

Capitol Contact

Virginia General Assembly

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Status of JLARC K-12 Funding Legislation Post Crossover

Following the 2023 Joint Legislative Audit and Review Commission (JLARC) study on how to improve the Standards of Quality (SOQ) in the Commonwealth and the 2024 recommendations of the Joint Subcommittee on Elementary and Secondary Education, several legislators have introduced legislation and budget amendments meant to help localities with K-12 funding. VACo supports the JLARC and the Joint Subcommittee recommendations and the subsequent legislation as VACo's 2025 top Funding Priority and has publicly testified in favor of the following bills. The support position cap has been essentially removed in the House and Senate proposed budgets.

[HB 1831 \(Simonds\)](#) and **[SB 1236 \(Aird\)](#)** effectively end the support cap and require the Department of Education, (i) in calculating the deduction of federal funds in the Standards of Quality funding formula, to examine actual school division spending on support costs as a percentage of actual school division spending on all public education costs, with certain exceptions such as food service, and (ii) in calculating the costs in the Standards of Quality funding formula beginning with fiscal year 2029, to include all employee benefit costs incurred by a majority of school divisions, including costs related to retirement, health care, life insurance, and payout of earned but unused leave. The bills also require support services positions to be funded based on a calculation of prevailing costs and prohibits such positions from being subject to any method of funding calculation that caps the number of funded support services positions based on a ratio of such positions to students enrolled in the school division, except for certain support services positions enumerated in the bills.

[HB 1954 \(Rasoul\)](#) and **[SB 977 \(Hashmi\)](#)** also effectively end the support cap and codify additional recommendations related to the cost of K-12 salaries, additional funding for special education, at-risk students, and English learners, among other provisions.

KEY POINTS

- For far too long localities have been trying to emphasize how out-of-date and inadequate the current SOQs are.
- Per code, the State should be funding 55% of the costs of education and localities should be funding 45% of the costs of education. However, over time localities have been forced to pay far more than the allotted 45%.
- These recommendations change the standards for the better and finally provide the changes localities desperately need to help support our schools.
- Local governments solely fund over 57,000 K-12 staff positions.
- The state funding formula recognizes only 8% of actual instructional aides employed.
- In FY 2021, local governments invested \$6.6 billion more than the state funding formula indicated was needed.

HB 1831 was incorporated into HB 1954, which passed the House of Delegates on a vote of 61-34 and has been referred to the Senate Finance and Appropriations Committee. Both SB 1236 and SB 977 were left in the same committee and did not advance past crossover.

As previously [reported](#), VACo's 2025 top funding priority is to support legislative action to implement the recommendations of JLARC's landmark 2023 report on Virginia's K-12 Funding Formula where they coincide with local prevailing practices. In the near term, VACo encourages prioritization of efforts to restore pre-recession era K-12 funding, especially eliminating the cap on support positions; provide full state support for the actual number of K-12 staff positions employed; and revise the methodology for calculating teacher salaries to more adequately reflect the actual salaries being paid by school divisions. Though progress has been made in recent years by the state in restoring support position funding, fully eliminating the support cap would provide more than \$200 million to local governments across the Commonwealth for K-12 education costs being solely funded by localities.

As previously [reported](#), legislation and budget language such as HB 1831 is critical to moving forward with much needed funding reforms to the way in which the Commonwealth funds public schools.

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Public Meeting Agenda Legislation Advances

VACo opposed [SB 876 \(Ebbin\)](#), as introduced, because it did not provide for the addition of, and action on, agenda issues that were emerging or required swift attention. The bill expands current notice information required of Public Bodies providing that the notice shall include a proposed agenda listing all items expected to be considered by the public body at the meeting and that agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. What is particularly problematic about the bill is added language that provides that amendments to the proposed agenda may be made prior to the meeting, but the public body shall not take any final action on those amended or additional agenda items. This provision would essentially prevent modifying the agenda at a meeting and would prohibit a local public body from responding promptly to issues.

Operation of local government requires action on issues that come with the day-to-day complexities of safely and efficiently operating of local government functions. Requiring public bodies to wait until the next meeting, which may be a month away, to take action, is unreasonable at best and a public safety concern at worst.

The patron considered concerns raised by VACo and other public bodies and introduced a substitute to the bill which provides in part that the agenda and any subsequent revisions shall be posted on the public body's official public government website, if any, and made available to the public prior to the meeting. It also provides that any items added to the agenda after the meeting commences may be considered and discussed at the meeting, but final action shall not be taken on such an item unless the matter is time sensitive. This new language would allow action on matters added to the agenda that are time sensitive, but all other matters added cannot be acted on until a subsequent meeting.

The bill passed the Senate unanimously 40-0 and has been referred to the House Committee on General Laws. To express concerns about your county policies as they relate to this bill, contact the patron Senator Ebbin or your legislators.

VACo Contacts: [Jeremy R. Bennett](#) and [Phyllis Errico, Esq., CAE](#)

FOIA Fees Legislation Advances

[SB 1029 \(Roem\)](#) is a revised version of past bills introduced by the patron and opposed by VACo to provide free or reduced requester fees for FOIA requests to public bodies. The introduced version is based on a workgroup of stakeholders that held several meetings over the past year under the umbrella of the Freedom of Information Act Advisory Council. The council did not take a position on the bill as it lacked a quorum at its last meeting before the session. The bill limits the fees that can be charged for producing public records to the median hourly rate of pay of

employees of the public body, or the actual hourly rate of pay of the person performing the work, whichever is less. It also provides that a public body may petition a court for relief from this fee limit, if there is no one who can process the request at the median hourly rate of pay or less.

The bill also amends existing law providing that a public body may petition a court for additional time to respond to a request for public records to allow such petitions to be heard in either general district or circuit court, to give such petitions priority on the court's docket, and to toll the response time while such a petition is pending before a court. As part of the [workgroup](#), the Virginia Freedom of Information Advisory (FOIA) Council staff has published best practices guides pertaining to access to public records under FOIA, FOIA charges, and making requests for public records.

VACo does not endorse the workgroup product as reflected in this bill. The legislation passed the Senate on a vote of 38-2 and has been referred to the House General Laws Committee.

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General Assembly Convenes, Adopts Schedule for 2025 General Assembly Session

Key dates for the 2025 session, as approved by the General Assembly in its procedural resolution, are as follows:

- **Wednesday, January 8:** General Assembly convenes. Last day to introduce legislation creating or continuing a study, or legislation regarding the Virginia Retirement System
- **Friday, January 10:** Deadline for Senate budget amendments
- **Monday, January 13:** Governor's State of the Commonwealth Address; last day to pre-file legislation (by 10 a.m.); deadline to submit House budget amendments
- **Friday, January 17:** Last day to file bills, except for bills offered by unanimous consent or bills submitted on behalf of the Governor

- **Sunday, February 2:** “Budget Sunday” deadline for House Appropriations and Senate Finance and Appropriations Committees to report their respective budgets by midnight
- **Tuesday, February 4:** “Crossover” deadline for each chamber to complete work on legislation originating in that chamber (except the budget bill)
- **Thursday, February 6:** Deadline for each chamber to complete work on its budget bill
- **Wednesday, February 12:** Deadline for each chamber to complete consideration of the other chamber’s budget bill and revenue bills
- **Monday, February 17:** Deadline for committee action on legislation by midnight
- **Saturday, February 22:** Scheduled adjournment *sine die*
- **Wednesday, April 2:** Reconvened session for consideration of Governor’s amendments and vetoes

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