

July 19, 2023

Virginia Board of Education
101 North 14th Street
Richmond, Virginia 23219

Submitted via email to BOE@doe.virginia.gov

Comments and Recommendations on 2023 Standards of Quality

Dear Members of the Board,

As the Virginia Board of Education (Board) goes through the process this summer and fall of revising the Standards of Quality (SOQ) for Virginia’s elementary and secondary schools, we are reaching out as a coalition representing 22 Virginia organizations to offer our comments and recommendations. The Fund Our Schools (FOS) coalition focuses on improvements to the adequacy and fairness of state P-12 funding. We applaud the Board for reaffirming a set of research-based SOQs in 2021. Our organizations have repeatedly endorsed these SOQs since they were originally prescribed and have led statewide efforts to codify the prescribed SOQs in state law.

The new JLARC report on the Standards of Quality provides a well-researched, critical roadmap to creating higher-quality schools in every community. As the Board updates its prescribed Standards of Quality, it should **incorporate the near-term recommendations from the JLARC report while working with stakeholders in an inclusive process to consider how to implement the long-term recommendations, as well as which policy options to pursue.**

The additional recommendations below provide detail on the importance of fully lifting the support cap (included in JLARC recommendation #4, “Discontinue Great Recession-era cost reduction measures”) and improving school-based mental health supports, which are long-standing priorities for the Board and are strongly supported by the Fund Our Schools coalition.

Table of Contents:

<i>Background</i>	2
<i>Recommendations</i>	
1. Implement the near-term JLARC recommendations	4
2. Improve school-based mental health support	4
3. Call for fully lifting the support cap	5
4. Re-prescribe research-based Board Standards where JLARC does not recommend changes	6

Background

With Virginia losing ground at a faster rate than most other states on average NAEP scores for 4th and 8th grade reading and math, and disturbing setbacks in the gaps between student groups on our Standards of Learning (SOL) tests, a new approach is needed to ensure all students are provided the resources necessary to meet our state constitutional standard for an adequate education. We believe *adequacy* for all children is the challenge in revising the SOQs and setting the floor for what the state should be providing to schools. As the Board considers raising expectations in Virginia for accreditation and other aspects of our education system, we encourage you to think critically about the additional resources needed to meet those goals. As disparities in outcomes between student groups have grown over the pandemic, so too have the barriers students face to learning. Teacher and staff vacancy rates are nearly five times higher in school divisions with the highest share of students of color than those with the lowest share (using quintile analysis and VDOE Exits and Positions data). The same disproportionate trends exist for high poverty schools compared to low poverty schools. Furthermore, the shortages are masked by a significantly [higher share of provisionally licensed teachers](#) in our school divisions serving students that face the most barriers.

By any measure, the state of Virginia is not doing what it can and should to provide a high-quality education for every student. In the new two-year study by the Joint Legislative Audit and Review Commission (JLARC) reviewing the SOQs, authors [recommended more than \\$3.5 billion in updates](#), not including policy recommendations to raise teacher pay to or above the national average, or more adequately fund special education, English Learner (EL) students, or students from households with low incomes. As noted in the report, *“While the SOQ funding formula’s calculations were substantially less than actual expenditures, they were even further below the funding levels the benchmark models determined were needed. The models estimated Virginia should provide 66 percent to 93 percent more funding than the SOQ formula’s calculations.”*

Similarly, in external reviews of Virginia’s funding adequacy, the state recently received “D grades” for adequacy and equity in combined state and local school funding, and an “F grade” in funding effort, according to a major [study](#) by the Education Law Center. “Virginia is a low effort state” with “highly unequal” educational opportunity according to [another study](#) of school finances by researchers at Rutgers University, the University of Miami, and the Shanker Institute. Virginia continues to provide less funding per student on average to not fully accredited schools compared to those that are fully accredited, and [significantly less](#) per student to schools with the highest share of provisionally licensed teachers compared to schools with the lowest share.

The inadequacy of the state's funding formula is revealed by the fact that, in order to meet the needs of their students, almost every local government goes well beyond the calculated Required Local Effort (RLE), which is the minimum standard required by the state for localities to meet the state SOQ cost match. In the most recent fiscal year, [every division in the state exceeded the RLE](#), and the average percentage above what was required for the state SOQ match was 91%. On a statewide basis, JLARC notes that in FY21 Virginia local governments spent [\\$6.6 billion more than required](#) for the state match for SOQ programs. The reason this amount is so high is because the RLE and the standards on which it's based are far below what it takes to functionally operate most schools. State policymakers also provide funding for a number of items that are not recognized in the SOQ formula yet are important components of providing a high-quality education. However, it does so to a lesser extent than do the local policymakers who are closest to Virginia's families and schools and most cognizant of the real needs, resulting in the localities shouldering the majority of the cost of K-12 education in Virginia.

The state's Local Composite Index (LCI) is [weighted to have the state cover 55% of required SOQ costs](#) across all school divisions but in reality, due to the inadequacy of the SOQ formula as funded in the appropriations act, the state only covered 47% of total state and local K-12 spending for operations in the 2022 fiscal year. With this figure and the JLARC recommendations in mind, the Board should consider bold recommendations to improve overall base funding and adequacy of the SOQ revisions this year to implement the near-term JLARC recommendations and at least get the state to a point where it fulfills its intended goal of covering 55% of actual state and local costs, while participating in an inclusive stakeholder process that determines how to adopt the long-term JLARC recommendations and considers the JLARC policy options.

The Board can and should make progress in the short term to rectify the current inadequate and unfairly distributed K-12 expenditures in the state by recommending research-based adequacy changes to the SOQs to ensure all students, regardless of their zip code or background, have the resources to meet the high expectations set by the body, including the short-term JLARC recommendations, while working to implement the long-term JLARC recommendations over time.

We offer the following suggestions for enhancements for this year's SOQs and for the Board's further consideration.

1. Implement the near-term JLARC recommendations

JLARC staff typically make recommendations to address their research findings during reviews. The JLARC Standards of Quality report includes a number of near-term and long-term recommendations, as well as a set of policy options. The near-term recommendations include:

- technical adjustments to the SOQ formula (Recommendation #1),
- removing leftover arbitrary cost-cutting measures that were inserted into the SOQ formula during the great recession (Recommendation #4),
- using division averages rather than the more obscure linear weighted average for calculations (Recommendation #6),
- using three-year average data for the Local Composite Index to smooth the effect of short-term changes (Recommendation #7),
- improving technical calculations and strengthening the at-risk add-on (Recommendations #8-10), and
- developing new special education staffing needs estimates (Recommendation #11).

These important recommendations should be incorporated into this year's Board-prescribed Standards of Quality.

The Board should also engage in an inclusive process with stakeholders to consider how to implement the long-term recommendations and which policy options to adopt.

2. Improve school-based mental health support

In addition to incorporating the JLARC recommendations into its prescribed Standards of Quality, the Board should maintain or improve the current SOQ standards for school-based mental and physical health staff.

In past years, the Board set the bar at a 4 to 1,000 ratio of specialized student support staff, which includes social workers, nurses, behavioral health specialists, and school psychologists; however, the legislature only funded at the 3 to 1,000 ratio in the current budget, which passed in 2022. It's clear from the [JLARC report in November](#) and VCJS' [annual school safety survey](#) that student mental health and behavioral challenges are at an all-time high and these positions are vital for students. Many school divisions have been using their federal relief funding to supplement mental and behavioral health services; however, with the cliff of that funding coming up at the beginning of the 2024-2025 school year, this SOQ revision should at a minimum be maintained. Better yet, the ratio could be increased to 5 to 1,000 so that the state can provide a more adequate portion of the match for positions that are essential to student well-being, school cohesion, and creating conditions for learning. This higher ratio could also ensure schools have the resources needed to retain specialized services that have been made possible by federal relief funding. By more accurately reflecting prevailing staffing

levels, this would also make incremental progress toward JLARC's recommendation #3 that Virginia "establish Standards of Quality staffing ratios developed by the Virginia Department of Education, in consultation with school divisions and the Board of Education, that accurately reflect how divisions are staffed."

3. Call for fully lifting the support cap

The Board for many years has called on the state to lift the support cap simultaneously when the SOQs are prescribed. Undoing this arbitrary cap is also recommended in the new JLARC report (recommendation #4). Because the support cap change is embedded in the budget, it technically does not require a legislative change, and therefore has been categorized separately from these changes. Regardless, there is much precedent for the Board to recommend budgetary changes with the SOQ revisions, and this body should continue to exercise this privilege and consider parallel and adjacent items to the SOQs.

The Board should recommend striking the language in the Appropriation Act that established the support positions cap, helping our students get the services they need while also providing fiscal relief for struggling communities, both rural and urban. The state now helps pay for less than 40% of support staff in Virginia's public schools, down from 61% in 2009. This means many local governments have to fund the majority of these positions on their own and not all communities have sufficient resources to make these investments.

Support staff are essential in meeting the academic, social, and emotional learning needs of students in and out of the classroom, and they maintain school safety, keep school facilities functional, aid teachers, and promote healthy learning environments. Adequately staffing these positions leads to better academic and life outcomes for students and helps build a system of public education that works for all. Yet since the support cap was implemented, there has been a profound drop-off in state investment for support staff positions. Between 2009 and 2021, support staff in Virginia schools declined by 3,630 positions while student enrollment increased by more than 16,000 students. The number of support staff that the state recognizes and provides funding to support has fallen even faster, dropping by 14,050 positions over that same period.

The cap is not based on sound policy. A 2004 JLARC review found that the state's prior method of funding support staff was "neither inadequate nor excessive." The report noted that Virginia's per-pupil expenditures for non-instructional services were below the national average and similar to the average for the southern region. In the most recent JLARC SOQ report released in July, 2023, authors emphasized the need to remove the support cap and gave a series of reasons why doing so is

essential for school services and addressing student behavior issues, absenteeism, and mental health challenges. The report includes a section titled, "[Original rationale for support cap no longer seems valid](#)" which details reasons collected through interviews of why the support cap should be removed.

4. Re-prescribe long-standing research-based Board Standards where JLARC does not recommend changes

The Virginia Board of Education, in line with its constitutional duties (Article VIII, § 2), has over a number of years prescribed a set of research-based adequacy updates for the Standards of Quality to ensure all students, regardless of their zip code or background, have access to a high quality education. In recent years, many of these prescribed changes have been adopted by the General Assembly. For those items where JLARC has not recommended a different approach, the Board should re-prescribe its long-standing Standards, which were adopted by the Board based on extensive discussion and staff research.

Thank you for your attention and consideration to our perspectives on changes to the SOQ. Please don't hesitate to be in touch if you have any questions, would like additional information about any of these recommendations, or to set up a time to further discuss.

- The Fund Our Schools coalition
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Contact information for additional information and questions regarding revisions to the SOQs:

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