



**JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION**  
**Fiscal Impact Review**  
**2008 Session**

**Bill Number:** HB1216 as Amended  
**Review Requested By:** Delegate Tata

**JLARC Staff Fiscal Estimates**

As amended, HB 1216 focuses on elementary school teachers (State standards already address teacher planning time at the middle and secondary school level), and requires an average of 30 minutes per day of planning time. This can be satisfied with 2.5 hours per week. Currently, the statute asks that school boards *seek* to ensure three hours of planning time per week.

Based in part on information provided by 45 school divisions, JLARC staff conclude that HB 1216 as amended will not increase the State's Standards of Quality (SOQ) costs. The amendments to the bill delete language which would have required that the planning time be "unencumbered, self-directed" time. This is a provision which school divisions noted as being a concern and potentially costly, as is discussed in JLARC's fiscal impact review on SB 48. However, information from the divisions indicates that 2.5 hours per week or more of "open" time for all elementary regular classroom teachers can typically be arranged through the use of time when students are with resource teachers or with library staff, and the State recognizes resource teacher and librarian positions in the SOQ funding model. Information provided by these school divisions also indicates that most have found ways to provide 2.5 hours or more per week of planning time for elementary special education and resource teachers.

It should be noted, however, that if the bill is adopted, those school divisions which are not achieving at least 2.5 hours of planning time for all of their teachers would either need to make some adjustments to schedules or obtain locality funding for arrangements which would support the availability of 2.5 hours per week of planning time.

An explanation of the JLARC staff review and a table summarizing the information reported to JLARC staff by the school divisions are included on the following pages.

**Authorized for Release:**

**Philip A. Leone**  
**Director**

## **Bill Summary:**

As amended, HB 1216 states that “each school board shall ensure that all elementary school teachers in its employment are provided at least an average of 30 minutes per day during the students’ school week as planning time.” Currently, the statute asks that school boards *seek* to ensure three hours of planning during the students’ school week.

## **Discussion of Fiscal Implications:**

**Background.** To the extent that teachers are provided planning time that is unencumbered by responsibilities for students, alternative arrangements need to be found to provide supervision and instruction for the students during this time. Costs are associated with these alternative arrangements.

Neither the existing SOQ nor the bill explicitly addresses the question of whether and how to provide the coverage needed to help providing planning time. On cost matters upon which the SOQ are silent or are not explicit, however, the State’s general approach is to look at the prevailing or typical practice across the school divisions to help determine the cost.

**JLARC Review.** To assess prevailing practices, JLARC staff contacted school divisions via e-mail and phone on February 5 and 6 with questions regarding their existing planning time for elementary teachers and how that planning time is made available. There were 45 school divisions which responded within the timeframe available for this review. A mix of large and small school divisions responded.

These school divisions overwhelmingly indicated that they do provide their teachers with at least some planning time that is unencumbered by students. The divisions also overwhelmingly indicated that this time occurs when students are with resource teachers or in the library / media center. The prevailing (linear weighted average) amount of teacher planning time per week that was reported for regular classroom teachers was 3.2 hours, indicating that the reporting divisions are typically able to find enough coverage to provide more than 2.5 hours of planning time per week. Some divisions indicated, however, that this planning time is not all unencumbered and self-directed. The bill as amended, however, no longer would require that the time be unencumbered and self-directed. Information obtained from the divisions is summarized in a table included with this document.

The State already provides funding through the current SOQ model for resource teachers and librarians, staff positions that are being widely used by divisions to provide the opportunity for planning by classroom teachers. The State’s recognition of these positions in the model clearly indicates that at least much of the cost needed to provide this opportunity is funded.

Therefore, the question becomes whether the bill has no State cost or a minimal State cost. A revised fiscal impact statement for HB 1216 prepared by DOE staff notes two alternative scenarios in which the State entails no cost for this bill: (1) HB 1216 as amended has no State cost, if the resource teachers and librarians funded by the SOQ model are assumed to be sufficient, or (2) HB 1216 as amended has no State cost, even if the SOQ model resource teacher and librarian level are not fully sufficient, if it is assumed that the additional cost would be paid from local funds.

JLARC staff conclude that it is reasonable to assume that HB 1216 does not add to State SOQ costs, for several reasons. First, analysis shows that the five FTE resource teacher positions funded per 1,000 students in the State SOQ model position can themselves be provided 2.5 planning periods while being theoretically available to teach classes with only eight students in them per hour. It is recognized that

what is theoretically possible is not fully achievable, due to scheduling difficulties and travel times for resource teachers. However, even at 50 percent use of the available instruction time, sufficient resource teachers are provided by the SOQ standard to teach classes with an average of just 16 students in them per hour. Further, many divisions cite the use of library / media time for the students as an opportunity to provide planning time for classroom teachers, and the SOQ model provides some of these positions as well.

Second, the State's SOQ staffing ratio of FTE resource positions to students was calculated based on the prevailing practices of school divisions at the time of a study on elementary and secondary school funding. It is possible that the prevailing practice has changed somewhat since the time of the analysis which led to the use of that ratio. However, if divisions have increased the staff-to-student ratio for resource positions over recent years, that presumably is in response to perceived resource instruction needs, and not for the secondary purpose of making planning time available. If there is a sufficiency issue, then, it would seem to be whether the State should update its analysis of prevailing resource teacher staffing levels and consider an update to that standard. It does not seem reasonable in a fiscal impact statement to assign such costs to a bill that has not been in effect during the time that these changes may have occurred.

Finally, the bill as amended requires only 2.5 hours per week. The prevailing or typical practice of the divisions responding to the JLARC survey was to have over three hours per week of planning time. The bill requires an amount of planning time that is less than 80 percent of the reported prevailing practice. This provides some additional leeway in the event that the State's funded ratio of resource teachers per 1,000 students has fallen somewhat behind the current prevailing resource staffing practices that are enabling many divisions to provide teachers with three or more planning periods on average per week.

**Date Released, Prepared By:** 02/08/2008; Bob Rotz.

**Estimates of Planning Time for Teachers in the School Divisions  
(Survey -- February 5 to 7, 2008)**

	<b>Regular Classroom Teachers</b>			<b>Special Education (SE) and Resource (Res) Teachers</b>
<b>Division</b>	<b>Percent of teachers with at least some unencumbered planning time</b>	<b>How is the time made available? (√ = all or mostly through use of time students are in resource / specials settings)</b>	<b>Typical hours per week of planning time</b>	<b>Access to planning time? How many hours is typical per week?</b>
Alexandria	100 %	√ "The students are with an art, music, physical education, library/media specialists, counselor or another resource type teacher."	3.0	Yes, same as regular for both
Alleghany	100 %	√ "When students are with a resource teacher."	Min 2.5, typically more	Yes, same as regular for both
Bristol	100 %	√ "Occurs during resource times such as Phys. Ed, Music, Art, Library."	2.5	Yes, same as regular for both
Brunswick	100 %	√ "When students are with resource or specialty teachers, the classroom teacher has unencumbered planning time."	2.5 – 3.3	SE: Yes, ~ the same. Res: Not answered
Carroll	100 %	√ "During resource teacher and non-core teaching assignments (art, music, PE, library, etc.)"	Varies from school to school, but averages 2.5 – 3.75	SE: 2.5. Res: Not answered
Charlottesville	95 %	√ "When the students attend art, music, PE classes."	About 2.0	SE: Yes, about the same (2.0). Res: Yes, varies.
Chesterfield	100 %	√ "While the students are at resource (i.e. art, music, pe, library, technology/foreign language)."	3.75	Not asked
Colonial Heights	100 %	√ "During resource periods."	6	SE: Yes, 5. Res: Yes, 4.5.
Craig	100 %	√ "Planning time is created in our master schedule by the use of resource classes such as Art, Music, Library, and PE."	Typically 2.0 to 3.0, but it is not guaranteed	SE: Yes, 1 Res: Yes, 2
Essex	100 %	√ "It occurs when the students are in specials (resource teachers)."	3.3	About the same (3.3) for both.
Fairfax	100 %	√ For the most part, during art, physical education, and music.	Usually at least 3.25, but it is not all self-directed	The same (3.25) for both.
Fauquier	100 %	√ "During resource time (art, music, etc.)"	2.0 to 3.75	SE: Same as regular, except one school where self-contained teachers do not. Res: Yes, 2.0 to 3.75
Floyd	100 %	√ "Planning time is made available when students are with specials (art, music, p.e., technology lab, and library / media)"	2.0	SE: Some schools yes, others no. Res: Yes, about 1.0 to 1.5
Frederick	100 %	√ "Planning time is made available through resource teachers."	3.5	Yes, the same for both.
Giles	100 %	"Through elective classes"	2.5	Yes, same as regular for both.
Gloucester	100 %	√ "The planning occurs when the class is in a resource (music, art, library, phys. Ed, and technology)"	3.75	Yes, same as regular for both.
Harrisonburg	100 %	"Usually when the students are with elective teachers"	Approximately 3.75	Yes, generally same as regular. Res. teachers may not take all.
Halifax	100 %	√ "Students with a resource teacher"	3.25	SE: Amount of time depends, but approximately 2.5 – 3.0 Res: 3.5
Highland	100 %	√ "Elementary classroom teachers have planning while students go to PE, Art, Music, and Library."	5.0 – 5.5	Yes, same as regular for both.
Hopewell	100 %	√ "Students are with physical education teachers, music teacher, art teacher and media specialists."	3.75	SE: Yes, but planning time is not as "protected". Res: Yes, the same (3.75)

	Regular Classroom Teachers			Special Education (SE) & Resource (Res) Teachers
Division	% teachers w/ at least some unencumbered planning time	How is the time made available? (√ = use of time students are in resource / specials settings)	Typical hours per week of planning time	Access to planning time? How many hours is typical per week?
King George	100 %	√ "Occurs when student are with resource teacher but it is not unencumbered." Team curriculum planning, team meetings, and parent conferences may be held.	3.33	SE: Yes, 2.50 – 3.33 Res: Yes, 3.33
King William	100 %	√ "Students going to related arts sessions allow for this planning time."	3.0	SE: Yes, approximately 5.0 Res: Yes, approximately 3.0
Lancaster	100 %	√ "Students are with resource teachers."	3.33	Yes, 3.33 for both.
Loudoun	100 %	√ "Art, music, physical education, library"	3.75	SE: Varies, approximately 3.0 Res: Approximately 3.0
Louisa	100 %	√ When students are with resource teachers	2.0	Yes, same as regular for both.
Manassas Park	100 %	√ "They are given this time when the kids are sent to specialists."	3.75	SE: Yes, 3.0 – 3.75 Res: Yes, 3.75
Mathews	100 %	√ "During resource time."	2.5	Yes, same as regular for both.
Montgomery (rough estimates)	80 to 90 %	√ "When students are in a resource class."	2.0	SE: "Very little – and this varies 30 minutes to 2 hrs." Res: "About 2-2.5, again this varies from school to school"
Norfolk	100 %	√ When students are with a resource teacher.	2.25 – 3.75	Yes, same as regular.
Norton	85 %	√ When students are with a resource teacher.	3.5	Yes, 2.0 for both.
Orange	100 %	"With another teacher"	2.0 – 4.0	SE: Yes, but varies. May be at lunch, or after or before school. Res: Yes, varies. (2 - 4 hours)
Patrick	99 %	√ "With resource teachers, computer lab, library"	1.0 – 2.0	SE: Yes, same as regular. Res: Less than 0.75
Pittsylvania	100 %	√ "Students are with resource teachers, including PE."	About 3.0	Yes, both have time comparable to regular classroom teachers.
Prince George	100 %	√ "With a resource teacher, library/media specialist"	2.5	Yes, same as regular for both.
Rockbridge	100 %	√ "...while students are in extra learning activities outside the classroom such as PE, Music, Library, etc."	4.5 hrs. per week (however, 2+ hrs of that used to meet with the principal for guided professional development -- or grade level planning...)	Yes, for both, typically the same as regular classroom teachers.
Rockingham	100 %	√ "Resource teachers."	2.5	Yes, but varies in both cases.
Russell	100 %	√ "The use of resource teachers."	4.5 – 6.0	SE: Yes, approximately 2.5–3.0 Res: Yes, 3.0 – 4.0
Shenandoah	100 %	√ "In almost every case, planning time occurs when students are with a resource / related arts teacher."	Varies, typically somewhere between 2.5 – 3.5 per week	SE: Varies, 2.5 to 3.0 or 3.5 Res: Yes, 2.0 – 2.5
Spotsylvania	100 %	√ "It is made available when the students are at 'specials' programs (art, music, physical education, Spanish)"	About 3.0	SE: Generally about the same (3.0) but there are exceptions. Res: Yes, approximately 2.5
Surry	100 %	√ "Students are with a resource teacher."	3.0	Yes, same as regular for both.
Virginia Beach	100 %	√ Through employment of PE teacher assistants (phys ed class every day), art, music.	4.75 but not all self-directed	Yes, same as regular for both.
Warren	100 %	"Before students arrive / leave, but while teachers are required to be at school, during time resource teachers are with students."	2.5, but not always unencumbered	Yes, typically the same as regular for both.
Washington	100 %	√ "By using time each day that students are in art, music, library, guidance, or p.e."	2.5	SE: Varies, but about 1.5 Res: Yes, approximately 3.75
Waynesboro	100 %	√ "Generally, students are in art, music, or PE."	2.5, varies a bit school to school.	About the same. About the same.
West Point	100 %	"25 min. early reporting time for teachers and 25 min / day PE."	4.16, but much of it is not unencumbered, self-directed.	SE: Make own schedule, student needs come before planning. Res: Yes, 4.16 hrs. but much of time can't be spent planning.

JLARC offers Fiscal Impact Reviews in accordance with Item 21D of Chapter 847 (2007 Acts of Assembly). JLARC Fiscal Impact Reviews do not comment on the merits of the bill under review.