***Excerpts from the 2012-2104 Appropriation Act – Item 139***

***Chapter 3 - 2012 Special Session I of the General Assembly***

[Item 139 A.16](http://lis.virginia.gov/cgi-bin/legp604.exe?122+bud+21-139).

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

[Item 139 B.7.d.](http://lis.virginia.gov/cgi-bin/legp604.exe?122+bud+21-139)

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

[Item 139 B.7.e.](http://lis.virginia.gov/cgi-bin/legp604.exe?122+bud+21-139)

To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.

[Item 139 B.7.f.](http://lis.virginia.gov/cgi-bin/legp604.exe?122+bud+21-139)

To provide flexibility in the provision of mathematics intervention services, school divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Library Proceeds Fund and the required local matching funds to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this matter shall only employ instructional personnel licensed by the Board of Education.

[Item 139C.9.d.](http://lis.virginia.gov/cgi-bin/legp604.exe?122+bud+21-139)

To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided through the SOQ staffing standard of 17 instructional positions per 1,000 limited English proficiency students.  School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.

[Item 139 C.14](http://lis.virginia.gov/cgi-bin/legp604.exe?122+bud+21-139).

14. Early Reading Intervention Payments

a. An additional payment of $18,309,597 the first year and $18,379,414 the second year from

the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school

divisions for the purposes of providing early reading intervention services to students in grades

kindergarten through 3 who demonstrate deficiencies based on their individual performance on

diagnostic tests which have been approved by the Department of Education. The Department

of Education shall review the tests of any local school board which requests authority to use a

test other than the state-provided test to ensure that such local test uses criteria for the early

diagnosis of reading deficiencies which are similar to those criteria used in the state-provided

test. The Department of Education shall make the state-provided diagnostic test used in this

program available to local school divisions. 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.

b. These payments shall be based on the state's share of the cost of providing two and one-half

hours of additional instruction each week for an estimated number of students in each school

division at a student to teacher ratio of five to one. The estimated number of students in each

school division in each year shall be determined by multiplying the projected number of

students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3

by the percent of students who are determined to need services based on diagnostic tests

administered in the previous year in that school division and adjusted in the following manner:

Year 1 Year 2

Kindergarten 100% 100%

Grade 1 100% 100%

Grade 2 100% 100%

Grade 3 100% 100%

c. These payments are available to any school division that certifies to the Department of

Education that an intervention program will be offered to such students and that each student

who receives an intervention will be assessed again at the end of that school year. At the

beginning of the school year, local school divisions shall partner with the parents of those third

grade students in the division who demonstrate reading deficiencies, discussing with them a

developed plan for remediation and retesting. Such intervention programs, at the discretion of

the local school division, may include, but not be limited to, the use of: special reading

teachers; trained aides; volunteer tutors under the supervision of a certified teacher;

computer-based reading tutorial programs; aides to instruct in-class groups while the teacher

provides direct instruction to the students who need extra assistance; or extended instructional

time in the school day or year for these students. Localities receiving these payments are

required to match these funds based on the composite index of local ability-to-pay.

d. In the event that a school division does not use the diagnostic test provided by the

Department of Education in the year that serves as the basis for updating the funding formula

for this program but has used it in past years, the Department of Education shall use the most

recent data available for the division for the state-provided diagnostic test.

e. The results of all reading diagnostic tests and reading remediation shall be discussed with the

student and the student's parent prior to the student being promoted to grade four.

f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation,

Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of

this program.