

Note: This document represents draft two after board feedback. Any individual substantive board recommendations have been added into the document for board discussion, but they have not been discussed or voted on by the board in a public meeting. The board will discuss these recommendations and take separate votes on each prescription during the December 12 meeting.

Board of Education Revisions to the Standards of Quality

REVISING THE STANDARDS OF QUALITY

The *Constitution of Virginia* ([Article VIII, § 2](#)) requires the Board of Education to prescribe standards of quality for the public schools of Virginia, subject to revision only by the General Assembly. These standards, found in the *Code of Virginia* at §§ [22.1-253.13:1 through 22.1-253.13:10](#), are known as the Standards of Quality (SOQ) and provide the foundational program for public education in Virginia. Every two years, per § [22.1-18.01](#) of the *Code*, the Board reviews the SOQ and proposes amendments as necessary.

For each biennium between 1972 and 1982, the Board prescribed the SOQ, which were subsequently adopted by the General Assembly. The General Assembly did exercise its right to revise during these years but did not substantively change the content of the standards. In 1984, the General Assembly codified the SOQ in Chapter 13.1 of Title 22.1 of the *Code of Virginia* and shortly thereafter in 1988, the SOQ was again codified into their current form as Chapter 13.2. Since that time, the Board, the Governor, and the General Assembly have worked collaboratively to amend the SOQ to address the needs of public schools and students of the Commonwealth.

In revising the SOQ this year, the Board hosted three discussions during its board meetings in 2023. The Board directed the Virginia Department of Education to survey superintendents, parents and families, teachers and local board members. VDOE staff included stakeholder engagement sessions with the Virginia School Boards Association, the regional Teacher Advisory Panel, Principal Advisory Panel, and parent stakeholders. Multiple associations followed up with letters to the Board. In addition, survey data from parents and teachers were provided for the Board.

RELEVANT DATA

In addition to considering public and stakeholder input, the Board's review process was informed by the Annual Report, National Assessment of Educational Progress ("NAEP") 2022 data and 2023 Standards of Learning (SOL) data. Fall 2023 enrollment data indicated that student enrollment in Virginia has flattened.

For example, the post-pandemic NAEP data from 2022 and the 2023 SOL data are a clear call to action. The NAEP reported the biggest drop in fourth-grade reading performance in 30 years and the first-ever drop in math. These losses were most severe among low-income and minority students and students whose schools were closed longest. The results from the 2022–2023 SOL assessments similarly highlight the impact of the pandemic and prolonged school closures, but also reveal a long-term downward trend in performance.

The disconcerting NAEP and SOL data are mirrored by assessments of early learning. The Commonwealth's youngest learners did not fare well on the Phonological Awareness Literacy Survey ("PALS"), an early literacy assessment that identifies at-risk students. Although PALS data from Spring 2023 show a second consecutive year of improvement, the percentage of students below benchmark rather remained 4.6 points above the pre-pandemic rate of 19.9 percent. In other words, nearly one quarter of early learners remain below benchmark.

While the percent of students who scored in the high proficient to advanced range were similar in reading and mathematics at 38% and 34% respectively, the pre-pandemic to post-pandemic comparison of students who scored in those ranges by grade level shows a decline, indicating that typically high achieving students are not performing as well as their pre-pandemic peers.

In reading, the decline in performance for high achieving grade 3 students is 11 percentage points, while the decline in grades, 5, 6, and 7 are 18 percentage points, 12 percentage points, and 15 percentage points respectively. As mentioned before, the proficiency standards (the "cut scores") adopted by the Virginia Board of Education for the new reading tests administered for the first time in 2020–2021, and consequently in 2022–2023, represented lower levels of achievement than were required for the previously administered reading tests. Had the same level of achievement required for proficiency on the previously administered tests been applied to the new reading tests, the difference between the pre- and post-pandemic data would have been greater. The decline in high proficient or advanced scores in mathematics shows a 12 to 18 percentage point drop for grade levels 3-8 (Figure E). Direct comparisons can be made between 2018–2019 data and 2022–2023 data since the mathematics tests based on new standards were implemented for the first time in 2018–2019.

Student performance in science (grade 5 through end-of-course assessments) has also dropped precipitously since 2018–2019 with only 67% of students passing science assessments in 2022–2023, as compared to 81% in 2018–2019. Similarly, history pass rates (content specific history through end-of-course assessments) have dropped 15 percentage points from 80% to 65%. Learning loss recovery in both of those content areas has been stagnant between 2021–2022 and 2022–2023.

Virginia student group data shows a deeper picture of the gaps in performance that exist between student groups. School year 2022–2023 data shows that there is an alarming gap between statewide reading performance when all grade 3-8 students are considered (70%) compared to when only English Learners (31%) or students with disabilities (38%) are considered. Black, Hispanic, and economically disadvantaged students also demonstrate a 13%–15% gap in performance. As with the "All Students" group, the performance in each of these student groups is also less than the 2018–2019 rates. Had the same level of achievement been required for proficiency on the 2022–2023 test as the one administered in 2018-2019, the gaps between these two years would be even wider.

In addition, the 2022 Virginia Literacy Act (VLA) focused on improving literacy instruction requires school divisions to provide evidence-based literacy instruction, science-based reading and literacy curriculum, and data-based interventions. Teachers and reading specialists will be provided with the necessary instructional materials to implement this shift, as well as receive training in evidence-based literacy instruction, aligned with science-based reading research. To date, 1,456 reading specialists have been trained in evidence-based literacy instruction through opportunities created by our partners at Virginia Literacy Partnerships (VLP).

Virginia's statewide teacher vacancy rate was at 3.9% in 2022–2023, an increase from the 2021–2022 rate of 3.1%. Teacher vacancies rates are not universal throughout the Commonwealth, and teacher vacancies vary significantly across school division. One school division had 605 vacancies while 20 percent of school divisions are only experiencing 0-1 vacancies. Current data demonstrate the highest vacancy rates are occurring in PreK-6 positions and special education positions.

The Virginia Department of Education successfully registered a teacher apprenticeship program with the Virginia Department of Labor and Industry in October 2023. As part of the registered teacher apprenticeship program, the Virginia Department of Education will sponsor the *Grow Your Own – Registered Teacher Apprenticeship* grant between divisions and Educator Preparation Programs (EPPs). The purpose of the *Grow Your Own – Registered Teacher Apprenticeship* grant is to prepare individuals to enter and succeed in the state's registered teacher apprenticeship program and ultimately, in the school division of their respective employment. This program intends to expand in both directions to include the recruitment of high school students within Teachers of Tomorrow programs through grow your own principal pathways. What separates this program from previous traditional student teacher experiences is the length of time with students as well as the ability to earn a living wage during the process. The elimination of student loan debt and working within the community in which a prospective teacher lives changes the likelihood of staying with the division and the profession all the while increasing educator diversity.

Finally, the Board has received a great deal of feedback on the design of high schools and is considering significant “readiness components” in their new school accountability conversations. Many students are still not leaving high school prepared for the workforce and/or college. While progress has been made over the last five years to expand career exploration, industry credentialing, AP, DE, and other high school options, there are still obstacles to adequate preparation necessary to be successful after high school. Many students are entering the workforce without any type of meaningful industry credential to find a high wage/high skill career while others apply to colleges in degree areas unrelated to their prior high school exposure or personal interest. For instance, when a student applies to many of Virginia's four-year colleges, they are expected to apply to certain specific degree programs during the admissions process in their senior year. Without relevant experience, exposure or counseling during high school, this expectation often leads to uninformed decisions by the student. Virginia high schools must be designed to provide more flexibility in scheduling, as well

as opportunities to provide in-depth career exploration, credentialing in high skill/high demand jobs, and high-quality work-based learning. The Virginia high school experience, to meet the real time needs of state and regional labor market demands and to provide students with pathways to high skill/high wage employment, should be adapted and redesigned accordingly to afford school divisions the necessary flexibility to improve postsecondary outcomes for all students.

The Board has received clear stakeholder feedback requesting more flexible funding from all stakeholders in particular board members and superintendents.

The Board's discussion also further aligned the need to provide school divisions flexibility to meet the evolving needs of their students and community. The SOQ revisions reflect this move toward school division flexibility and continue to prioritize literacy and teacher pipeline development as well as emerging needs in student learning recover, modernized work based learning, and post-pandemic mental health needs.

BOARD AUTHORITY

During this biennial review cycle, the Board evaluated not only the substance of the standards, but its role and responsibility in revising the SOQ. As mandated by Article VIII § 2 of the *Constitution of Virginia*, "Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly." Further, § [22.1-18.01](#)(A) of the *Code of Virginia* requires that, in order "[t]o ensure the integrity of the standards of quality, the Board of Education shall, in odd-numbered years, exercise its constitutional authority to determine and prescribe the standards, subject to revision only by the General Assembly, by reviewing the standards and either (i) proposing amendments to the standards or (ii) making a determination that no changes are necessary."

The Board resolved on December 12, 2023, to execute its constitutional and statutory authority to prescribe standards of quality rather than simply adopt recommendations. The Board, which is composed of experienced practitioners and content experts, is ideally positioned to determine best practice and policy as it applies to Virginia public education. Further, for the Board's revisions to the SOQ represent a thorough review of research, policy, alternatives, outcomes and stakeholder input, not subject to political whim. Therefore, the Board believes that it is in the best interest of maintaining the highest standard of quality for the Virginia public education system that the Board assert its constitutional and statutory authority in prescribing the SOQ.

Pursuant to [Article VIII, § 2](#) of the Constitution of Virginia and § [22.1-18.01](#) of the of the *Code of Virginia*, the Board of Education reviewed the current SOQ and presents to the Governor and General Assembly the following proposed amendments. The Board's resolution adopting the revised SOQ, as well as a complete copy of the revised SOQ is attached.

DRAFT

2023 PRESCRIBED AMENDMENTS

DRAFT LANGUAGE FOR BOARD DISCUSSION

The following amendment aligns with the Board's first and second priorities, as outlined in its Comprehensive Plan, to set high expectations for every learner and to close achievement gaps:

A. FLEXIBILITY FOR FUNDING

Student-based Funding Formula

Estimated FY 2024/2025 impact: No state impact

Background

Currently, Standard 2 of the Standards of Quality (SOQ) (Va. Code § [22.1-253.13:2](#)) and Item 137, Paragraph B.7.a. in the Chapter 1 budget (2023 SSI) establish SOQ funding to school divisions through a resource-based formula driven by prescribed staffing standards and prevailing division costs for support resources. The Chapter 1 budget also establishes a joint subcommittee of the General Assembly to review the recent K-12 funding recommendations from the Joint Legislative Audit and Review Committee (JLARC), with a subcommittee report due by Nov. 1, 2024. Discussed in JLARC's report and emerging nationally is redesign of state K-12 funding formulas based on student-weighted models in lieu of staffing-based models. An amendment is presented below for consideration.

Amendment – Student-Weighted Funding Formula

Draft amendment to Standard 2 of the SOQ: *The Board of Education recommends the General Assembly investigate, model and develop a plan to move to a student-weighted funding formula for purposes of determining the required state and local shares of cost for the Standards of Quality.*

Additional Explanation: While a resource-based funding formula met the needs of school divisions in the Commonwealth historically, school divisions today are faced with a myriad of unique student needs. Funding should be allocated by student, recognizing the unique needs of each student rather than using a formula driven by staffing ratios. The Board recommends that the legislature study and implement a student-weighted funding formula that provides more flexibility in spending to school divisions. There is a current legislative study recommended from the 2023 JLARC funding report, and this legislative group may be the appropriate group to complete the student-weighted funding formula prescription as well.

Recommendation 1: “The Board of Education recommends the General Assembly investigate, model and **give serious consideration** to a plan to move to a student-weighted funding formula for purposes of determining the required state and local shares of cost for the Standards of Quality.”

The following amendment aligns with the Board's first and second priorities, as outlined in its Comprehensive Plan, to set high expectations for every learner and to close achievement gaps.

B. LITERACY ACT, MATH AND LEARNING LOSS

Literacy and Flexible Funding extension

Estimated FY 2024/2025 impact: \$25M

Background

In 2022, the General Assembly enacted the Virginia Literacy Act (VLA), comprehensive legislation making several changes relating to early student literacy, including requiring that each local school board establish a division-wide literacy plan requiring a program of literacy instruction for students aligned with science-based reading research and providing evidenced-based literacy instruction in line with [HB 319](#) and [SB 616](#) (Chs. 550, 549, 2022 Acts of Assembly) and [HB 1526](#) (Ch. 645, 2023 Acts of Assembly).

In the Fall of 2023, the General Assembly also provided flexible funding for school divisions to focus on the implementation of the VLA and learning recovery. School divisions predict that they will need extended support for both the implementation of the Act and to support long term learning recovery as well as have the opportunities to implement innovative learning acceleration models.

School divisions need to continue providing tutoring, technical assistance for educators in VLA implementation. In addition, some school divisions need to support innovative learning acceleration models and hire additional counselors for student wellness needs. Flexible funding is needed across the Commonwealth with evidence-based practices proven successful in increasing student expectations.

Amendment

The Board of Education recommends the General Assembly provide flexible funding for innovations in learning that can include the support of literacy, mathematics, counseling, learning acceleration and/or loss recovery to ensure that school divisions can meet the unique needs of students struggling with persistent learning loss in reading and math.

School divisions must use the School Improvement Planning process (already required) to identify the need that the school division chooses to support with these funds, track progress, identify the goals, and report on the progress of goals the school division expects to achieve.

Recommendation 1: JLARC estimates this change would cost \$250M per year; I suggest we adopt their cost estimates and refer to the JLARC report for further detail as needed.

DRAFT

The following amendment aligns with the Board’s first priority, as outlined in its Comprehensive Plan, to create innovative pathways for every learner:

C. Work-Based Learning

Flexibility in Work Based Learning/ High School Redesign

Estimated FY 2024/2025 impact: no state fiscal impact

Background

In 2016, the General Assembly mandated the Board of Education to develop a *Profile of a Virginia Graduate* identifying the knowledge and skills necessary for students to become successful contributors to the Virginia economy. The legislation also directed the Board to establish multiple pathways to college and career readiness, each of which shall include opportunities for internships, externships, and credentialing. Currently, school divisions are still expressing challenges ensuring students not only meet the demands of advanced coursework, but also participating in robust work-based learning or complete high-wage, high-demand industry-recognized credentials.

Amendment

The Board of Education recommends that General Assembly require high school students have the opportunity to pursue individualized academic and career-based experiences in high school. Upon graduation all students should earn an industry recognized credential (IRC) from among the current VDOE list of meaningful IRCs or participate in a meaningful work-based learning experience as well as experience college and military readiness learning experiences. High schools must use flexible scheduling and flexible seat-time to ensure all students are able to engage in a credentialing program, work-based learning experience or a work-based learning seminar, dual enrollment/advanced learning opportunities.

Additional Explanation: This experience can take place in collaboration with local or regional employers and school divisions, or through participation in a career readiness/exposure seminar, offered as a half-credit course. This seminar should be graded and include curriculum prescribed by the VDOE. Additional required resources will include staffing to coordinate and teach WBL experiences or seminars. This seminar can be administered with flexibility as related to seat time, delivery method, or instructor licensing/content expertise.

Recommendation 1: “Upon graduation all students should earn an industry recognized credential (IRC) from among the current VDOE list of meaningful IRCs or participate in a meaningful work-based learning experiences as well as college and military readiness learning opportunities.”

Recommendation 2: “High schools must use flexible scheduling and competency-based seat-time flexibility in accordance with [VAC regulation] to ensure all students are able to engage

in a credentialing program, work-based learning experience or a work-based learning seminar, dual enrollment/advanced learning opportunities.”

Recommendation 3: Add “approved state apprenticeship, dual enrollment/advanced learning opportunities, military readiness” and replace “experience” with “internship” in the third sentence of the Amendment. With the changes, the third sentence would say, “High schools must use flexible scheduling and flexible seat-time to ensure all students are able to engage in a credentialing program, approved state apprenticeship, dual enrollment/advanced learning opportunities, military readiness program, work-based learning internship, or a work-based learning seminar.”

Recommendation 4: “This experience can take place in collaboration with local or regional employers and school divisions, or through participation in a career readiness seminar, offered as a half-credit course. This graded seminar should be graded and include curriculum prescribed by the VDOE.”

DRAFT

The following amendment aligns with the Board’s first and second priorities, as outlined in its Comprehensive Plan, to set high expectations for every learner and to close achievement gaps:

D. SPED State Required IEP System (Additional item)

State-wide Individualized Education Plan (IEP) System

Estimated FY 2024/2025 impact: To Be Determined by statewide Request for Proposal (RFP) process and multiple funding sources

Background

School divisions currently have the choice to opt into a statewide IEP system which does not allow searchable and transparent data for parents and caregivers or visibility for monitoring teams at the VDOE. The Board is recommending the creation of a statewide IEP system allowing for the transparent monitoring of individualized education plans, as well as enabling prioritized monitoring for school divisions to ensure students are receiving required services. Additionally, throughout the Commonwealth, a variety of instructional models and approaches are being used to support the writing and implementation of IEPs, causing inconsistencies in the implementation of services being provided to students with disabilities. A streamlined system for IEP writing and implementation would provide a strong first step in providing quality services to students with special needs across the Commonwealth.

Amendment

The Board of Education recommends the General Assembly provide funding for a statewide IEP system to ensure that school divisions meet the diverse needs of students with special and specific needs, allowing for prioritized monitoring by the VDOE and transparency for stakeholders. In order to ensure the system is used appropriately, statewide training on IEP writing and IEP implementation should be funded by the legislature to ensure that all educators can provide the highest quality instruction, accommodations, and modifications for students with exceptional needs as required by law. This system should launch for the 2024–2025 school year.

Recommendation 1: Replace “launch” with “be available to all school divisions” in the last sentence of the Amendment. With the change, the last sentence would say, “This system should be available to all school divisions for the 2024-2025 school year.”

The following amendment aligns with the Board’s third priority, as outlined in its Comprehensive Plan, to ensure that every K-12 student has a high-quality, licensed teacher:

E. PIPELINE DEVELOPMENT

Grow Your Own Teacher Pipeline Development

Estimated FY 2024/FY2025 \$10M

Background

Teacher shortages continue to garner national attention, especially following the pandemic. In an attempt to understand school division teacher vacancies across Virginia, VDOE surveyed school divisions just prior to the start of the 2023–2024 school year on their actual or anticipated teacher vacancies as of the first day of the school year. Eighty-five percent (112 of 131) of school divisions responded to the survey. Vacancies include any teaching positions that are unfilled, held by a board-certified substitute, or by an individual without appropriate licensure credentials.

Divisions responding to the survey reported 3,978 teacher vacancies as of the first day of the 2023–2024 school year. This represents about five percent of the total teaching positions in those divisions. Region 8 - Southside and Region 2 - Tidewater and Eastern Shore had the highest rates of reported teacher vacancies, with a 6.89% and 6.09% vacancy rate, respectively. Exploring teacher vacancies by division, fifteen school divisions had vacancy rates greater than 10 percent, while eight divisions reported no vacancies. With teacher vacancy rates varying greatly across the Commonwealth, divisions need to address the needs and barriers of their unique communities.

As part of the [Governor’s Executive Directive](#), the VDOE is working collaboratively with other agencies, such as the Department of Labor and Industry (DOLI), to recruit more educators to enter the classroom through a Grow Your Own teacher apprenticeship program. The Virginia Department of Education initiated a teacher apprenticeship program with the Virginia Department of Labor and Industry in October 2023. Virginia’s two-year program will require 288 minimum hours of related technical instruction (RTI) and at least 2,000 on-the-job training hours.

Amendment

The Board of Education recommends that to address local teacher vacancy rates, school divisions experiencing a teacher vacancy rate of more than 3% based on the [Positions and Exits Collection \(PEC\)](#) will develop, implement, and maintain a teacher apprenticeship program for at least 24 months and until their school division vacancy rate is below 3% based on PEC. School divisions should be encouraged to work with other school divisions in their region as well as both public and private teacher education providers to develop a teacher apprenticeship program.

The following amendment aligns with the Board’s sixth priority, as outlined in its Comprehensive Plan, to empower parents as partners:

F. MODERNIZE DATA COLLECTION SYSTEM

Modernize data collection system

Estimated FY 2024/2025 impact: TBD on competitive RFP process

Background

Education stakeholders, including the Board of Education, Secretary of Education, legislators, VDOE staff, and local school division staff need access to high quality, real-time data. Even during this biennial review, the Board and many other entities needed accurate and real-time data to understand student enrollment patterns, teacher staffing, student attendance, and student performance data.

Because the VDOE is operating from a 1999 legacy data system, the Department is limited to collecting data through a manual upload from the 131 school divisions approximately three times per year. As a result, real-time data is never available to any entity for important decisions. This antiquated system also means that the VDOE must constantly balance the type and amount of data being requested with the level of effort it will take school divisions to fulfill the new request as the struggle with the age and technology associated with the data system.

More than 30 states have or are in the process of modernizing their data systems for real-time data and automated collection processes. It is no longer a matter if a state is going to a more centralized automated data system, but when. The VDOE system built in 1999 did not account for the data needs of 2023. The VDOE must update its primary data system with a modern, automated process that allows for the everyday flow of data in order for all associated with education to make informed decisions.

Amendment

*The Board of Education recommends the General Assembly appropriate funding for VDOE to purchase a state-wide student information system (SIS) that allows for local divisions and the VDOE to maintain federated (segmented by division so that only that division can see/access) data in one system. With strict data sharing agreements in place, this system will allow for data to be securely stored, retrieved, and analyzed in real-time so that policy makers, administrators, VDOE, and local school division staff can make informed decisions at any time. While the initial implementation is significant, a state-wide SIS will save school divisions thousands of hours in personnel time and result in tens of millions of dollars in licensing fee savings over the next 10 years. **This system should launch for the 2024–2025 school year.***

Recommendation 1: Replace “launch” with “be available to all school divisions” in the last sentence of the Amendment. With the change, the last sentence would say, “This system should be available to all school divisions for the 2024-2025 school year.”

The following amendment aligns with the Board's first and second priorities, as outlined in its Comprehensive Plan, to set high expectations for every learner and to close achievement gaps:

G. INCORPORATE OPTIONAL DIRECT AID PROGRAM INTO SOQ

At-Risk Add-On

Estimated additional \$25.6 million in FY24 above the existing At-Risk Add-On and SOQ Prevention, Intervention, and Remediation formulas the Board's formula was proposed to replace.

Background

The current At-Risk Add-On program is an optional Direct Aid program that provides flexible funds for student intervention and does not require school division participation. Currently, school divisions can “opt-in” to the At-Risk Add-On. The VDOE has no oversight in the evidence-based or targeted use of funds. In FY24 state funding for the program is \$350.7 million from the General and Lottery funds. If a school division chooses to participate in the program and receive an allocation of state funds, the school division must follow the program requirements and provide the required local match based on its Local Composite Index.

If the At-Risk Add-On program were moved into the SOQ by the General Assembly, the program would be funded as an SOQ account, and division participation would be considered mandatory each year, including the required local match. Local match is based on the Local Composite Index calculations. Moving the At-Risk Add-On to the SOQ would ensure all divisions receive this flexible funding resource each year to address student learning needs (student intervention programming).

School division superintendents decide whether to opt into the At-Risk Add-On based on an annual certification collection. School divisions will usually opt out if the governing body has not provided a local match in the division budget for a fiscal year. Participation is almost universal, as only one school division opted out for FY23 and FY24. Accordingly, moving the At-Risk Add-On to the SOQ would have no state fiscal impact.

There is precedent for incorporating optional funding programs into the SOQ formula. Action was taken in 2012–2013 when the Board prescribed, and the General Assembly approved moving the Early Reading Intervention and SOL Algebra Readiness programs into the SOQ as mandatory programs. Each program was previously optional, like the At-Risk Add-On.

Amendment

The Board of Education recommends the General Assembly incorporate the At-Risk Add-On program into the Standards of Quality (SOQ) funding formula as a mandatory program for all school divisions in the Commonwealth.

Recommendation 1: The Board recommends the General Assembly consolidate the At-Risk Add-On program and the Prevention, Intervention, Remediation program and create a new At-Risk Program under the Standards of Quality. Funding for the new At-Risk Program would be allocated based on each school division's weighted Identified Student Percentage, and 60 percent of funding would be distributed to divisions using a flat per student rate and 40 percent would be distributed using a variable rate based on the concentration of poverty in each school division.

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