



COMMONWEALTH of VIRGINIA

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January 4, 2021

The Honorable Ralph S. Northam
Governor of Virginia
Patrick Henry Building, Third Floor
1111 East Broad Street
Richmond, Virginia 23219

The Honorable Janet D. Howell
Chair, Senate Finance and
Appropriations Committee
Virginia General Assembly
P.O. Box 2608
Reston, VA 20195-0608

The Honorable Luke E. Torian
Chair, House Appropriations Committee
Virginia General Assembly
4222 Fortuna Plaza, Suite 659
Dumfries, Virginia 22025

Dear Sirs and Madam:

I am pleased to submit the enclosed report on school division implementation of Standards of Quality staffing requirement flexibilities, as required by *Item 145 A.18., Chapter 56, 2020 Special Session I Acts of Assembly*. The Virginia Department of Education (VDOE) surveyed school divisions on the implementation of waivers for certain staffing standards in the 2019-2020 and 2020-2021 school years. The enclosed report summarizes findings on divisions' implementation of the waivers and positions not hired or filled due to the waivers.

If you require additional information, please contact Kent C. Dickey, Deputy Superintendent, Budget, Finance and Operations, at (804) 225-2025 or kent.dickey@doe.virginia.gov.

Sincerely,

A handwritten signature in black ink that reads "James F. Lane".

James F. Lane

JFL/JPR

Enclosure

c: The Honorable Atif Qarni
Secretary of Education



VIRGINIA DEPARTMENT OF EDUCATION

Report

Implementation of Standards of Quality (SOQ) Staffing Requirement Flexibilities

Presented to:

Governor of Virginia

House Appropriations Committee

**Senate Finance and Appropriations
Committee**

January 4, 2021

Virginia Department of Education

P. O. Box 2120

Richmond, Virginia 23218-2120

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AUTHORITY FOR THE STUDY

Item 145 A.18, Chapter 56 of the 2020 Special Session I Acts of Assembly, permits school division flexibility from certain Standards of Quality (SOQ) staffing requirements in fiscal year 2021. The budget language reads, in part:

18. In the first year, 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 12 by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, 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, and librarian staffing ratios for new hires are waived. (Chapter 56, Item 145 A.18.)

School divisions electing to implement any of the allowable staffing flexibilities are required to report to the Board of Education the number and type of positions that were not filled or hired in the 2019-2020 or 2020-2021 school year. See Appendix A for the full language on this provision from the *Chapter 56* budget.

STUDY OVERVIEW

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 [22.1-253.13:9](#), are known as the Standards of Quality (SOQ) and encompass the requirements that must be met by all Virginia public schools and school divisions.

The 2020 General Assembly, and maintained at 2020 Special Session I, passed an amendment to the state Appropriation Act that waived certain staffing standards for several categories of instructional positions for the 2021 fiscal year only, as follows:

1. Increase the teacher to pupil staffing ratios in kindergarten through grade seven by one additional student;

2. Increase the teacher to pupil staffing ratios in English classes for grades six through 12 by one additional student;
3. The teacher to pupil staffing ratio requirements for elementary resource teachers¹ are waived;
4. The teacher to pupil staffing ratio requirements for prevention, intervention and remediation teachers are waived;
5. The teacher to pupil staffing ratio requirements for gifted and talented teachers are waived;
6. The teacher to pupil staffing ratio requirements for career and technical education teachers² are waived; and
7. The instructional and support technology position staffing ratios (1 per 500 for each) for new hires³ are waived; and
8. The librarian staffing ratios for new hires³ are waived.

This amendment partially restored waivers that had been included in the Appropriation Act since 2010 but were eliminated in the introduced budget for the 2020-2022 biennium. The previous language also waived staffing standards for English as a Second Language and school counselor positions; however, they are no longer included in these waivers, as 2020 legislation proposed to increase the staffing standards for those positions.

The purpose of this report is to document school divisions' implementation of the current SOQ staffing standard flexibilities allowable under the Appropriation Act in the 2019-2020 or 2020-2021 school year.

DATA COLLECTION

In October 2020, VDOE staff administered a survey to representatives from each of Virginia's 132 school divisions to determine which divisions implemented any of the SOQ staffing standard flexibilities in the 2019-2020 or 2020-2021 school year. The survey also requested information from each school division on the number of positions not filled or hired based on the type of staffing standard flexibility implemented. VDOE received complete survey responses from 129 of 132 school divisions for this report.

¹ Applies to elementary art, music, and physical education resource teachers only.

² Does not apply to career and technical education courses where divisions have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements.

³ "For new hires" means additional staff that would have been hired due to enrollment increases or due to turnover of existing staff, in order to comply with the existing SOQ ratio.

FINDINGS

Divisions Implementing SOQ Flexibilities

A small minority of school divisions, only 18 of the 129 responding (14 percent), indicated that they implemented one or more SOQ staffing flexibilities in 2019-2020 or 2020-2021 (see Table 1). Among divisions that chose to implement any of the staffing standard flexibilities, the most frequently reported flexibility was increasing the teacher to pupil staffing ratios in kindergarten through grade seven by one additional student.

Table 1. Number of School Divisions Implementing SOQ Staffing Flexibilities in 2019-2020 or 2020-2021

SOQ Staffing Standard Flexibility Provision	Number of Divisions Implementing Provision in 2019-2020 or 2020-2021
<i>Increase teacher to pupil staffing ratios in kindergarten through grade seven by one additional student</i>	6
<i>Increase teacher to pupil staffing ratios in English classes for grades six through 12 by one additional student</i>	5
<i>Waive teacher to pupil staffing ratio requirements for elementary resource teachers</i>	3
<i>Waive teacher to pupil staffing ratio requirements for prevention, intervention and remediation Teachers</i>	1
<i>Waive teacher to pupil staffing ratio requirements for gifted and talented teachers</i>	3
<i>Waive teacher to pupil staffing ratio requirements for career and technical education teachers</i>	3
<i>Waive instructional and support technology position staffing ratios for new hires</i>	5
<i>Waive librarian staffing ratios for new hires</i>	5

Positions Not Hired or Filled through SOQ Staffing Standard Flexibilities

The total number of staff positions not filled or hired through the implementation of the SOQ staffing requirement flexibilities across all school divisions are listed in Table 2. For the 2019-2020 school year, 38 staff positions were not filled or hired due to divisions' implementation of the SOQ staffing requirement flexibilities. Forty-five percent of those unfilled positions (17 positions) are attributed to the most frequently implemented flexibility of increasing the teacher to pupil staffing ratio in kindergarten through grade seven. In 2020-2021, the number of staff positions not filled or hired through these flexibilities grew to 60 total staff positions, with 40 percent of those (24 positions) due to increased staffing ratios in kindergarten through grade seven. A by-division list of implemented SOQ staffing requirement flexibilities and positions not hired or filled is detailed in Appendix B.

Table 2. Number of Positions Not Hired or Filled by SOQ Staffing Requirement Flexibility

SOQ Staffing Standard Flexibility Provision	Total Reported Positions Not Filled or Hired in 2019-2020	Total Reported Positions Not Filled or Hired in 2020-2021
<i>Increase teacher to pupil staffing ratios in kindergarten through grade seven by one additional student</i>	17	24
<i>Increase teacher to pupil staffing ratios in English classes for grades six through 12 by one additional student</i>	5	6
<i>Waive teacher to pupil staffing ratio requirements for elementary resource teachers</i>	1	3
<i>Waive teacher to pupil staffing ratio requirements for prevention, intervention and remediation Teachers</i>	0	3
<i>Waive teacher to pupil staffing ratio requirements for gifted and talented teachers</i>	1	3
<i>Waive teacher to pupil staffing ratio requirements for career and technical education teachers</i>	1	4
<i>Waive instructional and support technology position staffing ratios for new hires</i>	7	8
<i>Waive librarian staffing ratios for new hires</i>	6	9
Total Positions	38	60

SUMMARY

This report summarizes the number of divisions implementing SOQ staffing requirement flexibilities in 2019-2020 and 2020-2021, and how many positions were not hired or filled due to the implementation of those flexibilities. Eighteen divisions reported implementing one or more of the staffing requirement flexibilities in 2019-2020 or 2020-2021, and increasing teacher to pupil staffing ratios in kindergarten through grade seven by one additional student was most frequently reported. This flexibility resulted in 17 unfilled positions in 2019-2020 (45 percent of the total unfilled positions) and 24 unfilled positions in 2020-2021 (40 percent of the total unfilled positions).

APPENDIX A

Item 145 A.18, Chapter 56, 2020 Special Session I Acts of Assembly:

“18. In the first year, 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 12 by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, 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, and librarian staffing ratios for new hires are waived.

In the first year, school divisions shall report to the Board of Education the number and type of positions that were not filled in the previous school year and during the current school year through these flexibility provisions. The Board of Education shall include a compilation of such responses in its report on the conditions and needs of public education in the Commonwealth, that is required to be submitted to the Governor and General Assembly no later than December 1, as referenced in §§ 22.1-18 and 22.1-253.13:8 of the Code of Virginia.”

APPENDIX B

Standards of Quality Staffing Requirements Flexibilities Implemented and Positions Not Filled or Hired by School Division, 2019-2020⁴

Number of Positions Not Filled or Hired in 2019-2020 by SOQ Staffing Requirement Flexibility

Division	Staffing ratios in kindergarten through grade seven	Staffing ratios in English classes for grades six through 12	Pupil staffing ratios for elementary resource teachers	Staffing ratios for prevention, intervention and remediation teachers	Staffing ratios for gifted and talented teachers	Staffing ratios for career and technical education teachers	Staffing ratios for instructional and support technology position new hires	Staffing ratios for librarian new hires
Brunswick County (013)					1			
Buena Vista (103)								1
Culpeper County (024)	3	3						3
Cumberland County (025)								2
Fluvanna County (032)							3	
Henrico County (043)			1					
King William County (050)						1		
Page County (069)		1					1	
Pittsylvania County (071)	9							
Prince Edward County (073)							3	
Roanoke City (124)	2							
Russell County (083)		1						
Spotsylvania County (088)	3							
Total	17	5	1	0	1	1	7	6

⁴Only school divisions that reported implementing any SOQ staffing requirement flexibility in 2019-2020 or 2020-2021 are listed.

Standards of Quality Staffing Requirements Flexibilities Implemented and Positions Not Filled or Hired by School Division, 2020-2021⁵

Number of Positions Not Filled or Hired in 2020-2021 by SOQ Staffing Requirement Flexibility

Division	Staffing ratios in kindergarten through grade seven	Staffing ratios in English classes for grades six through 12	Pupil staffing ratios for elementary resource teachers	Staffing ratios for prevention, intervention and remediation teachers	Staffing ratios for gifted and talented teachers	Staffing ratios for career and technical education teachers	Staffing ratios for instructional and support technology position new hires	Staffing ratios for librarian new hires
Brunswick County (013)					1		1	
Buena Vista (103)								1
Culpeper County (024)	4	3			1			3
Cumberland County (025)								1
Fluvanna County (032)							3	
Greensville County (040)		2						
Henrico County (043)			1		1			
King William County (050)	2	1				1		
Lunenburg County (055)				3		1		
Northampton County (065)			1				1	
Pittsylvania County (071)	8					2		2
Prince Edward County (073)							3	
Radford (122)	2		1					
Spotsylvania County (088)	8							
Tazewell County (092)								2
Total	24	6	3	3	3	4	8	9

⁵Only school divisions that reported implementing any SOQ staffing requirement flexibility in 2019-2020 or 2020-2021 are listed.