

LWV-VA Education Equity Report: How Virginia Funds Its Schools

The question for this generation in Virginia is whether **all** our children – regardless of where they live – deserve a high-quality education as stated in the Virginia Constitution. State funding for our public schools is inadequate to satisfy the Constitution’s declaration to provide “a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth.” Is Virginia satisfied with the wide discrepancy in public school funding from wealthy to poorer localities, from region to region? Compared to other states, Virginia lags in spending on public education. Although it is among the top 10 states for income, Virginia ranks 41st in the U.S. in per-pupil spending (Jones & Stewart, 2021). Aging and crumbling schools in regions across our state provide a dramatic illustration of that funding discrepancy today.

In 2021, the League of Women Voters of Virginia voted to study **whether state funding is equitable and ensures a high-quality education for all K-12 students**. This study addresses the variation in quality and equity of education among school districts in our state, Virginia’s financial capacity and commitment to fund education as compared to other states, and the proven benefits of a high-quality education.

Importance of a High-Quality Education

Our founding fathers believed that an educated populace is essential for a functioning democracy. Virginia’s economic success is also tied to the success of our public schools by providing an educated workforce whose members can support a family. Parents say public schools help their children achieve their full potential and expand opportunities for low-income and minority children, according to a 2017 national survey (Hart Research, 2021). Parents want access to a good neighborhood public school more than increased choice of schools: “Their highest priorities for these schools are providing a safe and secure environment, developing their children’s knowledge and skills, and ensuring equal opportunity for all kids” (p. 1).

A quality education also provides young citizens with the ability to evaluate information and think critically about complex issues, wisely exercise their right to vote, actively protect our rights and freedoms, and engage in meaningful dialogue and debate. “Research over time has confirmed that better educated individuals are more likely to be engaged in political activity and to make informed decisions in the electoral process” (Mitra, 2011, p. 22). Other studies find that education increases voter participation, participation in volunteer organizations, and personal tolerance of different viewpoints. Additionally, youth who are more educated also are more likely to participate in other civic activities. Public classrooms are in the unique position of teaching and modeling democratic principles and practices.

The COVID-19 pandemic revealed the extent to which families rely on public schools for quality childcare and nutrition. When a kindergartener or preK pupil begins public school, the family is relieved of the huge financial burden of full-time childcare. State of Childhood Obesity (2020), a project of the Robert Wood Johnson Foundation, states that school breakfasts and lunches “are a

primary source of nutrients for tens of millions of kids—about 51% of students nationwide qualify for free or reduced-price free meals because they live in poverty or near poverty” (para. 8).

Studies have found that high school graduates who have access to a quality education are not only better trained for the workforce but “are also less likely to commit serious crimes, less likely to place high demand on the public healthcare system, and less likely to be enrolled in welfare assistance programs.... Investing in our public schools is much more cost effective for the state than paying for the social and economic consequences of underfunded, low-quality schools” (p. 3), according to Dr. Dana L. Mitra, Professor of Education Policy Studies at Pennsylvania State University, in her 2017 report *Pennsylvania’s Best Investment: The Social and Economic Benefits of Public Education*. Quality schools produce resilient individuals who are able to help families and communities remain strong.

In contrast, struggling schools are often associated with struggling communities and high levels of unemployment, crime, illness, and social alienation. Lower income communities lack the resources to support quality schools on their own, thus creating a cycle of social and economic disadvantage that is hard to break without investment and technical assistance from the state. Realtors produce measurable facts on quality schools. Data from the National Association of Realtors show that the quality of the local school district influenced 46% of buyers 30-39 and 36% ages 22-29 in deciding where to live. Those who recognize the benefits of a quality education are those closest to the schools—the parents. About nine in 10 children in the United States attend public school. Eight in 10 parents are happy with their children’s schools, according to Ben-Porath and Johaneck (2021). In 2021, “73 percent of parents of school-aged children say they are satisfied with the quality of education their oldest child is receiving” (Brenan, 2021). In 2019, Gallop found the nation at a high point in satisfaction—82%—before the COVID pandemic dealt schools a major blow (Brenan, 2021).

Funding Virginia’s Schools

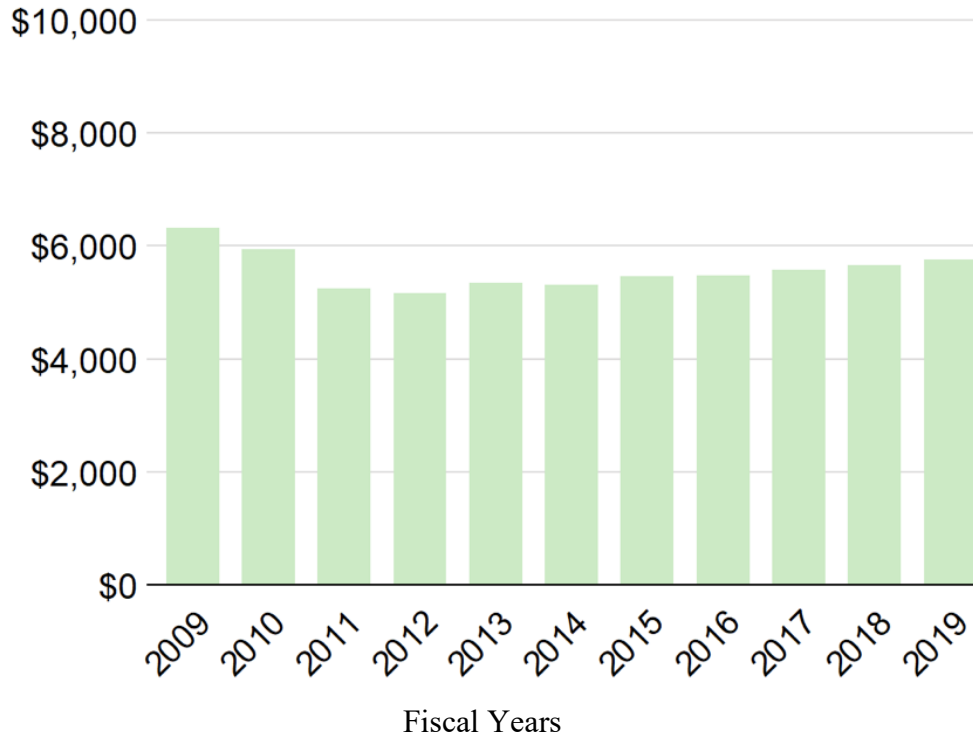
The state and localities share the responsibility of funding Virginia’s public schools. Cities and counties, whose budgets depend largely on property taxes, fund a majority of K-12 costs. (Virginia's Dillon Rule does not allow localities to tax income, unlike many other states. In other words, Virginia puts the burden of funding schools on local government and then restricts local government's sources of funding.) Our state contributes only 40% of public-school funding (JLARC, 2021). This dependence on local funding has resulted in significant funding disparity among schools in Virginia’s richest and poorest localities.

The Constitution of Virginia states that the General Assembly “shall *seek* [emphasis added] to ensure that educational programs of high quality are established and continually maintained.” It does not *require* the establishment or maintenance of high-quality educational programs.

The state uses the Standards of Quality (SOQ) formula to define and fund the **minimum level** of programming and staffing for every school division. The SOQ is embedded in the *Code of Virginia* and revisited every two years, based on the State Board of Education’s revision of educational standards (VDOE, 2022). The General Assembly has not fully funded the Standards of Quality for more than a decade and would need to spend an additional billion dollars each year to do so, according to The Commonwealth Institute (TCI) (Hernandez, 2021).

State direct aid per pupil decreased 5.4%, adjusted for inflation from 2008-2009 to 2018-2019, according to the Virginia Board of Education (VBOE, 2021; Mendes & Stewart, 2021). The majority of the financial burden for providing the programs and services deemed essential for our public schools—not just those covered under the current Standards of Quality—falls on local governments. Local per pupil expenditure and the ability to support infrastructure projects vary widely from division to division.

Per Pupil Funding (FY 20 Dollars)



Source: The Commonwealth Institute, 2022

Beyond the inadequate funding of the minimal Standards of Quality, many Virginians would agree that the current SOQ requirements do not result in what would be considered a high-quality education. This is evidenced by the fact that *every* municipality in Virginia spends more (113% statewide) than is required to fund these standards. In 2020, local governments invested an additional \$4.4 billion statewide to provide important education services that exceeded the Standards of Quality requirements. Poorer school divisions do not have the resources to provide the same level of personnel, programs, and services as wealthier school divisions, further skewing education funding among school districts. Full funding by the state for these additional programs and services would reduce some of these inequities (TCI, 2022a).

The funding disparity is dramatic: Arlington spent \$19,744 per pupil in 2019-2020 while Norton in Wise County spent \$9,707. The funding gap for an average classroom of 20 students between those two systems is \$200,000. Raising property taxes by 1 cent in Arlington would raise \$275 per pupil, a total of \$7,759,000, while the same increase in Norton would raise only \$29 per

pupil, a total of \$23,000. Arlington has a median family income of \$120,950 while Norton's is \$34,442 (VEA, 2021).

The state's contribution differs from school division to school division. Virginia's complex formula for distributing funds is called the Local Composite Index (LCI). It is based partly on each jurisdiction's capacity to fund its schools. It is derived from each locality's adjusted gross income (40%), true value of real estate (50%), and taxable retail sales (10%), adjusted by average daily membership/attendance and population (VEA, 2021, p. i). Every two years each locality's Local Composite Index score is adjusted to maintain "a statewide local share of 45% and an overall state share of 55%" for SOQ funding (Hernandez, 2021).

In the 10 years since 2008-2009, state funding for total school operations—not just Standards of Quality mandates—declined by 3.2% while the local share increased by 2.8%. In 2008-2009, the state share was 44.9%, the local share 48.6%, and the federal share 6.4%. In 2018-2019, the state share was 41.7%, the local share 51.4%, and the federal share 7.0% (TCI, 2022a). Overall, localities are now providing more than half of total education funding and almost half of state-mandated SOQ funding (TCI, 2022a).

In January 2021, Virginia had a projected surplus over the next three years of more than \$13.4 billion (Yancey, 2022a). While Virginia clearly has the capacity to fully fund K-12 education, Virginia has not made the effort to do so or to rectify inequities that exist in the current funding formulas. Students in every zip code in Virginia deserve quality programs in school facilities that can easily adapt to the latest learning technology.

A budget surplus in 2022, due in part to billions of dollars in federal COVID aid, allowed the General Assembly and Gov. Youngkin to approve a record \$165 billion state budget that increased K-12 funding by almost \$3 billion, a 20% increase. The good news is the 2022 budget included teacher raises, more funding for districts with high numbers of at-risk students, and restored funding for school support personnel. What the legislature failed to do, however, was to enact measures guaranteeing long-term systemic funding for quality education programming and infrastructure.

In fact, the budget created future risks for public school funding by increasing the standard income tax deduction by 80% and ending the state's 1.5% sales tax on groceries. These two changes could lower the state's tax revenue in future years, putting 2022's education funding gains at risk. "Several choices in the budget will cut state revenue, hurting Virginia's ability to make much-needed investments in our schools, state health care programs, transportation system and much more," according to the budget analysis of The Commonwealth Institute (2022b).

The legislature also listened to complaints statewide about aging school buildings and leaking roofs, amounting to a \$25 billion backlog in school construction needs. The 2022 budget included \$800 million for one-time construction grants and more dollars for Literary Fund grants and loans. In addition, the conference budget transferred \$50 million of Literary Funds to school construction grants and clarified that up to \$400 million in additional Literary Funds over the biennium might be used for school construction loans (TCI, 2022b).

Leadership in both parties, however, continues to ignore the need for enacting long-term policies addressing chronic needs and inequities. Even the 2022-23 budget increases failed to fully fund the Virginia Department of Education Standards of Quality. We will have to wait for a nationwide analysis of other states' budgets to see if Virginia, one of our nation's 10 wealthiest states, moves up from 41st in state per-pupil funding where it now ranks with states such as Mississippi and Missouri.

The battle over education funding continues in the 2023-2023 budget. Gov. Youngkin's budget proposes \$1 billion in tax cuts primarily for corporations and high-income households while the Senate budget increases funding for public education by \$1 billion.

Virginia has also fallen behind in teacher pay. Teacher salaries lag the national average by nearly \$10,000. When teacher salaries are compared for wage competitiveness—a key driver in teacher attrition—Virginia ranks 50th out of 50 states, according to the Learning Policy Institute's April 2023 study.

School Divisions' Capacity and Effort

Fiscal capacity is a measure of a locality's ability (wealth) to fund education programs and services. Fiscal effort is the measure of a locality's expenditures on educational programs and services using the local tax rate as the indicator. Some divisions rank high on capacity but lower on effort while others rank low on capacity but higher on effort. Less affluent school districts must make a much greater effort than their richer counterparts to achieve the same results. As examples of such disparities, Arlington ranks 2nd in capacity to pay while Norton (in southwest Virginia) ranks 100th. However, when it comes to effort, Arlington drops to 46th while Norton improves to 84th (VEA, 2021, pp. 16-20).

Total per pupil expenditures (state plus local funding) varied in 2019-2020 from \$21,438 to \$10,031 across the state (VEA, 2021, pp. 1-3). As noted earlier, every locality spends more than the state's required local match to meet the Standards of Quality; high-poverty and rural school systems with low property values pay proportionately even more. These differences are significant. For example, if all 78 rural divisions raised property taxes by 1 cent to fund education, it would generate only \$19,941,000 total. If one large affluent division did the same, it could result in \$24,379,000 (COSARS, 2022).

Inequities in Program Funding

Virginia has been highly ranked in the quality of education it provides. *Forbes* ranked it 4th in 2020 (Morad, 2020), and *U.S. News and World Report* ranked it 12th in 2021 (Zeigler, 2021). Quality education, however, is not available to all students in Virginia. As long as the quality of education is linked to the local income base, inequality in smaller school divisions or those with high poverty rates will be unavoidable.

Research has shown that it is costlier to provide a quality education to low-income students than to middle- or upper-income students (Rothstein, 2016). Yet because of funding inequities, more funding is going to educate middle- and upper-income students than to low-income students.

At-Risk Add-on state funding is designed to reduce funding disparities in districts with higher numbers of students who live in poverty and receive free and reduced-price lunches. Yet when a district has 60% or more of its students in those categories, the school division must decide whether to provide free meals for all through the Community Eligibility Provision program even if that choice risks lowering its funding in other areas (Hernandez, 2021).

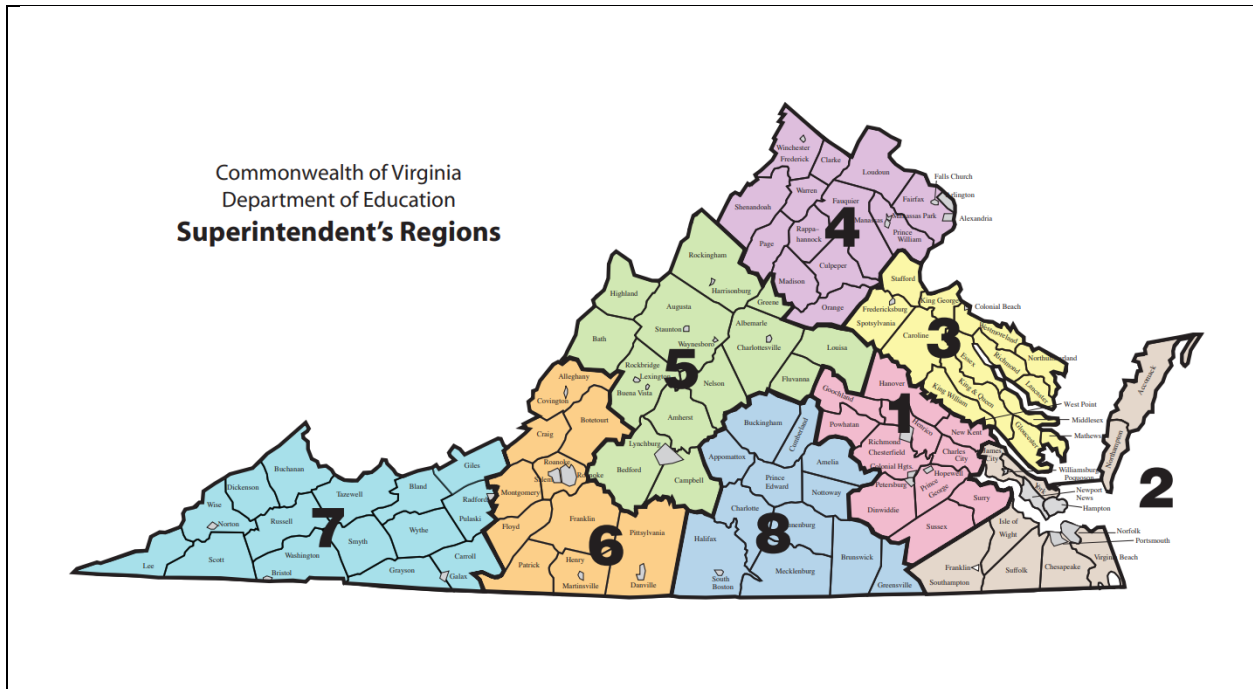
Rural areas have borne the brunt of state funding cuts. The state share of funding has decreased by 5.4% statewide but is down by 6.8% in rural schools, according to an analysis by The Commonwealth Institute using VDOE and U.S. Census Bureau statistics from 2008-2009 and 2019-2020 school years. Staff-to-student ratios have improved statewide but have decreased in rural schools (TCI, 2022a).

School Districts in Regions 4 and 7

Region 4: Northern Virginia		Region 7: Southwest Virginia	
<u>Alexandria</u>	<u>Manassas</u>	<u>Bland County</u>	<u>Pulaski County</u>
<u>Arlington County</u>	<u>Manassas Park</u>	<u>Buchanan County</u>	<u>Radford</u>
<u>Clarke County</u>	<u>Orange County</u>	<u>Bristol</u>	<u>Russell County</u>
<u>Culpeper County</u>	<u>Page County</u>	<u>Carroll County</u>	<u>Scott County</u>
<u>Fairfax County</u>	<u>Prince William County</u>	<u>Dickenson County</u>	<u>Smyth County</u>
<u>Falls Church</u>	<u>Rappahannock County</u>	<u>Galax</u>	<u>Tazewell County</u>
<u>Fauquier County</u>	<u>Shenandoah County</u>	<u>Giles County</u>	<u>Washington County</u>
<u>Frederick County</u>	<u>Warren County</u>	<u>Grayson County</u>	<u>Wise County</u>
<u>Loudoun County</u>	<u>Winchester</u>	<u>Lee County</u>	<u>Wythe County</u>
<u>Madison County</u>		<u>Norton</u>	

The table above lists school divisions in Region 4, largely wealthier suburban districts, and in rural Region 7. A comparison of Arlington County in Region 4 Northern Virginia and Norton City in Region 7 Southwest Virginia shows other disparities in apportionment of funds and capacity. Arlington has a 29.1% poverty rate based on free and reduced lunch eligibility. In Norton, over 60% of all its students are eligible. The state average for free and reduced lunches is 45.6% with the average for rural schools at 53.9%. Average daily attendance in Arlington has increased 45.9%. All Region 7 systems lost some enrollment except Radford City (TCI, 2022a).

Map of Virginia School Regions



Source: VDOE, 2021

As a result of small changes in the Local Composite Index, which measures each locality's fiscal capacity, the state share of funding increased for most urban school systems in Region 4 while the state share decreased for the more rural and smaller communities in Region 7. State direct per-pupil aid is down for all Region 7 divisions except Bristol City and Norton City, but it is up for 11 out of 19 Region 4 divisions. The state average for spending above Virginia's minimum Standards of Quality requirements in 2018-2019 was 113.3%. Arlington spent 187.9% above the base SOQ requirement that year while Norton spent only 8.6% above.

These disparities are reflected in programming. Arlington, like all Region 4 systems, offers both Dual Enrollment (DE) and Advanced Placement (AP) college credit. Norton, like 9 out of 19 Region 7 divisions, offers only Dual Enrollment opportunities (TCI, 2022a). This is but one of many significant differences in the breadth and quality of programs and services for students across the state.

One initiative approved by the 2022 General Assembly to address the economic challenges in five distressed localities was the creation of four legal casinos in Bristol, Danville, Portsmouth, and Norfolk. A fifth casino permitted for Richmond awaits local action. Some of the casinos' profits will return to the localities to be used for education, public safety, and transportation. For the Bristol casino, the state gaming tax percentage that normally goes to the host city will instead be shared among the 14 localities in the Bristol transportation district in far southwest Virginia. These counties from Bland County to Lee County will share estimated annual gaming revenues of \$7.8 million, or \$557,000 each, according to JLARC, the Joint Legislative Audit and Review Committee (Schnabel, 2022). Localities would decide where to put the money. The net revenues the state could earn from the five casinos approved by the state is about \$367 million, including about \$260 million annually in state gaming taxes, according to JLARC. That compares to over \$600 million annually for education from the Virginia Lottery (JLARC, 2020).

Zip codes should not determine success.

The difference between school divisions' resources is clear in the example of a child with a high IQ but severe learning disabilities. When he entered Montgomery County Schools (Region 6 – Western Virginia) in kindergarten, he qualified for speech and reading services. Once or twice a week he received specialized help from two different teachers in makeshift spaces.

When he was in the third grade, the family spent a year in Falls Church City (Region 7 – Northern Virginia). Their schools evaluate every new student for reading ability. Realizing he couldn't read, the schools provided intensive daily tutoring. His mother said, "Falls Church had a full-time person working with children like my son every day. The teacher had room, activities, not just a closet." By the end of the year, he had learned to read.

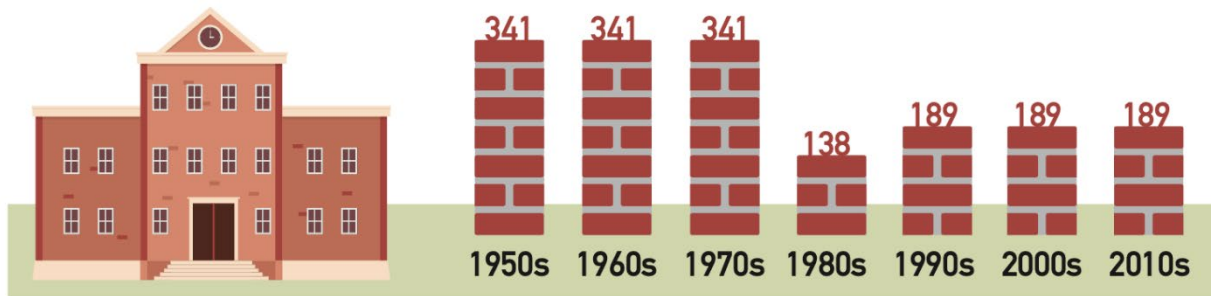
The family returned to Montgomery after third grade, and the boy again received special services only once or twice a week. The family had to hire a private tutor to continue the intensive coaching he needed. Luckily, this story has a happy ending. The boy graduated from high school and Virginia Tech and is working as an engineer. His mother credited the year in Falls Church with giving their son the intense tutoring and resources to move him forward at a critical point in his education (Obenshain, 2022).

School Infrastructure and Debt Service Funding

Virginia only supports operational expenses, not capital expenses like school construction, renovation, or upkeep. Despite its wealth and significant revenue surpluses in the early 2020s, Virginia had not shown the will to improve school infrastructure in well over a decade, according to the Coalition for Small and Rural Schools (2021b). In a state ranked the best in the nation for doing business, over half of Virginia's 2,000 school buildings are at least 50 years old. Asbestos-ridden, leaking schools can be found in every region of the state, illustrating this lack of state funding. "Virginia doesn't have an issue of ability, we have an issue of priority" (COSARS, 2021b).

Embarrassed by a well-orchestrated campaign by COSARS to address the \$25 billion backlog in statewide school construction needs, the General Assembly designated substantial dollars for school construction projects in 2022. "First, the budget provides one-time grants for non-recurring costs related to school construction, renovations, and other expenditures in the amount of \$800 million. Roughly half of the funding will be distributed via a competitive school construction fund, with the remainder allocated to school divisions," according to TCI (2022b). "In addition, the conference budget transfers \$50 million of Literary Funds to school construction grants and clarifies that up to \$400 million in additional Literary Funds over the biennium may be used for school construction loans" (TCI, 2022b). The backlog in school construction is in large part the result of Virginia's policy of placing almost all infrastructure costs on the locality. This policy contrasts with how most states, including poorer neighbors such as West Virginia and Kentucky, finance some or all school construction costs.

The Virginia Department of Education has guidelines and standards for school facilities when old schools are renovated or new schools built, but these standards fall short of guaranteeing all students have adequate schools and classrooms. A locality must have the capacity to build or renovate to even consider the "recommendations" in these guidelines.



AVERAGE # OF SCHOOLS BUILT PER DECADE

Source: COSARS, 2021b

The state’s Literary Fund is a permanent and perpetual fund that can be used to provide low-interest loans to school divisions. That is little help to poorer or smaller school districts that have only a small tax base and so cannot seek loans for major projects. Although its primary function is to provide low-interest loans to school districts for school construction, it limits loans to a maximum of \$7.5 million and had a balance of only about \$134 million in 2021. In the last five years, only \$24 million of the Literary Fund has gone to school construction while \$790 million has gone toward teacher retirement (Schmidt, 2022). This situation improved somewhat after the 2022 General Assembly designated \$50 million of Literary Funds to school construction grants and added \$400 million to the Literary fund over the biennium to be used for school construction loans (TCI, 2022b).

Virginia’s oldest school buildings are in our poorest districts, which cannot support bond referendums for capital projects with their low incomes and tax bases. The last time the state made school construction grants—not loans—available to localities was 2009 (COSARS, 2021a). Funding for infrastructure is dependent on the budgetary priorities of the lawmakers in the General Assembly and the governor; no capital funding is guaranteed by the Constitution of Virginia or the Standards of Quality. Local per pupil expenditure and the ability to support infrastructure projects varies wildly from division to division. As mentioned above, a 1-cent increase in Arlington’s property taxes would raise \$275 per pupil, a total of \$7,759,000, while the same increase in Norton would raise only \$29 per pupil, a total of \$23,000 (VEA, 2021).

Imagine that Falls Church (Region 4) and Lee County (Region 7), two school divisions with comparable enrollments, raise taxes to build a new 500-student elementary school at an estimated cost of \$30 million, based on verified square footage costs. Falls Church would be able to retire the debt from a 10-cent increase in real estate property taxes in about seven years, according to The Commonwealth Institute. It would take almost 32 years for Lee County to retire the same debt with the same 10-cent increase in property taxes (Worner, 2021).

Poorer school systems that cannot raise the millions of dollars needed to build new schools must soldier on in aging buildings ill-equipped for today’s technological world despite widespread support for school infrastructure improvements. In Prince Edward County, replacing an elementary school where trash cans are strategically placed to catch roof leaks on rainy days

would cost \$39 million. That would require a 25.5% increase in the property tax in a county with a median household income of \$44,253 (Yancey, 2022b).



Above: Leaking roofs in Lee County schools
Left: Asbestos in Bristol schools
Photos courtesy of COSARS

School boards are also responsible for cleaning, maintaining, renovating, and replacing school buildings but have no control over the amount of money they receive. Virginia’s public-school districts are underfunded by \$527,000,000 every year for maintenance and operations (21CSF, NCSF, & IWBI, 2021). Although Virginia school districts spent a combined annual average of \$2 billion of their budgets on facilities, that is less than half the standard maintenance benchmarks for PreK-12 schools. This means that Virginia’s students, teachers, and communities were using public schools that had a combined facility operating and capital budget gap of \$2.5 billion in 2021 (Perrigan, 2021).

Capacity and Effort Compared to Other States

Virginia has the capacity to fund its schools as one of our nation’s wealthiest states, but it makes a low effort in comparison to other states. With a median household income of \$76,456 in 2019, Virginia ranked among the top ten states in income but was ranked 41st for state per-pupil funding, placing it with states with far fewer resources, such as Mississippi and Missouri (TCI, 2021b).

Other studies reach similar conclusions. The Education Law Center gives Virginia a grade of D in funding from state and local sources. Using 2020-2021 data, Virginia provides an average of \$13,150 per-pupil funding compared to the national average of \$15,114. In terms of funding effort calculated on the percent of Virginia’s state revenues that goes to schools, Virginia also receives a D. In Funding Distribution ranking, Virginia received a C (Education Law Center, 2022).

Compared to other states, Virginia is falling short in providing adequate funding to some of the more vulnerable school divisions and populations. Students in rural areas, areas with a majority of students of color, or areas with a higher share of poverty have less funding available than localities with higher income levels (TCI, 2021b). The state does not provide

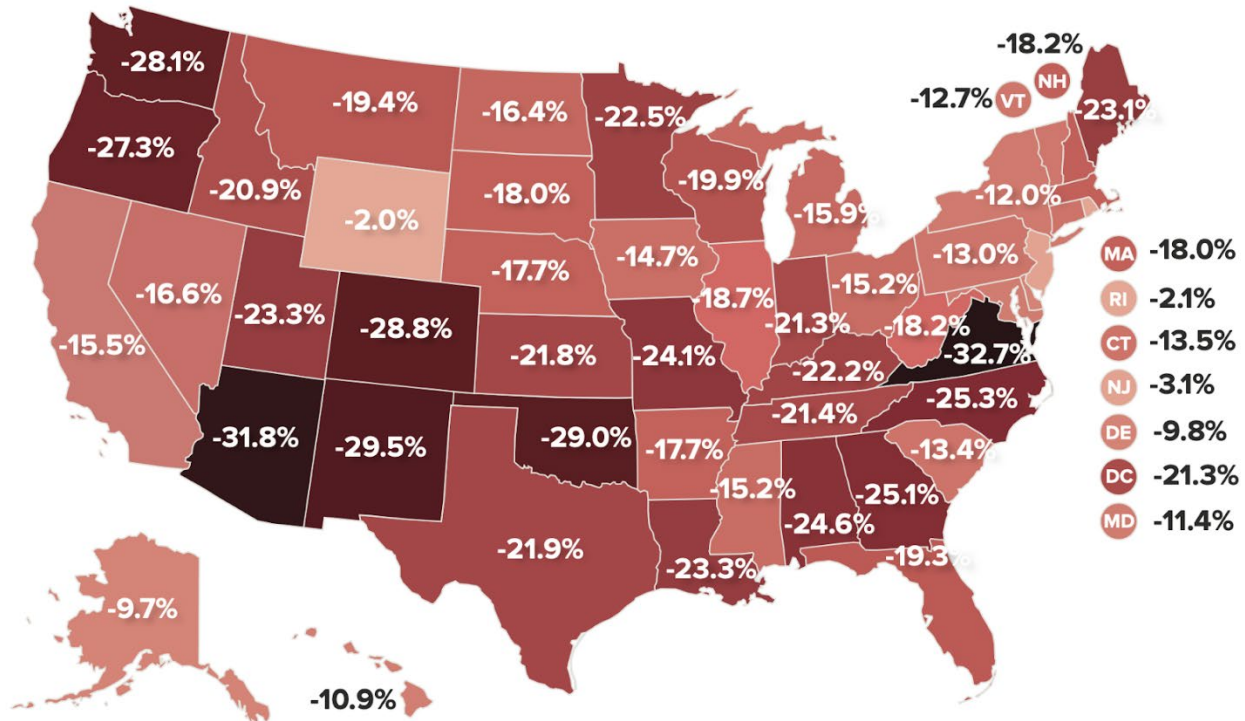
adequate resources to the English Language Learner (ELL) student population even though one in ten students is an ELL student, a percentage similar to the national average (Stewart & Mendes, 2021). For the 2021-2022 school year, the state provided a 13.5% state supplement for ELL students—a low level of support compared to the national average of 39%. Although Gov. Ralph Northam proposed increasing the number of instructors for English learners from 20 per thousand to 22 per thousand, the budget did not include any improvement in the state ratio (TCI, 2022b).

With regard to teacher salaries, Virginia ranked 25th nationwide with an average salary of \$58,506 in 2020-21, according to the National Education Association (2022).

However, Virginia ranks last—50th out of 50 states—when the state’s teacher salaries are compared to those of comparable college-educated workers. The Economic Policy Institute in a recently released study found that teachers in Virginia make 32.7% less than professionals in comparable fields using 2014-2019 salary numbers (Will, 2022).

How Underpaid Are Teachers in Your State?

Even when the governor announces a salary increase for teachers, the reality is that much of the cost falls on the locality. What should be made clear is that the state contribution will account for



Source: Allegretto & Mishel, 2020

only half of funds necessary to support a proposed statewide 5% teacher salary increase for 2022-23. And then the state funding only covers those positions approved under the Standards of

Quality (SOQ) guidelines. The balance of the raise for these SOQ-related employees must be provided by each locality to match the state contribution (VEA, 2016).

The total cost of any salary increases for personnel not required to meet the SOQ must be borne by the local school divisions. Statewide more than 10% of school division employees—including some counselors, subject matter specialists, special education teachers, and a number of non-certified support personnel—fall into this category. These are positions identified by local school divisions as necessary to provide high-quality educational programs for their students (VEA, 2016).

In fact, the state may contribute as little as 1% of the proposed 5% increase for all school employees in some school divisions. Some poorer school divisions may find it impossible to raise sufficient matching funds to qualify for any state contribution to support salary increases for school employees. Teachers across the nation lost ground in the past 10 years, seeing their inflation-adjusted salaries decline by \$2,179 (Walker, 2022). Teacher pay remains a contentious legislative issue despite surveys that have found 80% of Americans think teachers are underpaid (Wheelwright, 2021).

Infrastructure Compared to Other States

Crumbling schools are a nationwide problem. Virginia puts almost all the burden for school construction and infrastructure on counties and cities. For at least a decade, Virginia has provided

NO funding for school construction. “Out of 50 states, there appear to be 50 different ways of funding school construction, or something close to it. Virginia is one of the few states where the state government generally doesn’t get involved” (Yancey, 2022b). Compared to neighboring states’ investment in school construction, including much poorer West Virginia and Kentucky, Virginia has made no significant contribution to school infrastructure since 2009 (COSARS, 2021a).

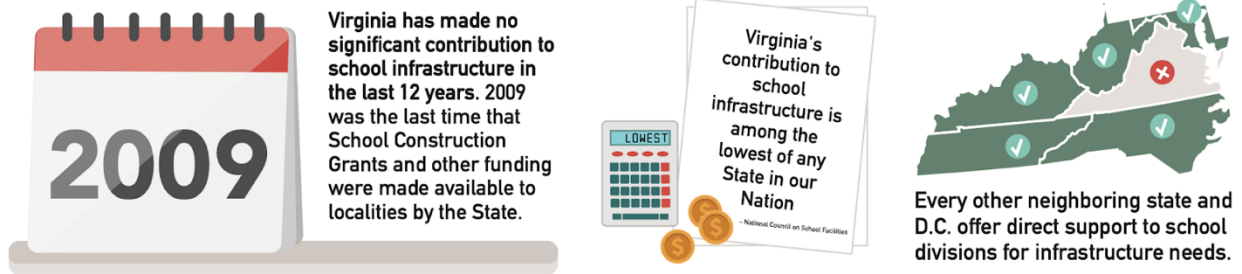
When we share the fact that Virginia does not participate in funding school construction with League members from other states, they are appalled. But many Virginia legislators from both parties agree with Gov. Glenn Yougkin’s position: “Historically, school construction has been a local responsibility” (Yancey, 2022b).

A 2020 study shows that nationwide the gap between what is needed and what is available for funding school facilities has reached \$85 billion a year, up by \$25 billion since 2016 (21CSF, IWBI, & NCSF, 2021). The national average for state contribution for school capital expense and debt service in FY 2009-2019 was 22%. Virginia did not come close to this average contribution while some other states contributed over 50% of the expense (21CSF, NCSF, & IWBI, 2021). As of 2020, Virginia does permit local municipalities to use the state’s credit rating and provides some school construction loans at subsidized interest rates to school districts that meet program criteria.

Some other states aid K-12 schools with construction and renovation costs using formulas that account for student need and a locality’s ability to raise local funds. Virginia’s current Superintendent of Public Instruction, Jillian Balow, came to Virginia from Wyoming. Wyoming provides local school systems with funding for approved capital projects with no local match required, according to the American Society of Civil Engineers (2014).

Since Virginia uses loans, wealthier communities are more able to build schools or renovate older ones. Children in rural areas, higher poverty districts, or high minority populations are more likely to be in outdated, crumbling schools (Improve, 2022). As mentioned before, the

Virginia's lack of contribution to school infrastructure



Source: COSARS, 2021a

Virginia Department of Education's *Guidelines for School Facilities* "recommends" standards for school construction and renovation but fails to guarantee that all students have adequate schools and classrooms. A locality must have the capacity to build or renovate to even consider the "recommendations" in these guidelines.

The General Assembly and governor, under pressure to address a worsening school infrastructure crisis, approved a 2022-23 budget that for the first time in years provided \$800 million for grants for school construction. The budget also put more dollars into the Literary Fund for both low-interest loans and grants for school infrastructure. This is a step, but only a small step, toward addressing the Virginia Department of Education's calculation of a \$25 billion backlog in school construction needs statewide (TCI, 2022b).

Constitutional and Legal Considerations

The Constitution of Virginia does **NOT** require that "**an educational program of high quality is established and continually maintained.**" Article VIII. Education of the Virginia Constitution includes this language:

Section 1. Public schools of high quality to be maintained.

The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth and **shall seek to ensure** [emphasis added] that an educational program of high quality is established and continually maintained.

Section 2. Standards of quality; State and local support of public schools.

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** [emphasis added]. The General Assembly shall determine the manner in which funds are to be provided for the cost of

maintaining an educational program meeting the prescribed standards of quality and shall provide for the apportionment of the cost of such a program between the Commonwealth and the local units of government comprising such school divisions. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds.

In 1969 when the General Assembly was drafting a new state constitution, four Republican and two Democratic legislators championed language to “ensure” a high-quality education. A legislative committee, however, weakened the language to “shall seek” in our current Constitution. (Editorial, 2019) “And that is why today there are such disparities between schools in Virginia, because the legislature is not mandated to guarantee high quality in every school system,” according to that 2019 editorial.

Currently, the “**seek to**” provision leaves discretion to the General Assembly as to the extent to which it will fund *a program of high quality*. While the Constitution assigns responsibility for defining *quality* to the Virginia Board of Education, those standards are “**subject to revision**” by the General Assembly. This permits the General Assembly to modify or nullify those recommendations, thus reducing or eliminating the cost associated with the recommendations. To fully fund the Standards of Quality, Virginia’s General Assembly would have to spend an additional billion dollars each year (Hernandez, 2021).

Over the past four decades, legal challenges have been raised in nearly every state regarding the adequacy and/or equity of school funding (Zirkel, 2020). Some of the cases, including the *Scott et al. v. Commonwealth of Virginia et al.* case in Virginia, have been dismissed based on a finding that the state constitution does not adequately define or require that funding be either adequate or equitable. In a 1994 ruling in the *Scott* case, the Virginia Supreme Court reaffirmed the trial court’s ruling, stating,

In sum, we agree with the trial court that education is a fundamental right under the Constitution. Even applying a strict scrutiny test, ... we hold that nowhere does the Constitution require equal, or substantially equal, funding or programs among and with the Commonwealth’s school divisions.

Later, the court continued:

Therefore, while the elimination of substantial disparity between school divisions may be a worthy goal, it simply is not required by the Constitution. Consequently, any relief to which the Students may be entitled must come from the General Assembly.

In cases filed in other states, state courts have ruled in favor of the litigants and required changes in funding and/or distribution of funds. “Over the past four decades, these legal challenges have focused on constitutional language regarding terms such as ‘thorough and efficient,’ ‘General and uniform,’ ‘free,’ ‘Securing the advantages and opportunities of education,’ and ‘general diffusion of knowledge’” (Zirkel, 2020).

Perhaps the most notable was a successful challenge to the level of school funding in the State of Washington, which resulted in nearly \$2 billion additional dollars flowing to its schools annually (*McCleary v. State of Washington*, 2012). Cases in more than a dozen other states have resulted in significant additional funding for schools. Unfortunately, in some of those, the commitment to increased funding of public education has eroded over time (Worner, 2022).

None of the 2022 debates in the General Assembly addressed the need for long-term consistent funding for public schools' needs. The Constitution of Virginia must be amended to mandate that the General Assembly fund and continually maintain high quality educational programs and environments.

What Constitutes a High-Quality Education?

The evaluation of public education has historically focused on quantifiable statistics, such as high school graduation rates and performance on standardized tests. The Virginia Department of Education's Standards of Quality provide guidelines for staffing and instructional programming, completely ignoring facilities, as well as current, relevant curricula development and pedagogical best practices. Since 2015, the Virginia Department of Education has used the School Quality Profile to assess how well Virginia schools are meeting quantitative benchmarks, such as accreditation, based on Standards of Learning test scores, graduation rates, expenditures and per-pupil funding, absenteeism, and student-to-teacher ratios (VDOE, n.d.).

These quantitative measures provide insight but fail to give a complete picture of a high-quality education. Qualitative measures, while harder to measure, can provide a more holistic understanding of a high-quality education. Mary Tedrow, director of the Shenandoah Writing Project at Shenandoah University, argues that part of evaluating the effectiveness of schools should involve data about "ease of access to healthy food, access to resources for mental health, and access to ongoing medical, dental, and vision care" (Ferlazzo, 2022, para. 15).

Qualitative indicators are as varied as interpretations of a high-quality education: How well does a school provide a racially, culturally, and inclusive space? How well does the curriculum strengthen the community? How well do schools foster creativity? How well do schools prepare students for opportunities beyond the classroom? (Ferlazzo, 2022).

The League in its 2003 Position noted essential indicators of a quality education: full state funding, a robust and broad curriculum, including career and technical education, as well as programs for students who are at-risk, gifted, special needs, and English Language Learners. Additional indicators included on-going professional development, reasonable class sizes, school safety, and parent and community partnerships. "Elements of a quality education also include: school-based teamwork, goal setting and decision-making, and application of learning to life experiences" (League of Women Voters of Virginia, 2021, p. 24).

In Virginia, educators of our youngest learners are moving towards a more qualitative approach. Virginia Quality Rating and Improvement System (QRIS) "awards quality levels to child-care and preschool programs based on these four nationally recognized quality standards

and best practices: (1) education and qualifications, (2) curriculum and assessment, (3) environment, and (4) interactions” (Virginia Quality, 2016, para. 1).

Qualitative measurements are more time-consuming and expensive, yet using only quantitative data to determine whether students are receiving a high-quality education provides an insufficient picture.

The Value of a Public Education in a Democracy

What are the proven benefits of a high-quality education, and what is the cost of providing that education *equitably* to all children? Research is clear: Access to a high-quality public education benefits children and their families, contributes to robust local communities and economies, and lays the foundation for participation in a democratic society.

Is Virginia willing to pay the cost of such an education, and is our system of funding public schools constructed to do so? Is Virginia satisfied that some of our public schools are merely inclusive and mediocre? Or do we expect a high-quality education that prepares all students to be contributing members of our communities and our democracy?

In the past 60 years, a consensus has developed that all children, 5 to 18, deserve a free public education. This was not always the case: *Brown vs Board of Education* in 1956 declared that children of all races deserved a place in our schools; in 1972, Title IX legislated the right of education free of sex discrimination; and, in 1975, the Individuals with Disabilities Education Act legislated a free appropriate public education to all eligible children with disabilities. These landmarks act as beacons, not only illuminating a shameful history of exclusion and segregation but also highlighting those thousands of parents, children, teachers, and advocates who made public education truly public, open to every child.

The League of Women Voters of Virginia in 2018 re-affirmed it has long supported state funding for public schools to ensure a high-quality education with equal educational opportunities for all children. The League believes that K-12 public schools should prevail as the highest priority for school choice in Virginia because public schools:

- Sustain democracy by being open to all children;
- Serve the public and prepare citizens to maintain our government;
- Allow the public to vote on school governance and school policy; and
- Allow the exchange of ideas and participation in decision-making (League of Women Voters of Virginia, 2021, p. 26).

As the understanding of how to provide quality education has advanced, the key impediment to quality has become funding. Research clearly shows that educational quality depends on well-trained teachers supported by experienced administrators, adequate facilities, and well-trained paraprofessionals and staff (Harju & Niemi, 2016, p. 79). These all require significant funding from the public. Whether that funding is available may depend upon the public’s understanding of the benefits of public education.

Strategies for Change for Operating Budgets

Following are proposed strategies to enable Virginia to increase its school funding.

1. Fully fund the Standards of Quality (SOQ) recommendations of the state Board of Education, which, even if fully funded, would barely meet the criteria for a “high-quality” education. The LWV-VA has already approved this (Positioned for Action, 2021). Localities are already doing all that they can. For Fiscal Year 2020, Virginia localities invested \$4.4 billion above the required local effort for SOQ programs. Local governments continue to provide a greater share of funding, which continues to skew funding towards schools in wealthier localities and results in inequitable resources and opportunities for low-income students (Mendes & Stewart, 2021). Change the state’s funding formulas for public schools to address the essential inequities in educational programming that exist between wealthy and poor districts.
2. Raise Virginia’s state per-pupil investment in pre-K through 12 to equal the average investment of the top-ranking states for median household income. In 2021, this would mean investing an additional \$3,423 per student, or nearly \$4.3 billion annually, an indication of how far Virginia falls below the top 10 income states. According to recent studies, an additional \$1,000 for at least four years leads to positive test-score impacts over 91% of the time and positive educational attainment impacts more than 92% of the time (TCI, 2021b).
3. Offer comparable levels of support to English Language Learner students based on adequacy studies and national averages of support.
4. Protect schools against state funding cuts due to temporary declines in student enrollment — otherwise known as “No Loss” funding (Mendes et al., 2021).
5. Increase funding for teacher salaries to a level comparable with the pay of other adults with bachelor's and master’s degrees in Virginia. Additionally, fund key school support personnel to a level comparable with other high-income states (Mendes et al., 2021).
6. Increase the LWV-VA’s efforts to educate the public about the benefits of high-quality public education. The LWV-VA should develop partnerships with other state organizations such as Fund Our Schools, the Virginia Education Association, and The Commonwealth Institute. The League should advocate actively for improved and more equitable school funding and improve the messages that are told about our schools.

Strategies for Change for School Infrastructure

1. Advocate for a permanent commitment by the state to contribute to school construction at a level consistent with its status as one of the top ten wealthiest states. Virginia should ensure that its strategies promote equity in school construction and renovation through grants and other mechanisms based on the ability of school districts to pay.
2. Prioritize the Literary Fund for school infrastructure. Over the last five years, less than 3% of that fund has been used for school construction while millions of its dollars were used for the Teacher Retirement Fund (COSARS, 2021b). However, the original intent of the fund was for school infrastructure; money that was left over could be used for other needs.
3. Increase the Literary Fund. Increase the amount of the loans allowed as well as an easing of loan interest rates to make construction funds available to more school

districts. School infrastructure will yield returns over the long-term, boost local economies with new construction jobs, and, as numerous studies conclude, lead to improved student outcomes, better health, and stronger teacher retention.

4. Bring Virginia’s public schools up to par by making minimum building standards part of the Standards of Quality, thus ensuring all students attend school in buildings that are safe, healthy, handicap accessible, and conducive to a 21st century learning environment.
5. Issue state bonds with proceeds dedicated to school construction.
6. Advocate for these legislative actions to help Virginia reach the national average of facility funding. Recommended policy changes include a mixture of the following (COSARS, 2021b; Masters, 2021; Martz, 2021):
 - A. Initiate a state-wide bond referendum to address the infrastructure deficit.
 - B. Fund the Literary Fund and use the “At-Risk Add-On” formula for setting interest rates, rather than the Local Composite Index.
 - C. Create a separate fund for grants, recognizing that some localities can’t afford loans.
 - D. Let localities impose a 1% increase in their sales tax for school infrastructure, subject to voter approval.
 - E. Let school boards keep unspent money to carry over for one-time projects.
 - F. Direct the Virginia Board of Education to create standards to follow in maintaining and upgrading buildings, with the aid of state needs assessment.
 - G. Earmark money for school construction from any available general fund surplus, casino and gray machine revenues, ARPA funds, and/or marijuana profits.
 - H. Oppose any diversion of education funding from public to non-public schools, as the 2021 LWV-VA Positioned for Action already states.

Strategy for Change – Constitutional Amendment

Amend the Virginia Constitution to replace the aspirational language “seek to” with the requirement “shall provide.”

To avoid the vagaries of political attitudes toward school funding, Virginia must change the language in its Constitution. The language should “**require**” rather than the weaker “**seek to ensure**” state funding of a high-quality education. Even with such a change, the courts will likely have to interpret what the new language requires. Amending the Constitution, however, is essential if the League believes that education is a state function, that Virginia has the wealth but the General Assembly has not had the will to fund the Standards of Quality, and that significant differences exist in the quality of educational programs and services across the state.

Students can be successful with adequate funding.

*At-risk students **can succeed** when there is funding for targeted programs to provide support and counseling. Community in Schools (CIS) works in 15 districts in Virginia, providing site*

coordinators whose intervention has narrowed inequality gaps for students and increased high school graduation.

Sunset joined the Communities in Schools program her sophomore year at Hampton High School. She was a chronic walker of the halls, lacked motivation, and frequently skipped most of her classes. She had a 1.8 GPA and was placed in in-school suspension for skipping classes. CIS provided a trusted adult to work with her, and the CIS office became her safe haven when the stresses of school were too much. She shared her history of trauma from domestic violence and ideas of suicide. Her site coordinator paired her with a mentor - a CIS board member with a similar story - as well as coordinating mental health, group, and academic support. With this attention, Sunset transformed from skipping class to being on the Dean's List. She graduated in 2020 with a 3.8 GPA and was awarded a full academic scholarship to a local college. She now FaceTimes with her CIS site coordinator and board member mentor regularly with updates. Increased funding for schools with high-risk populations has a proven record of success (CIS, 2021)

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