

Virginia Board of Education Agenda Item



Agenda Item: E

Date: October 21, 2021

Title: Final Review of 2021 Prescriptions to the *Standards of Quality*

Presenter: Dr. Leslie Sale, Director of Policy

Email: Leslie.Sale@doe.virginia.gov **Phone:** (804) 371-0558

Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:

The Constitution of Virginia requires the Virginia Board of Education to prescribe standards of quality for the public schools of Virginia, subject to revision only by the General Assembly. These standards, found in the *Code of Virginia* at §§ [22.1-253.13:1](#) through [22.1-253.13:9](#), are known as the *Standards of Quality* (SOQ) and provide the foundational program for public education in Virginia. During odd-numbered years, the Board reviews the SOQ and proposes amendments as necessary.

During the last SOQ review cycle in 2019, the Board developed a comprehensive package of prescriptions which were informed by education data and trends, particularly as it relates to student demographics, equity, staffing, resource allocation, nationally recognized best practices, and current prevailing practice in local school divisions. The Board also received feedback and public comment on the prescriptions and made technical edits to support implementation as part of its review. As a result of this work, the Board prescribed eleven amendments to the SOQ focused on directing funding to those divisions and schools with the highest levels of concentrated poverty, and ensuring the necessary staffing for instruction, remediation, and student supports.

Since the last review cycle in 2019, there have been some changes made in alignment with the Board's prescriptions. Legislation has improved ratios for school counselors as well as English Learner teachers, established the specialized student support personnel category, removed

staffing flexibility, and expanded at-risk add-on funding. With federal funding, there has also been progress in implementing the regional support model for work-based learning coordination. However, none of the Board's 2019 prescriptions have been fully implemented.

The Board's Committee on the Standards of Quality began its 2021 review and revision process on June 16, 2021. The Committee also met in July, September, and October to continue its discussion and to provide additional public comment opportunities. The Committee reflected on the need to adjust or amend the existing SOQ prescriptions and progress already made through General Assembly action. With the exception of a few technical changes, the Committee recommended the Board continue to emphasize its commitment to fully-realizing its prescriptions in order to achieve the greatest impact for students enrolled in the Commonwealth's public schools.

The 2021 prescriptions build upon the Board's extensive and thorough work during the 2019 review cycle; represent evidence-based and research-driven proposals that help to create a stronger system of support for Virginia's evolving student population as well as teachers, support personnel, and staff; and are designed to align state resources with need. The prescription package also addresses all three of the Board's priorities as identified in the [Virginia Board of Education Comprehensive Plan: 2018-2023](#). These SOQ promote educational equity (Priority 1) by establishing the resources required to fully support a system of quality education for all students, regardless of background, including wrap-around services and other programs to increase opportunities for all students to succeed. Additionally, these standards support educator recruitment, development and retention (Priority 2) by promoting the equitable allocation of resources and high-quality personnel and the implementation of teacher mentorship programs. Third, the 2021 SOQ revisions support the implementation of the *Profile of a Virginia Graduate* and the revised school accountability system (Priority 3) by deploying resources necessary to support continuous improvement and alignment with higher education and workforce needs.

Action Requested:

Final review: Action requested at this meeting.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends the Board of Education approve the 2021 prescriptions to amend the *Standards of Quality* for submission to the Governor and General Assembly.

Rationale for Action:

[Article VIII, § 2](#) of the *Constitution* requires the Board to prescribe standards of quality for the public schools of Virginia. Section [22.1-18.01\(A\)](#) of the *Code* requires the Board to review the SOQ every two years. This action ensures the Board fulfills its constitutional and statutory duty

related to the SOQ.

Previous Review or Action:

Previous review and action. Specify date and action taken below:

Date: June 16, 2021

Action: The Board convened its Committee on the Standards of Quality to begin the 2021 review cycle and received a presentation on the 2019/2020 prescriptions, legislative action, and considerations for this review cycle.

Date: July 21, 2021

Action: The Committee received a presentation on whether to consider new prescriptions for the 2021 review cycle and substantive issue areas, including special education staffing and school facilities, that may be worth investigating and considering for future review cycles.

Date: September 22, 2021

Action: The Committee received a presentation on considerations for amending the prescriptions related to specialized student support personnel, school counselors, and work-based learning coordinators. The presentation also proposed technical amendments to the reading specialist, enhanced at-risk add-on, and teacher leader/mentor program. Lastly, the Board considered elevating certain prescriptions to provide a roadmap for how individual proposals might be advanced.

Background Information and Statutory Authority:

[Article VIII, § 2](#) of the *Constitution of Virginia* requires the Board of Education to determine and prescribe *Standards of Quality* for the public schools in Virginia:

“Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly. The General Assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality, and shall provide for the apportionment of the cost of such program between the Commonwealth and the local units of government comprising such school divisions. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds.”

Section [22.1-18.01\(A\)](#) of the *Code of Virginia* requires the Board of Education to review the *Standards of Quality* every two years:

“A. To ensure the integrity of the standards of quality, the Board of Education shall, in odd-numbered years, exercise its constitutional authority to determine and prescribe the standards, subject to revision only by the General Assembly, by reviewing the standards and either (i) proposing amendments to the standards or (ii) making a determination that no changes are necessary...”

In addition, § [22.1-18](#) of the *Code* requires the Board’s annual report to the Governor and General Assembly to include any recommendations for revisions to the *Standards of Quality*. Section 22.1-18 states, in part:

“By December 1 of each year the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed standards of quality. Such standards of quality shall be subject to revision only by the General Assembly, pursuant to Article VIII, Section 2 of the Constitution of Virginia. Such report shall include...[a] complete listing of the current standards of quality for the Commonwealth's public schools, together with a justification for each particular standard, how long each such standard has been in its current form, and whether the Board recommends any change or addition to the standards of quality...”

The *Standards of Quality*, found at §§ [22.1-253.13:1](#) through [22.1-253.13:9](#) in the *Code*, serve as the foundation of the public education system in Virginia, and serves as the primary driver of funding. As described in § [22.1-253.13:1](#), they set baseline expectations for school divisions for 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.”

During the last SOQ review cycle in 2019, the Board developed a comprehensive package of prescriptions which were informed by education data and trends, particularly as it relates to student demographics, equity, staffing, resource allocation, nationally recognized best practices, and current prevailing practice in local school divisions. The Board also received feedback and public comment on the prescriptions and made technical edits to support implementation as part of its review. As a result of this work, the Board prescribed eleven amendments to the SOQ focused on directing funding to those divisions and schools with the highest levels of concentrated poverty, and ensuring the necessary staffing for instruction, remediation, and student supports.

Since the last review cycle in 2019, there have been some changes made in alignment with the Board’s prescriptions. Legislation has improved ratios for school counselors as well as English Learner teachers, established the specialized student support personnel category, removed staffing flexibility, and expanded at-risk add-on funding. With federal funding, there has also

been progress in implementing the regional support model for work-based learning coordination. However, none of the Board's 2019 prescriptions have been fully implemented.

The Board's Committee on the Standards of Quality began its 2021 review and revision process on June 16, 2021. The Committee also met in July, September, and October to continue its discussion and to provide additional public comment opportunities. The Committee reflected on the need to adjust or amend the existing SOQ prescriptions and progress already made through General Assembly action. With the exception of a few technical changes, the Committee recommended the Board continue to emphasize its commitment to fully-realizing its prescriptions in order to achieve the greatest impact for students enrolled in the Commonwealth's public schools.

The 2021 prescriptions build upon the Board's extensive and thorough work during the 2019 review cycle; represent evidence-based and research-driven proposals that help to create a stronger system of support for Virginia's evolving student population as well as teachers, support personnel, and staff; and are designed to align state resources with need. The Committee recommends the below prescription package for consideration by the Board:

1. **Enhanced At-Risk Add-On** (estimated cost of \$74M in FY22): Consolidates the current At-Risk Add-On as well as the Prevention, Intervention, and Remediation programs into a single, expanded fund.. Also includes language directing school boards to equitably distribute experienced, effective teachers and other personnel among all of its schools, and a prohibition on clustering ineffective teachers in any school or group of schools.
2. **Teacher Leader and Mentor Programs** (estimated cost of \$113.9M in FY22): Establishes a new Teacher Leader program and expands Teacher Mentor program.
3. **Reading Specialists** (estimated cost of \$37.8M in FY22): Sets a minimum staffing ratio for reading specialists in K-5 determined by the number of students failing third-grade Standards of Learning reading assessments.
4. **English Learner Teachers** (estimated cost of \$15M in FY22): Sets a scaled staffing ratio that takes into account the different proficiency level of students and accordingly, the degree of instructional staff required to support these students.
5. **Principal Mentorship** (estimated cost of \$1.2M in FY22): Establishes a statewide principal mentorship program.
6. **Work-Based Learning Coordinators** (estimated cost of \$7.8M in FY22): Uses a regional coordinator model for supporting work-based learning at the local-level and the implementation of the Profile of a Virginia Graduate.
7. **Elementary School Principals** (estimated cost of \$7.8 in FY22): Sets a full-time principal should be provided for every elementary school, regardless of size.
8. **Assistant Principals** (estimated cost of \$76.6 in FY22): Sets a ratio of one full-time assistant principal for each 400 students.

9. **Class Size Reduction and Experienced Teachers for K-3** (no state impact estimated):
Moves K-3 class size reduction program from the Appropriation Act to the SOQ.
10. **Specialized Student Support Personnel** (estimated cost of \$48.8M in FY22):
Establishes a new position category including school nurses, social worker, psychologist, and other licensed health and behavioral positions and sets a 4 specialized student support personnel per 1,000 students.
11. **School Counselors** (estimated cost of \$52.4M in FY22): Sets a ratio of 1 school counselor per 250 students.

Timetable for Further Review/Action:

Final action is requested at this meeting. Upon Board approval and any technical edits by Department staff, the prescribed *Standards of Quality* will be transmitted to the Governor and General Assembly.

Impact on Fiscal and Human Resources:

The anticipated fiscal impacts of each of the proposed revisions to the *Standards of Quality* are noted above.