



**Standards of Quality:
Standard Two
History of Recommendations and
Legislative Actions**

MAY 2016

**OFFICE OF POLICY
DIVISION OF POLICY AND COMMUNICATIONS**

This document is organized to show existing staffing standards and relevant history, including previous recommendations and legislative history.

These recommendations, unless otherwise noted, have been compiled from the Board of Education's Standards of Quality (SOQ) recommendations included in its [Annual Report on the Condition and Needs of Public Schools in Virginia](#) for the years noted, or from JLARC's February 2002 Report, [Review of Elementary and Secondary School Funding](#).

I. Maximum class sizes and maximum student to teacher ratios.

a. Existing Requirements.

• **Maximum class sizes.**

Grade	Maximum Class Size
Kindergarten	No larger than 29 students, Full-time aide required if more than 24 students.
Grades 1-3	No larger than 30 students.
Grades 4-6	No larger than 35 students.
Grades 7-12	No maximum.

• **Schoolwide maximum student to teacher ratios.**

School	Maximum Ratio
Elementary	None
Middle and High	21:1

• **Divisionwide maximum student to teacher ratios.**

Category	Maximum Ratio
Kindergarten through Grade 3	24:1
Grades 4-6	25:1
Grades 6-12 English	24:1
<i>Special education teachers are excluded from this ratio.</i>	
<i>Flexibility language in the Appropriation Act allows school divisions to exceed these maximum ratios by one student.</i>	

b. Prior Activity. Since 1990, the maximum class sizes and maximum student to teacher ratios have not changed, except as follows:

- In 1999, the General Assembly decreased the maximum class size for Kindergarten, and reduced maximum student teacher ratios in Kindergarten, second, and third grade. 1999 Acts of Assembly [Ch. 595](#).

- Recommendation: In 2002, JLARC suggested that the General Assembly reduce the schoolwide maximum student to teacher ratios for middle and high schools from 25:1 to 21:1 to support the cost of providing such teachers with daily planning periods as required by the existing Standards of Accreditation (SOA). *2002 JLARC Report*, pp. 97-100.

In 2003, the Board concurred with JLARC's 2002 recommendation.

Implementation: In 2004, the General Assembly enacted these recommendations. 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#).

- Beginning in 2010, the Appropriation Act permitted school divisions to exceed the divisionwide maximum student to teacher ratios by one student. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16](#).

II. Principals.

- a. **Existing Requirements.** Principals are required to be assigned depending on the enrollment in each school.

School	Staffing Requirement
Elementary	0-299 students: one-half time
	300 or more students: one full-time
Middle and High	one full-time, 12-month employee

- b. **Prior Activity.** Staffing requirements for principals originally were a component of the Board’s SOA, and the staffing requirements have not changed since the early 1980’s. Legislation in 1999 and 2004 shifted these requirements from the SOA to the SOQ. 1999 Acts of Assembly, [Ch. 731](#), 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#).

- Recommendation: The *2002 JLARC Report* recommended the Board examine the utilization of half-time principals in elementary schools with enrollments under 300 students. *2002 JLARC Report*, pp. 78-79.

Subsequently, the Board recommended in 2003 to increase principal staffing requirements to require a full-time principal in every elementary school. The Board has continued to include this recommendation through its 2012 SOQ review.

Implementation: To date, no legislative action has been taken to implement this recommendation.

III. Assistant Principals.

- a. **Existing Requirements.** While the number of assistant principals required is determined based upon the number of students in each school, school divisions may assign assistant principals to schools according to the area of greatest need, regardless of whether such school is an elementary, middle, or high school.

School	Staffing Requirement
Elementary	600-899 students: half-time
	900 or more students: one full-time
Middle and High	One full-time per 600 students

- b. **Prior Activity.** Staffing requirements for assistant principals originally were a component of the Board’s SOA, and the staffing requirements have not changed since the early 1980’s. Legislation in 1999 and 2004 shifted these requirements from the SOA to the SOQ. 1999 Acts of Assembly, [Ch. 731](#), 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#).

- Recommendation: The *2002 JLARC Report* recommended the Board examine assistant principal staffing requirements. *2002 JLARC Report*, pp. 78-79.

Subsequently, the Board recommended in 2003 to increase principal staffing requirements to require a full-time assistant principal for every 400 students for each school. The Board has continued to include this recommendation through its 2012 SOQ review.

Implementation: To date, this recommendation has not been implemented. In 2004, the General Assembly approved a bill adopting the recommendation to provide one assistant principal for every 400 students in each school; however, no funding was provided in the Appropriation Act, therefore the legislation did not take effect. 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#).

- Recommendation: In 2009, the Board recommended providing school divisions with the flexibility to assign assistant principals to schools depending on need, as long as the school division employs the total number of assistant principal positions divisionwide.

Implementation: In 2011, the General Assembly enacted this recommendation. 2011 Acts of Assembly, [Ch. 55](#) and [Ch. 74](#).

IV. Guidance (School) Counselors.

- a. Existing Requirements.** While the number of guidance (school) counselors required is determined based upon the number of students in each school, school divisions may assign guidance counselors to schools according to the area of greatest need, regardless of whether such school is an elementary, middle, or high school.

School	Staffing Requirement
Elementary	One hour per day per 100 students; one full-time at 500 students; and one hour per day additional time per 100 students or major fraction thereof
Middle	One period per 80 students; one full-time at 400 students; one additional period per 80 students or major fraction thereof
High	One period per 70 students; one full-time at 350 students; one additional period per 70 students or major fraction thereof
<i>The Appropriation Act waives these staffing requirements for new hires.</i>	

- b. Prior Activity.** Staffing requirements for guidance counselors originally were a component of the Board’s SOA, and the staffing requirements for middle and high schools have not changed since the early 1980’s. Beginning in the 1989-90 school year, elementary school guidance counselors were required at the current staffing ratio. Legislation in 1999 and 2004 shifted these requirements from the SOA to the SOQ. 1999 Acts of Assembly, [Ch. 731](#), 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#).
- In 1997, the SOA was amended to allow a school division to provide elementary school reading specialists in lieu of elementary school guidance counselors. This option was eliminated by the General Assembly in 2002. [8 VAC 20-131-240](#) (eff. Sept. 4, 1997) and 2002 Acts of Assembly, [Ch. 732](#).
 - Beginning in 2010, the Appropriation Act waived the guidance counselor staffing requirement for new hires. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16](#).
 - Recommendation: In 2012, the Board recommended providing school divisions with the flexibility to deploy guidance counselor positions to schools with the greatest need, so long as the total number required is met divisionwide.
- Implementation: In 2013, the General Assembly enacted this recommendation. 2013 Acts of Assembly, [Ch. 158](#) and [Ch. 224](#).

V. Librarians.

- a. **Existing Requirements.** While the number of librarians required is determined based upon the number of students in each school, school divisions may assign librarians to schools according to the area of greatest need, regardless of whether such school is an elementary, middle, or high school.

School	Staffing Requirement
Elementary	0-299 students: one-half time
	300 or more students: one full-time
Middle and High	0-299 students: one-half time
	300-999 students: one full-time
	1,000 or more students: two full-time
<i>The Appropriation Act waives these staffing requirements for new hires.</i>	

- b. **Prior Activity.** Staffing requirements for librarians originally were a component of the Board’s SOA, and the staffing requirements for librarians have not changed since the early 1980’s. Legislation in 1999 and 2004 shifted these requirements from the SOA to the SOQ. 1999 Acts of Assembly, [Ch. 731](#), 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#).

- Beginning in 2010, the Appropriation Act waived the librarian staffing requirement for new hires. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16](#).
- Recommendation: In 2012, the Board recommended providing school divisions with the flexibility to deploy librarians to schools with the greatest need, so long as the total number required is met divisionwide.

Implementation: In 2013, the General Assembly enacted this recommendation. 2013 Acts of Assembly, [Ch. 158](#) and [Ch. 224](#).

VI. Elementary Art, Music, and Physical Education Resource Teachers

a. Existing Requirements.

Position	Staffing Requirement
Elementary Resource Teachers (Art, Music, and PE)	Five per 1,000 students in grades K-5
<i>The Appropriation Act waives this staffing requirement. However, school divisions continue to be required to provide the curriculum.</i>	

b. Prior Activity.

- **Recommendation:** The 2002 JLARC Report suggested that the General Assembly provide funding for the State share of the cost of the prevailing levels of elementary resource teachers, which previously had not been funded as a separate position category. 2002 JLARC Report, pp. 96-100.

In 2003, the Board concurred with JLARC’s 2002 recommendation. The Board recommended five instructional positions per 1,000 students, which would provide three periods per week for instruction in art, music, and physical education.

Implementation: In 2004, the General Assembly enacted the staffing requirement; however, implementation was delayed to the 2005-2006 school year through language included in the Appropriation Act. 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#), and [2004-2006 Appropriation Act, Item 146.B.6.b.](#)

- Beginning in 2010, the Appropriation Act waived the staffing requirement for elementary school resource teachers. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16.](#)

VII. Reading Specialists.

a. Existing Requirements.

Position	Staffing Requirement
Reading Specialists	One in each elementary school at the discretion of the local school board.
<i>School divisions may use Early Reading Intervention Initiative Funds (lottery funds) to employ reading specialists.</i>	

b. Prior Activity.

- In 1997, the SOA was amended to allow a school division to provide elementary school reading specialists in lieu of elementary school guidance counselors. [§ VAC 20-131-240](#) (eff. Sept. 4, 1997).
- In 2002, the General Assembly required elementary school guidance counselor positions, leaving the provision of reading specialist positions to the discretion of school divisions. Subsequently, the option to provide elementary school reading specialists in lieu of guidance counselors was eliminated from the SOA. 2002 Acts of Assembly, [Ch. 732](#).
- Recommendation: In 2003, the Board recommended providing one reading specialist for each 1,000 students. The Board has continued to include this recommendation through its 2012 SOQ review.

Implementation: To date, this staffing recommendation has not been implemented, although in 2004, the General Assembly approved a bill requiring intervention to be provided. The same bill also required one reading specialist for each 1,000 students; however, no funding was provided in the Appropriation Act, therefore the staffing component did not take effect. 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#).

- Recommendation: In 2008, the Board continued to recommend one reading specialist for each 1,000 students; however, as an intermediate option, the Board recommended allowing school divisions to use Early Intervention Reading Initiative (EIRI) funding, a Lottery-funded program outside of the SOQ, to provide the remedial services required by the 2004 legislation.

Implementation: In 2009, the General Assembly included a provision in the Appropriation Act to allow the EIRI funds to be used to provide the SOQ-required remedial services. In 2011, the General Assembly codified this language in the SOQ. [2009 Appropriation Act, Item 140.B.7.e](#) and 2011 Acts of Assembly, [Ch. 55](#) and [Ch. 74](#).

- In 2012 and 2013, the EIRI program was codified as an SOQ requirement for grades kindergarten through three, however, no additional SOQ funding was

provided. 2012 Acts of Assembly, [Ch. 845](#) and 2013 Acts of Assembly, [Ch. 123](#) and [Ch. 157](#).

VIII. Remediation Positions.

a. Existing Requirements.

Position	Staffing Requirement
Prevention, Intervention, and Remediation Instruction	One hour of additional instruction per day for students identified at risk of educational failure at a pupil-teacher ratio of 10:1 to 18:1, based upon division-level failure rate on English and mathematics SOL tests.
<i>For state funding purposes, the three-year average free lunch eligibility is used as a proxy for the number of at-risk students.</i>	
<i>The Appropriation Act waives this staffing requirement. However, school divisions continue to be required to provide remediation services.</i>	
<i>School divisions may use SOL Algebra Readiness Funds (lottery funds) to fulfill the required algebra readiness intervention services.</i>	

b. Prior Activity.

- Recommendation:** In 2003, the Board recommended revising the existing standard that provided an additional 9.0 professional instructional positions per 1,000 pupils who score in the bottom national quartile of the Virginia State Assessment Program tests to provide additional positions based upon pupil-teacher ratios from 18:1 to 10:1 as determined by combined failure rates for English and mathematics Standards of Learning tests.

Implementation: In 2004, the General Assembly enacted this recommendation. [2004-2006 Appropriation Act, Item 146.B.6.a](#), and 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#).

- Recommendation:** In 2006, the Board recommended one full-time instructional position be provided for each 1,000 students in grades K-8 to serve as a mathematics specialist. The Board has continued to include this recommendation through its 2012 SOQ review.

Implementation: To date, this staffing recommendation has not been implemented.

- Recommendation:** In 2008, the Board continued to recommend one mathematics specialist for each 1,000 students; however, as an intermediate option, the Board recommended allowing school divisions to use Algebra Readiness Initiative (ARI) funding, a Lottery-funded program outside of the SOQ, to provide mathematics remedial services required by the SOQ.

Implementation: In 2009, the General Assembly included a provision in the Appropriation Act to allow the ARI funds to be used to provide the SOQ-required remedial services. In 2011, the General Assembly codified this

language in the SOQ. [2009 Appropriation Act, Item 140.B.7.e](#) and 2011 Acts of Assembly, [Ch. 55](#), and [Ch. 74](#).

- Beginning in 2010, the Appropriation Act waived the staffing requirement to provide the required prevention, intervention, and remediation positions. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16](#)
- In 2013, the ARI program was codified as an SOQ requirement for grades 6-9, however, no additional SOQ funding was provided. 2013 Acts of Assembly, [Ch. 123](#) and [Ch. 157](#).

IX. English as a Second Language (ESL) Positions.

a. Existing Requirements.

Position	Staffing Requirement
English as a Second Language	17 positions per 1,000 limited English proficiency students.
<i>The Appropriation Act waives this staffing requirement. However, school divisions continue to be required to provide ESL services.</i>	
<i>SOQ Prevention, Intervention and Remediation Funds may be used to employ additional licensed English language learner positions.</i>	

b. Prior Activity.

- In 2000, the General Assembly increased funding for the English as a Second Language staffing ratio from 9 positions to 10 positions per 1,000 ESL students. [2000-2002 Appropriation Act, Item 141.F](#)
- In 2003, the General Assembly included English as a Second Language in the SOQ. 2003 Acts of Assembly, [Ch. 714](#).
- In 2005, the General Assembly increased the staffing ratio from 10 positions to 17 positions per 1,000 ESL students. 2005 Acts of Assembly, [Ch. 331](#) and [Ch. 450](#).
- Recommendation: In 2008, the Board recommended allowing school divisions to use prevention, intervention, and remediation SOQ funding to provide additional ESL positions.

Implementation: In 2009, the General Assembly included a provision in the Appropriation Act to enact this recommendation. In 2011, the General Assembly codified this language in the SOQ. [2009 Appropriation Act, Item 140.B.7.e](#) and 2011 Acts of Assembly, [Ch. 55](#) and [Ch. 74](#).

- Beginning in 2010, the Appropriation Act waived the staffing requirement to provide the required English as a Second Language positions. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16](#).

X. Technology Instruction and Support Positions.

a. Existing Requirements.

Position	Staffing Requirement
Technology Instruction and Support	Two per 1,000 K-12 students.
<ul style="list-style-type: none"> • One position is to provide technology support. • One position is to serve as an instructional technology resource teacher, a data coordinator, or a blended resource teacher/data coordinator. 	
<i>The Appropriation Act waives this staffing requirement for new hires.</i>	

b. Prior Activity.

- Recommendation: In 2003, the Board recommended providing two technology positions for each 1,000 students. One position would provide technology support, while the other would serve as a resource in instructional technology.

Implementation: In 2004, the General Assembly enacted the staffing requirement; however, implementation was delayed to the 2005-2006 school year through language included in the Appropriation Act. 2004 Acts of Assembly, [Ch. 939](#) and [Ch. 955](#), and [2004-2006 Appropriation Act, Item 146.B.6.b](#).

- Recommendation: In 2006, the Board recommended providing a data manager/test coordinator position. The Board has continued to include this recommendation through its 2012 SOQ review.

Implementation: To date, this staffing recommendation has not been implemented.

- Recommendation: In 2008, the Board continued to recommend one data manager or test coordinator position for each 1,000 students; however, as an intermediate option, the Board recommended allowing school divisions the flexibility to provide a data manager or test coordinator position in lieu of the instructional technology resource position.

Implementation: In 2009, the General Assembly included a provision in the Appropriation Act to allow school divisions the flexibility recommended by the Board. In 2011, the General Assembly codified this language in the SOQ. [2009 Appropriation Act, Item 140.B.7.e](#), and 2011 Acts of Assembly [Ch. 55](#) and [Ch. 74](#).

- Beginning in 2010, the Appropriation Act waived the staffing requirement to provide the technology resource positions. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16](#).

XI. Gifted Positions.

a. Existing Requirements.

Position	Staffing Requirement
Gifted Instruction	One per 1,000 K-12 students.
<i>The Appropriation Act waives this staffing requirement. However, school divisions continue to be required to provide appropriate gifted programs.</i>	

b. Prior Activity. Staffing requirements for gifted positions have been in place at least since the 1980s.

Beginning in 2010, the Appropriation Act waived the staffing requirement to provide the gifted instruction positions. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16.](#)

XII. Special Education and Career Technical Education Positions.

a. Existing Requirements.

Position	Staffing Requirement
Special Education and Career and Technical Education Instruction Positions	<p>A minimum of six Instructional Positions per 1,000 K-12 students is provided.</p> <p>Board Regulations provide additional staffing for Special Education and Career and Technical Education classrooms, as specified in the Board’s <i>Regulations Governing Special Education Programs for Children with Disabilities in Virginia</i> at 8 VAC 20-81-40 and 8 VAC 20-81-340 and <i>Regulations Governing Career and Technical Education</i> at 8 VAC 20-120-150.</p>
<p><i>The Appropriation Act waives the staffing requirement for Career and Technical Education, except where the Occupational Safety & Health Administration (OSHA) imposes a maximum class size.</i></p>	

b. Prior Activity. In 1985, the General Assembly included in the Appropriation Act a base of six special education and career and technical education positions per 1,000 K-12 students. *2002 JLARC Report*, p. 12.

1. Special Education.

- In 2000, the Appropriation Act included language reducing maximum speech pathologist caseloads from 70 to 68. Such caseload maximum remains in effect today. [2000-2002 Appropriation Act, Item 143.C.5](#).
- Recommendation: In 2003, the Board recommended decreasing the speech-language pathologist caseload maximum from 68 to 60 students. At the time, the statewide average caseload was 54 students. The Board continued recommending such change annually through 2008, and again in 2012.

Implementation: To date, no legislative action has been taken to implement this recommendation, although in 2004, the General Assembly approved a bill adopting the maximum caseload of 60; however, no funding was provided in the Appropriation Act, therefore the legislation did not take effect. [Acts of Assembly 2004, Ch. 939](#).

- In 2009, the Board adopted the current special education staffing standards through its *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* at [8 VAC 20-81-40](#) and [8 VAC 20-81-340](#).
- Recommendation: In 2010, the Board recommended that the special education staffing requirements be shifted from regulation to statute.

Implementation: To date, no legislative action has been taken to implement this recommendation.

- Recommendation: In 2012, the Board recommended that the General Assembly prioritize funding to meet the state cost for the for pupil-teacher ratios for blind or vision impaired students as follows: Level I, resource teacher, 24 to one; Level II, self-contained with an aide, 10 to one; self-contained without an aide, eight to one; or Level II, self-contained, student weight of 2.5.

Implementation: Additional funding was provided in the 2014-2016 Appropriation Act.

2. Career and Technical Education.

- Recommendation: In 2010, the Board recommended that the career and technical education staffing requirements be shifted from regulation to statute.

Implementation: To date, no legislative action has been taken to implement this recommendation.

- Beginning in 2010, the Appropriation Act waived the maximum career and technical education pupil to teacher ratios, except where Occupational Safety and Health Administration requirements set a maximum class size. Such language has been included in each subsequent Appropriation Act. [2010-2012 Appropriation Act, Item 132.A.16.](#)
- In 2012, the Board adopted the current career and technical education staffing standards through its *Regulations Governing Career and Technical Education* at [8 VAC 20-120-150.](#)

XIII. Support Positions.

- a. **Existing Requirements.** Unlike other Standards of Quality positions, support positions are filled at the discretion of the local school board, with state funds provided based upon prevailing costs across the Commonwealth. School-based clerical positions are the only support positions that have a staffing standard prescribed in the Standards of Quality.

School-Based Clerical Support Positions	
School	Staffing Requirement
Elementary	0-299 students: one part-time
	300 or more students: one full-time
Middle and High	one full-time
	one additional full-time for each 600 students beyond 200 students
	one full-time for the library at 750 students
<i>School divisions are required to meet this requirement on a division-wide basis and may assign librarians to schools according to area of greatest need, regardless of whether such school is elementary, middle, or high.</i>	
All other Support Positions	
Local school boards are required to provide support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools. "Support services positions" include these categories:	
<ul style="list-style-type: none"> • Executive policy and leadership positions, including <u>school board members</u>, <u>superintendents</u> and <u>assistant superintendents</u>; • Fiscal and human resources positions, including <u>fiscal and audit operations</u>; • Student support positions, including (i) <u>social workers</u> and <u>social work administrative positions</u>; (ii) <u>guidance administrative positions</u>; (iii) <u>homebound administrative positions</u> supporting instruction; (iv) <u>attendance support positions</u> related to truancy and dropout prevention; and (v) health and behavioral positions, including <u>school nurses</u> and <u>school psychologists</u>; • Instructional personnel support, including <u>professional development positions</u> and <u>library and media positions</u>; • Additional technology professional positions; • Operation and maintenance positions, including <u>facilities</u>; <u>pupil transportation positions</u>; <u>operation and maintenance professional and service positions</u>; and <u>security service</u>, <u>trade</u>, and <u>laborer positions</u>; • Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and 	

- School-based clerical personnel

Support services funds can be used to provide additional instructional services.

Support costs have been capped since FY 2010.

b. Prior Activity.

- In 2009, the General Assembly placed a cap on future increases in support position funding. This cap remains in effect. [2009 Appropriation Act, Item 140.C.5.k.1.](#)

- Recommendation: In 2009, the Board recommended defining the categories of support positions, specifying how those positions are funded, and requiring school divisions to report the amounts expended for each support category.

Implementation: In 2011, the General Assembly expanded upon the definition of each category of support position. 2011 Acts of Assembly, [Ch. 55](#) and [Ch. 74](#).

- Recommendation: Also in 2009, the Board also recommended for further study the feasibility of converting the existing system of funding based on prevailing costs to a system of staff to student ratios.

Implementation: No action has been taken to implement this recommendation.

- In 2011, the General Assembly approved legislation to allow school divisions to use support position funds to provide additional instructional positions. 2011 Acts of Assembly, [Ch. 55](#) and [Ch. 74](#).

- Recommendation: In 2012, the Board recommended providing school divisions with the flexibility to deploy the school-based clerical personnel positions to schools with the greatest need, so long as the total number required is met divisionwide.

Implementation: In 2013, the General Assembly approved legislation to implement this recommendation. 2013 Acts of Assembly, [Ch. 158](#) and [Ch. 224](#).