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# Fairfax County Board of Supervisors Legislative Committee, Tuesday, October 17, 2023

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**[00:00:07]** okay all right good morning everyone welcome to the october 17 2023 meeting of the legislative committee we have two agenda items today first we will review again our 2024 draft legislative program and then we have a couple of consideration items to to discuss so we'll start with the draft legislative program which board members should have at their place uh miss arco you want to walk us through the program. Thank you, Mr. Chairman. So the first change that we have is on

**[00:00:42]** page two in the K-12 funding position. At the last legislative committee meeting, we had a discussion about the JLARC report on state funding for K-12 and which states in our region spend more than we do versus less than we do. And so we added some language to reflect that conversation.

**[00:01:01]** And that's in the first bullet. And I'm going to suggest just a slight tweak to simplify the highlighted portion and change it to say Virginia schools receive less state funding than neighboring West Virginia, Kentucky, and Maryland.

**[00:01:19]** I think throwing in the North Carolina and Tennessee just kind of complicates it a little bit unnecessarily. So if there's no objection to that tweak, we'll do that. Okay. The other thing, Mr. Chairman, is we have an SOQ handout that we may get to at the end, so I might have some additional comments then.

[00:01:38] But at the last meeting, we were also asked if we could get any Fairfax-specific numbers relative to that study. We've still been working on that with school staff. We don't have that yet, but we will continue to try, and we'll bring that back to you all when we get it. So the next pages are on page 3 under WMATA and Regional Transportation Spending.

[00:01:57] Noelle, do you want to talk about that? Mr. Chairman, Noelle Dominguez with the Department of Transportation. In the middle of page 3, we updated the WMATA funding section to incorporate what the Board had discussed at the last meeting. Specifically, we expanded on how the gap, the funding gap, was expected to increase.

[00:02:16] We did remove language related to Maryland per discussion, but we did also change that instead of local jurisdictions are required to provide, we said have historically provided substantial funding, we referenced the property tax, and we also referenced the importance of the system to the federal government okay next page five so the only thing i would highlight mr chairman is um are you okay with the removal of maryland or are we ah no no yeah i think we

[00:02:49] should um restore um the phrase unlike maryland at the beginning of the second sentence of the second bullet there unlike maryland in virginia local jurisdiction um so then mr chairman the next The next change is on page 5, but it's the position on local authority that starts on page 4.

[00:03:14] At the last meeting, we had a discussion about increased participation in electronic meetings, and we particularly talked about the Disability Services Board and others who either, because of disabilities or being caregivers, could have the need to participate virtually, but to also count for a quorum on particular public bodies, and so we did add some language at the top of page 5 to reflect that discussion.

[00:03:38] Okay, so we continued to support broader authority for remote participation, but included a specific call-out for those with disabilities or with caregiving responsibilities, caregiving broadly defined.

[00:03:54] That's right. And so then at the bottom of page five begins the position on budget priorities. This is the first time that the board has seen the updates to this position this year because the General Assembly adopted their budget so late. We wanted to have some time to look through it and to talk through some of these items with you all at the last couple of meetings.

[00:04:14] So this is the first time this position from last year has been updated, and you'll see there's a lot of yellow. So the first bullet that we added, essentially, is relative to the JLARC report and K-12 funding and what we talked about at the last meeting. And so then in the second bullet, we do keep some of the more specific things that we talk about in terms of K-12 funding, like fully eliminating the cap on support positions or fully restoring cost of competing funding.

[00:04:41] But we tried to frame that as sort of, you know, we really want the state to do kind of the big things in the JLARC report. But given that they've put together a study group and they're going to be looking at the JLARC report, sort of at a minimum, we'd like them to continue to make progress on the funding cap for support positions and cost of competing and other things sort of in the interim.

[00:05:05] So that's what the first couple are. And then, Noel, do you want to talk about the... And I think just on that, and I know we're waiting on some numbers from FCPS. One of the things we'll want to make sure that we have is how much of the support cap has been lifted, right?

[00:05:28] Because I think what we're going to hear from the GA is we dealt with that. But the reality is that the budget agreement dealt with a portion of it. So we're going to have those numbers. How much of it did they? So I think they fixed maybe a third of what was remaining.

[00:05:45] I think we have, let's see what we have in here. Oh, so we're over 50% of it being restored. Now, I will say that the wrinkle that we ran into with FCPS this week is that the General Assembly money committees put out a spreadsheet that says what the different accounts, they funded in the budget mean for each locality every school division then the Virginia Department of Education puts out a calculation tool that is the tool where there's a problem last year but school divisions are supposed to use it to calculate their funding and what they're getting from the state apparently

[00:06:23] there's somewhat of a discrepancy between what that calculation tool is saying and what the General Assembly is saying and so I think FCPS is trying to figure out why that exists and so we'll I think come back with more information on that, but that's a little part of why we're having a hard time quantifying some of this right now. And like I said, that's the tool that had a problem last year.

[00:06:44] You don't want to get that right this year. Yes. So, Noelle, do you want to talk about WMATA? Sure. I believe the third bullet down, or under budget priorities, we also included language on providing dedicated and sustainable funding for WMATA here as well, consistent with what is earlier in the program.

[00:07:05] Okay. So, moving on to page six at the top, we have some updated figures on HB 519, funding and how much we would have received if the GA consistently funded that at the level it's supposed to be funded. We also have some updated figures relative to court personnel, clerks, Commonwealth's attorneys.

[00:07:26] And so that's updated as well. And there is a note in red after that bullet, JLARC is supposed to be issuing their report on that topic in November, so next month. And so we'll be on the lookout for that as well. Okay. Yeah, it's just worth noting, we made this a budget priority last year, but the HB 599 funding is a not insignificant amount, almost $110 million over 14 years. So we're not talking about hundreds of thousands of dollars a year, we're talking about millions of dollars a year in underfunding. Yes, that's right, Mr. Chairman. And that's always a priority for us. And some in our delegation in particular have made that a priority. Some of those aren't returning to the GA, so we're really going to have to kind

[00:08:05] of try to focus on that issue. So the next bullet that has changes relates to affordable housing and housing tax credits. So we just included some updated language that matches the affordable housing position that we have later in the program. And then the bullet under that is relative to STEP VA, behavioral health, and the whole sort of transformation that the state is going through in terms of the behavioral health system. And so we added some additional language again to kind of match what's in the position on behavioral health later in the program.

[00:08:42] And then a couple of bullets down the next change is related to Medicaid waivers and the distribution issue that we discussed at the last meeting relative to the priority one waiting list and how quickly the Fairfax County area waiting list is growing and we're not receiving enough slots to even make up for the growth in the waiting list that we have and so that's obviously something we're going to want to focus on this session and then the next bullet is about car tax relief we added that last year so we just have some updated figures

[00:09:15] in that bullet and then the last one relates to ev charging and we added some language based on the discussions that we had at the last legislative committee related to ev charging stations and high

density developments so we added some to that bullet as well okay supervisor gross i have a question on the third bullet. I know all you had mentioned this one. It says, fully restore regional transportation revenues that were diverted to fund Vermont's state of good

**[00:09:51]** repair and critical capital needs in 2018. 2018 was, what, seven years ago. My concern on the language here is that if somebody looks at this, whatever was done in, whatever the funding was in 2018 isn't nearly what we need in 2024. So is there, maybe I'm being really nitpicky here, but I'm concerned that somebody could read this and look at it and figure that we're just looking for 2018 funding that was old funding instead of what we need now. Can you clarify?

**[00:10:28]** Sure. Supervisor Gross, Mr. Chairman, I think there are actually two separate points, so maybe we can work at making that clear. When the state of good repair needs, the bill with the state of repair needs for WMATA passed in 2018 they diverted about 102 million in local and regional funding per year so far they've replaced about 63.5 million of that so we're still about 37 million dollars short um for the region so that is to try to that second half of the sentence is to try to get at you still haven't made us whole from the last time the first part is we also need to address

**[00:11:03]** the current needs so I can talk we can try to make that clear to be a little clearer because you know I they parse every comma and I would not want them to you know look at this and say well you know this is what you asked for no this isn't really what we asked this isn't what we meant yes okay thank you mr.

**[00:11:23]** chairman okay all right I think that takes us to page 7 you mentioned the the ev charger language and and um just a note for board members um i have had some conversations with the northern virginia soil and water conservation district about um their support for incentives to encourage solar energy projects on existing buildings sites with existing impervious surface and brown fields um obviously a debate going on in other parts of the state about

**[00:12:02]** solar facilities and forest or farmland but i think it would make sense for us to look at some language to to incentivize uh solar on locations like those that we have here in the county so i'll look for that in the next iteration of the of the agenda supervisor i think they also mentioned in they're not taking up farmland or forest was right and include that in our position yeah i mean i I think that's a good topic for discussion. My view is that's a decision for those local governments that have that prime farmland and forested land that's at risk, and they have tools

**[00:12:41]** to make those decisions today. I think it would be out of character for us to support restricting that ability, but certainly open to hearing from the board on that. Supervisor Gross? And on that point, the Virginia Association of Counties is doing a lot of work with, especially the rural counties, about appropriate locations for a raise that are not on productive agricultural land.

**[00:13:11]** But my question actually is on the – there was an article in this morning's Washington Post about some states now charging more for EVs, for electric vehicles, and increasing taxes on electric vehicles because the gas tax piece is going down.

**[00:13:31]** Just a general question. I think there's been a little bit of discussion in Virginia about that, but I don't know whether... So there is an additional fee in Virginia on efficient vehicles? Well, but this was, at some point, we're going to be out of balance here.

**[00:13:52]** And so we really need to be aware, maybe not right away, but I think we need to be aware If we're going to be encouraging the use of electric vehicles and then hitting them again with a higher tax

because the gas tax is going down, then I guess we need to have a different financials set up, don't we?

[00:14:11] So I think, and Noel probably has more to say about this, but I think that that's a little bit of the problem with the gas tax being a kind of a user fee and then these vehicles are charged differently. And so there has been some discussion, but Noel can probably elaborate on that a little bit more. Could be the VMT and some of those other things that are coming forward, I guess.

[00:14:28] Mr. Chairman, Supervisor Gross, yes. The state has actually looked at this a couple of years back, and a bill, I believe, in 2020, did create – there has been a fee on electric vehicles or on alternative vehicle fees for quite a while.

[00:14:44] A couple of years ago, they looked at the whole issue of gas tax being, you know, reducing. And there are a couple of pilots out there, or actually, I think there's a program and a pilot. One, that you are charged for fuel-efficient vehicles, but not as much as you would be charged for using gas.

[00:15:07] They use the average usage, and I don't remember the specifics right now. But there is also a pilot that you can try out where they will charge you based on VMT, but no more than what it would have been for the year if you'd used gas.

[00:15:23] I think both of those are run by DMV. But the state has had started looking at this a couple of years ago and has implemented some programs to try to address the issue. Whether or not everybody likes it, I'm not certain of. Okay.

[00:15:40] I think that gets us through page 7. I don't see any changes on 8, so page 9. So, Mr. Chairman, on page 9, at the last meeting, we provided an updated position on economic development and diversification. The board gave us some feedback and some language to add, which we have added here relative to increasing administrative support that's appropriate for the regions, and just some other clarifying language that we added reflecting that discussion.

[00:16:13] Okay. Questions on that? I don't see any. It looks like we have a minor addition to page 13 based on our last meeting.

[00:16:33] Yes, so at our last meeting, on page 13, there's a bullet on affordable housing that relates to manufactured housing. And we just clarified that the notice that is required to be given is by property owners, not by the county, which is consistent with the manufactured housing report that you all received last year, I think.

[00:16:55] Okay. Are there any other questions on the program? No, I think we can go into the consideration items. We have two consideration items. Mr. Chairman, the only thing I wanted to mention is that at the next legislative committee meeting, we were planning to talk about our pedestrian safety position and traffic safety and all of those that the board directed.

[00:17:17] And so we are planning to have a discussion with staff from various agencies at the next one. That's not a position that has changes right now, but we will be coming back to you all next time to talk about that. Okay. So for the consideration items, we have to the first one, hopefully, staff on tax and budget.

[00:17:36] We'll come up to the table, too, but I'll try to explain this a little bit in layman's terms. So, basically, some localities have an elected commissioner of the revenue and an elected treasurer. Some localities, like Fairfax County, have sort of professionalized that and used staff positions to do it.

[00:17:55] The state, through the compensation board, provides some funding to subsidize some of those employees, particularly when the state does raises and things like that. But the state budget funds those types of positions out of different accounts, depending on what form you have.

[00:18:14] And it seems in September when they did the budget agreement that there was perhaps an inadvertent error where funding was provided in one of those accounts, but not in the other. And so the funding that we should have received, along with another, along with another, a number of other localities who have similar situations to ours or systems as ours, didn't receive the funding from the state that they should have.

[00:18:40] And so we'd like to go to the General Assembly and try to work with other localities to correct this. It's sort of the long and the short of it. But staff can certainly talk about some of the details if the board wants more detail. Or if I said anything that wasn't exactly the way you would say it.

[00:18:56] Okay. Okay. Supervisor Patrick. Thank you so much. And first of all, I don't know if he's here at DTA Director, but I want to say. Jay is not. Yeah, so Greg is standing. Okay. Hi, Greg. I was very impressed by the way the staff handled the personal property tax payments here in the government center.

[00:19:13] It's been, I think, one of the smoothest operations I've ever seen, large amounts. I want to thank your staff. And to this, I appreciate bringing this forward. Do we know currently, I'm skimming through here, how many localities fit in that category? I don't know if I know how many. We called out some of the ones that we know were affected.

[00:19:29] So it affects the cities of Alexandria and Richmond and the counties of Albemarle, Henrico, and Prince William in addition to us. I don't know if you all know how many. Sorry, there we go. Greg Brug, Department of Tax Administration. That is correct. Those are the only jurisdictions that it impacts in Virginia.

[00:19:45] So there are none south of Richmond? No, there's not. Okay, that's probably. think a lot of those areas probably still have elected commissioners and treasurers. Okay. No, I mean, I think they do an excellent job. I've wondered why ours was different than some other jurisdictions. I think ours works really well, and so it might be an uphill battle, but I think a really important one for us to make people aware and to work on. Yeah, yeah. Okay, and we're, I think we're looking at this potentially being one of our initiatives this year. Any

[00:20:20] other questions? Supervisor Gross? It seems to me that this might also be something for VACO to have in their legislative package because of the, and maybe the committee that handles this already has it in their legislative package for VACO, but if it's also Albemarle, Henrico, and Prince William, these are all more sophisticated jurisdictions, and so I think this makes perfect sense that we would support this, but I think also we need to probably take it a little bit farther and bring it before they go if other counties haven't already done so. Yeah, we'll reach out

[00:20:59] to them and make sure it's on your agendas for the, you know, meeting as well. Okay. All right. Thank you. Thank you all. Next, long-term care workforce needs. This is an issue Supervisor Gross raised at our last meeting, and we have heard from HCAB and the Long-Term Care Coordinating Council. Hi. Ariel McAloon, Human Services legislative liaison and i'm going to walk through the long-term care proposal but i would ask that um agency staff also join me to help kind of walk through a little of it and answer any questions

[00:21:39] um so the proposal that we received from the healthcare advisory board and the long-term care coordinated council was to add language to the existing long-term care workforce needs in the legislative program to essentially add assisted living facilities and community-based care settings to the existing language. And the idea, well, the existing position essentially links the quality of care in skilled nursing facilities, which is what the existing position focuses on, and nursing homes with the workforce needs of the people in those facilities,

[00:22:20] essentially ensuring that a solid, high-quality workforce enables a higher quality of care in those settings and would help address issues like, in the case of assisted living facilities at least, there have been issues with elopements where unsupervised residents are leaving the facilities, and so the idea being that better staffing would help address some of those issues.

[00:22:47] One of the things that's important to note is that while the county has a few assisted living facilities and operates some community-based care programs, a lot of these programs and services are provided by providers in the community.

[00:23:04] And so I did want to point out a couple of things in terms of the county impact, and again, I will also let staff fill in some of the information as well. but essentially the Fairfax County Housing Authority owns a couple of the assisted living facilities. And so because those properties are run as affordable housing, the rents help support staffing as well as a number of the operating expenses for those facilities. So any changes to staffing could have cost implications for the county in terms of continuing to run those

[00:23:42] facilities and i also wanted to highlight bernieham green as another county um potential area where there could be cost implications for the county and um so that was more on the assisted living facility side in terms of community-based care settings i did want to highlight a couple of things um one that the department of family services run operates a home-based care program through a contractor um so there could be a small county impact there as well um and then also the

[00:24:16] department of neighborhood and community services ncs um operates uh adult day health care and um they also highlighted that there are um there's currently a staff to resident ratio that's um one staff person for six participants, and lowering that ratio could result in needing additional staff or lowering the number of participants served in those programs, and they had also highlighted the importance of linking staffing standards with compensation

[00:24:56] increases and benefits. In the case of some of those settings, if you just increase staffing standards without also compensating or addressing some of the other issues that result in the stressful working conditions and low wages and benefits, you also may continue to have the turnover and issues that may lead to poor health outcomes for the residents. And I did also want to point out that our NCS staff also noted that the county's wages and benefits are more than competitive in terms of the industry. And so I think in a couple of places, one of the key things

[00:25:30] that we wanted to highlight is that the county kind of has a limited role in this, and so we did want to just point out some of the county impacts, and I think if staff would, or if the board has questions, or, oh, let me say what our recommendation is, sorry. Our recommendation would be to monitor for legislation during the 2024 GA session in order to look at specific proposals and think about some of these impacts as we're doing it.

[00:26:00] And then I also wanted to just point out that we do have some language in the draft legislative program in the Medicaid waivers position that addresses living wage for personal care attendants, consumer-directed personal assistance, and other caregiving rules.

[00:26:20] And so while the proposal that we received goes beyond just the services that are provided with Medicaid waiver or that serves people who have Medicaid waivers, we did want to highlight that we do have that existing language. Okay, let's go.

[00:26:38] Supervisor Gross. Thank you for the extensive research that you've done to bring us up to the speed on background. It is curious to me. Let me start over again.

[00:26:57] I think the recommendation, fine. I think that this is the opportunity to plant a seed. It probably won't grow in the next General Assembly, but I think we need to put it out there. But as I was reading this and listening to Arielle, I'm thinking we put a great deal of emphasis on child care over here.

[00:27:22] There's not as much emphasis on later life care over here, even though we know that that's the fastest growing segment of our population. As a society, we need to do both, and we need to make the case that both are important. We need to give our children a good start. We need to address the needs of our elderly and disabled with dignity and getting them the best care that can be provided.

[00:28:01] So it's really, you know, it's two ends of a barbell. And I think we really need to make that case in a greater way. I still remember Dana Kaufman saying a long time ago when he was on the board that at some point, the senior citizen population was going to be lobbying just as much as the child care, and we needed to be aware of that. And he was absolutely right. This is, you know, 20 years later, but he was absolutely right. So I do think that we need to look at it

[00:28:38] from a financial aspect, from a workforce aspect, but also from a societal aspect. And And it won't happen overnight, but I think if we can connect those two, especially at the General Assembly, to recognize that all the needs of our youngest and the needs of our elderly are pretty much the same, and they should be treated, you know, in a similar manner with appropriate funding and appropriate staffing.

[00:29:09] And now I'll get off my soapbox. Thank you. Supervisor Peltier. Thank you, Mr. Chairman. I'm happy to follow that because I've been thinking a little bit about how we study this. I actually think we're not doing enough in either, and we're seeing a bigger and bigger divide between the haves and the have-nots.

[00:29:27] We know, and many of us are dealing with, child care and adult care and understanding that if you're having to invest so much more of your own, that takes away from everything else you're able to do for your family and invest. I don't know if you want to go this far.

[00:29:43] was actually wondering, we've been talking about this JLARC study on the SOQs on funding education. My understanding is if we're talking about early childhood, we definitely are not funding that enough. And I do believe what I appreciate here is that if we're talking about all the variety of programs and the staff that are so underfunded in both the early childhood and the adult care, absolutely, I think that workforce is a huge issue in being understanding how to support that um so it does seem to me and i appreciate i do think we need to start having this

[00:30:17] conversation i don't know the most effective way to have that to both understand what is currently being done and whether the issues are ratios whether the issues are types of programming

whether the issues are subsidies and we know and i know i have so many um high cost facilities coming up in my community and I think they're great and we need those options but I do have concerns and wonder what are the best ways to support some of our lower and middle

[00:30:50] income communities we just heard from a resident this week where they had a grandchild caring for them and it became an issue right and he didn't know how to care for his own wife and we do have some services we provide but as was said we do have an aging population and they're coming from all income levels all backgrounds and I don't think we're doing enough I agree with that so I don't know what our staff recommend on this on is it time to do a formal study I know that may not be enough to

[00:31:26] understand how much is being invested in both senior care if we want to compare early childhood, that's fine. But that's where I worry, is adding new mandates without funding those. Those unfunded mandates are where I get really, really concerned. So I appreciate your approach, and I'm wondering if we can maybe be a little bit more robust on the funding side and where those gaps are. We can certainly try to talk to some of our legislators and think about, I don't know when the last time a real study was done or what kinds of studies. Okay, Arielle, I was just going to add that there was a study on assisted living facilities specifically in 2018.

[00:32:05] There were a couple of recommendations out of that. One, there's some information about in the item, but one of their recommendations was to raise the auxiliary grant rates. We did see an increase in the latest budget agreement in September.

[00:32:22] That increase isn't effective until January. And so it will take us some time, I think, to see whether that has any impact. I do also want to note that very few of the assisted living facilities accept those grants. So not sure at this point what the effect will be, but that is something that I just wanted to point out.

[00:32:42] And I think, I mean, maybe our staff can comment somewhat on this, but, you know, auxiliary grants are for very, very low income folks. That's obviously, you know, a challenge. But these kinds of facilities are a challenge even for folks who aren't very low income. And there aren't always great ways of paying for it because it's very expensive care and it can last for a long time.

[00:33:03] And so I think that that's one of the challenges when you kind of look at the balance. And if you're talking about, you know, higher staffing or higher salaries and all of that, do you then price some people out when you're trying to improve care? But even for folks who are sort of middle income, this is not always there's not always a lot available.

[00:33:24] And so if you drive up the cost for people like that, then, you know, kind of how do you find that balance? And so that's what we've kind of been going around with, I think, a little bit with staff in working on this item. But maybe. OK, let me just let me go to the chairman. Yeah, I just want to ask a follow up question, because this is focused on ALFs.

[00:33:43] And we know that shortages exist across the spectrum. And what I've been told repeatedly from some senior groups is that they can't afford to get in an ALF. They don't qualify for this, and there aren't enough daycare providers or home visitation folks, folks who provide critical services.

[00:34:02] So we have a whole population of people who can't get into an ALF now. And my concern is with as narrowly tailored to ALFs, are we not encouraging more people who might provide home daycare

services or other things to work in ALFs because of these new requirements and further exacerbate the services to seniors that may be home-based and can't afford to get into an ALF anyway.

[00:34:28] And so I guess, not looking for a big study here, but I would be curious to know in the county, you know, which of these positions is the hardest to recruit for and retain, and what is the state doing to help get people in a recruitment or an occupational pipeline to fill some of these jobs?

[00:34:46] Because I feel like this is not a bad idea at all, but it's targeting one very specific problem within a spectrum of services that our seniors and aging population need. And I'm worried about the focus on that one element and losing sight of the whole spectrum of services needs that are out there.

[00:35:06] And I could be wrong, but from what I've been told, you know, the home daycare providers, the people who do home visitations, folks who are in that line of work are among the worst paid. and they're already behind people who might be working in ALFs or other type of facilities and we need to know that before we can decide whether or not going this route is the right way to go or not. Is there a way for us to find that out even just within the county? Sharon Craig, I'm the

[00:35:42] staff coordinator to the healthcare advisory board. What I would say to that is that the 2018 study that Arielle cited stated that CNAs are the most difficult to recruit and retain within that continuum of the workforce. They often find that the CNAs and assisted living facilities often go into the home care setting because the conditions are ironically they consider better. It's more stressful working at the assisted living facility level. The other thing I'd like to say in addition to subsidies is that the health care advisory board as part of the zoning ordinance has asked

[00:36:20] all developers that are planning a new facility or planning to renovate an existing facility that they provide four percent of their units to ag recipients recognizing that those are very low income and it's difficult to qualify for that but four percent of most of these facilities ends up being between one and three beds um so it is conceivable that the four percent threshold has been in place since 1996 in written policy um 1994 in informal policy so that's 30 years and

[00:36:56] it hasn't been adjusted since that time okay i mean that's helpful i you know i do think even 2018 is a while ago um now and i don't know if there's a way to confirm that that's still the case or not um i'd sure love to have more information because if if what you say it is correct and and i'm sure that it is uh with confirmation then this is where we need to be focused um on the other hand i don't want to find out later that we supported this and now we've had all this transition of people from one employment area into another employment area because of this this new uh rate and i think that's something we just need to be cognizant of here because there's

[00:37:36] not enough people working in this space period and so you're talking about taking a limited population of people and potentially steering them into one area or supporting them in one area at the expense of other areas and i sure would really you know like to to have a conversation at the state level about what they're doing on the pipeline issue here because they could be incentivizing people to get certificates and other things quicker and encouraging more people to get into this line of work because we seem to have a pipeline problem that's significant and certainly there's a lack of employees in this space to begin with or we wouldn't even be having this conversation and I think it runs across the spectrum to different

[00:38:13] degrees. Okay. Usually people are doing this to me but I think it sounds like this is a good topic for the Health and Human Services Committee or the Land Use Committee to delve into a little bit deeper but I think we have a consensus to monitor this issue. I think it's important to note that in terms of the facilities that we own and/or operate, we're confident in the staffing levels and staffing standards there, and we're providing quality of care for those folks. Obviously, out in the community, in the private sector, across

[00:38:51] the state, you're going to see variation of quality, unfortunately. Okay, that takes us through the consideration items. One thing I do also just want to note, and I see Ms. Hanley is here, we did get a letter from the Electoral Board requesting support for a legislative initiative to extend the certification deadline for elections from seven days after the election to 10 days after the election, given that ballots are still accepted up until the Friday after the

[00:39:25] election certification the following tuesday is a very tight timeline i think this has support from electoral boards across the state so we're going to be looking at how to incorporate that either as an initiative or into the program or supporting legislation um and we do have time left um so why don't we quickly and i'll i will give back some time so we'll we'll do 10 or 15 minutes on the maximum on the K-12 funding and SOQ handout, because I think it does give some important context to our budget priorities around education.

[00:40:05] So I'll let Ms. Arco kick us off there. Board members should have this in your packet. Yeah, so Mr. Chairman, there's a handout in your packets. What sparked this was the discussion at the last Legislative Committee when we talked about the JLARC report and the SOQs and the issue of what's funded and what's not. And so we kind of went through and pulled some information from the JLARC report and then also just some general background information about the SOQs that we thought might be helpful.

[00:40:28] And I'll ask Jennifer to jump in if I don't say any of the right things or enough of the right things. But, I mean, in general, so as the board knows, the Constitution requires that the state provide, you know, a high quality public education. How the state does that is primarily through the SOQs.

[00:40:46] So the State Board of Education tries to look at different standards, and then the GA decides what to fund and what not to fund. And so the SOQs include things like staffing levels, different position counts, you know, and all those sorts of things.

[00:41:04] And so when we have discussions about whether the SOQs are fully funded or not, well, the state would say they're always fully funded, but that's because the state creates them. And that's sort of their way of funding public education on the state side. So it's not so much a matter of if the SOQs are fully funded, but are the SOQs sufficient to provide a high quality education or to run school divisions?

[00:41:28] And so in the JLARC report, they had a number of charts that I thought visually were kind of, you know, bring some of this home. The first one really just shows kind of what local, state, and federal funding goes into K-12 in the state.

[00:41:45] At the previous meeting, I think Supervisor Stork asked a question about federal funding in the JLARC report. It's not really talked about much except that back in the Great Recession, there was a decision made that federal funding would be sort of pulled out of the formula before everything is apportioned.

[00:42:00] It's called a federal deduct, and so it's just a way of sort of treating that federal funding that's left over and could certainly be unraveled at this point, but the study doesn't talk that much about federal funding in any other way. But you can see from some of the charts how much the SOQ provides versus what school divisions actually spend, and some of this is fairly dramatic, and also how state funding would differ if the SOQs really reflected actual spending or actual benchmarks.

[00:42:39] And so it was sort of a good, I think, visual representation of how that formula works and kind of what is happening and how the underfunding sort of persists. And we thought that might be helpful to the board. Is there anything you want to jump in? May I ask a question on that incentive, $477 million under the non-SOQ programs, what is that? Can you tell me where you are? The bottom right of the chart there. Oh, so there are, yeah, there are incentive accounts in the K-12 funding formula that don't, that

[00:43:17] aren't the sort of regular funding, and I think it includes like at-risk add-on and other things like that. There are sort of like incentive and categorical accounts, I think, and so I think that that's what some of those are. Chairman Jennifer Vaney, it It would include the Literary Fund, which people talk about a lot right now.

[00:43:39] So that would be kind of in there. And I did just want to point out that one of the things JLARC highlighted was that the three highest cost drivers for education, which is workforce, high-risk needs, and differences between localities in workforce, are three of the areas that we really highlight always.

[00:44:01] And so just shows that how it is really affecting localities such as our own. Yeah. And the one comment I would make, Jennifer mentioned the literary fund. So the literary fund is the sort of receiving fund for state fines and fees and things like that.

[00:44:17] And then it's used primarily by school divisions for school construction loans. But we don't typically use it because the literary fund loans are based on a wealth index. So the percentage interest rate you get is variable depending on what your LCI looks like.

[00:44:35] So if you're a low LCI school division, you might get very beneficial rates. If you're a high one, you might do better on the open market. Supervisor Poutier. Thank you so much, and this is very helpful. I appreciate it. We've been waiting on the study, and I appreciate the breakdown.

[00:44:52] I guess based on this and on your experiences with the GA, do you have recommendations for best ways to try to move forward? are there currently state or regional efforts? - So in the budget that was adopted in September, the GA included the formation of a study group to look at the study and to try to implement it.

[00:45:13] So I think they're looking at it seriously, but they're not looking at doing anything right this minute. And so that's why our position in the legislative program for K-12 funding says, you know, we really want to see kind of the big things that the study did in terms of cost of living staffing and realistic funding being put into what's being analyzed but in the meantime we also would like you to make progress on support cap and other things because this session they clearly aren't going to aren't planning to implement some of these bigger goals okay and I assume every statewide organization that

[00:45:49] cares about this is pushing on the results here yeah I think that I mean I think in general this shows that the state funding overall has not been sufficient. And, you know, almost every school division spends more than they are required to, you know, the state standards. I think one superintendent said

something like, if you spent the amount that the state says you have to spend, it would be a disaster. Like, you couldn't run a school system, which, I mean, of course, we all know. But, yeah.

[00:46:16] Okay. Good. Supervisor Smith. Thank you. I chair the Education Committee for VACO, and this is one of the discussions we had at our last meeting. And we asked VACO to provide information for us so we can advocate. And with the community and explain to the community, and that's something I've been doing when I talk to people because they're unaware of this issue, and I think we have a responsibility to share this information with the community so they can be educated about what's happening at the General Assembly level.

[00:46:43] So I'm figuring in November, when we have the meeting, there should be more information about this. Okay, I want to keep -- Mr. Chairman, and then I want to -- because we've got a few more pages to get -- and I interrupt it, right? Yeah. I mean, I think we've kind of covered the gist of it, but we can talk in as much detail as you -- We'll do five more minutes.

[00:47:01] I'm going to take all five. What I wanted to ask is, I mean, I know this is helpful for us, but this document is intended to be for who? So this was really intended for the board because we had that discussion about the SOQs. And this issue of whether they're fully funded or not has come up before.

[00:47:18] And so we wanted to give a little bit of a breakdown. But certainly we can turn it into something else if you will. I think the direction we're going is our fact sheet. You know, when we have the FCPS-specific numbers, we'll be able to take some of these points and incorporate them into our fact sheet to give to our GA members so they can understand how this directly impacts Fairfax County.

[00:47:39] Yeah, I think that's important because the last time we did something like that was a few years ago, and we put it in very simple terms for our legislators, and with all the new people coming in, you know, you never know where these documents are going to end And so I do think we need a similar document to this, whether it's in our fact sheet, it might not be extensive enough.

[00:48:00] But, you know, this JLARC study, we've been trying to get this done for a lot of years. And we don't want to lose the opportunity to focus on it this year. And, you know, for me, the border states, as we mentioned, are, you know, illustrative, something that people can easily understand.

[00:48:17] What I don't see in here is we're at that time of year right now in particular. where a lot of state people have telling everyone they raised teacher pay and what i don't see in here is that you know when teacher pay gets raised here's what it actually means and here's whose pay is it yeah and related to that you know i'd really like to see a chart that shows you know how much of the uh real estate tax rate and revenues that we generate goes to funding public education and how much less that would be if the state even funded their own soqs i mean at some point in time we have to put this in very real specific numbers for people to understand

[00:48:54] because a lot of people are claiming credit for raising teacher pay and you're looking at the people in the room that pay that, not the people who are putting out the mail pieces taking credit for it. And so I do think it's important to put this in a way that can be understood. Put some FCPS specific numbers on it.

[00:49:11] Put in there when we raise teacher pay, here's what that actually means and here's what it means relative to our real estate tax rate so people can see the full picture here somehow in a very simple easy way to to understand and certainly need to do that before we have our joint meeting with the

legislators in December the last time we simplified that message I thought it resonated and that was the last time there was a sizable I mean you can call what they just did with their surplus a sizable increase but that was really the last time there was a historic sizable increase in public education funding and I think we need to

[00:49:47] focus on that and I also think we need to remind people of you know that we haven't still recovered from that number from years ago and I'd love to see how much of that gap we've closed in with what the General Assembly just just enacted so I think there's some ways to make this very understandable not just for the legislators but for their constituents who might get ahold of this to and other people in the state and so I want that's why I want to make sure what we were using this for I think we can hone it and put some county numbers in it for our own legislators at least before we meet with them in our what December December in December yes um yeah so that's all

[00:50:24] really helpful feedback and we'll take that and kind of re-digger this a little bit um and work on that because I do think that it's a good message and it is very hard for people in the public to understand I mean legislators obviously don't understand it always um and we have new ones coming but for the general public it's the funding formula is very confusing and it's difficult to parse through why it doesn't benefit us the way that people think it should the other thing that I would mention is we are going to be working on a budget letter for the governor on his you know sort of budget priorities and so obviously we can include some of this in that as well and I think we should also include you know last thing that I always find compelling

[00:51:00] is per pupil spending where it comes from so we have the chart you know down year the statewide one but we're at what is it somewhere around 16,000 of which what is it 12 yeah most of it comes from local but yeah I think so you know I think we'll find putting it in per pupil this is what we get from the state this is how much the county puts in this is how much we get from the federal government and what people will see is the lion's share of every per pupil spending by two-thirds number comes from local government and that figure should be prominent right at the beginning setting the stage that this

[00:51:36] is what this underfunding in the jlark study has as you know this is why these numbers are what they are and this is how much room there is for improvement mm-hmm yeah that's a very good point okay supervisor Patrick no good okay if there's nothing else from the board that's the end of our agenda just you can see you have the upcoming meetings we'll have our public hearing on November 21st as sarco mentioned on the 28th we'll discuss pedestrian safety i will also discuss our federal

[00:52:11] program at that meeting on the 28th moving toward adoption of our program on december 5th and please do mark your calendars as the chairman mentioned our work session with the general assembly delegation on tuesday december 12th thank you everyone thank you