

VACo Education Steering Committee

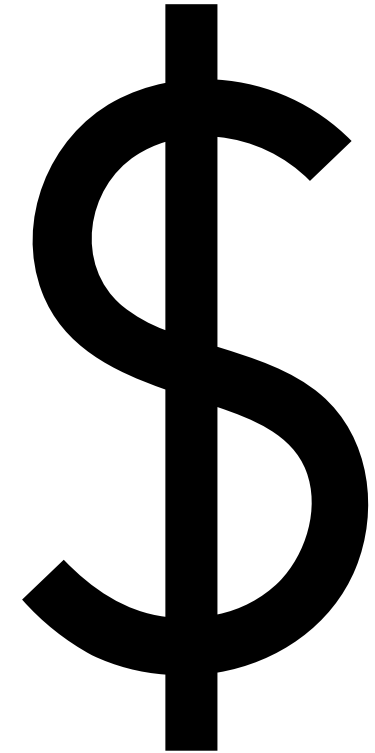
August 17, 2023

2023 General Assembly Session Review of Relevant Issues



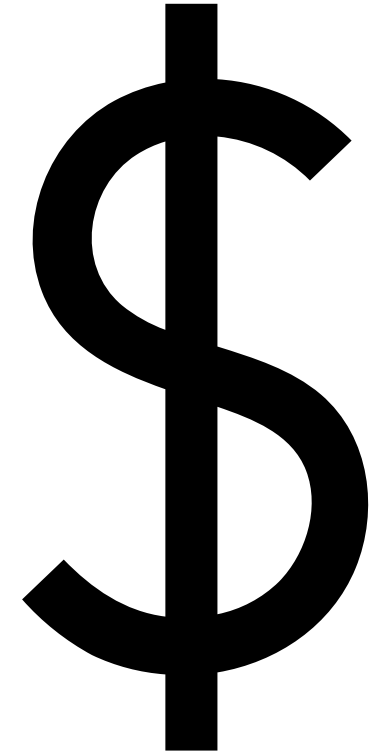
Key Provisions of the Amended 2022-2024 Biennial Budget

- Budget conferees were unable to agree on a full array of revisions to the biennium budget in time for the scheduled adjournment of the 2023 regular session. As a stopgap measure, the General Assembly passed a “skinny budget” on February 25, which included four revisions to the 2022 Appropriation Act (the biennium budget adopted in June 2022) dealing with several priority, time-sensitive items. Governor Youngkin subsequently proposed four additional amendments, which were adopted by the legislature at the April 12 reconvened session.
- Provision of \$115.9 million GF in FY 2023 and \$125.8 million GF in FY 2024 for the combined impact of K-12 technical adjustments related to average daily membership (ADM) changes, sales tax revenue forecast changes, and program participation updates. The skinny budget also includes an additional \$16.8 million GF in FY 2023 to ensure that the sum of basic aid and sales tax payments a school division receives in FY 2023 is at least the sum of basic aid and sales tax payments that was communicated to school divisions in June 2022; this action addresses the error in the Department of Education’s calculation tool for FY 2023.
- While the skinny budget addressed funding shortfalls related to the June 2022 VDOE calculation tool error in FY 2023, none of the proposed budgets (Governor, House, Senate, Skinny) provided additional General Funds to address the shortfall in FY 2024. The Governor’s introduced budget wasn’t aware of the existence of the calculation tool error and therefore had no fixes, and incorrect distribution information remained in the calculation tool provided in December 2022 regarding sales tax distributions. However, other changes in Average Daily Membership (ADM) and sales tax included in the December 2022 introduced budget and captured in the February 2023 skinny budget resulted in normal technical adjustments for K-12 distributions in FY 2024. These adjustments would be expected as a part of the routine budgeting process for FY23 and FY24. ADM numbers and sales tax revenue normally fluctuate, and changes should be anticipated over the biennium. VACo has advocated and continues to advocate for additional ongoing state support of county governments including and especially for K-12 education needs such as restoration of support position funding, school infrastructure, and other priorities.
- Budget conferees continue to send proposals and counter proposals.



Key Provisions of the Proposed Changes to 2022-2024 Biennial Budget from the House and Senate

- K-12 Education – Cap on Recognition of Support Positions in the Standards of Quality
 - **Senate:** Provides \$270.6 million in FY 2024 to eliminate the cap on recognition of support positions in the Standards of Quality, a long-sought priority for VACo. ([Item 137 #1s](#))
- K-12 Education – Virginia Literacy Act and Reading Specialists
 - **House:** Provides \$6.7 million in FY 2024 from remaining federal pandemic relief funding to expand the Virginia Literacy Act from grades K-3 to grades K-8 ([Item 129 #1h](#)) and provides \$13.9 million GF in FY 2024 for reading specialists in grades 6-8 ([Item 137 #10h](#)).
 - **Senate:** Provides \$6.7 million GF in FY 2024 to expand the Virginia Literacy Act from grades K-3 to grades K-8. ([Item 129 #1s](#)) Provides \$27.5 million to fund reading specialists in grades 6-8. ([Item 137 #2s](#))
- K-12 Education – Instructional Assistants
 - **House:** Provides \$3 million GF in FY 2024 for instructional assistants for schools that did not meet performance benchmarks for five or more school quality indicators based on the Board of Education’s most recent accreditation calculations. ([Item 136 #12h](#)) VACo and partner organizations had requested additional funding for this purpose.
 - **Senate:** Provides \$38.6 million in FY 2024 for instructional assistants for schools not meeting three or more of the Board of Education’s performance benchmarks for school accreditation. ([Item 137 #3s](#)) VACo and partner organizations had requested additional funding for this purpose.



Key Provisions of the Proposed Changes to 2022-2024 Biennial Budget from the House and Senate (cont.)

- K-12 Education – Additional School Staffing

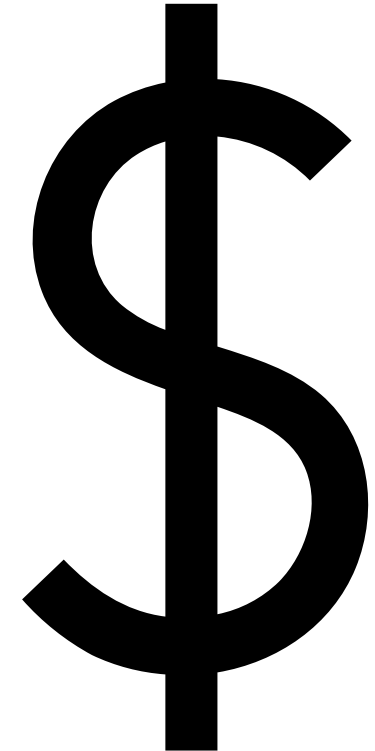
- **Senate:** Provides \$56.9 million in FY 2024 for the state’s share of four specialized support positions per 1,000 students. ([Item 137 #11s](#))
- **Senate:** Provides \$24.3 million GF in FY 2024 to increase the ratio of English Language Learner positions from 20 per 1,000 students to 24 per 1,000 students. ([Item 137 #13s](#))

- K-12 Education – At-Risk Add-On

- **Senate:** Provides \$37.1 million GF in FY 2024 to increase the At-Risk Add-On maximum from 36 percent to 40 percent. ([Item 137 #12s](#))

- K-12 Education – School Security

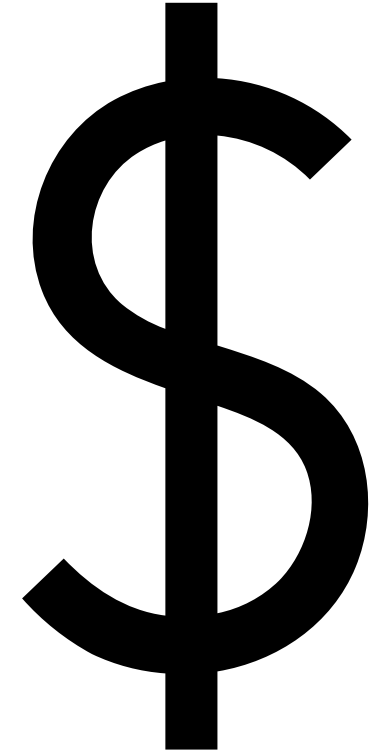
- **House:** Provides \$12 million in FY 2024 in Lottery proceeds for school security grants. ([Item 137 #12h](#))
- **House:** Provides an additional \$8 million GF in FY 2024 for the School Resource Officer Incentive Grant program to support the establishment of additional school resource and school security officer positions, as well as training, programming, and equipment costs in accordance with legislation under consideration this session. ([Item 408 #4h](#))
- **Senate:** Provides \$50 million GF for school security grants in FY 2024. ([Item 136 #8s](#))
- **Senate:** Provides \$2 million GF in FY 2023 for the School Resource Officer Incentive Grant Fund and provides that the new funding shall be awarded for expenses related to school resource officers, school security officers, and other relevant school safety personnel, to include training, programming, and equipment costs. ([Item 408 #3s](#))



Key Provisions of the Proposed Changes to 2022-2024 Biennial Budget from the House and Senate (cont.)

- K-12 Education – School Capital

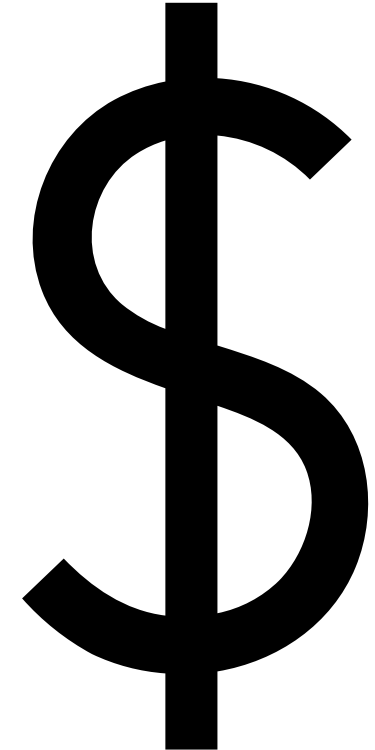
- **House and Senate:** Includes language modifying provisions of the School Construction Assistance Program by adding the principal portion of debt service payments on projects that have not yet been completed as an eligible use; clarifying that any project that began construction after July 1, 2022, may qualify for grant funds; allowing the most favorable year among three years of fiscal stress index data to be used to determine the grant award amounts; and requiring the program guidelines to address joint grant applications for regional school construction projects. These language amendments were requested by VACo and partner organizations to provide additional flexibility in the use of funds. ([Item 137 #3h and Item 137 #16s and Item 137 #17s](#))
- **Senate:** Contingent on FY 2023 revenues, would provide \$100 million from unobligated FY 2023 balances for school capital projects. VACo and partner organizations had requested additional funding for this purpose. ([Item 485 #1s](#))
- **Senate:** Includes authority for all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. VACo has historically supported this legislation. ([Item 4-14 #2s](#))



Key Provisions of the Proposed Changes to 2022-2024 Biennial Budget from the House and Senate (final)

- Compensation – Instructional and Support Positions

- **House:** Eliminates proposed teacher performance bonus that was included in the introduced budget. ([Item 136 #7h](#)) Eliminates proposed teacher retention bonus from the introduced budget; enhances the 5 percent salary increase adopted in the June 2022 budget (and retained in the introduced budget) for instructional and support positions by an additional 2 percent, for a total salary increase of 7 percent in FY 2024. Directs the Department of Education to convene a workgroup to determine appropriate metrics for the state’s goals for teacher compensation. ([Item 137 #5h](#))
- **Senate:** Eliminates proposed teacher performance bonus and proposed teacher retention bonus that were included in the introduced budget ([Item 136 #11s](#) and [Item 137 #5s](#)); enhances the 5 percent salary increase adopted in the June 2022 budget and retained in the introduced budget for instructional and support positions by an additional 2 percent, for a total salary increase of 7 percent in FY 2024 ([Item 137 #7s](#)).
- **Senate:** Provides a \$1000 bonus for instructional and support positions in December 2023. Language allows school divisions discretion to determine the amount of bonus per employee. No local match is required, but localities are encouraged to use additional available funds to provide bonuses to other eligible instructional and support positions. ([Item 137 #14s](#))



2023 Legislation Related to VACo Education Platform/ Proposed Revisions

Early Childhood Education

- **HB 1423 / SB 1404 School Readiness Committee; renaming as Commission on Early Childhood Care and Education.**
 - Renames the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including adjusting its purpose, increasing and adjusting its membership, including a representative recommended by the Virginia Association of Counties and Virginia Municipal League, and establishing eight enumerated powers and duties for the Commission.
- Belinda Astrop (Greensville County) serves as the local government representative on the Commission.



2023 Legislation Related to VACo Education Platform/ Proposed Revisions

Standards of Quality

- **HB 1526 / SB 1175 Student literacy measures; scope, students in grades four through eight.**
 - Expands several provisions of the Virginia Literacy Act, effective with the 2024–2025 school year, and currently applicable to students in kindergarten through grade three, to students in grades four through eight, including requiring each local school board to provide a program of literacy instruction to such students that is aligned with science-based reading research and provides evidenced-based literacy instruction; requiring each local school board to employ one reading specialist for each 550 students in kindergarten through grade eight, among other provisions.
- **HB 2124 School psychologists; staffing flexibility.**
 - Provides that in order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment, among other provisions.



2023 Legislation Related to VACo Education Platform/ Proposed Revisions

Standards of Quality (cont.)

- **HB 2187 School counselors; staff time.**
 - Defines the terms “direct counseling” and “program planning and school support” for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students and clarifies that each school counselor may also spend up to 20 percent of his staff time during normal school hours on program planning and support. This bill is a recommendation of the Behavioral Health Commission and the Joint Legislative Audit and Review Commission.
- **SB 1124 Public elementary & secondary school bldgs.; standards for maintenance & operations, etc.**
 - Requires the Board of Education to make recommendations to the General Assembly for amendments to the Standards of Quality to establish standards for the maintenance and operations, renovation, and new construction of public elementary and secondary school buildings. The bill requires such recommendations to include standards for the percentage of the current replacement value of a public school building that a school board should budget for the maintenance and operations of the building and such other standards as the Board deems appropriate. The bill also requires the Board to solicit the input of relevant stakeholders and the public in developing such recommendations. Finally, the bill requires the Board to submit its recommendations to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than July 1, 2024. This bill is a recommendation of the Commission on School Construction and Modernization. VACo will be a part of the workgroup.



2023 Legislation Related to VACo Education Platform/ Proposed Revisions

Education Workforce

- **HB 1630 / SB 1289 / SB 1479 Virginia Retirement System; return to work.**
 - Reduces from 12 to six the number of months for the required break in service for a teacher, bus driver, school administrator, or school security officer to return to work full time and continue to receive his pension under the Virginia Retirement System (VRS). The bill adds specialized student support positions to the list of employees that may return to work, also with a six month break in service. The employer of such individuals shall include his compensation in membership payroll for purposes of the employer contribution to VRS. The bill also contains a sunset date of July 1, 2028 for all classes of employees. Finally, the bill requires the Virginia Retirement System to submit a report regarding options for employing such individuals part-time during the required six month break in service period.
- **HB 1762 Teacher Reengagement Program; established, report.**
 - Establishes the Teacher Reengagement Program for the purpose of addressing instructional personnel shortages and COVID-19 pandemic-related student learning loss. The bill permits any school board to hire an individual pursuant to the Program, subject to certain conditions and limitations, among other provisions. The provisions of the bill expire on July 1, 2028. The bill requires the Department of Education to submit to the General Assembly no later than October 1, 2027, its recommendation for preserving, extending, or eliminating such expiration date.



2023 Legislation Related to VACo Education Platform/ Proposed Revisions

Education Workforce (cont.)

- **HB 1928 School bus operators; training, remote online and Spanish language options.**
 - Permits the training program developed by the Board of Education for school bus operators to offer the option for an applicant for employment as a school bus operator to (i) except as otherwise provided in relevant law, complete all or any portion of the required hours of classroom training in a remote online format, as determined by the local school division, and (ii) receive instruction in the Spanish language for all or any portion of the required hours of classroom training, as determined by the local school division. VACo supported this bill.
- **HB 2375 Provisional teacher licensure; permissive extension, satisfactory performance evaluations.**
 - Requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year during the original three year provisional license that such teacher was actually employed.
- **SB 1215 Public elementary and secondary school teachers; calculations for competitive compensation.**
 - Requires the Department of Education to convene a stakeholder work group no later than August 15, 2023, to consider and make recommendations no later than November 1, 2023, on the appropriateness, feasibility, potential fiscal impact, and potential unintended consequences of certain definitions for and calculations of competitive teacher pay.



2023 Legislation Related to VA Co Education Platform/ Proposed Revisions

School Safety and Health

- **HB 1691 / SB 1099 School Resource Officer Grants Program and Fund; awarding grants.**
 - Provides that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department; provided, however, that such grants shall not be used for any expense related to the purchase of firearms, handcuffs or other wrist restraints, or any stun weapon.
- **HB 1704 / SB 821 Arrests, certain, and convictions of certain individuals; reports to division safety officials.**
 - Requires each division superintendent to annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required to be made pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in such local school division for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the felony conviction of any person known by such clerk to be employed by such local school division, among other provisions.



2023 Legislation Related to VACo Education Platform/ Proposed Revisions

School Safety and Health (cont.)

- **HB 1723 Passing stopped school buses; purpose of stop, prima facie evidence.**
 - Makes evidence that a bus was stopped with at least one warning device activated prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons. VACo supported this bill.
- **SB 1453 Public elementary and secondary schools; automated external defibrillators required.**
 - Requires each local school board to develop a plan for the placement, care, and use of an automated external defibrillator in every public elementary and secondary school in the local school division and to place an automated external defibrillator in every public elementary and secondary school in the local school division. The Department of Education shall compile and make publicly available on its website by August 1, 2024 a list of available public and private programs, grants, or funding sources for fulfilling the requirements of this act.



Failed Legislation

- **HB 1508 Virginia Education Success Account Program; established, report.**
 - Would have permitted the parents of qualified students, defined in the bill, to apply for a one-year, renewable Virginia Education Success Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the school division in which the qualified student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the qualified student is eligible, among other provisions. VACo opposed this bill.
- **HB 1574 School board members; referendum on direct election by voters, authorization by local government.**
 - Would have allowed the governing body of a county, city, or town to file a petition with the circuit court of the county or city or of the county within which the town or the greater part thereof is located asking that a referendum be held on the question of whether the members of the school board of the county, city, or town shall be elected directly by the voters. VACo supported this bill.
- **HB 2269 Federal pandemic relief; funds for public education, certain conditions.**
 - Would have required any local school division that, as of July 1, 2023, has available and unspent or unobligated federal ESSER formula funds exceeding 20 percent of its total awarded allocations to return unspent or unobligated ESSER or GEER state set-aside funds awarded to the local school division by the Virginia Department of Education (the Department) to the Department no later than July 15, 2023, unless precluded by federal law or regulation, among other provisions.
- **HB 2399 School boards; unexpended local funds, capital reserve fund permitted.**
 - Would have permitted any school board to establish a capital reserve fund as a savings account into which it exclusively deposits the local operating funds that remain unexpended at the end of the year for future school division capital expenditures at no additional cost to local taxpayers, subject to certain conditions enumerated in the bill. VACo opposed this bill.
- **SJ 254 Constitutional amendment; establishing charter schools (first reference).**
 - Would have granted to the Board of Education the authority, subject to criteria and conditions as the General Assembly may prescribe, to establish charter schools within the school divisions of the Commonwealth. VACo opposed this bill.



Failed Legislation

- **HB 1605 Local sales and use tax; construction or renovation of schools, Prince Edward County.**
 - Would have added Prince Edward County to the list of localities that are authorized to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools. VACo supported this bill.
- **HB 2316 / SB 1408 Sales and use tax, local; additional tax authorized in all counties & cities to support schools.**
 - Would have authorized all counties and cities to impose an additional local sales and use tax at a rate not to exceed one percent with the revenue used only for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, only Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville are authorized to impose such a tax. This bill is a recommendation of the Commission on School Construction and Modernization. VACo supported this bill.
- **SB 1287 Sales and use tax, additional local; taxes to support schools.**
 - Would have added Albemarle County and the City of Charlottesville to the list of qualifying localities that, under current law, are authorized to impose an additional local sales and use tax at a rate not to exceed one percent, with the revenue from such tax used only for capital projects for the construction or renovation of schools. VACo supported this bill.

