

23102218D

HOUSE BILL NO. 2188

Offered January 11, 2023

Prefiled January 11, 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 school psychologists; staffing flexibility.

Patrons—Rasoul, Avoli, Brewer, Hope, Plum, Ware and Watts; Senators: Deeds and Favola

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 H 4, 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

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

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

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

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

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

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

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

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

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

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

119 I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades
120 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.

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

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

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

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 H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library 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 H 4, 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

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

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

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

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

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

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

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

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

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

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

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

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

365 1. Executive policy and leadership positions, including school board members, superintendents and
366 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 H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library 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, § 13; for Expiration Date, see Acts 2022, cc. 549, 550, cl. 2) Standard 2. Instructional, administrative, and support 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 H 4, 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

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

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

435 F. In addition to the positions supported by basic aid and those in support of regular school year
436 programs of prevention, intervention, and remediation, state funding, pursuant to the general
437 appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the
438 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii)
439 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000
440 students identified as having limited English proficiency, which positions may include dual language
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442 To provide flexibility in the instruction of English language learners who have limited English
443 proficiency and who are at risk of not meeting state accountability standards, school divisions may use
444 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to
445 employ additional English language learner teachers or dual language teachers to provide instruction to
446 identified limited English proficiency students. Using these funds in this manner is intended to
447 supplement the instructional services provided in this section. School divisions using the SOQ
448 Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel
449 licensed by the Board of Education.

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

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

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

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

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

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

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

483 However, in order to meet the staffing requirements set forth in this subdivision, any local school
484 board (i) may employ, under a provisional license issued by the Department for three school years with
485 an allowance for an additional two-year extension with the approval of the division superintendent, any
486 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
487 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
488 professional with appropriate experience and training, provided that any such individual makes progress
489 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 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.

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.

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

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

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

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

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

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

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

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

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

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

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

569 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at
570 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
571 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
572 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
573 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
574 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
575 schools within the division according to the area of greatest need, regardless of whether such schools are
576 elementary, middle, or secondary.

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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 H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library 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.