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## SENATE BILL NO. 1325

Offered January 11, 2023

Prefiled January 10, 2023

*A BILL to amend and reenact §§ 22.1-253.13:1, 22.1-253.13:2, and 22.1-253.13:5, as they are currently effective and as they shall become effective, 22.1-274, 22.1-274.01:1, 22.1-294, 22.1-299.7:1, and 22.1-303 of the Code of Virginia and to repeal § 22.1-305.1 of the Code of Virginia, relating to the Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives.*

Patrons—McClellan, Hashmi, Boysko and McPike; Delegates: Carr, Kory and Rasoul

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-253.13:1, 22.1-253.13:2, and 22.1-253.13:5, as they are currently effective and as they shall become effective, 22.1-274, 22.1-274.01:1, 22.1-294, 22.1-299.7:1, and 22.1-303 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-253.13:1. (For Expiration Date, see 2022 Acts, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of ~~Education~~ believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of ~~Education~~ find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of ~~Education~~ shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of ~~Education~~ shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of ~~Education~~ shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of ~~Education~~ shall make available and maintain a website, either

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59 separately or through an existing website utilized by the Department of Education, enabling public  
60 elementary, middle, and high school educators to submit recommendations for improvements relating to  
61 the Standards of Learning, when under review by the Board according to its established schedule, and  
62 related assessments required by the Standards of Quality pursuant to this chapter. Such website shall  
63 facilitate the submission of recommendations by educators.

64 School boards shall implement the Standards of Learning or objectives specifically designed for their  
65 school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to  
66 achieve the educational objectives established by the school division at appropriate age or grade levels.  
67 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

68 The Board of Education shall include in the Standards of Learning for history and social science the  
69 study of contributions to society of diverse people. For the purposes of this subsection, "diverse"  
70 includes consideration of disability, ethnicity, race, and gender.

71 The Board of Education shall include in the Standards of Learning for health instruction in  
72 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,  
73 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such  
74 instruction shall be based on the current national evidence-based emergency cardiovascular care  
75 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a  
76 program developed by the American Heart Association or the American Red Cross. No teacher who is  
77 in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of  
78 cardiopulmonary resuscitation to provide instruction for non-certification.

79 With such funds as are made available for this purpose, the Board shall regularly review and revise  
80 the competencies for career and technical education programs to require the full integration of English,  
81 mathematics, science, and history and social science Standards of Learning. Career and technical  
82 education programs shall be aligned with industry and professional standard certifications, where they  
83 exist.

84 The Board shall establish content standards and curriculum guidelines for courses in career  
85 investigation in elementary school, middle school, and high school. Each school board shall (i) require  
86 each middle school student to take at least one course in career investigation or (ii) select an alternate  
87 means of delivering the career investigation course to each middle school student, provided that such  
88 alternative is equivalent in content and rigor and provides the foundation for such students to develop  
89 their academic and career plans. Any school board may require (a) such courses in career investigation  
90 at the high school level as it deems appropriate, subject to Board approval as required in subsection A  
91 of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it  
92 deems appropriate. The Board shall develop and disseminate to each school board career investigation  
93 resource materials that are designed to ensure that students have the ability to further explore interest in  
94 career and technical education opportunities in middle and high school. In developing such resource  
95 materials, the Board shall consult with representatives of career and technical education, industry, skilled  
96 trade associations, chambers of commerce or similar organizations, and contractor organizations.

97 C. Local school boards shall develop and implement a program of instruction for grades K through  
98 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of  
99 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts  
100 and computations, proficiency in the use of computers and related technology, computer science and  
101 computational thinking, including computer coding, and scientific concepts and processes; essential skills  
102 and concepts of citizenship, including knowledge of Virginia history and world and United States  
103 history, economics, government, foreign languages, international cultures, health and physical education,  
104 environmental issues, and geography necessary for responsible participation in American society and in  
105 the international community; fine arts, which may include, but need not be limited to, music and art,  
106 and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or  
107 training in a career or technical field; and development of the ability to apply such skills and knowledge  
108 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

109 Local school boards shall also develop and implement programs of prevention, intervention, or  
110 remediation for students who are educationally at risk including, but not limited to, those who fail to  
111 achieve a passing score on any Standards of Learning assessment in grades three through eight or who  
112 fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include  
113 components that are research-based.

114 Any student who achieves a passing score on one or more, but not all, of the Standards of Learning  
115 assessments for the relevant grade level in grades three through eight may be required to attend a  
116 remediation program.

117 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for  
118 the relevant grade level in grades three through eight or who fails an end-of-course test required for the  
119 award of a verified unit of credit shall be required to attend a remediation program or to participate in  
120 another form of remediation. Division superintendents shall require such students to take special

programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department of Education shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with

the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Such reading intervention services shall be evidence-based, including services that are grounded in the science of reading, and include (i) the components of effective reading instruction and (ii) explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. The parent of each student who receives such reading intervention services shall be notified before the services begin in accordance with the provisions of § 22.1-215.2, and the progress of each such student shall be monitored throughout the provision of services. Each student who receives such reading intervention services shall be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Such reading intervention services may be administered through the use of reading specialists; trained aides; trained volunteers under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

As used in this subdivision:

"Science of reading" means the study of the relationship between cognitive science and educational outcomes.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situation safety awareness training and social media education.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

*G. There shall be established within the Department a unit to facilitate the development of relationships between school divisions and business communities to ensure that all high school students have access to meaningful work-based learning experiences such as internships, externships, and other work-based learning experiences. Such unit shall (i) provide technical assistance and professional development to school divisions and businesses to implement work-based learning programs and (ii) catalog and promote successful models and best practices for work-based learning.*

**§ 22.1-253.13:1. (For Effective Date, see 2022 Acts, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives,

which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation

resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching

profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of ~~Public Instruction~~ in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department of ~~Education~~ shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of ~~Education~~.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of ~~Education~~. Local school divisions shall report the results of the diagnostic tests to the Department of ~~Education~~ on an annual basis, at a time to be determined by the Superintendent of ~~Public Instruction~~. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation;



at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade three and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade three who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or an early literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department

template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the early literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide or extended instructional time in the school day or school year. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the early literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

4. The local school board shall provide such reading intervention services prior to promoting a student from grade three to grade four.

5. Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the early literacy screener provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

*1. There shall be established within the Department a unit to facilitate the development of relationships between school divisions and business communities to ensure that all high school students have access to meaningful work-based learning experiences such as internships, externships, and other work-based learning experiences. Such unit shall (i) provide technical assistance and professional development to school divisions and businesses to implement work-based learning programs and (ii) catalog and promote successful models and best practices for work-based learning.*

**§ 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 1 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. 1. Each school board shall provide teacher leadership and teacher mentorship programs as provided in subsection H of § 22.1-253.13:5. Each teacher leader shall support all teachers in the school year through peer-level leadership, observation, consultation, and coordination of mentorship programs and professional development. Each teacher mentor shall assist new teachers with a successful transition into the teaching profession and ensure that adequate supports are in place for new teachers. To support such programs and roles, each school board shall provide full-time equivalent teacher leader and teacher mentor positions based upon the following ratios: (i) one position for every 15 teachers with fewer than four years of experience, or fraction thereof, and (ii) one position for every 50 teachers with four or more years of experience.

2. School boards are encouraged to fill such positions on a fractional basis shared among current teachers to provide current teachers opportunities to serve as leaders and mentors while remaining in active teaching roles. School boards shall not utilize teacher leader and teacher mentor positions to fill teaching positions or to serve school administrator functions such as coordination of student discipline or testing.

3. Instructional staff members who fill full-time equivalent teacher leader and teacher mentor positions shall be provided a compensation adjustment of at least 20 percent of the state-recognized statewide prevailing salary, as provided in the general appropriation act. Such compensation adjustment shall be provided on a pro rata basis if the position is shared among several staff members.

4. Each teacher with fewer than four years of teaching experience shall be assigned a teacher mentor for his first three years of teaching. Each such teacher shall be provided one hour of release time from classroom instruction per week to collaborate with his teacher mentor.

G. 1. 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 divisionwide ratios of English language learner students in average daily membership to full-time equivalent teaching positions, in addition to those positions required pursuant to subsection C, as follows:

a. For each English language learner identified as proficiency level one, one position per 25 students;

b. For each English language learner identified as proficiency level two, one position per 30 students;

c. For each English language learner identified as proficiency level three, one position per 40 students; and

d. For all other English language learners, one position per 50 students. For the 2023-2024 school year, this category includes English language learners for whom a proficiency score is not available.

2. Teaching positions may include dual language teachers who provide instruction in English and in a second language. To provide additional flexibility, school divisions that meet the ratio of 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency may, for the 2023-2024 school year, use the portion of the state and local funds required by this subsection of the Standards of Quality for professional development programs and incentives to increase the number of qualified instructors for English learners.

3. 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~~ *boards* 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. H. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a 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. I. 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 and 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 and high schools, one full-time for each ~~600~~ 400 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~~ 250 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 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. J. 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. K. 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.~~ L. 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.~~ M. 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.~~ N. 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.~~ O. 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.~~ P. Each school board shall provide at least ~~three~~four 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.~~ Q. 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 ~~Θ~~ P; (ii) school counselor administrative positions not included in subdivision ~~H~~ I 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 ~~Θ~~ P;

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

5. Technology professional positions not included in subsection ~~J~~ K;

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. R. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J K, 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 I 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. 1. Each school board shall provide teacher leadership and teacher mentorship programs as provided in subsection H of § 22.1-253.13:5. Each teacher leader shall support all teachers in the school year through peer-level leadership, observation, consultation, and coordination of mentorship programs and professional development. Each teacher mentor shall assist new teachers with a successful transition into the teaching profession and ensure that adequate supports are in place for new teachers. To support such programs and roles, each school board shall provide full-time equivalent teacher leader and teacher mentor positions based upon the following ratios: (i) one position for every 15 teachers

with fewer than four years of experience, or fraction thereof, and (ii) one position for every 50 teachers with four or more years of experience.

2. School boards are encouraged to fill such positions on a fractional basis shared among current teachers to provide current teachers opportunities to serve as leaders and mentors while remaining in active teaching roles. School boards shall not utilize teacher leader and teacher mentor positions to fill teaching positions or to serve school administrator functions such as coordination of student discipline or testing.

3. Instructional staff members who fill full-time equivalent teacher leader and teacher mentor positions shall be provided a compensation adjustment of at least 20 percent of the state-recognized statewide prevailing salary, as provided in the general appropriation act. Such compensation adjustment shall be provided on a pro rata basis if the position is shared among several staff members.

4. Each teacher with fewer than four years of teaching experience shall be assigned a teacher mentor for his first three years of teaching. Each such teacher shall be provided one hour of release time from classroom instruction per week to collaborate with his teacher mentor.

G. 1. 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 divisionwide ratios of English language learner students in average daily membership to full-time equivalent teaching positions, in addition to those positions required pursuant to subsection C, as follows:

a. For each English language learner identified as proficiency level one, one position per 25 students;

b. For each English language learner identified as proficiency level two, one position per 30 students;

c. For each English language learner identified as proficiency level three, one position per 40 students; and

d. For all other English language learners, one position per 50 students. For the 2023-2024 school year, this category includes English language learners for whom a proficiency score is not available.

2. Teaching positions may include dual language teachers who provide instruction in English and in a second language. To provide additional flexibility, school divisions that meet the ratio of 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency may, for the 2023-2024 school year, use the portion of the state and local funds required by this subsection of the Standards of Quality for professional development programs and incentives to increase the number of qualified instructors for English learners.

3. 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 boards 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. H. 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. I. Each local school board shall employ, at a minimum, the following full-time equivalent

920 positions for any school that reports fall membership, according to student enrollment:

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

924 2. Assistant principals in elementary schools, ~~one half-time at 600 students, one full-time at 900~~  
 925 ~~students; assistant principals in middle schools, one full-time for each 600 students; assistant principals~~  
 926 ~~in~~ and high schools, one full-time for each ~~600~~ 400 students; and school divisions that employ a  
 927 sufficient number of assistant principals to meet this staffing requirement may assign assistant principals  
 928 to schools within the division according to the area of greatest need, regardless of whether such schools  
 929 are elementary, middle, or secondary;

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

936 4. School counselors, one full-time equivalent position per ~~325~~ 250 students in grades kindergarten  
 937 through 12.

938 However, in order to meet the staffing requirements set forth in this subdivision, any local school  
 939 board (i) may employ, under a provisional license issued by the Department for three school years with  
 940 an allowance for an additional two-year extension with the approval of the division superintendent, any  
 941 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board  
 942 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling  
 943 professional with appropriate experience and training, provided that any such individual makes progress  
 944 toward completing the requirements for full licensure as a school counselor during such period of  
 945 employment or (ii) in the event that the school board does not receive any application from a licensed  
 946 school counselor, professional counselor, clinical social worker, or psychologist or another licensed  
 947 counseling professional with appropriate experience and training to fill a school counselor vacancy in the  
 948 school division, may enter into an annual contract with another entity for the provision of school  
 949 counseling services by a licensed professional counselor, clinical social worker, or psychologist or  
 950 another licensed counseling professional with appropriate experience and training. Local school boards  
 951 that employ a sufficient number of individuals to meet the staffing requirements set forth in this  
 952 subdivision may assign such individuals to schools within the division according to the area of greatest  
 953 need, regardless of whether such schools are elementary, middle, or high schools.

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

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

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

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

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

975 M. N. School boards shall, however, annually, on or before December 31, report to the public (i) the  
 976 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the  
 977 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local  
 978 school division by school for the current school year. Actual pupil/teacher ratios shall include only the  
 979 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School  
 980 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any  
 981 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.~~ *O.* 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.

~~Q.~~ *P.* Each school board shall provide at least ~~three~~ *four* 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.~~ *Q.* 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 ~~Θ~~ *P*; (ii) school counselor administrative positions not included in subdivision ~~H~~ *I* 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 ~~Θ~~ *P*;

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

5. Technology professional positions not included in subsection ~~J~~ *K*;

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

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

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

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~~ *I* 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

1043 daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be  
1044 assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30  
1045 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv)  
1046 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime  
1047 the number of students in a class exceeds the class size limit established by this subsection, the local  
1048 school division shall notify the parent of each student in such class of such fact no later than 10 days  
1049 after the date on which the class exceeded the class size limit. Such notification shall state the reason  
1050 that the class size exceeds the class size limit and describe the measures that the local school division  
1051 will take to reduce the class size to comply with this subsection.

1052 Within its regulations governing special education programs, the Board shall seek to set pupil/teacher  
1053 ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained  
1054 classes for pupils with specific learning disabilities.

1055 Further, school boards shall assign instructional personnel in a manner that produces schoolwide  
1056 ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in  
1057 middle schools and high schools. School divisions shall provide all middle and high school teachers with  
1058 one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

1059 D. Each local school board shall employ with state and local basic, special education, gifted, and  
1060 career and technical education funds a minimum number of licensed, full-time equivalent instructional  
1061 personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation  
1062 act.

1063 E. In addition to the positions supported by basic aid and in support of regular school year programs  
1064 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be  
1065 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K  
1066 through 12 who are identified as needing prevention, intervention, and remediation services. State  
1067 funding for prevention, intervention, and remediation programs provided pursuant to this subsection and  
1068 the appropriation act may be used to support programs for educationally at-risk students as identified by  
1069 the local school boards.

1070 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may  
1071 employ mathematics teacher specialists to provide the required algebra readiness intervention services.  
1072 School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner  
1073 shall only employ instructional personnel licensed by the Board of Education.

1074 F. 1. *Each school board shall provide teacher leadership and teacher mentorship programs as*  
1075 *provided in subsection H of § 22.1-253.13:5. Each teacher leader shall support all teachers in the*  
1076 *school year through peer-level leadership, observation, consultation, and coordination of mentorship*  
1077 *programs and professional development. Each teacher mentor shall assist new teachers with a successful*  
1078 *transition into the teaching profession and ensure that adequate supports are in place for new teachers.*  
1079 *To support such programs and roles, each school board shall provide full-time equivalent teacher leader*  
1080 *and teacher mentor positions based upon the following ratios: (i) one position for every 15 teachers*  
1081 *with fewer than four years of experience, or fraction thereof, and (ii) one position for every 50 teachers*  
1082 *with four or more years of experience.*

1083 2. *School boards are encouraged to fill such positions on a fractional basis shared among current*  
1084 *teachers to provide current teachers opportunities to serve as leaders and mentors while remaining in*  
1085 *active teaching roles. School boards shall not utilize teacher leader and teacher mentor positions to fill*  
1086 *teaching positions or to serve school administrator functions such as coordination of student discipline*  
1087 *or testing.*

1088 3. *Instructional staff members who fill full-time equivalent teacher leader and teacher mentor*  
1089 *positions shall be provided a compensation adjustment of at least 20 percent of the state-recognized*  
1090 *statewide prevailing salary, as provided in the general appropriation act. Such compensation adjustment*  
1091 *shall be provided on a pro rata basis if the position is shared among several staff members.*

1092 4. *Each teacher with fewer than four years of teaching experience shall be assigned a teacher*  
1093 *mentor for his first three years of teaching. Each such teacher shall be provided one hour of release*  
1094 *time from classroom instruction per week to collaborate with his teacher mentor.*

1095 G. 1. In addition to the positions supported by basic aid and those in support of regular school year  
1096 programs of prevention, intervention, and remediation, state funding, pursuant to the general  
1097 appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the  
1098 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii)  
1099 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000  
1100 students identified as having limited English proficiency, which divisionwide ratios of English language  
1101 learner students in average daily membership to full-time equivalent teaching positions, in addition to  
1102 those positions required pursuant to subsection C, as follows:

1103 a. *For each English language learner identified as proficiency level one, one position per 25*  
1104 *students;*

*b. For each English language learner identified as proficiency level two, one position per 30 students;*

*c. For each English language learner identified as proficiency level three, one position per 40 students; and*

*d. For all other English language learners, one position per 50 students. For the 2023-2024 school year, this category includes English language learners for whom a proficiency score is not available.*

*2. Teaching positions may include dual language teachers who provide instruction in English and in a second language. To provide additional flexibility, school divisions that meet the ratio of 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency may, for the 2023-2024 school year, use the portion of the state and local funds required by this subsection of the Standards of Quality for professional development programs and incentives to increase the number of qualified instructors for English learners.*

*3. 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. H. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One reading specialist employed by each local school board that employs a 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. I. 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~~ and high schools, one full-time for each ~~600~~ 400 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~~ 250 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. J.~~ 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. K.~~ 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. L.~~ 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. M.~~ 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~~ I 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. N.~~ 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. O.~~ 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. P.~~ Each school board shall provide at least ~~three~~ four 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. Q.~~ 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  $\Theta$  P; (ii) school counselor administrative positions not included in subdivision  $\mathbb{H}$  I 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  $\Theta$  P;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision  $\mathbb{H}$  I 3;

5. Technology professional positions not included in subsection  $\mathbb{J}$  K;

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.

$\mathbb{Q}$ . *R.* Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through  $\mathbb{J}$  K, 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 Effective 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.

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  $\mathbb{H}$  I 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

1289 the local school boards.

1290 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may  
1291 employ mathematics teacher specialists to provide the required algebra readiness intervention services.  
1292 School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner  
1293 shall only employ instructional personnel licensed by the Board of Education.

1294 *F. 1. Each school board shall provide teacher leadership and teacher mentorship programs as*  
1295 *provided in subsection H of § 22.1-253.13:5. Each teacher leader shall support all teachers in the*  
1296 *school year through peer-level leadership, observation, consultation, and coordination of mentorship*  
1297 *programs and professional development. Each teacher mentor shall assist new teachers with a successful*  
1298 *transition into the teaching profession and ensure that adequate supports are in place for new teachers.*  
1299 *To support such programs and roles, each school board shall provide full-time equivalent teacher leader*  
1300 *and teacher mentor positions based upon the following ratios: (i) one position for every 15 teachers*  
1301 *with fewer than four years of experience, or fraction thereof, and (ii) one position for every 50 teachers*  
1302 *with four or more years of experience.*

1303 *2. School boards are encouraged to fill such positions on a fractional basis shared among current*  
1304 *teachers to provide current teachers opportunities to serve as leaders and mentors while remaining in*  
1305 *active teaching roles. School boards shall not utilize teacher leader and teacher mentor positions to fill*  
1306 *teaching positions or to serve school administrator functions such as coordination of student discipline*  
1307 *or testing.*

1308 *3. Instructional staff members who fill full-time equivalent teacher leader and teacher mentor*  
1309 *positions shall be provided a compensation adjustment of at least 20 percent of the state-recognized*  
1310 *statewide prevailing salary, as provided in the general appropriation act. Such compensation adjustment*  
1311 *shall be provided on a pro rata basis if the position is shared among several staff members.*

1312 *4. Each teacher with fewer than four years of teaching experience shall be assigned a teacher*  
1313 *mentor for his first three years of teaching. Each such teacher shall be provided one hour of release*  
1314 *time from classroom instruction per week to collaborate with his teacher mentor.*

1315 *G. 1. In addition to the positions supported by basic aid and those in support of regular school year*  
1316 *programs of prevention, intervention, and remediation, state funding, pursuant to the general*  
1317 *appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the*  
1318 *2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii)*  
1319 *20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000*  
1320 *students identified as having limited English proficiency, which divisionwide ratios of English language*  
1321 *learner students in average daily membership to full-time equivalent teaching positions, in addition to*  
1322 *those positions required pursuant to subsection C, as follows:*

1323 *a. For each English language learner identified as proficiency level one, one position per 25*  
1324 *students;*

1325 *b. For each English language learner identified as proficiency level two, one position per 30*  
1326 *students;*

1327 *c. For each English language learner identified as proficiency level three, one position per 40*  
1328 *students; and*

1329 *d. For all other English language learners, one position per 50 students. For the 2023-2024 school*  
1330 *year, this category includes English language learners for whom a proficiency score is not available.*

1331 *2. Teaching positions may include dual language teachers who provide instruction in English and in*  
1332 *a second language. To provide additional flexibility, school divisions that meet the ratio of 20 full-time*  
1333 *equivalent instructional positions for each 1,000 students identified as having limited English proficiency*  
1334 *may, for the 2023-2024 school year, use the portion of the state and local funds required by this*  
1335 *subsection of the Standards of Quality for professional development programs and incentives to increase*  
1336 *the number of qualified instructors for English learners.*

1337 *3. To provide flexibility in the instruction of English language learners who have limited English*  
1338 *proficiency and who are at risk of not meeting state accountability standards, school divisions boards*  
1339 *may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation*  
1340 *account to employ additional English language learner teachers or dual language teachers to provide*  
1341 *instruction to identified limited English proficiency students. Using these funds in this manner is*  
1342 *intended to supplement the instructional services provided in this section. School divisions using the*  
1343 *SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional*  
1344 *personnel licensed by the Board of Education.*

1345 *G. H. In addition to the full-time equivalent positions required elsewhere in this section, each local*  
1346 *school board shall employ one reading specialist for each 550 students in kindergarten through grade*  
1347 *three. Each such reading specialist shall have training in science-based reading research and*  
1348 *evidence-based literacy instruction practices. In addition, each such reading specialist shall have training*  
1349 *in the identification of and the appropriate interventions, accommodations, and teaching techniques for*  
1350 *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. I. 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~~ and high schools, one full-time for each ~~600~~ 400 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~~ 250 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. J. 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. K. 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. L. 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. M. 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~~ I 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.~~ *N.* 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.~~ *O.* 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.~~ *P.* Each school board shall provide at least ~~three~~ *four* 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.~~ *Q.* 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 ~~Θ~~ *P*; (ii) school counselor administrative positions not included in subdivision ~~H~~ I 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 ~~Θ~~ *P*;

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

5. Technology professional positions not included in subsection ~~J~~ *K*;

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



§ 22.1-253.13:5. (For Expiration Date, see 2022 Acts cc. 549, 550, cl. 2) Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board of Education shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic progress as a significant component and an overall summative rating. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

C. The Board of Education shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and division superintendents in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; and (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired.

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state, or national levels, including the Standards of Quality, Board of Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers, principals, and superintendents to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall also provide teachers and principals with high-quality professional development programs each year in (a) instructional content; (b) the preparation of tests and other assessment measures; (c) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; (d) instruction and remediation techniques in English, mathematics, science, and history and social science; (e) interpreting test data for instructional purposes; (f) technology applications to implement the Standards of Learning; and (g) effective classroom management.

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

H. The Board shall establish, and each local school board shall provide, teacher leadership and mentorship programs utilizing specially trained public school teachers. The Board shall issue guidelines for teacher leadership and mentorship programs and shall set criteria for beginning and experienced

1535 *teacher participation, including self-referral and the qualifications and training of teacher leaders and*  
1536 *teacher mentors. Such guidelines shall provide that teacher leadership and mentorship programs shall*  
1537 *be administered by school boards with the assistance of local advisory committees made up of teachers,*  
1538 *principals, and supervisors.*

1539 *I. There shall be established within the Department a unit to develop and implement a statewide*  
1540 *mentorship program to support each new principal and each principal of a school that does not meet*  
1541 *the standards established by the Board. Such unit shall (i) establish standards for principal mentorship*  
1542 *programs; (ii) recruit, train, and match mentors with all principals participating in the mentorship*  
1543 *program; and (iii) monitor program outcomes.*

1544 **§ 22.1-253.13:5. (For Effective Date, see 2022 Acts cc. 549, 550, cl. 2) Standard 5. Quality of**  
1545 **classroom instruction and educational leadership.**

1546 A. Each member of the Board of Education shall participate in high-quality professional development  
1547 programs on personnel, curriculum and current issues in education as part of his service on the Board.

1548 B. Consistent with the finding that leadership is essential for the advancement of public education in  
1549 the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the  
1550 performance standards included in the Guidelines for Uniform Performance Standards and Evaluation  
1551 Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic  
1552 progress as a significant component and an overall summative rating. Teacher evaluations shall include  
1553 regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations  
1554 shall include identification of areas of individual strengths and weaknesses and recommendations for  
1555 appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

1556 C. The Board of Education shall provide guidance on high-quality professional development for (i)  
1557 teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals,  
1558 supervisors, and division superintendents in the evaluation and documentation of teacher and principal  
1559 performance based on student academic progress and the skills and knowledge of such instructional or  
1560 administrative personnel; (iii) school board members on personnel, curriculum and current issues in  
1561 education; (iv) teachers of the blind and visually impaired, in cooperation with the Virginia Department  
1562 for the Blind and Vision Impaired, in Braille; and (v) any individual with an endorsement in  
1563 early/primary education preschool through grade three, elementary education preschool through grade  
1564 six, special education general curriculum kindergarten through grade 12, special education deaf and hard  
1565 of hearing preschool through grade 12, or special education blindness/visual impairments preschool  
1566 through grade 12 or as a reading specialist in science-based reading research and evidence-based literacy  
1567 instruction.

1568 The Board shall also provide technical assistance on high-quality professional development to local  
1569 school boards designed to ensure that all instructional personnel are proficient in the use of educational  
1570 technology consistent with its comprehensive plan for educational technology.

1571 The Department shall provide technical assistance, including literacy coaching, to local school  
1572 divisions to provide professional development in science-based reading research and evidence-based  
1573 literacy instruction. The Department shall also create a list of professional development programs aligned  
1574 with science-based reading research and evidence-based literacy instruction that includes programs that  
1575 provide training in dyslexia for reading specialists as required by subsection G ~~H~~ of § 22.1-253.13:2.  
1576 The list shall be approved by the Board. The Department shall provide resources to local school  
1577 divisions to ensure that each division is able to provide professional development to teachers and  
1578 reading specialists listed in subdivision E 2 of ~~§ 22.1-253.13:5~~ in one of the programs enumerated in the  
1579 list approved by the Board pursuant to this subdivision and that such professional development is  
1580 provided at no cost to the teachers and reading specialists.

1581 D. Each local school board shall require (i) its members to participate annually in high-quality  
1582 professional development activities at the state, local, or national levels on governance, including, but  
1583 not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction;  
1584 use of data in planning and decision making; and current issues in education as part of their service on  
1585 the local board and (ii) the division superintendent to participate annually in high-quality professional  
1586 development activities at the local, state, or national levels, including the Standards of Quality, Board of  
1587 Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria  
1588 for Teachers, Principals, and Superintendents.

1589 E. Each local school board shall provide a program of high-quality professional development (i) in  
1590 the use and documentation of performance standards and evaluation criteria based on student academic  
1591 progress and skills for teachers, principals, and superintendents to clarify roles and performance  
1592 expectations and to facilitate the successful implementation of instructional programs that promote  
1593 student achievement at the school and classroom levels; (ii) as part of the license renewal process, to  
1594 assist teachers and principals in acquiring the skills needed to work with gifted students, students with  
1595 disabilities, and students who have been identified as having limited English proficiency and to increase  
1596 student achievement and expand the knowledge and skills students require to meet the standards for

academic performance set by the Board of Education; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall provide:

1. Teachers and principals with high-quality professional development programs each year in (a) instructional content; (b) the preparation of tests and other assessment measures; (c) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; (d) instruction and remediation techniques in English, mathematics, science, and history and social science; (e) interpreting test data for instructional purposes; (f) technology applications to implement the Standards of Learning; and (g) effective classroom management; and

2. High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C of § 22.1-253.13:5 or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for each elementary school principal and each teacher with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist in order to aid in the licensure renewal process for such individuals.

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

H. The Board shall establish, and each local school board shall provide, teacher leadership and mentorship programs utilizing specially trained public school teachers. The Board shall issue guidelines for teacher leadership and mentorship programs and shall set criteria for beginning and experienced teacher participation, including self-referral and the qualifications and training of teacher leaders and teacher mentors. Such guidelines shall provide that teacher leadership and mentorship programs shall be administered by school boards with the assistance of local advisory committees made up of teachers, principals, and supervisors.

I. There shall be established within the Department a unit to develop and implement a statewide mentorship program to support each new principal and each principal of a school that does not meet the standards established by the Board. Such unit shall (i) establish standards for principal mentorship programs; (ii) recruit, train, and match mentors with all principals participating in the mentorship program; and (iii) monitor program outcomes.

#### **§ 22.1-274. School health services.**

A. A school board shall provide pupil personnel and support services in compliance with § 22.1-253.13:2. ~~A~~ In accordance with the provisions of subsection P of § 22.1-253.13:2, a school board may employ school nurses, physicians, physical therapists, occupational therapists, and speech therapists. No such personnel shall be employed unless they meet such standards as may be determined by the Board. Subject to the approval of the appropriate local governing body, a local health department may provide personnel for health services for the school division.

B. In implementing subsection P of § 22.1-253.13:2, relating to providing support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools, each school board may strive to employ, or contract with local health departments for, nursing services consistent with a ratio of at least one nurse per 1,000 students. In those school divisions in which there are more than 1,000 students in average daily membership in school buildings, this section shall not be construed to encourage the employment of more than one nurse per school building. Further, this section shall not be construed to mandate the aspired-to ratios.

C. The Board shall monitor the progress in achieving the ratio set forth in subsection B and any subsequent increase in prevailing statewide costs; and the mechanism for funding health services; pursuant to subsection P of § 22.1-253.13:2 and the appropriation act. The Board shall also determine how school health funds are used and school health services are delivered in each locality.

D. With the exception of school administrative personnel and persons employed by school boards

who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

For the purposes of this subsection, "health-related services" means those activities that, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

**E. C.** Each school board shall ensure that in school buildings with an instructional and administrative staff of 10 or more (i) at least three employees have current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator and (ii) if one or more students diagnosed as having diabetes attend such school, at least two employees have been trained in the administration of insulin and glucagon. In school buildings with an instructional and administrative staff of fewer than 10, school boards shall ensure that (a) at least two employees have current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator and (b) if one or more students diagnosed as having diabetes attend such school, at least one employee has been trained in the administration of insulin and glucagon. For purposes of this subsection, "employee" includes any person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board. When a registered nurse, nurse practitioner, physician, or physician assistant is present, no employee who is not a registered nurse, nurse practitioner, physician, or physician assistant shall assist with the administration of insulin or administer glucagon. Prescriber authorization and parental consent shall be obtained for any employee who is not a registered nurse, nurse practitioner, physician, or physician assistant to assist with the administration of insulin and administer glucagon.

**§ 22.1-274.01:1. Students who are diagnosed with diabetes; self-care; insertion and reinsertion of insulin pump.**

A. Each local school board shall permit each enrolled student who is diagnosed with diabetes, with parental consent and written approval from the prescriber, as that term is defined in § 54.1-3401, to (i) carry with him and use supplies, including a reasonable and appropriate short-term supply of carbohydrates, an insulin pump, and equipment for immediate treatment of high and low blood glucose levels, and (ii) self-check his own blood glucose levels on a school bus, on school property, and at a school-sponsored activity.

B. A local school board employee who is a registered nurse, licensed practical nurse, or certified nurse aide and who has been trained in the administration of insulin, including the use and insertion of insulin pumps, and the administration of glucagon may assist a student who is diagnosed with diabetes and who carries an insulin pump with the insertion or reinsertion of the pump or any of its parts. For the purposes of this subsection, "employee" has the same meaning as in subsection **E C** of § 22.1-274. Prescriber authorization and parental consent shall be obtained for any such employee to assist with the insertion or reinsertion of the pump or any of its parts. Nothing in this section shall require any employee to assist with the insertion or reinsertion of the pump or any of its parts.

**§ 22.1-294. Probationary terms of service for principals, assistant principals, and supervisors; evaluation; reassigning principal, assistant principal, or supervisor to teaching position.**

A. A person employed as a principal, assistant principal, or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve a probationary term of three years in such position in the same school division before acquiring continuing contract status as principal, assistant principal, or supervisor. With such funds as may be appropriated by the General Assembly for such purpose, school boards shall provide each probationary principal, except probationary principals who have prior successful experience as principals, as determined by the local school board in a school division, a mentor, as described in ~~guidelines developed by the Board~~ *standards established by the Department pursuant to subsection I of § 22.1-253.13:5*, during the first year of the probationary period, to assist such probationary principal in achieving excellence in administration.

B. Each local school board shall adopt for use by the division superintendent clearly defined criteria for a performance evaluation process for principals, assistant principals, and supervisors that are consistent with the performance standards set forth in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents as provided in § 22.1-253.13:5 and that includes, among other things, an assessment of such administrators' skills and knowledge; student academic progress and school gains in student learning; and effectiveness in addressing school safety and enforcing student discipline. The division superintendent shall implement such performance evaluation process in making employment recommendations to the school board pursuant to § 22.1-293. Principals and assistant principals who have achieved continuing contract status shall be formally evaluated at least once every three years and evaluated informally at least once each year that they are not formally evaluated. Probationary principals and assistant principals shall be evaluated each school

year. The division superintendent shall consider such evaluations, among other things, in making recommendations to the school board regarding the nonrenewal of the probationary contract of any principal or assistant principal.

C. Continuing contract status acquired by a principal, assistant principal, or supervisor shall not be construed (i) as prohibiting a school board from reassigning such principal, assistant principal, or supervisor to a teaching position if notice of reassignment is given by the school board by June 15 of any year or (ii) as entitling any such principal, assistant principal, or supervisor to the salary paid him as principal, assistant principal, or supervisor in the case of any such reassignment to a teaching position.

D. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal, or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the division superintendent, the division superintendent's designee, or the school board. Before recommending such reassignment, the division superintendent shall consider, among other things, the performance evaluations for such principal, assistant principal, or supervisor. The principal, assistant principal, or supervisor shall elect whether such meeting shall be with the division superintendent, the division superintendent's designee, or the school board. The school board, division superintendent, or the division superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the school board.

The intent of this section is to provide an opportunity for a principal, assistant principal, or supervisor to discuss the reasons for such salary reduction and reassignment with the division superintendent, his designee, or the school board, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause, as defined in § 22.1-307, for the salary reduction and reassignment of a principal, assistant principal, or supervisor.

E. As used in this section, "supervisor" means a person who holds an instructional supervisory position as specified in the regulations of the Board of Education and who is required to hold a license as prescribed by the Board of Education.

**§ 22.1-299.7:1. (For Effective Date, See 2022 Acts cc. 549, 550, cl. 2) Microcredential program; reading specialists.**

A. The Department shall establish a microcredential program for the purpose of permitting any public elementary or secondary school teacher who holds a renewable or provisional license or any individual who participates in any alternate route to licensure program to earn a series of microcredentials in the reading specialist endorsement area. Such microcredential program shall require candidates to complete a performance-based assessment intended to allow the educator to demonstrate competency in evidence-based literacy instruction and science-based reading research as well as the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder.

B. The Board shall issue guidance that determines how the series of microcredentials awarded to teachers pursuant to the microcredential program established in accordance with subsection A will be used to award an add-on endorsement as a reading specialist. Any add-on endorsement that results from completion of such microcredential program shall be provisional for a period of five years.

C. A local school board may employ a teacher with an add-on endorsement as a reading specialist pursuant to this section to satisfy the requirement set forth in subsection ~~G~~ *H* of § 22.1-253.13:2 if the local school board is unable to employ a teacher with a full endorsement as a reading specialist.

D. Teachers who hold a renewable license and who participate, through the microcredential program established in accordance with subsection A, in courses that do not contribute to an endorsement are eligible for professional development points toward renewal of their license for the number of in-person hours of coursework completed upon providing a certificate of such participation from the course provider.

**§ 22.1-303. Probationary terms of service for teachers.**

A. A probationary term of service of three years in the same school division shall be required before a teacher is issued a continuing contract. School boards shall provide each probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to ~~§ 22.1-305.1~~ *subsection H of § 22.1-253.13:5*, during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating teachers as required by subsection C of § 22.1-295. A teacher in his first year of the probationary period shall be evaluated informally at least once during the first semester of the school year. The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in

1781 § 22.1-305.

1782 Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing  
1783 contract status, to have successfully completed training in instructional strategies and techniques for  
1784 intervention for or remediation of students who fail or are at risk of failing the Standards of Learning  
1785 assessments. Local school divisions shall be required to provide said training at no cost to teachers  
1786 employed in their division. In the event a local school division fails to offer said training in a timely  
1787 manner, no teacher will be denied continuing contract status for failure to obtain such training.

1788 B. Once a continuing contract status has been attained in a school division in the Commonwealth,  
1789 another probationary period need not be served in any other school division unless such probationary  
1790 period, not to exceed two years, is made a part of the contract of employment. Further, when a teacher  
1791 has attained continuing contract status in a school division in the Commonwealth and separates from and  
1792 returns to teaching service in a school division in Virginia by the beginning of the third year, such  
1793 teacher shall be required to serve a probationary period not to exceed two years, if made a part of the  
1794 contract for employment.

1795 C. For the purpose of calculating the years of service required to attain continuing contract status, at  
1796 least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in  
1797 the first year of service by a teacher.

1798 **2. That § 22.1-305.1 of the Code of Virginia is repealed.**