

Standards of Quality (SOQ) Proposals for Board of Education Consideration

Presented to the Board of Education on July 24, 2019

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Overview of activity since the April 24, 2019, Board of Education Retreat

Since the Board’s April 24, 2019, retreat, four regional focus group meetings and public hearings were conducted across the state and input has been solicited from key statewide stakeholder organizations. Based upon the feedback received from the Board, stakeholders, and public comments, Department of Education staff has proposed adjustments to the April 24, 2019, and June 19, 2019 SOQ proposals.

Summary of Estimated Annual Costs of Proposals

Targeted Compensation Adjustments	\$69.9 million
At-Risk Add-On	\$4.9 million - \$77.45 million*
Teacher Leader and Teacher Mentor Programs	\$106.3 million, does not include additional funding for substitute teachers*
English Learner Teachers	\$26.7 million
Specialized Student Support Personnel	approx. \$100 million
School Counselors	\$88.2 million
Elementary School Principals	\$7.9 million
Assistant Principals	\$83.9 million
Recession-Era Savings and Flexibility Strategies	\$371.6 million
Reading Specialists	\$36.6 million*
Work-Based Learning Coordinators	\$1.12 million
Class Size Reduction	\$213.8 million
Principal Mentor Programs	\$1.12 million

* denotes fiscal impact shown does not include existing appropriations to existing programs that would be shifted into the Standards of Quality.

Targeted Compensation Adjustments

Establish provisions in the Standards of Quality to provide targeted compensation adjustments for experienced teachers in high-poverty schools. Estimated cost: \$69.9 million/year.

Explanation

- This proposal would provide a compensation adjustment to encourage skilled teachers to teach in high-poverty schools.
- The compensation adjustment would be based on the state-recognized SOQ cost for a secondary and elementary teacher (\$51,167 and \$48,298, respectively), and the percent of students eligible for free lunch in a school:

Percent of students eligible for free lunch	Compensation Adjustment: Percent of State-Recognized SOQ Cost	Compensation Adjustment: Amount
More than 70%	25 percent	\$12,074 (elementary) \$12,792 (secondary)
More than 55%	12.5 percent	\$6,037 (elementary) \$6,396 (secondary)

- To qualify for the adjustment, teachers would need to have a renewable license, and at least five years of teaching experience with a “proficient” or above evaluation rating.
- The adjustment would be provided to both teachers in the existing school who meet the criteria as well as those recruited from other schools and divisions.
- Teachers would continue to receive the adjustment in subsequent years, so long as they remain employed at the qualifying school, even if the school no longer meets the qualifying criteria. The rate of the adjustment would not be reduced, even if the school’s free-lunch eligibility bracket changes.
- Language is added to the SOQ to direct school boards to equitably assign effective teachers among all of its schools.

Proposed Language

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

C. School boards shall assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all of its schools. To the maximum extent possible, experienced, effective teachers and other personnel shall be distributed equitably across all schools within a school division. School divisions shall not assign personnel in a manner that results in the concentration of effective or ineffective teachers or other personnel in any school or group of schools within a school division.

R. For the purpose of this subsection:

(i) "qualifying school" means a school where at least 75 percent of the students are identified as eligible for federal free lunch, as provided in the Appropriation Act.

(ii) “targeted compensation adjustment” means a supplemental pay adjustment as provided in this subsection, calculated as a percent of the state-recognized prevailing salary, as provided in the Appropriation Act.

(iii) “qualifying teacher” means a teacher who has a renewable license as defined in § 22.1-298.1 and at least five years of full-time teaching experience in a public school, or an accredited private school, as evidenced by receiving an evaluation rating of proficient or above for each of the previous five years. Such teaching experience may have been accrued outside of Virginia.

To ensure students in Virginia’s high poverty schools have equitable access to high-quality teachers, targeted compensation adjustments shall be provided to qualifying teachers to encourage the recruitment and retention of experienced, high-quality teachers in qualifying schools.

Once a teacher has been deemed a qualifying teacher, such teacher shall continue to receive targeted compensation adjustments until the teacher (i) no longer meets the definition of a qualifying teacher; or (ii) no longer teaches in a qualifying school, except that if a school no longer is a qualifying school, the teacher shall continue to receive targeted compensation adjustments as long as they continue to teach at the previously qualifying school.

The targeted compensation adjustment shall be (i) at least 25% of the state-recognized prevailing salary, as provided in the Appropriation Act, in qualifying schools where at least 70 percent of the students are identified as eligible for federal free lunch, as provided in the Appropriation Act, and (ii) at least 12.5% of the state-recognized prevailing salary, as provided in the Appropriation Act, in qualifying schools where at least 55 percent of the students are identified as eligible for federal free lunch, as provided in the Appropriation Act. The targeted compensation adjustment provided to qualified teachers shall not be reduced from one year to the next solely due to a decrease in the percent of students eligible for free lunch in a qualifying school.

Changes since April 24 Board retreat

- Presented at June 19 SOQ Committee meeting:
 - The original proposal would have deemed a school as a “qualifying school” if it had a high incidence of first-year teachers in the prior year. The proposal was amended to qualify a school based on poverty rates
 - Rationale for changes:
 - Recognizes that some schools already serve challenged populations, and provides those teachers with compensation adjustments.
 - Concentrations of first year teachers will vary greatly from year-to-year, while student poverty indicators are more likely to remain stable, meaning the schools qualifying for the adjustments would remain relatively consistent.
- Presented at July 24 SOQ Committee meeting:
 - In the proposed requirement for equitable distribution of teachers within a school division, replaced terms “high-quality teachers,” “high-performing teachers” and “low performing teachers” with “highly effective teachers,” “effective teachers” and “ineffective teachers.” While there is not yet a state definition for an effective teacher, once one is developed, it can be applied to this requirement. In the interim, local school divisions may determine how each term is to be applied.

- Created targeted compensation adjustment bands to provide greater targeted compensation adjustments in schools with the most concentrated poverty, and lower compensation adjustments in schools with moderate poverty rates. Under the previous proposal, a school just above the poverty rate threshold would qualify for the full compensation adjustment, while a school just below the poverty rate threshold would qualify for no adjustment.
- Further refined criteria for “qualifying school” to use rates of federal free lunch participants as an indicator of poverty, using the methodology provided in the Appropriation Act. Throughout the SOQ proposals, this same methodology will be consistently applied as an indicator of poverty.
- Clarified definition of “qualifying teacher” to specify that the minimum of five years of teaching experience must have been full-time experience, in either a public school or an accredited private school.

DRAFT

At-Risk Add-On

Background

- The At-Risk Add-On is an incentive program established in the Appropriation Act. For the 2019-20 school year, the General Assembly appropriated \$120.95 million in general and lottery funds for the At-Risk Add-On.
- The At-Risk Add-On provides an additional per-pupil payment to school divisions, based upon the percent of students eligible for free lunch in each school division. The per-pupil payment additional payment ranges from one to 16 percent of the basic aid amount:
 - For school divisions with the highest percent of students eligible for free lunch, an additional 16 percent of the basic state aid amount is provided per each student eligible for free lunch.
 - For school divisions with the lowest percent of students eligible for free lunch, an additional one percent of the basic state aid amount is provided per each student eligible for free lunch.
- School divisions accessing these funds are required to:
 - Certify annually that these funds have been budgeted to be used for programs for students who are educationally at risk, which may include:
 - teacher recruitment programs and incentives,
 - Dropout Prevention,
 - community and school-based truancy officer programs,
 - Advancement Via Individual Determination (AVID),
 - Project Discovery,
 - Reading Recovery,
 - programs for students who speak English as a Second Language,
 - hiring additional school guidance counselors,
 - testing coordinators,
 - licensed behavior analysts,
 - programs related to increasing the success of disadvantaged students in completing a high school degree and providing opportunities to encourage further education and training.
 - Provide a local match, based on the Local Composite Index
- All school divisions currently utilize these incentive funds.
- School divisions recognize the At-Risk Add-On program as a source of relatively flexible funds that can be used to enhance services for disadvantaged students. However, there is limited data on how these funds are used.
- A 2016 study revealed that the Virginia school divisions experiencing the highest rates of poverty spend about \$6,600 less than is predicted to be needed to support average student outcomes.

Proposal for Consideration

As an alternative to the Targeted Compensation Adjustment program, move the At-Risk Add-On program into the Standards of Quality, provide additional funds, and reform the program to distribute additional positions and to provide targeted compensation adjustments for experienced teachers to teach in high poverty schools.

Explanation

- Moves the At-Risk Add-On program language from the Appropriation Act, into the Standards of Quality
- Instead of allocating additional funds to school divisions as is provided in the existing program, allocates additional positions based upon concentration of poverty, in effect eliminating all of the allowable non-personnel uses of the At-Risk Add-On.
- **Estimated Fiscal Impact:** Increases the \$120.95 million currently provided for the program, estimated fiscal impact varies, depending upon the Add-On range selected:

Add-On range	Fiscal Impact	Total, including existing At-Risk Program funds
1% to 25%	\$4.92 million	\$125.87 million
1% to 30%	\$29.1 million	\$150.05 million
1% to 35%	\$53.28 million	\$174.23 million
1% to 40%	\$77.45 million	\$198.4 million

- Requires school divisions to prioritize distribution of the additional positions to schools with highest concentrations of poverty.
- Provides flexibility in the use of the Add-On in schools with 55 percent or more students eligible for free lunch. In these schools, the funding for the additional positions may also be used for additional student support positions, and for targeted compensation adjustments or other recruitment or retention incentives
- Requires school divisions to report to the department on the uses of the funds to allow analysis of program effectiveness

Proposed Language

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

H. In addition to the positions required elsewhere in this section, state funding shall be provided for additional instructional positions in support of student achievement for at risk students, based upon the concentration of students identified as eligible for federal free lunch, as provided in the Appropriation Act, in each school division. School divisions shall prioritize the deployment of these additional instructional positions to schools within the division with the greatest concentrations of students identified as eligible for federal free lunch.

Such additional instructional positions shall be calculated by multiplying (i) the number of instructional positions required to be provided by a school division with basic aid funds, by (ii) the percent of students identified as eligible for federal free lunch in such school division, as provided in the Appropriation Act, by (iii) the add-on multiplier determined for such school division. Such add-on multiplier shall be determined for each school division by ranking each school division by the percent of students identified as eligible for federal free lunch, as provided in the Appropriation Act. The school division ranking with the lowest percent of free lunch eligible students shall be assigned an add-on multiplier of one percent, and the school division with the highest percent of free lunch eligible students shall be assigned an add-on multiplier of [25/30/35/40] percent. The add-on multiplier for school divisions ranking in between shall be incrementally between one and [25/30/35/40] percent, based upon the ranking.

To provide flexibility in the deployment of these funds, school divisions may use these funds in schools that have greater than 55 percent of students identified as eligible for free lunch, as provided in the Appropriation Act: (i) to employ additional specialized student support positions, including school social workers, school psychologists, school nurses and other licensed school health and behavioral positions, which may either be employed by the school division or provided through contracted services, or (ii) to provide targeted compensation adjustments or other incentives to attract or retain experienced teachers.

School divisions shall annually report on the deployment of these funds, in a manner prescribed by the Department of Education.

Changes since June 19 SOQ Committee meeting:

- (NOTE: this proposal was not presented at the April 24 Board retreat)
- Corrected the formula to distribute positions by the Add-On multiplier multiplied by the percent of free lunch eligible students. The proposal presented in June applied the Add-On multiplier to the entire student body, not solely those eligible for free lunch. This correction aligns with the existing At-Risk Add-On formula and ensures that additional resources are directed to the divisions with the most concentrated poverty.
- Amended language relative to rates of federal free lunch participants as an indicator of poverty, using the methodology provided in the Appropriation Act. Throughout the SOQ proposals, this same methodology will be consistently applied as an indicator of poverty.
- Added language directing school divisions to deploy the additional positions in the schools within the division with the greatest concentrations of poverty.
- Limits the flexibility provision to only schools with 55 percent or more students eligible for free lunch. The flexibility allows divisions funding for the positions to instead provide student support positions or recruitment and retention incentives.

Teacher Leader and Teacher Mentor Programs

Establish a new Teacher Leader program, and expand the existing Teacher Mentor program, whereby additional compensation and additional time is provided during the instructional day for locally-designated staff to serve in leadership and mentorship program roles. **Estimated cost: \$106.3 million/year in addition to the \$1 million currently appropriated for Teacher Mentors. This does not include state funding for substitute teachers to enable mentees to be provided release time (pending).**

Explanation

- The existing statutes that require mentors to be provided would be moved into the Standards of Quality, and expanded to encompass teacher leaders. The programmatic requirements would be set out in Standard Five, which establishes professional development expectations. The staffing requirements would be set out in Standard Two, with other school staffing ratios. Moving the program into the SOQ would express the Board's expectation that leadership and mentorship programs are foundational components of Virginia's education system, and ensure that adequate state support is provided.
- Sets expectations for teacher leaders to support their peers by coordinating mentorship programs and professional development, and consulting and observing teachers.
- Board guidelines would further set expectations for teacher leadership and teacher mentorship programs.
- Requires school boards to staff teacher leadership and teacher mentorship programs at a ratio of one position for every 15 first and second year teachers, and one position for every 50 teachers with three or more years' experience.
- Encourages school boards to split these full-time positions among several teachers, allowing them to teach part-time and serve as a leader or mentor.
- Requires first and second year teachers to be provided a mentor, and release time for both the mentor and mentee.
- Provides a compensation supplement of 20% of the state-recognized SOQ cost, providing an additional \$10,233 for secondary teachers and an additional \$9,660 for elementary teachers, which is to be divided amongst several teachers if the position is split among several teachers.
- Provides local flexibility for divisions to determine whether staffing focus is needed on leadership or mentorship.

Proposed Language

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

D. School boards shall provide teacher leadership, and mentorship programs, as provided in § 22.1-253.15:5(H). Teacher leaders support all teachers through peer-level leadership, observation, consultation, and coordination of mentorship programs and professional development. Teacher mentors (i) assist new teachers with a successful transition into the teaching profession and (ii) ensure adequate supports are in place for new teachers. To support these programs and roles, school boards shall provide full-time equivalent positions based upon the following ratios:

1. One position for every 15 first- and second-year teachers, or fraction thereof; and

2. One position for every 50 teachers with three or more years of experience.

School boards are encouraged to deploy these 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 these positions to fill teaching positions, or to serve school administrator functions, such as coordination of student discipline or testing.

Instructional staff filling these full-time equivalent positions shall be provided a compensation adjustment of at least 20 percent of the state-recognized statewide prevailing salary, as provided in the Appropriation Act. Such compensation adjustment shall be provided on a pro-rata basis if the position is shared among several staff.

Every teacher with less than two years of teaching experience shall be assigned a teacher mentor for their first two years of teaching. Such teachers shall be provided one hour of release time from classroom instruction per week to collaborate with their teacher mentor.

§ 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.

H. The Board of Education shall establish, and school boards 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 the programs be administered by local school boards, with the assistance of an advisory committee made up of teachers, principals, and supervisors.

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

~~A. A probationary term of service of at least three years and, at the option of the local school board, up to five 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, 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 § 22.1-305.~~

~~**§ 22.1-305.1. Mentor teacher programs.**~~

~~A. The Board of Education shall establish, from such funds as may be appropriated by the General Assembly, mentor teacher programs utilizing specially trained public school teachers as mentors to provide assistance and professional support to teachers entering the profession and to improve the performance of experienced teachers who are not performing at an acceptable level.~~

The Board shall issue guidelines for such mentor teacher programs and shall set criteria for beginning and experienced teacher participation, including self-referral, and the qualifications and training of mentor teachers. Such guidelines shall provide that the mentor programs be administered by local school boards, with the assistance of an advisory committee made up of teachers, principals, and supervisors, and that mentors (i) be classroom teachers who have achieved continuing contract status and who work in the same building as the teachers they are assisting or be instructional personnel who are assigned solely as mentors; (ii) be assigned a limited number of teachers at one time; however, instructional personnel who are not assigned solely as mentors should not be assigned to more than four teachers at one time; and (iii) guide teachers in the program through demonstrations, observations, and consultations to promote instructional excellence. Local school boards shall strive to provide adequate release time for mentor teachers during the contract day.

B. The local school board shall serve as fiscal agent for the participating school boards in matters concerning the mentor teacher programs. The Department of Education shall allocate, from such funds as are appropriated, moneys to participating school divisions for the purpose of supporting such programs which shall include, but not be limited to, compensation for mentor teachers.

Changes since the April 24 Board Retreat

- Presented at June 19 SOQ Committee meeting:
 - Consolidates the Teacher Leader and Teacher Mentor proposals into a single proposal that maintains local flexibility to determine how to staff each local program.
 - Teacher Coaching component of proposals is shifted to an item for future consideration.
 - Expands the Board's authority to establish mentorship program guidelines to include leadership program guidelines.
- Presented at the July 24, 2019 Committee meeting:
 - Amends the ratios for:
 - Mentors supporting first- and second- year teachers, from 1:24 to 1:15
 - Leaders, from 1:100 to 1:50 for every teacher with three or more years of experience.
 - Added requirement for each mentee to receive one hour of release time per week for collaboration with their mentor.

English Learner Teachers

Amend the staffing requirements for English Learner teachers to differentiate the distribution of positions based upon the proficiency level of students in each school division, while maintaining local flexibility in deploying those positions. Estimated cost: \$26.7 million/year.

Proposed Language

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

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support divisionwide ratios of English learner students in average daily membership to full-time equivalent teaching positions in addition to those required by subsection C, as follows:

1. for each English language learner identified as proficiency level one, one position per 25 students;
2. for each English language learner identified as proficiency level two, one position per 30 students;
3. for each English language learner identified as proficiency level three, one position per 40 students;
and
4. for all other English language learner students, one position per 58 students.

~~17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency, which~~ Teaching positions filled using these funds may include dual language teachers who provide instruction in English and in a second language.

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

Changes since the April 24 Board Retreat

- Because some EL students are not tested for proficiency level they were not included in the original proposal, which established ratios for Levels One through Four. The proposal has been amended to provide positions at a ratio of 1:58 for any student not identified as Level 1, Level 2, or Level 3.

Specialized Student Support Personnel

Remove the school nurse, school social worker, and school psychologist position from the SOQ support position category. Create a new staffing category for “specialized student support personnel” in the SOQ, with specified ratios for these positions. Estimated cost: Approximately \$100 million.

Explanation

In 2016, the Board of Education recommended specific ratios for each of these positions:

- School psychologists: One position per 1,000 students
- School social workers: One position per 1,000 students
- School nurses: One position per approximately 550 students

While the recommendation proposed below would not specify ratios for each individual position, it would ensure that students across the Commonwealth have access to student support services. This approach would provide school divisions with flexibility to determine how these positions should be filled based upon local conditions, while also removing these positions from the “support cap.”

Proposed Language

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

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

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

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

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;
2. Fiscal and human resources positions, including fiscal and audit operations;
3. Student support positions, including (i) ~~social workers and social work administrative positions~~ not included in subsection O; (ii) guidance administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O, ~~including school nurses and school psychologists~~;
4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;
5. Technology professional positions not included in subsection J;
6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

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

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

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

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

Changes since the April 24 Board Retreat

- Presented at June 19 SOQ Committee meeting:
 - To provide local flexibility with respect to the credentials required to fill these positions, added “other school health behavioral positions” to the specialized student support personnel category.
- Presented at July 24 SOQ Committee meeting:
 - Added language to require these positions to be filled by licensed individuals.
 - Added language to clarify that these individuals may be employed by the school division, or provided under contract with another entity.

Reading Specialists

Background

- There is limited data on the number of reading specialists deployed statewide.
- Currently, the Standards of Quality do not mandate school divisions to provide reading specialists, instead the SOQ suggests one reading specialist be provided in each elementary school, at the discretion of the local school board.
- The Standards further require that if a school division employs a reading specialist, that at least one such reading specialist shall have appropriate training to serve as an advisor on dyslexia and other related disorders.
- School divisions are required to provide reading intervention services to students in grades K-3 demonstrating deficiencies on diagnostic tests. These services may be provided through: reading teachers, trained aides, volunteer tutors, computer-based tutorial programs. For FY 2020, the General Assembly appropriated \$23.5 million to provide these services based on providing 2.5 hours of supplemental instruction weekly at a teacher to student ratio of 5 to 1.
- In addition to the \$23.5 million provided, an additional \$3.3 million is provided to provide reading and mathematics specialists in schools with the lowest performance on SOL test scores.
- From 2003 to 2012, the Board of Education recommended the Standards of Quality be amended to require one reading specialist per 1,000 students in grades K-12.
- In 2012, the General Assembly added language permitting school divisions to use several other funding sources to provide reading specialists, including: prevention, intervention, and remediation funds (\$ 112.3 million), remedial summer school funds (\$ 25.0 million), At-Risk Add-On funds (\$ 120.9 million).

Proposal

Provide reading specialist positions for students in grades K-5, based upon the number of students failing third-grade Standards of Learning reading assessments. Estimated cost: 36.6 million/year in addition to the \$23.5 million currently appropriated for Early Reading Intervention.

Explanation

- This proposal would shift the Early Reading Intervention Program into the Standards of Quality, expand it to provide reading specialists in grades four and five, and eliminate the non-staffing permissible expenditures.
- Students failing the third grade reading assessment would be the metric used to distribute funding, as opposed to the reading diagnostic instrument (typically, PALS) in kindergarten through third grade.

Proposed Language

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

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ reading specialists. The number of reading specialists required shall be based upon providing two and one half hours of instruction at a ratio of one reading specialist per five students requiring reading specialist services. The number of students requiring reading specialist services shall be determined by multiplying (i) the percent of students that failed the third grade reading Standards of

~~Learning assessment the prior year by (ii) the total number of students in fall membership in grades kindergarten through five. the following reading specialists in elementary schools, one full time in each elementary school at the discretion of the local school board. One~~ At least 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.

Considerations

- Is the third grade SOL assessment an appropriate metric, or should the K-3 reading diagnostic (PALS), be retained as the metric? Should a hybrid of both third grade SOL and reading diagnostics be considered as the metric?
- Should the provisions allowing school divisions to provide reading specialists using reading intervention funds, At-Risk Add-On funds, remediation funds, and remedial summer school funds be amended or eliminated accordingly?

Work-Based Learning Coordinators

Background

- The General Assembly in 2016 directed the Board of Education to develop a Profile of a Virginia Graduate to identify the knowledge and skills necessary for students to become successful contributors to the Virginia economy. The legislation also directed the Board to establish multiple pathways to college and career readiness, each of which shall include opportunities for internships, externships, and credentialing.
- Beginning in the 2019-2020 school year, school divisions are required to provide high school students the opportunity to participate in work-based learning experiences, such as internships and externships.
- Many rural school divisions have reported difficulty in providing work-based learning opportunities, because of limited resources, and small or nonexistent business communities to partner.
- In 2018, the Secretary of Education and the Governor’s Chief Workforce Advisor convened the Work-Based Learning Advisory Council, to develop [recommendations](#) about how to develop the statewide infrastructure needed to provide work-based learning opportunities. These recommendations include:
 - Funding a state work-based learning coordinator and a coordinator in each school division
 - Cataloguing successful models of work-based learning opportunities and best practices
 - Recognizing and incentivizing businesses that provide work-based learning opportunities
 - Providing technical assistance to businesses participating in work-based learning programs.

Proposal

Establish state-level and regional work-based learning coordinators to foster connections between school divisions and the business community to advance work-based learning opportunities in each school division. Estimated fiscal impact: \$1.24 million/year.

Explanation

This proposal would provide work-based learning coordinators who would establish relationships between school divisions and businesses to ensure meaningful work-based learning opportunities are available to students in every high school in Virginia.

Recognizing that many rural school divisions need to cooperate regionally to establish successful work-based learning programs with businesses in their area, developing the infrastructure regionally would be more effective than at the school division level.

Instead of allocating positions to school divisions, this proposal would establish a statewide coordinator position, who would oversee several regional coordinators, staffed either through VDOE or contracts with other entities such as workforce investment boards, GO Virginia boards, or community colleges.

Proposed Language

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

G. There shall be established within the Department of Education a unit to facilitate the development of relationships between school divisions and business communities to ensure all high school students will have access to meaningful work 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, (ii) catalogue and promote successful models and best practices for work-based learning.

Considerations

- Instead of a state- and regional-system of coordinators, should work-based learning coordinator full-time equivalent positions be established in each school division using a staff to student ratio instead?

DRAFT

Class Size Reduction

Background

- The K-3 Class Size Reduction program was established in the 1994-1996 Appropriation Act. For FY 2020, the General Assembly appropriated \$128.0 million to school divisions to reduce class sizes in grades kindergarten through three.
- The program provides the state share of funds for school divisions to participating school divisions to staff individual schools at these ratios:

Three-year average percent of free lunch eligible students per school	Maximum student to teacher ratio in grades K-3	Maximum Class Size
30%-44.9%	19:1	24
45%-54.9%	18:1	23
55%-64.9%	17:1	22
65%-69.9%	16:1	21
70%-74.9%	15:1	20
75% or more	14:1	19

- Without the K-3 Class Size Reduction program, the staffing standard for grades K-3 as prescribed in the Standards of Quality are:

Grade Span	Maximum Divisionwide Student to Teacher Ratio	Maximum Class Size
Kindergarten	24:1	24 (29 if an aide provided)
Grades 1-3	24:1	30

- Significant research has been conducted about class size reduction:
 - A study found that in Tennessee, students in small classes outperformed their peers, and effects were greatest for black students, economically disadvantaged students, and males. The study further found that variation in teacher quality had an even greater effect than class size reduction.
 - A study of California's program found that their class size reduction program had positive results on student outcomes, however, an unintended consequences included an increase of new and not fully certified teachers, and an increase in class sizes in upper grades.
 - A study of Florida's class size reduction program found no impact on test scores in grades 3 through 8.
- Class size reduction could have a positive impact on teacher working conditions and classroom management.

Proposal

Move the K-3 Class Size Reduction program into the Standards of Quality, and expand the program to include 4th through 6th grades. Estimated cost: \$213.8 million/year.

Explanation

This proposal would move the K-3 Class Size Reduction program into the Standards of Quality, and mandate reduced class sizes in schools meeting the prescribed poverty thresholds. The program would be expanded also to include 4th through 6th grades.

Proposed Language

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

C. 1. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

2. School boards shall assign licensed instructional personnel for students in grades kindergarten through six in schools with high concentrations of poverty, in a manner that produces schoolwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 19 to one in schools with 30 percent or more of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 24 students; (ii) 18 to one in schools with 45 percent or more of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 23 students; (iii) 17 to one in schools with 55 percent or more of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 22 students; (iv) 16 to one in schools with 65 percent of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 21 students; (v) 15 to one in schools with 70 percent of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 20 students; (vi) 14 to one in schools with 75 percent or more of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 19 students.

3. After September 30 of any school year, anytime the number of students in a class exceeds the class size ~~limit~~ limits established by this ~~subsection~~ section, 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~~ section.

4. 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.

~~5. Further, school~~ 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.

Considerations

- Should the proposed program include mentorship and supports for assistant principals?

DRAFT

Principal Mentorship

Background

- Virginia has many committed and extraordinary teachers and school leaders. However, the Commonwealth is faced with a declining number of individuals entering and remaining in the teaching profession.
- According to the Learning Policy Institute, principal leadership and support are among the most important factors in teachers' decisions about whether to stay in a school or in the profession. Teachers often identify the quality of administrative support as more important to their decision than salaries.
- Great principals are change agents for their schools, supporting effective teaching, building a school culture of student achievement, and aligning resources to meet the needs of students and teachers.
- A 2009 study by New Leaders, found that more than half of a school's impact on student gains can be attributed to both principal and teacher effectiveness – with principals accounting for 25 percent and teachers 33 percent of the effect.
- Principal turnover negatively affects teacher retention, teacher quality, and student achievement. Principals stability is needed to develop strong, trusting relationships with students, teachers and the community and more positive working conditions
- Mastering school leadership competencies requires a fundamental shift, away from managing checklists and other routine tasks to leading a school team through the process of identifying curriculum, instruction, or student achievement challenges and then finding solutions that work for the students and community.

Proposal

Establish a statewide principal mentorship program to strengthen and foster the expanding role of quality school leaders that support teacher retention and student achievement. Estimated fiscal impact: \$1.24 million/year.

Explanation

This proposal would provide establish a principal mentoring unit at the Department of Education. This unit would establish a network of seasoned principals across the Commonwealth to serve as mentors to new principals as well as principals of schools.

Creating a principal mentor network at the state-level would be more effective than establishing division-level principal mentor positions in the Standards of Quality, because prospective mentors will frequently need to be matched with mentees from a different school division. In addition, establishing a state-level program will ensure consistent statewide implementation and quality control

Proposed Language

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

G. There shall be established within the Department of Education a unit to develop and implement a statewide mentorship program to support all new principals and principals of schools not meeting 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.

DRAFT

School Counselors

Reaffirm the Board of Education’s 2016 recommendation to provide one-full time school counselor for every 250 students. Estimated cost: \$88.2 million/year.

Proposed Language

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

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

~~4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof. Local school divisions that employ a sufficient number of guidance counselors to meet this staffing requirement may assign guidance counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.~~

K. Local school boards shall employ one full-time equivalent school counselor position per 250 students in grades kindergarten through 12.

Changes since the April 24 Board retreat

No changes are proposed by staff from the April 24 retreat; however, there has been General Assembly action since that impacts the school counselor staffing standard for the 2019-20 school year.

Currently, the SOQ requires school counselors to be staffed as follows:

Elementary Schools	Middle Schools	High Schools
One full-time at 500 students	One full-time at 400 students	One full-time at 350 students

The 2019 General Assembly approved SB1406, which amends the Standards of Quality to partially implement the Board’s 2016 recommendation:

Elementary Schools	Middle Schools	High Schools
One full-time at 375 students	One full-time at 325 students	One full-time at 300 students

However, later during the same session, the General Assembly added language to override SB1406, to provide that beginning in the 2019-20 school year, school counselors shall be provided as follows:

Elementary Schools	Middle Schools	High Schools
One full-time at 455 students	One full-time at 370 students	One full-time at 325 students

Unless the Appropriation Act language is removed, the provisions of SB1406 will have no effect.

Elementary School Principals

Reaffirm the Board of Education's 2016 recommendation to provide one-full time principal in every school. Estimated cost: \$7.9 million/year.

Proposed Language

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

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

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

Changes since the April 24 Board retreat

None.

Assistant Principals

Proposal for Consideration

Reaffirm the Board of Education's 2016 recommendation to provide one full-time assistant principal for each 400 students. Estimated cost: \$83.9 million/year

Proposed Language

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

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

2. Assistant principals in elementary schools, ~~one half-time at 600 students~~, one full-time at ~~900~~ 400 students; assistant principals in middle schools, one full-time for each ~~600~~ 400 students; assistant principals in 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;

Changes since the April 24 Board retreat

None.

Recession-Era Savings and Flexibility Strategies

Reaffirm the Board of Education’s 2016 recommendation to eliminate the measures that were implemented during the recession: the “support position cap” and the temporary flexibility language waiving certain staffing requirements. Estimated cost: \$371.6 million/year.

Proposed Language

To implement elimination of the “support position cap,” Item 136 C.5.k of the Appropriation Act should be stricken:

~~k. For the purposes of funding certain support positions in Basic Aid, a funding ratio methodology is used based upon the prevailing ratio of actual support positions, consistent with those recognized for SOQ funding, to actual instructional positions, consistent with those recognized for SOQ funding, as established in Chapter 781, 2009 Acts of Assembly. For the purposes of making the required spending adjustments, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.~~

To implement elimination of the temporary flexibility language that overrides some of the staffing requirements in the SOQ, Item 136 A.17 of the Appropriation Act should be stricken:

~~17. To provide temporary flexibility, notwithstanding any other provision in statute or in this Item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through twelve by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, English as a Second Language, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, librarians and guidance counselors staffing ratios for new hires are waived.~~

Changes since the April 24 Board retreat

None.

Improve Available Data about Prevailing Practices

Enhance VDOE data collections regarding school staffing to provide better information about staffing practices in local school divisions.

Changes since the April 24 Board retreat

None.

For Future Consideration

- Standards for Facilities
- Teacher Coaching Programs
- English Learner ratios for students with interrupted formal education (SIFE)
- Special Education Staffing Standards
- Mathematics Specialists
- Instructional Technology Resource Teachers

DRAFT

PROPOSED REVISIONS TO THE STANDARDS OF QUALITY

This document includes staff's proposed revisions to the Standards of Quality, as shown in the context of the entire SOQ.

Chapter 13.2. Standards of Quality.

§ 22.1-253.13:1. 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, 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; and
 - 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.

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. Each student who receives early intervention reading services will 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. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors 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.

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.

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 of Education a unit to facilitate the development of relationships between school divisions and business communities to ensure all high school students will have access to meaningful work 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, (ii) catalogue and promote successful models and best practices for work-based learning.

G. There shall be established within the Department of Education a unit to develop and implement a statewide mentorship program to support all new principals and principals of schools not meeting 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.

1988, cc. 645, 682; 1990, cc. 797, 820, 839; 1991, cc. 295, 304; 1992, cc. 132, 591; 1994, cc. [618](#), [790](#); 1996, cc. [163](#), [522](#); 1997, cc. [466](#), [828](#), [829](#); 1998, cc. [103](#), [602](#), [627](#), [800](#), [816](#), [902](#); 1999, cc. [377](#), [444](#), [445](#), [452](#), [461](#), [488](#), [552](#), [595](#), [994](#); 2000, cc. [504](#), [547](#), [653](#), [662](#), [677](#), [684](#), [710](#), [750](#), [867](#); 2001, c. [483](#); 2002, c. [837](#); 2003, cc. [690](#), [697](#), [714](#), [861](#); 2004, cc. [404](#), [848](#), [939](#), [955](#); 2005, cc. [331](#), [450](#); 2007, c. [234](#); 2008, c. [661](#); 2009, c. [802](#); 2012, cc. [794](#), [845](#); 2013, cc. [123](#), [157](#), [498](#), [530](#); 2014, c. [472](#); 2015, cc. [562](#), [589](#); 2016, cc. [146](#), [155](#), [472](#), [737](#); 2017, c. [100](#); 2018, cc. [138](#), [484](#), [485](#), [748](#), [749](#); 2019, c. [582](#).

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

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

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

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

2. School boards shall assign licensed instructional personnel for students in grades kindergarten through six in schools with high concentrations of poverty, in a manner that produces schoolwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors, and librarians, that are not greater than the following ratios: (i) 19 to one in schools with 30 percent or more of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 24 students; (ii) 18 to one in schools with 45 percent or more of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 23 students; (ii) 17 to one in schools with 55 percent or more of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 22 students; (ii) 16 to one in schools with 65 percent of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 21 students; (ii) 15 to one in schools with 70 percent of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 20 students; (ii) 14 to one in schools with 75 percent or more of students identified as eligible for federal free lunch, as provided in the Appropriation Act, with no class being larger than 19 students.

3. After September 30 of any school year, anytime the number of students in a class exceeds the class size ~~limit~~ limits established by this ~~subsection~~ section, 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~~ section.

4. 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.

5. ~~Further, school~~ 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.

C. School boards shall assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers and other personnel among all of its schools. To the maximum extent possible, experienced, effective teachers and other personnel shall be distributed equitably across all schools within a school division. School divisions shall not assign personnel in a manner that results in the concentration of effective or ineffective teachers or other personnel in any school or group of schools within a school division.

D. School boards shall provide teacher leadership, and mentorship programs, as provided in § 22.1-253.15:5(H). Teacher leaders support all teachers through peer-level leadership, observation, consultation, and coordination of mentorship programs and professional development. Teacher mentors (i) assist new teachers with a successful transition into the teaching profession and (ii) ensure adequate supports are in place for new teachers. To support these programs and roles, school boards shall provide full-time equivalent positions based upon the following ratios:

1. One position for every 15 first- and second-year teachers, or fraction thereof; and
2. One position for every 50 teachers with three or more years of experience.

School boards are encouraged to deploy these 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 these positions to fill teaching positions, or to serve school administrator functions, such as coordination of student discipline or testing.

Instructional staff filling these full-time equivalent positions shall be provided a compensation adjustment of at least 20 percent of the state-recognized statewide prevailing salary, as provided in the Appropriation Act. Such compensation adjustment shall be provided on a pro-rata basis if the position is shared among several staff.

Every teacher with less than two years of teaching experience shall be assigned a teacher mentor for their first two years of teaching. Such teachers shall be provided one hour of release time from classroom instruction per week to collaborate with their teacher mentor.

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. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be

provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

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

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support [divisionwide ratios of English learner students in average daily membership to full-time equivalent teaching positions in addition to those required by subsection C, as follows:](#)

- [1. for each English language learner identified as proficiency level one, one position per 25 students;](#)
- [2. for each English language learner identified as proficiency level two, one position per 30 students;](#)
- [3. for each English language learner identified as proficiency level three, one position per 40 students;](#)
- [and](#)
- [4. for all other English language learner students, one position per 58 students.](#)

[17 full time equivalent instructional positions for each 1,000 students identified as having limited English proficiency, which Teaching positions filled using these funds](#) may include dual language teachers who provide instruction in English and in a second language.

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

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ [reading specialists. The number of reading specialists required shall be based upon providing two and one half hours of instruction at a ratio of one reading specialist per five students requiring reading specialist services. The number of students requiring reading specialist services shall be determined by multiplying \(i\) the percent of students that failed the third grade reading Standards of Learning assessment the prior year by \(ii\) the total number of students in fall membership in grades kindergarten through five. the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. One-At least 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. In addition to the positions required elsewhere in this section, state funding shall be provided for additional instructional positions in support of student achievement for at risk students, based upon the concentration of students identified as eligible for federal free lunch, as provided in the Appropriation Act, in each school division. School divisions shall prioritize the deployment of these additional instructional positions to schools within the division with the greatest concentrations of students identified as eligible for federal free lunch.

Such additional instructional positions shall be calculated by multiplying (i) the number of instructional positions required to be provided by a school division with basic aid funds, by (ii) the percent of students identified as eligible for federal free lunch in such school division, as provided in the Appropriation Act, by (iii) the add-on multiplier determined for such school division. Such add-on multiplier shall be determined for each school division by ranking each school division by the percent of students identified as eligible for federal free lunch, as provided in the Appropriation Act. The school division ranking with the lowest percent of free lunch eligible students shall be assigned an add-on multiplier of one percent, and the school division with the highest percent of free lunch eligible students shall be assigned an add-on multiplier of [25/30/35/40] percent. The add-on multiplier for school divisions ranking in between shall be incrementally between one and [25/30/35/40] percent, based upon the ranking.

To provide flexibility in the deployment of these funds, school divisions may use these funds in schools that have greater than 55 percent of students identified as eligible for free lunch, as provided in the Appropriation Act: (i) to employ additional specialized student support positions, including school social workers, school psychologists, school nurses and other licensed school health and behavioral positions, which may either be employed by the school division or provided through contracted services, or (ii) to provide targeted compensation adjustments or other incentives to attract or retain experienced teachers.

School divisions shall annually report on the deployment of these funds, in a manner prescribed by the Department of Education.

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

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

2. Assistant principals in elementary schools, ~~one half time at 600 students,~~ one full-time at ~~900~~400 students; assistant principals in middle schools, one full-time for each ~~600~~400 students; assistant principals in 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:

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

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

~~4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof. Local school divisions that employ a sufficient number of guidance counselors to meet this staffing requirement may assign guidance counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.~~

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

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

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

K. Local school boards shall employ one full-time equivalent school counselor position per 250 students in grades kindergarten through 12.

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

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, and shall be based on the school's total enrollment; school counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

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

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § [22.1-254.1](#), and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata

calculation. Such calculation shall not include enrollments of such students in any other public school courses.

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

OP. 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 workers and~~ social work administrative positions not included in subsection O; (ii) guidance administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O, including school nurses and school psychologists;
4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;
5. Technology professional positions not included in subsection J;
6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;
7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and
8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

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

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

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

R. For the purpose of this subsection:

(i) "qualifying school" means a school where at least 75 percent of the students are identified as eligible for federal free lunch, as provided in the Appropriation Act.

(ii) "targeted compensation adjustment" means a supplemental pay adjustment as provided in this subsection, calculated as a percent of the state-recognized prevailing salary, as provided in the Appropriation Act.

(iii) "qualifying teacher" means a teacher who has a renewable license as defined in § 22.1-298.1 and at least five years of full-time teaching experience in a public school, or an accredited private school, as evidenced by receiving an evaluation rating of proficient or above for each of the previous five years. Such teaching experience may have been accrued outside of Virginia.

To ensure students in Virginia's high poverty schools have equitable access to high-quality teachers, targeted compensation adjustments shall be provided to qualifying teachers to encourage the recruitment and retention of experienced, high-quality teachers in qualifying schools.

Once a teacher has been deemed a qualifying teacher, such teacher shall continue to receive targeted compensation adjustments until the teacher (i) no longer meets the definition of a qualifying teacher; or (ii) no longer teaches in a qualifying school, except that if a school no longer is a qualifying school, the teacher shall continue to receive targeted compensation adjustments as long as they continue to teach at the previously qualifying school.

The targeted compensation adjustment shall be (i) at least 25% of the state-recognized prevailing salary, as provided in the Appropriation Act, in qualifying schools where at least 70 percent of the students are identified as eligible for federal free lunch, as provided in the Appropriation Act, and (ii) at least 12.5% of the state-recognized prevailing salary, as provided in the Appropriation Act, in qualifying schools where at least 55 percent of the students are identified as eligible for federal free lunch, as provided in the Appropriation Act. The targeted compensation adjustment provided to qualified teachers shall not be reduced from one year to the next solely due to a decrease in the percent of students eligible for free lunch in a qualifying school.

1988, cc. 645, 682; 1991, c. 480; 1997, c. [828](#); 2004, cc. [939](#), [955](#); 2005, cc. [331](#), [450](#); 2010, cc. [537](#), [817](#); 2011, cc. [55](#), [74](#); 2012, cc. [476](#), [507](#); 2013, cc. [123](#), [157](#), [158](#), [224](#); 2016, c. [646](#); 2017, cc. [321](#), [626](#), [629](#); 2018, c. [484](#); 2019, cc. [139](#), [796](#).

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ [2.2-4000](#) et seq.), which shall include student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board's regulations establishing standards for accreditation shall ensure that the accreditation process is transparent and based on objective measurements and that any appeal of the accreditation status of a school is heard and decided by the Board.

The Board shall review annually the accreditation status of all schools in the Commonwealth. The Board shall review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board shall accredit the school for another three years. The Board may review the accreditation status of any other school once every two years or once every three years, provided that any school that receives a multiyear accreditation status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting requirements.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall report the accreditation status of all schools in the local school division annually in public session.

The Board shall establish a review process to assist any school that does not meet the standards established by the Board. The relevant school board shall report the results of such review and any annual progress reports in public session and shall implement any actions identified through such review and utilize them for improvement planning.

The Board shall establish a corrective action plan process for any school that does not meet the standards established by the Board. Such process shall require (i) each school board to submit a corrective action plan for any school in the local school division that does not meet the standards established by the Board and (ii) any school board that fails to demonstrate progress in developing or implementing any such corrective action plan to enter into a memorandum of understanding with the Board.

When the Board determines through its review process that the failure of schools within a division to meet the standards established by the Board is related to division-level failure to implement the

Standards of Quality or other division-level action or inaction, the Board may require a division-level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall enter into a memorandum of understanding with the Board and shall subsequently submit to the Board for approval a corrective action plan, consistent with criteria established by the Board setting forth specific actions and a schedule designed to ensure that schools within its school division meet the standards established by the Board. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to meet the standards established by the Board, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § [22.1-253.13:6](#).

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually report to the Board on the accreditation status of all school divisions and schools. Such report shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science and may be integrated to include multiple subject areas.

The Board shall prescribe alternative methods of Standards of Learning assessment administration for children with disabilities, as that term is defined in § [22.1-213](#), who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, and mathematics in grade eight; (e) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

The Department of Education shall award recovery credit to any student in grades three through eight who fails a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and passes such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels.

An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § [22.1-18](#) any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § [30-231.2](#), who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department of Education shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

The Board of Education shall not include in its calculation of the passage rate of a Standards of Learning assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusions would result in the school's not meeting any required state or federal participation rate.

D. The Board of Education may pursue all available civil remedies pursuant to § [22.1-19.1](#) or administrative action pursuant to § [22.1-292.1](#) for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 10 of § [2.2-3705.3](#). However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a

confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § [22.1-254.1](#).

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this

requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § [22.1-18](#).

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards for Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § [22.1-253.13:2](#), based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § [22.1-253.13:2](#) and all pupil/teacher ratios and class size maximums set forth in subsection C of § [22.1-253.13:2](#) are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

1988, cc. [645](#), [682](#); 1990, cc. [820](#), [839](#); 1992, c. [591](#); 1998, cc. [456](#), [567](#), [602](#), [627](#), [843](#), [902](#); 1999, cc. [670](#), [731](#), [1015](#); 2000, cc. [504](#), [735](#), [742](#), [750](#), [752](#), [867](#), [1061](#); 2001, cc. [651](#), [731](#); 2002, cc. [101](#), [167](#), [656](#), [732](#); 2003, cc. [691](#), [1004](#); 2004, cc. [472](#), [939](#), [955](#), [965](#); 2005, cc. [331](#), [450](#), [753](#), [834](#); 2006, cc. [25](#), [38](#), [95](#), [117](#), [131](#); 2007, c. [234](#); 2009, c. [825](#); 2010, c. [76](#); 2011, cc. [248](#), [666](#); 2012, c. [183](#); 2013, cc. [539](#), [571](#), [584](#), [728](#); 2014, cc. [84](#), [585](#), [622](#); 2015, cc. [145](#), [149](#), [322](#), [323](#), [558](#), [566](#); 2016, cc. [386](#), [387](#), [502](#), [522](#), [720](#), [750](#); 2017, cc. [328](#), [778](#); 2019, c. [585](#).

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ [22.1-213](#) et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ [22.1-1](#) et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § [22.1-5](#).

D. (From Acts 2016, cc. 720 & 750: The graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021) In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.
2. Emphasize the development of core skill sets in the early years of high school.
3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.
4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.
5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.
6. Require that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department of Education shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.
7. Beginning with first-time ninth grade students in the 2016-2017 school year, require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.
8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.
10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.
11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.
12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

- a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and
- b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

19. Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages

(AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § [22.1-254](#) and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

1988, cc. 645, 682; 1990, cc. 820, 839; 1993, c. 661; 1994, cc. [618](#), [790](#); 1997, cc. [828](#), [835](#); 1998, cc. [72](#), [602](#), [627](#); 2001, cc. [483](#), [500](#); 2003, c. [688](#); 2004, cc. [509](#), [939](#), [955](#); 2005, c. [345](#); 2006, c. [584](#); 2007, cc. [34](#), [56](#), [234](#), [351](#), [859](#), [919](#); 2008, c. [351](#); 2009, c. [490](#); 2010, cc. [80](#), [89](#), [162](#), [163](#), [313](#); 2011, c. [209](#); 2012, cc. [454](#), [642](#); 2013, cc. [498](#), [530](#); 2014, cc. [84](#), [590](#); 2015, cc. [329](#), [564](#), [565](#), [591](#), [701](#), [702](#), [705](#); 2016, cc. [720](#), [750](#); 2017, cc. [330](#), [685](#); 2018, cc. [139](#), [482](#), [512](#), [592](#), [716](#).

§ 22.1-253.13:5. 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.

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 of Education shall establish, and school boards 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 the programs be administered by local school boards, with the assistance of an advisory committee made up of teachers, principals, and supervisors.

1988, cc. 645, 682; 1990, cc. 820, 839; 1992, c. 132; 1997, c. [827](#); 1998, cc. [826](#), [852](#); 1999, cc. [830](#), [1030](#), [1037](#); 2000, c. [867](#); 2004, cc. [939](#), [955](#); 2005, cc. [331](#), [450](#); 2007, c. [234](#); 2013, cc. [588](#), [650](#).

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The Board of Education shall adopt a statewide comprehensive, unified, long-range plan based on data collection, analysis, and evaluation. Such plan shall be developed with statewide participation. The Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in the Commonwealth. In the annual report required by § [22.1-18](#), the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide comprehensive plan have been met. The Board shall also develop, consistent with, or as a part of, its comprehensive plan, a detailed comprehensive, long-range plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the comprehensive plan for educational technology and may require the revision of such plan as it deems necessary.

B. Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan shall be developed with staff and community involvement and shall include, or be consistent with, all other divisionwide plans required by state and federal laws and regulations. Each local school board shall review the plan biennially and adopt any necessary revisions. Prior to the adoption of any divisionwide comprehensive plan or revisions thereto, each local school board shall post such plan or revisions on the division's Internet website if practicable, and, in any case, shall make a hard copy of the plan or revisions available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan or revisions.

The divisionwide comprehensive plan shall include, but shall not be limited to, (i) the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional programs and services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with, or as a part of, the comprehensive technology plan for Virginia adopted by the Board of Education; (viii) an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan; (ix) any corrective action plan required pursuant to § [22.1-253.13:3](#); and (x) a plan for parent and family involvement to include building successful school and

parent partnerships that shall be developed with staff and community involvement, including participation by parents.

A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide comprehensive plan have been met during the previous two school years.

C. Each public school shall also prepare a comprehensive, unified, long-range plan, which the relevant school board shall consider in the development of its divisionwide comprehensive plan.

D. The Board of Education shall, in a timely manner, make available to local school boards information about where current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia may be located online.

1988, cc. 645, 682; 1990, cc. 820, 839; 1992, c. 591; 1998, c. [106](#); 2000, c. [867](#); 2001, c. [484](#); 2004, cc. [939](#), [955](#), [965](#); 2005, cc. [331](#), [450](#); 2007, c. [234](#).

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§ 22.1-253.13:7. Standard 7. School board policies.

A. Each local school board shall develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee.

B. Each local school board shall maintain and follow up-to-date policies. All school board policies shall be reviewed at least every five years and revised as needed.

C. Each local school board shall ensure that policies are developed giving consideration to the views of teachers, parents, and other concerned citizens and addressing the following:

1. A system of two-way communication between employees and the local school board and its administrative staff whereby matters of concern can be discussed in an orderly and constructive manner;

2. The selection and evaluation of all instructional materials purchased by the school division, with clear procedures for handling challenged controversial materials;

3. The standards of student conduct and attendance and enforcement procedures designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights;

4. School-community communications and community involvement;

5. Guidelines to encourage parents to provide instructional assistance to their children in the home, which may include voluntary training for the parents of children in grades K through three;

6. Information about procedures for addressing concerns with the school division and recourse available to parents pursuant to § [22.1-87](#);

7. A cooperatively developed procedure for personnel evaluation appropriate to tasks performed by those being evaluated; and

8. Grievances, dismissals, etc., of teachers, and the implementation procedure prescribed by the General Assembly and the Board of Education, as provided in Article 3 (§ [22.1-306](#) et seq.) of Chapter 15, and the maintenance of copies of such procedures.

D. A current copy of all school division policies and regulations approved by the local school board, including the Student Conduct Policy, shall be posted on the division's website and shall be available to employees and to the public. School boards shall ensure that printed copies of such policies and regulations are available as needed to citizens who do not have online access.

E. An annual announcement shall be made in each division at the beginning of the school year and, for parents of students enrolling later in the academic year, at the time of enrollment, advising the public that the policies are available in such places.

1988, cc. 645, 682, 754; 1990, c. 291; 1992, c. 591; 2004, cc. [939](#), [955](#); 2007, c. [234](#); 2008, cc. [474](#), [827](#); 2013, c. [301](#).

§ 22.1-253.13:8. Compliance.

The Standards of Quality prescribed in this chapter shall be the only standards of quality required by Article VIII, Section 2 of the Constitution of Virginia.

Each local school board shall provide, as a minimum, the programs and services, as provided in the Standards of Quality prescribed above, with state and local funds as apportioned by the General Assembly in the appropriation act and to the extent funding is provided by the General Assembly.

Each local school board shall report its compliance with the Standards of Quality to the Board of Education annually. The report of compliance shall be submitted to the Board of Education by the chairman of the local school board and the division superintendent.

Noncompliance with the Standards of Quality shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § [22.1-18](#).

As required by § [22.1-18](#), the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed Standards of Quality.

The Board of Education shall have authority to seek school division compliance with the foregoing Standards of Quality. When the Board of Education determines that a school division has failed or refused, and continues to fail or refuse, to comply with any such Standard, the Board may petition the circuit court having jurisdiction in the school division to mandate or otherwise enforce compliance with such standard, including the development or implementation of any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.

1988, cc. 645, 682; 1990, cc. 820, 839; 2004, cc. [939](#), [955](#), [965](#); 2005, cc. [331](#), [450](#).

§ 22.1-253.13:9. Exemplar School Recognition Program.

A. Schools and local school divisions shall be recognized by the Board of Education in accordance with guidelines it shall establish for the Exemplar School Recognition Program (the Program). The Program shall be designed to recognize and reward (i) schools that exceed Board-established requirements or show continuous improvement on academic and school quality indicators and (ii) schools, school divisions, and school boards that implement effective, innovative practices that are aligned with the Commonwealth's goals for public education. Such recognition may include:

1. Public announcements recognizing individual schools and divisions;
2. Tangible rewards;
3. Waivers of certain board regulations;
4. Exemptions from certain reporting requirements; or

5. Other commendations deemed appropriate to recognize high achievement.

In addition to Board recognition, local school boards shall adopt policies to recognize individual schools through public announcements or media releases as well as other appropriate recognition.

B. A school that maintains a passing rate on Virginia assessment program tests or additional tests approved by the Board of 95 percent or above in each of the four core academic areas for two consecutive years may, upon application to the Department of Education, receive a waiver from accreditation. A school receiving such a waiver shall be fully accredited for a three-year period. However, such school shall continue to annually submit documentation in compliance with the pre-accreditation eligibility requirements.

2010, cc. [38](#), [103](#); 2011, cc. [119](#), [145](#); 2012, c. [794](#); 2015, c. [566](#); 2019, c. [576](#).

§ 22.1-253.13:10. Repealed.

Repealed by Acts 2019, c. [771](#), cl. 2.