



FY 2023 Recommended Budget Budget Question

Board Question #: 15

BUDGET QUESTION: If we receive State funding for XYZ, can we do something other than XYZ? For example, if the State gives us funding for ten counselors, can we hire five counselors and five elementary teachers?

RESPONDING DEPARTMENT/OFFICE: Schools

RESPONSE: The example given in the question above inquired as to the need to hire school counselors with state funding tagged to these positions. School counselors (as well as a large number of other school positions) are required by the Standards of Quality (SOQ) set forth by the Board of Education and funded by the state and we must locally meet the mandated student to counselor ratio. Once we meet those minimum requirements, there is flexibility within the funding. While some state funding streams have some flexibility in how they are spent, the following state code section is quite clear regarding the requirements for expenditure of SOQ funding and the potential consequences for failure to meet these requirements.

Code of Virginia

§ 22.1-253.13:8. Compliance.

The Standards of Quality prescribed in this chapter shall be the only standards of quality required by Article VIII, Section 2 of the Constitution of Virginia.

Each local school board shall provide, as a minimum, the programs and services, as provided in the Standards of Quality prescribed above, with state and local funds as apportioned by the General Assembly in the appropriation act and to the extent funding is provided by the General Assembly.

Each local school board shall report its compliance with the Standards of Quality to the Board of Education annually. The report of compliance shall be submitted to the Board of Education by the chairman of the local school board and the division superintendent.

Noncompliance with the Standards of Quality shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § [22.1-18](#).

As required by § [22.1-18](#), the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed Standards of Quality.

The Board of Education shall have authority to seek school division compliance with the foregoing Standards of Quality. When the Board of Education determines that a school division

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has failed or refused, and continues to fail or refuse, to comply with any such Standard, the Board may petition the circuit court having jurisdiction in the school division to mandate or otherwise enforce compliance with such standard, including the development or implementation of any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.

ESTIMATE OF STAFF TIME SPENT ON RESPONSE: