

# **VIRGINIA**

## **State Roles and Responsibilities for PK-12 Public School Facilities**



**2025 State Profile**



**National Center on  
School Infrastructure**

## AUTHORS & ACKNOWLEDGEMENTS

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### DISCLAIMERS

*This state profile represents our best understanding of state policies, standards, and laws governing public PK-12 educational facilities. Any errors or omissions are the responsibility of the authors. This document should not be considered an officially approved statement of state policy.*

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**National Center on  
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The National Center on School Infrastructure is a national resource hub that supports states and school districts in the stewardship of America's elementary and secondary public school facilities. <https://school-infrastructure.org/>



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## INTRODUCTION

In Virginia, the governance and management of PK-12 public school facilities are primarily managed by school districts, known as “divisions” in Virginia, at the local level. Virginia school divisions have the authority and responsibility for the day-to-day operations and maintenance of public school facilities, as well as for their long-term planning, design, financing, and construction.

Nationally, states assume a varied range of roles and responsibilities regarding the governance and management of school facilities. These include establishing and implementing state policies and practices to support local PK-12 public school facilities planning, facility data collection, capital and maintenance funding for buildings and grounds, facilities management, and facility standards and implementing systems for accountability.



State agencies may additionally offer technical assistance and training to help districts meet modern facility standards, mitigate risks, and enhance the overall quality of local stewardship for public school buildings and grounds. The extent of state involvement in public school facilities varies widely across states.

This document provides an overview of the Commonwealth of Virginia’s roles and responsibilities regarding public elementary and secondary (PK12) school facilities. It is part of a National Center on School Infrastructure technical assistance project to document public school facility policy and practice across all U.S. states and territories. The research on state roles and responsibilities can help build states build capacity for aiding districts as they work to provide students and staff with healthy, safe, resilient, and educationally adequate public school buildings and grounds.



## VIRGINIA EXECUTIVE SUMMARY

**Governance** Virginia's school facility governance is divided between the state and 132 local school divisions, all of which are fiscally dependent on local governments for revenue. Unlike independent school districts with taxing authority, Virginia's school divisions rely on appropriations from their associated county, city, or town governments, which retain taxing and bonding powers. The General Assembly enacts statutes related to school construction, funding, and standards, and established the Joint Subcommittee on Elementary and Secondary Education Funding in 2024 to evaluate funding formula equity and infrastructure needs. The Virginia Board of Education (VBOE), authorized under [Title 22.1 of the Code of Virginia](#), sets minimum facility standards, administers the Literary Fund and school construction grants, and issues recommendations related to the Standards of Quality. The Superintendent of Public Instruction, appointed pursuant to § 22.1-21, leads the Virginia Department of Education (VDOE) and serves as an ex officio member of the Commission on School Construction and Modernization. The Governor appoints members to the VBOE and the Commission, includes school construction proposals in the biennial budget submission under [§ 2.2-1509](#), and may exercise emergency powers affecting school operations under [§ 44-146.17](#). Judicial decisions, including [Scott v. Commonwealth](#) (1994), affirmed the General Assembly's broad discretion over education funding.

**Management** School divisions in Virginia are responsible for the operation, maintenance, construction, and renovation of public school facilities. School boards hold this authority under [§ 22.1-79](#), while funding is appropriated by local governing bodies. Under [§ 22.1-134](#), certain facility management responsibilities may be transferred to counties or cities to improve local coordination. The Virginia Department of Education (VDOE) provides technical assistance through its [Office of Support Services](#), including planning tools, maintenance guidance, and facility-related resources. The Department of General Services (DGS) provides centralized support to state agencies and offers services that may intersect with local school facility needs, including procurement administration, construction documentation review, building code enforcement for state projects, and oversight of energy performance



contracting. In 2023, VDOE received a federal Supporting America's School Infrastructure (SASI) grant to assist divisions in conducting facility condition assessments, developing a statewide facilities dashboard, and implementing a train-the-trainer maintenance support model in high-need school divisions.

**Data** School facility data in Virginia is collected by multiple agencies. The Department of General Services (DGS) maintains an inventory of state-owned buildings, including condition data for public school facilities, through the M-R FIX module of the [COVA Trax system](#), as required by [§ 2.2-1136](#). DGS does not manage local school properties but collects facility condition data as part of its broader mandate to oversee state property data systems. School divisions report capital project expenditures and financial data to the Virginia Department of Education (VDOE) pursuant to [§ 22.1-175.3](#) and [22.1-175.4](#). The Weldon Cooper Center for Public Service provides school-age population estimates used to allocate 1.125% of state sales and use tax revenue to school divisions under Title 58. As part of its Supporting America's School Infrastructure (SASI) grant, VDOE is developing a standardized, statewide dashboard to collect and report local school facility data, including building condition.

**Planning** Virginia does not require districts to complete long-range facility master plans but does require planning documentation, such as capital improvement plans and preventive maintenance plans, for eligibility in certain grant and loan programs. School divisions are responsible for enrollment forecasting, site planning, and project design, and may coordinate with local governments. VDOE supports project-level planning through its [Guidelines for School Facilities in Virginia's Public Schools](#), last updated in 2021, which provide technical criteria for school design, space allocation, and infrastructure systems. While not legally binding, the guidelines are used widely for new construction and major renovations.

**Funding** Local governments provide most funding for maintenance and capital projects. In FY2022, Virginia school divisions reported \$1.8 billion in maintenance and operations spending and over \$1.4 billion in capital outlay. The [Virginia Public School Authority](#) (VPSA) provides pooled bond financing with state credit enhancement through an intercept mechanism. The Literary Fund provides low-interest construction loans and interest rate subsidies. The



Virginia School Construction Fund, established under [§ 22.1-140.1](#), is supported by appropriations and gaming revenue. VDOE administers the School Construction Grant Assistance Program under [§ 22.1-175.3](#). In 2024, [HB599](#) authorized school divisions to establish Local Maintenance Reserve Funds to retain unspent local funds for future facility use with local governing body approval.

**Accountability** School facility accountability in Virginia is established through building codes, environmental health laws, fire safety regulations, and requirements tied to funding programs. The Uniform Statewide Building Code ([§ 36-97 et seq.](#)), enforced by local building officials and administered by the Department of Housing and Community Development (DHCD), governs school construction and renovation; school board compliance is required under [§ 22.1-140](#). The Statewide Fire Prevention Code ([§ 27-97](#)) applies to school facilities and is enforced by local fire officials. The Virginia Department of Health (VDH) enforces environmental health standards, including radon testing under [§ 22.1-138](#) and lead testing in drinking water under [§ 22.1-135.1](#). New school buildings must meet net-zero energy design requirements pursuant to [§ 22.1-141](#). As a condition of eligibility for the School Construction Grant Program, the Virginia Department of Education (VDOE) requires school divisions to submit preventive maintenance plans and project documentation. VDOE also provides non-regulatory design and planning guidance through the [Guidelines for School Facilities in Virginia's Public Schools](#), but adherence to these guidelines is not mandatory outside of specific grant requirements.



# VIRGINIA ELEMENTARY AND SECONDARY PUBLIC EDUCATION

## CONSTITUTIONAL BASIS FOR PUBLIC EDUCATION

Public education is a state responsibility established in the [Virginia State Constitution](#).

### ***Va. Const. Art. VIII § 1***

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

### ***Va. Const. Art. VIII, § 3***

*The General Assembly shall provide for the compulsory elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law. It shall ensure that textbooks are provided at no cost to each child attending public school whose parent or guardian is financially unable to furnish them.*

These constitutional provisions assign responsibility for public education to the General Assembly. This responsibility includes enacting statutes related to school facilities, appropriating funding for school construction and maintenance, and establishing standards that apply to the physical conditions of public schools.

## SCALE OF PUBLIC SCHOOL HOUSING

Virginia's 215 local education agencies (LEAs), including the 132 school divisions, reported to the U.S. Census of Governments that they operated 2,134 PK through 12<sup>th</sup> grade (and adult education) schools in fiscal year 2022. These divisions enrolled 1,249,815 students and were the workplace for about 135,921 staff. These schools encompassed a reported 266,383,847 gross square feet of building space statewide.

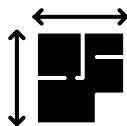




2,134  
Schools



215  
Local  
Education  
Agencies



266,383,847  
Sq. Ft.  
\*Reported



135,921  
Staff



1,249,815  
Students

[1] U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Local Education Agency (School District) Universe Survey", FY2022; "State Nonfiscal Public Elementary/Secondary Education Survey", Fiscal Year 2022. State gross square feet of building space, provided by National Council on School Facilities state officials, or estimated by the 21st Century School Fund based on estimates of gross square feet by student, multiplied by 2021-2022 enrollments. **Data includes charter students, schools, and districts.**

The following sections describe Virginia's state-level roles and responsibilities for public school facilities.

## VIRGINIA'S PK-12 PUBLIC EDUCATIONAL FACILITIES GOVERNANCE

*State-level engagement in PK-12 public school facilities is firmly embedded in state systems. State boards of education, state education agencies, state legislatures, governors, and in some cases, independent commissions and facilities authorities make decisions about state roles and responsibilities associated with the quality and delivery of public school facilities. These bodies govern through state codes, regulations, standards, and budgets, which direct and influence local policies and practices regarding public school buildings and grounds. In some states, education finance equity and adequacy court cases have also played a role in defining state responsibilities for public school facilities.*



### **LEGISLATIVE COMMITTEES AFFECTING PUBLIC SCHOOL FACILITIES**

Through its legislative authority, the [Virginia General Assembly](#) establishes and oversees the framework for public education, which includes the development, maintenance, and modernization of educational infrastructure. Its responsibilities include enacting legislation that governs school facility standards and when construction or renovation funding is made available from the state, they must appropriate these funds as part of the state's budget. Within the General Assembly, several committees and subcommittees are directly involved in public school facilities.

#### **EDUCATION COMMITTEES**

The [House Education Committee](#) and the [Senate Committee on Education and Health](#) oversee educational policies, including those related to facility standards, safety, and operational regulations. Additionally, these committees evaluate proposed legislation related to the construction, maintenance, and standards of school buildings.

#### **APPROPRIATIONS AND FINANCE COMMITTEES**

The [House Appropriations Committee](#) and the [Senate Finance and Appropriations Committee](#) are responsible for allocating state funds. These committees play a role in determining how state resources are distributed to local school divisions, balancing immediate infrastructure needs with long-term educational priorities. Their funding decisions impact the ability of localities to address aging facilities and meet the demands of growing student populations.

#### **JOINT SUBCOMMITTEE ON ELEMENTARY AND SECONDARY EDUCATION FUNDING**

Established through the [2024 Special Session I Budget Bill - HB6001 \(Chapter 2\)](#), the [Joint Subcommittee on Elementary and Secondary Education Funding](#) was tasked with examining Virginia's K-12 funding formulas to address inequities in education, including disparities in school facilities. The Joint Subcommittee members were appointed by the Chairs of the House Appropriations and Senate Finance and Appropriations Committees. Under Item



1, Paragraph S, the subcommittee provides ongoing direction and oversight of the [Standards of Quality](#) funding cost policies, with a mandate to review and implement recommendations from the [Joint Legislative Audit and Review Commission's](#) (JLARC) July 2023 report, "[Virginia's K-12 Funding Formula](#)." The subcommittee is responsible for determining the appropriateness of JLARC's recommendations, proposing amendments, and developing a long-range plan for phased implementation, with a focus on addressing long-term fiscal implications.

On November 1, 2024, the subcommittee released its [Initial Recommendations and Work Plan](#), prioritizing JLARC's near-term proposals to refine funding formulas and improve the scalability and equity of resource allocation. Additionally, the subcommittee addressed enhancements to special education funding methodologies, proposing reforms to align resources with student needs. The recommendations emphasized integrating national best practices to establish a more equitable and sustainable funding framework for Virginia's public schools.

### **STATE BOARD OF EDUCATION FACILITIES ROLES AND RESPONSIBILITIES**

The [Virginia Board of Education](#) (VBOE) has statutory responsibilities related to public school facilities.

Virginia Administrative Code - Title 8. Education - Agency 20 summarizes the State Board of Education Agency roles and responsibilities as follows:

Chapter 9 (§ [22.1-125](#) et seq.) of Title 22.1 of the Code of Virginia provides that the Board of Education shall prescribe by regulation minimum standards for the erection of or addition to public school buildings governing instructional, operational, health, and maintenance facilities where these are not specifically addressed in the Uniform Statewide Building Code ([13VAC5-63](#)), and provides guidelines concerning the management and use of school property. This chapter includes multiple articles that address various aspects of school property management, thereby ensuring school properties are effectively managed, are safe, and meet modern standards to support the educational environment.



Chapter 10 (§ [22.1-142](#) et seq.) of Title 22.1 of the Code of Virginia provides that the Board of Education may make loans and, subject to approval from the General Assembly, loan interest subsidy payments to school divisions for the construction or renovation of schools and for technology and outlines the structure, management, and utilization of the Literary Fund, which is a dedicated resource for financing public education facilities in the Commonwealth, thereby ensuring that the Literary Fund is effectively utilized and managed to support the construction and modernization of school facilities across the Commonwealth, providing a financial mechanism to enhance educational infrastructure.

Chapter 11.1 (§ [22.1-175.1](#) et seq.) of Title 22.1 of the Code of Virginia authorizes the establishment and administration of a grants program aimed at supporting public school construction projects in Virginia.

Under [Code of Virginia § 22.1-175.3](#), the VBOE develops guidelines for the [School Construction Grant Assistance Program](#). These guidelines include evaluation criteria for grant applications, such as fiscal stress, local ability to pay, and the physical condition of school facilities. These statutory measures aim to allocate funding to school divisions based on prioritized needs and project readiness. Under [Code of Virginia § 22.1-146](#), the Board is also responsible for administering loans from the Literary Fund to school divisions. This includes providing loans for the construction, alteration, or expansion of school buildings, as well as the installation of educational technology, the conversion of school buses to alternative fuels, and the construction of fueling facilities for these buses. Additionally, the VBOE can offer loan interest rate subsidies, subject to General Assembly approval, to reduce costs for eligible school divisions.

The VBOE's role in public school infrastructure oversight was expanded under [Chapter 752 of the Acts of Assembly](#), enacted on April 12, 2023, with the legislation taking effect on July 1, 2023. This legislation directs the VBOE to submit recommendations to the General Assembly for amendments to the [Standards of Quality](#) (SOQ), specifically related to public school facilities. The enactment of Chapter 752 formalized the VBOE's responsibility to provide



recommendations aimed at improving school facility oversight, planning, and data management.

### **VIRGINIA SUPERINTENDENT OF PUBLIC INSTRUCTION**

The [Superintendent of Public Instruction in Virginia](#) serves as the chief executive officer of the [Virginia Department of Education](#) (VDOE). In this capacity, the Superintendent implements state policies and programs related to public education, including school facilities, construction, and safety standards. The Superintendent serves as an ex officio member of the [Commission on School Construction and Modernization](#), established under [Code of Virginia § 30-384](#). In this role, the Superintendent participates in developing funding recommendations and supports the Commission's work in identifying best practices for school facility management.

### **GUBERNATORIAL ROLE IN PUBLIC SCHOOL FACILITIES**

The Governor appoints the Superintendent of Public Instruction under [Code of Virginia § 22.1-21](#) and members of the Virginia Board of Education under [Code of Virginia § 22.1-9](#). Additionally, the Governor appoints one member to the Commission on School Construction and Modernization, as established under [Code of Virginia § 30-384](#). In emergencies, the Governor is granted authority under [Code of Virginia § 44-146.17](#) to allocate resources and direct recovery efforts, including addressing damages to school facilities caused by natural disasters or other crises.

The Governor of Virginia's roles in school facilities governance are derived from statutory responsibilities, primarily through budgeting, appointments, legislative oversight, and emergency management. [Code of Virginia § 2.2-1509](#) requires the Governor to prepare and submit a biennial budget to the General Assembly, which includes funding allocations for school construction, renovation, and modernization projects. [Va. Const. Art. V, § 6](#) grants the Governor the authority to approve or veto legislation, including bills related to school infrastructure funding.



## **PK-12 PUBLIC SCHOOL FACILITY COMMITTEES, BOARDS, AND COMMISSIONS COMMISSION ON SCHOOL CONSTRUCTION AND MODERNIZATION (2020-PRESENT)**

The [Commission on School Construction and Modernization](#) was established by the Virginia Legislature ([Section 30-384, Code of Virginia](#)) to evaluate the condition of Virginia's public school infrastructure and propose solutions to address deficiencies. Operating within the legislative branch, the Commission is tasked with assessing school facility needs, identifying funding gaps, and developing strategies for modernization and renovation projects, particularly finding ways to make facilities projects more affordable. It informs policy decisions through findings reported to the General Assembly and the Governor.

The Commission is composed of 17 members, including legislative representatives, non-legislative citizen members, and ex officio members such as the Superintendent of Public Instruction and the Director of the Department of General Services.

The Commission's findings inform the allocation of competitive grants to school divisions, with funding decisions based on criteria such as fiscal stress, facility condition, and project readiness. The Commission's work continues to address school facility needs across Virginia, reporting annually. Under its enabling statute, the Commission is set to expire on July 1, 2026, unless its term is extended by the General Assembly.



## VIRGINIA PK-12 PUBLIC EDUCATIONAL FACILITIES MANAGEMENT

*Local Education Agencies (LEAs) have authority and responsibility for the day-to-day operations and maintenance of public school facilities, as well as for long-term facilities planning, design, financing, and construction. Although PK-12 public school facilities are managed locally, there are state facilities management roles and responsibilities that may involve strategic planning, data collection, state funding programs, standards and systems for accountability. State agencies may also include programs for technical assistance and training that help districts meet standards, mitigate risk, and increase the quality of local district stewardship of public school buildings and grounds. State roles and responsibilities related to elementary and secondary public school facilities vary widely across the U.S. states, with unitary districts in Hawaii and U.S. Territories, where the state agency and the local agency are combined.*

### **VIRGINIA DEPARTMENT OF EDUCATION, OFFICE OF SUPPORT SERVICES**

Local school boards are responsible for the direct operation, upkeep, planning, design, and construction of school buildings. The [Virginia Department of Education](#) (VDOE) [School Operations and Support Services](#) programs provide model maintenance plans and operational guidelines to help LEAs meet state-mandated health and safety standards. The VDOE coordinates with the Virginia Department of General Services (DGS), to support LEAs in areas like energy efficiency, procurement practices, and adherence to construction standards.

#### *SUPPORTING AMERICA'S SCHOOL INFRASTRUCTURE (SASI) INITIATIVE*

The Virginia Department of Education, Office of Support Services secured a \$5 million grant from the U.S. Department of Education's [Supporting America's School Infrastructure](#) (SASI) program to enable Virginia to further support high-need Local Education Agencies (LEAs). The purpose of the SASI grant is to enable state agencies to assist high-need LEAs with their elementary and secondary public school facility assessments. With these funds, the VDOE will



pursue facility condition assessments in high need LEA's as well as create a dashboard depicting and housing the data collected. The grant will also help develop protocols for building condition assessment tools and training modules. In the implementation of the SASI grant, VDOE will facilitate communication between members of the LEA cohort and ultimately between the districts in the Commonwealth. The grant cannot be used for construction but will strengthen the VDOE's capacity to support LEAs in addressing critical infrastructure needs.

### **VIRGINIA DEPARTMENT OF GENERAL SERVICES AND PK-12 FACILITIES**

The [Virginia Department of General Services](#) (DGS) provides technical expertise for public construction projects—including those involving school facilities—by supporting compliance with state construction standards, procurement laws, and energy efficiency requirements. Through its [Division of Purchases and Supply](#), DGS administers the state procurement system (eVA), establishes procurement policies, and issues standardized contract templates. Its [Division of Engineering and Buildings](#) acts as the official building authority for state-owned construction, maintains the Construction and Professional Services Manual, and oversees building code compliance and technical standards. The Division of Real Estate Services provides guidance on real property transactions, and DGS more broadly collaborates with other state agencies to promote sustainable and cost-effective building practices. While DGS does not directly manage school construction projects, its centralized procurement tools, design and contract templates, construction standards, and energy efficiency guidance are available to local school divisions undertaking construction or renovation.





## VIRGINIA PK — 12 SCHOOL FACILITIES DATA

### MANAGEMENT

*Extensive data and information are needed for educational facility planning, decision making, and oversight. Relevant data helps stakeholders understand the broad impacts of their PK -12 infrastructure spending and investments on health, education, community and beyond. Facilities data falls into five major categories: ([NCES Forum Guide to Facilities Information Management](#)).*

**Inventory:** Data include addresses, geo-codes, building areas, site acreage, and year of construction.

**Design:** Data include space descriptions, number of stories, designed-for purposes (i.e., elementary school, performance center).

**Utilization:** Data includes school capacity for enrollment based on the educational programs provided, spaces that are shared, and the gross square footage per enrolled student.

**Condition:** Data includes facility condition assessment data on the age and condition of major components, systems, and finishes.

**Budget and Finance:** Data elements include the district expenditures for maintenance, operations, and capital improvements.

*Beyond these standard data sets, an increasing amount of data is also being collected and analyzed on building performance. This includes data on building performance metrics for energy efficiency, indoor air quality, lead levels in water, and the presence of hazardous materials like asbestos, mold, or PCBs.*



### **FACILITY CONDITION DATA**

Pursuant to [Code of Virginia § 2.2-1136](#), the Department of General Services (DGS) is responsible for maintaining records of state-owned real property, including condition data on public school facilities as reported by local divisions. This information is stored in the M-R FIX module of the [COVA Trax system](#), which is the Commonwealth's system for managing facility condition and maintenance data. While DGS does not manage local school facilities, M-R FIX serves as a centralized repository for assessing building condition and documenting major system updates across public school properties.

The M-R FIX system captures a range of data points, including property identification numbers, physical location, construction type, gross square footage, number of floors, original construction date, and the date of the last major update. It also tracks core building systems—such as structural components, roofing, HVAC, plumbing, electrical, and fire safety features—each of which is associated with a “Restored to New Date” to indicate the most recent substantial repair or replacement. The system calculates a Building Relative Age metric to reflect overall condition based on the status of individual systems, helping inform long-term capital planning and maintenance scheduling. DGS uses these records to support statewide property inventory management and reporting but does not oversee school facility operations or capital improvements.

### **CONSTRUCTION COST DATA**

The VDOE collects [school construction cost data](#) on an annual basis. It tracks costs for construction on a per square foot basis for elementary schools, middle schools, and high schools and maintains this on an annual basis.

### **ENROLLMENT DATA**

Virginia Department of Education maintains detailed records on student enrollments. This is essential for planning and budgeting. [Code of Virginia, Title 58, Chapter 6 on the Disposition of state sales and use tax revenue](#) requires the development of school-age population estimates to distribute sales and use tax among the school divisions of Virginia. The Weldon Cooper Center for Public Service at the University of Virginia is designated, in code, to provide enrollment projections for Virginia school divisions. These data estimate the current 5- to



19-year-old population of each school division and town in Virginia. Each year, 1.125% of the state sales and use taxes is distributed to Virginia's 135 school divisions according to these data.

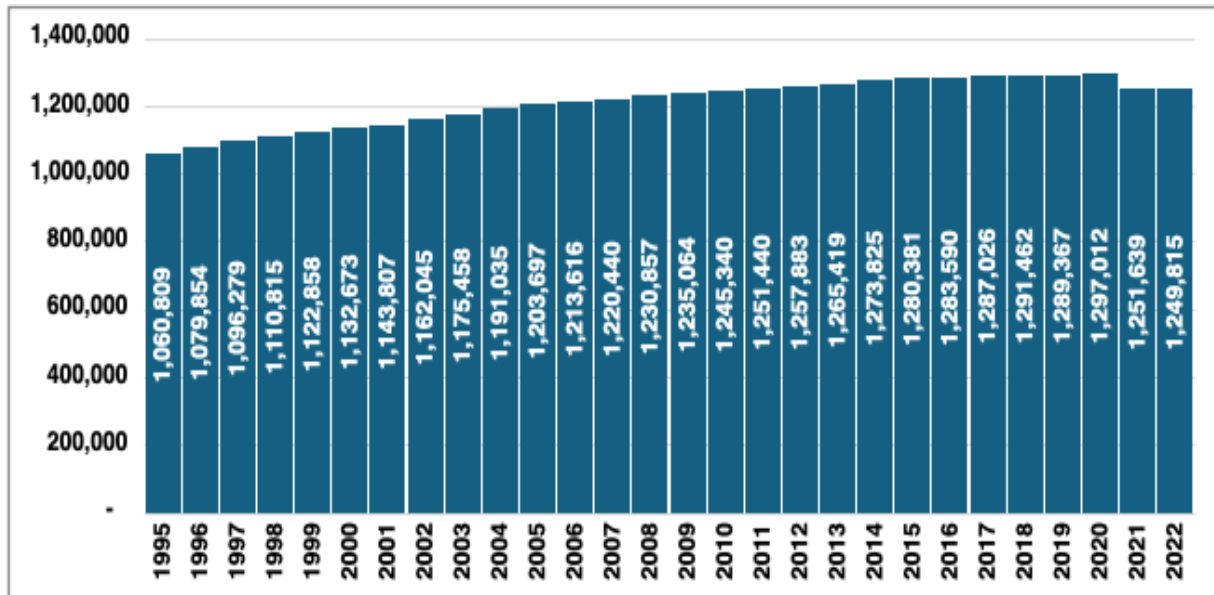
### **VIRGINIA PK — 12 SCHOOL FACILITIES PLANNING**

*School facilities require planning at many different levels to meet educational and community purposes. Educational facilities planning is needed for facilities operations, maintenance, and capital projects. Planning PK- 12 public school facilities enables states, districts, and communities to align their resources to their needs, ensure that priorities are met fairly, and that facilities are operated, managed, and built to modern health, safety, educational, and environmental standards.*

School divisions are not required by state code to do educational facilities master planning, capital planning, or maintenance and operations planning. As an enrollment growth state, with nearly 20% increase in enrollment since 1995, planning for enrollment change is a critical responsibility for school divisions.



**CHART 1: VIRGINIA PK-12 PUBLIC SCHOOL STUDENT ENROLLMENT SCHOOL YEARS 1994-1995 THROUGH 2021-2022**



Source: Data from the U.S. Census of Governments Fiscal Survey; [www.school-infrastructure.org](http://www.school-infrastructure.org) Data Dashboard, of the National Center on School Infrastructure (NCSI).

## VIRGINIA PK-12 EDUCATIONAL FACILITIES FUNDING

*School facilities are funded with annually budgeted operating funds for utilities, cleaning, groundskeeping, maintenance and repairs; and periodically budgeted, and usually bond financed, capital funds, for school design, construction, renovation and major repair projects. State laws define how districts get access to local financing for school construction capital projects and whether or how states distribute state school construction funding. Federal funding for school construction is minimal—before pandemic funding—it was less than 2% of what districts paid for school construction capital outlay, with a major share of federal funding for rebuilding schools post weather related disasters.*

### JUDICIAL DECISIONS AFFECTING FACILITIES

In [\*Scott v. Commonwealth\*](#) (1994), the plaintiffs challenged Virginia's public education funding system, arguing that disparities in funding across school divisions resulted in inequitable educational opportunities, particularly



impacting poorer school divisions. The plaintiffs claimed that the funding disparities violated the Virginia Constitution, Article VIII, § 1, which mandates the establishment of a system of quality public education. They contended that the state's funding formula did not fulfill its constitutional obligation to ensure adequate and equitable education for all students.

The Virginia Supreme Court rejected the plaintiffs' arguments and upheld the state's funding system. The court ruled that Article VIII, § 1 requires the General Assembly to establish and maintain a system of public schools, but it does not require equal funding or identical conditions across school divisions. The court emphasized that the constitutional language gives the legislature broad discretion in determining funding mechanisms and does not impose a mandate for funding equity between localities. As such, the disparities in school funding were deemed consistent with the decentralized structure of education governance in Virginia.

The court's decision placed significant responsibility for funding public education, including school facilities, on local governments. Consequently, educational quality and infrastructure in Virginia remain heavily influenced by local wealth and fiscal capacity.

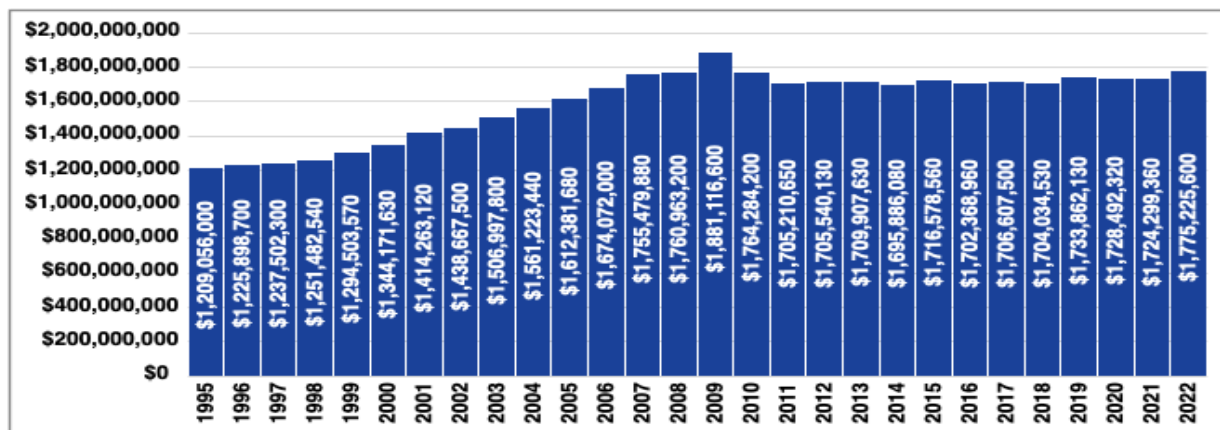
### **PK-12 PUBLIC SCHOOL FACILITIES MAINTENANCE AND OPERATIONS FUNDING**

Maintenance and Operations expenditures include payment for utilities, custodial staff and services, groundskeeping, related custodial and repair materials, equipment, and maintenance contracts, as well as spending for security personnel, materials, and services.

Virginia school divisions reported nearly \$1.8 billion of M&O annual operating-budget expenditures to the U.S. Census of Governments for FY2022. Adjusting district annual expenditures with the Consumer Price Index for inflation for years 1995-2022—shown in Chart 2, this was an average of \$4,183 per FY2022 student for the last three years.



**CHART 2: M&O SPENDING, FY1995-FY2022 (INFLATION-ADJUSTED 2024 DOLLARS)**



Source: Data from the U.S. Census of Governments Fiscal Survey; actual M&O spending data available at [www.school-infrastructure.org](http://www.school-infrastructure.org) Data Dashboard, of the National Center on School Infrastructure (NCSI).

In Virginia, the primary responsibility for funding the annual maintenance and operations of school facilities—such as utilities, cleaning, groundskeeping, and routine maintenance—lies with local school divisions, not the state. Counties appropriate funds for these activities through their general budgets, which are primarily supported by property taxes.

### **PK-12 PUBLIC SCHOOL FACILITIES CAPITAL FUNDING**

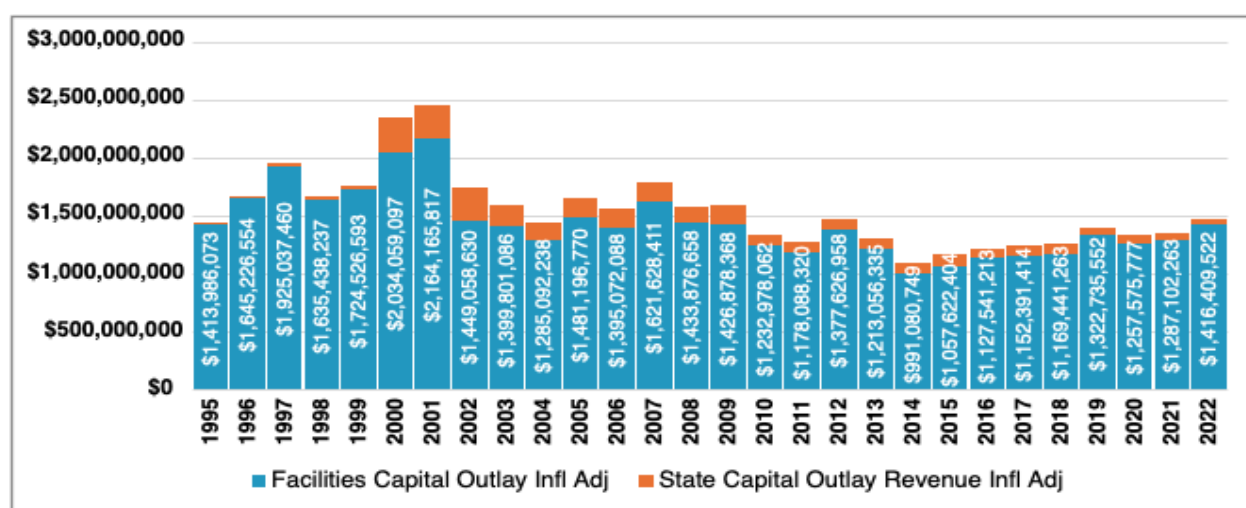
In addition to annual operating funds for facilities, school districts are responsible for capital expenditures for the long-range planning, design, financing, construction, and major renovation and systems renewals of public school buildings and grounds. These capital expenditures are used for new school construction, as well as for such items as roof replacements and upgrades to mechanical systems.

In 2022, the facilities capital outlay for school construction and other equipment expended by Virginia local school divisions was slightly over \$1.4 billion in (2024\$ inflation-adjusted dollars). This excludes the cost of land, existing structures, and instructional equipment reported as part of the total capital outlay by school districts to the U.S. Census of Governments. Chart 3 shows inflation-adjusted school construction and other equipment capital expenditures from 1995 through fiscal year 2022 and State Capital Outlay



Revenue that the divisions reported getting from the state for their school construction and renovation projects.

**CHART 3: CAPITAL OUTLAY FOR SCHOOL CONSTRUCTION AND OTHER EQUIPMENT FY 1995 – FY 2002 (IN 2024\$)**



Source: Data from the U.S. Census of Governments Fiscal Survey; actual Capital Outlay spending data available at [www.school-infrastructure.org](http://www.school-infrastructure.org) Data Dashboard, of the National Center on School Infrastructure (NCIS).

Local governments are responsible for the bulk of capital funding, the state supplements this effort through grants, loan programs, and guidelines to ensure equitable access to safe and modern learning environments. The Virginia Department of Education (VDOE) oversees the distribution of these funds.

## LOCAL CAPITAL RESERVE FUNDS

School divisions in Virginia may establish Local Capital Reserve Funds to retain unexpended local operating funds for future capital expenditures. Authorized by [Virginia House Bill 599](#) (2024), codified at § 22.1-100.2, this provision allows school boards, with the concurrence of their local governing body, to deposit year-end surplus local operating funds into a dedicated capital reserve account. These funds must be designated at the time of deposit for a specific capital project identified by the school board. Withdrawals from the reserve fund may be made at any time but must be used solely for the named capital project. This mechanism permits school boards to set aside funds for future school construction, renovation, or other capital needs without requiring new local



appropriations, but does not authorize their use for routine maintenance or non-capital facility expenses.

### **SCHOOL CONSTRUCTION ASSISTANCE PROGRAM**

The Virginia Department of Education (VDOE) administers the [School Construction Grant Assistance Program](#), under [Code of Virginia § 22.1-175.1](#). Virginia Public School Construction Grants Program established. The VDOE allocates grants to local school divisions based on competitive criteria. These criteria assess factors such as financial need, fiscal stress, project readiness, and the condition of existing school facilities. The [Local Composite Index](#) (LCI) and fiscal stress score is used to determine the percentage of project costs covered by state grants, prioritizing divisions with lower fiscal capacity or higher fiscal stress.

The VDOE develops and implements comprehensive guidelines for the program's administration. These guidelines outline the requirements for school divisions to apply for grants, including the need for documentation in a local Capital Improvement Plan (CIP), , and certification that projects have not commenced prior to application. Additionally, the VDOE requires school divisions to submit preventive maintenance plans and demonstrate their ability to obligate funds within six months of receiving the grant.

The VDOE is responsible for reviewing, scoring, and recommending grant applications to the Virginia Board of Education (VBOE), which has the final authority to approve grant awards. The VDOE also manages the distribution of funds, ensuring that grants are disbursed quarterly based on qualifying project costs that have been incurred or are due and payable. The program requires school divisions to submit applications documenting project scope, , and long-term maintenance plans. Grants are limited to 30% of approved project costs, not to exceed \$100 million in project costs, and are disbursed in alignment with project timelines. The VBOE oversees grant administration, monitors compliance, and submits annual reports to the General Assembly on project outcomes and fund utilization.

For the [2024-2026 biennium](#), the General Assembly appropriated \$80 million (\$40 million per year) to the School Construction Grant Assistance Program,





drawn from the School Construction Fund. Governor Youngkin proposed an additional \$290 million in non-general funds for school construction and modernization projects; if approved, this would increase targeted funding to approximately \$370 million. However, as of June 2025, this additional funding has not been adopted into the biennial budget. The currently appropriated funds are intended to support local school divisions in addressing critical facility condition and safety needs through a competitive grant process.

### **VIRGINIA PUBLIC SCHOOL EDUCATIONAL TECHNOLOGY GRANT PROGRAM**

The Virginia Public School Educational Technology Grant Program is established under [§ 22.1-175.6](#) and funded through the Virginia Public School Educational Technology Trust Fund created under [§ 22.1-175.7](#). Administered by the Board of Education, the program provides grants and financings—via Educational Technology Notes—through the Virginia Public School Authority (VPSA). These grants support eligible school divisions with infrastructure improvements such as broadband connectivity, network wiring, computer systems, and classroom technology integration.

Grant amounts are determined using a local match requirement based on the Local Composite Index (LCI) and the availability of state or federal funding for the same project. The Board of Education issues guidelines for eligibility, application procedures, and fund distribution. Funds are allocated primarily to schools and divisions demonstrating demonstrated technology infrastructure need, with the goal of enhancing educational delivery systems, rather than direct facility construction or renovation.

### **SCHOOL SECURITY EQUIPMENT GRANTS**

The [School Security Equipment Grants](#) program provides targeted capital outlay funding for the purchase and installation of safety equipment in Virginia public schools. Administered by the Virginia Department of Education (VDOE) and funded through the Virginia Public School Authority (VPSA) Educational Technology Notes and state appropriations, the program supports infrastructure improvements such as surveillance cameras, access control systems, mass notification systems, and visitor management systems. Grants are allocated on a competitive basis, prioritizing schools with demonstrated safety needs, such as, high incidents of security concerns, or findings from required safety audits,



and considering the fiscal capacity of localities to ensure equitable distribution of funds.

### **PK-12 PUBLIC SCHOOLS FACILITIES FINANCING**

Virginia's school divisions are fiscally dependent on their county or city governments for operating and capital funding, as they do not have independent taxing authority. Under [§ 15.2-2642](#) of the Code of Virginia, the local governing body—either a county board of supervisors or a city council—may issue general obligation bonds on behalf of a school division for capital projects, including school construction and renovation, subject to applicable approval requirements. While school divisions are responsible for planning and operating school facilities, the authority to incur debt and adopt capital budgets rests with the local governing body. At the end of fiscal year 2022, Virginia school divisions reported approximately \$8.3 billion in outstanding long-term debt, or about \$6,644 per student, with \$306 million in interest paid during that year. The level of school-related debt and access to bond financing varies by locality and is governed by state law.

### **VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA)**

Credit enhancement is a tool states use to assist school districts borrow capital funds at lower interest rates because the state has assumed some level of risk for the district's debt repayment. The Virginia Public School Authority (VPSA), established under [§ 22.1-162 et seq.](#) of the Code of Virginia, provides financing to public school divisions for capital projects through pooled bond sales. The VPSA's financing programs are intended to help school divisions—especially those with limited market access—obtain low-cost capital by maintaining high credit quality and securing favorable interest rates. Through its pooled bond program, VPSA uses the proceeds of its bonds to purchase general obligation bonds from participating localities, which then use the funds for eligible public school capital expenditures. Pooled bond sales are conducted regularly in the spring and fall, and all local school divisions are invited to participate.

To enhance creditworthiness and reduce borrowing costs, local school bonds are secured by a State Aid Intercept mechanism under [§ 15.2-2659](#). In the event of a payment default, funds otherwise appropriated by the



Commonwealth to the locality are redirected to bondholders. VPSA bonds are also backed by a “sum sufficient” appropriation from the General Assembly to cover any shortfall between local payments and the debt service owed on the pooled bonds.

### **VIRGINIA SCHOOL CONSTRUCTION FUND**

The Virginia School Construction Fund was established in 2022 under [§ 22.1-140.1](#) of the Code of Virginia. The fund is designed to support school construction, renovation, and modernization projects, with a particular focus on localities with limited fiscal capacity. It is financed through a combination of sources: appropriations from the General Assembly, remaining revenues from casino gaming under [§ 58.1-4125](#), and additional funding from gifts, grants, donations, and bequests. As a non-reverting fund, any unspent balances at the end of a fiscal year remain within the fund, enabling continuous support for public school infrastructure needs.

### **LITERARY FUND**

The Literary Fund is a permanent and perpetual fund that is funded by proceeds from (i) all public lands donated by Congress for public school purposes, (ii) all escheated property, (iii) all waste and unappropriated lands, (iv) all property accruing to the Commonwealth by forfeiture except those items specifically exempted, (v) all fines collected for offenses committed against the Commonwealth, and (vi) the annual interest on the Literary Fund, [Code of Virginia § 22.1-142](#). The Fund provides low-interest loans for school construction, grants under the interest-rate subsidy program, debt service for VPSA technology and

The 2024 Special I General Assembly authorized \$200.0 million in FY 2025 and \$50.0 million in FY 2026 from the Literary Fund for construction loans in the Chapter 2 budget. Loan approvals, not to exceed \$25.0 million per project, will be prioritized by the Board of Education on the basis of the composite index of ability-to-pay. Loan applications may seek an add-on of up to \$5.0 million if the project will result in school consolidation and the net reduction of at least one existing school. Interest rates on loans will be benchmarked to a market index and communicated to school divisions upon the opening of the open application



window. The interest rate shall not exceed 2.0 percent for school divisions with a composite index value below 0.3000.

Pursuant to the appropriation act and Board of Education guidelines, the Virginia Department of Education (VDOE) will conduct an annual open application process to receive loan applications. Loan applications must meet the deadlines and other requirements established by VDOE for consideration by the Board of Education.

The FY 2025 open application process will open on March 20, 2025, and close on May 22, 2025. The maximum interest rate charged on loans in this open application process is 3.819%. Details related to the open application process can be found in the March 20, 2025, edition of the [VDOE Education Update Newsletter](#).

### **PUBLIC PRIVATE PARTNERSHIPS**

The Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) provides school divisions with an alternative school construction financing and delivery process. Public school divisions must adopt guidelines to accept unsolicited proposals or to advertise for solicited proposals. In the PPEA process, a team consisting of a developer, contractor, architect, and other professionals can propose to design, build, and finance public school facilities. Detailed information on PPEA [Model Guidelines for public private partnerships updated 2009](#) is available to breakdown this complex process. Since there are many partners in a public private partnership, the Office of PPEA has prepared an [interim and comprehensive agreements checklist](#).

### **ENERGY PERFORMANCE CONTRACTING (EPC)**

Virginia law permits school divisions to do energy performance contracts. Any state agency, including school divisions, may enter into an energy performance-based contract with an energy performance contractor “ESCO” to reduce the energy costs of a state facility through one or more energy conservation or operational efficiency measures. ESCOs are essentially design-build general contractors. They do an energy and facility audit and diagnostic front end and propose a guaranteed-savings back end. The energy savings is tied to specific building and operational and maintenance improvements, which the ESCO



generally finances and delivers. In theory, the school division will have energy cost savings from the improvements which will then be dedicated to repaying the cost of the ESCO contract. The procedures and contract provisions for this are found in [Code of Virginia § 45.2-1703](#).

## **VIRGINIA PK — 12 SCHOOL FACILITIES STANDARDS AND ACCOUNTABILITY**

*Accountability systems for facilities involve facility standards, assessments, and reporting on the health, safety, education, and other factors associated with PK – 12 public school buildings and grounds. It involves systems for measuring and communicating conditions, and the authority to encourage or enforce changes in school design, construction, operations and maintenance.*

Accountability systems for facilities involve facility standards, assessments, and reporting on the health, safety, education, and other factors associated with PK–12 public school buildings and grounds. It involves systems for measuring and communicating conditions, and the authority to encourage or enforce changes in school design, construction, operations and maintenance.

### **PK-12 PUBLIC SCHOOL FACILITIES BUILDING STANDARDS**

In Virginia, school facility standards are governed through a combination of statutory mandates, regulatory frameworks, and guidance documents. The Uniform Statewide Building Code (USBC), established under Title 36, Chapter 6 ([§ 36-97 et seq.](#)) of the Code of Virginia and overseen by the Board of Housing and Community Development (BHCD), sets minimum requirements for the construction, alteration, and maintenance of public school buildings. The USBC incorporates model codes and includes provisions related to structural integrity, fire safety, accessibility, energy efficiency, and barrier-free design.

Local building departments are responsible for enforcing the USBC. County and city building officials review plans, issue permits, and conduct inspections for school construction and renovation projects to verify compliance with the code.



Under [§ 22.1-140 of the Code of Virginia](#), school divisions are required to submit plans and specifications for new public school buildings, additions, or major renovations. These plans must be reviewed and certified for compliance with regulations by a licensed architect or professional engineer. The division superintendent is responsible for submitting the certified plans to the Superintendent of Public Instruction for approval prior to advertising for bids or beginning construction.

The Department of General Services (DGS), through its Division of Engineering and Buildings, provides technical resources and design and construction templates for public construction projects. While DGS oversees state-owned property, its role in public school construction is limited to guidance and support, not direct oversight of local projects.

Section [§ 22.1-141](#) of the Code of Virginia requires that new public school buildings or major renovations be designed to produce more energy than they consume, following industry standards such as the ASHRAE "Achieving Zero Energy-Advanced Energy Design Guide for K–12 School Buildings" or comparable equivalents.

The Virginia Board of Education issues the [Guidelines for School Facilities in Virginia's Public Schools](#), which provide non-regulatory recommendations on educational adequacy. These guidelines include planning considerations such as classroom size, building layout, specialized instructional spaces, and features intended to support instructional delivery. They also include optional recommendations related to energy efficiency, sustainability, and maintenance practices.

### **PK-12 PUBLIC SCHOOL FACILITIES HEALTH AND SAFETY STANDARDS**

The Virginia Department of Health (VDH) is responsible for enforcing environmental health standards in school facilities to support the safety of students and staff. Under [§ 22.1-138](#) of the Code of Virginia, VDH oversees radon testing in public schools. Potable water quality standards, including lead testing, are governed by [§ 22.1-135.1](#). VDH also provides oversight and technical assistance to school divisions on sanitation and drinking water systems under §§ 32.1-167 through 32.1-176.5, which establish standards for



waterworks and private wells. While not governed by a single statute, indoor air quality monitoring and guidance are provided by VDH through technical support and coordination with school divisions. These responsibilities contribute to the maintenance of safe and healthy educational environments in Virginia.

### **FIRE LIFE SAFETY STANDARDS**

The Virginia Fire Marshal's Office enforces the Statewide Fire Prevention Code under [§ 27-97](#) of the Code of Virginia. The Code, adopted by the Board of Housing and Community Development in consultation with the Virginia Fire Services Board, establishes statewide fire safety regulations applicable to all public school facilities. It includes requirements for fire protection systems, means of egress, material use, and annual fire drills. Local fire marshals or designated fire officials—typically appointed by counties or cities—are responsible for enforcing the Fire Prevention Code during school construction, renovation, and ongoing operation. In jurisdictions without local enforcement authority, the State Fire Marshal has jurisdiction to conduct inspections, review construction documents, and ensure compliance with applicable fire safety requirements.

### **AIR QUALITY STANDARDS**

Virginia regulates indoor air quality (IAQ) in public school facilities through a combination of statutory mandates and administrative guidance. Under [§ 22.1-138](#) of the Code of Virginia, the Board of Education is required to prescribe minimum standards for public school buildings, including provisions related to radon, mold, and air quality. All public school buildings in operation as of July 1, 1994, are required to conduct radon testing in accordance with EPA guidelines, and schools constructed after that date must also be tested. School divisions must maintain records of radon testing and report results to the Virginia Department of Health.

Additional IAQ requirements include mandatory mold testing and remediation plans, also governed by § 22.1-138. School boards must develop protocols aligned with federal environmental guidance and report results to the Department of Health when levels pose a risk to building occupants. Effective July 1, 2025, new statutory provisions require that all school HVAC systems be inspected at least once every four years by a certified technician. These





inspections must evaluate system performance related to ventilation and air filtration. The results must be presented publicly at a school board meeting and posted on the division's website, in accordance with §§ 22.1-141.3 through 22.1-141.5 of the Code of Virginia.

### **WATER QUALITY STANDARDS**

Under [§ 22.1-135.1](#) of the Code of Virginia, each local school board is required to develop and implement a plan to test and, if necessary, remediate potable water from all drinking sources—such as bubbler-style or cooler-style fountains, kitchen taps, classroom sinks, and any faucets used for consumption. Priority is given to schools constructed before 1986, when lead plumbing was more common. The testing plan must align with guidance from the U.S. Environmental Protection Agency or the Virginia Department of Health. Results must be reported to the Department of Health, and if lead levels exceed 10 parts per billion, parents must be notified.

Additional water safety standards are incorporated under [§ 22.1-138\(C\)](#), which requires each school board to maintain a water management program for Legionnaires' disease prevention in each school building. These water management plans must be validated annually and documented effectively. While not governed by a single statute, mold testing and remediation standards also apply to water intrusion issues through [§ 22.1-138\(D\)](#), with school boards required to develop mold testing plans based on EPA guidance, report results to the Department of Health, and notify parents if levels raise health concerns.

Schools connected to public water systems must comply with applicable federal and state drinking water regulations, while schools using private wells or water systems follow state waterworks statutes overseen by the Department of Health. Taken together, these requirements ensure schools monitor and manage potable water quality, preserving safe educational environments.

### **CHEMICAL HAZARD STANDARDS**

The [Code of Virginia § 22.1-132.2](#) requires each local school board to develop and implement an Integrated Pest Management (IPM) program in cooperation with the Department of Education. The IPM program must be based on recommended best practices and is intended to reduce exposure to pesticides





in school facilities. While the Virginia Department of Education provides guidance and technical support, the responsibility for implementing and maintaining the IPM program rests with local school boards. The statute directs school divisions to minimize the use of chemical pesticides by focusing on preventive measures and the least toxic methods of pest control necessary to maintain safe and sanitary conditions in school environments.