65 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such
66 instruction shall be based on the current national evidence-based emergency cardiovascular care
67 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a
68 program developed by the American Heart Association or the American Red Cross. No teacher who is
69 in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of
70 cardiopulmonary resuscitation to provide instruction for non-certification.

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

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

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

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

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

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

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

117 The Board of Education shall establish standards for full funding of summer remedial programs that

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

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

125 1. Programs in grades K through three that emphasize developmentally appropriate learning to
 126 enhance success.

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

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

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

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

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

143 d. Annual notice on its website to enrolled high school students and their parents of (i) the
 144 availability of the postsecondary education and employment data published by the State Council of
 145 Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to
 146 obtain a nationally recognized career readiness certificate at a local public high school, comprehensive
 147 community college, or workforce center.

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

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

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

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

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

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

162 10. An agreement for postsecondary degree attainment with a comprehensive community college in
 163 the Commonwealth specifying the options for students to complete an associate degree or a one-year
 164 Uniform Certificate of General Studies from a comprehensive community college concurrent with a high
 165 school diploma. Such agreement shall specify the credit available for dual enrollment courses and
 166 Advanced Placement courses with qualifying exam scores of three or higher.

167 11. A plan to notify students and their parents of the availability of dual enrollment and advanced
 168 placement classes, career and technical education programs, the International Baccalaureate Program, and
 169 Academic Year Governor's School Programs, the qualifications for enrolling in such classes and
 170 programs, and the availability of financial assistance to low-income and needy students to take the
 171 advanced placement and International Baccalaureate examinations. This plan shall include notification to
 172 students and parents of the agreement with a comprehensive community college in the Commonwealth
 173 to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies
 174 concurrent with a high school diploma.

175 12. Identification of students with limited English proficiency and enrollment of such students in
 176 appropriate instructional programs, *which programs may include dual language programs whereby such*
 177 *students receive instruction in English and in a second language.*

178 13. Early identification, diagnosis, and assistance for students with reading and mathematics problems

179 and provision of instructional strategies and reading and mathematics practices that benefit the
180 development of reading and mathematics skills for all students.

181 Local school divisions shall provide reading intervention services to students in kindergarten through
182 grade three who demonstrate deficiencies based on their individual performance on the Standards of
183 Learning reading test or any reading diagnostic test that meets criteria established by the Department of
184 Education. Local school divisions shall report the results of the diagnostic tests to the Department of
185 Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction.
186 Each student who receives early intervention reading services will be assessed again at the end of that
187 school year. The local school division, in its discretion, shall provide such reading intervention services
188 prior to promoting a student from grade three to grade four. Reading intervention services may include
189 the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified
190 teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher
191 provides direct instruction to the students who need extra assistance; and extended instructional time in
192 the school day or school year for these students. Funds appropriated for prevention, intervention, and
193 remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the
194 requirements of this subdivision.

195 Local school divisions shall provide algebra readiness intervention services to students in grades six
196 through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their
197 individual performance on any diagnostic test that has been approved by the Department of Education.
198 Local school divisions shall report the results of the diagnostic tests to the Department of Education on
199 an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student
200 who receives algebra readiness intervention services will be assessed again at the end of that school
201 year. Funds appropriated for prevention, intervention, and remediation; summer school remediation;
202 at-risk; or algebra readiness intervention services may be used to meet the requirements of this
203 subdivision.

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

206 15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness
207 available to all students with a goal of at least 150 minutes per week on average during the regular
208 school year. Such program may include any combination of (i) physical education classes, (ii)
209 extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local
210 school board. Each local school board shall incorporate into its local wellness policy a goal for the
211 implementation of such program during the regular school year.

212 15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available
213 to all students in grades kindergarten through five consisting of at least 20 minutes per day or an
214 average of 100 minutes per week during the regular school year and available to all students in grades
215 six through 12 with a goal of at least 150 minutes per week on average during the regular school year.
216 Such program may include any combination of (i) physical education classes, (ii) extracurricular
217 athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local
218 school board. Each local school board shall implement such program during the regular school year.

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

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

223 18. A program of instruction in the high school Virginia and U.S. Government course on all
224 information and concepts contained in the civics portion of the U.S. Naturalization Test.

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

239 F. Each local school board may enter into agreements for postsecondary credential, certification, or

240 license attainment with comprehensive community colleges or other public institutions of higher
 241 education or educational institutions established pursuant to Title 23.1 that offer a career and technical
 242 education curriculum. Such agreements shall specify (i) the options for students to take courses as part
 243 of the career and technical education curriculum that lead to an industry-recognized credential,
 244 certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or
 245 licenses available for such courses.

246 **§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

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

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

250 C. Each school board shall assign licensed instructional personnel in a manner that produces
 251 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
 252 excluding special education teachers, principals, assistant principals, counselors, and librarians, that are
 253 not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29
 254 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time
 255 teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class
 256 being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than
 257 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any
 258 school year, anytime the number of students in a class exceeds the class size limit established by this
 259 subsection, the local school division shall notify the parent of each student in such class of such fact no
 260 later than 10 days after the date on which the class exceeded the class size limit. Such notification shall
 261 state the reason that the class size exceeds the class size limit and describe the measures that the local
 262 school division will take to reduce the class size to comply with this subsection.

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

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

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

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

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

289 F. In addition to the positions supported by basic aid and those in support of regular school year
 290 programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act,
 291 shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students
 292 identified as having limited English proficiency, *which positions may include dual language teachers*
 293 *who provide instruction in English and in a second language.*

294 To provide flexibility in the instruction of English language learners who have limited English
 295 proficiency and who are at risk of not meeting state accountability standards, school divisions may use
 296 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to
 297 employ additional English language learner teachers *or dual language teachers* to provide instruction to
 298 identified limited English proficiency students. Using these funds in this manner is intended to
 299 supplement the instructional services provided in this section. School divisions using the SOQ
 300 Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel

301 licensed by the Board of Education.

302 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
303 school board shall employ the following reading specialists in elementary schools, one full-time in each
304 elementary school at the discretion of the local school board. One reading specialist employed by each
305 local school board that employs a reading specialist shall have training in the identification of and the
306 appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a
307 related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist
308 shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to
309 help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at
310 different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory,
311 explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations,
312 and assistive technology supports for students with dyslexia.

313 To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ
314 reading specialists to provide the required reading intervention services. School divisions using the Early
315 Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed
316 by the Board of Education.

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

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

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

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

334 4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at
335 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance
336 counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional
337 period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70
338 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof.
339 Local school divisions that employ a sufficient number of guidance counselors to meet this staffing
340 requirement may assign guidance counselors to schools within the division according to the area of
341 greatest need, regardless of whether such schools are elementary, middle, or secondary.

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

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

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

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

357 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
358 requirements for the highest grade level in that school; this requirement shall apply to all staff, except
359 for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff
360 requirements shall, however, be based on the enrollment at the various school organization levels, i.e.,
361 elementary, middle, or high school. The Board of Education may grant waivers from these staffing

362 levels upon request from local school boards seeking to implement experimental or innovative programs
363 that are not consistent with these staffing levels.

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

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

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

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

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

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

391 3. Student support positions, including (i) social workers and social work administrative positions; (ii)
392 guidance administrative positions not included in subdivision H 4; (iii) homebound administrative
393 positions supporting instruction; (iv) attendance support positions related to truancy and dropout
394 prevention; and (v) health and behavioral positions, including school nurses and school psychologists;

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

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

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

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

402 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at
403 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
404 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
405 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
406 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
407 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
408 schools within the division according to the area of greatest need, regardless of whether such schools are
409 elementary, middle, or secondary.

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

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

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