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SENATE BILL NO. 567

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to full-time instructional positions for students with limited English proficiency.

Patron—Saslaw

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:**

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

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

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

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

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

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

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

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

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 30 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

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

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

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

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900

59 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals
60 in high schools, one full-time for each 600 students;

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

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

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

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

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

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

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

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

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

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

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

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