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SENATE BILL NO. 490

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact §§ 22.1-129, 22.1-199.1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:3, 22.1-253.13:5, 22.1-274, 22.1-274.01:1, 22.1-294, 22.1-303, and 51.1-617 of the Code of Virginia and to repeal § 22.1-305.1 of the Code of Virginia, relating to the Standards of Quality; work-based learning; teacher leaders and mentors; principal mentors; certain personnel positions and initiatives.*

Patron—McClellan

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-129, 22.1-199.1, 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:3, 22.1-253.13:5, 22.1-274, 22.1-274.01:1, 22.1-294, 22.1-303, and 51.1-617 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-129. Surplus property; sale, exchange or lease of real and personal property.

A. Whenever a school board determines that it has no use for some of its real property, the school board may sell such property and may retain all or a portion of the proceeds of such sale upon approval of the local governing body and after the school board has held a public hearing on such sale and retention of proceeds, or may convey the title to such real property to the county or city or town comprising the school division or, if the school division is composed of more than one county or city, to the county or city in which the property is located. To convey the title, the school board shall adopt a resolution that such real property is surplus and shall record such resolution along with the deed to the property with the clerk of the circuit court for the county or city where such property is located. Upon the recording of the resolution and the deed, the title shall vest in the appropriate county, city or town.

B. A school board shall have the power to exchange real and personal property, to lease real and personal property either as lessor or lessee, to grant easements on real property, to convey real property in trust to secure loans, to convey real property to adjust the boundaries of the property and to sell personal property in such manner and upon such terms as it deems proper. As lessee of real property, a school board shall have the power to expend funds for capital repairs and improvements on such property, if the lease is for a term equal to or longer than the useful life of such repairs or improvements.

C. Notwithstanding the provisions of subsections A and B, a school board shall have the power to sell career and technical education projects and associated land pursuant to § 22.1-234.

Notwithstanding the provisions of subsections A and B, a school board of the City of Virginia Beach shall have the power to sell property to the Virginia Department of Transportation or the Commissioner of Highways when the Commissioner has determined that (i) such conveyance is necessary and (ii) when eminent domain has been authorized for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, and for all other purposes incidental thereto, including, but not limited to, the relocation of public utilities as may be required.

D. School boards may donate obsolete educational technology hardware and software that is being replaced pursuant to subdivision B A 4 of § 22.1-199.1. Any such donations shall be offered to other school divisions, to students, as provided in Board of Education guidelines, and to preschool programs in the Commonwealth. In addition, elected school boards may donate such obsolete educational technology hardware and software and other obsolete personal property to a Virginia nonprofit organization which that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

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

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

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

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

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

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

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

80 Funds for improving the quality and capacity of educational technology shall also be provided as set
81 forth in the appropriation act, including, but not limited to, (i) funds for providing a technology resource
82 assistant to serve every elementary school in this Commonwealth beginning on July 1, 1998, and (ii)
83 funds to maintain the currency of career and technical education programs. Any local school board
84 accepting funds to hire technology resource assistants or maintain currency of career and technical
85 education programs shall commit to providing the required matching funds, based on the composite
86 index of local ability to pay.

87 Each qualifying school board shall establish an individualized technology plan, which shall be
88 approved by the Superintendent of Public Instruction, for integrating technology into the classroom and
89 into schoolwide instructional programs, including career and technical education programs. The grants
90 shall be prioritized as follows:

91 1. In the 1994 biennium, the first priority for these funds shall be to automate the library media
92 centers and provide network capabilities in Virginia's elementary, middle and high schools, or
93 combination thereof, in order to ensure access to the statewide library and other information networks. If
94 any elementary, middle or high school has already met this priority, the 1994 biennium grant shall be
95 used to provide other educational technologies identified in the relevant division's approved technology
96 plan, such as multimedia and telecomputing packages, integrated learning systems, laptop computer loan
97 programs, career and technical education laboratories or other electronic techniques designed to enhance
98 public education and to facilitate teacher training in and implementation of effective instructional
99 technology. The Board shall also distribute, as provided in the appropriation act, funds to support the
100 purchase of electronic reference materials for use in the statewide automated reference system.

101 2. In the 1996 biennium and thereafter, the first priority for funding shall be consistent with those
102 components of the Board of Education's revised six-year technology plan which focus on (i) retrofitting
103 and upgrading existing school buildings to efficiently use educational technology; (ii) providing (a) one
104 network-ready multimedia microcomputer for each classroom, (b) a five-to-one ratio of pupils to
105 network-ready microcomputers, (c) graphing calculators and relevant scientific probes/sensors as required
106 by the Standards of Learning, and (d) training and professional development on available technologies
107 and software to all levels and positions, including professional development for personnel delivering
108 career and technical education at all levels and positions; and (iii) assisting school divisions in
109 developing integrated voice-, video-, and data-connectivity to local, national and international resources.

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

114 3. The Departments of Education, Information Technology, and General Services shall coordinate
115 master contracts for the purchase by local school boards of the aforementioned educational technologies
116 and reference materials.

117 4. Beginning on July 1, 1998, a technology replacement program shall be, with such funds as may be
118 appropriated for this purpose, implemented to replace obsolete educational hardware and software. As
119 provided in subsection D of § 22.1-129, school boards may donate obsolete educational technology
120 hardware and software which are being replaced. Any such donations shall be offered to other school

divisions and to preschool programs in the Commonwealth, or to public school students as provided in guidelines to be promulgated by the Board of Education. Such guidelines shall include criteria for determining student eligibility and need; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software.

5. In fiscal year 2000, the Board of Education shall, with such funds as are appropriated for this purpose, contract for the development or purchase of interactive educational software and other instructional materials designed as tutorials to improve achievement on the Standards of Learning assessments. Such interactive educational software and other instructional materials may be used in media centers, computer laboratories, libraries, after-school or before-school programs or remedial programs by teachers and other instructional personnel or provided to parents and students to be used in the home. This interactive educational software and other instructional materials shall only be used as supplemental tools for instruction, remediation, and acceleration of the learning required by the K through 12 Standards of Learning objectives.

Consistent with school board policies designed to improve school-community communications and guidelines for providing instructional assistance in the home, each school division shall strive to establish a voice mail communication system after regular school hours for parents, families, and teachers by the year 2000.

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

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

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

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

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

§ 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, systematic phonics, fluency, vocabulary development, and text comprehension.

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

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

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

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

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

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

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical

education programs shall be aligned with industry and professional standard certifications, where they exist.

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

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

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

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

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

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

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

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

the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

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

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

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

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

b. Career exploration opportunities in the middle school grades;

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

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

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

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

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

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

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

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

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

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

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

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

students receive instruction in English and in a second language.

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

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

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated pursuant to subdivision G 4 c of § 22.1-253.13:2 or for ~~prevention, intervention, and remediation~~; summer school remediation; ~~at-risk~~; or for algebra readiness intervention services may be used to meet the requirements of this subdivision.

As used in this subdivision:

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

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

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year.

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,

428 initiatives promoting family and community involvement, and potential funding and support sources.
429 Such unit may also provide resources supporting professional development for administrators and
430 teachers. In providing such information, resources, and other services to school divisions, the unit shall
431 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of
432 Learning assessments.

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

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

450 **§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.**

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

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

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

462 2. Each school board shall assign licensed instructional personnel for students in grades
463 kindergarten through three in schools with high concentrations of poverty in a manner that produces
464 schoolwide ratios of students in average daily membership to full-time equivalent teaching positions,
465 excluding special education teachers, principals, assistant principals, school counselors, and librarians,
466 that are not greater than the following ratios: (i) 19 to one in schools with at least 30 percent but less
467 than 45 percent of students identified as eligible for federal free lunch, as provided in the general
468 appropriation act, with no class being larger than 24 students; (ii) 18 to one in schools with at least 45
469 percent but less than 55 percent of students identified as eligible for federal free lunch, as provided in
470 the general appropriation act, with no class being larger than 23 students; (iii) 17 to one in schools
471 with at least 55 percent but less than 65 percent of students identified as eligible for federal free lunch,
472 as provided in the general appropriation act, with no class being larger than 22 students; (iv) 16 to one
473 in schools with at least 65 percent but less than 70 percent of students identified as eligible for federal
474 free lunch, as provided in the general appropriation act, with no class being larger than 21 students;
475 (v) 15 to one in schools with at least 70 percent but less than 75 percent of students identified as
476 eligible for federal free lunch, as provided in the general appropriation act, with no class being larger
477 than 20 students; and (vi) 14 to one in schools with at least 75 percent of students identified as eligible
478 for federal free lunch, as provided in the general appropriation act, with no class being larger than 19
479 students.

480 3. To provide flexibility in the use of funds in support of the staffing standards established in
481 subdivision 2, school boards may use such funds to provide compensation adjustments to teachers with
482 five or more years of experience to teach grades kindergarten through three in such schools with high
483 concentrations of poverty. School boards using such funds in this manner may (i) exceed the maximum
484 class sizes established in subdivision 2 for classes taught by a teacher who receives the compensation
485 adjustment and (ii) exclude the teachers receiving the compensation adjustment and their students from
486 the schoolwide ratios established in subdivision 2. School boards using such funds in this manner shall
487 comply with the staffing standards established in subdivision 1.

488 4. After September 30 of any school year, anytime the number of students in a class exceeds the
489 class size limit established by this subsection, the local school division shall notify the parent of each

student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

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

~~Further,~~6. Each school board shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each school board shall assign licensed personnel in a manner that provides, to the maximum extent possible, an equitable distribution of experienced, effective teachers and other licensed personnel across all schools in the local school division. No school board shall assign licensed personnel in a manner that results in the concentration of ineffective teachers in any school or group of schools in the local school division.

E. (Effective until July 1, 2022) 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.

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

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

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

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

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

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

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

551 G. 1. As used in this subsection:

552 "Qualifying school" means a school in which at least 55 percent of the students are identified as
553 eligible for federal free lunch, as provided in the general appropriation act.

554 "Qualifying teacher" means a teacher who (i) teaches in a qualifying school; (ii) holds a renewable
555 license as defined in § 22.1-298.1; (iii) has at least five years of successful full-time teaching experience
556 in a public school or an accredited private school either within or outside of the Commonwealth, as
557 evidenced by receiving an evaluation rating of proficient or above for each of the previous five years;
558 and (iv) meets any additional criteria that may be deemed necessary by the local school board.

559 "Targeted compensation adjustment" means a supplemental pay adjustment of (i) at least 12.5
560 percent of the state-recognized prevailing salary, as provided in the general appropriation act, in
561 qualifying schools in which at least 55 percent but less than 70 percent of the students are identified as
562 eligible for federal free lunch, as provided in the general appropriation act, and (ii) at least 25 percent
563 of the state-recognized prevailing salary, as provided in the general appropriation act, in qualifying
564 schools in which at least 70 percent of the students are identified as eligible for federal free lunch, as
565 provided in the general appropriation act.

566 2. In addition to the positions supported by basic aid, state funding shall be provided for additional
567 instructional positions in support of student achievement for at-risk students, based upon the
568 concentration of students identified as eligible for federal free lunch, as provided in the general
569 appropriation act, in each school division. School boards shall prioritize the deployment of such
570 additional instructional positions to schools in the local school division with the greatest concentrations
571 of students identified as eligible for federal free lunch.

572 3. Such additional instructional positions shall be calculated by multiplying the number of
573 instructional positions required to be provided by the local school division with basic aid funds by (i)
574 the percentage of students identified as eligible for federal free lunch in such local school division, as
575 provided in the general appropriation act, and (ii) an add-on multiplier determined for such local
576 school division by ranking each school division by the percentage of students identified as eligible for
577 federal free lunch, as provided in the general appropriation act. The local school division that ranks
578 with the lowest percentage of students eligible for federal free lunch shall be assigned an add-on
579 multiplier of 10 percent, and the local school division that ranks with the highest percentage of students
580 eligible for federal free lunch shall be assigned an add-on multiplier of 65 percent. The add-on
581 multiplier for all other local school divisions shall be between 10 and 65 percent, in increments, based
582 upon the local school division's ranking.

583 4. To provide flexibility in the use of funds provided pursuant to subdivision 2, each school board
584 may:

585 a. Use up to 100 percent of such funds to provide targeted compensation adjustments to assist with
586 recruiting or retaining qualifying teachers to teach in qualifying schools;

587 b. Use up to 100 percent of such funds to provide licensed specialized student support personnel.
588 School boards that use funds in this manner shall prioritize the deployment of such licensed specialized
589 student support positions to schools in the local school division with the greatest concentrations of
590 students identified as eligible for federal free lunch;

591 c. Consistent with the provisions of subsection A of § 22.1-253.13:3, use up to 70 percent of such
592 funds to support programs for students identified as needing prevention, intervention, or remediation
593 services and programs for students who are educationally at risk. Any school board that uses funds in
594 this manner shall prioritize the use of such funds in schools in the local school division with the
595 greatest concentrations of students identified as eligible for federal free lunch; or

596 d. Use up to 100 percent of such funds in any combination of the manners provided in subdivisions
597 a, b, and c.

598 5. Each school board that uses funds as provided in subdivision 4 shall annually report on the use
599 of such funds to the Department in the manner that the Department prescribes.

600 H. 1. In addition to the positions supported by basic aid and those in support of regular school year
601 programs of prevention, intervention, and remediation, state funding, pursuant to the general
602 appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the
603 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii)
604 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000
605 students identified as having limited English proficiency, which divisionwide ratios of English learner
606 students in average daily membership to full-time equivalent teaching positions, in addition to those
607 positions required pursuant to subsection C, as follows:

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

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

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

students; and

d. For all other English language learners, one position per 58 students.

2. Teaching positions may include dual language teachers who provide instruction in English and in a second language.

3. To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions boards may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account positions established pursuant to subsection G 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. 1. 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. The number of reading specialists required to be employed shall be based upon providing two and one-half hours of instruction at a ratio of one reading specialist per five students who require reading specialist services. The number of students who require reading specialist services shall be determined by multiplying (i) the percentage of students who 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. 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) (a) techniques to help a student on the continuum of skills with dyslexia; (ii) (b) dyslexia characteristics that may manifest at different ages and grade levels; (iii) (c) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) (d) 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. J. 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, and high 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 and high schools, one full-time for each 600 400 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

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

674 within the division according to the area of greatest need, regardless of whether such schools are
675 elementary, middle, or high schools.

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

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

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

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

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

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

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

711 ~~N. Q.~~ Students enrolled in a public school on a less than full-time basis shall be counted in ADM in
712 the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
713 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
714 basis in any mathematics, science, English, history, social science, career and technical education, fine
715 arts, foreign language, or health education or physical education course shall be counted in the ADM in
716 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course
717 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home
718 school student shall be counted as more than one-half a student for purposes of such pro rata
719 calculation. Such calculation shall not include enrollments of such students in any other public school
720 courses.

721 ~~O. R.~~ Each school board shall provide at least ~~three~~ four specialized student support positions per
722 1,000 students. For purposes of this subsection, specialized student support positions include school
723 social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant
724 behavior analysts, and other licensed health and behavioral positions, which may either be employed by
725 the school board or provided through contracted services.

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

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

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

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

733 3. Student support positions, including (i) social work administrative positions not included in
734 subsection ~~O R~~; (ii) school counselor administrative positions not included in ~~subdivision H 4 subsection~~
735 ~~M~~; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions

related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection Θ R;

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

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

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

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

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

The Board 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. 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 (a) 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, (b) 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

797 Board, and (c) any school board that submits a corrective action plan to seek and receive approval
798 from the Board prior to using funds in accordance with the provisions of subdivision G 4 c of §
799 22.1-253.13:2.

800 When the Board determines through its review process that the failure of schools within a division to
801 meet the standards established by the Board is related to division-level failure to implement the
802 Standards of Quality or other division-level action or inaction, the Board may require a division-level
803 academic review. After the conduct of such review and within the time specified by the Board, each
804 school board shall enter into a memorandum of understanding with the Board and shall subsequently
805 submit to the Board for approval a corrective action plan, consistent with criteria established by the
806 Board setting forth specific actions and a schedule designed to ensure that schools within its school
807 division meet the standards established by the Board. If the Board determines that the proposed
808 corrective action plan is not sufficient to enable all schools within the division to meet the standards
809 established by the Board, the Board may return the plan to the local school board with directions to
810 submit an amended plan pursuant to Board guidance. Such corrective action plans shall be part of the
811 relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

812 B. The Superintendent of Public Instruction shall develop, subject to revision by the Board, criteria
813 for determining and recognizing educational performance in the Commonwealth's local school divisions
814 and public schools. The portion of such criteria that measures individual student growth shall become an
815 integral part of the accreditation process for schools in which any grade level in the grade three through
816 eight range is taught. The Superintendent of Public Instruction shall annually report to the Board on the
817 accreditation status of all school divisions and schools. Such report shall include an analysis of the
818 strengths and weaknesses of public education programs in the various school divisions in Virginia and
819 recommendations to the General Assembly for further enhancing student learning uniformly across the
820 Commonwealth. In recognizing educational performance and individual student growth in the school
821 divisions, the Board shall include consideration of special school division accomplishments, such as
822 numbers of dual enrollments and students in Advanced Placement and International Baccalaureate
823 courses, and participation in academic year Governor's Schools.

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

830 C. With such funds as are available for this purpose, the Board shall prescribe assessment methods to
831 determine the level of achievement of the Standards of Learning objectives by all students. Such
832 assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to
833 the Standards of Learning being assessed. The Board shall, with the assistance of independent testing
834 experts, conduct a regular analysis and validation process for these assessments. In lieu of a one-time
835 end-of-year assessment, the Board shall establish, for the purpose of providing measures of individual
836 student growth over the course of the school year, a through-year growth assessment system, aligned
837 with the Standards of Learning, for the administration of reading and mathematics assessments in grades
838 three through eight. Such through-year growth assessment system shall include at least one
839 beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student
840 growth scores over the course of the school year, but the total time scheduled for taking all such
841 assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year
842 proficiency assessment. The Department shall ensure adequate training for teachers and principals on
843 how to interpret and use student growth data from such assessments to improve reading and mathematics
844 instruction in grades three through eight throughout the school year. With such funds and content as are
845 available for such purpose, such through-year growth assessment system shall provide accurate
846 measurement of a student's performance, through computer adaptive technology, using test items at,
847 below, and above the student's grade level as necessary.

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

850 The Department shall make available to school divisions Standards of Learning assessments typically
851 administered by high schools by December 1 of the school year in which such assessments are to be
852 administered or when newly developed assessments are available, whichever is later.

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

858 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 Board shall include in the student outcome and growth measures that are required by the standards of accreditation the required 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 Standards of Learning assessments administered to students in grades three through eight shall not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science in grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and mathematics in grade eight; (v) 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 (vi) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board. The reading and mathematics assessments administered to students in grades three through eight shall be through-year growth assessments.

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 (a) 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; (b) permit and encourage integrated assessments that include multiple subject areas; and (c) 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 shall award recovery credit to any student in grades three through eight who performs below grade level on a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and performs at or above grade level on 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 shall (1) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (2) select appropriate industry certification and state licensure examinations; and (3) 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 Department 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, 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. 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 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 shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board 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

920 the Standards of Learning content or assessments in that area are being revised and phased in. Prior to
921 statewide administration of such tests, the Board shall provide notice to local school boards regarding
922 such special provisions.

923 The Board shall not include in its calculation of the passage rate for a Standards of Learning
924 assessment or the level of achievement of the Standards of Learning objectives for an individual student
925 growth assessment for the purposes of state accountability any student whose parent has decided to not
926 have his child take such Standards of Learning assessment, unless such exclusions would result in the
927 school's not meeting any required state or federal participation rate.

928 D. The Board may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action
929 pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test
930 results.

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

935 Records and other information furnished to or prepared by the Board during the conduct of a review
936 or investigation may be withheld pursuant to subdivision 10 of § 2.2-3705.3. However, this section shall
937 not prohibit the disclosure of records to (i) a local school board or division superintendent for the
938 purpose of permitting such board or superintendent to consider or to take personnel action with regard to
939 an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a)
940 does not reveal the identity of any person making a complaint or supplying information to the Board on
941 a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any
942 local school board or division superintendent receiving such records or other information shall, upon
943 taking personnel action against a relevant employee, place copies of such records or information relating
944 to the specific employee in such person's personnel file.

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

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

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

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

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

976 G. Each local school division superintendent shall regularly review the division's submission of data
977 and reports required by state and federal law and regulations to ensure that all information is accurate
978 and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the
979 required reports and data to division superintendents annually. The status of compliance with this
980 requirement shall be included in the Board's annual report to the Governor and the General Assembly as
981 required by § 22.1-18.

H. Any school board may request the Board 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 based on submission of a request from the division superintendent and chairman of the local school board. The Board 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 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 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.

§ 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. Evaluations shall include an evaluation of cultural competency.

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

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

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

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

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

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

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

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

H. The Board shall establish, and 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 teacher leadership and mentorship programs shall be administered by school boards with the assistance of local advisory committees made up of teachers, principals, and supervisors.

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

§ 22.1-274. School health services.

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

B. ~~In implementing subsection P of § 22.1-253.13:2, relating to providing support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools, each school board may strive to employ, or contract with local health departments for, nursing services consistent with a ratio of at least one nurse (i) per 2,500 students by July 1, 1996; (ii) per 2,000 students by July 1, 1997; (iii) per 1,500 students by July 1, 1998; and (iv) per 1,000 students by July 1, 1999. In those school divisions in which there are more than 1,000 students in average daily membership in school buildings, this section shall not be construed to encourage the employment of more than one nurse per school building. Further, this section shall not be construed to mandate the aspired-to ratios.~~

C. The Board of Education shall monitor the progress in achieving the ratios set forth in subsection B and any subsequent increase in prevailing statewide costs, and the mechanism for funding health services, pursuant to subsection P of § 22.1-253.13:2 and the appropriation act. The Board shall also determine how school health funds are used and school health services are delivered in each locality and shall provide, by December 1, 1994, a detailed analysis of school health expenditures to the House Committee on Education, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations.

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

For the purposes of this subsection, "health-related services" means those activities that, when

performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

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

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

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

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

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

A. A person employed as a principal, assistant principal, or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve a probationary term of three years in such position in the same school division before acquiring continuing contract status as principal, assistant principal, or supervisor. With such funds as may be appropriated by the General Assembly for such purpose, school boards shall provide each probationary principal, except probationary principals who have prior successful experience as principals, as determined by the local school board in a school division, a mentor, as described in ~~guidelines developed by the Board~~ *standards established by the Department pursuant to subsection 1 of § 22.1-253.13:5*, during the first year of the probationary period, to assist such probationary principal in achieving excellence in administration.

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

C. Continuing contract status acquired by a principal, assistant principal, or supervisor shall not be construed (i) as prohibiting a school board from reassigning such principal, assistant principal, or

supervisor to a teaching position if notice of reassignment is given by the school board by June 15 of any year or (ii) as entitling any such principal, assistant principal, or supervisor to the salary paid him as principal, assistant principal, or supervisor in the case of any such reassignment to a teaching position.

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

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

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

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

A. A probationary term of service of three years in the same school division shall be required before a teacher is issued a continuing contract. School boards shall provide each probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to *subsection H of § 22.1-305.4* 22.1-253.13:5, during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating teachers as required by subsection C of § 22.1-295. A teacher in his first year of the probationary period shall be evaluated informally at least once during the first semester of the school year. The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in § 22.1-305.

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

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

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

D. Teachers holding three-year local eligibility licenses issued prior to July 1, 2013, shall not be eligible for continuing contract status while teaching under the authority of such license. Upon attainment of a collegiate professional or postgraduate professional license issued by the Department of Education, such teachers shall serve a probationary term of service of three years prior to being eligible for continuing contract status pursuant to this section.

§ 51.1-617. Definitions.

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

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

"Eligible employee" means any turnaround specialist or member of the middle school teacher corps providing services for a participating public school division pursuant to subsections *B* and *C* of § 22.1-199.1.

- 1228 "Participating employer" means any local public school board that offers and pays the costs of
1229 improved retirement benefits as described in subsections ~~E~~ *B* and ~~F~~ *C* of § 22.1-199.1.
1230 "Plan" means the defined contribution plan established pursuant to this chapter and the provisions of
1231 § ~~401~~ ~~(a)~~ *401(a)* of the Internal Revenue Code of 1986, as amended.
1232 "Qualified participant" means an eligible employee of a participating employer.
1233 2. That § 22.1-305.1 of the Code of Virginia is repealed.