

DPB note: This is a revised FIS for this bill to account for the recalculation of the estimated costs by the Department of Education.

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB156

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Hashmi

3. Committee: Finance and Appropriations

4. Title: Public schools; English language learners.

5. Summary: Requires state funding to be provided to support new division wide ratios of English learner students in average daily membership to full-time equivalent teaching positions, as follows: (i) for each English language learner identified as proficiency level one, one position per 25 students; (ii) for each English language learner identified as proficiency level two, one position per 30 students; (iii) for each English language learner identified as proficiency level three, one position per 40 students; and (iv) for all other English language learners, one position per 50 students. Under the bill, in order to provide additional support for instruction of English language learners, \$150 shall be appropriated in year one to divisions for each English learner student to support professional development of instructional and support staff, purchase resources developed for students learning English, and offer grants to community-based organizations that offer support services to English language learners in school settings.

6. Budget Amendment Necessary: Yes, Item 137.

7. Fiscal Impact Estimates: Preliminary, see Item 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2023	\$35,900,000	GF
2024	\$16,900,000	GF

8. Fiscal Implications: This bill would amend the current staffing standard for instructional positions for English language learners. Current law requires 20 instructional positions per 1,000 students identified as having limited English proficiency. The Governor’s introduced budget, HB/SB 30, 2022 General Assembly Session, funds additional positions at a ratio of 22 instructional positions per 1,000 students. The Department of Education (DOE) estimates that funding instructional positions as required in this bill would result in a state cost of \$17.1 million in fiscal year 2023 and \$16.9 million in fiscal year 2024. Local school divisions would have to provide the local share required to match any additional state funds based on each division’s local composite index. The actual fiscal impact to local school divisions is indeterminate at this time.

DPB note: This is a revised FIS for this bill to account for the recalculation of the estimated costs by the Department of Education.

This bill implements tiered staffing ratios based on English proficiency data. English language proficiency for English language learner (ELL) students is assessed using the WIDA Consortium's ACCESS for ELLs test. This data is different from the traditional data used to support the ELL ratios in HB/SB 30, which is based on historical English as a Second Language (ESL) enrollment trends. DOE does not have a WIDA proficiency level classification for approximately 25 percent of the students identified as English language learners in the traditional data used to calculate HB/SB30.

All students that are enrolled in ESL are likely not being assessed every year. These students are classified as all other English language learners for the purpose of calculating staffing standards per the provisions of this bill. In four school divisions, this created a negative count of students in the all other English language learners category. In these four divisions, DOE zeroed out the all other English language learners category for the purpose of this fiscal impact estimate. Additionally, because WIDA data is reported by serving school divisions, contractual divisions (James City County, Fairfax City, Emporia) are identified in the fiscal agent school division (Williamsburg, Fairfax County, Greensville); however to accurately allocate state funds, DOE needs to assign the data to these students' division of residence. For the purpose of this estimate, English language learners from the WIDA data set were assigned to these contractual divisions based on the percentage of students enrolled in the combined division.

In order to allocate state funds to divisions pursuant to the provisions of the bill without these assumptions, DOE will need to determine what changes must be made to the WIDA data collected by divisions and reported to DOE. Any cost associated with such changes is indeterminate at this time.

This bill also requires an appropriation to local school divisions of \$150 per English language learner to support professional development. The cost to provide these one-time payments to local school divisions in fiscal year 2023 is estimated to be \$18.8 million. Local school divisions would not be required to provide local matching funds for these payments.

9. Specific Agency or Political Subdivisions Affected: Local school divisions, Department of Education

10. Technical Amendment Necessary: No

11. Other Comments: The phrase "year one" used in line 85 is unclear in terms of an ongoing and permanent staffing standard. For the purpose of this analysis, it assumed that this is intended to be a one-time appropriation in the first year the new standard would be in effect, fiscal year 2023/school year 2022-2023.