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SENATE BILL NO. 415

Offered January 12, 2022

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A BILL to amend and reenact §§ 9.1-110, 22.1-79.4, 22.1-253.13:2, and 22.1-280.2:3 of the Code of Virginia, relating to school boards; school resource officers; employment; threat assessment.

Patrons—DeSteph and Cosgrove; Delegate: Anderson

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-110, 22.1-79.4, 22.1-253.13:2, and 22.1-280.2:3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-110. School Resource Officer Grants Program and Fund.

A. From the funds appropriated for such purpose and from the gifts, donations, grants, bequests, and other funds received on its behalf, there is established (i) the School Resource Officer Grants Program, to be administered by the Board, in consultation with the Board of Education, and (ii) a special nonreverting fund within the state treasury known as the School Resource Officer Incentive Grants Fund, hereinafter known as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

Subject to the authority of the Board to provide for its disbursement, the Fund shall be disbursed to award matching grants to local law-enforcement agencies and local school boards that have established a collaborative agreement to employ uniformed school resource officers, as defined in § 9.1-101, in middle and high schools within the relevant school division *in addition to the school resource officers employed in such schools in accordance with subsection R of § 22.1-253.13:2*. The Board may disburse annually up to five percent of the Fund for the training of the school resource officers. School resource officers shall be certified law-enforcement officers and shall be employed to help ensure safety and prevent truancy and violence in schools.

B. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of a grant and the required local match. Any grant of general funds shall be matched by the locality on the basis of the composite index of local ability to pay. The Board may adopt guidelines governing the Program and the employment and duties of the school resource officers as it deems necessary and appropriate.

§ 22.1-79.4. Threat assessment teams and oversight committees.

A. Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School and Campus Safety (the Center) in accordance with § 9.1-184. Such policies shall include procedures for referrals to community services boards or health care providers for evaluation or treatment, when appropriate.

B. The superintendent of each school division may establish a committee charged with oversight of the threat assessment teams operating within the division, which may be an existing committee established by the division. The committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

C. Each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement *and at least one school resource officer employed in the school in accordance with subsection R of § 22.1-253.13:2*. Threat assessment teams may be established to serve one or more schools as determined by the division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.

D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division personnel from acting immediately to address an imminent threat.

59 E. Each threat assessment team established pursuant to this section shall collect and report to the
60 Center quantitative data on its activities using the case management tool developed by the Center.

61 F. Upon a preliminary determination by the threat assessment team that an individual poses a threat
62 of violence to self or others or exhibits significantly disruptive behavior or need for assistance, a threat
63 assessment team may obtain criminal history record information, as provided in §§ 19.2-389 and
64 19.2-389.1, and health records, as provided in § 32.1-127.1:03. No member of a threat assessment team
65 shall redisclose any criminal history record information or health information obtained pursuant to this
66 section or otherwise use any record of an individual beyond the purpose for which such disclosure was
67 made to the threat assessment team.

68 **§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

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

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

72 C. Each school board shall assign licensed instructional personnel in a manner that produces
73 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
74 excluding special education teachers, principals, assistant principals, school counselors, and librarians,
75 that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger
76 than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a
77 full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with
78 no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being
79 larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September
80 30 of any school year, anytime the number of students in a class exceeds the class size limit established
81 by this subsection, the local school division shall notify the parent of each student in such class of such
82 fact no later than 10 days after the date on which the class exceeded the class size limit. Such
83 notification shall state the reason that the class size exceeds the class size limit and describe the
84 measures that the local school division will take to reduce the class size to comply with this subsection.

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

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

92 D. (Effective until July 1, 2022) Each local school board shall employ with state and local basic,
93 special education, gifted, and career and technical education funds a minimum number of licensed,
94 full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM)
95 as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day
96 kindergarten programs. Beginning with the March 31 report of average daily membership, those school
97 divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their
98 average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily
99 memberships, as provided in the appropriation act.

100 D. (Effective July 1, 2022) Each local school board shall employ with state and local basic, special
101 education, gifted, and career and technical education funds a minimum number of licensed, full-time
102 equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set
103 forth in the appropriation act.

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

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

115 F. In addition to the positions supported by basic aid and those in support of regular school year
116 programs of prevention, intervention, and remediation, state funding, pursuant to the general
117 appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the
118 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii)
119 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000
120 students identified as having limited English proficiency, which positions may include dual language

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

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

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

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

H. 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 at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

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

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

4. School counselors:

a. Effective with the 2020-2021 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. Effective with the 2021-2022 school year, local school boards shall employ one full-time equivalent school counselor position per 325 students in grades kindergarten through 12.

c. 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.

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

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

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator

position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

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

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors, 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 three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

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

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

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

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

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

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

5. Technology professional positions not included in subsection J;

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

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

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and

one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

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

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

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

R. *Each school board shall enter into a collaborative agreement with the local law-enforcement agency to employ at least one school resource officer, as defined in § 9.1-101, in each public elementary and secondary school in the local school division. No school board shall be granted any full or partial waiver from the staffing requirements set forth in this subsection. No school board that fails to fully comply with the staffing requirements set forth in this subsection is eligible for any grant or waiver from the Commonwealth, Board, or Department.*

§ 22.1-280.2:3. School boards; local law-enforcement agencies; memorandums of understanding.

~~The Each school board in each school division in which the local law-enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such the local law-enforcement agency that sets forth the powers and duties of such school resource officers, as defined in § 9.1-101.~~ The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each such school board and local law-enforcement agency shall review and amend or affirm such memorandum at least once every two years or at any time upon the request of either party. Each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period.