23101660D 1 **HOUSE BILL NO. 2124** 2 Offered January 11, 2023 3 Prefiled January 10, 2023 4 5 A BILL to amend and reenact § 22.1-253.13:2, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to school psychologists; staffing flexibility. 6 Patrons-Wilt, Rasoul and Watts 7 8 Referred to Committee on Education 9 10 Be it enacted by the General Assembly of Virginia: 1. That § 22.1-253.13:2, as it is currently effective and as it shall become effective, of the Code of 11 Virginia is amended and reenacted as follows: 12 § 22.1-253.13:2. (For Expiration Date, see 2022 Acts cc. 549, 550, cl. 2) Standard 2. 13 14 Instructional, administrative, and support personnel. 15 A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, 16 and other professional personnel. B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas. 17 C. Each school board shall assign licensed instructional personnel in a manner that produces 18 19 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, 20 excluding special education teachers, principals, assistant principals, school counselors or certain other 21 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the 22 following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average 23 daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be 24 assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 25 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. After September 30 of any school year, anytime 26 27 the number of students in a class exceeds the class size limit established by this subsection, the local 28 school division shall notify the parent of each student in such class of such fact no later than 10 days 29 after the date on which the class exceeded the class size limit. Such notification shall state the reason 30 that the class size exceeds the class size limit and describe the measures that the local school division 31 will take to reduce the class size to comply with this subsection. Within its regulations governing special education programs, the Board shall seek to set pupil/teacher 32 33 ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained 34 classes for pupils with specific learning disabilities. 35 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 36 37 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. 38 39 D. Each local school board shall employ with state and local basic, special education, gifted, and 40 career and technical education funds a minimum number of licensed, full-time equivalent instructional 41 personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation 42 act. 43 E. In addition to the positions supported by basic aid and in support of regular school year programs 44 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be 45 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 46 47 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 48 49 the local school boards. 50 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may 51 employ mathematics teacher specialists to provide the required algebra readiness intervention services. 52 School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner 53 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 54 programs of prevention, intervention, and remediation, state funding, pursuant to the general 55 appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 56 57 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 58 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000

students identified as having limited English proficiency, which positions may include dual languageteachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English 61 62 proficiency and who are at risk of not meeting state accountability standards, school divisions may use 63 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to 64 employ additional English language learner teachers or dual language teachers to provide instruction to 65 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 SOQ 66 Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel 67 licensed by the Board of Education. 68

69 G. In addition to the full-time equivalent positions required elsewhere in this section, each local 70 school board shall employ the following reading specialists in elementary schools, one full-time in each 71 elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a reading specialist shall have training in the identification of and the 72 appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a 73 74 related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist 75 shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at 76 77 different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, 78 explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, 79 and assistive technology supports for students with dyslexia.

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

84 H. Each local school board shall employ, at a minimum, the following full-time equivalent positions85 for any school that reports fall membership, according to student enrollment:

86 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students;
87 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; and 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;
bibrarians 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. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors, one full-time equivalent position per 325 students in grades kindergartenthrough 12.

103 However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i) may employ, under a provisional license issued by the Department for three school years with 104 105 an allowance for an additional two-year extension with the approval of the division superintendent, any professional licensed by the Board of Counseling, clinical social worker licensed by the Board of Social 106 107 Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with 108 appropriate experience and training, provided that any such individual makes progress toward completing 109 the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, 110 professional counselor, clinical social worker, or psychologist or another licensed counseling professional 111 with appropriate experience and training to fill a school counselor vacancy in the school division, may 112 113 enter into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling 114 professional with appropriate experience and training. Local school boards that employ a sufficient 115 116 number of individuals to meet the staffing requirements set forth in this subdivision may assign such 117 individuals to schools within the division according to the area of greatest need, regardless of whether 118 such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in gradeskindergarten 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 employ only 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 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. 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.

140 M. School boards shall, however, annually, on or before December 31, report to the public (i) the 141 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local 142 143 school division by school for the current school year. Actual pupil/teacher ratios shall include only the 144 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School 145 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any 146 classes funded through the voluntary kindergarten through third grade class size reduction program shall 147 be identified as such classes. Any classes having waivers to exceed the requirements of this subsection 148 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to 149 ensure the confidentiality of all teacher and pupil identities.

150 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the 151 relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving 152 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time 153 basis in any mathematics, science, English, history, social science, career and technical education, fine 154 arts, foreign language, or health education or physical education course shall be counted in the ADM in 155 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 156 157 school student shall be counted as more than one-half a student for purposes of such pro rata 158 calculation. Such calculation shall not include enrollments of such students in any other public school 159 courses.

O. Each school board shall provide at least three specialized student support positions per 1,000
 students. For purposes of this subsection, specialized student support positions include school social
 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
 analysts, and other licensed health and behavioral positions, which may either be employed by the
 school board or provided through contracted services.

In order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.

P. 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 positions" shall include the following:

174 1. Executive policy and leadership positions, including school board members, superintendents and175 assistant superintendents;

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

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

182 4. Instructional personnel support, including professional development positions and library and 183 media positions not included in subdivision H 3;

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

185 6. Operation and maintenance positions, including facilities; pupil transportation positions; operation 186 and maintenance professional and service positions; and security service, trade, and laborer positions;

187 7. Technical and clerical positions for fiscal and human resources, student support, instructional 188 personnel support, operation and maintenance, administration, and technology; and

189 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 190 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 191 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in 192 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and 193 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of 194 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to 195 schools within the division according to the area of greatest need, regardless of whether such schools are 196 elementary, middle, or secondary. 197

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

198 School divisions may use the state and local funds for support services to provide additional 199 instructional services.

200 Q. Notwithstanding the provisions of this section, when determining the assignment of instructional 201 and other licensed personnel in subsections C through J, a local school board shall not be required to 202 include full-time students of approved virtual school programs.

203 § 22.1-253.13:2. (For Effective Date, see 2022 Acts cc. 549, 550, cl. 2) Standard 2. Instructional, 204 administrative, and support personnel.

205 A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, 206 and other professional personnel.

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

207 208 C. Each school board shall assign licensed instructional personnel in a manner that produces 209 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, 210 excluding special education teachers, principals, assistant principals, school counselors or certain other licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the 211 212 following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average 213 daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be 214 assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 215 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 216 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local 217 218 school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason 219 220 that the class size exceeds the class size limit and describe the measures that the local school division 221 will take to reduce the class size to comply with this subsection.

222 Within its regulations governing special education programs, the Board shall seek to set pupil/teacher 223 ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained 224 classes for pupils with specific learning disabilities.

225 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 226 227 middle schools and high schools. School divisions shall provide all middle and high school teachers with 228 one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

229 D. Each local school board shall employ with state and local basic, special education, gifted, and 230 career and technical education funds a minimum number of licensed, full-time equivalent instructional 231 personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation 232 act.

233 E. In addition to the positions supported by basic aid and in support of regular school year programs 234 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be 235 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K 236 through 12 who are identified as needing prevention, intervention, and remediation services. State 237 funding for prevention, intervention, and remediation programs provided pursuant to this subsection and 238 the appropriation act may be used to support programs for educationally at-risk students as identified by 239 the local school boards.

240 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. 241 242 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. 243

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 general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language 250 teachers who provide instruction in English and in a second language.

251 To provide flexibility in the instruction of English language learners who have limited English 252 proficiency and who are at risk of not meeting state accountability standards, school divisions may use 253 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to 254 employ additional English language learner teachers or dual language teachers to provide instruction to 255 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 SOQ 256 257 Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel 258 licensed by the Board of Education.

259 G. In addition to the full-time equivalent positions required elsewhere in this section, each local 260 school board shall employ one reading specialist for each 550 students in kindergarten through grade 261 three. Each such reading specialist shall have training in science-based reading research and 262 evidence-based literacy instruction practices. In addition, each such reading specialist shall have training 263 in the identification of and the appropriate interventions, accommodations, and teaching techniques for 264 students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related 265 disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a 266 working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) 267 dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and 268 269 (iv) appropriate interventions, accommodations, and assistive technology supports for students with 270 dyslexia.

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

H. Each local school board shall employ, at a minimum, the following full-time equivalent positionsfor any school that reports fall membership, according to student enrollment:

277 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students;
278 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;

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

4. School counselors, one full-time equivalent position per 325 students in grades kindergartenthrough 12.

294 However, in order to meet the staffing requirements set forth in this subdivision, any local school 295 board (i) may employ, under a provisional license issued by the Department for three school years with 296 an allowance for an additional two-year extension with the approval of the division superintendent, any 297 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board 298 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling 299 professional with appropriate experience and training, provided that any such individual makes progress 300 toward completing the requirements for full licensure as a school counselor during such period of 301 employment or (ii) in the event that the school board does not receive any application from a licensed 302 school counselor, professional counselor, clinical social worker, or psychologist or another licensed 303 counseling professional with appropriate experience and training to fill a school counselor vacancy in the 304 school division, may enter into an annual contract with another entity for the provision of school

6 of 13

305 counseling services by a licensed professional counselor, clinical social worker, or psychologist or
306 another licensed counseling professional with appropriate experience and training. Local school boards
307 that employ a sufficient number of individuals to meet the staffing requirements set forth in this
308 subdivision may assign such individuals to schools within the division according to the area of greatest
309 need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in gradeskindergarten 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 employ only instructional personnel licensed by the Board of Education.

322 K. Local school boards may employ additional positions that exceed these minimal staffing
 323 requirements. These additional positions may include, but are not limited to, those funded through the
 324 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 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. 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.

331 M. School boards shall, however, annually, on or before December 31, report to the public (i) the 332 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the 333 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the 334 335 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School 336 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any 337 classes funded through the voluntary kindergarten through third grade class size reduction program shall 338 be identified as such classes. Any classes having waivers to exceed the requirements of this subsection 339 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to 340 ensure the confidentiality of all teacher and pupil identities.

341 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the 342 relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving 343 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time 344 basis in any mathematics, science, English, history, social science, career and technical education, fine 345 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 346 347 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 348 349 calculation. Such calculation shall not include enrollments of such students in any other public school 350 courses.

O. Each school board shall provide at least three specialized student support positions per 1,000
 students. For purposes of this subsection, specialized student support positions include school social
 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
 analysts, and other licensed health and behavioral positions, which may either be employed by the
 school board or provided through contracted services.

In order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.

361 P. Each local school board shall provide those support services that are necessary for the efficient362 and cost-effective operation and maintenance of its public schools.

363 For the purposes of this title, unless the context otherwise requires, "support services positions" shall364 include the following:

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

HB2124

7 of 13

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

368 3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

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

5. Technology professional positions not included in subsection J;

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

378 7. Technical and clerical positions for fiscal and human resources, student support, instructional379 personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 380 381 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 382 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in 383 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and 384 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of 385 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to 386 schools within the division according to the area of greatest need, regardless of whether such schools are 387 elementary, middle, or secondary.

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

389 School divisions may use the state and local funds for support services to provide additional 390 instructional services.

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

§ 22.1-253.13:2. (Effective pursuant to Va. Const., Art. IV, § 13; for Expiration Date, see Acts
 2022, cc. 549, 550, cl. 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.

398 B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas. 399 C. Each school board shall assign licensed instructional personnel in a manner that produces 400 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, 401 excluding special education teachers, principals, assistant principals, school counselors or certain other 402 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the 403 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 404 405 assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 406 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 407 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local 408 409 school division shall notify the parent of each student in such class of such fact no later than 10 days 410 after the date on which the class exceeded the class size limit. Such notification shall state the reason 411 that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection. 412

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

416 Further, school boards shall assign instructional personnel in a manner that produces schoolwide 417 ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in 418 middle schools and high schools. School divisions shall provide all middle and high school teachers with 419 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.

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

8 of 13

428 funding for prevention, intervention, and remediation programs provided pursuant to this subsection and429 the appropriation act may be used to support programs for educationally at-risk students as identified by430 the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may
employ mathematics teacher specialists to provide the required algebra readiness 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 general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

442 To provide flexibility in the instruction of English language learners who have limited English 443 proficiency and who are at risk of not meeting state accountability standards, school divisions may use 444 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to 445 employ additional English language learner teachers or dual language teachers to provide instruction to 446 identified limited English proficiency students. Using these funds in this manner is intended to 447 supplement the instructional services provided in this section. School divisions using the SOQ 448 Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel 449 licensed by the Board of Education.

450 G. In addition to the full-time equivalent positions required elsewhere in this section, each local 451 school board shall employ the following reading specialists in elementary schools, one full-time in each 452 elementary school at the discretion of the local school board. One reading specialist employed by each 453 local school board that employs a reading specialist shall have training in the identification of and the 454 appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a 455 related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist 456 shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to 457 help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at 458 different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, 459 explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, 460 and assistive technology supports for students with dyslexia.

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

465 H. Each local school board shall employ, at a minimum, the following full-time equivalent positions 466 for any school that reports fall membership, according to student enrollment:

467 1. Principals, one full-time in each elementary school, middle school, and high school, to be employed on a 12-month basis;

469 2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900
470 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals
471 in high schools, one full-time for each 600 students; and school divisions that employ a sufficient
472 number of assistant principals to meet this staffing requirement may assign assistant principals to schools are
473 within the division according to the area of greatest need, regardless of whether such schools are
474 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. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

481 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten 482 through 12.

However, in order to meet the staffing requirements set forth in this subdivision, any local school
board (i) may employ, under a provisional license issued by the Department for three school years with
an allowance for an additional two-year extension with the approval of the division superintendent, any
professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
professional with appropriate experience and training, provided that any such individual makes progress
toward completing the requirements for full licensure as a school counselor during such period of

490 employment or (ii) in the event that the school board does not receive any application from a licensed 491 school counselor, professional counselor, clinical social worker, or psychologist or another licensed 492 counseling professional with appropriate experience and training to fill a school counselor vacancy in the 493 school division, may enter into an annual contract with another entity for the provision of school 494 counseling services by a licensed professional counselor, clinical social worker, or psychologist or 495 another licensed counseling professional with appropriate experience and training. Local school boards 496 that employ a sufficient number of individuals to meet the staffing requirements set forth in this 497 subdivision may assign such individuals to schools within the division according to the area of greatest 498 need, regardless of whether such schools are elementary, middle, or high schools.

499 I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades 500 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 employ only instructional personnel licensed by the Board of Education.

511 K. Local school boards may employ additional positions that exceed these minimal staffing
 512 requirements. These additional positions may include, but are not limited to, those funded through the
 513 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 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. 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.

520 M. School boards shall, however, annually, on or before December 31, report to the public (i) the 521 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the 522 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local 523 school division by school for the current school year. Actual pupil/teacher ratios shall include only the 524 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School 525 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any 526 classes funded through the voluntary kindergarten through third grade class size reduction program shall 527 be identified as such classes. Any classes having waivers to exceed the requirements of this subsection 528 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to 529 ensure the confidentiality of all teacher and pupil identities.

530 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the 531 relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving 532 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time 533 basis in any mathematics, science, English, history, social science, career and technical education, fine 534 arts, foreign language, or health education or physical education course shall be counted in the ADM in 535 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course 536 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home 537 school student shall be counted as more than one-half a student for purposes of such pro rata 538 calculation. Such calculation shall not include enrollments of such students in any other public school 539 courses.

540 O. Each school board shall provide at least three specialized student support positions per 1,000
541 students. For purposes of this subsection, specialized student support positions include school social
542 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
543 analysts, and other licensed health and behavioral positions, which may either be employed by the
544 school board or provided through contracted services.

545 In order to fill vacant school psychologist positions, any local school board may employ, under a
546 provisional license issued by the Department for three school years with an allowance for an additional
547 two-year extension with the approval of the division superintendent, clinical psychologists licensed by
548 the Board of Psychology, provided that any such individual makes progress toward completing the
549 requirements for full licensure as a school psychologist during such period of employment.

550 P. Each local school board shall provide those support services that are necessary for the efficient

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10 of 13

551 and cost-effective operation and maintenance of its public schools.

552 For the purposes of this title, unless the context otherwise requires, "support services positions" shall 553 include the following:

554 1. Executive policy and leadership positions, including school board members, superintendents and 555 assistant superintendents:

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

557 3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) 558 559 homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in 560 561 subsection O;

4. Instructional personnel support, including professional development positions and library and 562 563 media positions not included in subdivision H 3; 564

5. Technology professional positions not included in subsection J;

565 6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions; 566

7. Technical and clerical positions for fiscal and human resources, student support, instructional 567 568 personnel support, operation and maintenance, administration, and technology; and

569 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 570 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 571 600 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 572 573 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to 574 575 schools within the division according to the area of greatest need, regardless of whether such schools are 576 elementary, middle, or secondary.

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

578 School divisions may use the state and local funds for support services to provide additional 579 instructional services.

580 Q. Notwithstanding the provisions of this section, when determining the assignment of instructional 581 and other licensed personnel in subsections C through J, a local school board shall not be required to 582 include full-time students of approved virtual school programs.

583 § 22.1-253.13:2. (Effective pursuant to Va. Const, Art. IV, 13; for Effective Date, see Acts 2022, 584 cc. 549, 550, cl. 2) Standard 2. Instructional, administrative, and support personnel.

585 A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, 586 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 588 589 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, 590 excluding special education teachers, principals, assistant principals, school counselors or certain other licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the 591 592 following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average 593 daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be 594 assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 595 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 596 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime 597 the number of students in a class exceeds the class size limit established by this subsection, the local 598 school division shall notify the parent of each student in such class of such fact no later than 10 days 599 after the date on which the class exceeded the class size limit. Such notification shall state the reason 600 that the class size exceeds the class size limit and describe the measures that the local school division 601 will take to reduce the class size to comply with this subsection.

602 Within its regulations governing special education programs, the Board shall seek to set pupil/teacher 603 ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities. **604**

605 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 606 607 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. 608

D. Each local school board shall employ with state and local basic, special education, gifted, and 609 career and technical education funds a minimum number of licensed, full-time equivalent instructional 610 personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation 611 612 act.

HB2124

11 of 13

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 algebra readiness intervention services required by § 22.1-253.13:1, school divisions may
employ mathematics teacher specialists to provide the required algebra readiness 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 general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language 630 teachers who provide instruction in English and in a second language.

631 To provide flexibility in the instruction of English language learners who have limited English 632 proficiency and who are at risk of not meeting state accountability standards, school divisions may use 633 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to 634 employ additional English language learner teachers or dual language teachers to provide instruction to 635 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 SOO 636 637 Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel 638 licensed by the Board of Education.

639 G. In addition to the full-time equivalent positions required elsewhere in this section, each local 640 school board shall employ one reading specialist for each 550 students in kindergarten through grade 641 three. Each such reading specialist shall have training in science-based reading research and 642 evidence-based literacy instruction practices. In addition, each such reading specialist shall have training 643 in the identification of and the appropriate interventions, accommodations, and teaching techniques for **644** students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related 645 disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a 646 working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) 647 dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of 648 the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with 649 650 dyslexia.

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

655 H. Each local school board shall employ, at a minimum, the following full-time equivalent positions 656 for any school that reports fall membership, according to student enrollment:

657 1. Principals, one full-time in each elementary school, middle school, and high school, to be employed on a 12-month basis;

659 2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900
660 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals
661 in high schools, one full-time for each 600 students; and school divisions that employ a sufficient
662 number of assistant principals to meet this staffing requirement may assign assistant principals to schools
663 within the division according to the area of greatest need, regardless of whether such schools are
664 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. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

671 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten 672 through 12.

673 However, in order to meet the staffing requirements set forth in this subdivision, any local school

674 board (i) may employ, under a provisional license issued by the Department for three school years with 675 an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board 676 677 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling 678 professional with appropriate experience and training, provided that any such individual makes progress 679 toward completing the requirements for full licensure as a school counselor during such period of 680 employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed 681

682 counseling professional with appropriate experience and training to fill a school counselor vacancy in the 683 school division, may enter into an annual contract with another entity for the provision of school 684 counseling services by a licensed professional counselor, clinical social worker, or psychologist or 685 another licensed counseling professional with appropriate experience and training. Local school boards 686 that employ a sufficient number of individuals to meet the staffing requirements set forth in this 687 subdivision may assign such individuals to schools within the division according to the area of greatest 688 need, regardless of whether such schools are elementary, middle, or high schools.

689 I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades690 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 employ only instructional personnel licensed by the Board of Education.

701 K. Local school boards may employ additional positions that exceed these minimal staffing
 702 requirements. These additional positions may include, but are not limited to, those funded through the
 703 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 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. 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.

710 M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the 711 712 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the 713 714 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School 715 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any 716 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 717 718 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to 719 ensure the confidentiality of all teacher and pupil identities.

720 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 721 722 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time 723 basis in any mathematics, science, English, history, social science, career and technical education, fine 724 arts, foreign language, or health education or physical education course shall be counted in the ADM in 725 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 726 727 school student shall be counted as more than one-half a student for purposes of such pro rata 728 calculation. Such calculation shall not include enrollments of such students in any other public school 729 courses.

O. Each school board shall provide at least three specialized student support positions per 1,000
students. For purposes of this subsection, specialized student support positions include school social
workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
analysts, and other licensed health and behavioral positions, which may either be employed by the
school board or provided through contracted services.

735 In order to fill vacant school psychologist positions, any local school board may employ, under a

13 of 13

736 provisional license issued by the Department for three school years with an allowance for an additional
737 two-year extension with the approval of the division superintendent, clinical psychologists licensed by

738 the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.

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

For the purposes of this title, unless the context otherwise requires, "support services positions" shallinclude the following:

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

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

747 3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

752 4. Instructional personnel support, including professional development positions and library and **753** media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

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

757 7. Technical and clerical positions for fiscal and human resources, student support, instructional 758 personnel support, operation and maintenance, administration, and technology; and

759 8. School-based 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 760 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in 761 762 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. Local school divisions that employ a sufficient number of 763 764 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are 765 766 elementary, middle, or secondary.

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

768 School divisions may use the state and local funds for support services to provide additional 769 instructional services.

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