

**ORIENTATION FOR NEW
DIVISION
SUPERINTENDENTS**

July 31, 2017

**A RESOURCE FOR NEW
SUPERINTENDENTS**

*KEY SERVICES AND PROGRAMS IN THE
DEPARTMENT OF EDUCATION
AND
FREQUENTLY ASKED QUESTIONS*



TABLE OF CONTENTS

TABLE OF CONTENTS..... 2

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION..... 3

FINANCE AND OPERATIONS..... 5

 K-12 Education Funding..... 5

 Education Information Management..... 11

INSTRUCTION.....13

POLICY, COMMUNICATIONS, AND BOARD RELATIONS.....19

STUDENT ASSESSMENT AND SCHOOL IMPROVEMENT.....33

SPECIAL EDUCATION AND STUDENT SUPPORT SERVICES.....41

TEACHER EDUCATION AND LICENSURE.....48

APPENDIX TO THE K-12 EDUCATION FUNDING SECTION.....56

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

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Superintendent of Public Instruction

The *Code of Virginia*, in § 22.1-23, states that the Superintendent of Public Instruction shall:

- Serve as secretary of the Board of Education;
- Provide the assistance necessary for the proper and uniform enforcement of the provisions of the school laws in cooperation with the local school authorities;
- Prepare and furnish such forms for school personnel that are required by law;
- Survey all local school divisions to identify critical shortages of teachers and administrative personnel by geographic area, by school division, or by subject matter; and
- Perform such other duties as the Board of Education may prescribe.

The Office of the Superintendent provides executive oversight and leadership to the Department and its staff. Additionally, the following agency functions reside in the Superintendent's office:

Research and Data Analysis

Conducts objective analyses and scientifically sound research in support of the agency's strategic goals and objectives. This includes strengthening relationships with diverse research partners and translating research findings into actionable information for policymakers, educators, parents, and students.

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Business and Risk Management

Promotes sound internal control policies and procedures and ensures compliance with the State Comptroller's Agency Risk Management and Internal Control Standards (ARMICS) Directive. Additional duties include the review and monitoring of audit findings in local education agencies, reviewing and ensuring compliance with the Virginia Public Records Act. This function also conducts investigations arising from the State Fraud, Waste and Abuse Hotline.

School finance monitoring and budget resources, developed collaboratively with VASS, VASBO, and other school partners, may be found on the [VASS](https://www.vassonline.org/site/Default.aspx?PageID=301) website at: [\(<https://www.vassonline.org/site/Default.aspx?PageID=301>\)](https://www.vassonline.org/site/Default.aspx?PageID=301)

Contact: Thomas Broyles, CGFM, CPA, Director for Business and Risk Management, via email at Thomas.Broyles@doe.virginia.gov.

Community and Minority Affairs

Serves as point of contact for education-related inquiries on behalf of the Superintendent of Public Instruction and the office of the Secretary of Education. Develops and implements initiatives and programs designed to engage education stakeholders (parents, community organizations, advocacy organizations, and educators) to support student success across the Commonwealth and inform education policy. Areas of focus include closing the achievement gap, teacher diversity, teacher shortage, disproportionality in school discipline, and English language learners.

Contact: Leah Dozier Walker, Community and Minority Affairs Liaison, via email at: Leah.Walker@doe.virginia.gov.

Information Security

Manages and maintains the agency's information technology (IT) security program in accordance with Commonwealth of Virginia IT security policies and standards, including building partnership with local school divisions and assisting them in the development and implementation of IT security guidelines, plans, procedures and best practice recommendations.

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FINANCE AND OPERATIONS

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K-12 Education Funding

Refer to the Appendix -- Important Code of Virginia Statutes Governing State Requirements on K-12 Funding and Excerpts from the State Appropriation

1. What types of funding come from the state?

Both state and federal funds flow through the Department of Education to school divisions through the *Direct Aid to Public Education* budget.

State Funds

Five types of state funding streams:

1. **Standards of Quality (SOQ)**

- Funding driven by the required staffing standards in Standard 2 of the SOQ statute in the *Code*. Basic Aid also includes non-instructional support costs funding.
- Mandatory minimum local funding required (i.e., “required local effort”).
- Funding based on funded per pupil amounts, ADM, and Comp. Index.
- Funds paid twice per month during the fiscal year.
- Actual sales tax payments based on actual collections, not appropriated estimates. The 1.125% sales tax dedicated to public education is a fund source in the SOQ Basic Aid formula.

2. **Incentive**

- Provides additional education funding that goes beyond the levels required to meet the SOQ. Some local match required.

3. **Categorical**

- Provides for additional education programs that go beyond the SOQ.
- Much of this funding is mandated by state or federal statutes or federal regulation.
- Usually targeted to the unique needs of special populations.

Primary Contacts -- Finance and Operations Staff

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4. **Lottery Proceeds Fund**
 - Revenue from Lottery is currently designated for 19 different programs; funding available mid-year after the first Lottery transfer to Direct Aid budget.
 - Most funding has a required local match.
 - For the 2016-18 biennium -- includes a Per Pupil Allocation account (with **no** local match requirement).
5. **Supplemental Education Grants**
 - Funding directed at certain school divisions, regions, or nonprofit entities for specific programmatic purposes; funding typically not provided statewide.

The Virginia Department of Education (VDOE) provides state revenue estimates to school divisions several times per year via Supts. Memo at different points in the state budget cycle: Governor’s Budget release (each December); House and Senate budget versions (at General Assembly budget “cross-over”); final General Assembly budget after adjournment of the GA (late Feb. to mid-March), including any updates six weeks later from Veto Session; then, final state funding for each fiscal year based on actual ADM (early June).

Federal Funds

Primarily directed by five separate acts:

1. ***Every Student Succeeds Act of 2015*** – Title I, Title II-A, etc. **Note!:** new school-level per pupil expenditure reporting requirement under ESSA; 2017-18 will be development year; reporting begins with FY19 expenditures and school-level data must be posted to each School Quality Profile (school report cards) for each school.
2. ***Individuals with Disabilities Education Act (IDEA)*** – governs funding for students with special needs.
3. ***Carl Perkins Act*** – governs funding for career and technical education programs.
4. ***The Adult Education and Family Literacy Act*** (Title II of the Workforce Investment Act of 1998).
5. ***National School Lunch and School Breakfast Programs*** (through USDA).

*Federal funds paid to divisions on a reimbursement basis using the OMEGA Web-based reimbursement system. Divisions reimbursed on a weekly cycle by VDOE.

2. What types of funding does the state require local governments to provide?

Required Local Effort (RLE)

- Local funding requirement for the Standards of Quality; based on divisions' composite index; authority for requirement is in the *Constitution of Virginia, Code*, and state appropriation act.
- The state appropriation act and §22.1-97 of the *Code* establish requirements for monitoring required local effort on both a budgeted and an actual expenditure basis. Division superintendents certify sufficient local funds are budgeted to meet RLE at the beginning of each fiscal year, and VDOE checks after the year whether RLE was met based on actual expenditures reported by divisions on the Annual School Report.
- Generally, only operational costs of the division from local funds “count” towards RLE, and not capital, debt service, facilities, or pass-thru (to regional programs) expenditures. The Annual School Report template shows which expenditures “count.”

Required Local Match (RLM)

- Applies to certain programs in the Incentive and Lottery categories.
- Based on the specific requirements and formulas of the programs, usually stipulated in the state appropriation act; also based on composite index.
- Monitored using the same process as described in the second bullet above. Must have additional local funds each year above RLE to meet RLM.

3. What determines how much money my division gets?

Data! Data! Data! – Timely, Accurate Data are Critical – Both Divisions and VDOE

The vast majority of state funding is driven to school divisions on the basis of input data and funding formulas; formulas updated every two years during the “Rebenchmarking” process and some subsequent technical updates to data each year, such as ADM.

Key Data Used in State Funding

1. **Composite Index** – “wealth” or “ability-to-pay” of each locality used to determine RLE and local match and level of state funding.
 - True value of real property in the locality (weighted 50 percent)
 - Local adjusted gross income (40 percent)
 - Local taxable retail sales (10 percent)
 - Each is standardized on population and ADM to derive per capita and per pupil values. The index measure is the local values relative to the state average values.

- Updated every two years with each biennial budget cycle.
2. **Student counts**
 - Average Daily Membership – Spring data collection
 - Fall Membership – Fall data collection
 - Program Participation Rates – Individual data collections
 - Special Education Child Count
 - Career and Technical Education Enrollment Report
 - VPI Student Slots and Head Start counts (HS counts used as deduct in VPI formula)
 3. **Staffing standards for teachers and other funded positions**
 - Established in SOQ statute Standard 2 or appropriation act
 4. **Salaries of teachers and other funded positions**
 - Calculated from division salary data from the Annual School Report
 5. **Fringe benefit rates**
 - Provided by the Virginia Retirement System or computed from prevailing division expenditures
 6. **Prevailing support costs**
 - Derived from division expenditures from the Annual School Report
 7. **Poverty Data** – free lunch eligibility rates
 - Collected by the VDOE School Nutrition Programs Office
 8. **Inflation factors**
 - Derived from national data sources

The listing of all VDOE data collections (both fiscal and non-fiscal) required of school divisions is available in a document on this webpage:

http://www.doe.virginia.gov/info_management/data_collection/index.shtml.

Reimbursements

The balance of state funding is usually based on reimbursements for actual or allowable costs. Several state accounts reimbursed through OMEGA.

Supplemental Education Grants

Some, but very little, is based on amount provided as direct grants to selected school divisions. These grants are authorized by language in the state appropriation act.

4. What do I have to do to get the state funds?

- State funding is distributed in three basic ways:
 - Formula Entitlements
 - Program Certifications
 - Reimbursements

Formula Entitlements

- No specific criteria or requirements established to be eligible for funds.
- Primarily used only to distribute SOQ funding.
- Based on formulas and determined by input data.
- Payment information is communicated to school divisions by Superintendent's Memoranda.
- Payments are distributed on a regular schedule throughout the year, twice per month for SOQ payments.
- ADM-based payments "trued-up" at year-end after actual March 31 ADM is received from divisions; for much of the year, payments based on projected ADM.

Program Certifications

- Programs are usually voluntary but, in order to receive the state funds, school divisions usually must agree to additional requirements such as:
 - certifying that they will offer the specific program;
 - meeting the requirements established for the program;
 - providing a local match of funds.
- Primarily used to distribute Incentive and Lottery funding.
- Usually based on formulas and determined by input data.
- Payments may be based on actual participation rates.
- Payment information is communicated to school divisions by Superintendent Memoranda.
- Payments cannot be made until the Department receives the division superintendent's certification.
- Payments usually will be distributed on an established schedule starting mid-year.

Reimbursements

- Primarily used to distribute categorical funding, but also some Incentive and Lottery programs.
- Payments to school divisions are based on actual, reported expenditures or allocated reimbursement levels.
- Payment information is communicated to school divisions by Supts. Memo.
- Payments will be made after the Department receives the required documentation, certification, and request for reimbursement.
- Educational Technology and School Security Equipment grants through the Virginia Public School Authority are paid on a reimbursement basis.

5. What can I do with money from the state – how long can I keep it?

- Generally, funds received from the state must be used to deliver the services required by the *Constitution*, statutory law, or the requirements of the state appropriation act, and must be spent in the same fiscal year except when carryover authority is provided in the appropriation act.
- The requirements closely follow the type of state funding – Standards of Quality, Incentive Program, Categorical Program, or Lottery Proceeds Fund.

Standards of Quality

- Must be used to deliver the foundation education program and meet the minimum SOQ staffing standards.
- Not required to be used specifically in the account for which it was received.
- Must be spent for operating programs along with the required local share.

Incentive, Categorical, and Lottery Proceeds Fund

- Must be spent on the intended program.
- If required, local matching funds must be in excess of funds used to match other forms of state funding.
- Local funds must be spent on the same program.

Note: pursuant to § 22.1-100, all state funds received must be spent by June 30 each year, except for specific provisions in the appropriation act that allow carryover for certain programs (e.g., textbooks). In addition, a “blanket” carryover provision applies to all state funds in the 2016-2018 appropriation act; continuation of this provision is subject to General Assembly approval in future budgets.

Also, a temporary flexibility provision contained in the current Appropriation Act suspending certain SOQ staffing requirements is available to divisions. This provision is subject to continued General Assembly approval in future budgets:

“To provide temporary flexibility, notwithstanding any other provision in statute or in this Item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through twelve by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, English as a Second Language, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, librarians and guidance counselors staffing ratios for new hires are waived.”

This provision does not impact the calculation of state funding for these staffing standards; divisions receive funding for these standards as they normally would.

6. What capital funding support in the form of loans or grants is available from the state?

- Literary Fund – construction loans @ 2% or 3% interest tied to Comp. Index.
- VPSA School Construction Pooled Bond Program – offered each fall and spring; helps small/under-resourced divisions obtain construction/renovation loan financing. When authorized by the GA, can be combined with “subsidy grants” from the Literary Fund to obtain lower Literary Fund interest rate.
- Two grant programs financed by VPSA – Educational Technology Grants (formula: \$26K per school, \$50K per division; and e-Learning Backpack grant for qualifying HS’s) and School Security Equipment Grants (competitive application process).
- Qualified Zone Academy Bonds – federal “tax credit” bond program providing zero or near zero interest loans to divisions for school renovation. Buyers of the bonds get federal tax credit in lieu of interest. VPSA issues the bonds that finance the program.

7. What finance resources are available from the Virginia Department of Education?

Five Key Finance-related Web pages:

1. **General School Finance website:**
http://www.doe.virginia.gov/school_finance/index.shtml
2. **General Budget and Grants Management:**
http://www.doe.virginia.gov/school_finance/budget/index.shtml
3. **Direct Aid Projected Payment Calculation Templates:**
http://www.doe.virginia.gov/school_finance/budget/calc_tools/index.shtml
4. **Major Finance Data Collections:**
http://www.doe.virginia.gov/info_management/data_collection/finance/index.shtml
5. **Track Your Actual Payments on EDI and Locality Ledger Reports:**
https://p1pe.doe.virginia.gov/EDI_LL_Report/

Educational Information Management

1. Technology Innovations

Develops and implements strategies to deploy technological resources designed to enhance and support public education across the Commonwealth. This includes collaborating with school division personnel and various partners to deploy technology and technical assistance that support innovation in education.

Primary Contacts – Education Information Management and Technology Innovations Staff

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Important links:

- [GoOpenVA: Virginia’s Openly-Licensed Educational Resources Initiative](#)
- [SLIC: The Student-Led Ideation Challenge](#)

2. Education Information Management (EIM)

The effective use of accurate and detailed information on student achievement and other school-quality factors is central to Virginia’s commitment to providing quality instruction for all students. VDOE uses information on achievement and school quality to shape policy decisions and help educators at all levels gather, analyze, and use data to improve teaching and learning – while protecting student privacy.

In addition, the Standards of Quality require the Board of Education and local school boards to adopt comprehensive, unified, long-range plans based on data collection, analysis of data, and how data are utilized to improve classroom instruction and student achievement.

Important links:

- [Statistics and Reporting](#)
- [Information Management And VA Longitudinal Data System \(VLDS\)](#)

3. The K-12 Learning Infrastructure Program (KLIP)

The K-12 Learning Infrastructure Program (KLIP) supports affordable, high-speed Internet in every classroom in Virginia to support digital/alternative learning models.

KLIP Goals:

1. Get fiber to schools that need it
2. Ensure classrooms have updated and reliable Wi-Fi
3. Help divisions get more broadband for their budgets
4. Assist schools with the E-rate process to obtain the discounts they need for Internet access and internal connections.

Important links:

- [KLIP Website](#)
- [The Education Superhighway \(ESH\) Partnership](#)

DIVISION OF INSTRUCTION

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Instruction

A Vision for Deeper Learning

The movement for deeper learning has the potential to both deepen and broaden in the next few years—to go from an increasingly voiced aspiration that our young people are more fully prepared for college and careers, to actual improved outcomes for our young people across the Commonwealth. In Virginia, this deeper dive includes the use of performance assessment and will enhance learner-centered instructional methodologies that will complement the assessment work and ultimately meet the goals of the *Profile of a Graduate*.

Performance-Based Assessments

In 2014, the Virginia General Assembly directed the Virginia Board of Education to embark on an important move toward a system of assessment for learning. The Board and the Virginia Department of Education were to remove five of the Multiple Choice Standards of Learning assessments and replace them with a high-quality, locally determined alternative assessment. The state provided funding to each of the eight regions for collaboration on local alternative assessments for professional development; the establishment of regional hubs of practice for performance assessment; and the development of a Framework for *Local Alternative Assessments*.

This concerted focus on high-quality assessment supports part of an overarching vision passed in 2016 by the state to: [http://www.doe.virginia.gov/testing/local_assessments/index.shtml]

- Develop and implement a profile of a Virginia graduate identifying the knowledge and skills that students should attain during high school in order to be successful;

Instruction

Career and Technical Education
Adult Education and Literacy

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- In developing the profile, give due consideration to the “5 C’s”: critical thinking, creative thinking, collaboration, communication, and citizenship;
- Emphasize the development of core skill sets in the early years of high school; and
- Establish multiple paths toward college and career readiness for students to follow in the later years of high school, which could include opportunities for internships, externships, and credentialing.

Together, the *Profile of a Virginia Graduate* and the *locally determined alternative assessments* have laid impressive groundwork for a promising opportunity to take deeper learning to scale across a diverse and populous state.

1. What are Standards of Learning?

- The Standards of Learning (SOL) for Virginia Public Schools describe the Commonwealth’s expectations for student learning and achievement. These standards represent a broad consensus of what parents, classroom teachers, school administrators, academicians, and business and community leaders believe schools should teach and students should learn. http://www.doe.virginia.gov/testing/sol/standards_docs/index.shtml
- Standards of Learning are reviewed, at a minimum, on a seven-year cycle. The Board of Education has adopted K-12 standards in the following subject areas:
 - English
 - Computer Science
 - Computer Technology
 - Economics and Personal Finance
 - Fine Arts: Art, Music, Theatre, Dance
 - Foreign Languages
 - Mathematics
 - Health, Physical, and Driver Education
 - History and Social Science
 - Science

2. What Instructional Resources are available?

- The Virginia Department of Education has developed numerous technical assistance documents and instructional materials to support the Standards of Learning. These documents and materials are located on the Internet at: http://www.doe.virginia.gov/testing/sol/standards_docs/index.shtml.

- These materials are specific to the Standards of Learning.
 - **Curriculum Frameworks** for English, mathematics, science, and history and social science that define the content knowledge, skills, and understandings that are measured by the Standards of Learning tests.
 - **Enhanced Scope and Sequence** for English, mathematics, science, and history and social science that are aligned with the essential knowledge and skills in the Curriculum Framework.
 - **Enhanced Scope and Sequence Sample Lesson Plans** help teachers align instruction with the current Standards of Learning (SOL) by providing examples of how the knowledge and skills found in the SOL and curriculum framework can be presented to students in the classroom.
 - **Standards of Learning Test Blueprints** that serve as a guide to teachers, parents, and students by showing the Standards of Learning covered by a test, reporting categories of test items, number of test items, and general information about how the test questions are constructed.
 - **Standards of Learning Practice Items, Released Tests, and Item Sets** that are representative of the content and skills included in the Virginia SOL tests and are provided to help understand the format of the tests and questions.

- The following sites contains documents and technical assistance guides developed for all the areas of Instruction:
 - Division of Instruction:
<http://www.doe.virginia.gov/instruction/index.shtml>
 - Adult Education:
<http://www.doe.virginia.gov/instruction/adulted/index.shtml>
 - Adult Education & Literacy:
http://www.doe.virginia.gov/about/instruction/adulted_about.shtml
 - Career and Technical Education:
http://www.doe.virginia.gov/instruction/career_technical/index.shtml
 - CTE Resource Center:
<http://www.cteresource.org/>
 - Computer Science:
<http://www.doe.virginia.gov/instruction/computer-science/index.shtml>
 - Early Childhood- Virginia Preschool Initiative:
http://www.doe.virginia.gov/instruction/early_childhood/index.shtml
 - Early Childhood-VPI+ Federal Grant:
http://www.doe.virginia.gov/instruction/early_childhood/vpiplus/index.shtml
 - Economics and Personal Finance:
http://www.doe.virginia.gov/instruction/economics_personal_finance/index.shtml
 - Educational Technology Planning:
http://www.doe.virginia.gov/support/technology/edtech_plan/index.shtml
 - English:
<http://www.doe.virginia.gov/instruction/english/index.shtml>
 - Family Life Education:
http://www.doe.virginia.gov/instruction/family_life_education/index.shtml

- Fine Arts:
http://www.doe.virginia.gov/instruction/fine_arts/index.shtml
- Foreign Language:
http://www.doe.virginia.gov/instruction/foreign_language/index.shtml
- Graduation:
<http://www.doe.virginia.gov/instruction/graduation/index.shtml>
- Governor’s Foreign Language Summer Academies:
http://www.doe.virginia.gov/instruction/foreign_language/language_academies/index.shtml
- Governor's School Programs and Gifted Education:
http://www.doe.virginia.gov/instruction/gifted_ed/index.shtml
- Health Education, Physical Education, and Driver Education:
http://www.doe.virginia.gov/instruction/driver_education/index.shtml
- High School Equivalency (HSE) Credential:
<http://www.doe.virginia.gov/instruction/adulted/ged/index.shtml>
- History and Social Science:
<http://www.doe.virginia.gov/instruction/history/index.shtml>
- Individual Student Alternative Education Plan:
<http://www.doe.virginia.gov/instruction/isaep/index.shtml>
- Locally Developed Assessments:
http://www.doe.virginia.gov/testing/local_assessments/index.shtml
- Mathematics:
http://www.doe.virginia.gov/testing/sol/standards_docs/mathematics/index.shtml
- Science:
<http://www.doe.virginia.gov/instruction/science/index.shtml>
- Teacher Direct:
http://www.doe.virginia.gov/testing/teacher_direct/index.shtml
- Textbooks and Instructional Materials:
<http://www.doe.virginia.gov/instruction/textbooks/index.shtml>
- Technology Initiatives:
http://www.doe.virginia.gov/support/technology/technology_initiatives/index.shtml
- TSIP and ICT:
http://www.doe.virginia.gov/support/technology/professional_dev/index.shtml
- Virtual Learning:
http://www.doe.virginia.gov/instruction/virtual_learning/index.shtml

3. What are the high school graduation requirements for Virginia?

- The Board of Education approves the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation/SOA). These regulations state the requirements to graduate from a public high school in Virginia. Refer to the following websites: <http://www.doe.virginia.gov/boe/accreditation/soa.doc> and <http://www.doe.virginia.gov/instruction/graduation/index.shtml>.

4. Are there Standards of Learning for preschool programs and career and technical education courses?

- The Department has developed the *Virginia Foundation Blocks for Early Learning: Comprehensive Standards for Four-Year-Olds*. Refer to the following website: http://www.doe.virginia.gov/instruction/early_childhood/preschool_initiative/foundationblocks.pdf. While these standards are not assessed as part of Virginia’s statewide accountability system, school divisions are required to implement them as part of the Virginia Preschool Initiative (VPI).
- Additionally, recipients of VPI funds are required to use the Phonological Awareness Literacy Screening (PALS) assessment to assess the literacy readiness of young children <http://pals.virginia.edu/>.
- Career and technical education courses do not have “standards,” but they do have “competencies” for each course that establish the skills that students should know and be able to do. CTE programs are supported with state funds and funds provided through the federal Carl D. Perkins Career and Technical Education Act of 2006.
- Virginia has a progressive industry certification program that provides opportunities for teachers as well as high school students to earn industry credentials. Virginia offers Career and Technical Education (CTE) programs within 16 Career Clusters:
 - Agriculture, Food, and Natural Resources
 - Architecture and Construction
 - Arts, A/V Technology and Communications
 - Business Management and Administration
 - Education and Training
 - Finance
 - Government and Public Administration
 - Health Science
 - Hospitality and Tourism
 - Human Services
 - Information Technology
 - Law, Public Safety, Corrections and Security
 - Manufacturing
 - Marketing
 - Science, Technology, Engineering and Mathematics (STEM)
 - Transportation, Distribution and Logistics

5. What is Virtual Virginia?

- Virtual Virginia, a program of the Virginia Department of Education, provides underserved students with access to online Advanced Placement, core academic (including world language) and elective courses, and electronic resources. Legislation approved by the 2010 General Assembly created a framework for virtual schools and online instruction that expands options for students while ensuring quality and alignment with the Commonwealth's academic standards. VDOE provides a list of approved online providers; technical assistance for divisions, parents, and students; and additional information about Virtual Virginia:
http://www.doe.virginia.gov/instruction/virtual_learning/virtual_schools/index.shtml

6. What services does the Office of Adult Education and Literacy offer to school divisions?

- This office administers Virginia's adult education and literacy program, including federal funds under the Workforce Investment Act of 1998, Title II, the Adult Education and Family Literacy Act.
- Instructional and testing services include the following:
<http://www.doe.virginia.gov/instruction/adulted/index.shtml>
 - Adult Basic Education
 - Adult High School Diploma Classes
 - English for Speakers of Other Languages
 - English Literacy/Civics
 - General Educational Development (GED) Preparation
 - GED Testing program
 - Individual Student Alternative Education Program
 - Integrated Work Force Education and Training programs; and
 - PluggedInVA

POLICY, COMMUNICATIONS, AND BOARD RELATIONS

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The Board's Policy Work

The Board of Education's vision is to create a quality statewide system of public education that prepares all students for success in the twenty-first century workplace, for realization of personal goals, and for responsible contributions to the quality of civic life in our state, nation, and the world. The Board is committed to advancing its vision and examining the conditions and needs of public education, presenting them annually through a report to the General Assembly and the public. Through its adopted policies, the Board conveys high standards for student learning and achievement in preparation for graduation and life beyond high school. The Board's ongoing work is the further development and refinement of a system of accountability to define school quality and to support schools and school divisions by promoting continuous improvement, providing assistance, and acknowledging progress. The system of accountability is reflected in the Standards of Learning, the School Quality Profile (report card), and the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia*, or more commonly referred to as the Standards of Accreditation (SOA), and the Standards of Quality in the *Code of Virginia*.

What are the Standards of Quality (SOQ), and how do they affect school divisions?

The Standards of Quality are established in the *Constitution of Virginia* and prescribed in the *Code of Virginia* as the foundational education program to be offered by school divisions. The *Constitution* requires the Board of Education to determine and prescribe Standards of Quality, subject to revision only by the General Assembly. The Standards of Quality establish minimum requirements for a system of public education.

The seven Standards of Quality cover the following topics:

1. Instructional programs supporting the Standards of Learning and other educational objectives;
2. Instructional, administrative, and support personnel;
3. Accreditation, other standards, and evaluation;
4. Student achievement and graduation requirements;
5. Quality of classroom instruction and educational leadership;
6. Planning and public involvement; and
7. School board policies.

Additional *Code* sections within the Standards of Quality address the following:

- Compliance;
 - Virginia Index of Performance incentive program; and
 - Standards of Learning Innovation Committee.
- These standards are part of the *Code of Virginia* at §§ 22.1-253.13:1 through 22.1-253.13:9. The 2016 standards may be found The standards may be found online at <http://law.lis.virginia.gov/vacode/title22.1/chapter13.2/>

The Board of Education reviews the Standards of Quality not less than every two years and makes recommendations to the General Assembly. Pursuant to Article VIII, § 2 of the *Constitution of Virginia* and § 22.1-18.01 of the *Code of Virginia*, the Board approves proposed amendments to the SOQ and provides them to the General Assembly committees for appropriations and finance directly and to all General Assembly members through the Board of Education's *Annual Report on the Conditions and Needs of Public Schools in Virginia* at <http://www.doe.virginia.gov/boe/reports/index.shtml>

- The Board reviewed the SOQ during the 2015-2016 school year, and conveyed the recommendations to the Governor and General Assembly in November, 2016. The full explanation of each one can be found in the Board's agenda item of October 2016, [Final Review of Recommendations to Revise the Standards of Quality \(SOQ\)](#).
- The 2017 General Assembly adopted two of the Board's recommendations through legislation: (1) amend Standard 1 in the Standards of Quality to ensure students and parents are made aware of career and technical education opportunities; and (2) shift the SOQ review cycle from even-numbered to odd-numbered years.

What are some of the key provisions of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia, or Standards of Accreditation (SOA)*?

Standard 3 of the Standards of Quality requires the Board of Education to promulgate regulations establishing Standards of Accreditation that apply to all public schools in Virginia. The Board of Education is currently conducting a comprehensive review of the Standards of Accreditation. The proposed changes include revised graduation requirements to implement the Board's Profile of a Virginia Graduate, and a new accreditation system that incorporates several measures of school quality. The proposed Standards would be effective for the 2018-19 school year, and can be accessed here: <http://www.doe.virginia.gov/boe/accreditation/draft-soa-062317.pdf> The Board of Education adopted the proposed revisions to the SOA in June 2017.

The SOA is comprised of sections, or parts, which specify requirements for students' educational preparation and for school quality.

Part I provides definitions of terms used in the regulations and statements of purpose for public education in Virginia and for the Standards of Accreditation.

Part II provides the Board’s philosophy, goals, and objectives, with the requirement that schools also have written goals and objectives.

Part III presents student achievement expectations for graduation, including credits and requirements.

Part IV addresses instructional programs in elementary, middle, and high schools.

Part V defines roles and expectations for principals and professional teaching staff aligned to Virginia standards and also staffing requirements for administrative and support staff, as well as teaching loads.

Part VI provides criteria for school facilities and addresses school safety.

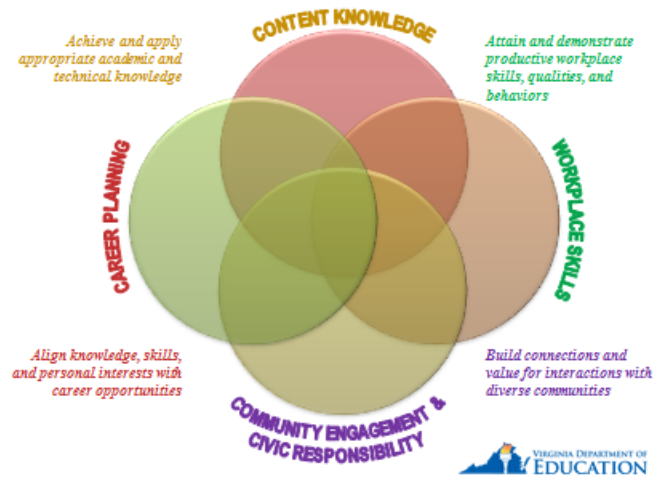
Part VII provides requirements for school communications with parents and the community, and specifies requirements for the School Quality Profile.

Part VIII provides the basis for school accreditation, school corrective actions, and school support.

- The current *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation) can be found at: <http://www.doe.virginia.gov/boe/accreditation/index.shtml> under *Current Regulations Establishing the Standards for Accrediting Public Schools in Virginia*.
- The Board of Education, through the Fast Track regulatory process, promulgated amendments to the Standards of Accreditation in 2015 to ensure that the regulations comport with legislative changes made by the General Assembly during the 2012 through 2015 sessions, and one bill from the 1999 session. These regulations became effective on October 8, 2015. In addition, the Board approved *Guidelines for Graduation Requirements: Alternatives to the 140-Clock-Hour Requirement and Guidance for the Determination of the New Accreditation Rating: “Partially Accredited.”* See [Superintendent’s Memo #271-15](#) or visit <http://www.doe.virginia.gov/boe/accreditation/index.shtml> for additional information.
- In October, 2014, the Board held a work session to focus on an in-depth comprehensive examination of the SOA in its entirety. The following month, the Board withdrew pending amendments to the SOA, approved in 2013 and proceeding through the regulatory process, in favor of conducting a more extensive review and consideration of revisions. From that time, the Board has conducted a section-by-section evaluation of the regulations, including extensive public outreach and participation through public comment, roundtables, and public hearings. Discussions of issues and proposals have taken place, including the topics of the School Performance Report Card (renamed the School Quality Profile), graduation requirements and the expected knowledge, skills, and competencies of a Virginia graduate, assessments, and accreditation.

Profile of a Virginia Graduate

In Virginia, the Life-ready Individual will, During His or Her K-12 Educational Experience



- During the 2016 legislative session, the Governor and the General Assembly supported the development of a *Profile of a Virginia Graduate* through the introduction and adoption of legislation which directed the Board to redefine the expectations of high school graduates in the Commonwealth. HB 895 (Greason) amended § 22.1-253.13:4.D of the *Code* to require the Board to develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a *Profile of a Virginia Graduate* that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship (known as the 5 Cs).
- The *Profile* has been developed by the Board of Education to describe the knowledge, skills, competencies, and experiences students should attain during their K-12 education to make them “life-ready.” The *Profile* presents and describes four overlapping areas for student learning and achievement considered essential to success beyond high school:
 - knowledge of subject areas based on statewide standards and their application (content knowledge);
 - demonstration of personal skills and behaviors required for productivity, effective relationships, and problem-solving within one’s workplace (workplace skills);
 - understanding of the opportunities within civic organizations for service and decision-making and responsibility for respectful interaction with others (community engagement and civic responsibility); and

- individual participation in career exploration, planning, and preparation, based on understanding of personal interests, skills, and abilities and the needs of the economy (career exploration).
- Foundational skills for students to acquire and use in each of these areas are critical thinking, creative thinking, collaboration, communication, and citizenship.
- The proposed revisions to Parts I through VII are based on decisions the Board has made throughout the comprehensive review and on the development of the *Profile*. They were first reviewed by the Board at its September 20, 2016, meeting. A second review took place at the Board's November 17, 2016, meeting, and final review at the January 2017 meeting. Parts I-VII were approved for proposed regulations stage, with Part VIII, at the Board's June 2017 meeting.

Areas of Board Consensus

- **EXPAND** the use of performance assessments and **REDUCE** the number of credits verified by SOL tests
- **INCREASE** internships and work-based learning experiences
- **INCREASE** career exposure, exploration, and planning
- **EMPHASIZE** the “5 Cs” (critical thinking, creative thinking, collaboration, communication, and citizenship)



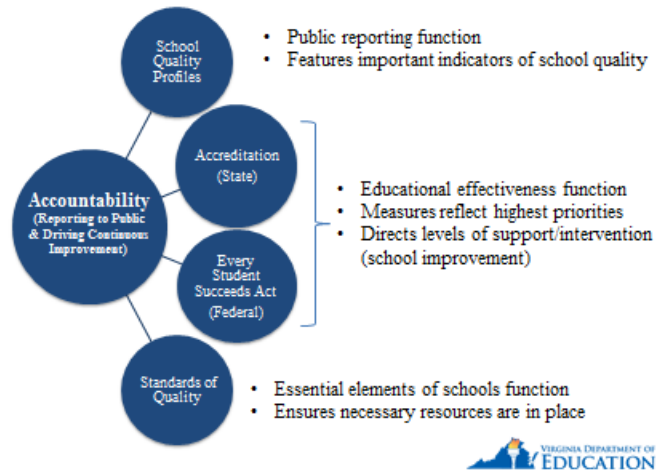
School Quality, Accountability, and Accreditation (Part VIII of the SOA)

- As with Parts I-VII, proposed revisions to Part VIII have been developed, reviewed, and discussed through the Board's Accountability Committee, beginning in the fall of 2016. Part VIII is the section of the SOA where current accreditation ratings for schools, criteria, and required actions are addressed. The Board of Education adopted Part VIII, along with Parts I-VII, as proposed amendments to the Standards of Accreditation in June 2017.

Philosophy of Accountability

- Provides comprehensive picture of school quality
- Drives continuous improvement for all schools
- Builds on strengths and addresses gaps in current system
- Informs areas of technical assistance and school improvement resources

Mechanisms of Accountability



Concepts Adopted by the Board for the State Accreditation System

- Concept 1: Defining School Quality
- Concept 2: School Quality Measures
- Concept 3: Performance Levels
- Concept 4: Benchmarks
- Concept 5: Actions
- Concept 6: Transition

Concept 1: Defining School Quality

Existing system:

- Outcome-based
- Provides a summative accreditation rating based on measure of academic outcomes
- “Full accreditation” status represents an “endpoint” with no state driver for further improvement

System with multiple measures of school quality:

- Process-based
- Encourages advancement to next performance level
- System can recognize continuous levels of improvement
- Indicates strengths and weaknesses

SCHOOL QUALITY INDICATORS
<i>Achievement on Assessments</i>
Pass Rates on State Assessments
Student Growth/Progress
English Learner Progress
Achievement Gaps
<i>Graduation/School Progress</i>
Graduation Completion Index <i>high school</i>
Drop Out Rates (<i>e.g., 3-year cohort rate, grades 6-9 and 4-year cohort rate, grades 9-12</i>)
<i>College, Career, and Civic Readiness</i>
College, Career and Civic Readiness Index
<i>Student Participation & Engagement</i>
Chronic Absenteeism (<i>e.g., absent 10% or more of school year</i>)

Concept 2: School Quality Indicators

Criteria for selection of indicators:

- Is there research demonstrating that the indicator is related to academic performance?
- Are there standardized data collection procedures across schools and school divisions?
- Is the data reliable and valid?
- Is performance modifiable through school-level policies and procedures?
- Does the indicator meaningfully differentiate among schools based on progress of all students and subgroups?
- Does the indicator equitably identify schools across different school types or student compositions?
- Is there a moderate to strong correlation with school-level pass rates on state assessments?

Concepts 3 and 4: Performance Levels and Benchmarks

School Quality Indicator Performance Levels

Level One: At or Above Standard, represented by color Green. A school's achievement on the specific indicator demonstrates acceptable performance or performance above the benchmark, or adequate improvement in the indicator, based on performance benchmarks.

Level Two: Near Standard or Improvement from Below Standard, Yellow. A school's achievement on the specific indicator is below the performance benchmarks for the At or Above Standard, designation but close to the range of measurement for the Level One performance level. The yellow level may also indicate improvement from Level Three. A school quality indicator within the yellow range which does not improve to the green range at the end of four years shall be designated as Red at the end of the three-year period.

Level Three: Below Standard, Red. A school's achievement on the specific indicator is below the performance benchmarks for Level One, At or Above Standard, and Level Two, Near Standard.



22

Concept 5. Actions

Level 1 Standard	These schools should monitor their performance in the corresponding indicator and continue to strive for advancement to Level 1.
Level 2 Near Standard/Improvement	These schools should closely analyze their performance, and be required to develop and implement school improvement plans for the corresponding indicator at Level 2. These schools will receive technical assistance and guidance from VDOE. A school quality indicator that remain at this level for multiple years and does not show improvement may drop to Level 3.
Level 3 Corrective Action	These are the lowest performing schools, and state level-intervention should occur for each school quality indicator at Level 3, to include a corrective action plan from the school and school division and state intervention.

Accreditation:

The accreditation status of a school is determined by the levels of performance on school quality indicators and on whether or not work is being done to implement required corrective action plans, as shown below:

School Accreditation Designations

Accredited	When every school quality indicator is in either the Level One (Green) or Level Two (Yellow) ranges.
Accredited with Conditions	When a school has any school quality indicator in the Level III (Red) range.
Accreditation Denied	The Virginia Board of Education shall deny accreditation for any school that continues to demonstrate Level Three (Red) performance in any school quality indicator due to a failure to implement actions or that has taken no action on identified strategies and interventions.



6

Examples:

Measure Category	Measure	Achievement	
Achievement	Combined Rate: English	Green	Sample High School: Accredited <u>School division actions for indicators in the Level One, Green, range:</u> Monitor indicator and multi-year school improvement plan for continuous improvement Plan developed based on a comprehensive needs assessment and submitted for review through a department-established process
	Combined Rate: Math	Green	
	Combined Rate: Science	Green	
Achievement Gap	English Gap	Green	<u>School division actions for the indicator for dropout rate in the Level Two, Yellow, range:</u> <ul style="list-style-type: none"> Identify factors related to the indicator level Use the results of the comprehensive needs assessment to develop multi-year school improvement plan Implement the essential actions and research-based strategies identified in plan with fidelity Regularly evaluate progress; if no progress made within two years, revise plan
	Mathematics Gap	Green	
Graduation/School Progress	Graduation Indicator	Green	
	Dropout Rate	Yellow	
College and Career Readiness	Readiness Index	Green	

The Division may request assistance from the department. The Office of Student Services provides professional development and technical assistance for dropout prevention.

Measure Category	Measure	Achievement
Achievement	Combined Rate: English	Green
	Combined Rate: Math	Red
	Combined Rate: Science	Green
Achievement Gap	English Gap	Red
	Mathematics Gap	Green
Graduation/ School Progress	Graduation Indicator	Green
	Dropout Rate	Red
College and Career Readiness	Readiness Index	Green

Sample High School: Accredited with Conditions

Department intervention and direction and school division actions for indicators in Level Three, Red:

Under the direction of department staff, school division and school staff shall:

- identify factors related to the school's performance on the indicators in the Level Three performance range as part of the school's comprehensive needs assessment
- use the results of the comprehensive needs assessment to develop a multi-year corrective action plan
- submit the completed corrective action plan to the department, through the division superintendent
- implement the essential actions and research-based strategies with fidelity
- meet regularly with department staff to monitor school's progress in implementing the plan, to track improvement on the indicator, and to identify next steps

The Department intervention, direction, and technical assistance in this case could involve more than one division, for example, Instruction and Special Education and Student Services. The Office of School Improvement would coordinate the Department intervention.

The above explanations of Parts I-VIII of the Standards of Accreditation represent proposed revisions which are currently going through the Administrative Process for review and adoption.

The Policy Office

- Prepares Board materials for SOQ and Accountability committee meetings and agenda items
- Manages process for SOQ analysis and drafts recommendations
- Prepares SOA drafts and revisions
- Prepares analyses of introduced legislation and recommended amendments/ positions
- Provides information to legislative committees and individual legislators
- Coordinates support of Secretary's office and Superintendent regarding policies and legislative issues
- Coordinates with Agency offices in response to requests for information, implementation of legislation, preparation of regulations and studies and reports
- Conducts research and analyses of issues from field, public, state agencies and offices to provide technical support

Policy

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How does the Department communicate K-12 legislative actions to school divisions?

Shortly before the General Assembly session begins in January, a Superintendent's Memorandum will be posted describing how we track legislation affecting K-12 education. The legislative tracking reports may be found on the following website:

<http://www.doe.virginia.gov/boe/legislation/index.shtml>.

These reports reflect the status of education-related legislation tracked by the Department of Education. The history of any bill or resolution, all amendments, and the text of the legislation are available by clicking on the bill or resolution number in the Legislative Tracking Reports.

At the conclusion of the General Assembly session, final tracking reports are posted. The history of any bill or resolution, all amendments, and the text of the final version is available by clicking on the bill or resolution number in the Final Legislative Tracking Reports.

A Superintendent's Memorandum summarizing the bills and any actions that may or must be taken by local school boards is posted shortly after the Veto Session in April.

The Board Relations Office

- Provides executive and administrative support to Board as a whole and to Board members.
- Supports and coordinates with the Superintendent's Office to plan and prepare for the Board's Committee on School and Division Accountability and the Board's Committee on the Standards of Quality, and for Board meetings.
- Prepares the Board's Annual Report
- Prepares the Board's Comprehensive Plan
- Prepares articles, materials, other documents for the Board and Superintendent
- Coordinates with all Agency divisions to prepare for Board meetings, ensuring quality agenda preparation.
- Assists the Board and Agency divisions with policy development.
- Coordinates regulatory action with the Board and Agency divisions, ensuring a seamless regulatory process.
- Coordinates with all Agency divisions to prepare for Board meetings, ensuring quality agenda preparation.
- Responds to inquiries from the public to the Board.

Board of Education

Emily Webb

Director of Board Relations

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How can I find out what issues the Virginia Board of Education is considering?

The Virginia Board of Education meets 10 times a year (all months except August and December), usually on the fourth Thursday of each month. The Board hosts a retreat or two-day planning session in the spring, typically April or May.

The meeting agenda and background materials are posted on the Board’s website a week before the meeting at <http://www.doe.virginia.gov/boe/meetings/index.shtml>. The meeting may be viewed as it is streamed live at <http://www.doe.virginia.gov/boe/meetings/index.shtml> (click on view streaming video) or you may listen to the proceedings. Meeting minutes also are posted on that website.

The Board’s Committee on School and Division Accountability and the Board’s Committee on the Standards of Quality generally meet the afternoon before the scheduled business meeting (Wednesday afternoon). The meeting agendas and background materials for the Board’s committee meetings are available at: http://www.doe.virginia.gov/boe/committees_standing/accountability/index.shtml and http://www.doe.virginia.gov/boe/committees_standing/quality/index.shtml. Those meetings also are streamed live on the website.

A superintendent’s e-mail will be sent to division superintendents when Board of Education meeting agendas and materials are posted online.

The Communications Office

- Responds to inquiries from the news media and general public.
- Prepares Department news releases.
- Prepares articles, speeches, and presentations for the superintendent of public instruction and president of the Board of Education.
- Conducts workshops during Department-sponsored professional development programs; compiles a daily summary of education-related news articles for Department leadership and the Board of Education; and manages the Department website and social media accounts.
- Develops and maintains the School Quality Profiles (formerly School Performance Card).
- Develops and manages Agency website.
- Produces graphics to support agency events, initiatives and activities.



1. What are the Office of Communications’ areas of responsibility?

The Office of Communications responds to inquiries from the news media and general public; prepares Department news releases; prepares articles, speeches, and presentations for the superintendent of public instruction and president of the Board of Education; conducts workshops during Department-sponsored professional development programs; compiles a daily summary of education-related news articles for Department leadership and the Board of Education; produces graphics in support of Department events, initiatives and activities; and manages the Department website and social media accounts.

2. What services does the Office of Communications provide directly to school divisions?

The director of communications and the communications manager are available to provide general information about laws, regulations, policies, data, and initiatives and arrange for more detailed responses from appropriate specialists within the Department.

The Office of Communications notifies school division public information officers of important education policy decisions and upcoming major Department news releases, such as announcements of annual accountability ratings.

The director of communications and the communications manager are members of the Chesapeake School Public Relations Association (CHESPRA) and offer presentations for Virginia school division communications officers during semiannual CHESPRA conferences.

The director of communications and the communications manager conduct communications workshops during Department-sponsored training programs.

The Office of Communications works with school division personnel to plan school visits by the governor, superintendent of public instruction, and other VIPs.

3. How does the Office of Communications respond to requests for division- and school-level information and data?

The Office of Communications responds promptly to requests from the news media and the public for division- and school-level data.

Questions about self-reported data are referred to the school division.

4. Does the Office of Communications notify school divisions of requests for school- and division-level information?

The Office of Communications does not notify school divisions of routine requests for public information about schools and school divisions.

5. Do school divisions receive copies of VDOE news releases?

VDOE news releases are sent by e-mail to division public information officers and division superintendents.

6. Does the Office of Communications collaborate with school divisions in planning major news releases?

VDOE provides school divisions with advance notice of the dates of major annual news releases, such as SOL accreditation ratings, and other accountability reports.

Major releases may be preceded by conference calls to division public information officers to explain the timeline for the release and discuss issues associated with the content of the release.

STUDENT ASSESSMENT AND SCHOOL IMPROVEMENT

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State Testing Programs

1. How does the Virginia Department of Education (VDOE) communicate testing information to school divisions?

- Policy information is communicated to superintendents via Superintendent's Memorandums. Day-to-day communication about the student testing programs occurs primarily between the VDOE assessment staff and each Division Director of Testing (DDOT).
- Each superintendent is asked to appoint a DDOT annually through the *Education Registry Application*. The DDOT is the primary contact for testing information provided by VDOE and its testing contractors and has responsibility for implementing the state-mandated assessment programs and for maintaining test security. Communication between VDOE assessment staff and DDOTs is frequent and takes the form of e-mails, Webinar training, regional meetings, administrative manuals, and phone calls.

2. What assessments comprise the Virginia Assessment Program?

- The Virginia Assessment Program currently consists of the:
 - Standards of Learning (SOL) Assessment Program,
 - Virginia Substitute Evaluation Program (VSEP),
 - Virginia Modified Achievement Standards Test (VMAS^T), and
 - Virginia Alternate Assessment Program (VAAP).

Student Assessment

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The SOL assessments are available to all students. VMAS^T, VSEP, and VAAP are available only to students with disabilities. VMAS^T is available only to students with disabilities who are pursuing a standard diploma through the use of credit accommodations or those who are pursuing a modified standard diploma.

- The Standards of Learning (SOL) assessments are standards-based tests designed to measure student performance on Virginia’s content standards, in the areas of English (reading and writing), mathematics, science, and history and social science.

The SOL tests in reading, writing, mathematics, and science contain multiple-choice items as well as technology-enhanced items that allow students to indicate their answers in other ways. The SOL writing tests administered at grade 8 and end-of-course at the high school level include a short paper component in addition to multiple-choice and technology-enhanced items.

- All SOL tests are administered to students via a Web-based delivery system, except for students with a documented need who require a paper-pencil test.
- The Virginia Substitute Evaluation Program (VSEP) is intended for a small number of students with disabilities who cannot be accommodated on SOL tests. Under the VSEP, students create a collection of work samples to demonstrate the on-grade-level content standards they have learned. The VSEP is primarily a means of verifying high school credits for graduation. In addition, a small number of eligible students with disabilities who have a specific need for a work sample-based assessment participate in the VSEP in grades 3-8 reading and mathematics, grade 5 and 8 science, grade 8 writing, Virginia Studies, and Civics and Economics. The VSEP requires that students demonstrate proficiency on all the standards addressed within an assessment based on the blueprints for that particular test. Collections of student work samples are evaluated by scoring teams convened by the Department of Education’s testing contractor.
- The Virginia Alternate Assessment Program (VAAP) is for students with significant cognitive disabilities. VAAP is an alternate assessment focused on Individualized Education Program (IEP) goals linked to academic content standards, the Aligned Standards of Learning (ASOL). Students participating in the VAAP are evaluated against alternate achievement standards using a collection of work samples. Scoring teams convened by the school division score student work samples using a rubric developed by the Virginia Department of Education. The scores of approximately 10 percent of the VAAP collections are audited by scorers convened by VDOE’s testing contractor.
- The Virginia Modified Achievement Standards Tests (VMAST) are designed for students with disabilities who are learning grade-level content in reading and mathematics but who are not expected to achieve proficiency in the content in the same time frame as their nondisabled classmates. Items on the VMAST reading and mathematics tests will include supports and simplifications not available to students who take the SOL tests. VMAST assessments for End-of-Course (EOC) Algebra I and EOC Reading are available for eligible students with disabilities pursuing a Standard Diploma with credit accommodations. VMAST assessments for grade 8 mathematics and grade 8 reading are available for students with disabilities pursuing a Modified Standard Diploma. The Modified Standard Diploma is available only to students who entered the ninth grade for the first time prior to the 2013-2014 school year.

- In addition to administering the assessments that comprise the Virginia Assessment Program, each school division is required to annually assess the English language proficiency of all Limited English Proficient (LEP) students in kindergarten through grade 12.
- Schools selected to represent Virginia for the National Assessment of Educational Progress (NAEP) state-by-state assessments are required to participate in the assessments. NAEP state-by-state assessments are conducted biannually from late January to the beginning of March. These assessments are administered by contractors for the National Center for Education Statistics (NCES), and only national and state level results are reported.

3. When are the Standards of Learning (SOL) tests administered?

- The SOL assessments are administered in fall, spring, and summer. In the fall administration, end-of-course (EOC) tests as well as those for grades 6 through 8 and Civics and Economics are administered. All SOL assessments are administered in the spring. In the summer administration, only the EOC tests and the grade 8 reading and mathematics tests (for students seeking the Modified Standard Diploma only) are administered.
- School divisions have the flexibility to set their own three- to four-week window for the administration of SOL tests within the state testing window. This window is communicated by Superintendent’s Memorandum.

4. What responsibilities do superintendents have in regard to student testing?

- Superintendents are responsible for ensuring that the state-mandated tests are administered according to the requirements of the *Code of Virginia*, the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, the procedures communicated to school division personnel via Superintendent’s Memoranda, and the test administration manuals.
- At the beginning of each test administration, superintendents are asked to sign, with their DDOs, a security agreement ensuring that test materials will be kept secure during the administration and that all personnel involved in testing will read and sign a test security agreement.
- At the end of each test administration, superintendents sign an affidavit, again with the DDO, verifying that all security procedures have been followed.
- When a division has reviewed and finalized its assessment data for an administration, the superintendent must sign off on the “Authorization to Proceed to Reporting” document. Completing this process allows the DDO to order printed reports from the testing contractor for distribution to schools, parents, division personnel, etc.

5. What resources related to testing are available to school divisions?

- A number of resources related to testing may be found on the VDOE website, <http://www.doe.virginia.gov/testing/index.shtml>.
- Examples of resources available on the VDOE website include:
 - test blueprints that describe how the SOL tests are constructed;
 - practice items and guides for sets for mathematics, science, reading, writing, and history. The practice item sets and accompanying practice guides assist students in learning to use online tools, complete items with increased rigor, and understand the format of technology-enhanced items;
 - information on Computer Adaptive Testing;
 - administrative manuals for each test program; and
 - information on interpreting test scores.

Academic Review and School Improvement

1. What is the purpose of the academic review process?

- The school level academic review is designed to help schools identify and analyze instructional and organizational factors affecting student achievement.
- The focus of the review process is on the systems, processes, and practices that are being implemented at the school and division levels. The school-level academic review process is tailored to meet the unique needs and circumstances presented by the school.
- The first year that a school is rated “partially accredited,” an academic review team conducts a comprehensive review of the areas related to the systems, processes, and practices that are being implemented at the school and division levels as indicated above.
- Throughout the school’s continued status of not meeting the benchmarks for *Full Accreditation*, the academic review process is designed to monitor the implementation of the school improvement plan and provide technical assistance to support the school’s improvement efforts.



2. How is the academic review process a continuous process?

- During the first year in which a school has not met all of the benchmarks for *Full Accreditation*, the school receives an academic review led by the Office of School Improvement (OSI).
 - A division contact compiles a team of instructional leaders who will work with the assigned OSI representative throughout the academic review process. The academic review team completes the on-site review to identify and analyze instructional and

organizational factors affecting student achievement. An “Academic Review Findings and Essential Actions Report” is completed by the OSI staff based on the identified needs.

- Based on the Essential Actions from the academic review, the school develops a three-year school improvement plan which is followed throughout the remainder of the year and updated annually.
- During each consecutive year in which a school has not met all of the benchmarks for *Full Accreditation*, OSI offers technical assistance for division leaders and principals based on the specific needs of the school and/or division. Interventions are provided to the school and/or division based on identified needs.
- For schools moving into the fourth consecutive year of not meeting the benchmarks for *Full Accreditation*, technical assistance becomes more targeted and may include offerings from Department of Education staff and/or OSI assigned staff.
- The school improvement plan is monitored by OSI until the school becomes *Fully Accredited*.
- Information about the academic review process may be found at http://www.doe.virginia.gov/support/school_improvement/academic_reviews/index.shtml

3. What is the academic review process for schools that are not fully accredited because of the graduation rate?

- The high school receives a graduation rate academic review to help schools identify and analyze instructional and organizational factors affecting student achievement toward graduation and completion of programs. A division contact compiles a team of instructional leaders who will work with the assigned OSI representative throughout the academic review process. A “Graduation Rate Academic Review School Findings Report” is completed by the OSI staff based on the identified needs. Based on the Essential Actions from the graduation rate academic review, the school develops a three-year school improvement plan which is followed throughout the remainder of the year and updated annually.
- The Department of Education, working with the National High School Center, has created the Virginia Early Warning System (VEWS), a tool to help schools identify and assign interventions to ninth-grade students at risk of dropping out. Information on VEWS may be found at http://www.doe.virginia.gov/support/school_improvement/early_warning_system/index.shtml.
- Information about the academic review process for schools that are not fully accredited because of graduation rate may be found at http://www.doe.virginia.gov/support/school_improvement/academic_reviews/training/index.shtml.

4. How does the Office of School Improvement work with schools identified for assistance under the *Elementary and Secondary Education Act of 1965 (ESEA)*

- The Office of School Improvement (OSI) will continue to provide a comprehensive system of support to schools previously identified as *priority* or *focus schools* under the *No Child Left Behind Act of 2001*. However, as Virginia continues to transition to the new Every Student Succeeds Act (ESSA) in 2017-2018, no new priority or focus schools will be identified.
- The new ESSA law and the provisions of each state’s plan to implement it go into full effect with the beginning of the 2018-2019 school year.

5. What is the Virginia Index of Performance (VIP) Program?

- The Virginia Index of Performance (VIP) incentive program recognizes schools and school divisions that meet or exceed minimum state and federal accountability standards for at least two consecutive years. The program provides incentives for continuous improvement and the achievement of excellence goals established by the Board of Education and the governor. The Virginia Department of Education determines VIP awards based on two components: VIP Base Points, which reflect a weighted average of proficiency levels on statewide assessments, and VIP Bonus Points, which reflect educational goals established by the Board of Education.
- Eligible schools and school divisions may earn one of the following three awards based on achievement during the previous two academic years:
 - Governor’s Award for Educational Excellence
 - Board of Education’s Excellence Award
 - Board of Education’s Distinguished Achievement Award
- More information about the VIP program, including award criteria, is available at http://www.doe.virginia.gov/statistics_reports/va_index_performance_awards/index.shtml.

Federal Programs and Accountability

1. Where can I find information on requirements of the federal *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended by the *Every Student Succeeds Act of 2015 (ESSA)*?

- Please refer to the following website:

http://www.doe.virginia.gov/federal_programs/esea/index.shtml.

Program Administration and Accountability

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2. **Where can I find information about federal “Title” programs?**

- The Office of Program Administration and Accountability assists schools and school divisions in administering programs authorized by the federal Elementary and Secondary Education Act (ESEA), as amended. A brief description of each federal program managed by this office, including links to the Web page for each program area, is below. Additional information also is available on the [ESEA Federal Programs Web page](#).

Program Name	Description
<p>Title I, Part A: Improving Basic Programs Operated by Local Education Agencies</p>	<p><u>Title I, Part A</u>, provides financial assistance through state educational agencies to school divisions and public schools with high numbers or percentages of children from low-income families to help ensure that all children meet challenging state academic content and achievement standards.</p>
<p>Title I, Part C: Education of Migratory Children</p>	<p>The purpose of the <u>Migrant Education Program</u> is to design and support high-quality and comprehensive educational programs that provide migratory children with the same opportunity to meet the challenging state academic content and student achievement standards that are expected of all children. In addition, the Migrant Education Program works to ensure that all migrant students graduate with a high school diploma (or complete a General Education Diploma) that prepares them for responsible citizenship, further learning, and productive employment.</p>
<p>Title I, Part D: Prevention and Intervention Programs for Children & Youth Who are Neglected, Delinquent or At Risk</p>	<p><u>Title I, Part D</u>, also called the Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent or At-Risk Act, provides financial assistance to educational programs for youths in state-operated institutions or community day programs. The program also provides financial assistance to support school division programs involving collaboration with locally operated correctional facilities.</p>
<p>Title II: Supporting Effective Instruction</p>	<p><u>Title II</u> provides federal funding to states and districts for activities that strengthen instructional leadership and teacher quality in all schools, especially those with a high proportion of children in poverty. Funding can be used to support a wide array of evidence based activities, including interventions for teacher professional development.</p>

Program Name	Description
<p>Title III: Language Instruction for English Learners and Immigrant Students</p>	<p>Federal funds awarded under Title III support programs to improve the education of English learners by helping them learn English and meet challenging state content and achievement standards. Title III programs also provide enhanced instructional opportunities for immigrant students.</p>
<p>Title IV, Part A: Student Support and Academic Enrichment Grants</p>	<p>The Student Support and Academic Enrichment Grants program provides funds for programs and activities to improve students' academic achievement by increasing the capacity of local school divisions to provide all students with a well-rounded education; improve school conditions for learning; and improve the use of technology in order to improve the academic achievement and digital literacy of all students. This program is new under ESSA, and will be funded via formula grant for the first time during the 2017-2018 school year.</p>
<p>Title IV, Part B: 21st Century Schools</p>	<p>The 21st Century Community Learning Centers (Title IV, Part B) program supports the creation of opportunities for academic enrichment during non-school hours for children, particularly students who attend high-poverty and low-performing schools. Through a competitive process, Virginia Department of Education funds projects that provide significant expanded learning opportunities for children and youth, and that will assist students to meet or exceed state and local standards in core academic subjects.</p>
<p>Title V, Part B, Subpart 2, Rural Education</p>	<p>The Title V, Part B, Rural and Low Income Schools (RLIS) grant program provides funds to rural school divisions serving concentrations of children from low-income families. A grant to an eligible school division is made according to a formula based on the number of students in average daily attendance served by the division. Funds may be spent to support initiatives in several broad categories, including professional development for teachers and parental involvement activities.</p>

SPECIAL EDUCATION AND STUDENT SUPPORT SERVICES

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Special Education

1. How are students with disabilities who are receiving special education services included in the state's accountability system?

- For all students with disabilities identified under the Individuals with Disabilities Education Act (IDEA), the individualized education program (IEP) team determines how the student will participate in the accountability system. For students identified under Section 504 of the Rehabilitation Act of 1973, the 504 committee determines how the student will participate. The ramifications of decisions made by the IEP team/504 committee must be clearly explained to the student's parent, legal guardian, or surrogate parent and the student, if appropriate.
- A student's IEP or 504 plan must specify the student's participation in the assessment component of Virginia's accountability system as follows:
 - participation in the Standards of Learning assessments
 - with no accommodations
 - with accommodations based upon the accommodations the student needs during classroom instruction and assessment
 - participation in the Virginia Alternate Assessment Program
- When determining participation in Virginia's accountability system, school divisions must first consider all students with disabilities for participation in the Standards of Learning assessments. The Department of Education document entitled, *Procedures for Determining Participation in the Assessment Component of Virginia's Accountability System*, provides the IEP team or 504 committee with more detailed information about the process used in

Special Education and Student Services

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making decisions regarding the participation of students with disabilities in the accountability system.

Refer to the following website:

<http://www.doe.virginia.gov/testing/participation/index.shtml>

2. What are the special education staffing requirements?

- The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* provide special education staffing requirements (Section 8 VAC 20-80-45). The requirements set forth standards for school-age and preschool programs, as well as staffing for education programs in regional and local jails.
- Information on the maximum caseloads for special education teachers is found in Appendix A of the Regulations. The school division caseload maximums are state, not federal, requirements and are funded in the *Standards of Quality* by the *Virginia Appropriation Act*. Flexibility for school divisions is included within these staffing requirements (Section 8 VAC 20-80-45 D).
- School divisions and private special education schools may offer an alternative staffing pattern in accordance with the procedures established by the Virginia Department of Education.

Refer to the following website:

http://www.doe.virginia.gov/special_ed/regulations/index.shtml

3. How can school staff find resources to improve the academic success for students with disabilities?

- The Virginia Department of Education supports various Centers to provide professional development and support designed to assist schools in addressing accountability, access, and improvement goals for students with disabilities. They include: Training & Technical Assistance Center system (TTAC), Autism Center for Excellence (ACE at VCU), Deaf/Hard of Hearing Center, Deaf-Blind Project Center, Accessible Instructional Materials Center (AIM at GMU), and the Center for Transition Innovation (CTI at VCU).
- For more information about the Centers, refer to the following websites:
 - http://www.doe.virginia.gov/special_ed/tech_asst_prof_dev/index.shtml
 - <http://www.ttaonline.org/>
 - <http://www.vcuautismcenter.org/>
 - <http://www.partnership.vcu.edu/programs/education/technical-assistance-center-for-children-who-are-deaf-and-hard-of-hearing/>
 - <http://www.partnership.vcu.edu/programs/education/vadbpf/>
 - <https://aimva.org/>
 - <https://centerontransition.org/>

4. How can school administrators effectively discipline special education students and stay within the IDEA law?

- Threaded throughout the federal law and regulations is the governing principle that students with disabilities are entitled to the same constitutional rights as students without disabilities. These fundamental due process rights include, in part, meaningful notice of an alleged violation of law or school division's rules, the opportunity for the student to give the student's account of the incident, and the opportunity to appeal the disciplinary action which is imposed on the student.
- While students with disabilities also have additional protections under IDEA, school personnel must not overlook or dismiss the student's fundamental due process rights in any administrative disciplinary action taken with the student. The IDEA, amended in 2004, provided changes addressing discipline of students with disabilities.
- In summary, a manifestation determination must be held within ten school days of any decision to change the student's placement because of misconduct. This decision is made by a Manifestation Determination Review team (MDR).
 - The purpose of the meeting is to determine if the conduct was caused by or had a direct and substantial relationship to the child's disability, or if the student's conduct was the direct result of the local educational agency's (LEA's) failure to implement the student's individualized education program (IEP).
 - If either is in the affirmative, the LEA must proceed in meeting the requirements of the law regarding a functional behavioral assessment and a behavioral intervention plan.
- LEAs must ensure that if a student with a disability has exhibited conduct that is found not to be a manifestation of the student's disability, and the student is disciplined with long-term suspension or expulsion, the student still must be provided with educational services during the long-term removal.
 - For additional guidance refer to the following website:
http://www.doe.virginia.gov/special_ed/tech_asst_prof_dev/index.shtml

5. How can school administrators effectively resolve disputes with parents of children with disabilities short of costly due process hearings and litigation?

- Federal and state laws and regulations governing special education mandate that State Educational Agencies provide mediation services for school administrators and parents to resolve special education disputes. The Virginia Department of Education maintains a system of Mediation Services that is free of cost to both parents and school personnel. Department of Education staff train a number of mediators who specialize in special education mediation, assign them to mediations, and evaluate them and the mediation system. Since its inception in 2001, Virginia's special education mediation system has had an 85 percent resolution rate of special education disputes through the use of mediation.

- For more information about mediation services and other dispute resolution options, and training opportunities on these subjects, refer to the website:
http://www.doe.virginia.gov/special_ed/resolving_disputes/index.shtml.

6. What are the services provided through the Office of Student Services?

The Office of Student Services (OSS) oversees a variety of programs that directly and indirectly support students' academic, behavioral, and social-emotional wellness in school and community settings. The office provides technical support, professional development, resources, and guidelines to support school boards and divisions in the following areas.

- **Virginia Tiered Systems of Supports.** The Office of Student Services supports school divisions in the implementation of a data-driven decision-making framework to establish the academic, behavioral, and social-emotional wellness supports needed for schools to be effective learning environments for all students. Training and ongoing technical assistance is provided to participating school divisions to support the effective implementation of the framework. Professional development in multi-tiered systems of support includes Response to Intervention (RtI), Positive Behavioral Interventions and Supports (PBIS), Strategic Instruction Model (SIM), and Youth Mental Health First Aid (YMHFA).
- **School Psychology Services.** School psychologists play a critical role in supporting the attainment of the goals of local school divisions and help to ensure that every student is ready to learn and every teacher is empowered to teach. The OSS provides a variety of training and resources to support the academic achievement, positive behavior, and social-emotional wellness of all students, especially those who struggle with barriers to learning.
- **School Social Worker Services.** School social workers are the link between the home, school and community in providing direct as well as indirect services to students, families and school personnel. The OSS provides training and resources to school social workers in the areas of prevention and intervention services, the assessment, screening and evaluation of students, individual and group counseling services, collaboration and partnerships with community-based organizations, and compliance with state and federal mandates.
- **School Counseling Services.** School counseling programs support instruction by providing guidance to students in their academic, career, and social and emotional development. School counselors collaborate with parents, teachers, administrators and others to promote learning and help students establish and achieve their education, career, and personal goals. The OSS provides a variety of training, resources and technical support to school divisions to create and maintain comprehensive and developmental school counseling programs.
- **Student Health Services.** Section 22.1-274 of the *Code* requires school boards to provide pupil personnel and support services, including health services. The Office of Student Services includes staff members who work directly with school nurses and health personnel in divisions. Areas of technical support under Health Services include school entrance requirements, such as immunizations, physical examination, and exemptions; mandated

health screening; guidelines for specialized health care procedures, HIV/AIDS, Pandemic Flu, Homebound Instruction; and training for school nurses, health educators, and school health advisory boards appointed by the school board.

- **School Climate and School Safety**. According to the *Code* as set forth in §§22.1-279.5, 22.1-279.7, and 22.1-279.8, school boards are responsible for regulations and guidelines on codes of student conduct, student searches, and the development of a written school crisis, emergency management, and medical emergency response plan, consistent with the Board of Education guidelines in these areas. Additional technical assistance in related areas, such as school climate, bullying prevention, character education, and student assistance programs also is provided through the Office of Student Services. Model guidelines and publications may be accessed for each of these areas under “Student and School Support” on the website, <http://www.doe.virginia.gov/support/index.shtml>.
- **Student Conduct and Discipline**. The Board of Education provides guidelines and model policies to aid local school boards in the development and implementation of codes of student conduct and related policies. The guidelines and model policies include criteria for the use of suspension, expulsion, and exclusion as disciplinary measures, standards for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, dissemination of such policies to students, their parents, and school personnel, and standards for training.
- **Medicaid and Schools**. Local Education Agencies can submit claims to the state Medicaid Agencies for certain services in the IEP. The OSS provides technical assistance to school divisions regarding services, service documentation, claims submission and cost-based reimbursement. School divisions can also receive reimbursement for health related administrative activities for Medicaid students.
- **Family Life Education**. The OSS provides standards and a comprehensive, sequential K-12 curriculum for family life education. Training and resources include age-appropriate instruction in family living and community relationships, abstinence education, the value of postponing sexual activity, the benefits of adoption as a positive choice in the event of an unwanted pregnancy, human sexuality and human reproduction.
- **Military Child and Family Support**. Virginia schools educate more military children than any other state. The Office of Student Services provides training, resources and support for military service children and their families during all stages of transition and deployment.

Additional areas served under the Office of Student Services include but are not limited to dropout and truancy prevention, mental health supports, homebound services and homeless education. Staff members also provide technical assistance for issues related to the *Comprehensive Services Act*, disproportionality in school discipline, Medicaid reimbursement to local school divisions, trauma-informed classrooms, evaluation and identification of students with disabilities, and the Superintendents-Judges Liaison Committee.

7. What are the sources of information provided by the state that address school safety?

- The *Annual Report for Discipline, Crime, and Violence* is prepared by the Office of Special Education Program Improvement, based on information about incidents at schools or on school property provided to the Virginia Department of Education as required by § 22.1-279.3:1 of the *Code*. The report provides definitions of incidents, references to laws and regulations, and summary tables by year of data collection. The Office of Student Services provides technical support and training for school administrators and school resource officers on student conduct.
- Under § 22.1-279.8 of the *Code*, each school board must require schools within their division to conduct a school safety audit annually. The Department of Criminal Justice Services (DCJS) Center for School and Campus Safety is responsible for conducting school safety audits annually and for publishing the results of the audits. Information about the required annual school safety audit is available on the DCJS website at <http://www.dcjs.virginia.gov/virginia-center-school-and-campus-safety/virginia-school-safety-audit-program>.

8. What are the services provided through the Office of Specialized Education Facilities and Family Engagement?

The Office of Specialized Education Facilities and Family Engagement is responsible for educational services in state-operated programs, including hospitals, juvenile detention centers, mental health facilities, and the Wilson Workforce and Rehabilitation Center. The office also monitors state-licensed private schools for students with disabilities for compliance with state and federal requirements. The office includes a parent ombudsman and a family engagement specialist who help parents and advocates work collaboratively with school divisions to resolve concerns and navigate special education processes. The Office of Specialized Education Facilities and Family Engagement also provides leadership and guidance to the State Special Education Advisory Committee and to local advisory committees. Specifically, this office provides the following services:

- **Parent Ombudsman.** The Parent Ombudsman is a person who serves as a “designated neutral” who advocates for a fair process. The ombudsman acts as a source of information and referral, aids in answering individuals' questions, and assists in the resolution of concerns and issues. The ombudsman serves as a resource to parents in non-legal special education matters. The ombudsman is neither an advocate for any individual or organization but, rather, an advocate for fairness. In considering any given instance or concern, the interests and rights of all parties who might be involved are taken into account. The role of the ombudsman is an informal one in which there is a focus on listening and providing information and a discussion of issues and options, as well as referral to other services including mediation. Part of the function of the ombudsman is to encourage the parties to resolve issues at the lowest level in an organization through appropriate dispute resolution processes, by formal and informal means. The four key features of the ombudsman position are confidentiality, neutrality, informality and independence. The ombudsman does not disclose personal information, discussions and interactions; the

ombudsman is an advocate for a fair process; there is no formal complaint form or documentation; and the ombudsman is independent.

- **Family Engagement Specialist.** The Family Engagement Specialist provides technical assistance in support of local parent advisory groups and committees and support to parents of children with special education needs statewide. The role of the family engagement specialist is to also provide and manage grant funding for parental involvement activities throughout the Commonwealth. The family engagement specialist also provides leadership and guidance to the Center for Family Involvement (CFI) at the Partnership for People with Disabilities at VCU, the Parent Educational Advocacy Training Center (PEATC), and local Parent Resource Centers (PRCs) on family engagement initiatives. Additionally, the family engagement specialist manages the development, distribution, data entry and final analysis of the Parent Involvement Survey required by Indicator 8.
- **State Operated Programs.** The office's personnel working with state operated programs provide support to all State Operated Programs (SOPs) in the areas of assessment, general education and special education, and Title I and to assist in the development of quality educational programs and services to regional and local juvenile detention homes and hospital education programs. This specifically includes the monitoring of Title I programs within the SOPs; coordinating and monitoring the Standards of Learning (SOLs) assessments and World-class Instructional Design and Assessment (WIDA) testing in SOPs; training SOP field staff in proper administration and providing technical assistance in testing procedures and parameters; locate, identify and assemble scoring teams as necessary. Additional SIP personnel coordinate continuing professional development for SOP teachers and manage state and federal budgets.
- **Private Schools for Students with Disabilities.** The office's personnel working with private schools for students with disabilities issue certificates/licenses to operate private schools for students with disabilities, including private day schools and education programs in children's residential facilities. Additionally, these personnel process new applications and conduct on-site compliance reviews, issue monitoring reports, and conduct follow-up activities to ensure timely correction of deficiencies. Additionally private school personnel investigate complaints/incidents involving private schools for students with disabilities and coordinate with other state agencies as needed.
- **Administrative Services.** The primary responsibility in this activity is to coordinate the activities of the State Special Education Advisory Committee (SSEAC). Additionally, this office provides technical assistance and training to local advisory committees or local SEACs.

TEACHER EDUCATION AND LICENSURE

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Teacher Education and Licensure

The Division of Teacher Education and Licensure is primarily responsible for the licensing of instructional personnel, coordinating the approval of Virginia preparation programs, and professional learning and development. Also, please contact this division for information regarding the following initiatives:

- Teacher, Principal, and Superintendent Evaluation Systems;
- Career Switcher Program;
- Mentor Teacher Programs;
- Science, Technology, Engineering, and Mathematics Incentive Grant;
- Teacher Residency Programs;
- Special Education Traineeship Grants;
- National Board Certification Incentive Grants;
- Virginia Teaching Scholarship Loan Programs;
- Critical Shortage Area Designations and Strategies to Address Shortage Areas; and
- Educator Recognition Programs.

Licensure

1. What is the *Code of Virginia* requirement regarding holding a teaching license in Virginia?

- Section [22.1-299](#) of the *Code of Virginia* states the following:

No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board of Education. Notwithstanding the provision in § [22.1-298.1](#) that the provisional license is limited to three years, if a teacher employed in Virginia under a provisional license is activated or deployed for military service within a school year (July 1-June 30), an additional year will be added to the teacher's provisional license for each school year or portion thereof the teacher is activated or deployed. The additional year or years shall be granted the following year or years after the return of the teacher from deployment or activation.

Licensure

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In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

7. Where do I find the *Licensure Regulations for School Personnel*?

- The *Licensure Regulations for School Personnel* may be accessed on the following website:
<http://law.lis.virginia.gov/admincode/title8/agency20/chapter22/>.

Additional information regarding licensure may be found on the following Web page:
<http://doe.virginia.gov/teaching/licensure/index.shtml>.

3. Where can I find information regarding school leadership and the endorsement requirements for administration and supervision?

- The *Licensure Regulations for School Personnel*, may be accessed at the following website: <http://law.lis.virginia.gov/admincode/title8/agency20/chapter22/> . An endorsement in administration and supervision preK-12 consists of Level I, which is required to serve as a building-level administrator or central office supervisor, and Level II, which is an optional endorsement to which an experienced building-level administrator may aspire. Individuals must meet the requirements for the administration and supervision preK-12 endorsement through one of the four options (that include alternate routes) and be recommended by a Virginia school division superintendent. The School Leaders Licensure Assessment prescribed by the Board of Education must be met for all individuals who are seeking an initial endorsement authorizing them to serve as principals and assistant principals in the public schools. Individuals seeking an initial administration and supervision endorsement who are interested in serving as central office instructional personnel are not required to take and pass the school leaders assessment prescribed by the Board of Education.
- *Advancing Virginia's Leadership Agenda Guidance Document: Standards and Indicators for School Leaders and Documentation for the Principal of Distinction (Level II) Administration and Supervision Endorsement* adopted by the Board of Education on September 27, 2012, may be accessed at the following website:
http://www.doe.virginia.gov/teaching/career_resources/leadership/advancing_leadership.pdf

4. What procedure is available to request special consideration regarding the issuance of a teaching license?

- Section 8 VAC 20-22-20 of the *Licensure Regulations for School Personnel* states, in part, the following:

In administering this chapter, modifications may be made in exceptional cases by the Superintendent of Public Instruction. Proposed modifications shall be made in writing to the Superintendent of Public Instruction, Commonwealth of Virginia, Virginia Department of Education, P. O. Box 2120, Richmond, Virginia 23218-2120.

5. What are the requirements for substitute teachers?

- Section 22.1-302 of the *Code of Virginia* states, in part, the following:

§ 22.1-302. Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and requirements.

A. A written contract, in a form permitted by the Board of Education's regulations, shall be made by the school board with each teacher employed by it, except those who are temporarily employed, before such teacher enters upon his duties. Such contract shall be signed in duplicate, with a copy thereof furnished to both parties.

The standard 10-month contract shall include 200 days, including (i) a minimum of 180 teaching days or 990 instructional hours and (ii) up to 20 days for activities such as teaching, participating in professional development, planning, evaluating, completing records and reports, participating on committees or in conferences, or such other activities as may be assigned or approved by the local school board.

A temporarily employed teacher, as used in this section, means (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

B. Temporarily employed teachers, as defined in this section, shall be at least 18 years of age and shall hold a high school diploma or have passed a high school equivalency examination approved by the Board of Education.

A temporarily employed teacher is not required to be licensed by the Board of Education, nor is the local school board required to enter into a written contract with a temporarily employed teacher. However, local school boards shall establish employment qualifications for temporarily employed teachers that may exceed these requirements for the employment of such teachers. School boards shall also seek to ensure that temporarily employed teachers who are engaged as long-term substitutes exceed baseline employment qualifications....

- An individual (temporarily employed teacher) may be employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, *unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year*. In a **rare exceptional and justifiable case due to extenuating circumstances**, a school division superintendent may submit a request to the Superintendent of Public Instruction to consider an extension of the teaching days a substitute teacher may serve in a vacant teaching position. Refer to the following website for the *Guidelines to Implement the Provisions of Section 22.1-302(A) of the Code of Virginia Pertaining to the Employment of Substitute Teachers*:

http://www.doe.virginia.gov/teaching/regulations/guidelines_cov_emp_substitute_teachers.pdf.

6. What are the reporting requirements for instructional personnel?

- Each year, in order to comply with mandatory reporting requirements, school divisions are required to submit data for the Fall Master Schedule Collection (MSC) that includes the following:
 1. Instructional Personnel and Verification of Licensure Endorsement Report;
 2. Instructional Personnel Survey Data Report; and
 3. Supply and Demand Report.

School division superintendents are required to submit signed verification forms for these reports.

7. What are the requirements for a new superintendent regarding the oath of office and certificate of appointment?

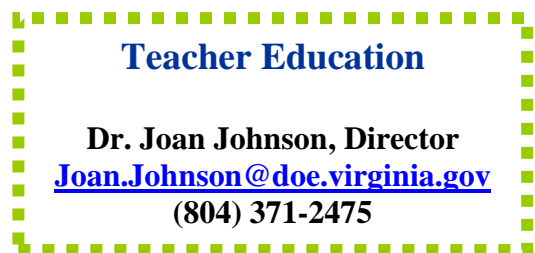
- Virginia law requires that every division superintendent, before entering upon the duties of the office, take and subscribe the oath prescribed for an officer of the Commonwealth. A certificate of the clerk of the court in which the oath is administered must be submitted to the Department of Education. In addition, a certificate of appointment must be submitted to the Department of Education.
- For additional information, please refer to Superintendent's Memo No 128-14, dated which may be accessed at the following website:
http://www.doe.virginia.gov/administrators/superintendents_memos/2014/128-14.shtml.

Teacher Education

Where do I locate the approved programs at Virginia institutions of higher education?

- The programs may be accessed at the following website:

http://doe.virginia.gov/teaching/educator_preparation/college_programs/approved_teacher_ed_programs.pdf.



Professional Learning and Development

As the *Profile of a Virginia Graduate* guides our work in engaging students in deeper learning and strengthening the quality of education for all students, the Department is committed to focusing resources and support for innovative practices in our school divisions. The Professional Learning and Development webpage provides a database of professional learning opportunities offered through the Virginia Department of Education, as well as outside non-profit organizations; offers timely information and resources related to the performance based assessment work; and establishes a venue for school divisions to share their work and experiences related to relevant topics in education with colleagues through the Professional Learning Network.

Professional Learning and Development

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Where do I locate information on professional learning and development?

- Refer to [Superintendent's Memo #225-17](#) and the following links:
 - [Professional Learning and Development](#)
 - [Profile of a Virginia Graduate](#)

Professional Practices

1. What are a division superintendent's responsibilities regarding the filing of complaints, the investigation of complaints, and requests for the revocation, cancellation, suspension, denial, and reinstatement of teaching licenses?

Professional Practices

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- The procedures governing the process for seeking action against a license are set forth in Part VII of the *Licensure Regulations for School Personnel*, available online at <http://law.lis.virginia.gov/admincode/title8/agency20/chapter22/>, and the Department's professional practices specialist, Ms. Nancy Walsh, is able to provide assistance on the process. In Virginia, possible actions against a license include revocation, suspension, cancellation, and denial.
- Under the *Regulations*, a complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal or other responsible school employee to file a complaint in any case in which he has knowledge that a holder of a license is guilty of any basis for action against a license set forth in the *Regulations* (such as conviction of any felony and conduct detrimental to the health, welfare, discipline or morale of students).

- The *Regulations* further provide that, upon receipt of a complaint against a license holder, a division superintendent or his or her designee “shall investigate” the complaint. See 8VAC20-22-690B(2) and 8VAC20-22-710B(2). Under the *Regulations*, “[s]hould the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for revocation [or suspension] of a license signed by the division superintendent.” See 8VAC20-22-690C and 8VAC20-22-710C.

2. Is a school division obligated to investigate and seek action against a license for an individual who is no longer employed by the division?

- A division superintendent is obligated to investigate any complaint against the holder of a license and to initiate action against the license if the complaint is determined to be well founded, even if the individual who is the subject of the complaint is no longer employed by the division.

3. If a license holder wishes to voluntarily surrender his or license, may the license be cancelled without the division initiating a petition to revoke or suspend the license?

- No. A licensee may surrender his or her license and request cancellation only in response to a petition for revocation or suspension. The petition creates a record of the basis for the action against the license and advises the license holder of his or her rights.

4. Are courts required to notify school divisions of offenses by school employees?

- Effective July 1, 2008, Sections 22.1-253.13:7, 22.1-298.1, 22.1-313, and 63.2-1503 of the *Code of Virginia* were amended and re-enacted, and Section 19.2-291.1 was added to require circuit and general district courts in Virginia to report convictions for certain offenses to the superintendent of public instruction and the division superintendent of any employing school division. You may access this statute at: <http://law.lis.virginia.gov/vacode/title19.2/chapter17/section19.2-291.1/>

Refer to the following memoranda for additional information:

Informational Superintendent’s Memo No. 148, dated June 27, 2008, at:

http://www.doe.virginia.gov/administrators/superintendents_memos/2008/inf148.html

Informational Superintendent’s Memo No. 149, dated June 27, 2008, at:

http://www.doe.virginia.gov/administrators/superintendents_memos/2008/inf149.html

5. What are the new statutory requirements relating to the investigation of misconduct?

Effective July 1, 2017, Section 22.1-298.1 B of the *Code of Virginia* requires “immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license.” This provision also now requires:

“(i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license...; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled.”

This amended section of the *Code of Virginia* also provides as follows:

“The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § [22.1-313](#) and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § [63.2-1526](#) have been exhausted.”

Section 22.1-298.1 B of the *Code* is available online at:

<http://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/>.

6. Has there been a recent change in the law governing the employment of school personnel who have been convicted of a felony?

- A December 2015 decision of the Supreme Court of Virginia addresses the employment of school personnel who have been convicted of a felony. Refer to the following Superintendent’s Memo for additional information and a link to the case and the *Code* provision interpreted by the Court:
http://www.doe.virginia.gov/administrators/superintendents_memos/2016/125-16.shtml.

7. What other resources address notification and reporting requirements?

Informational Superintendent’s Memorandum No. 024-17, dated January 27, 2017, available online at:

- Informational Superintendent’s Memorandum No. 024-17, dated January 2017, available online at:
http://www.doe.virginia.gov/administrators/superintendents_memos/2017/024-17.shtml

Informational Superintendent’s Memorandum No. 314-12, dated November 16, 2017, available online at:

http://www.doe.virginia.gov/administrators/superintendents_memos/2012/314-12.shtml

- Section 22.1-313F of the *Code of Virginia*, may be accessed at the website, <http://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-313/>, and provides as follows:

F. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

APPENDIX TO THE K-12 EDUCATION FUNDING SECTION

Important *Code of Virginia* Statutes Governing State Requirements on K-12 Funding and Excerpts from the State Appropriation Act

IMPORTANT *CODE OF VIRGINIA* STATUTES GOVERNING

STATE REQUIREMENTS ON K-12 FUNDING

§ 22.1-5. Regulations concerning admission of certain persons to schools; tuition charges.

A. Consistent with Article VIII, Section 1 of the *Constitution of Virginia*, no person may be charged tuition for admission or enrollment in the public schools of the Commonwealth, whether on a full-time or part-time basis, who meets the residency criteria set forth in § 22.1-3. No person of school age shall be charged tuition for enrollment in a program preparing students to pass a high school equivalency examination approved by the Board of Education or alternative program offered as a regional or divisionwide initiative by the local school division in which such person is deemed to reside pursuant to § 22.1-3. Further, no person of school age shall be denied admission or charged tuition when (i) such person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States armed forces; and (ii) such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code, § 1044b providing for the care of the person of school age by an individual who is defined as a parent in § 22.1-1 during the time of his deployment outside the United States. The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney under Title 10, United States Code, § 1044b, resides. Furthermore, when practicable, such persons of school age may continue to attend school in the Virginia school division they attended immediately prior to the deployment and shall not be charged tuition for attending such division.

The following persons may, however, in the discretion of the school board of a school division and pursuant to regulations adopted by the school board, be admitted into the public schools of the division and may, in the discretion of the school board, be charged tuition:

1. Persons who reside within the school division but who are not of school age.
2. Persons of school age who are residents of the Commonwealth but who do not reside within the school division, except as provided in this section.
3. Persons of school age who are attending school in the school division pursuant to a foreign student exchange program approved by the school board.

4. Persons of school age who reside beyond the boundaries of the Commonwealth but near thereto in a state or the District of Columbia which grants the same privileges to residents of the Commonwealth.
5. Persons of school age who reside on a military or naval reservation located wholly or partly within the geographical boundaries of the school division and who are not domiciled residents of the Commonwealth of Virginia; however, no person of school age residing on a military or naval reservation located wholly or partly within the geographical boundaries of the school division may be charged tuition if federal funds provided under P.L. 874 of 1950, commonly known as Impact Aid, shall fund such students at not less than 50 percent of the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division. Notwithstanding any other provision of law to the contrary, such persons of school age who reside on a military or naval reservation with military-owned housing located wholly or partly within the geographical boundaries of multiple school divisions shall be deemed eligible for interscholastic programs immediately upon enrollment in a public elementary or secondary school in any of the aforementioned school divisions, provided that such persons (i) satisfy all other requirements for eligibility and (ii) are dependents of a military service member required by the military to live on the military installation as evidenced by a statement on command letterhead signed by, or by direction of, the service member's commanding officer.
6. Persons of school age who, as domiciled residents of the Commonwealth who were enrolled in a public school within the school division, are required as a result of military or federal orders issued to their parents to relocate and reside on federal property in another state or the District of Columbia, if the school division subsequently enrolling such persons is contiguous to such state or District of Columbia.
7. Persons of school age who reside in the school division and who are enrolled in summer programs, exclusive of required remediation as provided in § 22.1-253.13:1, or in local initiatives or programs not required by the Standards of Quality or the Standards of Accreditation.

For the purposes of determining the residency of persons described in subdivisions 1 and 2, local school boards shall adopt regulations consistent with the residency requirements regarding persons residing in housing or temporary shelter, or on property located in multiple jurisdictions, as articulated in § 22.1-3.

B. Persons of school age who are not residents of the Commonwealth but are living temporarily with persons residing within a school division may, in the discretion of the school board and pursuant to regulations adopted by it, be admitted to the public schools of the school division. Tuition shall be charged such persons.

C. No tuition charge authorized or required in this section shall exceed the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division and the actual, additional costs of any special education or gifted and talented program provided the pupil, except that if the tuition charge is payable by the

school board of the school division of the pupil's residence pursuant to a contract entered into between the two school boards, the tuition charge shall be that fixed by such contract.

D. School boards may accept and provide programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their twelfth birthday, and who have not reached 22 years of age on or before August 1 of the school year. No tuition shall be charged such students, if state funding is provided for such programs.

Code 1950, §§ 22-218.3, 22-219, 22-220; 1958, c. 628; 1959, Ex. Sess., c. 81, § 1; 1964, c. 192; 1968, c. 178; 1976, cc. 681, 713; 1978, c. 140; 1980, c. 559; 1981, c. 342; 1993, c. 293; 1994, c. 887; 1999, cc. 394, 443, 465, 988; 2000, c. 253; 2004, c. 967; 2007, c. 42; 2013, cc. 641, 669; 2014, c. 84.

§ 22.1-6. Permitted fees and charges.

Except as provided in this title or as permitted by regulation of the Board of Education, no fees or charges may be levied on any pupil by any school board. No pupil's scholastic report card or diploma shall be withheld because of nonpayment of any such fee or charge.

(Code 1950, §§ 22-197, 22-198, 22-199; 1977, c. 204; 1980, c. 559.)

§ 22.1-68. Records.

Each division superintendent shall ensure that an accurate record of all receipts and disbursements of school funds and all statistical information which may be required by the State Board is kept.

(Code 1950, § 22-36.1; 1980, c. 559.)

§ 22.1-81. Annual report.

Unless for good cause shown an extension of time not to exceed fifteen days is granted by the Superintendent of Public Instruction, each school board, with the assistance of the division superintendent, shall, on or before September 15 of each year, make a report covering the work of the schools for the year ending the preceding June 30 to the Board of Education on forms supplied by the Superintendent of Public Instruction.

(Code 1950, § 22-54; 1980, c. 559; 1987, c. 205; 1999, cc. 191, 492.)

§ 22.1-88. Of what school funds to consist.

The funds available to the school board of a school division for the establishment, support and maintenance of the public schools in the school division shall consist of state funds appropriated for public school purposes and apportioned to the school board, federal funds appropriated for educational purposes and apportioned to the school board, local funds appropriated to the school board by a local governing body or such funds as shall be raised by local levy as authorized by law, donations or the income arising therefrom, and any other funds that may be set apart for public school purposes.

(Code 1950, § 22-116; 1971, Ex. Sess., c. 162; 1980, c. 559; 1988, c. 576.)

§ 22.1-89. Management of funds.

Each school board shall manage and control the funds made available to the school board for public schools and may incur costs and expenses. If funds are appropriated to the school board by major classification as provided in § 22.1-94, no funds shall be expended by the school board except in accordance with such classifications without the consent of the governing body appropriating the funds.

(Code 1950, §§ 22-72, 22-97, 22-127; 1954, cc. 289, 291; 1956, Ex. Sess., cc. 60, 67; 1959, Ex. Sess., c. 79, § 1; 1966, c. 691; 1968, cc. 501, 614; 1970, c. 71; 1971, Ex. Sess., cc. 161, 162; 1972, c. 511; 1975, cc. 308, 328, 443; 1978, c. 551; 1980, c. 559.)

§ 22.1-89.1. Management of cafeteria funds.

Notwithstanding any other provision of law including, but not limited to this article, §§ 15.2-2503 and 15.2-2506, a school board may, in its discretion, establish a decentralized system for management and control of cafeteria funds without including in its annual budget an estimate of the total amount of such decentralized cafeteria funds, or receiving an appropriation of these decentralized cafeteria funds from the local governing body.

All decentralized cafeteria funds shall continue to be audited as required by the Superintendent of Public Instruction pursuant to his authority under § 22.1-24 and by the Auditor of Public Accounts pursuant to his authority under § 15.2-2511.

(1984, c. 138.)

§ 22.1-89.2. Financial records retention and disposition schedule.

School boards shall retain and dispose of financial records in accordance with the regulations concerning financial records retention and disposition promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board. However, school boards shall not be required to retain any such records pertaining to nonappropriated school activity funds for longer than five years.

(1990, c. 451.)

§ 22.1-90. Annual report of expenditures.

Every school board shall submit at least once each year to the governing body or bodies appropriating funds to the school board a report of all its expenditures. Such report shall also be made available to the public either on the official school division website, if any, or in hard copy at the central school division office, on a template prescribed by the Board of Education.

(Code 1950, § 22-97; 1954, c. 291; 1959, Ex. Sess., c. 79, § 1; 1968, c. 501; 1971, Ex. Sess., c. 161; 1975, cc. 308, 328; 1978, c. 430; 1980, c. 559; 2009, c. 104.)

§ 22.1-90.1. Inclusion of instructional spending in the School Performance Report Card.

The Department shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this purpose, the Department shall (i) establish a methodology for allocating each school division's expenditures to instructional and noninstructional costs in a manner that, except in the case of the hardware necessary to support electronic textbooks, is consistent with the funding of the Standards of Quality as approved by the General Assembly and (ii) allocate to instructional costs each school division's expenditures on the hardware necessary to support electronic textbooks. Further, at the discretion of the Superintendent, the Department may also report on other methods of measuring instructional spending such as those used by the U.S. Census Bureau and the U.S. Department of Education.

(2012, c. 212; 2015, c. 563.)

§ 22.1-91. Limitation on expenditures; penalty.

No school board shall expend or contract to expend, in any fiscal year, any sum of money in excess of the funds available for school purposes for that fiscal year without the consent of the governing body or bodies appropriating funds to the school board. Any member of a school board or any division superintendent or other school officer violating, causing to be violated or voting to violate any provision of this section shall be guilty of malfeasance in office.

(Code 1950, § 22-120; 1980, c. 559.)

§ 22.1-92. Estimate of moneys needed for public schools; notice of costs to be distributed.

A. It shall be the duty of each division superintendent to prepare, with the approval of the school board, and submit to the governing body or bodies appropriating funds for the school division, by the date specified in § 15.2-2503, the estimate of the amount of money deemed to be needed during the next fiscal year for the support of the public schools of the school division. The estimate shall set up the amount of money deemed to be needed for each major classification prescribed by the Board of Education and such other headings or items as may be necessary.

Upon preparing the estimate of the amount of money deemed to be needed during the next fiscal year for the support of the public schools of the school division, each division superintendent shall also prepare and distribute, within a reasonable time as prescribed by the Board of Education, notification of the estimated average per pupil cost for public education in the school division for the coming school year in accordance with the budget estimates provided to the local governing body or bodies. Such notification shall also include actual per pupil state and local education expenditures for the previous school year. The notice may also include federal funds expended for public education in the school division.

The notice shall be made available in a form provided by the Department of Education and shall be published on the school division's website or in hard copy upon request. To promote uniformity and allow for comparisons, the Department of Education shall develop a form for this notice and distribute such form to the school divisions for publication.

B. Before any school board gives final approval to its budget for submission to the governing body, the school board shall hold at least one public hearing to receive the views of citizens within the school division. A school board shall cause public notice to be given at least 10 days prior to any hearing by publication in a newspaper having a general circulation within the school division. The passage of the budget by the local government shall be conclusive evidence of compliance with the requirements of this section.

(Code 1950, §§ 22-120.3, 22-120.5; 1959, Ex. Sess., c. 79, § 1; 1980, c. 559; 1986, c. 282; 1994, cc. 453, 788; 2011, c. 216; 2012, cc. 805, 836.)

§ 22.1-93. Approval of annual budget for school purposes.

Notwithstanding any other provision of law, including but not limited to Chapter 25 (§ 15.2-2500 et seq.) of Title 15.2, the governing body of a county and the governing body of a municipality shall each prepare and approve an annual budget for educational purposes by May 15 or within 30 days of the receipt by the county or municipality of the estimates of state funds, whichever shall later occur. Upon approval, each local school division shall publish the approved annual budget in line item form, including the estimated required local match, on the division's Website, and the document shall also be made available in hard copy as needed to citizens for inspection.

The Superintendent of Public Instruction shall, no later than the fifteenth day following final adjournment of the Virginia General Assembly in each session, submit estimates to be used for budgetary purposes relative to the Basic School Aid Formula to each school division and to the local governing body of each county, city and town that operates a separate school division. Such estimates shall be for each year of the next biennium or for the then next fiscal year.

(Code 1950, § 22-127; 1956, Ex. Sess., c. 67; 1959, Ex. Sess., c. 79, § 1; 1968, c. 614; 1971, Ex. Sess., c. 162; 1975, c. 443; 1978, c. 551; 1980, c. 559; 1981, c. 541; 2008, cc. 353, 404; 2009, c. 280; 2011, c. 216; 2015, cc. 143, 370, 371.)

§ 22.1-94. Appropriations by county, city or town governing body for public schools.

A governing body may make appropriations to a school board from the funds derived from local levies and from any other funds available, for operation, capital outlay and debt service in the public schools. Such appropriations shall be not less than the cost apportioned to the governing body for maintaining an educational program meeting the standards of quality for the several school divisions prescribed as provided by law. The amount appropriated by the governing body for public schools shall relate to its total only or to such major classifications prescribed by the Board of Education pursuant to § 22.1-115. The appropriations may be made on the same periodic basis as the governing body makes appropriations to other departments and agencies.

(Code 1950, § 22-127; 1956, Ex. Sess., c. 67; 1959, Ex. Sess., c. 79, § 1; 1968, c. 614; 1971, Ex. Sess., c. 162; 1975, c. 443; 1978, c. 551; 1980, c. 559; 1989, c. 94.)

§ 22.1-95. Duty to levy school tax.

Each county, city and town is authorized, directed and required to raise money by a tax on all property subject to local taxation at such rate as will insure a sum which, together with other available funds, will provide that portion of the cost apportioned to such county, city or town by law for maintaining an educational program meeting the standards of quality for the several school divisions prescribed as provided by law.

(Code 1950, § 22-126.1; 1971, Ex. Sess., c. 162; 1980, c. 559.)

§ 22.1-96. Proration of operating cost, expenditures for capital outlay purposes and indebtedness for construction of buildings in certain school divisions.

In a school division composed of part or all of more than one county or city, the operating cost as well as the expenditures for capital outlay purposes and indebtedness for the construction of school buildings shall be on a pro rata basis on enrollment of pupils unless some other basis is agreed upon by the division school board and the governing bodies of the participating counties and cities.

(Code 1950, § 22-100.9; 1954, c. 391; 1956, c. 671; 1971, Ex. Sess., c. 161; 1980, c. 559.)

§ 22.1-97. Calculation and reporting of required local expenditures; procedure if locality fails to appropriate sufficient educational funds.

A. The Department of Education shall collect annually the data necessary to make calculations and reports required by this subsection.

At the beginning of each school year, the Department shall make calculations to ensure that each school division has appropriated sufficient funds to support its estimated required local expenditure for providing an educational program meeting the prescribed Standards of Quality, required by Article VIII of the *Constitution of Virginia* and Chapter 13.2 (§ 22.1-253.13:1 et seq.) of this title. At the conclusion of the school year, the Department shall make calculations to verify whether the locality has provided the required expenditure, based on average daily membership as of March 31 of the relevant school year.

The Department shall report annually to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health the results of such calculations and the degree to which each school division has met, failed to meet, or surpassed its required expenditure.

The Joint Legislative Audit and Review Commission shall report annually to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health the state expenditure provided each locality for an educational program meeting the Standards of Quality.

The Department and the Joint Legislative Audit and Review Commission shall coordinate to ensure that their respective reports are based upon comparable data and are delivered together, or as closely following one another as practicable, to the appropriate standing committees.

B. Whenever such calculations indicate that the governing body of a county, city or town fails or refuses to appropriate funds sufficient to provide that portion of the cost apportioned to such county, city or town by law for maintaining an educational program meeting the Standards of Quality, the Board of Education shall notify the Attorney General of such failure or refusal in writing signed by the president of the Board. Upon receipt of such notification, it shall be the duty of the Attorney General to file in the circuit court for the county, city or town a petition for a writ of mandamus directing and requiring such governing body to make forthwith such appropriation as is required by law.

The petition shall be in the name of the Board of Education, and the governing body shall be made a party defendant thereto. The court may, in its discretion, cause such other officers or persons to be made parties defendant as it may deem proper. The court may make such order as may be appropriate respecting the employment and compensation of an attorney or attorneys for any party defendant not otherwise represented by counsel. The petition shall be given first priority on the docket of such court and shall be heard expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and the writ of mandamus shall be awarded or denied according to the law and facts of the case and with or without costs, as the court may determine. The order of the court shall be final upon entry. Any appeal therefrom shall be heard and disposed of promptly by the Supreme Court next after habeas corpus cases already on the docket.

(Code 1950, § 22-21.2; 1971, Ex. Sess., c. 160; 1980, c. 559; 2003, c. 948.)

§ 22.1-98. Reduction of state aid when length of school term below 180 days or 990 hours.

A. For the purposes of this section:

1. "Declared state of emergency" means the declaration of an emergency before or after an event, by the Governor or by officials in a locality, that requires the closure of any or all schools within a school division.
2. "Severe weather conditions or other emergency situations" means those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures.

B. Except as provided in this section:

1. The length of every school's term in every school division shall be at least 180 teaching days or 990 teaching hours in any school year; and
2. If the length of the term of any school or the schools in a school division shall be less than 180 teaching days or 990 teaching hours in any school year, the amount paid by the Commonwealth from the Basic School Aid Fund shall, except as otherwise hereinafter provided or as otherwise provided by law, be reduced in the same proportion as the length of the school term has been reduced in any school or the schools in the school division from 180 teaching days or 990 teaching hours.

C. Notwithstanding the requirements of subsection B, in any case in which severe weather conditions or other emergency situations, as defined in this section, result in the closing of a school or the schools in a school division, the amount paid by the Commonwealth from the Basic School Aid Fund shall not be reduced if the following schedule of make-up days is followed:

1. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for five or fewer days, the school or the schools in the school division shall make up all missed days by adding teaching days to the school calendar or extending the length of the school day;
2. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for six days or more, the school or the schools in the school division shall make up the first five days plus one day for each two days missed in excess of the first five by adding teaching days to the school calendar or extending the length of the school day; or
3. When severe weather conditions or other emergency situations have resulted in the closing of any school in a school division and such school has been unable to meet the 180 teaching day requirement, the school division may make up the missed teaching days by providing its students with instructional hours equivalent to such missed teaching days to meet the minimum 990 teaching hour requirement.

D. The local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall also not be proportionally reduced by any local governing body because of any reduction in the length of the term of any school or the schools in a school division authorized by subsection C.

E. The foregoing provisions of this section notwithstanding, the Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency or severe weather conditions or other emergency situations. If the local school board desires a waiver, it shall submit a request to the Board of Education. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the division superintendent and chairman of the local school board that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of this requirement. If the waiver is denied, the school division shall make up the missed instructional time in accordance with this section.

If the Board grants such a waiver, there shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. Further, the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to any reduction in the length of the term of any school or the schools in a school division permitted by such waiver.

F. If the professional personnel of any such school division actually render service for less than the contracted period for such school year and their compensation is reduced because of insufficient

funds or other reason, the proportionate amount paid by the Commonwealth for the personnel component of the Basic School Aid Fund for such school year shall be reduced pro rata.

Notwithstanding any provision of law to the contrary, the school board of any school division in which the length of the term for any school or for the schools in the school division is reduced as provided in this section may pay its professional personnel such salary as they would have received if the term had not been so reduced.

G. In developing the school calendar as provided for in § 22.1-79.1, each local school board shall establish such calendars and teaching contracts in accordance with applicable regulations of the Board of Education to include contingencies for making up teaching days and teaching hours missed for emergency situations described in this section. Historical data shall be used to determine the needs of the locality including scheduled holidays and breaks and work days.

H. The Board of Education may authorize the Superintendent of Public Instruction to approve, in compliance with this section, reductions in the school term for a school or the schools in a school division without a proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund.

I. With the exception of the Basic School Aid Fund as provided for above, the Commonwealth shall not distribute funds to a locality for costs not incurred when the school term is reduced below 180 teaching days or 990 teaching hours.

J. As part of the annual report required by § 22.1-81, the division superintendent and local school board chairman shall certify the total number of teaching days and teaching hours each year.

Code 1950, § 22-5; 1956, Ex. Sess., c. 66; 1977, c. 316; 1978, cc. 105, 204; 1979, c. 177; 1980, c. 559; 1987, c. 65; 1988, c. 112; 1990, c. 213; 2004, cc. 839, 868, 887; 2006, cc. 26, 96; 2015, c. 706.

§ 22.1-100. Unexpended school and educational funds.

All sums of money derived from the Commonwealth which are unexpended in any year in any school division shall revert to the fund of the Commonwealth from which derived unless the Board of Education directs otherwise. All sums derived from local funds unexpended in any year shall remain a part of the funds of the governing body appropriating the funds for use the next year, but no local funds shall be subject to redivision outside of the locality in which they were raised.

(Code 1950, § 22-138; 1956, Ex. Sess., c. 67; 1980, c. 559.)

§ 22.1-115. System of accounting; statements of funds available; classification of expenditures.

The State Board, in conjunction with the Auditor of Public Accounts, shall establish and require of each school division a modern system of accounting for all school funds, state and local, and the treasurer or other fiscal agent of each school division shall render each month to the school board a statement of the funds in his hands available for school purposes. The Board shall prescribe the following major classifications for expenditures of school funds: (i) instruction, (ii) administration, attendance and health, (iii) pupil transportation, (iv) operation and maintenance, (v) school food

services and other noninstructional operations, (vi) facilities, (vii) debt and fund transfers, (viii) technology, and (ix) contingency reserves.

(Code 1950, § 22-143; 1979, c. 630; 1980, c. 559; 1984, c. 130; 1989, c. 94; 2002, c. 470; 2008, c. 131.)

§ 22.1-116. How and by whom funds for school division kept and disbursed.

The treasurer or comparable officer of each county, city or part thereof constituting a school division or town, if the town constitutes the school division, shall be charged with the responsibility for the receipt, custody and disbursement of the funds of the school board and shall keep such funds in an account or accounts separate and distinct from all other funds.

(Code 1950, §§ 22-132, 22-133; 1959, Ex. Sess., c. 79, § 1; 1960, c. 222; 1980, c. 559.)

§ 22.1-175.5. Capital School Projects Fund.

A. The governing body of any locality which is awarded a grant pursuant to this chapter may authorize the local treasurer or fiscal officer, by ordinance or resolution, to create a separate escrow account upon the books of the locality, as described in this section. Upon the adoption of such ordinance or resolution, the treasurer of the locality shall place such grant awards into this account.

B. The escrow account shall be known as the "County/City/Town of _____ Capital School Projects Fund." All principal deposited to such fund, together with all income from or attributable to the fund, shall be used solely for (i) construction, additions, renovations, including retrofitting and enlarging public school buildings, infrastructure, including technology infrastructure, and site acquisition for public school buildings and facilities or (ii) debt service payments, or a portion thereof, for any such projects completed in the previous ten years if so designated. No disbursement from the fund may be made except upon specific appropriation by the governing body in accordance with applicable law. If a locality establishes such a fund and designates any portion of the funds deposited therein to pay debt service for (i) any general obligation of the locality held by the Virginia Public School Authority or (ii) any Literary Fund loan, the locality shall obtain an opinion of bond counsel that designation of funds to pay debt service on obligations described in clauses (i) and (ii) hereof does not adversely impact the tax-exempt status of such obligations.

C. All grant awards deposited in the fund, including all income from or attributable to such fund, shall be deemed public funds of the locality and shall be subject to all limitations upon deposit and investment provided by general law, including, but not limited to, the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.). Income, dividends, distributions, and grants accruing to the fund shall be retained in such fund and shall be expended only in accordance with the terms of this section.

D. Nothing in this section shall be deemed or construed to authorize a school board or school division to receive, hold or invest funds in its own name, nor to expend funds in the absence of a specific appropriation by the governing body of the locality in accordance with applicable law.

(1999, cc. 354, 391.)

§ 22.1-175.6. Virginia Public School Educational Technology Grants Program established.

With such funds as are appropriated for this purpose, the Virginia Public School Educational Technology Grants Program, hereinafter referred to as "the Program," is hereby established to provide grants to eligible school divisions for educational technology, including infrastructure, software, and hardware acquisitions and replacement, and innovative programs to advance the effectiveness of educational technology. The Program shall be administered by the Board of Education.

(1999, c. 870.)

Important Excerpts from the State Appropriation Act

Item 139 of Chapter 836 (2016-2018 Appropriation Act) – reflects amendments adopted at 2017 General Assembly Session

A. Definitions

4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality. The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March 31 ADM reported for the first seven (7) months of the 2013-2014 school year and 1/3 of the index of wealth per capita (population estimates for 2013 as determined by the Weldon Cooper Center for Public Service of the University of Virginia) multiplied by the local nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are determined by combining the following constituent index elements with the indicated weighting: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2013 - 50 percent; (2) adjusted gross income for the calendar year 2013 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2013 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent index element for a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state average per March 31 ADM, or per capita, for the same element. A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing all payments based on the composite index of local ability-to-pay. Each constituent index element for a locality used to determine the composite index of local ability-to-pay for the current biennium shall be the latest available data for the specified official base year provided to the Department of Education by the responsible source agencies no later than November 15, 2015.

b. For any locality whose total calendar year 2013 Virginia Adjusted Gross Income is comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income shall be excluded in computing the composite index of ability-to-pay. The Department of Education shall compute the composite index for such localities by using adjusted gross income data which exclude nonresident income, but shall not adjust the composite index of any other localities. The Department of Taxation shall furnish to the Department of Education such data as are necessary to implement this provision.

5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on the composite index of local ability-to-pay of the cost required by all the Standards of Quality minus its estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins.

6. "Required Local Match" - The locality's required share of program cost based on the composite index of local ability-to-pay for all Lottery and Incentive programs, where required, in which the school division has elected to participate in a fiscal year.

8. "State Share of the Standards of Quality" - The state share of the Standards of Quality (SOQ) shall be equal to the total funded SOQ cost for a school division less the school division's estimated revenues from the state sales and use tax dedicated to public education based on the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, adjusted for the state's share of the composite index of local ability to pay.

B. General Conditions

8.a.1) Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to make calculations at the start of the school year to ensure that school divisions have appropriated adequate funds to support their estimated required local expenditure for the corresponding state fiscal year. In an effort to reduce the administrative burden on school divisions resulting from state data collections, such as the one needed to make the aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to the adequacy of estimated required local expenditures, shall be satisfied by signed certification by each division superintendent at the beginning of each school year that sufficient local funds have been budgeted to meet all state required local effort and required local match amounts. This provision shall only apply to calculations required of the Department of Education related to estimated required local expenditures and shall not pertain to the calculations associated with actual required local expenditures after the close of the school year.

2) The Department of Education shall also make calculations after the close of the school year to verify that the required local effort level, based on actual March 31 Average Daily Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of Education shall report annually, no later than the first day of the General Assembly session, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health, the results of such calculations made after the close of the school year and the degree to which each school division has met, failed to meet, or surpassed its required local expenditure. The Department of Education shall specify the calculations to determine if a school division has expended its required local expenditure for the Standards of Quality. This calculation may include but is not limited to the following calculations:

b. The total expenditures for operation, defined as total expenditures less all capital outlays, expenditures for debt service, facilities, non-regular day school programs (such as adult education,

preschool, and non-local education programs), and any transfers to regional programs will be calculated.

c. The following state funds will be deducted from the amount calculated in paragraph a. above: revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item) for sales in the fiscal year in which the school year begins; total receipts from state funds (except state funds for non-regular day school programs and state funds used for capital or debt service purposes); and the state share of any balances carried forward from the previous fiscal year. Any qualifying state funds that remain unspent at the end of the fiscal year will be added to the amount calculated in paragraph a. above.

d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also be deducted from the amount calculated in paragraph a. above. Any federal funds that remain unspent at the end of the fiscal year and any capital expenditures paid from federal funds will be added to the amount calculated in paragraph a. above.

e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will also be deducted from the amount calculated in paragraph a, then

f. The final amount calculated as described above must be equal to or greater than the required local expenditure defined in paragraph A. 5.

g. The Department of Education shall collect the data necessary to perform the calculations of required local expenditure as required by this section.

h. A locality whose expenditure in fact exceeds the required amount from local funds may not reduce its expenditures unless it first complies with all of the Standards of Quality.

9.a. Any required local matching funds which a locality, as of the end of a school year, has not expended, pursuant to this Item, for the Standards of Quality shall be paid by the locality into the general fund of the state treasury. Such payments shall be made not later than the end of the school year following that in which the under expenditure occurs.

b. Whenever the Department of Education has recovered funds as defined in the preceding paragraph a., the Secretary of Education is authorized to repay to the locality affected by that action, seventy-five percent (75%) of those funds upon his determination that:

1) The local school board agrees to include the funds in its June 30 ending balance for the year following that in which the under expenditure occurs;

2) The local governing body agrees to reappropriate the funds as a supplemental appropriation to the approved budget for the second year following that in which the under expenditure occurs, in an appropriate category as requested by the local school board, for the direct benefit of the students;

3) The local school board agrees to expend these funds, over and above the funds required to meet the required local expenditure for the second year following that in which the under expenditure

occurs, for a special project, the details of which must be furnished to the Department of Education for review and approval;

4) The local school board agrees to submit quarterly reports to the Department of Education on the use of funds provided through this project award; and

5) The local governing body and the local school board agree that the project award will be cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of the second year following that in which the under expenditure occurs.

c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient, not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding paragraph a.

10. The Department of Education shall specify the manner for collecting the required information and the method for determining if a school division has expended the local funds required to support the actual local match based on all Lottery and Incentive programs in which the school division has elected to participate. Unless specifically stated otherwise in this Item, school divisions electing to participate in any Lottery or Incentive program that requires a local funding match in order to receive state funding, shall certify to the Department of Education its intent to participate in each program by July 1 each fiscal year in a manner prescribed by the Department of Education. As part of this certification process, each division superintendent must also certify that adequate local funds have been appropriated, above the required local effort for the Standards of Quality, to support the projected required local match based on the Lottery and Incentive programs in which the school division has elected to participate. State funding for such program(s) shall not be made until such time that the school division can certify that sufficient local funding has been appropriated to meet required local match. The Department of Education shall make calculations after the close of the fiscal year to verify that the required local match was met based on the state funds that were received.

11. Any sum of local matching funds for Lottery and Incentive program which a locality has not expended as of the end of a fiscal year in support of the required local match pursuant to this Item shall be paid by the locality into the general fund of the state treasury unless the carryover of those unspent funds is specifically permitted by other provisions of this act. Such payments shall be made no later than the end of the school year following that in which the under expenditure occurred.

26. The Department of Education shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this report, the Department of Education shall establish a methodology for allocating each school division's expenditures to instructional and non-instructional costs in a manner that is consistent with the funding of the Standards of Quality as approved by the General Assembly.

C. Apportionment

38. Supplemental Lottery Per Pupil Allocation Payments

a. Out of this appropriation, an amount estimated at \$36,581,531 the first year and \$191,267,718 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions to support the state share of an estimated \$52.56 per pupil the first year and \$274.12 per pupil the second year in adjusted March 31 average daily membership. These per pupil amounts are subject to change for the purpose of payment to school divisions based on the actual March 31 ADM collected each year. No locality shall be required to maintain a per pupil expenditure each year from local funds which is greater than the per pupil amount expended by the locality for such purposes in the year upon which the 2016-18 biennial Standards of Quality expenditure data were based.

b. Of the amounts listed above, *school divisions are permitted to spend such funds on both recurring and nonrecurring expenses in a manner that best supports the needs of the schools divisions. No local match is required.*

c. Any lottery funds provided to school divisions from this item that are unexpended as of June 30, 2017, and June 30, 2018, shall be carried on the books of the locality to be appropriated to the school division in the following year.

40. Compensation Supplement

a.1) The appropriation in this item includes \$31,981,550 the second year from the general fund for the state share of a payment equivalent to a 2.0 percent salary incentive increase, effective February 15, 2018, for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, guidance counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. This amount includes \$135,366 the second year referenced in paragraph 28. h., for the Academic Year Governor's Schools for a 2.0 percent salary incentive increase, effective February 15, 2018, for instructional and support positions.

2) It is the intent that the instructional and support position salaries be increased in school divisions throughout the state by at least an average of 2.0 percent during the 2016-18 biennium. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 2.0 percent salary increase for funded SOQ instructional and support positions, effective February 15, 2018, to school divisions which certify to the Department of Education, by June 1, 2017, that salary increases of a minimum average of 2.0 percent have been or will have been provided during the 2016-18 biennium, either in the first year or in the second year or through a combination of the two years, to instructional and support personnel. In certifying that the salary increases have been provided, school divisions may not include any salary increases that were provided in the first year solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144, Code of Virginia.

b. This funding is not intended as a mandate to increase salaries.