

## Public Education

<b>Adopted Adjustments</b>				
(\$ in millions)				
	<b>FY 2021 Adopted</b>		<b>FY 2022 Adopted</b>	
	<u>GF</u>	<u>NGF</u>	<u>GF</u>	<u>NGF</u>
<b>2020-22 Current Budget</b>	<b>\$7,024.9</b>	<b>\$2,060.0</b>	<b>\$7,306.9</b>	<b>\$2,054.8</b>
(Ch. 56, 2020 Special Session I)				
Adopted Increases	404.3	86.3	350.1	170.7
Adopted Decreases	(484.4)	(95.2)	(261.5)	0.0
\$ Net Change	<u>(80.0)</u>	<u>(9.0)</u>	<u>88.6</u>	<u>170.7</u>
<b>Ch. 552 (HB 1800, as Adopted)</b>	<b>\$6,944.9</b>	<b>\$2,051.1</b>	<b>\$7,395.4</b>	<b>\$2,225.5</b>
% Change	(1.1%)	(0.4%)	1.2%	8.3%
FTEs	341.50	185.50	348.70	335.80
# Change	0.00	0.00	4.70	0.30
<i>(Note: These amounts include the Office of the Secretary of Education, Department of Education, Direct Aid to Public Education, and the Virginia School for the Deaf and Blind. See the Appendix for detailed actions by agency.)</i>				

- **Direct Aid to Public Education**

- *Listings by locality of the estimated funding for FY 2021 and FY 2022 Direct Aid to Public Education are included as Appendix A and B, respectively.*

**Summary of Adjustments for Direct Aid to Public Education**  
(GF \$ in millions)

	<u>FY 2021</u>	<u>FY 2022</u>	<u>Total</u>
<b><u>Technical Adjustments</u></b>			
Central Appropriations Reductions to Direct Aid in Ch. 56	(\$175.2)	(\$228.4)	(\$403.6)
Reconcile State Cost of Direct Aid to Ch. 56	_(0.1)	_(0.4)	_(1.5)
<b>Subtotal for All Technical Adjustments</b>	<b>(\$176.3)</b>	<b>(\$228.8)</b>	<b>(\$405.1)</b>
<b><u>Routine (Technical Updates and Forecast) Changes:</u></b>			
Update Net Sales Tax Revenue Reforecast & School-Aged Pop.	\$82.3	\$93.0	\$175.3
Supplant GF with Lottery NGF Revenue & Reforecast Estimate	(50.3)	(24.8)	(75.1)
Update Student Enrollment Projections (FM & ADM)	(201.2)	(202.9)	(404.1)
Update Lottery-Funded Programs	(18.7)	(8.6)	(27.3)
Update Remedial Summer School & ESL Student Enrollments	(16.5)	(19.0)	(35.5)
Update Incentive, Categorical & Supplemental Programs	_(1.9)	_(2.0)	_(3.9)
<b>Subtotal for All Technical Updates and Forecast Changes</b>	<b>(\$206.3)</b>	<b>(\$164.3)</b>	<b>(\$370.6)</b>
<b><u>Technical Updates</u></b>			
Remove Undistributed VPI Balances	(\$15.9)	0.0	(\$15.9)
Remove FY 21 School Meals Expansion	(2.5)	0.0	(2.5)
Update Governor's School Enrollment	_0.1	_0.0	_0.1
<b>Subtotal for Technical Updates</b>	<b>(\$18.3)</b>	<b>\$0.0</b>	<b>(\$18.3)</b>
<b><u>Policy Changes:</u></b>			
Provide No Loss Funding to Divisions	\$278.7	\$164.3	\$443.0
Supplant GF No Loss Funding with State COVID-19 Relief Funds ("Gray Machine")	(36.0)	(40.0)	(76.0)
5% Salary Compensation Supplement	0.0	233.7	233.7
Specialized Student Support Positions at 3:1,000	0.0	49.5	49.5
Learning Loss Instructional Supports	40.0	0.0	40.0
Increase GF to Distribute 40% of Lottery Proceeds as Infrastructure & Operation Per Pupil	20.1	9.9	30.0
Increase Cost of Competing Adjustment for Support Positions	0.0	14.6	14.6
Fund School Counselors at 1:325 in FY 22	0.0	26.6	26.6
Restore VPI PPA Increase from \$6,959 to \$7,655 in FY 22	0.0	11.1	11.1
Supplant State COVID-19 Relief Funds ("Gray Machine") with GF	12.9	0.0	12.9
Utilize Presumptive English Learner Designation in ESL Program	4.2	6.5	10.7
Supplemental Support Accomack and Northampton	0.0	2.0	2.0
Early Childhood Educator Incentive Program	0.0	5.0	5.0
Jobs for Virginia Graduates	0.0	1.7	1.7

**Summary of Adjustments for Direct Aid to Public Education**  
(GF \$ in millions)

	<u>FY 2021</u>	<u>FY 2022</u>	<u>Total</u>
Alleghany-Covington Consolidation Incentive	0.0	1.2	1.2
Transfer eMedia from DOE to Direct Aid	0.0	1.0	1.0
Power Scholars Academy - YMCA BELL	0.0	0.5	0.5
Blue Ridge PBS	0.0	0.4	0.4
Literacy Lab-VPI Minority Fellowship	0.0	0.3	0.3
Dual Enrollment Passport Pilot Grants	0.0	0.3	0.3
Active Learning Grants	0.0	0.2	0.2
Albuterol Purchase for Public Schools	<u>0.0</u>	<u>0.1</u>	<u>0.1</u>
<b>Subtotal for All Policy Changes</b>	<b>\$319.9</b>	<b>\$488.9</b>	<b>\$808.8</b>
<b>Total for All GF Changes</b>	<b>(\$81.0)</b>	<b>\$95.8</b>	<b>\$14.8</b>

**Summary of Adjustments for Direct Aid to Public Education**  
(NGF \$ in millions)

	<u>FY 2021</u>	<u>FY 2022</u>	<u>Total</u>
COVID-19 Learning Loss Remediation and Recovery Grants (ESSER II)	\$0.0	\$30.0	\$30.0
Temporary Extension of Special Education Eligibility (ESSER II)	<u>0.0</u>	<u>6.5</u>	<u>6.5</u>
<b>Total NGF Changes</b>	<b>\$0.0</b>	<b>\$36.5</b>	<b>\$36.5</b>

**Summary of Revenues for Direct Aid to Education**  
(\$ in millions)

	<u>FY 2021</u>	<u>FY 2022</u>	<u>Biennium</u>
General Fund	\$6,857.6	\$7,311.5	\$14,169.1
Special Fund	0.9	0.9	1.8
Commonwealth Transportation	2.1	1.5	3.6
Trust & Agency (Lottery & Literary)	870.2	773.9	1,644.1
Lottery Fund	708.2	690.9	1,399.1
Literary Fund	162.0	83.0	245.0
COVID-19 Relief Fund	36.0	40.0	76.0
Federal Trust	<u>1,083.1</u>	<u>1,103.0</u>	<u>2,186.1</u>
<b>Grand Total for all Revenue Sources</b>	<b>\$8,849.9</b>	<b>\$9,230.8</b>	<b>\$18,080.7</b>

*In Chapter 552 of the 2021 Acts of Assembly, Special Session I (HB 1800): see Item 144 for the Appropriation Detail of Supplemental Education Assistance Programs; see Item 145 for the Appropriation Detail for Standards of Quality, Incentive, Categorical, and Lottery-Funded Programs; and see Item 146 for Details of Federal Education Assistance Program Awards. Additionally, each Item is summarized in a table at the end of the Direct Aid to Public Education section in this document.*

**Technical Updates and Forecast Changes**

- **Distribute Budget Reductions from Central Appropriations to Direct Aid.** Reduces \$175.2 million GF in FY 2021 and \$228.4 million GF in FY 2022 in Direct Aid to reflect approved budget reductions in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005). These reductions were originally unallotted in Chapter 1289 of the 2020 Acts of Assembly (HB 30) and subsequently converted to budget reductions in the 2020 Special Session I.
- **Reconcile the State Cost of Direct Aid to Chapter 56.** Reconciles the state cost for Direct Aid, as calculated by the Virginia Department of Education to Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005) by decreasing \$1.1 million GF in FY 2021 and \$0.4 million GF in FY 2022.
- **Update Sales Tax.** Increases net distributions to school divisions by \$82.3 million GF in FY 2021 and \$92.3 million GF in FY 2022 reflecting the revised sales tax estimates. The revenue from the one and one-eighth cent portion of the sales tax that is dedicated for public education is distributed to school divisions based on

school-aged population and is allocated to the total SOQ cost prior to apportioning the remaining SOQ cost between the state and local shares based on the Composite Index of local ability-to-pay.

These amounts represent the net change in state funding, as required by the Basic Aid funding formula. The revised estimates for the education component of sales tax equal \$1,512.5 million in FY 2021 and \$1,563.0 million in FY 2022. *(See below for a separate action that updates the sales tax distribution based on the latest yearly estimate of school aged population.)*

The revised sales tax estimate also results in a decrease of \$82.3 million NGF in FY 2021 from the State COVID-19 Local Relief Payments (derived from the Gray Machine revenues) required in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005). These relief payments cover the increase in local SOQ costs from the downward revision of the sales tax estimate adopted during the Special Session. *(See below for a separate action on the COVID-19 Local Relief Payments.)*

<b>Net Impact of Sales Tax Revenue Estimates</b>			
(\$ in millions)			
	<u>FY 2021</u>	<u>FY 2022</u>	<u>Biennium</u>
<b>Ch. 56 Sales Tax Estimate</b>	<b>\$1,326.4</b>	<b>\$1,354.6</b>	<b>\$2,681.0</b>
Forecast Change from Ch.56 (Dec. 2020)	95.7	105.2	200.9
Mid-Session Reforecast (Feb. 2021)	<u>90.4</u>	<u>103.2</u>	<u>193.6</u>
<b>HB 1800 Sales Tax Estimate</b>	<b>\$1,512.5</b>	<b>\$1,563.0</b>	<b>\$3,075.5</b>
Basic Aid Offset Adjustment	<u>(103.8)</u>	<u>(116.1)</u>	<u>(219.9)</u>
<b>Net Impact of Sales Tax Changes</b>	<b>\$82.3</b>	<b>\$92.3</b>	<b>\$174.6</b>
<b>COVID-19 Local Relief Payments, Ch. 56</b>	<b>\$95.2</b>	<b>\$0.0</b>	<b>\$95.2</b>
Reduction due to Net Impact of Sales Tax Changes	<u>(82.3)</u>	<u>0.0</u>	<u>(82.3)</u>
<b>COVID-19 Local Relief Payments, Ch. 552 (HB 1800, as Adopted)</b>	<b>\$12.9</b>	<b>\$0.0</b>	<b>\$12.9</b>
<b>Total Net Impact of Sales Tax Changes &amp; COVID-19 Relief Payment Reduction</b>	<b>\$0.0</b>	<b>\$92.3</b>	<b>\$92.3</b>

*\*See below for a separate action on the COVID-19 Local Relief Payments.*

- **Update Sales Tax Distribution Based on Latest School Age Population Estimate.** Provides \$742,335 GF in FY 2022 in SOQ Basic Aid payments, based on updated estimates of school-age population, provided by the Weldon Cooper Center for Public Service at the University of Virginia.

The FY 2021 school-age population estimates remain the same as in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005), and continue to use the July 1, 2018, estimate to distribute sales tax revenue in FY 2021. The FY 2022 sales tax distribution is amended to reflect the July 1, 2019, school-age population estimates. This action does not change the total amount of sales tax distributed to school divisions in FY 2022, just the distribution to individual divisions. These changes in sales tax revenue distributions impact SOQ Basic Aid payments, because sales tax distributions are applied to the total SOQ cost prior to apportioning the remaining SOQ cost between the state and local shares based on the Composite Index of local ability-to-pay.

- **Recognize Increases in Lottery Proceeds NGF Forecast.** Adjusts funding to reflect an increase in the estimate of Lottery proceeds by \$50.3 million NGF in FY 2021 and \$24.8 million NGF in FY 2022 and supplant a like amount of GF for the At-Risk Program. The first year increase is from a combination of the \$8.8 million residual FY 2020 profit, \$18.3 million from the routine update of the Lottery revenue forecast, and \$23.2 million from year-to-date profits, as of December 2020, above the Lottery revenue forecast. The second year increase of \$24.8 million is solely attributable to the routine forecast update. The introduced budget reflects a new total lottery revenue forecast of \$708.2 million in FY 2021 and \$690.9 million in FY 2022.

<b>Revisions to Lottery Proceeds Fund</b>			
(\$ in millions)			
	<u>FY 2021</u>	<u>FY 2022</u>	<u>Biennium</u>
<b>Total Lottery Proceeds in Ch. 56</b>	<b>\$658.0</b>	<b>\$666.1</b>	<b>\$1,324.1</b>
Residual FY 2020 Profit	8.8	0.0	8.8
Lottery Revenue Forecast Update	18.3	24.8	43.1
Profits above Revenue Forecast Update	<u>23.2</u>	<u>0.0</u>	<u>0.0</u>
<b>Proposed Lottery Proceed Fund Totals</b>	<b>\$708.2</b>	<b>\$690.9</b>	<b>\$1,399.1</b>
<b>Net Increases to Lottery Proceeds Fund</b>	<b>\$50.3</b>	<b>\$24.8</b>	<b>\$75.1</b>

- ***Update Enrollments, Incentive, Categorical, Lottery-Funded Programs, and Other Technical Updates.*** Updates enrollment projections to Standards of Quality accounts resulting in savings of \$201.2 million GF in FY 2021 and \$202.9 million in FY 2022. The decline in student enrollment is related to the COVID-19 pandemic disrupting in-person instruction. September 30, 2020 fall membership counts declined 3 percent, or 38,151 students, compared to the 2019 fall membership. On a statewide basis, the revised March 31st ADM projections are 44,096 students lower the first year and 44,296 lower the second year, compared to the projections included in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005), for revised totals of 1,213,093 students the first year and 1,218,331 the second year. *(See below for a separate action that provides no loss funding to ensure divisions do not receive less funding from updating enrollment or participation data.)*

In addition, the budget reflects savings of \$4.6 million GF in FY 2021 for Remedial Summer School from updated actual enrollment data and savings of \$11.8 million GF in FY 2021 and \$19.0 million GF in FY 2022 for English as a Second Language based on fall 2020 enrollment data. *(See below for a separate action that updates English as a Second Language funding to include presumptive English Learners in the program enrollment eligibility.)*

The biennial costs for Incentive, Categorical, and Lottery-Funded program accounts reflect net savings due to technical updates for student enrollment, program participation or PALS assessment data:

- **Incentive Programs.** Updates Governor's Schools enrollment resulting in a net increase of \$46,581 GF in FY 2021 and a savings of \$74,354 GF in FY 2022. VPSA Education Technology Grants also decrease by \$1.4 million NGF in FY 2021 and \$0.5 million NGF in FY 2022, based on updates for fall membership for FY 2021, and for 2020-2021 accreditation status for use in calculating grants under the e-Learning Backpack Initiative.
- **Categorical Programs.** Updates to Special Education Homebound student participation costs reflect a savings of \$1.8 million GF in FY 2021 and \$1.9 million in FY 2022, based on the actual state share of local program costs; and updates to the American Indian Treaty Commitment reflect a net increase of \$10,649 over the biennium.
- **Lottery Funded Programs.** Updates Lottery-funded programs based on participation factors as submitted by school divisions reducing Special Education Regional Tuition program funding by \$3.0 million in FY 2021 based on actual participation in spring 2020; Regional Alternative Education funding decreases by \$13,260 in FY 2021; School Breakfast decreases by \$5.8 million in FY 2021 based on actual meals served in the truncated 2019-2020

school year; reduces K-3 Primary Class Size funding by \$12.5 million in FY 2021 and \$8.8 million in FY 2022 due to the reductions in grades K-3 fall membership; Foster Care funding increases by \$2.4 million in FY 2021; and Infrastructure and Operations Per Pupil Funds increase by \$200,000 in both fiscal years.

- ***National Board Certification.*** Provides an increase of \$50,891 GF in FY 2021 and a decrease of \$33,672 GF in FY 2022 from updates to the cost of bonus payments under the National Board Certification Program based on the actual number of classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards in FY 2021 and the updated projection in FY 2022.
- ***Undistributed VPI & Early Childhood Balances.*** Captures \$15.9 million GF the first year from undistributed balances in the Virginia Preschool Initiative programs. This update reflects final early childhood program enrollment, as of January 2021. Due to the COVID-19 pandemic disrupting enrollment, the Department of Education allowed divisions to enroll students in early childhood programs until January 2021.
- ***School Meals Extension.*** Removes \$2.5 million GF the first year from the School Meals Extension program. During the 2020-2021 school year, all school divisions are receiving federal school meal aid through the Summer Food Service Program or Seamless Summer Option, which provides meals at no costs to all students.

### ***Policy Changes***

- ***No Loss Payments.*** Provides \$278.6 million in FY 2021 and \$164.3 million in FY 2022 to ensure that no school division receives less funding in the 2020-22 biennium as compared to the division's calculated distributions in both fiscal years in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005). These payments are funded in part with \$36.0 million NGF the first year and \$40.0 million NGF the second year from the COVID-19 Relief Fund, established in § 2.2-115.1 of the *Code of Virginia* from "gray machine" revenue.

The payments reflect a decrease of \$20.7 million GF the first year and \$49.8 million GF the second year, compared to the payments in HB 1800, as introduced, to account for additional increases from the mid-session sales tax reforecast, the Infrastructure & Operations Per Pupil payments, and technical adjustments for Governor's School and VPI enrollment. Language requires the Department of Education to adjust these payments to school divisions at the end of each fiscal year for final technical updates to Direct Aid student enrollments and program participation, as well as increases in revenue distributions such as actual sales tax.



These payments account for the declines in September 30, 2020 fall membership and projected March 31<sup>st</sup> Average Daily Membership as well as declines in enrollment or participation data in other Direct Aid programs during the 2020 calendar year due to the COVID-19 pandemic. These funds support the operational costs of the Standards of Quality, Categorical, Incentive, and Lottery Funded programs provided in Direct Aid.

- ***State’s Share of a 5 Percent Salary Increase.*** Provides \$233.7 million GF the second year for the state’s share of a 5 percent salary increase for funded Standards of Quality instructional and support positions, effective July 1, 2021, and the Academic Year Governor’s School and Regional Alternative Education programs’ instructional and support positions. To receive the state’s share of the compensation supplement—localities are required to provide a local match, as calculated by the local composite index.

Divisions are able to provide the salary increase at any point during the 2020-22 biennium to access these funds. To provide additional flexibility to localities—divisions can access a prorated share of state funds if the division provides at least a 2 percent salary increase but less than the full 5 percent salary increase.

- ***Specialized Student Support Positions (SOQ Revision).*** Provides \$49.5 million GF the second year to fund three specialized student support positions per 1,000 students, pursuant to Chapter 454 of the 2021 Acts of Assembly Special Session I (SB 1257). Specialized student positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licenses health and behavioral positions. This action represents a partial revision to the Standards of Quality as recommended by the Board of Education to the General Assembly in 2019 and 2020.

- ***Learning Loss Instructional Supports.*** Provides \$40.0 million GF the first year to free-up a like amount of Lottery Proceeds for Learning Loss Instructional Supports per pupil payments. These payments support one-time programs and initiatives to address learning loss resulting from the COVID-19 pandemic. Divisions may spend these funds on eligible programs, including: (i) extending the school year, (ii) summer school, (iii) tutoring, remediation and recovery, and supplemental afterschool programs, (vi) counseling and other student supports, (v) assessments to determine student progress and the need for access to these programs, (vi) other similar programs, and (vii) modifications to facilities to assist with COVID-19 mitigation strategies for in-person learning.

A division’s payment is based on the estimated number of federal Free Lunch participants and per pupil amount of \$156.54 adjusted for the division’s composite

index. No local match is required to receive these state funds, and unexpended funds from the first year remain available in the second year.

- ***COVID-19 Learning Loss Remediation and Recovery Grants.*** Allocates \$30.0 million NGF the second year to provide grants to address COVID-19 related learning loss, remediation and recovery, and other student support needs. Grants will be awarded by the Department of Education to school divisions and other appropriate entities, in consultation with a stakeholder workgroup convened to focus on remediation and recovery needs.

These funds are provided from the Department of Education’s federal Elementary and Secondary School Emergency Relief II funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021.

- ***Fund Statutory School Counselor Staffing Ratio.*** Provides \$26.6 million GF the second year to fund school counselors at a ratio of 1:325 in all public schools. This funding represents the state’s share of costs to fund the current statutory ratio of school guidance counselors in the second year (§ 22.1-253.13:2, H.4., of the *Code of Virginia*). In FY 2021, the funded student to school counselor staffing ratios are 1:455 in elementary schools, 1:370 in middle schools, and, 1:325 in high schools.

Chapters 953 and 952 of the 2020 Acts of Assembly (HB 1508/SB 880) increased staffing standards for school counselors in both years. In response to the financial difficulties anticipated from the COVID19 pandemic, during the 2020 Reconvened Session, the General Assembly adopted the Governor’s recommendation to supersede the ratios in Chapters 953 and 952 of the 2020 Acts of Assembly (HB 1508/SB 880), holding the ratios at the same levels required during FY 2020.

- ***Supplant NGF COVID-19 Relief Funds for GF.*** Supplants NGF COVID-19 Relief Funds, or “gray machine revenue”, with \$12.9 million GF the first year to support the COVID-19 Local Relief Payments. A separate technical update reduces the COVID-19 Local Relief Payments by \$82.3 million, the net increase in funding from the revised sales tax estimate in FY 2021. The combined actions result in \$12.9 million GF the first year being disbursed to divisions as COVID-19 Local Relief Payments, which eliminates the net reduction of state funds apportioned to school divisions in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005) from those apportioned in Chapter 1289 of the 2020 Acts of Assembly (HB 30). (*See table below detailing the updates to the COVID-19 Local Relief Payments*).

Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005) provided \$95.2 million NGF the first year from the COVID-19 Relief Fund, established in § 2.2-115.1 of the *Code of Virginia* from “gray machine” revenue as COVID-19 Relief Funds payments. These funds were included to eliminate the increase in the locality’s

share of SOQ costs resulting from the net reduction of sales tax revenue in FY 2021. Language requires the Department of Education to update the final state payments for this program based on final FY 2021 sales tax distributions to school divisions.

<b>COVID-19 Local Relief Payments</b>			
(\$ in millions)			
FY 2021	<u>NGF</u>	<u>GF</u>	
<b>COVID-19 Local Relief Payments, Ch. 56</b>	<b>\$95.2</b>	<b>\$0.0</b>	
Reduction due to Net Impact of Sales Tax Changes	<u>(82.3)</u>	<u>0.0</u>	
<b>Net Impact</b>	<b>\$12.9</b>	<b>\$0.0</b>	
Supplant NGF for GF	<u>(12.9)</u>	<u>\$12.9</u>	
<b>COVID-19 Local Relief Payments, Ch. 552 (HB 1800, as adopted)</b>	<b>\$0.0</b>	<b>\$12.9</b>	

- ***Increase Cost of Competing Adjustment for Support Positions.*** Adds \$14.6 million GF the second year to increase the Cost of Competing Adjustment (COCA) for support positions. The adjustment recognizes the higher labor costs for divisions in Planning District Eight and surrounding divisions. This increases the COCA rate for support positions from 10.6 percent to 18 percent for divisions in Planning District Eight. For surrounding divisions, the partial COCA is funded at one-fourth of the full COCA rate, increasing the rate from 2.65 percent to 4.5 percent. This restores and expands funding that was eliminated in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005), that would have increased the adjustment factors from 10.6 to 16.0 percent and 2.65 to 4.0 percent.
- ***Infrastructure & Operations Per Pupil Fund.*** Provides \$20.1 million GF in FY 2021 and \$9.9 million GF in FY 2022 to fund At-Risk Add-On costs with general fund dollars to free-up a like amount of Lottery Proceeds to increase funding for the Infrastructure & Operations Allocation initiative, formerly the Supplemental Lottery Per Pupil Amount.

The revised total amount of the Infrastructure & Operations PPA account equals \$283.3 million NGF the first year and \$276.4 million NGF the second year, dedicating 40 percent of total Lottery Proceeds as per pupil payments. The per pupil amount increases from \$375.27 to \$417.91 in FY 2021 and from \$378.52 to \$406.19 in FY 2022, compared to Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005).

School divisions are required to use 30 percent the first year and 40 percent the second year of the per pupil funding for nonrecurring costs, and a local match is required beginning in the second year. Nonrecurring costs include school construction, additions, infrastructure, site acquisition, renovations, school buses, technology along with other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years.

- ***Include Presumptive English Learners in FY 2021 ESL Program Enrollment.*** Adds \$4.3 million GF in FY 2021 and \$6.5 million in FY 2022 to include presumptive English language learners, as submitted by school divisions in the fall, in the English as Second Language program enrollment data. Due to the COVID-19 pandemic, the diagnostic test normally used by school divisions to identify new English language learners was not performed and the English language learner enrollment declined. The decline in enrollments resulted in a routine update to the program decreasing funds by \$11.8 million GF in FY 2021 and \$19.0 million GF in FY 2022, and adding these funds, based on presumptive English language learners, results in a net decrease of \$7.6 million in FY 2021 and \$12.6 million in FY 2022 to divisions.
- ***Temporary Extension of Special Education Eligibility.*** Allocates \$6.5 million NGF the second year to support the state's share of costs for school divisions to provide one additional year of high school attendance for students with disabilities who would no longer be eligible to attend school due to their age. These funds are provided from the Department of Education's federal Elementary and Secondary School Emergency Relief II funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021.

Any student with a disability who receives special education and related services, reaches age 22 after September 30, 2020, and is scheduled to complete high school in the spring of 2021 would be given the option for an extension to attend high school for the duration of the 2021–22 school year. These payments represent the state's share of Basic Aid funding for such student based on the composite index of local ability-to-pay and an amount equal to the federal Individuals with Disabilities Education Act funding that the school division would have received if such student were eligible to receive a free appropriate public education under federal law. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay.

- ***Accomack County and Northampton County Supplemental Support.*** Provides \$2.0 million GF in FY 2022 to free-up a like amount of Lottery Proceeds to provide one-time support to Accomack and Northampton school divisions for teacher recruitment and retention efforts. These funds are contingent on the division providing the full 5.0 percent compensation supplement.

- ***Restore: VPI PPA Increase.*** Restores \$11.1 million GF in FY 2022 to increase the Virginia Preschool Initiative per pupil amount from \$6,959 to \$7,655 in the second year. Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005), partially restored the increase to the per pupil amount in the second year, increasing the per pupil amount from \$6,326 in FY 2021 to \$6,959 in FY 2022.

Chapter 1289 of the 2020 Acts of Assembly (HB 30) included two 10 percent increases, one each year, to raise the per pupil amount from \$6,326 in FY 2020 to \$6,959 in FY 2021 and \$7,655 in FY 2022, but these funds were subsequently unallotted in April 2020 due to the pandemic. This funding restores the per pupil amount in FY 2022 to the amount included in Chapter 1289 of the 2020 Acts of Assembly (HB 30); therefore, restoring all funding associated with early childhood education initiatives contained in Chapter 1289 of the 2020 Acts of Assembly (HB 30).

- ***Restore: Early Childhood Education Incentive Payments.*** Adds \$5.0 million GF the second year to restore incentive payments supporting recruitment and retention of early childhood educators. Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005) restored \$3.0 million GF the first year for this initiative.
- ***Restore: Jobs for Virginia Graduates.*** Restores \$1.7 million GF in FY 2022 to support the Jobs for Virginia’s Graduates program. Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005), restored \$1.7 million GF the first year.
- ***Alleghany County – Covington City School Division Consolidation Incentive.*** Provides \$1.2 million GF the second year as an incentive payment for the consolidation of the Alleghany County and Covington City school divisions. This incentive payment represents the first two installments of the five \$600,000 payments recommended through the methodology in the Study on School Division Joint Contracting Incentives (Report Document 548, 2016). In the three subsequent fiscal years, incentive payments of \$600,000 will be provided, with no adjustments. The Board of Education approved the consolidation of these divisions to be effective July 1, 2022.
- ***Purchase Albuterol and Valved Holding Chambers.*** Adds \$120,000 GF the second year to purchase the first round of albuterol and valved holding chambers for every public school. Chapter 508 of the 2021 Acts of Assembly, Special Session I (HB 2019), requires undesignated stock albuterol inhalers to be maintained in every public school, effective January 1, 2022.
- ***Restore: Power Scholars Academy.*** Restores \$450,000 GF the second year to increase support of the Power Scholars Academy YMCA BELL program, bringing total funding to \$1.0 million GF the second year. This funding will expand student

participation opportunities in existing summer Power Scholars Academies in partnered school divisions.

- ***Restore: Blue Ridge PBS.*** Restores \$350,000 GF the second year to restore the education department for Blue Ridge PBS, which will provide educational outreach programming. Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005), restored \$350,000 GF the first year.
- ***Restore: Literacy Lab-VPI Minority Fellowship.*** Provides \$300,000 GF the second year for Literacy Lab to administer a fellowship program to place recent high-school graduates of a minority background in VPI or Head Start classrooms. Literacy Lab will partner with school divisions or community-based early childhood centers in Richmond and Portsmouth. Literacy Lab will report by August 1, 2022 to the Chairs of the House Education and Senate Education and Health Committees, Secretary of Education, and the Superintendent of Public Instruction on its activities to provide training, coaching, and professional development to the fellowship participants and provide metrics on the success of participants entering the educator pipeline either through employment or in a teacher preparation program.
- ***Restore: Active Learning Grants.*** Provides \$250,000 GF the second year to support grants for school divisions to encourage active learning in students in pre-kindergarten through the second grade. School divisions may use funds to purchase a platform featuring on-demand activities that transform math and English SOL content into movement-rich activities. The Department of Education will establish criteria for awarding grants.
- ***Dual Enrollment Passport Pilot Grants.*** Provides \$250,000 GF the second year to support one-time pilot grants to school divisions to redesign a division's dual enrollment course offerings to align/link to the Passport and Uniform Certificate of General Studies offered by Virginia's community colleges. Divisions will collaborate with the local community college to effectively redesign the local school division's dual enrollment course offerings. The Department of Education will report, along with the divisions and community colleges, the components of the redesign and efforts to increase availability and participation in dual enrollment courses to the General Assembly by November 1, 2022. The Department of Education and the Virginia Community College System will use these pilot programs to provide a comprehensive guide to every school division and community college to assist with aligning high school dual enrollment course offerings to the Passport and Uniform Certificate of General Studies.
- ***Transfer eMediaVA from DOE to Direct Aid.*** Transfers \$1.0 million GF the second year from the Department of Education to Supplemental Education for WHRO to operate the eMediaVA statewide digital content and online learning system.

## Language Changes

- ***Improve Market Competitiveness of Literary Fund Loans for School Construction Projects.*** Includes language requiring the Department of Education and Department of Treasury to develop recommendations to make Literary Fund loans a more competitive and attractive option for school construction projects. The recommendations will focus on making loans valuable to both the Literary Fund and the borrowing localities with a goal of increasing localities' use of loans and thus increasing the overall health of the Literary Fund. The agencies will consider changes to the Literary Fund loan program and Board of Education regulations that reflect market-favorable interest rates and provide competitive alternatives to the Virginia Public School Authority financing programs. The report will be submitted to the Governor, the Senate Finance & Appropriations Committee, and the House Appropriations Committee by July 31, 2021.
- ***Establish Special Education Inclusion Targets for VPI Programs.*** Adds language requiring local Virginia Preschool Initiative (VPI) programs to enroll special education students (defined as students with an Individualized Education Plan) at 10 percent of total enrollment or higher. VPI programs unable to meet this target will be required to provide the reasons that the target was not met, and actions to be implemented to meet the target in the following school year.
- ***Expand Eligibility for Provisionally Licensed Preschool Teachers.*** Expands eligibility in the Provisionally Licensed Preschool Teacher Grants program to include provisionally licensed teachers in any publicly-funded preschool program operated by a school division. The program currently limits eligibility to provisionally-licensed teachers in Virginia Preschool Initiative classrooms, and provides \$306,100 GF each year for grants to school divisions of up to \$30,000 to support provisionally licensed teachers actively engaged in coursework and professional development towards earning a degree or license that will satisfy teacher licensure requirements.
- ***Flexibility for Early Childhood Funds.*** Includes language to allow, within a fiscal year, any funds appropriated for Virginia Preschool Initiative Payments that are not awarded may be used as flexible funding to supplement any other early childhood initiatives contained in Item 145.C.14 and directs the Department to prioritize serving at-risk four-year olds when executing the flexibility. This additional flexibility is intended to maximize the expansion of early childhood programming based on the needs of the localities.
- ***COVID-19 Data Correction: Early Reading Intervention.*** Uses 2018-19 reading diagnostic tests to calculate the Early Reading Intervention payments in FY 2021, which is the most recent data available. Existing language requires these payments

to be calculated based on the reading diagnostic administered in the previous year; however, due to COVID-19 causing schools to close in March 2020, the spring Phonological Awareness Literacy Screening (PALS) assessments were not conducted and the 2019-20 school year data does not exist.

- ***Amend Eligibility for Foster Care Payments.*** Adds language amending eligibility for Foster Care Education Payments to include any student who was in foster care upon reaching 18 years of age but who has not yet reached 22 years of age. This change is consistent with Chapters 474 and 475 of the 2020 Acts of Assembly (HB 368/SB 275), and is intended to ease the administrative burden of enrollment for students who no longer are supported by the foster care system but are continuing their education.
- ***Clarify Math/Reading Specialist Initiative.*** Language clarifies that school divisions using state funding from the Math/Reading Specialist Initiative program to support college tuition costs for instructional personnel are required to provide documentation of such costs to the Department of Education. State funding will be provided based on the lesser of the actual cost of tuition or the state’s share of a math or reading specialist position. The language also indicates that school divisions may seek prorated funding for positions filled after the beginning of the school year.
- ***Remove Outdated Language Referencing Eliminated SOL Assessments.*** Removes outdated language referencing SOL assessments in third grade science or history or social sciences, which the General Assembly eliminated in the 2014 session.
- ***COVID-19 Reporting Extension Child Care Market Rates.*** Language extends the submission date for the Department of Education's plan to determine the gap between child care market rates and the Virginia Preschool Initiative per pupil amount. The unique child care conditions during the COVID-19 pandemic made it difficult to assess accurate market rates and to project accurate values for add-on grants. The report will be submitted to House Appropriations and Senate Finance & Appropriations Committees by September 30, 2021.
- ***Academic Year Governor’s School Diversity Planning and Progress Information.*** Adds language requiring each Academic Year Governor's School to post their diversity goals and implementation plans, and related annual progress reports to their websites. In 2020, language was added to the Appropriation Act requiring Academic Year Governor's Schools to: (i) establish diversity goals for its student body and faculty; (ii) to develop a plan to meet such goals; and (iii) provide an annual progress report to the Governor including information about admissions processes, outreach and demographics.



- ***Review Funding for State Operated Programs in Juvenile Detention Facilities.*** Language directs the Board of Education to develop recommendations for funding state operated programs in local and regional juvenile detention centers, which have experienced a significant decline in population in recent decades without an accompanying adjustment to state funding levels. The recommendation will include the appropriate staffing and funding levels necessary for State Operated Programs (SOP) in regional and local detention centers to provide a quality education program; (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to implement the Board's findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board's findings.

The Board will convene a workgroup to assist in the development of such findings and recommendations and include staff members from the Senate Finance & Appropriations Committee, House Appropriations Committee, Department of Planning and Budget, the Virginia Department of Education, the Department of Juvenile Justice, the President of the Virginia Juvenile Detention Association or his/her designee, the Chair of the Virginia Commission on Youth or his/her designee, and other representatives the Board deems appropriate. Findings and recommendations will be reported to the Chairs of the House Appropriations Committee and the Senate Finance & Appropriations Committee by November 1, 2021.

- ***Multidivision Online Provider Accountability.*** Language directs the Department of Education to present information on its School Quality Profiles in a manner that disaggregates students enrolled in a school through a multidivision online provider and residing outside of the enrolling school division. This ensures that the public reporting information for traditional public schools accurately reflects the students that physically attend such traditional public schools and those students enrolled through a multidivision online provider.

## Appropriation Summary of Education Assistance Programs

(\$ in millions)

	<u>FY 2021</u>	<u>FY 2022</u>
<b>Standards of Quality</b>		
Basic Aid	\$3,467.1	\$3,536.9
Sales Tax	1,512.5	1,563.0
Textbooks	72.9	73.1
Vocational Education	60.5	60.5
Gifted Education	36.4	36.5
Special Education	418.6	419.8
Prevention, Intervention, and Remediation	118.0	118.2
English as a Second Language	74.6	82.6
VRS Retirement (includes RHCC)	484.6	489.4
Social Security	207.9	209.9
Group Life	14.6	14.9
Remedial Summer School	<u>18.0</u>	<u>22.6</u>
<b>Total</b>	<b>\$6,485.7</b>	<b>\$6,627.4</b>
<b>Incentive Programs</b>		
Compensation Supplement	\$0.0	\$232.7
Governor's Schools	19.1	20.3
At-Risk Add-On ( <i>split funded</i> )	107.8	147.9
Clinical Faculty	0.3	0.3
Career Switcher Mentoring Grants	0.3	0.3
Special Education - Endorsement Program	0.4	0.4
Special Education – Vocational Education	0.2	0.2
Virginia Workplace Readiness Skills Assessment	0.3	0.3
Math/Reading Instructional Specialists Initiative	1.8	1.8
Early Reading Specialists Initiative	1.5	1.5
Breakfast After the Bell Incentive	1.1	1.1
School Meals Expansion	0.0	4.1
Virginia Preschool Initiative - Per Pupil Amount	72.4	107.1
Early Childhood Expansion	0.0	26.3
VPI - Provisional Teacher Licensure	0.3	0.3
No Loss Funding	278.6	164.3
COVID-19 Local Relief Payments	12.9	0.0
Albuterol and Valved Holding Chamber	<u>0.0</u>	<u>0.1</u>
<b>Total</b>	<b>\$497.2</b>	<b>\$710.3</b>
<b>Categorical Programs</b>		
Adult Education	\$1.1	\$1.1

**Appropriation Summary of Education Assistance Programs**  
(\$ in millions)

	<u>FY 2021</u>	<u>FY 2022</u>
Adult Literacy	2.5	2.5
American Indian Treaty Commitment	0.0	0.1
School Lunch Program	5.8	5.8
Special Education – Homebound	3.1	3.1
Special Education – Jails	3.6	4.0
Special Education - State Operated Programs	<u>36.6</u>	<u>37.5</u>
<b>Total</b>	<b>\$52.7</b>	<b>\$54.0</b>
<b>Lottery Funded Programs</b>		
At-Risk Add-On ( <i>split funded</i> )	\$69.3	\$85.0
Foster Care	13.1	11.5
Special Education - Regional Tuition	98.2	101.2
Early Reading Intervention	27.1	27.2
Mentor Teacher	1.0	1.0
K-3 Primary Class Size Reduction	129.2	133.0
School Breakfast Program	1.4	7.9
SOL Algebra Readiness	15.2	15.3
Infrastructure and Operations Per Pupil Funds	283.3	276.4
Regional Alternative Education	9.2	9.9
Individualized Student Alternative Ed. Program (ISAEP)	2.2	2.2
Career and Technical Education – Categorical	12.4	11.7
Project Graduation	1.4	1.4
Race to GED	2.4	2.4
Path to Industry Certification	1.8	1.8
Supplemental Basic Aid	1.0	1.0
Supplemental Support for Accomack and Northampton	0.0	2.0
Learning Loss Instructional Supports	<u>40.0</u>	<u>0.0</u>
<b>Total</b>	<b>\$708.2</b>	<b>\$690.9</b>
<b>Total Funds</b>	<b>\$7,743.8</b>	<b>\$8,082.6</b>
<b>Literary Fund Programs</b>		
Technology – VPSA	\$56.1	\$57.3
Security Equipment – VPSA	\$12.0	\$12.0

## Appropriation Summary of Educational, Cultural, Community, and Artistic Affairs

	<u>FY 2021</u>	<u>FY 2022</u>
<b>Supplemental Assistance Programs</b>		
Achievable Dream	\$500,000	\$500,000
Active Learning Grants	0	250,000
American Civil War Museum	1,000,000	0
Black History Museum and Cultural Center of Virginia	1,300,000	0
Blue Ridge PBS	350,000	350,000
Career and Technical Education Regional Centers	660,000	660,000
Career and Technical Education Resource Center	298,021	298,021
Career and Technical Education Student Organizations	0	718,957
Career Council at Northern Neck Career & Technical Center	60,300	60,300
College Partnership Laboratory School	50,000	50,000
Communities in Schools (CIS)	1,244,400	1,244,400
Computer Science Teacher Training	550,000	550,000
Dual Enrollment Passport Pilot Grants	0	250,000
Early Childhood Educator Incentive	3,000,000	5,000,000
eMediaVA	0	1,000,000
Emil and Grace Shihadeh Innovation Center	250,000	0
Great Aspirations Scholarship Program (GRASP)	500,000	500,000
Jobs for Virginia Graduates (JVG)	2,243,776	2,243,776
Literacy Lab - VPI Minority Educator Fellowship	0	300,000
National Board Certification Program	5,072,500	4,975,524
Newport News Aviation Academy - STEM Program	100,000	0
Petersburg Executive Leadership Recruitment Incentives	350,000	350,000
Positive Behavioral Interventions & Support (PBIS)	1,598,000	1,598,000
Power Scholars Academy - YMCA BELL	550,000	1,000,000
Praxis and Virginia Communication and Literacy Assessment Assistance for Provisionally Licensed Minority Teachers	50,000	50,000
Project Discovery	962,500	962,500
School Program Innovation	500,000	500,000
Small School Division Assistance	145,896	145,896
Southside Virginia Regional Technology Consortium	108,905	108,905
Southwest Virginia Public Education Consortium	124,011	124,011
STEM Program / Research Study (VA Air & Space Center)	681,975	681,975
STEM Competition Team Grants	200,000	200,000
Targeted Extended/Enriched Sch. Year & Year-round Sch. Grants	7,763,312	7,763,312
Teach for America	500,000	500,000
Teacher Improvement Funding Initiative	15,000	15,000
Teacher Recruitment & Retention Grant Programs	2,181,000	2,181,000

## Appropriation Summary of Educational, Cultural, Community, and Artistic Affairs

	<u>FY 2021</u>	<u>FY 2022</u>
Teacher Residency Program	1,750,000	1,750,000
Van Gogh Outreach Program	71,849	71,849
Virginia Early Childhood Foundation (VECF)	2,750,000	6,250,000
Virginia Reading Corps	600,000	600,000
Virginia Student Training and Refurbishment (VA STAR) Program	300,000	300,000
Vision Screening Grants	391,000	391,000
Vocational Lab Pilot	175,000	0
Wolf Trap Model STEM Program	<u>725,000</u>	<u>725,000</u>
<b>Total</b>	<b>\$39,672,445</b>	<b>\$45,219,426</b>

- **Department of Education**

- *Distribute Budget Reductions from Central Appropriations to Agency Budgets.* Reduces \$921,514 GF in FY 2021 and \$8.1 million GF in FY 2022 from the agency’s budget to reflect approved budget reductions in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005). These reductions were originally unallotted in Chapter 1289 of the 2020 Acts of Assembly (HB 30) and subsequently converted to budget reductions in the 2020 Special Session.
- *COVID-19 Response: Temporary Flexibility and Waiver.* Extends authority for the Superintendent of Public Instruction to grant temporary flexibility or issue waivers of certain deadlines or requirements in the Appropriation Act or in § 22.1 of the *Code of Virginia* that cannot be met due to the state of emergency or school closures resulting from COVID-19. Flexibility or waivers may include, but are not limited to: accreditation; testing and assessments; graduation; licensure, including temporary licensure; school calendars; and, program application and reports due to the Department of Education or Board of Education.

Prior to granting any flexibility or waiver, the Superintendent is required to report and substantiate to the Secretary of Education how COVID-19 impacted each deadline or requirement, the proposed alternative, and the affected fiscal and school years. The Superintendent is required to report to the Board of Education on any waivers or flexibility extended and publish the information to the VDOE website.

The Superintendent's authority applies only to deadlines and requirements in FY 2022.

- ***Repayment of Treasury Loan.*** Provides \$1.9 million GF in FY 2021 to repay a Treasury Loan used to reimburse subgrantees for services originally intended to be funded through a federal Substance Abuse and Mental Health Services Administration (SAMHSA) grant. To date, SAMHSA has denied reimbursement for these costs.
- ***Cultural Proficiency Initiatives.*** Provides \$365,300 GF and 1.00 FTE in FY 2022 to help school divisions develop processes and procedures advancing equity outcomes and alignment with the agency's EdEquityVA framework. The proposed funding also would support professional development aimed at addressing implicit bias, cultural competency, and culturally responsive instruction and curriculum.
- ***Expand Virginia Kindergarten Readiness Program (VKRP).*** Adds \$300,000 GF in FY 2022 to implement a pre-kindergarten version of the VKRP assessment to be administered to four-year olds enrolled in publicly-funded pre-kindergarten programs.
- ***CTE Resource Center Database Replacement.*** Provides \$208,000 GF the second year for the one-time costs to replace Virginia's Career and Technical Education curriculum database and information system and integrate the system into the state's learning management system.
- ***Deputy Superintendent of Early Childhood Position.*** Provides \$161,174 GF and 1.00 FTE in FY 2022 to continue oversight of the early childhood care and education transition and consolidation and ongoing program coordination. This position would be partially supported by existing federal Child Care Development Funds.
- ***State Match for Head Start Collaboration Grant.*** Adds \$43,750 GF each year for state matching funds for the federal Head Start Collaboration Grant, which transferred to the Department of Education from the Department of Social Services on July 1, 2020.
- ***Increase Virtual Virginia NGF Appropriation.*** Includes \$1.2 million NGF in FY 2022 to support Virtual Virginia, reflecting increased NGF revenues and expenses resulting from greater program utilization during the COVID-19 pandemic.
- ***Transfer Licensure System Automation Appropriation.*** Transfers \$100,000 GF from the first year to the second year to support the teacher licensure automation project based on the projected actual expenditure of these funds.

- ***Transfer Digital Content & Online Learning to Supplemental Grant.*** Transfers \$1.0 million GF the second year from the Department to Supplemental Education for WHRO to operate the eMediaVA statewide digital content and online learning system.
- ***Review Family Life Education.*** Language directs the department to conduct a review of Family Life Education, including best practice recommendations for teacher training and parent and community involvement. The review would include data collection from school divisions about local practices, and examination of Youth Risk Behavior Survey data for correlation between student behaviors and local practices.
- ***Expand Scope of Early Childhood Classroom Observations and Professional Development.*** Adds language expanding the scope of the Early Childhood Classroom Assessment Scoring System (CLASS) observations and professional development to include all publicly-funded early childhood programs. Currently, funds for this program are restricted to school-based preschool programs, such as the Virginia Preschool Initiative.
- ***Clarify Responsibility for Virginia Initiative for Employment and Work (VIEW) Child Care Forecast.*** Language clarifies the Department of Education’s and Department of Social Services’ responsibilities for forecasting and administering mandated funding for child care through VIEW following the transfer of the federal Child Care Development Fund (CCDF) to the Department of Education in FY 2022.
- ***Early Childhood Mental Health Consultation Program Report.*** Directs the Department to submit a report on the implementation of an early childhood mental health consultation program, and identify any barriers to implementation that may be addressed through legislative, regulatory or budgetary action.
- ***Authorize Emergency Child Care Development Fund (CCDF) Plan Changes.*** Includes language authorizing the Department to change the CCDF state plan, including adjustments to the Child Care Subsidy Program in response to the COVID-19 pandemic.
- ***Analytics Solution for Student Progress and Instructional Gap.*** Includes permissive language allowing the Department to provide one-time grants to divisions to support the costs of an analytics solution to evaluate student progress and determine instructional gaps.
- ***School Nurse Qualifications Workgroup.*** Language directs the Department to convene a workgroup to make recommendations on the required qualifications and training for school personnel providing health services in schools. The recommendations will be submitted to the General Assembly by October 1, 2021.

– *Federal Relief Fund Actions.*

- **Expanded Child Care Subsidy Eligibility.** Provides \$9.6 million NGF in FY 2021 (DSS) and \$52.5 million NGF in FY 2022 (DOE) to temporarily expand eligibility for the Child Care Subsidy Program, pursuant to Chapter 171 of the 2021 Acts of Assembly Special Session I (HB 2206). This expands household eligibility to up to 85 percent of the state median income.

These funds are from the federal Child Care and Development Fund (CCDF) authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021. Funding in the first year is provided at the Department of Social Services as CCDF responsibility transfers to the Department of Education on July 1, 2021.

- **Growth Assessment System.** Provides \$8.8 million NGF the second year from federal relief funds to develop and administer a growth assessment system, pursuant to Chapters 443 and 444 of the 2021 Acts of Assembly Special Session I (HB 2027/SB 1357). The growth assessment system will restructure Standards of Learning assessments for students in grades three through eight in reading and mathematics. The system, when fully operational, will measure student progress above, at, and below grade level through a fall, mid-year, and spring assessment. Funds are provided from the Department’s federal Elementary and Secondary School Emergency Relief II funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021.

- **Virtual Education Supports.** Provides \$7.0 million NGF the second year from federal relief funds to continue Virtual Virginia’s outreach program in the 2021-22 school year. This supports division’s free access to Virtual Virginia’s learning management system and additional free course enrollment slots initiated with CARES Act funds during the 2020-21 school year.

Funds are provided from the federal Governor’s Emergency Education Relief II funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021.

- *JLARC Study Recommendations.* In 2020, JLARC completed three studies impacting the Department of Education: “K-12 Special Education in Virginia”, “Review of the Children’s Services Act and Private Special Education Day School Costs” and “Operations and Performance of the Virginia Department of Education.” These actions address recommendations from those reports.



- **IEP Training Module and Post-Secondary Transition Planning.** Provides \$75,000 GF the second year to support the one-time cost to develop training modules for each individual participating in an Individualized Education Program (IEP) team, pursuant to Chapters 451 and 452 of the 2021 Acts of Assembly, Special Session I (HB 2299/SB 1288).
- **Special Education and Differentiated Instruction Training Module.** Includes \$150,000 GF the second year for the one-time costs to develop a training module for teachers seeking to renew their teaching license on the instruction of students with disabilities, pursuant to Chapters 451 and 452 of the 2021 Acts of Assembly, Special Session I (HB 2299/SB 1288). The training will include, at a minimum, strategies for differentiating instruction for students with disabilities, the role of the general education teacher in special education, the use of effective models of collaborative instruction, including co-teaching, and the goals and benefits of inclusive education for all students.
- **Special Education Complaint Procedures and Practices.** Includes language requiring the Department to revise the state's special education complaint procedures and practices to ensure the Department requires and enforces corrective actions that (i) achieve full and appropriate remedies for school divisions' non-compliance with special education laws and regulations, including, at a minimum, requiring school divisions to provide compensatory services to students with disabilities when the Department determines divisions did not provide legally obligated services; and (ii) ensure that relevant personnel understand how to avoid similar non-compliance in the future.
- **Private Special Education Day School Data Reporting.** Adds language requiring the Department to collect and publish data annually from each private special education day school on: (i) the number of teachers not fully endorsed in the content that they are teaching; (ii) the number of teachers with less than one year of classroom experience; (iii) the number of provisionally licensed teachers; (iv) educational attainment of each teacher; (v) number of career and technical education credentials earned by students; (vi) each school's accreditation status, including the accrediting body; and (vii) the number of incidents of restraint and seclusion.
- **Private Special Education Day School Restraint and Seclusion.** Language directs the Board of Education to develop and promulgate regulations for private special education day schools on restraint and seclusion that establish the same requirements for restraint and seclusion as those for public schools.

- **Statewide Teacher Recruitment and Retention Efforts.** Provides \$395,991 GF and 3.0 FTEs the second year for the Department to strengthen teacher recruitment and retention efforts faced by divisions, including implementation of provisions in Chapters 451 and 452 of the 2021 Acts of Assembly, Special Session I (HB 2299/SB 1288) related to development and implementation of a statewide strategic plan for recruiting and retaining special education teachers.
- **School Improvement Program Plan.** Language directs the Department to develop a plan to implement an effective and appropriately-resourced school improvement program. The plan will detail the activities necessary for the Office of School Quality to provide effective support to school divisions in the school improvement program, the number of staff and funding required to effectively implement the planned activities, and define performance measures that will be used to evaluate the effectiveness of the services provided to school divisions. The Department is required to submit the plan to the Board of Education and the Chairs of the House Education and House Appropriations Committees and the Senate Education and Health and the Senate Finance & Appropriations Committees no later than November 1, 2021.
- **Plan to Monitor School Division Compliance with State Standards.** Provides \$120,000 GF the second year for one-time costs to develop and implement a pilot program to more comprehensively supervise school division compliance with a subset of key standards related to the Standards of Quality and Standards of Accreditation. The Department will conduct the pilot during the 2021-22 school year and submit a report on the results to the Board of Education and House Education and House Appropriations Committees and the Senate Education and Health and Senate Finance & Appropriations Committees no later than November 30, 2022.