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# VIRGINIA STATE BUDGET

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2023 Special Session I

## Budget Bill - HB6001 (Chapter 1)

Bill Order » Office of Education » Item 129

Department of Education, Central Office Operations

### Item 129

First Year - FY2023    Second Year - FY2024

<b>Instructional Services (18100)</b>	<b>\$292,085,986</b>	<b>\$297,240,386</b>
Public Education Instructional Services (18101)	\$18,793,661	\$23,396,661
Program Administration and Assistance for Instructional Services (18102)	\$271,680,209	\$272,231,609
Adult Education and Literacy (18104)	\$1,612,116	\$1,612,116
Fund Sources:		
General	\$17,732,804	\$22,887,204
Special	\$775,000	\$775,000
Commonwealth Transportation	\$283,854	\$283,854
Trust and Agency	\$5,000	\$5,000
Federal Trust	\$273,289,328	\$273,289,328

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Authority: Public Education Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L.108-447, P.L. 102-305, Federal Code.

Program Administration and Assistance for Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, P.L. 102-305, Federal Code.

Compliance and Monitoring of Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, Federal Code.

Adult Education and Literacy: §§ [2.2-2472](#), [22.1-223-226](#), [22.1-253.13:1](#), [22.1-254.2](#), Code of Virginia; P.L. 105-220, Federal Code.

Early Childhood Care and Education: Title 22.1, Chapter 14, Code of Virginia; P.L. 113-186, Federal Code.

A. The Superintendent of Public Instruction is encouraged to implement school/community team training.

B. The Superintendent of Public Instruction shall provide direction and technical assistance to local school divisions in the revision of their Vocational Education curriculum and instructional practices.

C. The Superintendent of Public Instruction, in cooperation with the Commissioner of Social Services, shall encourage local departments of social services and local school divisions to work together to develop cooperative arrangements for the use of school resources, especially computer labs, for the purpose of training Temporary Assistance for Needy Families (TANF) recipients for the workforce.

D. Notwithstanding § 4-1.04 a 3 of this act, the Superintendent of Public Instruction may apply for grant funding to be used by local school divisions consistent with the provisions of Chapter 447, 1999 Acts of Assembly. The nongeneral fund appropriation for this agency shall be adjusted by the amount of the proceeds of any such grant awards.

E. 1. Out of the appropriations in this item, \$1,300,000 the first year and \$1,300,000 the second year from the general fund is provided to support students and teachers pursuing information technology industry certifications. The funding shall be used to provide outreach, training, instructional resources, industry recognized certification opportunities for teachers and students enrolled in Virginia public high schools and regional career and technical education programs, and information technology curriculum resources for use by students' parents.

2. The funds provided in this initiative shall be used to support the following priority objectives: a) increase the percentage of students enrolled in career and technical education courses who receive instruction in information technology leading to an increased number of students achieving industry recognized certifications in information technology; b) increase the number of high schools and regional career and technical education programs that receive the training and technical support to be ready to implement information technology curricula leading to increased statewide implementation and use; c) increase the number of teachers teaching targeted career and technical education courses and other high school teachers who receive training in information technology and in industry recognized certifications leading to an increased number of teachers achieving industry recognized certifications in information technology; and, d) support implementation of information technology curricula in school divisions in Southside and Southwest Virginia so that implementation in those regions is at least comparable to implementation in other regions of Virginia.

F. Out of the appropriation in this Item, \$413,000 the first year and \$413,000 the second year from the general fund is provided for the Department of Education to continue a professional development program intended to increase the capacity of principals as school leaders in under-performing schools.

G. Out of the appropriation in this Item, \$366,000 the first year and \$366,000 the second year from the general fund is provided to the Department of Education to assist local school divisions, as needed, to establish criteria for the professional development of teachers and principals on the subject of issues related to high-needs students.

H. Out of this appropriation, \$3,427,000 the first year and \$3,652,000 the second year from the general fund is provided for the Virginia Kindergarten Readiness Program.

a. Of this amount, \$1,377,000 the first year and \$1,377,000 the second year from the general fund is provided through the Department of Education to the University of Virginia to continue statewide implementation of the Virginia Kindergarten Readiness Program conducted in the fall, and to continue to support a post-assessment upon the conclusion of the kindergarten year.

b. The Department of Education shall coordinate with the University of Virginia's Center for Advanced Study of Teaching and Learning to ensure that all school divisions shall be required to have their kindergarten students assessed annually during the school year using the multi-dimensional kindergarten readiness assessment model. All school divisions shall be required to have their kindergarten students assessed with such model.

c. Of this amount, \$1,050,000 the first year and \$1,050,000 the second year shall be allocated to the University of Virginia to support implementation of a pre-kindergarten version of the Virginia Kindergarten Readiness Program for four-year-old children enrolled in publicly-funded pre-kindergarten programs, and for piloting the use and development of a pre-kindergarten version of the Virginia Kindergarten Readiness Program for three-year-old children enrolled in publicly-funded pre-kindergarten programs.

d. Of this amount, \$350,000 the first year and \$350,000 the second year from the general fund shall be allocated to University of Virginia's Center for Advanced Study of Teaching and Learning to provide training to school divisions

annually on how to effectively use Virginia Kindergarten Readiness Program data to improve instructional practices and student learning. Such teacher focused professional development and training shall be prioritized for the school divisions that would most benefit from state assistance in order to provide more time for classroom instruction and student learning for kindergarten and pre-kindergarten students, including both three- and four-year-old pre-kindergarten classrooms.

e. The Department and the University of Virginia's Center for Advanced Study of Teaching and Learning shall use the results of the multi-dimensional Virginia Kindergarten Readiness Program assessments to determine how well the Virginia Preschool Initiative promotes readiness in all key developmental domains assessed. The Department shall submit such findings using data from the prior year's fall assessment to the Chairs of House Appropriations and Senate Finance and Appropriations Committees no later than October 1 each year.

f. Of this amount, \$650,000 the first year and \$875,000 the second year from the general fund is provided through the Department of Education to the University of Virginia in partnership with the Department and school divisions to develop an assessment in literacy, math, social skills and self-regulation in grades one, two and three to help teachers, parents and divisions identify students' strengths, deficiencies and support student growth longitudinally. A pilot of the assessment shall be implemented in the 2023-2024 school year, and the Department shall report on the status of the pilot to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 1, 2023.

I. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the general fund is provided through the Department of Education to the University of Virginia's Center for Advanced Study of Teaching and Learning to ensure that teachers in select publicly-funded early childhood programs, including Virginia Preschool Initiative classrooms, receive appropriate individualized professional development training from professional development specialists to support quality teacher-child interactions and effective implementation of high-quality curriculum. Funding and professional development assistance shall be prioritized for classrooms that have demonstrated need based on the Unified Measurement and Improvement System, known as VQB5, established pursuant to § 22.1-289.05, Code of Virginia, which is based on observing teachers with the Classroom Assessment Scoring System (CLASS) observation tool and use of standards-aligned curriculum. The University of Virginia's Center for Advanced Study of Teaching and Learning, assisted on an as needed basis by the Department of Education, Virginia Early Childhood Foundation, and Elevate Early Education shall hire and train specialists to provide such individualized professional development. The University of Virginia's Center for Advanced Study of Teaching and Learning and the Training and Technical Assistance Centers funded by the Individuals with Disabilities Act (IDEA) through the Department of Education shall coordinate to ensure alignment of professional development and supports for teachers of children with special needs.

J. Out of this appropriation, \$805,600 the first year and \$1,047,000 the second year from the general fund is provided to ensure that select publicly-funded early childhood programs, including Virginia Preschool Initiative programs, have the quality of their teacher-child interactions assessed through a rigorous and research-based classroom observational instrument using the CLASS observational instrument for such assessment. These observations shall be used to verify accuracy and maintain reliability of the measurements required within Virginia's Unified Measurement and Improvement System, known as VQB5, established pursuant to § 22.1-289.05, Code of Virginia.

K. 1. The Department of Education and the Department of Social Services shall determine the amount of nongeneral funds to be transferred to the Department of Social Services to address costs associated with administration of the Child Care and Development Fund each year.

2. The Department of Social Services and the Department of Education shall ensure that the Temporary Assistance for Needy Families (TANF) Virginia Initiative for Employment and Work (VIEW) mandated child care forecast is funded through a combination of general fund, TANF, and Child Care Development Fund (CCDF) grant dollars. The amount of needed CCDF dollars identified in the Memorandum of Agreement between the agencies shall be

transferred from the Department of Education to the Department of Social Services within the first thirty days of the fiscal year. The Department of Social Services shall notify the Department of Education of the required amount of the next fiscal year transfer upon the enrollment of the budget. This amount shall reflect the need identified in the official forecast as well as changes resulting from actions in the final budget.

L. The Department of Education, in collaboration with the Department of Social Services, shall prepare an annual Child Care and Development Fund (CCDF) report that reflects all CCDF expenditures from the previous fiscal year, current grant balances and obligation and liquidation deadlines, as well as all anticipated spending for the current and two subsequent fiscal years. Identified spending should, at a minimum, be broken down by subsidies (mandated and discretionary), administrative costs, and quality efforts. The plan also shall include a certification from the Department that the maximum amount of federal funds were drawn down in the preceding fiscal year. Should the Department be unable to certify that maximum federal funds were drawn down, the Department shall identify strategies for Virginia to obtain the maximum amount of federal funds in the following fiscal year(s) as part of this plan. In addition, this plan should report, by locality, the number of subsidies (mandated and discretionary) provided, number of providers receiving CCDF dollars, the overall number of child care providers, and the waitlist for services. This information should be provided the previous fiscal year, current fiscal year, and two subsequent fiscal years. The plan shall also include an appendix with the most recently completed CCDF annual report as required by the federal Office of Child Care. The department shall submit the report by October 1 of each year to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees. In addition, the department shall post this report on its website along with any reports from previous fiscal years.

M. Notwithstanding any other provision of law, the Department of Education shall have temporary authority to make any changes to the Child Care and Development Fund (CCDF) State Plan, request waivers from the federal Office of Child Care, change eligibility criteria for benefits and services, and payment levels for the Child Care Subsidy Program in response to the COVID-19 pandemic and new authorities and funding made available by the federal government to effect those policies necessary to ensure that benefits are available to eligible populations in response to COVID-19. Prior to the implementation of any change, the Department of Education must receive written approval from the Governor. Within 15 days of implementing changes in response to COVID-19, the Department of Education shall send a list of such actions to the Director of the Department of Planning and Budget and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

N. The Department of Education shall convene a work group of early childhood care and education advocates and appropriate subject matter experts to develop recommendations for the use of marijuana tax revenues, collected pursuant to § 4.1-614, Code of Virginia, in combination with other state and federal resources, to maximize access to pre-kindergarten programs for three- and four-year old children. The work group shall explore: 1) the current early childhood care and education funding landscape in Virginia; 2) the available literature and data to assess the impact of incorporating pre-kindergarten into Virginia's public school funding formula; 3) best practices in other states and localities that could be replicated in Virginia; 4) and the potential impact of different pre-kindergarten funding mechanisms on the cost and availability of child care for infants and toddlers. The work group shall identify: 1) any changes to laws, regulations, and policies required to implement the recommendations; 2) features of existing local, regional, and state governance structures that may need to be updated, changed or strengthened to support the equitable allocation and dissemination of mixed-delivery pre-kindergarten funds; and 3) potential needs for policy changes or redistribution of federal funds to offset or mitigate potential impacts to the cost and availability of child care for infants and toddlers. The Department of Education shall submit a report of the work group's findings and recommendations to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2023.

O. The Department of Education shall develop a methodology to estimate the actual cost of providing high-quality early childhood care and education services in community-based settings. Such methodology shall meet the requirements set forth by the Administration for Children and Families, U.S. Department of Health and Human Services, for alternative methodologies to market rate surveys. The Department shall summarize the methodology

in a report to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 31, 2022.

P. Notwithstanding 8VAC-20-790, the Department of Education shall not set a limit on the duration of time that families may participate in the Child Care Subsidy Program, subject to available funds.

Q. Notwithstanding 8VAC-20-790, the Department of Education shall increase participation in the Child Care Subsidy Program among families and providers using non-general funds by: 1) making child care assistance available to parents or guardians who are searching for work; 2) piloting the use of categorical eligibility for families with young children participating in Medicaid and WIC; 3) issuing payments to Child Care Subsidy Program vendors for authorized enrollment, subject to the attendance threshold established by the Department of Education; 4) issuing payments to providers for up to 15 days of planned closure for all vendors in the Child Care Subsidy Program for holidays, vacations, and professional development or planning time; 5) issuing payments to family day homes in the Child Care Subsidy program for up to three sick days to care for themselves or a family member; 6) increasing provider payment rates based on the cost methodology developed by the Department in its Child Care Cost Estimation Report; 7) ensuring that Child Care Subsidy Program vendor payment rates for infants and toddlers fully reflect the cost of care; 8) eliminating copayments for families at or below 100 percent of the federal poverty guidelines and reducing copayments for families above 100 percent of the federal poverty guidelines; 9) maximizing federal Child Care Development Funds to eliminate the waitlist for child care subsidy assistance; and 10) making all families eligible for assistance through the Child Care Subsidy Program for each child in the family who is under the age of 13 for as long as (i) the family's income does not exceed 85% of the state median income; (ii) the family includes at least one child who is five years of age or younger and has not started kindergarten; and (iii) the family meets all other eligibility requirements of the Child Care Subsidy Program. These expanded allowances for families and providers under the Child Care Subsidy Program are effective only in state FY 2023 and state FY 2024. In the Department of Education's October 1 annual Child Care Development Fund report, required by paragraph L. of this Item, the Department shall include detail about the impact of these expanded allowances on the number of families and children served, the number of participating child care vendors, and the Child Care Development Fund balance, as well as the Department's plan for phasing out these expanded allowances at the end of state FY 2024.

R. The Department of Education shall collaborate with the Virginia Foundation for Healthy Youth in the implementation of the eighteenth and nineteenth enactments of Chapter 550, 2021 Acts of Assembly, Special Session I.

S. For the purposes of obtaining data pertaining to learning loss due to the COVID-19 pandemic, the Department of Education may use funds from the Elementary and Secondary School Emergency Relief (ESSER) Fund, State Educational Agency reservation, for the establishment of a system to assess student growth with a focus on learning loss due to the COVID-19 pandemic. Each school division in the Commonwealth shall implement the system and make reports from the system available to educators to allow them to address learning for their students.

T. Out of this appropriation, \$200,000 the first year from the general fund is provided to the Department of Education to study options to expand student access to Academic Year Governor's Schools. In such study, the Department shall consider the need and demand for additional Academic Year Governor's Schools slots and programs, regional access to slots and programs, whether virtual resources through the Department of Education could be better leveraged to expand access to Governor's School courses, and potential costs and timelines for implementation. The Department of Education shall report its findings to the Chairs of the House Committee on Education, the Senate Committee on Education and Health, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations no later than August 1, 2023.

U. 1. Out of this appropriation, \$4,890,000 the first year and \$4,640,000 the second year from the general fund ~~is~~ and \$6,700,000 the second year from remaining available federal Elementary and Secondary School Emergency

*Relief funds are provided to prepare for the implementation of literacy instruction aligned with science-based reading research beginning in the 2024-2025 school year, as required by the Virginia Literacy Act, Chapters 549 and 550, 2022 Acts of Assembly and as amended by Chapters 645 and 646, 2023 Acts of Assembly. These funds shall be used to support the development of microcredentials, parent resources, professional development resources, deployment of a train the trainer model to disseminate the professional development to teachers, and the provision of technical assistance and professional development to school divisions, and development of a literacy screener for administration in grades 4-7.*

2. Of this amount, \$600,000 the first year and ~~\$1,200,000~~ \$2,400,000 the second year shall be allocated to the University of Virginia's ~~Center for Advanced Study of Teaching and Learning~~ Virginia Literacy Partnership through the Department of Education, for the establishment and provision of literacy coaching, technical assistance and professional development as required by the act.

3. The Board of Education shall initiate the textbook approval process as provided in § 22.1-238 et seq. to ensure local school boards may purchase textbooks aligned with Chapters 549 and 550, 2022 Acts of Assembly, through the Virginia Public Procurement Act exemption provided in § 22.1-241.

*V. Notwithstanding 8VAC-20-780, or any other requirement in state law or regulation, the Superintendent of Public Instruction shall have the authority to alter staff-to-child ratios and group sizes for licensed child day centers and child day centers that participate in the Child Care Subsidy Program by increasing the number of children per staff by (1) one child for groups of children from birth to the age of eligibility to attend public school, and (2) two children for groups of children from the age of eligibility to attend public school through 12 years. Child day centers that take advantage of this flexibility must notify families in writing of the temporary increase in ratios and group size. This authority and any resultant waiver of state law or regulation shall expire June 30, 2024. The Superintendent of Public Instruction shall ensure that any action taken under this provision is permissible under federal requirements.*