

REPORT OF THE COMMISSION TO REVIEW

**Recommendations on
Educational Opportunity
Pursuant to SJR 251 of 1991**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 34

**COMMONWEALTH OF VIRGINIA
RICHMOND
1993**

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Delegate Robert Tata
Delegate Marian Van Landingham
Delegate Jane H. Woods*

* The Honorable Jane H. Woods, who served on this Commission while a member of the House of Delegates, was elected to the Senate of Virginia in November of 1991. Senators Elmon T. Gray and Johnny S. Joannou were also members in 1991.

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EDUCATIONAL OPPORTUNITY
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The draft of this document was released in June 1992;
however, publication was unavoidably delayed.

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**REPORT OF THE
COMMISSION TO REVIEW
RECOMMENDATIONS ON EDUCATIONAL OPPORTUNITY
TO
THE GOVERNOR AND THE GENERAL ASSEMBLY OF VIRGINIA
RICHMOND, VIRGINIA
1992**

To: The Honorable L. Douglas Wilder, Governor,
 and
 the General Assembly of Virginia

I. AUTHORITY FOR THE STUDY

Pursuant to SJR 251 of 1991, the Commission to Review Recommendations on Educational Opportunity was established for the purpose of reviewing and receiving comment on the report of the Governor's Commission on Educational Opportunities for all Virginians and recommending appropriate implementation of its proposals.

This 15-member body consisted of six members of the Senate, appointed by the Senate Committee on Privileges and Elections; nine members of the House of Delegates, appointed by the Speaker of the House of Delegates; and the Chairman of the Governor's Commission on Educational Opportunity for All Virginians, an ex officio member without voting privileges.

The members so appointed were Senators Joseph V. Gartlan, Jr., Elmon T. Gray, Clarence A. Holland, Johnny S. Joannou, Benjamin J. Lambert III, and Stanley C. Walker; Delegates William W. Bennett, Jr., J. Paul Council, Jr., C. Richard Cranwell, Alan A. Diamonstein, Joan H. Munford, W. Roscoe Reynolds, Robert Tata, Marian Van Landingham, and Jane H. Woods; and Mr. Willard L. Lemmon, former Chairman of the Governor's Commission, the ex officio member. Senator Stanley C. Walker and Delegate J. Paul Council served as chairman and vice chairman, respectively.

II. ANTECEDENTS OF THE STUDY

In the midst of economic crises, public disenchantment with educational performance, and official concern about educational accountability, public education in the 1990s is being characterized as the cause of our society's problems as well as the fulcrum for their resolution. All levels of society--parents, business leaders, government officials, and the students themselves--are clamoring for restructuring of education to improve outcomes and produce a work force capable of excelling in world competition.

These laments have stimulated unparalleled national, state, and local reactions. Having convened the first national education summit in September 1989, President Bush and the governors entered into a state/federal partnership to achieve flexibility and accountability and affirmed "that the time has come, for the first time in U.S. history, to establish clear national performance goals, goals that will make us internationally competitive."

America 2000: An Education Strategy, issued by the President in April of 1991, is a four-track plan focusing on "radically" improving education for present and future students, lifelong learning for everyone, and community involvement. This plan, which visualizes the development of more than 535 "new American schools" by 1996 to be funded through the New American Schools Development Corporation, sets out six goals for the year 2000:

1. Readiness to learn for all children starting school;
2. A 90 percent high school graduation rate;
3. Competency for all American students in English, mathematics, science, history, and geography and the ability to reason;
4. Students with the world's highest achievement in science and mathematics;
5. Literacy, competitive work skills, and competent citizenship skills for every American adult; and
6. Disciplined schools, free of violence and drugs.

Among the specifics for implementation of the strategy are "world class standards," national achievement tests, merit pay, presidential citations for excellence, alternative certification, progress report cards, "one-stop assessment and referral skill clinics," establishment of job-related skills standards, electronic networking for the "new American schools," and governors' academies for teachers and administrators.

At the state level, Department of Education officials are reexamining traditional education concepts with the goal of achieving "world class education" which provides all students with a "common core of learning." The Department's goal is to "reconceptualize" K-12 education in Virginia by "redirect[ing] the delivery of education to an approach which is tailored to the learning needs of each and every child." Consistent with this effort, the Board of Education has developed new goals of public education in Virginia that stipulate sweeping expectations for future students and graduates.

Pragmatic local educators have watched education reform efforts come and go. Therefore, new federal and state initiatives have prompted a wait-and-see attitude among many local school officials. As the 21st century approaches, the Commonwealth's school divisions are confronted with formidable social and instructional problems in an environment of fiscal emergency and public pressure to improve quality. Virginia schools are receiving the most diverse ethnic and racial student bodies experienced to date. The effects of poverty, parental indifference, community complacency, teenage pregnancy, the demise of the traditional family, perinatal drug exposure, domestic violence, drug abuse, suicide, sexually transmitted diseases, child abuse, and violent crime are commonly encountered in many of our schools. All of society's strengths and weaknesses appear amplified in the school setting. Yet, schools are expected to enhance the good and remediate the bad. Meantime, local discontent continues to increase, fueled by concerns about local fiscal stresses, little prospect of significant increases in federal funding, and demands for significantly increased state funding. Comparisons of school divisions' wealth and differences in facilities, curricula, and teacher salaries are frequently discussed by the media and local officials.

Spurred on by the success of similar groups in Kentucky, Texas, New Jersey, and other states, school officials representing economically stressed school systems have joined together across the nation and in Virginia to demand equal educational opportunities. Inadequate or deteriorated facilities, sparse or declining populations, poverty and low average incomes, inadequate instructional materials, insufficient variety and numbers of curricula offerings, and inability to attract and retain teachers because of low salaries are only a few of the issues cited to underscore the equity problems in the poorer school divisions of the Commonwealth.

Wealthier school divisions counter these points by delineating the many societal problems they confront, such as drug abuse and crime; diverse student populations for whom English is a second language; increasing numbers of disabled students; and economies that are, at best, sluggish. Even the correct terminology creates discord--some insist on referring to the problem as educational equity or educational opportunity, while others suggest that educational disparity is the proper term. Regardless of terminology, however, the bottom line is that all proposals for improving educational opportunity require increased funding.

III. CHRONOLOGY OF THE EQUITY ISSUE: MARCH 1992

- In 1989, an informal group began to discuss the formation of a coalition of school divisions concerned about equity in education.
- In January 1990, the Governor's Commission on Educational Opportunity for All Virginians was established to study the many complex issues related to education equity.
- In May 1990, the Coalition was organized and elected officers.
- In October 1990, the Coalition for Equity in Educational Funding was incorporated and hired a prominent attorney.
- On February 1, 1991, the Governor's Commission reported its findings and recommendations. Among the many recommendations included in this report are that all school divisions be required to offer voluntary preschool developmental programs for at-risk four-year-olds and a call for a major revision of the substance and funding of the Standards of Quality. Such efforts to satisfy the expectations of the citizens and officials in poor, particularly rural, areas of the Commonwealth have been stymied by the lack of funds.
- During its August 1991 meeting, the Board of Education adopted a resolution urging the Governor and the General Assembly to implement recommendation 27 of the Governor's Commission on Educational Opportunity for All Virginians, which proposes a "package of changes to local funding for education," such as recognizing "the additional costs of [educating] students with special needs"; ensuring, without limiting, minimum local effort, equalizing revenue generated by the one cent sales tax based on ability to pay, and distributing these funds according to average daily membership; increasing the highest composite index from 0.85 to 0.9; and using an alternative computation of ability to pay which more accurately measures local fiscal capacity than the present formula, ensures equal local effort, and recognizes "taxpayer ability to pay."

At this same meeting, the Board approved its proposed 1992-1994 budget initiatives, calling for over \$400 million in additional funds for public education to fund new or revised projects, such as the World Class Education Program (common core of learning, demonstration grants for early childhood, pre-adolescent, and adolescent education, and assessment); programs for students with limited English proficiency; lower student/teacher ratios in grades K through 3; additional funding for instructional supplies and library books; the communication/automation transition system; education leadership programs for superintendents and principals; the establishment of a capital assistance fund to repair, renovate, and replace facilities on a cost-sharing/ability-to-pay basis; programs for educationally at-risk students; a teacher recruitment incentive program for beginning teachers serving in low composite index school divisions; regional pilot projects to encourage cooperation in administrative and support services; and additional funding for the instructional technology project.

- On August 23, 1991, the Office of the Attorney General issued an opinion to Senator Richard L. Saslaw relating to educational equity "for all school children throughout the Commonwealth." The opinion notes that Article I (Virginia Bill of Rights), § 15 simply "encourages the Commonwealth to foster" education, but "does not expressly concern itself with the creation of a public school system." However, Article VIII (Education), § 1 requires the establishment of free public elementary and secondary schools and was intended to ensure the obligation of local governing bodies to fund public schools. When read together, Article I, § 15 and Article VIII, § 1, the opinion states, establish "a right to public elementary and secondary education for each child in Virginia."

Acknowledging that the Virginia Constitution "does not define the nature of the right" to public elementary and secondary education, the opinion quotes the precatory language of the second clause of Article VIII, § 1: "The General Assembly shall . . . seek to ensure that an educational program of high quality is established and continually maintained." The opinion avers that the Standards of Quality (SOQ), required by Article VIII, § 2, "define the right to an education guaranteed by the Constitution of Virginia." However, the Standards of Quality are not amenable to precise mathematical computation. Further, the Standards and the appropriations are "intertwined."

In conclusion, the Attorney General declares that the SOQ must "demonstrate the real and immediate educational needs of Virginia's children." Therefore, legislative discretion vis-a-vis the SOQ is not "unlimited," and "this discretion must be exercised consistent with the educational policy underlying the Constitution of Virginia and may not be exercised in a manner that deprives Virginia's school children of their right to a public elementary and secondary education."

- On September 17, 1991, the Coalition for Equity in Educational Funding Steering Committee voted to "file but not serve suit against the Commonwealth of Virginia, the Secretary of Education, the Superintendent of Public Instruction, and the Virginia Board of Education to enforce provisions of Virginia Constitution to provide an equitable system of education for all elementary and secondary education students throughout Virginia."

- On November 20, 1991, the Coalition held a press conference announcing that the suit had been filed in the circuit court for the City of Richmond on behalf 31 local school boards, but would not be served in order to give

the General Assembly and the Governor an opportunity during the up-coming session to address the Coalition's concerns.

The Coalition's complaint averred that "the current system of funding public elementary and secondary schools within the Commonwealth of Virginia violates Article VIII, § 1 of the Constitution of Virginia" and that "the current system of funding public elementary and secondary schools within the Commonwealth of Virginia violates Article I, § 15, paragraph 2 of the Constitution of Virginia." The complaint did not specify the relief desired, but asked for injunctive or other relief as appropriate, costs, including attorneys' fees, and "such other, further and different relief" as deemed just and proper by the court.

- Five days later on November 25, 1991, Secretary of Education James W. Dyke, Jr., Superintendent of Public Instruction Joseph A. Spagnolo and Governor's Policy Aide Walter A. McFarlane went to Circuit Court Judge Melvin R. Hughes, Jr. to demand to be served with the lawsuit. Judge Hughes ordered the plaintiffs to file a brief arguing their contention that "it's up to the plaintiffs to decide when the papers are served."

- On December 5, 1991, Judge Hughes ruled that the state can respond. Judge Hughes stated the "notification to the persons named as defendants--the object of service of process--has been achieved." Defendants could, therefore, respond without official service of process. The Coalition indicated that the suit would be dropped if service of process was forced, because the Coalition's members were "bound to honor" the commitment to allow the General Assembly to find a solution.

- On December 19, 1991, the Coalition met in Roanoke to discuss Judge Hughes' ruling and announced that "no action is needed at this time" since the Commonwealth had not yet responded to the suit. Secretary Dyke was quoted in the *Richmond Times Dispatch* as saying, "We're not going to let this thing stay in limbo. We will make it clear that we're in litigation."

- On December 20, 1991, the Commonwealth filed a general demurrer with the Richmond Circuit Court which averred that:

1. The complainants, as creatures of the Commonwealth, lack legal authority to sue the Commonwealth.

2. The Constitution of Virginia guarantees that each school board will offer a basic educational program meeting prescribed standards of quality. There is no allegation that the constitutionally prescribed standards of quality program is not being provided. Virginia law does not prohibit any school board from offering an educational program beyond the constitutionally prescribed standards of quality. The relief sought, substantially identical educational programs and expenditures in each locality, is not a mandate of Virginia's Constitution.

3. The Constitution of Virginia vests ultimate authority and exclusive jurisdiction in the General Assembly over the funding of the public school system in Virginia. The Court lacks jurisdiction to grant the demands of the complaint.

4. The Board of Education, the Secretary of Education and the Superintendent of Public Instruction are improper parties because none of them legally can change the legislated formula funding the public school divisions in Virginia.

5. There is no statutory basis for complainants' demand for reimbursement of their attorney fees, nor agreement thereto by the respondents. Accordingly, the fee demand must be stricken as a matter of law.

(While admitting the facts alleged in the bill of complaint, a general demurrer disputes the sufficiency of the conclusions of law of the other side for purposes of going forward with the suit.)

- In late December 1991, the Coalition stated its intention to make an announcement concerning the suit within the next two weeks.

- On January 2, 1992, the legislative Commission to Review Recommendations on Educational Opportunity, established pursuant to SJR 251 of 1991, met, at which time its members expressed the desire to remedy educational disparities and strong disapproval of the suit.

- On January 3, 1992, the Coalition withdrew its suit because "of the strong commitment" made by the SJR 251 Commission to remedying educational disparities.

- On January 9, 1992, the Governor's Office released A Plan For Improving Educational Opportunities For All Virginians.

- On January 14, 1992, the SJR 251 Commission met to review the Governor's Plan for Improving Educational Opportunities for All Virginians and agreed to introduce a bill to continue its study and a resolution expressing support for the Governor's plan.

- On March 7, 1992, the conference report on the appropriation act, which includes approximately \$80 million to address educational opportunity, was accepted and SB 500, the vehicle for continuing the SJR 251 Commission, was enrolled.

IV. WORK OF THE COMMISSION

The Commission to Review Recommendations on Educational Opportunity began its work with an organizational meeting during which the members reviewed the establishing resolution and the Commission's charge and determined to go forward with examining the Report of the Governor's Commission and related proposals. During the course of its study, the Commission received reviews of the work and recommendations developed by the Governor's study, received comments from the Coalition for Equity in Educational Funding, and reviewed the Board of Education's 1992 budget proposals and the Department of Education's plans to restructure public education in Virginia. The Commission also examined national efforts to achieve excellence and directed staff to keep informed on the status of Virginia's equity issues, including the progress of any litigation.

On January 9, 1992, the Governor's Plan to Improve the Educational Opportunities for All Virginians was presented to the Commission. The fundamental concepts of the Governor's Plan are:

- The concept of vertical equity, which recognizes diversity among the Commonwealth's school divisions, should be acknowledged by school funding formulas.
- A spending cap on local effort should be rejected.
- Balancing of the goals of excellence and equity requires "continuing efforts to improve the general level of education for all students as defined by the Standards of Quality."
- "To the extent standards are upgraded," there should be "a concomitant increase in both state and local financial support for education."
- "[T]he Commonwealth must ensure that each locality puts forth a significant effort to support the cost of educating its students. Lack of sufficient local effort to fund education should not result in increased state assistance to make up the difference."
- "The Commonwealth must strive to ensure that the programs offered in every division are adequate to prepare students to lead productive lives in a complex and ever changing world."
- "Significant differences, or pupil disparities" created by the students' circumstances, such as poverty or command of English, and contributed to by certain educational practices (tracking, pull-out for remediation, and retention) "exist among the school divisions in Virginia on many important measures of student performance and other student outcomes."
- "The issue of funding, or fiscal equity, cannot be separated from program of pupil equity."
- "Changes to both the mechanisms for costing the educational program (Standards of Quality) and distributing state funds (composite index) are necessary to ensure greater fiscal equity."
- "A solution to disparity requires a well thought out, comprehensive approach over time. Innovation and creativity are essential. Attempts at quick fixes will be counterproductive and injurious in the long run."

The major features of the Governor's Plan consisted of a long-term strategy (with short-term components) as follows:

Development of world class standards, the common core of learning, and a student assessment system

Adequate recognition of the cost of educating students based on their differences

State assumption of an increased share of capital improvement programs

Expansion of the technological capacity (telecommunications, computers, etc.) of the school divisions

Development of regional cooperatives to promote efficiency

Enhancement of educational leadership

Improvement of professional development of teachers and administrators

Reduction of class sizes at the primary level

Revision of the composite index to more adequately measure a locality's ability to fund educational programs and ensure equitable distribution of state funds

Among the **short-term components** of the Governor's Plan were:

Targeted programs for at-risk students on the basis of percentage of free school lunch students.

Increased student access to instructional materials and equipment in poor school divisions.

Enhanced teacher recruitment in certain school divisions by providing a one-time \$5,000 incentive (scholarship or loan repayment program) to beginning teachers who agree to teach for two years in a school division with a composite index of .25 or less and a percentage of at-risk students higher than the state average.

Increased state/local funding of limited English proficiency programs based on \$650/LEP student (state/local share of this cost to be determined according to the composite index).

After analyzing these major features, long term strategies, and short term components vis-a-vis possible budgetary and statutory legislative actions, the Commission determined that many of the components of the plan were being developed by the Board and Department of Education; however, funding for these components had not been included in the budget. For example, although the world class standards, common core of learning, and student assessment components were already included in the Board's revision of the SOQ and were being developed by the Department, the proposed research and development grants were not referenced and no appropriations had been provided in the Governor's budget. Some of the components of the Plan would require phasing in over years, particularly in view of the Commonwealth's fiscal situation; e.g., separating ability-to-pay and need so that the composite index measures ability-to-pay and the money is distributed according to the number and characteristics of students.

The Commission engaged in extensive and detailed discussion on the Plan and determined to endorse its spirit and innovation.

V. RECOMMENDATIONS

The Commission recommended that every effort be exerted to make significant first steps towards improving educational quality and opportunity throughout the Commonwealth. However, in view of state and local fiscal difficulties, the possibility for major substantive and funding reform was not strong. Therefore, the Commission proposed to:

1. Continue its work by amending § 9-310 to conform to its membership and purposes; and
2. Strongly support the Governor's Plan in the hope that some of its components would be adopted.

These recommendations were enacted as SB 500 (Commission on Equity in Education) and SJR 138 (Governor's Plan for Educational Opportunities).

VI. CONCLUSION

The Commission wishes to emphasize its commitment to working with the Governor's Office and all of the local school divisions to remedy the disparities in educational opportunity in this Commonwealth.

This controversy has created profound concern among General Assembly members about the issue of equalization. Many members have worked hard for educational improvement over the last two decades and wish to balance improvement of less effective schools and maintenance of schools of high quality within existing resources.

In continuing its work, the membership believes that the coming year will bring renewed vigor in finding solutions. However, the reality is that the Commonwealth is facing unprecedented fiscal difficulties. Due diligence and great dedication will be required to find viable ways to resolve these matters. A long-term approach is crucial--quick fixes will not work.

Respectfully submitted,

Senator Stanley C. Walker, Chairman
Delegate J. Paul Councill, Jr., Vice Chairman
Delegate William W. Bennett, Jr.
Delegate C. Richard Cranwell
Delegate Alan A. Diamonstein
Senator Joseph V. Gartlan, Jr.
Senator Elmon T. Gray
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Delegate Robert Tata
Delegate Marian Van Landingham
Delegate Jane H. Woods

APPENDICES

Enabling Legislation: SJR 251 of 1991

Continuing Legislation: SB 500 of 1992

On the Governor's Plan: SJR 138

ACKNOWLEDGEMENTS

The Commission wishes to thank the Office of the Secretary of Education, the school division administrators and personnel, and other citizens of the Commonwealth for their assistance with this study.

SENATE JOINT RESOLUTION NO. 251

Establishing a commission to review the recommendations of the Governor's Commission on Educational Opportunity for All Virginians.

Agreed to by the Senate, February 4, 1991

Agreed to by the House of Delegates, February 20, 1991

WHEREAS, the General Assembly is to "ensure that an educational program of high quality is established and continually maintained" in our public schools, pursuant to Article VIII of the Virginia Constitution; and

WHEREAS, in pursuit of the highest quality program of public education, the General Assembly is concerned with assuring equal opportunity, or equity, for all students throughout the Commonwealth; and

WHEREAS, during the 1980's a number of studies were conducted involving equity issues in Virginia; and,

WHEREAS, the Governor's Commission on Educational Opportunity for All Virginians was established in January 1990 to advise the Governor and the General Assembly on how the Commonwealth could address and overcome differences in Virginia's public schools that affect the quality of education; and

WHEREAS, the Commission is expected to report its findings and recommendations on February 1, 1991; and

WHEREAS, the Commission's recommendations could involve comprehensive modifications of the Commonwealth's public school system, including drastic changes in the current formula for allocating funds for public education; and

WHEREAS, the General Assembly believes that, prior to undertaking such basic revisions, the greatest possible exposure must be given to the Commission's proposals and sufficient opportunity must be made available for comment from the public and further believes that these proposals should be reviewed by senior legislators who have experience in the appropriate areas; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That a study commission be established to review the report of the Governor's Commission on Educational Opportunities for All Virginians for the purpose of receiving comment and recommending appropriate implementation of the Commission's proposals. The study commission shall be composed of 15 members and one ex-officio member. Six members of the Senate shall be appointed by the Senate Committee on Privileges and Elections. Nine members of the House of Delegates shall be appointed by the Speaker of the House of Delegates. The Chairman of the Governor's Commission on Educational Opportunity for All Virginians shall serve as an ex-officio member of the commission without a vote.

The commission shall conduct meetings in different regions of the Commonwealth to provide maximum opportunity for public comment.

The commission shall submit its findings and recommendations to the Governor and the General Assembly by December 1, 1991, in accordance with the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

The indirect costs of this study are estimated to be \$13,885; the direct costs of this study shall not exceed \$13,500.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

1992 RECONVENED SESSION

VIRGINIA ACTS OF ASSEMBLY - CHAPTER 846 REENROLLED

An Act to amend and reenact § 9-310 of the Code of Virginia, relating to the Commission on Equity and Efficiency in Public Education.

[S 500]

Approved APR 15 1992

Be it enacted by the General Assembly of Virginia:

1. That § 9-310 of the Code of Virginia is amended and reenacted as follows:

§ 9-310. Commission created; powers and duties; appointment and terms of members; vacancies; etc.—A. There is hereby created, as a legislative agency, the Commission on Equity and Efficiency in Public Education, hereinafter referred to as the "Commission."

The Commission shall review, evaluate, and make recommendations on the report of the Governor's Commission on Educational Opportunity for All Virginians and any resulting reports and recommendations from the State Board of Education *and any plans transmitted by the Governor*. The Commission shall perform the following duties:

1. Evaluate the impact of mandates, whether in law or regulation, on the costs of public education;
2. Recommend changes in financing or law to ameliorate the effects of any such mandates;
3. Evaluate the effects of any recommended changes in the system of financing public education on school divisions;
4. Evaluate and recommend any other components necessary to implement an equitable funding system for public education, including an assessment of local effort;
5. Evaluate the current system of funding public education to determine the efficacy of retaining components of this system;
6. Evaluate the present funding of categorical programs for at-risk students, handicapped children, vocational and technical education, and any other categorical program identified by the Commission; and
7. Review and evaluate other areas of equity as determined necessary.

The Commission shall complete its study of these equity issues by December 1, 1991, 1992, and shall submit its report on such issues to the Governor and the 1992 1993 Session of the General Assembly.

The Commission shall also direct a study of efficiency in the staffing and operations of the several school divisions. The study, under the direction of the Commission, shall be conducted with the assistance of a nationally recognized management consulting firm with the staff assistance of the Department of Education. The study shall be undertaken in two phases, with the first phase relating to administrative, supervisory, and support personnel; and the second phase relating to instructional personnel. The first phase of the study shall be completed by December 1, 1991. The report on the first phase of the study by the management consulting firm shall be made available to the Governor and the General Assembly by December 15, 1991. The second phase of the study shall be completed by December 1, 1992. The Commission shall report (i) the findings and recommendations from the first phase of its efficiency study to the Governor and the 1992 Session of the General Assembly and (ii) the findings and recommendations of the second phase of its efficiency study to the Governor and the 1993 Session of the General Assembly. Thereafter, the Commission shall report on the issues before it annually to the Governor and the General Assembly.

B. The Commission shall be composed of sixteen members as follows: two six members of the Senate Committee on Finance and two members of the Senate Committee on Education and Health to be appointed by the Senate Committee on Privileges and Elections; two nine members of the House Committee on Finance; two members of the House Committee on Appropriations; and two members of the House Committee on Education of Delegates to be appointed by the Speaker of the House; and two members of local governing bodies; one local school superintendent; one local school board member; and one member of the State Board of Education to be appointed by the Governor. The Superintendent of Public Instruction the chairman of the Governor's Commission on Educational Opportunity for All Virginians shall serve as an ex officio member with full without voting privileges. The Commission shall elect a chairman and a vice-chairman.

All members of the Commission shall serve at the pleasure of their appointing authority. The current membership of the commission appointed pursuant to SJR 251 of

1991 shall continue to serve. Any vacancies shall be filled by the Governor, the Speaker of the House, and the Senate Committee on Privileges and Elections, as appropriate.

Commission members shall be compensated as specified in § 14.1-18 and shall be reimbursed for expenses incurred in the performance of their duties.

C. The staffs of the Division of Legislative Services, the Senate Committee on Finance, the House Committee on Appropriations, and the Department of Education shall provide such staff support, both administrative and professional, as the Commission may require. The Commission may also obtain such assistance as it may deem necessary from other legislative and executive agencies and may employ experts who have special knowledge of the issues before it.

D. This section shall expire on July 1, ~~1996~~ 1994 .

President of the Senate

Speaker of the House of Delegates

Approved:

Governor

SENATE JOINT RESOLUTION NO. 138

Expressing the sense of the General Assembly concerning the Governor's Plan on Equity in Education.

Agreed to by the Senate, February 11, 1992
Agreed to by the House of Delegates, February 25, 1992

WHEREAS, the recently announced plan formulated by the Governor as a remedy for educational disparities notes that it should be recognized that the diversity among the Commonwealth's school divisions should be acknowledged by school funding formulas; and

WHEREAS, this plan rejects the concept of a spending cap on local effort, recognizes that balancing of the goals of excellence and equity requires "continuing efforts to improve the general level of education for all students as defined by the Standards of Quality," and notes that "to the extent standards are upgraded," there should be "a concomitant increase in both state and local financial support for education"; and

WHEREAS, the General Assembly agrees that "The Commonwealth must ensure that each locality puts forth a significant effort to support the cost of educating its students" and that "lack of sufficient local effort to fund education should not result in increased state assistance to make up the difference"; and

WHEREAS, the legislature also approves the concept of striving to "ensure that the programs offered in every division are adequate to prepare students to lead productive lives in a complex and ever changing world"; and

WHEREAS, the "significant differences, or pupil disparities" created by the students' circumstances, such as poverty, command of English, and contributed to by certain educational practices (tracking, pull-out for remediation, and retention) "exist among the school divisions in Virginia on many important measures of student performance and other student outcomes"; and

WHEREAS, it is an accepted premise that "The issue of funding, or fiscal equity, cannot be separated from program or pupil equity"; and

WHEREAS, although changes may be necessary in costing the educational program (Standards of Quality) and distributing state funds (composite index) to ensure fiscal equity, the legislators are aware of the fiscal exigencies which are having grave impact on the citizens of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That it is the sense of the General Assembly that the Governor's plan on equity displays great ingenuity and important strengths for resolving the disparities among the Commonwealth's school divisions and that the components of this plan should be the subject of diligent study in the coming year in order to develop implementation mechanisms for its long-term and short-term goals.