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SENATE BILL NO. 105

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee on March 8, 2024)

(Patrons Prior to Substitute—Senators Lucas, VanValkenburg [SBs 127 and 128], Subramanyam [SB 187], Hashmi [SBs 227 and 228], and Aird [SB 609])

A BILL to amend and reenact §§ 22.1-199.1, 22.1-253.13:2, 22.1-299.2, and 51.1-617 of the Code of Virginia, relating to ratios of instructional positions to English language learner students; At-Risk Program established; National Board Certification Incentive Reward Program grants; special education staffing; report.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-199.1, 22.1-253.13:2, 22.1-299.2, and 51.1-617 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-199.1. Programs designed to promote educational opportunities.

A. The General Assembly finds that Virginia educational research supports the conclusion that poor children are more at risk of educational failure than children from more affluent homes and that reduced pupil/teacher ratios and class sizes result in improved academic performance among young children; to this end, the General Assembly establishes a long-term goal of reducing pupil/teacher ratios and class sizes for grades K through three in those schools in the Commonwealth with high or moderate concentrations of at-risk students.

With such funds as are provided in the appropriation act for this purpose, there is hereby established the statewide voluntary pupil/teacher ratio and class size reduction program for the purpose of reaching the long-term goal of statewide voluntary pupil/teacher ratio and class size reductions for grades K through three in schools with high or moderate concentrations of at-risk students, consistent with the provisions provided in the appropriation act.

In order to facilitate these primary grade ratio and class size reductions, the Department shall calculate the state funding of these voluntary ratio and class size reductions based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Localities shall provide matching funds for these voluntary ratio and class size reductions based on the composite index of local ability to pay. School divisions shall notify the Department of their intention to implement the reduced ratios and class sizes in one or more of their qualifying schools by August 1 of each year. By March 31 of each year, school divisions shall forward data substantiating that each participating school has a complying pupil/teacher ratio.

In developing each proposed biennium budget for public education, the Board shall include funding for these ratios and class sizes. These ratios and class sizes shall be included in the annual budget for public education.

B. The General Assembly finds that educational technology is one of the most important components, along with highly skilled teachers, in ensuring the delivery of quality public school education throughout the Commonwealth. Therefore, the Board shall strive to incorporate technological studies within the teaching of all disciplines. Further, the General Assembly notes that educational technology can only be successful if teachers and administrators are provided adequate training and assistance. To this end, the following program is established.

With such funds as are appropriated for this purpose, the Board shall award to the several school divisions grants for expanded access to educational technology. Funding for educational technology training for instructional personnel shall be provided as set forth in the appropriation act.

Funds for improving the quality and capacity of educational technology shall also be provided as set forth in the appropriation act, including (i) funds for providing a technology resource assistant to serve every elementary school in this Commonwealth and (ii) funds to maintain the currency of career and technical education programs. Any local school board accepting funds to hire technology resource assistants or maintain currency of career and technical education programs shall commit to providing the required matching funds, based on the composite index of local ability to pay.

Each qualifying school board shall establish an individualized technology plan, which shall be approved by the Superintendent, for integrating technology into the classroom and into schoolwide instructional programs, including career and technical education programs. The first priority for funding shall be consistent with those components of the Board's revised six-year technology plan that focus on (i) retrofitting and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors

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60 as required by the Standards of Learning, and (d) training and professional development on available
61 technologies and software to all levels and positions, including professional development for personnel
62 delivering career and technical education at all levels and positions; and (iii) assisting school divisions in
63 developing integrated voice-, video-, and data-connectivity to local, national and international resources.

64 This funding may be used to implement a local school division's long-range technology plan, at the
65 discretion of the relevant school board, if the local plan meets or exceeds the goals and standards of the
66 Board's revised six-year technology plan and has been approved by the Superintendent.

67 The Department of Education, the Department of General Services, and the Virginia Information
68 Technologies Agency shall coordinate master contracts for the purchase by local school boards of the
69 aforementioned educational technologies and reference materials.

70 A technology replacement program shall be, with such funds as may be appropriated for this
71 purpose, implemented to replace obsolete educational hardware and software. As provided in subsection
72 D of § 22.1-129, school boards may donate obsolete educational technology hardware and software that
73 are being replaced. Any such donations shall be offered to other school divisions and to preschool
74 programs in the Commonwealth or to public school students as provided in guidelines to be promulgated
75 by the Board. Such guidelines shall include criteria for determining student eligibility and need, a
76 reporting system for the compilation of information concerning the number and socioeconomic
77 characteristics of recipient students, and notification of parents of the availability of such donations of
78 obsolete educational hardware and software.

79 C. The General Assembly finds that local autonomy in making decisions on local educational needs
80 and priorities results in effective grassroots efforts to improve education in the Commonwealth's public
81 schools only when coupled with sufficient state funding; to this end, the following block grant program
82 is hereby established. With such funds as are provided in the appropriation act, the Department shall
83 distribute block grants to localities to enable compliance with the Commonwealth's requirements for
84 school divisions in effect on January 1, 1995. Therefore, for the purpose of such compliance, the block
85 grant herein established shall consist of a sum equal to the amount appropriated in the appropriation act
86 for the covered programs, including the at-risk add-on program; dropout prevention, specifically Project
87 YES; Project Discovery; English as a second language programs, including programs for overage,
88 nonschooled students; Advancement Via Individual Determination (AVID); the Homework Assistance
89 Program; programs initiated under the Virginia Guaranteed Assistance Program, except that such funds
90 shall not be used to pay any expenses of participating students at institutions of higher education; and
91 school/community health centers. Each school board may use any funds received through the block grant
92 to implement the covered programs and other programs designed to save the Commonwealth's children
93 from educational failure.

94 D. In order to reduce pupil/teacher ratios and class sizes in elementary schools, from such funds as
95 may be appropriated for this purpose, each school board may employ additional classroom teachers,
96 remedial teachers, and reading specialists for each of its elementary schools over the requirements of the
97 Standards of Quality. State and local funding for such additional classroom teachers, remedial teachers,
98 and reading specialists shall be apportioned as provided in the appropriation act.

99 E. D. Pursuant to a turnaround specialist program administered by the Department, local school
100 boards may enter into agreements with individuals to be employed as turnaround specialists to address
101 those conditions at the school that may impede educational progress and effectiveness and academic
102 success. Local school boards may offer such turnaround specialists or other administrative personnel
103 incentives such as increased compensation, improved retirement benefits in accordance with Chapter 6.2
104 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in accordance with § 51.1-603,
105 relocation expenses, bonuses, and other incentives as may be determined by the board.

106 F. E. The General Assembly finds that certain schools have particular difficulty hiring teachers for
107 certain subject areas and that the need for such teachers in these schools is particularly strong.
108 Accordingly in an effort to attract and retain high quality teachers, local school boards may offer
109 instructional personnel serving in such schools as a member of a middle school teacher corps
110 administered by the Department incentives such as increased compensation, improved retirement benefits
111 in accordance with Chapter 6.2 (§ 51.1-617 et seq.) of Title 51.1, increased deferred compensation in
112 accordance with § 51.1-603, relocation expenses, bonuses, and other incentives as may be determined by
113 the board.

114 For purposes of this subsection, "middle school teacher corps" means licensed instructional personnel
115 who are assigned to a local school division to teach in a subject matter in grades six, seven, or eight
116 where there is a critical need, as determined by the Department. The contract between such persons and
117 the relevant local school board shall specify that the contract is for service in the middle school teacher
118 corps.

119 **§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

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

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

123 C. Each school board shall assign licensed instructional personnel in a manner that produces
124 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
125 excluding special education teachers, principals, assistant principals, school counselors or certain other
126 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the
127 following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average
128 daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be
129 assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30
130 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv)
131 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime
132 the number of students in a class exceeds the class size limit established by this subsection, the local
133 school division shall notify the parent of each student in such class of such fact no later than 10 days
134 after the date on which the class exceeded the class size limit. Such notification shall state the reason
135 that the class size exceeds the class size limit and describe the measures that the local school division
136 will take to reduce the class size to comply with this subsection.

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

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

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

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

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

159 F. In addition to the positions supported by basic aid and those in support of regular school year
160 programs of prevention, intervention, and remediation, state funding, pursuant to the general
161 appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the
162 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii)
163 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000
164 students identified as having limited English proficiency ratios of instructional positions to English
165 language learner students, based on each such student's English proficiency level, as established in the
166 general appropriation act, which positions may include dual language teachers who provide instruction
167 in English and in a second language.

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

176 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
177 school board shall employ one reading specialist for each 550 students in kindergarten through grade
178 five and one reading specialist for each 1,100 students in grades six through eight. Each such reading
179 specialist shall have training in science-based reading research and evidence-based literacy instruction
180 practices. In addition, each such reading specialist shall have training in the identification of and the
181 appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a
182 related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist

183 shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to
184 help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at
185 different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory,
186 explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations,
187 and assistive technology supports for students with dyslexia.

188 To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ
189 reading specialists to provide the required reading intervention services. School divisions using the Early
190 Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed
191 by the Board. Local school divisions that employ a sufficient number of reading specialists to meet this
192 staffing standard may assign reading specialists to grade levels according to grade levels with greatest
193 need, regardless of the individual staffing standards established for grades kindergarten through five and
194 six through eight.

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

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

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

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

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

213 However, in order to meet the staffing requirements set forth in this subdivision, any local school
214 board (i) may employ, under a provisional license issued by the Department for three school years with
215 an allowance for an additional two-year extension with the approval of the division superintendent, any
216 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
217 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
218 professional with appropriate experience and training, provided that any such individual makes progress
219 toward completing the requirements for full licensure as a school counselor during such period of
220 employment or (ii) in the event that the school board does not receive any application from a licensed
221 school counselor, professional counselor, clinical social worker, or psychologist or another licensed
222 counseling professional with appropriate experience and training to fill a school counselor vacancy in the
223 school division, may enter into an annual contract with another entity for the provision of school
224 counseling services by a licensed professional counselor, clinical social worker, or psychologist or
225 another licensed counseling professional with appropriate experience and training. Local school boards
226 that employ a sufficient number of individuals to meet the staffing requirements set forth in this
227 subdivision may assign such individuals to schools within the division according to the area of greatest
228 need, regardless of whether such schools are elementary, middle, or high schools.

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

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

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

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

244 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing

245 requirements for the highest grade level in that school; this requirement shall apply to all staff, except
246 for school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be
247 based on the school's total enrollment. The Board may grant waivers from these staffing levels upon
248 request from local school boards seeking to implement experimental or innovative programs that are not
249 consistent with these staffing levels.

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

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

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

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

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

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

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

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

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

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

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

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

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

299 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at
300 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
301 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
302 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
303 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
304 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
305 schools within the division according to the area of greatest need, regardless of whether such schools are

306 elementary, middle, or secondary.

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

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

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

313 R. *There is hereby established the At-Risk Program for the purpose of supporting programs and*
314 *services for students who are educationally at risk, including prevention, intervention, or remediation*
315 *activities required pursuant to Standard 1 (§ 22.1-253.13:1); teacher recruitment programs and*
316 *incentives; Dropout Prevention; community and school-based truancy officer programs; Advancement*
317 *Via Individual Determination (AVID); Project Discovery; programs for English language learners; the*
318 *hiring of additional school counselors, testing coordinators, and licensed behavior analysts; and*
319 *programs relating to increasing the success of disadvantaged students in completing a high school*
320 *degree and providing opportunities to encourage further education and training. A portion of the state*
321 *funding provided for the At-Risk Program shall be allocated to school divisions on a flat per-student*
322 *percentage rate set out in the general appropriation act and a portion of such funding shall be*
323 *allocated to school divisions on a variable rate set out in the general appropriation act based on the*
324 *concentration of poverty in the school division.*

325 **§ 22.1-299.2. National Board Certification Incentive Reward Program and Fund.**

326 A. From such funds as may be appropriated for such purpose and from such gifts, donations, grants,
327 bequests, and other funds as may be received on its behalf, there is hereby established the National
328 ~~Teacher Board~~ Certification Incentive Reward Program (the "Program"), to be administered by the Board
329 of Education, and a special nonreverting fund within the state treasury known as the National ~~Teacher~~
330 ~~Board~~ Certification Incentive Reward Program Fund (the "Fund"). The Fund shall be established on the
331 books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not
332 revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the
333 Fund and be credited to it.

334 The State Treasurer shall manage the Fund, subject to the authority of the Board of ~~Education~~ to
335 provide for its disbursement. The Fund shall be disbursed to award incentive grants to public school
336 ~~teachers obtaining staff who have obtained~~ national certification from the National Board for
337 Professional Teaching Standards *or who are candidates for initial national certification or maintenance*
338 *of national certification (MOC) from the National Board for Professional Teaching Standards to assist*
339 *with the upfront costs of obtaining or maintaining such certification.*

340 ~~To the extent funds are available in the Fund, teachers~~ B. Any candidate (i) working in a Title 1
341 school or a school eligible for participation in the Community Eligibility Provision pursuant to
342 § 22.1-207.4:1 and (ii) who is pursuing initial national certification from the National Board for
343 Professional Teaching Standards is eligible to apply to the Department for an incentive grant from the
344 Fund pursuant to the Program to cover (i) half of the total initial national certification fee, equal to the
345 sum of the cost of four components and the registration fee for initial national certification, to be
346 disbursed upon initial registration for such certification and (ii) the remaining half of such total initial
347 national certification fee to be disbursed upon successful achievement of initial national certification as
348 verified by the National Board for Professional Teaching Standards.

349 C. Any candidate (i) working in a Title 1 school or a school eligible for participation in the
350 Community Eligibility Provision pursuant to § 22.1-207.4:1 and (ii) who is pursuing MOC from the
351 National Board for Professional Teaching Standards is eligible to apply to the Department for an
352 incentive grant from the Fund pursuant to the Program to cover the total MOC fee, equal to the sum of
353 the cost of MOC and the registration fee for MOC, to be disbursed upon successful completion of the
354 MOC process as verified by the National Board for Professional Teaching Standards.

355 D. Any public school staff member who ~~obtain~~ has obtained national certification from the National
356 Board for Professional Teaching Standards shall receive ~~an initial state-funded~~ from the Fund pursuant
357 to the Program an initial incentive grant award of \$5,000 and a subsequent award of \$2,500 each year
358 for the life of the certificate. Such *annual incentive grant* awards shall continue to be paid upon ~~renewal~~
359 *maintenance* of the certificate. The Board shall establish procedures for determining amounts of awards
360 if the moneys in the Fund are not sufficient to award each eligible teacher the appropriate award
361 amount.

362 ~~B. E.~~ The Board may issue guidelines governing the Program as it deems necessary and appropriate.

363 **§ 51.1-617. Definitions.**

364 As used in this chapter, unless the context requires a different meaning:

365 "Board" means the Board of Trustees of the Virginia Retirement System.

366 "Eligible employee" means any turnaround specialist or member of the middle school teacher corps
367 providing services for a participating public school division pursuant to subsections D and E ~~and F~~ of

368 § 22.1-199.1.

369 "Participating employer" means any local public school board that offers and pays the costs of
370 improved retirement benefits as described in subsections *D and E* ~~and F~~ of § 22.1-199.1.

371 "Plan" means the defined contribution plan established pursuant to this chapter and the provisions of
372 § 401 (a) of the Internal Revenue Code of 1986, as amended.

373 "Qualified participant" means an eligible employee of a participating employer.

374 **2. That to begin to address the recommendations of the Joint Legislative Audit and Review**
375 **Commission's 2023 review of Virginia's K-12 Funding Formula, the Virginia Department of**
376 **Education shall develop and implement a data collection process related to English language**
377 **learner expenditures and student English proficiency levels and identify other options to support**
378 **English language learners. The Department shall provide a status report to the Joint**
379 **Subcommittee on Elementary and Secondary Funding on its implementation and data collection**
380 **efforts by September 1, 2024.**

381 **3. That the Department of Education, in collaboration with the Department of Behavioral Health**
382 **and Developmental Services or any other relevant stakeholders with expertise in special education**
383 **as the Department of Education deems appropriate, shall develop a plan for revised special**
384 **education staffing requirements that addresses the staffing needs of each special education**
385 **program in each school division as determined by the specific educational and behavioral support**
386 **needs of students who receive special education and aims to improve special education teacher**
387 **recruitment and retention. The Department of Education shall report its findings to the Joint**
388 **Subcommittee on Elementary and Secondary Funding by November 1, 2024.**