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[00:00:06] Okay. Good afternoon, everyone. Welcome to the March 1st, 2024 meeting of the Legislative Committee. We have a few issues to get through today, but hopefully we'll be out earlier than last week if everyone cooperates. We're going to start with a review of the budget, and we'll let Ms. Arco just update us broadly, walk through the process, the timeline, some recent developments, and then we're not going to go through again all of the budget proposals like we did last week.

[00:00:45] We are going to go over the education elements again because I think it's particularly important and we'll have an ask of you all when we do that. So Ms. Arco, you want to kick us off? Thank you, Mr. Chairman. So, as the board knows, we talked last week, the House and Senate each passed their own versions of the budget amendments to the governor's introduced budget.

[00:01:08] This last week, the House and Senate also appointed their budget conferees. In this new General Assembly, where all of our legislators have changed, or many of them have, we have completely different budget conferees. And so, in the House, no surprise, Delegate Sickles, who's the vice chairman of the Appropriations Committee from Fairfax County, is a budget conferee.

[00:01:25] Also, David Bulova, who's a member of our delegation, is on the budget conference. And in the Senate, we only have one budget conference, but it's Senator Jennifer Boiscoe from Fairfax County. And so

that's a completely new situation for us. And so there'll be the three people from the county who are negotiating along with, you know, other legislators from around the state.

[00:01:45] And they'll spend the rest of this week discussing and sort of trying to work through the different parts of the budget. And then ideally, the General Assembly is scheduled to end next Saturday, May 9th or March 9th. And so typically, the idea is that they have the budget printed like 48 hours before they vote on it.

[00:02:06] So theoretically, they should have it printed by like Thursday if they're going to vote on it on Saturday. Usually, if they're pretty close to getting the budget done and they think it might take an extra day or two, they might keep everybody there. Usually if they're not that close, they might let everybody go home and then have budget conferees continue to negotiate and then bring people back.

[00:02:24] But we'll just have to see how this week goes and how quickly they get to a resolution. I think they should be done with bills by next Saturday, to be sure. But this is certainly the critical time for budget negotiations. And so we've shared information based on the board's priorities and the things that the board has highlighted with our delegation as they, you know, kind of work through budget negotiations.

[00:02:48] And so, Mr. Chairman, if you'd like to say any more about that, you're welcome to work by either of you, Mr. Chairman. Why don't we jump right into the budget proposals document, and we'll run through the education elements. So I think Albena Esediva is here from the Department of Management and Budget, and she was going to walk through the K-12 sections, which start on page 18, I think.

[00:03:13] And it should be the first document after the agenda in your – Page 15, public education of the budget proposals.

[00:03:30] Mr. Chairman, members of the committee, my name is Albana Senva. I'm the Revenue Division Director with the Department of Management and Budget. So I just wanted, as a reminder, because we're not going to go over all the general government items, But usually as part of add-on that the board sees in April before the adoption of our budget, we pick up some impacts from the state budget in terms of revenues and expenditures.

[00:04:00] So we've been working on identifying those direct impacts in terms of maybe we'll receive additional funding from the compensation board for some of the initiatives. So we will reflect those at that time. So now, turning to public education, I believe that it's on page 15.

[00:04:22] So this is input that was provided to us by the budget staff at the Fairfax County Public Schools. As you're aware, and this has been discussed in numerous public meetings now, the governor's budget did not provide funding to address any of the JLARC study recommendations.

[00:04:41] That study, of course, had demonstrated the significant underfunding of K-12 funding by the state. One study recommendation that has been addressed in the Senate amendments is the elimination of the cap on recognition of support positions in the SOQ formula.

[00:05:01] As a result, Fairfax County Public Schools would receive an additional $18.7 million the removal of the support cap in fiscal year 25 another important item to highlight in the Senate amendments is the restoration of the hold harmless payments provided to school divisions as a result of the elimination of the state portion of the grocery tax the governor had removed that funding and that was projected to be a significant negative impact on the funding that FCPS

[00:05:35] would have received. The Senate restores this funding, and so FCPS will receive an estimated net amount of $25.3 million as a result of this restoration. For compensation, increases both the House. 16. The grocery tax. And just as a reminder, that amount was included in the superintendent's proposed budget, so it won't be -- it'll be a net relative to the governor's budget, but not a net relative to the FCPS budget proposal that we've seen.

[00:06:13] And it's not in the House, that's right. And just to add to that, this was the committed money. This was -- they said last year the condition of approving this was that this -- so this is not -- this is zero new money. Just to make everyone clear, the reason the superintendent included it is because traditionally this has always been money that has flowed to FCPS, and so this is a restoration zero new dollars from last year's school budget.

[00:06:38] Yes, that's correct, and they had expected it, and so they have assumed it in their advertised budget. So luckily the Senate restores what the governor had taken out. So then for compensation increases, that's another significant item.

[00:07:00] Both the House and the Senate replaced the bonus that was included in the governor's budget. They replaced it with a salary increase. The House provides funding for the state share of the cost of a 3.375 percent salary increase for funded SOQ instructional and support positions effective July 1st, 2024.

[00:07:23] For fiscal year '25, the cost to FCPS to provide such a salary increase totals $96 million. After accounting for the state share, which is only $14.8 million, the net cost to FCPS would be $81.2 million.

[00:07:41] That would need to be funded with local dollars. The Senate version includes a 3% salary increase, effective October 1, 2024. That would cost FCPS $85.4 million.

[00:07:59] After accounting for the state share of $13.8 million, the net cost would be $71.6 million. And as a reminder, the advertised FCPS budget includes a 6% salary increase at a cost of over $170 million.

[00:08:22] The House makes changes. So let me see. I'm sorry. Under the English language learner staffing formula, so the House makes changes to that, and it changes it to be based on proficiency levels.

[00:08:47] FCPS would receive approximately $12.9 million in state funding in fiscal year 25. However, it would require FCPS to hire an additional 450 teachers, which would, of course, pose a significant challenge for FCPS and a significant cost.

[00:09:08] They have estimated that that requirement would cost them $52.4 million. And they would receive from the state only $12.9 million. The House also changes the at-risk add-on formula, which would result in a decrease of $4.8 million to FCPS due to the methodology changes in the distribution formulas that the House proposes.

[00:09:39] And you could see that this is a significant funding requirement for the state. However, it unfortunately ends up being a negative impact on FCPS as a result of the new methodology.

[00:09:57] I can highlight other items if you're interested in the schools, but I can also go to the bottom line just to compare the House amendments. As compared to FCPS advertised budget...

[00:10:17] This is page 21. You're jumping ahead maybe to page 21 in the packet. It starts at the bottom of page 21. Yes, I've lost my pages of the budget chart. I apologize so I cannot refer to the pages. Yes, bottom of page 21.

[00:10:40] And actually, yes, if you flip to page 22. So the House amendments, as compared to FCPS advertised budget, result in $5.9 million less revenue than anticipated.

[00:10:56] And after accounting for the local cost of $52.4 million for the English language learner staffing, the House budget results in a net negative impact to FCPS of $58.3 million as compared to their advertised budget.

[00:11:15] Of course, the Senate amendments, they had the elimination of the cap on support positions. They put back the money for the hold harmless sales tax. So the Senate amendments provide an additional revenue of $71.9 million as compared to the governor's introduced budget.

[00:11:38] But compared to FCPS advertised budget, because they had already assumed the sales tax restoration, um it would provide 43.1 million more revenue than anticipated okay so i wanted to go over that again and share that bottom line news which we didn't have last week uh which is obviously obviously not good i want to open it up for for any questions and i just have one on the english

[00:12:11] english language learners staffing um and i can i can send this in as a budget q a if necessary but I'm just wondering, do we know, so it sounds to me like FCPS obviously is not currently meeting the staffing ratio that this amendment would require.

[00:12:39] Is it that FCPS is meeting the existing state standard of one position per 50 that you have here, or are they meeting some other standard? because this was a question that I had for their staff at our joint budget meeting on Tuesday about the enrollment growth funding, and I didn't understand the answer about the staffing standards, and I'm just wondering.

[00:13:07] Clearly, they're not currently meeting this higher standard that JLARC recommended. Are they meeting the minimum state standard? So my understanding is that, yes, they would not meet the standards set by the House because you would go by proficiency level.

[00:13:25] So they had gone through calculating how many more. And you could see that they are actually exceeding the standard that's in the Senate amendment because they would not have to provide additional funding for that.

[00:13:43] So we could ask them, but yes, it's my understanding that they're not meeting. Right, okay. In speaking with FCPS's staff down in Richmond, I believe he said they are at about 28 per 1,000 currently.

[00:14:01] 28 teachers to 1,000 students. So that's the ratio they're at currently. Okay. This is one position per 50, so I have to do the math on that. But all right. Let's start here, and we'll go down to Professor Smith. So if I remember correctly from a gazillion years ago, they used to base the staffing based on the level of the kids' proficiency, and then these things change over time and so the difficulty for a school system like Fairfax County where you might get more kids coming in at a lower proficiency level that would create a big

[00:14:34] impact. Okay thank you I guess I don't think there's an answer to this question but for the Senate amendments which obviously look much better 43.1 million more than revenue than anticipated. How much additional local match comes with that? I know there are, depending upon which piece, sometimes there was an additional local match. I'm just curious how that squares with what's in the advertised budget. So I think that that would be a net positive for them. And they

[00:15:09] have indicated all the items where they would require an additional expenditure. So for example, for the senate for the english learners they already meet the standard that is being increased so this is net yes this is the net increase compared to their budget great just just to clarify one thing though um it is the net increase however fcps's budget transfer request for us included a six percent pay increase and so the share the the matching money that we would need

[00:15:45] to come up with is far larger than this net out, because this net out is assuming 3.375%, which is what's in the Senate budget, correct? 3%, which is what's in the Senate budget. Yes, and in the House, it's slightly higher, and I believe that the difference between what the schools have assumed as the total increase in their compensation, the $170 million that I mentioned, and the difference between funding the 6% and the 3.375% that's the higher that's in the house, that difference would be about $75 million.

[00:16:25] More than the net increase here. That's what I wanted to make sure people understood, that even though it's a net increase from the state, if we were to, if the school board were to adopt the 6% pay increase and only collect the $14.8 million that the state has out there for the 3% pay increase, the amount of match, it's not a match anymore at that point, but it exceeds the net that is in the Senate budget right now.

[00:16:51] And so I just wanted to make sure people understood that. Yes, that's correct. Okay. Supervisor Palcic. Thank you, Mr. Chairman. And thank you. So I had similar questions. Let me just clarify it one more time.

[00:17:07] I think what the chairman was asking, so we're all on the same page here. On page 22, the House and Senate amendments, this net $43.1 million more is if the schools do the 3% salary increase?

[00:17:28] If they meet the match. If they meet the match. Yeah. Yes. Okay. And then I guess my other question, I know there are a couple in here where we can clearly see where the Senate versus the House, um like english language learners um and the at risk add-on if i'm reading this correctly as well is a little bit additional funding on this on the senate side actually quite a bit additional versus the house side correct and and that's disappointing because i know we always want to focus on per pupil funding but if they're changing the formulas um i don't know if we have

[00:18:05] a sense if we're in the same boat as other jurisdictions in this formula change so i think part of what the challenge that's happening now is you can kind of see that the categories that they're looking at are the kinds of categories that we would normally say we like to. It's just that it doesn't hit everybody the same way, either depending on what your system is doing, like English language learners, if they're changing the ratios, or just something like at-risk add-on, which seems like, oh, it must help the most at-risk children. But because of how it measures poverty, it doesn't really help us as much as it could. And so, but I think for legislators from

[00:18:44] other parts of the state who are a little more involved in the leadership than they were before, I think those are programs that do a better job for their localities. And so that's kind of the push-pull that we're going through. And so I think now at least our House members have a better sense of what the costs would be to us, but I think that that's, it's all the kinds of things that we talk about um but it's not gonna it wouldn't help us as much as one might think because of how some of these formulas work and so we're trying to share some information about that to make sure that that's clear is some of this the formulas are they related to us having a high population

[00:19:20] of immigrant students or no or what is the main impact yeah so i mean i i'm not exactly sure what the house thought in terms of the english language learners because it's such a different um ratio i think in general in the last few years they've been trying to increase ratios and we've seen some increased costs from things like that.

[00:19:36] Sorry, I mean for the at-risk students. Yeah, so I mean I think the biggest problem for us compared to others is that it looks at poverty district-wide, and so we have such a large school division that even though we have large pockets of poverty or schools that have high concentrations, it kind of smooths out when you look at all the students.

[00:19:55] Yeah, so for other localities, that may not be the same situation. Are you able to, because I know I'm trying to go through this now, show us if there are specific areas within the senate versus the house that are making that big difference so i think the ones that i'll then highlight it are pretty much the ones so like grocery tax obviously is a big hole for fcps if if the house and senate don't vote for store that um i think the english language learners obviously the support cap which we've been big proponents of is included um you know in one and not the other um is there one more no i think those were the and that's the only A very large and beneficial one.

[00:20:29] Yeah. Okay. So those are kind of the big areas of difference. Thank you. Okay. Supervisor Beerman. So there are eight days left, and it looks like we're getting maybe 43 out of – I can't even do the math – one-ninth of the $345 million.

[00:20:54] So what is the strategy to change that? What can we do? What do you want from us? Okay. Remember how I started? I said I'm going to have an ask of you after we get through this. Any other questions? No, no, that's the question.

[00:21:11] All right, so we wanted to talk through this and share the bottom line. So we have sent a memo to the entire delegation outlining these issues. Chairman McKay and I have talked to a lot of members of the delegation, staff obviously have, And our ask of you over the next 24 to 48 hours is to reach out to folks in the delegation and share these issues, make sure they've read the memo.

[00:21:39] I think there's three takeaways. We have to have the support cap. We have to have the funding to restore the grocery tax. And the at-risk add-on and English language learner changes negatively impact Fairfax County.

[00:21:57] I guess that's four. That's four items. that people need to understand, and I can tell you, just having talked to some members of the delegation, they do not understand it. They don't know this yet, so it's important that they hear it from us. So reach out to them, let them know they have the memo, ask them to read it, and I think they will be shocked to know that the House budget is a cut to Fairfax County Public Schools. It's a net cut to Fairfax County Public Schools of almost $60 million relative to the

[00:22:32] FCPS budget. Two pennies on the tax rate almost cut the Fairfax County Public Schools and the House budget. Mr. Chairman, to over, maybe this helps simplify it for some folks too, if you only get a second, is the Senate budget is the only one that is remotely appropriate.

[00:22:50] The governor's budget is a huge cut to Fairfax County Public Schools. The House budget is a huge cut to Fairfax County Public Schools. Only the Senate budget sends money back to FCPS and is far below what is needed, but it is something. And so what I have heard from various House members since they have learned this is, quote unquote, we literally have to work towards making the Senate budget what

gets approved. So putting it in simple terms, that's the only one that is reasonably responsible that helps FCPS at all. Supervisor Alcorn? Yeah, thank you. And

[00:23:26] Mr. Chairman, thank you for making that point just now, because I think to Supervisor Beerman's question, we're not anywhere near the JLARC study. So, I mean, there's no path to get, yes, there's no path for that at this point. And now we're just trying to basically, you know, muddle through, if you will, and try to hopefully not even get, you know, what the House has proposed to happen, because then that sits in the other direction in terms of state support.

[00:23:58] And so the memo, do we have a copy of? So the memo essentially restates what's in this packet, but we can distribute that memo to everybody. Sure. Yes. It'll be a little bit redundant with the package you have, but Supervisor Beerman.

[00:24:16] Are there any other jurisdictions in the Commonwealth who are put in a similar position as us by these things? And is there an opportunity to get a chairman, Jeff McKay, and chairman of that jurisdiction joint op-ed in the Washington Post or the Richmond, you know, whatever it is?

[00:24:37] Is there, are there any opportunities like that? Well, you know, I'll just say on the support cap, and obviously we, JLARC changed, moved the goalposts correctly. The support cap is something we had been working to eliminate for 15 years, and we're on the goal line of doing that and that is very much a statewide priority for for well especially in northern virginia priority so chairman mckay and previous chairman have been working together to to advocate for that with respect to the the other more granular provisions i don't know that

[00:25:14] we it took a lot of detailed work to figure out the impacts on fcps i don't know that we know for other jurisdictions. Yeah, so sometimes the money committees will put out spreadsheets that show what the sort of wins and losses are to various school divisions. But when you look at it, you can't really distill the kind of information, like, for example, that we have for FCPS. So it'll show that they're getting more money. It won't necessarily show, well, but compensation would cost you this much. And so it's hard to look at those for other localities and kind of know if they're similarly situated. The one thing I would say in general is that the unfortunate part for us about just the

[00:25:51] whole school funding formula is that we're so big that we kind of drive the formula. There's nobody else that's really close to the size that we're, I don't know why that happened. Even if other localities are maybe in a percentage-wise type situation, it's probably not going to be the same magnitude that it seems for us. But there certainly are always winners and losers, because unless the state's putting in a lot more money, then, I mean, it's just a matter of how you redistribute it.

[00:26:20] Mr. Chairman, on the at-risk, this is the LCI on steroids. I mean, honestly. Like, I'm pretty sure if you look at the at-risk number here, it's going to mirror the losers in the LCI formula. So this is an anti-Northern Virginia provision, putting it blunt.

[00:26:37] Okay, so everyone understands the ask and the plan, so please make every effort to make contact with folks in the delegation from your district.

[00:26:54] And if that's it on budget, we'll move on to the legislative summary. We'll have an update on our county initiative, some better news, a couple of position changes, and updates on some bills that we discussed last week.

[00:27:14] So we'll start with our initiatives, which I think are on page 7. I believe mine is first Jennifer Van E., Deputy Director. Mr. Chairman, members of the board, on page 7, you'll see HB 998.

[00:27:38] This is the electoral deadline that we've discussed. It has now both been signed, but it has not been sent to the governor yet, so it won't be a seven-day bill. But it's through. Yay.

[00:27:54] Okay. Sorry. Mr. Chairman, on the same page, HB 1071, actually he's on the next page, I apologize, HB 1071, Noel Dominguez, Fairfax County, Department of Transportation.

[00:28:11] This bill has also been signed by the Speaker and the President. It has passed both chambers, but it has not been presented yet. But it's still on its way to the Governor. All right. So far, so good. Knock on wood. Governor will sign both. Any questions on the initiatives? We have had some success there this year, so great job by the staff.

[00:28:31] All right, let's do the position changes. Yep, so the first one's on page 10. Jennifer? Jennifer Vanny again. So HB 1171 was an election bill that was changing the deadline. Well, it was setting a deadline for when you receive an absentee ballot, how long you have to process it to cure.

[00:28:53] So basically it was setting it at three days. You had three days to cure and then three days to notify. We had a position of amend and extend the deadline to five days. We worked with a patron, and we've extended it to four, and staff felt good about that.

[00:29:09] So we recommend switching to monitor. Okay. So we got one extra day. We asked for two. We got one. Very classic negotiation. Everyone is comfortable with that.

[00:29:27] Okay, good. The next one, Mr. Chairman, is on page 13. Kristen? Oh, we are going to talk about bicycles, but let's do the position changes first. And then Noel is going to update you all on bicycles. Yes, Kristen Kanasky, Assistant County Attorney. The historical preservation bill that caused concern that would have expanded who could bring an action against the county was substituted out to completely eliminate that provision.

[00:29:54] And so all of our concerns were addressed, and so we would recommend monitoring at this point. It has passed the Senate with a couple other amendments that we had discussed with other delegates just to clarify that it's a building permit and not a permit for a marking of historical preservation.

[00:30:18] Okay. So the bill no longer would impact us at all? No. Well, it will be – there is still a stay, a 30-day stay when they're processing the building permit application but that would be pretty typical anyway it's and at this point because it's a building permit LDS will receive immediate notification it just means that they're just not gonna process it for 30 days to allow anyone to to oppose or to speak out but otherwise it will not allow it

[00:30:53] does not give standing to anyone to be able to sue and it doesn't affect us otherwise. Okay. All right. Well, yeah, I think our preference would be for the bill not to exist at all. That said, the patron has worked with us and removed the worst elements of it. So I think it makes sense to change our position to monitor. Any questions or concerns with that?

[00:31:20] Okay. Next. So the last one, Mr. Chairman, is on page 46. And it's the bill we talked about last week, Delegate Creswick's manufactured housing. So that bill has changed a couple of times this week. Um, the board's position had been to support the bill, but to, um, ask to have the reenactment clause removed. The reenactment clause was removed. Um, and so we recommend changing the position.

[00:31:43] Um, the bill is still local option, but it has changed quite a bit so that now, um, it has some notice requirements that would be statewide, but it also has a pilot program for Plain District 8. And so now the bill was reported out of general laws, and it's being sent to the Finance Committee, which I think is going to meet on Monday, to sort of share their last bill.

[00:32:04] So we'll see what happens there, but so we recommend changing the position. It does have a lot of new language in it that our staff is looking at, but it certainly went in the direction that we were discussing. Okay, questions on that? All right, good.

[00:32:21] Are we ready to do a bicycle update? Yes, let's do the bicycle update. Go ahead, Noel. Mr. Chairman there were three bills you all talked about on page 11 you have 1266 on page 33 you have HB 657 and on page I want to say 94 you have HB 1077 those were the three bicycle bills they were all heard they were the last bills and Senate transportation they had their own meeting yesterday after a prolonged discussion of about 40 minutes just for the three bills

[00:32:56] all three failed to report out of the committee. Delegate Sullivan's, which was the walking sign at a red light, failed 7-7. HB 1077, which was the yield at a stop sign, failed, I believe, 5-9. And HB 1266, which was the two abreast, but with some caveats, failed 6-8. The bicycling community, and a couple jurisdictions got up in support of the first, and however, state police,

[00:33:32] DMV, and VDOT did go up and shared their concerns on the others, and after a long discussion, all three failed. Okay, and I think as I said last week, this is probably an issue where we should have some more conversations internally with community members to figure out a path that makes the most sense for us as a county because the issues will continue to come up in Richmond, obviously, but we'll work between now and the next session to do that.

[00:33:59] So thank you to staff who have worked on this and you especially, Ms. Dominguez. And, Mr. Chairman, I will say as part of the discussion, there was an attempt to maybe have them be delayed and then put together a work group. While the bills did not end up moving forward, I would expect to see some sort of work group on this, but let's see how it moves forward.

[00:34:21] We did take a look at the report that we talked about last week, and others can also speak to it. But essentially, my summary of it would be the report from the state police said, if you're going to do something like the yield at a stop sign, be as close as you can to the Delaware law.

[00:34:41] However, it also said it was not unanimous, so members of the work group also included their own comments in the report. So I did want to share that as well. Okay, great. Could be a good starting point for our additional conversations moving forward. Okay.

[00:34:57] All right. So that is bicycles. Anything else from the legislative summary? I think that's it. All right. Our next meeting can be corrected.

[00:35:12] Our next meeting is scheduled for March 15th. Depending on the situation with the budget and the session, we may or may not need to have that meeting historically. WE SOMETIMES HAVE NOT, SO YOU'LL HEAR FROM US ABOUT THAT. OKAY?

[00:35:28] AND THEN WE EXPECT THAT WE WOULD DELIVER OUR FINAL REPORT TO YOU ALL AT YOUR BOARD MEETING ON MARCH 19. OKAY. ALL RIGHT. THANK YOU, EVERYONE.



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