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SENATE BILL NO. 1406

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 11, 2019)

(Patron Prior to Substitute—Senator Dance)

A *BILL to amend and reenact §§ 22.1-227.1, 22.1-253.13:2, 22.1-253.13:10, and 22.1-290.01 of the Code of Virginia, relating to school boards; staffing ratios; guidance counselors.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-227.1, 22.1-253.13:2, 22.1-253.13:10, and 22.1-290.01 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-227.1. Career and technical education.

A. The Board of Education shall incorporate into career and technical education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate. The Board may also authorize, in its regulations for accrediting public schools in Virginia, the substitution of industry certification and state licensure examinations for Standards of Learning assessments for the purpose of awarding credit for career and technical education courses, where appropriate.

B. The Board shall also develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education. The plan shall include an annual goal for school divisions. Where there is an accepted national industry certification for career and technical education instructional personnel and programs for automotive technology, such certification shall be mandatory.

C. With such funds as may be appropriated for such purpose, there shall be established, within the Department of Education, a unit of specialists in career and technical education. The unit shall (i) assist in developing and revising local career and technical curriculum to integrate the Standards of Learning, (ii) provide professional development for career and technical instructional personnel to improve the quality of career and technical education, (iii) conduct site visits to the schools providing career and technical education, and (iv) seek the input of business and industry representatives regarding the content and direction of career and technical education programs in the public schools of the Commonwealth.

D. The Board shall develop guidelines for the establishment of High School to Work Partnerships, hereafter referred to as "Partnerships," between public high schools and local businesses to create opportunities for high school students to (i) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (ii) tour local businesses and meet with owners and employees. These guidelines shall include a model waiver form to be used by high schools and local businesses in connection with Partnership programs to protect both the students and the businesses from liability.

Each local school board may establish Partnerships or delegate the authority to establish Partnerships to the local school division's career and technical education administrator or his designee, in collaboration with the ~~guidance~~ school counselor office of each public high school in the school division, and shall educate high school students about opportunities available through such Partnerships.

Students who miss a partial or full day of school while participating in Partnership programs shall not be counted as absent for the purposes of calculating average daily membership, but each local school board shall develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in a Partnership program.

§ 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, *school* 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. 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 school division shall notify the parent of each student in such class of such

60 fact no later than 10 days after the date on which the class exceeded the class size limit. Such
61 notification shall state the reason that the class size exceeds the class size limit and describe the
62 measures that the local school division will take to reduce the class size to comply with this subsection.

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

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

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

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

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

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

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

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

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

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

119 1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students;
120 principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high
121 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; 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. ~~Guidance~~ School counselors:

a. *Effective with the 2019-2020 school year*, in elementary schools, one hour per day per ~~400~~ 75 students, one full-time at ~~500~~ 375 students, one hour per day additional time per ~~400~~ 75 students or major fraction thereof; ~~guidance counselors~~ in middle schools, one period per ~~80~~ 65 students, one full-time at ~~400~~ 325 students, one additional period per ~~80~~ 65 students or major fraction thereof; ~~guidance counselors~~ in high schools, one period per ~~70~~ 60 students, one full-time at ~~350~~ 300 students, one additional period per ~~70~~ 60 students or major fraction thereof.

b. Local school divisions that employ a sufficient number of ~~guidance school~~ counselors to meet ~~this the school counselor staffing requirement~~ requirements set forth in this subdivision may assign ~~guidance school~~ counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or ~~secondary high schools~~.

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

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

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall 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 ~~guidance school~~ counselors, and shall be based on the school's total enrollment; ~~guidance school~~ counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before 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 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 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course

183 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home
184 school student shall be counted as more than one-half a student for purposes of such pro rata
185 calculation. Such calculation shall not include enrollments of such students in any other public school
186 courses.

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

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

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

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

194 3. Student support positions, including (i) social workers and social work administrative positions; (ii)
195 ~~guidance~~ *school counselor* administrative positions not included in subdivision H 4; (iii) homebound
196 administrative positions supporting instruction; (iv) attendance support positions related to truancy and
197 dropout prevention; and (v) health and behavioral positions, including school nurses and school
198 psychologists;

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

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

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

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

206 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at
207 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
208 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
209 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
210 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
211 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
212 schools within the division according to the area of greatest need, regardless of whether such schools are
213 elementary, middle, or secondary.

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

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

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

220 **§ 22.1-253.13:10. Standards of Learning Innovation Committee.**

221 The Secretary of Education, upon receiving recommendations for appointments from the Virginia
222 Parent Teacher Association, Virginia Education Association, Virginia School Boards Association,
223 Virginia Association of Secondary School Principals, Virginia Association of Elementary School
224 Principals, Virginia Association of School Superintendents, Virginia State Reading Association, Virginia
225 School Counselor Association, and Virginia Association for Supervision and Curriculum Development,
226 shall establish and appoint nonlegislative citizen members to the Standards of Learning Innovation
227 Committee (Committee). The Committee shall consist of (i) four members of the Virginia House of
228 Delegates, appointed by the Speaker of the House of Delegates; (ii) three members of the Virginia
229 Senate, appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate
230 Committee on Education and Health; and (iii) at least one parent of a currently enrolled public school
231 student, public elementary school teacher, public secondary school teacher, public secondary school
232 ~~guidance~~ counselor, school board member, public school principal, division superintendent, curriculum
233 and instruction specialist, higher education faculty member, representative of a four-year public
234 institution of higher education in the Commonwealth, representative of a two-year public institution of
235 higher education in the Commonwealth, and representative of the business community in the
236 Commonwealth and such other stakeholders as the Secretary deems appropriate, appointed by the
237 Secretary. Members of the Committee should reflect geographic diversity and rural and urban school
238 systems as far as practicable. The Superintendent of Public Instruction, the President of the Board of
239 Education or his designee, and the Secretary of Education or his designee shall serve ex officio. All
240 other members shall be appointed for terms of two years. The Committee, under the direction of the
241 Secretary, shall periodically make recommendations to the Board of Education on (a) the Standards of
242 Learning assessments, (b) authentic individual student growth measures, (c) alignment between the
243 Standards of Learning and assessments and the School Performance Report Card, and (d) ideas on
244 innovative teaching in the classroom. An affirmative vote by a majority of the legislative members in

attendance and a majority of nonlegislative members in attendance shall be required for the Committee to adopt any recommendations. The Board of Education shall review the recommendations of the Committee and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, in advance of the next regular session of the General Assembly, any comments on such recommendations that the Board of Education deems appropriate.

§ 22.1-290.01. Virginia Teaching Scholarship Loan Program established; purpose; Board of Education to administer Program; eligibility requirements for scholarship and awards; collaboration and consultation with State Council of Higher Education; repayment of scholarship required.

A. With such funds as may be appropriated for this purpose and any gifts, donations, grants, bequests, and other funds that may be received on behalf of the Program by the Board of Education, there is hereby established the Virginia Teaching Scholarship Loan Program, hereinafter referred to as the "Program," to: (i) increase the number of teacher candidates pursuing careers in critical teacher shortage areas as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas; (ii) expand eligibility to teacher candidates, including graduate students and paraprofessionals from Virginia school divisions who are enrolled full-time or part-time in an approved teacher education program; (iii) increase the diversity of persons pursuing careers in teaching, including male teacher candidates enrolled in an elementary or middle school education program and minority teacher candidates enrolled in any teaching endorsement area; and (iv) increase the number of teacher candidates pursuing careers in career and technical education.

B. The Board of Education shall establish, in regulation, criteria for determining critical teacher shortage areas for awarding scholarships pursuant to this section. The criteria shall include such factors as the needs in teaching endorsement areas among the several school divisions of the Commonwealth, teacher shortages at the elementary and secondary grade levels, and teacher shortages in rural and urban regions of the Commonwealth.

C. The Program shall be administered by the Board of Education. The Board may promulgate such regulations as may be necessary for the implementation of the Program. The Board shall consult with the State Council of Higher Education in the implementation of the Program.

The Program shall consist of scholarships awarded annually to teacher candidates, including graduate students and paraprofessionals from Virginia school divisions at an accredited baccalaureate private institution of higher education in the Commonwealth or baccalaureate public institution of higher education in the Commonwealth, who (i) are enrolled full-time or part-time in an approved teacher education program or are participants in another approved teacher education program; (ii) have maintained a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; and (iii) are nominated for such scholarship by the institution where they are enrolled. In addition, the candidates must meet one or more of the following criteria: (a) be enrolled in a program leading to an endorsement in a critical shortage area as established by the Board of Education; (b) be a male teacher candidate in an elementary or middle school education program; (c) be a minority teacher candidate enrolled in any teacher endorsement area; or (d) be a student in an approved teacher education program leading to an endorsement in career and technical education.

D. Before any teaching scholarship is awarded in accordance with the provisions of this section, the scholarship recipient shall sign a promissory note agreeing (i) to pursue an approved teacher education program full-time or part-time at an accredited baccalaureate private institution of higher education in the Commonwealth or baccalaureate public institution of higher education in the Commonwealth or another approved teacher education program and (ii) upon graduation, to begin teaching in the public schools of the Commonwealth in a critical teaching shortage discipline or in a career and technical education discipline or, regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced lunch or in a rural or urban region of the Commonwealth with a teacher shortage.

Upon program completion, the scholarship recipient shall begin teaching in the public schools of the Commonwealth in the first full academic year after becoming eligible for a teaching license, and shall fulfill the teaching obligation in accordance with the promissory note by teaching continuously in Virginia for the same number of years that he was the beneficiary of such scholarship. Such scholarship recipient may fulfill the teaching obligation by accepting a teaching position (i) in one of the critical teacher shortage disciplines as established by the Board of Education; or (ii) in a career and technical education discipline; or (iii) regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced lunch; or (iv) in any discipline or at any grade level within a school division with a shortage of teachers, as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas; or (v) in a rural or urban region of the state with a teacher shortage.

E. The Board of Education may recover the total amount of funds awarded as a scholarship, or the

306 appropriate proportion thereof, including any accrued interest, if the scholarship recipient fails to honor
307 the teaching obligation.

308 F. There is hereby created in the Department of the Treasury a special nonreverting fund known as
309 the Virginia Teaching Scholarship Loan Fund, hereinafter referred to as the "Fund." The Fund shall be
310 established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the
311 biennium shall not revert to the general fund but shall remain in the Fund. The Fund shall consist of
312 such moneys as may be appropriated for the Virginia Teaching Scholarship Loan Program and such
313 gifts, donations, grants, bequests, and other funds as may be received on its behalf by the Board of
314 Education. The Fund shall be used solely to fund the Virginia Teaching Scholarship Loan Program.
315 Interest earned on such moneys shall remain in the Fund and be credited to it. Moneys in the Fund shall
316 be used solely to award scholarships pursuant to the Virginia Teaching Scholarship Loan Program as
317 provided in this section. Disbursements from the Fund for such scholarships shall be made by the State
318 Treasurer on warrants issued by the Comptroller upon written request of the President of the Board of
319 Education.

320 G. The Board of Education and the State Council of Higher Education shall make available to
321 parents, students, teachers, high school ~~guidance~~ counselors, and academic advisors and financial aid
322 administrators at public and private institutions of higher education information concerning the Virginia
323 Teacher Scholarship Loan Program, eligibility for the loans, and the terms and conditions under which
324 such loans are awarded, in order that students interested in pursuing careers in the teaching profession
325 may be advised of the availability of such financial assistance.