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HOUSE BILL NO. 1938

Offered January 11, 2023

Prefiled January 10, 2023

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 public schools; staffing ratios; school counselors with training or experience in mental health.

Patrons—Plum, Kory, Seibold and Shin

Referred to Committee on Education

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 Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. (For expiration date, see 2022 Acts 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.

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 or certain other licensed individuals as set forth in ~~subdivision~~ *subdivisions* H 4 and 5, 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 fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason 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.

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.

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.

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)

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59 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000
60 students identified as having limited English proficiency, which positions may include dual language
61 teachers who provide instruction in English and in a second language.

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

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

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

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

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

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

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

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

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

120 5. In addition to those positions required pursuant to subdivision 4, at least one full-time school

counselor with specialized training or experience in mental health per 1,000 students in grades kindergarten through 12.

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 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.

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

O. Each 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.

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:

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

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~~ *subdivisions* H 4 and 5; (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 and

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; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional 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 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of 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 elementary, middle, or secondary.

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

School divisions may use the state and local funds for support services to provide additional 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. (For effective date, see 2022 Acts 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.

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 or certain other licensed individuals as set forth in ~~subdivision~~ *subdivisions* H 4 and 5, 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 fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason 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.

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.

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.

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 teachers who provide instruction in English and in a second language.

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

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ one reading specialist for each 550 students in kindergarten through grade three. Each such reading specialist shall have training in science-based reading research and evidence-based literacy instruction practices. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist 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 different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, 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.

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 student enrollment:

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

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; 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. School counselors, one full-time equivalent position per 325 students in grades kindergarten 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 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 counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, may 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

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

309 *5. In addition to those positions required pursuant to subdivision 4, at least one full-time school*
310 *counselor with specialized training or experience in mental health per 1,000 students in grades*
311 *kindergarten through 12.*

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

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

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

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

327 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
328 requirements for the highest grade level in that school; this requirement shall apply to all staff, ~~except~~
329 ~~for school counselors or certain other licensed individuals as set forth in subdivision H 4,~~ and shall be
330 based on the school's total enrollment. The Board of Education may grant waivers from these staffing
331 levels upon request from local school boards seeking to implement experimental or innovative programs
332 that are not consistent with these staffing levels.

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

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

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

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

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

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

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

365 3. Student support positions, including (i) social work administrative positions not included in
366 subsection O; (ii) school counselor administrative positions not included in ~~subdivision~~ subdivisions H 4

and 5; (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 and 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; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional 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 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of 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 elementary, middle, or secondary.

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

School divisions may use the state and local funds for support services to provide additional 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, Section 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.

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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 or certain other licensed individuals as set forth in ~~subdivision~~ *subdivisions* H 4 and 5, 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 fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason 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.

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.

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.

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.

428 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may
429 employ mathematics teacher specialists to provide the required algebra readiness intervention services.
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431 shall only employ instructional personnel licensed by the Board of Education.

432 F. In addition to the positions supported by basic aid and those in support of regular school year
433 programs of prevention, intervention, and remediation, state funding, pursuant to the general
434 appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the
435 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii)
436 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000
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440 proficiency and who are at risk of not meeting state accountability standards, school divisions may use
441 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to
442 employ additional English language learner teachers or dual language teachers to provide instruction to
443 identified limited English proficiency students. Using these funds in this manner is intended to
444 supplement the instructional services provided in this section. School divisions using the SOQ
445 Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel
446 licensed by the Board of Education.

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

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

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

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

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

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

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

480 However, in order to meet the staffing requirements set forth in this subdivision, any local school
481 board (i) may employ, under a provisional license issued by the Department for three school years with
482 an allowance for an additional two-year extension with the approval of the division superintendent, any
483 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
484 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
485 professional with appropriate experience and training, provided that any such individual makes progress
486 toward completing the requirements for full licensure as a school counselor during such period of
487 employment or (ii) in the event that the school board does not receive any application from a licensed
488 school counselor, professional counselor, clinical social worker, or psychologist or another licensed
489 counseling professional with appropriate experience and training to fill a school counselor vacancy in the

school division, may 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 professional with appropriate experience and training. Local school boards that employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools; and

5. *In addition to those positions required pursuant to subdivision 4, at least one full-time school counselor with specialized training or experience in mental health per 1,000 students in grades kindergarten through 12.*

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 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.

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

O. Each 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.

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:

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

551 2. Fiscal and human resources positions, including fiscal and audit operations;
552 3. Student support positions, including (i) social work administrative positions not included in
553 subsection O; (ii) school counselor administrative positions not included in ~~subdivision~~ *subdivisions* H 4
554 and 5; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions
555 related to truancy and dropout prevention; and (v) health and behavioral administrative positions not
556 included in subsection O;
557 4. Instructional personnel support, including professional development positions and library and
558 media positions not included in subdivision H 3;
559 5. Technology professional positions not included in subsection J;
560 6. Operation and maintenance positions, including facilities; pupil transportation positions; operation
561 and maintenance professional and service positions; and security service, trade, and laborer positions;
562 7. Technical and clerical positions for fiscal and human resources, student support, instructional
563 personnel support, operation and maintenance, administration, and technology; and
564 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at
565 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
566 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
567 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
568 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
569 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
570 schools within the division according to the area of greatest need, regardless of whether such schools are
571 elementary, middle, or secondary.

572 Pursuant to the appropriation act, support services shall be funded from basic school aid.
573 School divisions may use the state and local funds for support services to provide additional
574 instructional services.

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

578 **§ 22.1-253.13:2. (Effective pursuant to Va. Const., Art. IV, Section 13; for effective date, see**
579 **Acts 2022, cc. 549, 550, cl. 2) Standard 2. Instructional, administrative, and support personnel.**

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

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

583 C. Each school board shall assign licensed instructional personnel in a manner that produces
584 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
585 excluding special education teachers, principals, assistant principals, school counselors or certain other
586 licensed individuals as set forth in ~~subdivision~~ *subdivisions* H 4 and 6, and librarians, that are not
587 greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29
588 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time
589 teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class
590 being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than
591 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any
592 school year, anytime the number of students in a class exceeds the class size limit established by this
593 subsection, the local school division shall notify the parent of each student in such class of such fact no
594 later than 10 days after the date on which the class exceeded the class size limit. Such notification shall
595 state the reason that the class size exceeds the class size limit and describe the measures that the local
596 school division will take to reduce the class size to comply with this subsection.

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

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

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

608 E. In addition to the positions supported by basic aid and in support of regular school year programs
609 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be
610 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
611 through 12 who are identified as needing prevention, intervention, and remediation services. State
612 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 teachers who provide instruction in English and in a second language.

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

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ one reading specialist for each 550 students in kindergarten through grade three. Each such reading specialist shall have training in science-based reading research and evidence-based literacy instruction practices. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist 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 different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, 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.

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 student enrollment:

1. Principals, one full-time in each elementary school, middle school, and high school, 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. School counselors, one full-time equivalent position per 325 students in grades kindergarten 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

674 toward completing the requirements for full licensure as a school counselor during such period of
675 employment or (ii) in the event that the school board does not receive any application from a licensed
676 school counselor, professional counselor, clinical social worker, or psychologist or another licensed
677 counseling professional with appropriate experience and training to fill a school counselor vacancy in the
678 school division, may enter into an annual contract with another entity for the provision of school
679 counseling services by a licensed professional counselor, clinical social worker, or psychologist or
680 another licensed counseling professional with appropriate experience and training. Local school boards
681 that employ a sufficient number of individuals to meet the staffing requirements set forth in this
682 subdivision may assign such individuals to schools within the division according to the area of greatest
683 need, regardless of whether such schools are elementary, middle, or high schools; and

684 *5. In addition to those positions required pursuant to subdivision 4, at least one full-time school*
685 *counselor with specialized training or experience in mental health per 1,000 students in grades*
686 *kindergarten through 12.*

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

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

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

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

702 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
703 requirements for the highest grade level in that school; this requirement shall apply to all staff, ~~except~~
704 ~~for school counselors or certain other licensed individuals as set forth in subdivision H 4,~~ and shall be
705 based on the school's total enrollment. The Board of Education may grant waivers from these staffing
706 levels upon request from local school boards seeking to implement experimental or innovative programs
707 that are not consistent with these staffing levels.

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

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

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

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

735 For the purposes of this title, unless the context otherwise requires, "support services positions" shall

736 include the following:

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

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

740 3. Student support positions, including (i) social work administrative positions not included in
741 subsection O; (ii) school counselor administrative positions not included in ~~subdivision~~ *subdivisions* H 4
742 and 5; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions
743 related to truancy and dropout prevention; and (v) health and behavioral administrative positions not
744 included in subsection O;

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

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

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

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

752 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at
753 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
754 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
755 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
756 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
757 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
758 schools within the division according to the area of greatest need, regardless of whether such schools are
759 elementary, middle, or secondary.

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

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

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