

**Department of
Juvenile Justice**

**Education Program Review
and Staffing Analysis:
Teacher Ratios**

In response to:

*Chapter 806 of the 2013 Virginia Acts
of Assembly
(The Appropriation Act, Item 405.05
(2013))*



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September 1, 2013

DEPARTMENT OF JUVENILE JUSTICE

**Education Program Review and Staffing Analysis: Teacher Ratios
In response to: Chapter 806 of the 2013 Virginia Acts of Assembly, Item 405.05**

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Executive Summary

For the last decade, both juvenile correctional center (JCC) and secure juvenile detention center populations have decreased. As a result of this decline, in the 2013 session, the General Assembly commissioned the Department of Juvenile Justice (DJJ), with the assistance of the Virginia Department of Education (VDOE), to complete a program review and staffing analysis of educational programs in the JCCs and secure juvenile detention centers.

This study was mandated as part of the Fiscal Year (FY) 2014 Budget. The specific provision requiring the report is as follows:

Item 405.05 The Department of Juvenile Justice, with the assistance of the Department of Education, shall complete a program review and staffing analysis to determine the appropriate teaching staffing ratios for the state-operated juvenile correctional centers and local and regional juvenile detention facilities. The review and analysis shall be provided to the Secretaries of Public Safety and Education and to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2013.

DJJ completed a staffing review for its Division of Education and reported teaching staffing ratios for the Spring 2013, Summer 2013, and Fall 2013 Terms. After reviewing the staffing reductions in the DJJ Division of Education in 2013 and the federal and state laws regarding education, it is concluded that the staffing ratios for the DJJ Division of Education allow DJJ to provide an adequate level of services to committed residents. The teacher-to-student ratios for DJJ's Yvonne B. Miller High School were between 1:7 and 1:8 for the Spring, Summer, and Fall 2013 Terms for all enrolled students. When extrapolated for special education student requirements, these ratios comply with the *Virginia Administrative Code* (8VAC20-81-320) former Department of Correctional Education (DCE) 1:10 special education staffing ratio requirement.¹ If further reductions occur in the DJJ Division of Education, however, the level of educational services at DJJ could be compromised; state and federal laws may not be met; and the number of diplomas and General Education Development (GED) credentials earned could decrease.

VDOE also completed a staffing review of Virginia's secure juvenile detention centers through which it was found that VDOE needs to maintain the current level of teaching staff in order to offer students core content, career and technical education (CTE), and elective classes taught by licensed and endorsed teachers.

VDOE and the DJJ Division of Education are also required to offer services to students with disabilities as required by state and federal law. It was found that, in light of the

¹ 8VAC20-81-320 (Additional responsibilities of state boards, agencies, and institutions for education and training of children with disabilities in residence or custody) is the VDOE's regulation governing agency responsibilities for special requirements for educating students with disabilities in residence or custody. Subdivision C (11) of the regulation, relating to staffing, applies to the former Department of Correctional Education (DCE). Other subdivisions apply to other agencies, institutions, and groups of students with specifically identified disabilities. DJJ, for the purposes of this report, is using the former DCE ratio as the ratio requirement in completing this report.

Commonwealth's commitment to reducing the achievement gap and increasing graduation rates, it is crucial that the seat hours, grades, credits, and state-required tests students achieve while detained or committed become part of their academic record, and the current level of teaching staff is needed to fulfill this goal.

Since there are 24 independent local or regionally operated secure juvenile detention centers, it is recommended that at each facility there be content area certified teachers in each subject including, but not limited to, English, mathematics, science teacher, social studies, health and physical education, art or music, and focusing on alternative programs such as Individual Student Alternative Education Plan (ISAEP) and GED. In addition, each facility requires appropriately endorsed special education teacher (e.g., for learning disability or emotional disturbance identified students) should be assigned to each facility to ensure that the rights afforded to students under the Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA) are protected.

Study Mandate Language

Authority: Chapter 806 of the 2013 Virginia Acts of Assembly (The Appropriation Act, Item 405.05 (2013))

The Department of Juvenile Justice, with the assistance of the Department of Education, shall complete a program review and staffing analysis to determine the appropriate teaching staffing ratios for the state-operated juvenile correctional centers and local and regional juvenile detention facilities. The review and analysis shall be provided to the Secretaries of Public Safety and Education and to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2013.

Overview of the DJJ Division of Education

In 2012, House Bill 1291 and Senate Bill 678, the Governor's Omnibus Government Reform bills, abolished the Department of Correctional Education (DCE) and the Board of Correctional Education. Virginia's responsibility to provide committed juveniles with educational services was transferred to DJJ on July 1, 2012. These services are administered and supervised by a then-created Division of Education within DJJ. The DJJ Division of Education operates as a local education agency (LEA) and is led by a superintendent. The superintendent is responsible for ensuring DJJ's compliance with state and federal laws governing the provision of educational services as audited by VDOE.

The DJJ Division of Education operates one school named the Yvonne B. Miller High School with three campuses at Beaumont JCC, Bon Air JCC, and Culpeper JCC², which are staffed by administrators and teachers who are licensed by VDOE. Previously operated as separate schools at each JCC³, the single school system, with facility campuses, provides an opportunity to consolidate and develop programs for the declining committed juvenile population. The Yvonne B. Miller High School has one principal who oversees the three campuses.

When a juvenile is committed to DJJ, the juvenile's prior school records are forwarded to the Reception and Diagnostic Center (RDC) upon notification of the juvenile's commitment to DJJ (see § 16.1-293 of the *Code of Virginia*). All juveniles who have not earned a high school diploma or GED credential are evaluated upon admission to RDC for placement in an educational program at one of the campuses. Residents are enrolled in the grade, content courses, or program in accordance with their evaluation and prior enrollment at their prior school and educational program at a secure juvenile detention center, if applicable.

² When a juvenile is committed to DJJ, they must be evaluated at the Reception and Diagnostic Center (RDC). Juveniles typically stay at RDC for approximately three weeks before being transferred to one of the juvenile correctional centers (JCCs). During this time, educational services are provided; however, given the brief educational period, the education programming at RDC is not considered a separate campus and the records are forwarded to the receiving juvenile correctional center.

³ The schools, previously called Paul S. Blanford High School, Joseph T. Mastin High School, W. Hamilton High School, John H. Smyth High School, and Cedar Mountain High School, were combined and renamed as Yvonne B. Miller High School on August 26, 2013.

Residents on the high school diploma track can earn up to ten credits per school year in classes at the high school level. Special education services are also provided to residents, and DJJ follows state and federal regulations to provide educational services to this population. In FY 2013, 40.5% and, in FY 2012, 38.9% of JCC admissions, in their assessment at RDC, were suggested for placement in special education services⁴. Many of these students have multiple needs identified according to their primary and secondary disability classifications. In addition, residents who are over age 18 and credit-deficient may enroll in classes that will prepare them to participate in GED testing. In the 2011-12 school year, 85 diplomas and 63 GEDs were awarded. In June 2013, 57 diplomas and 29 GED certificates were awarded through the DJJ Division of Education. During the Summer 2013 Term that was completed in August 2013, 13 diplomas and 10 GEDs were awarded.

The DJJ Division of Education also offers CTE courses in 12 different trade areas⁵. CTE courses are provided to enrolled and post-secondary students. Each program is designed to provide residents with the required job tasks and employability skills that will allow them to obtain and maintain employment when released from the facilities.

DJJ Division of Education Reduction in Force

On July 1, 2012, when Virginia's responsibility to provide education services to committed juveniles was transferred from DCE to DJJ, 218 funded positions were transferred to DJJ; these positions were both instructional staff and central office operations personnel.

Since that time, two phases of layoffs have been implemented with the DJJ Division of Education. Phase 1 occurred in June 2013 when DJJ streamlined and realigned the JCCs to meet the needs of the declining population, and Phase 2 occurred in July 2013 when budget language reduced DJJ Division of Education funding.

Phase 1: Realignment of JCCs (June 2013)

Over the last decade, the JCC population has decreased 41%. Since FY 2003, the JCC average daily population (ADP) has declined from 1,173 residents to 693 residents in FY 2013.⁶ In reviewing the status of the JCCs, the capacity utilization, and the forecast for future commitments, DJJ implemented a plan to realign the JCCs to adjust for the declining committed population. In 2013, DJJ reduced the number of JCCs (including RDC) from six to four. To

⁴ The percentage reported in this paragraph are from the educational assessment and recommendation forms completed at RDC on all school-enrolled juveniles admitted to RDC in the applicable fiscal year. The percentage identified suggested placement in special education services during commitment. This number will be slightly different from the number the DJJ Division of Education reports to the VDOE as that data is "snapshot data" (data reported on the population on a single day) which is reported in December of each school year.

⁵ The DJJ Division of Education offers the following CTE trade areas: Advertising Design, Barbering, Business Education and Software, Career Pathways, Commercial and Residential Cleaning, Commercial Foods, Cosmetology, Custodial Maintenance, Digital Imaging Design, Horticulture, Marketing, and Printing. DJJ is evaluating the trade areas to ensure that they provide appropriate services to match opportunities in the community after release.

⁶ ADP values may differ slightly from other DJJ reports due to different methodologies and/or database updates.

operationalize this action, Hanover JCC was repurposed as a public safety training center, Oak Ridge JCC moved to Beaumont JCC as a self-contained program, and RDC moved to the former Oak Ridge JCC building. As residential programs for committed residents, effective July 1, 2013, DJJ operates four JCCs (Beaumont JCC, Bon Air JCC, Culpeper JCC, and RDC) and two halfway houses.

During this realignment, there were layoffs in the DJJ Division of Education. The number of funded positions for educational staff decreased from 218 to 179 funded positions. These positions consisted of instructional staff and central office operations personnel.

Phase 2: Reduction in Correctional Education Funding (July 2013)

During the 2013 General Assembly session, action was taken to reduce funding for the DJJ Division of Education. This legislative action required a reduction of \$1 million in general funds and of 25 positions in the DJJ Division of Education. The DJJ Division of Education reduction in force was completed on July 24, 2013. There were 32 positions eliminated in the Phase 2 layoffs, resulting in 147 funded positions dedicated to educational programs in the DJJ Division of Education, including both instructional staff and central office operations personnel.

Total Reduction in Force in 2013

While the DJJ Division of Education's staff has been reduced from 218 to 147 funded positions (71 positions eliminated) in the last several months, DJJ remains committed to providing the same level of services to the population.

Impact of the DJJ Division of Education Reduction in Force

Due to the reduction in force of the DJJ Division of Education, teacher, instructional assistant, evaluator, CTE instructor, clerical, and Central Office staff positions were eliminated. Core content (mathematics, social studies, science, and language arts) teachers, however, were not lost in the reduction in force. Positions abolished were reviewed in regard to the educational needs of the residents and the opportunity for residents return to the community after commitment with credentials to prepare them for a successful re-entry into their community and the workforce.

The remaining DJJ Division of Education personnel are absorbing the duties of the displaced personnel. With 147 staff in the schools and central office dedicated to education programs, the DJJ Division of Education is able to provide an adequate level of services to provide education to committed juveniles, including a sufficient level of services for juveniles to earn diplomas, receive special education services, participate in CTE courses, and obtain GED credentials.

JCC Teacher-to-Student Ratios

The tables below report the number of teachers and students receiving educational or vocational services in the JCCs in the Spring, Summer, and Fall 2013 Terms. The count of teachers includes core content, elective, GED, and CTE instructors. It does not include instructional assistants, administrators, support staff, or central office personnel. The number of instructional assistants is noted below each table. The count of students represents residents enrolled in educational

programs (school, GED, or CTE courses), including post-secondary students who have earned a diploma or GED credential and are enrolled in school. At Beaumont JCC (including the Oak Ridge Program) and Bon Air JCC, all residents are required to be enrolled in educational or vocational programs. Not all residents at Culpeper JCC are enrolled in educational or vocational programs, so the number of students is lower than the number of residents in the facility.

Spring 2013 Term Teacher-to-Student Ratios (students enrolled on June 6, 2013)

Facility	Teachers	Students	Ratio
Oak Ridge Program at Beaumont JCC	10	40	1:4
Beaumont JCC	30.5	214	1:7
Bon Air JCC	28.5	236	1:8
Culpeper JCC	11	104	1:9
<i>School Total</i>	<i>80</i>	<i>594</i>	<i>1:7</i>

*There were 31 instructional assistants during the Spring 2013 Term (not included in the table above). Instructional assistant is defined as a teaching-related position within a school generally responsible for specialized or concentrated assistance for students. The ratio of instructional assistants to all students was 19:1, which exceeds the maximum of 10 paraprofessionals to each special education student, as required by 8VAC20-81-320 (described below). However, assuming approximately 40% of DJJ’s students are special education students (by averaging the FY 2012 and FY 2013 admission special education placement suggestions from RDC), the ratio of instructional assistants would be 1:8 and, accordingly, in compliance with the regulation.

**Phase 1 reductions are included in the teaching positions and ratios.

***Students in the Intensive Behavioral Reintegration Unit (IBRU) are included.

Summer 2013 Term Teacher-to-Student Ratios (students enrolled on July 26, 2013)

Facility	Teachers	Students	Ratio
Oak Ridge Program at Beaumont JCC	10	39	1:4
Beaumont JCC	22	204	1:9
Bon Air JCC	31	235	1:8
Culpeper JCC	12	128	1:11
<i>School Total</i>	<i>75</i>	<i>606</i>	<i>1:8</i>

* There were 19 instructional assistants during the Spring 2013 Term (not included in the table above). The ratio of instructional assistants to all students was 1:32, which exceeds the maximum of 10 paraprofessionals to each special education student, as required by 8VAC20-81-320 (described below). Assuming approximately 40% of DJJ’s students are special education students (by averaging the FY 2012 and FY 2013 admission special education placement suggestions from RDC), the ratio of instructional assistants would be 1:13 and, accordingly, would remain out of compliance with the regulation.

**The Phase 1 and Phase 2 reductions are included in the teaching positions and ratios.

*** Students in IBRU are included.

Fall 2013 Term Teacher-to-Student Ratios (projected number of students based on the JCC population on August 13, 2013)

Facility	Teachers	Students	Ratio
Oak Ridge Program at Beaumont JCC	10	39	1:4
Beaumont JCC	22	207	1:9
Bon Air JCC	31	237	1:8
Culpeper JCC	12	126	1:11
<i>School Total</i>	75	609	1:8

*The total number of instructional assistants during the Fall 2013 Term is projected to be 19 (not included in the table above). The ratio of instructional assistants to all students was 1:32, which exceeds the maximum of 10 paraprofessionals to each special education student, as required by 8VAC20-81-320 (described below). Assuming approximately 40% of DJJ’s students are special education students (by averaging the FY 2012 and FY 2013 admission special education placement suggestions from RDC), the ratio of instructional assistants would be 1:13 and, accordingly, is out of compliance with the regulation.**The Phase 1 and Phase 2 reductions are included in the teaching positions and ratios.

***Students who may be in IBRU are included.

Regulations and Statutes Relating to the DJJ Division of Education

DJJ is required to operate a Division of Education by § 66-13.1 of the *Code of Virginia*. The DJJ Division of Education “shall be composed of all the educational facilities of all institutions operated by the Department. The Division shall be designated as an LEA but shall not be eligible to receive state funds appropriated for direct aid to public education.” (§ 66-13.1 of the *Code of Virginia*).

While the DJJ Division of Education has experienced a reduction in force in the last several months, it continues to comply with mandatory state and federal laws concerning educational services. Below, is an overview of certain statutes and regulations governing compulsory attendance, teacher licensure, and special education services.

Section 22.1-254 of the *Code of Virginia* states that “every parent, guardian, or other person in the Commonwealth having control or charge of any child” shall abide by the compulsory attendance requirement. The compulsory attendance requirement states that “any child who will have reached their fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction.” The *Virginia Administrative Code* defines a standard school year as 180 instructional days and states that “the standard school day for students in grades 1 through 12 shall average at least 5-1/2 instructional hours, excluding breaks for meals and recess.” (8VAC20-131-150).

The *Code of Virginia* specifically states that these requirements “shall apply to any child in the custody of DJJ or the Department of Corrections who has not passed his eighteenth birthday.”

The only JCC residents that are exempt from this regulation are residents who have “obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements.” Additionally, the school board can grant exceptions to the compulsory attendance requirements as provided in subsection B of § 22.1-254 of the *Code of Virginia*.

Based on these requirements, education programs in the JCCs are required to educate residents committed to DJJ, and offer them the same education as they would receive in the public schools. The DJJ Division of Education seeks to provide residents with the basic foundation for achieving a high school diploma or GED. In order to achieve these goals, residents must obtain standard and verified credits⁷ in core content areas that are taught by licensed and endorsed teachers. Section 22.1-295 of the *Code of Virginia* states that teachers must be “licensed instructional personnel qualified in the relevant subject areas.” “The teachers in the public schools of a school division shall be employed and placed in appropriate schools by the school board upon recommendation of the division superintendent.” (§ 22.1-295 *Code of Virginia*). In § 22.1-298.1 of the *Code of Virginia*, regulations for governing licensure are defined, and “the Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.” More specifically, the *Virginia Administrative Code* provides regulations over the licensure and endorsement for CTE teachers and defines special endorsements for CTE teachers. (8VAC20-22-300). DJJ’s Division of Education is not a school division as defined in the Code, however, it follows the requirements for school divisions by requiring all teachers to be licensed and endorsed in specific subjects as required by the VDOE.

Also, with the current study mandate, the teacher-to-student ratios for the DJJ Division of Education are defined in 8VAC20-81-320⁸ as “no greater than an average of one teacher and one paraprofessional for every 10 children.” (8VAC20-81-320).

To meet the licensure regulations, the DJJ Division of Education must have core teachers (i.e., mathematics, social studies, science, and language arts) at each campus. Teachers generally cannot be divided amongst the three campuses due to logistical issues. Logistical issues include the following constraints: travel distance between campuses, scheduling issues with treatment team, participation in site specific professional development training, attendance at staff meetings unless prescheduled, inability to collaborate with peers regarding students, and lack of access to resources at both sites unless duplicate materials and equipment are purchased.

⁷ The standard unit of credit for graduation shall be based on a minimum of 140 seat hours of instruction and successful completion of the requirements of the course. A verified unit of credit for graduation shall be based on a minimum of 140 clock hours of instruction, successful completion of the requirements of the course, and the achievement by the student of a passing score on the end-of-course standards of learning test for that course or additional tests as described in 8VAC20-131-110.

⁸ 8VAC20-81-320 (Additional responsibilities of state boards, agencies, and institutions for education and training of children with disabilities in residence or custody) is the VDOE’s regulation governing agency responsibilities for special requirements for educating students with disabilities in residence or custody. Subdivision C (11) of the regulation, relating to staffing, applies to the former Department of Correctional Education (DCE). Other subdivisions apply to other agencies, institutions, and groups of students with specifically identified disabilities. DJJ, for the purposes of this report, is using the former DCE ratio as the ratio requirement in completing this report.

Core content teachers also teach in the GED program, so these teachers are needed to fulfill the requirements for both core content areas and GED instruction. Each school also has assigned CTE teachers. Additionally, approximately seven CTE teachers are needed at each campus to provide CTE educational programs both for non-credentialed and post-secondary students. The focus on CTE courses comes from a greater need to prepare residents leaving DJJ with the skills needed to obtain employment.

The teacher-to-student ratios for the Yvonne B. Miller High School were between 1:7 and 1:8 for the Spring, Summer, and Fall 2013 Terms, complying with the *Virginia Administrative Code* (8VAC20-81-320) 1:10 requirement⁹. Each individual facility's campus also complies with this ratio, except Culpeper JCC, for the Summer and Fall 2013 Terms. Due to an older population at Culpeper JCC, approximately half of the residents have received their high school diploma or GED credential. In order to continue providing educational services to these students, some are enrolled in school courses. If these post-secondary students were excluded from the teacher-to-student ratios, Culpeper JCC's ratios would be 1:6, 1:8, and 1:8 for the Spring, Summer, and Fall 2013 Terms, respectively. However, given DJJ's expectations for providing committed juveniles with as many tools as possible to ensure successful re-entry back to the community, DJJ's Division of Education is committed to providing continuing educational and vocational services to post-secondary students. While such inclusion impacts the teacher-to-student ratios, it is important to provide programming to these residents.

DJJ is also responsible for providing a free and public education to children with disabilities as required by the Individuals with Disabilities Education Act of 2004 and VDOE regulations, 8VAC20-81-20. Local school divisions and state-operated programs are required to provide education and related services for children with disabilities and are developed in accordance with federal laws and regulations (8VAC20-81-30). Students with disabilities are required to receive special education services from special education personnel assigned in accordance with the Virginia Licensure Regulations for School Personnel (8VAC20-81-40).

As of August 26, 2013, the DJJ Division of Education has approximately five special education teaching positions at each campus. The teachers are needed at each campus to provide special education services in accordance with the requirements of state and federal laws. Also, each campus has an IBRU, which is a unit designated to house residents in segregation status. All IBRU have a special teacher assigned to it to provide services, as appropriate and applicable. In order to ensure the provision of special education services in the IBRU, the current level of special education staffing is needed.

⁹ 8VAC20-81-320 (Additional responsibilities of state boards, agencies, and institutions for education and training of children with disabilities in residence or custody.) is the Virginia Department of Education's regulation governing agency responsibilities for special requirements for educating students with disabilities in residence or custody. Subdivision C (11) relating to staffing applies to the former Department of Correctional Education (DCE). Other subdivisions apply to other agencies, institutions, and groups of students with specifically identified disabilities. DJJ, for the purposes of this report, is using the former DCE ratio as the ratio requirement in completing this report.

JCC Staffing Conclusions

The DJJ Division of Education has lost 71 positions in the last several months, which poses challenges as the DJJ Division of Education strives to meet state and federal statutory and regulatory requirements. However, after reviewing the staffing reductions in the DJJ Division of Education in 2013 and the federal and state laws regarding education, it is concluded that the student to teacher staffing ratios for the DJJ Division of Education allow DJJ to provide an adequate level of services to committed residents.

If further reductions occur in the DJJ Division of Education, the level of educational services at DJJ could be compromised, state and federal requirements may not be met, and the number of diplomas and GEDs earned could decrease. In addition to core teachers, CTE and special education teachers are needed to address the needs of the DJJ population. CTE classes offer students the ability to obtain credentials that will assist in their re-entry into the workforce, and DJJ is required by state and federal laws to afford special education services to students.

Additionally, the DJJ Division of Education must take into account the uniqueness of the DJJ population. Many students in the DJJ Division of Education benefit from the small class sizes due to specific education needs, mental health, and behavioral issues. Due to these issues, the current level of teachers and instructional staff are required to meet educational requirements while following state and federal requirements.

Overview of Detention Center Educational Services

The *Code of Virginia* (§ 22.1-254 and § 22.1-7) directs VDOE to provide educational services to youth in 24 local and regional secure juvenile detention centers commensurate with the services provided by LEAs in both general and special education. The secure juvenile detention centers are located in all regions of the Commonwealth, and operated by local governments or multi-jurisdictional commissions. The education programs are state funded, with Title I, Part D, Subpart 1 funding stream supplementing education services by providing support and resources that enhance a student's transition from detainment to further schooling.

As described above, the *Virginia Administrative Code* (8VAC20-131-150) requires all students to receive at least 5.5 hours of direct instruction per day over 180 days annually. The scheduling of students in the secure juvenile detention centers is contingent upon the organization of the facility (e.g., students may remain in a classroom all day with the teachers moving, students may be separated by sex, students may remain with their pod at all times regardless of age or grade level).

Virginia's secure juvenile detention centers are certified by the Board of Juvenile Justice to house juveniles ages eight to 18. A comprehensive middle school and high school program is expected to be available for individuals who enter one of Virginia's secure juvenile detention centers. In addition, on certain occasions, students will be admitted who need an elementary program. As § 22.1-254 of the *Code of Virginia* requires compulsory attendance for all students of school age, education programs in secure juvenile detention centers should prepare and educate all students admitted who are enrolled on detainment. The *Virginia Administrative Code* stipulates that secure juvenile detention centers have "one teacher for every 12 beds, based on the

bed capacity of the facility. If the number of students exceeds the bed capacity, then the ratio shall be one teacher for every 12 students based on the average daily attendance from the previous school year. If unusual or extenuating circumstances exist, the agency may apply to the Superintendent of Public Instruction for an exception to the ratio requirements. Such requests shall be supported by sufficient justification” (8VAC20-81-320).

State and federal requirements mandate that students receive instruction from licensed and endorsed teachers. Those requirements have necessitated an increase in staffing levels (see table below: “*Teachers and Student Enrollments in Detention Centers*”). If, at all feasible, dually-licensed and endorsed teachers are recruited to teach two core content areas or one content area in two secure juvenile detention centers or two special programs operated within the school division (e.g., within the secure juvenile detention center and within the health clinic). It should be noted that the education programs in secure juvenile detention centers do not employ any support staff (e.g., instructional assistants, guidance counselors, psychologists, social workers, testing coordinators). Programs are staffed with one administrator, one part-time or full-time administrative assistant, and the requisite number of licensed and endorsed teachers to deliver required content area instruction, special education services, services to English Language Learners (ELLs), and instruction in other areas (e.g., electives such as art or music and graduation requirements such as finance and CTEs) that allow students to accrue the necessary credits to work toward or to be awarded a high school diploma. In addition to their instructional responsibilities, juvenile secure detention center education personnel administer state- and federally-required tests (e.g., Standards of Learning (SOL) tests, WIDA-Access for ELLs test, WIDA-Access Placement Test (W-APT)), initial assessments in reading/language arts and mathematics, career exploration, character education, and the organization and distribution of books through the school library.

Special education students and ELLs are highly represented in the juvenile justice system and have the lowest graduation rates. In the 2012-13 school year, 86% of students detained in Virginia’s secure juvenile detention centers were reading below grade level, and 78% were functioning below grade level in mathematics, as measured by a standardized test upon entry. Taking all factors into consideration, it becomes imperative that students in secure juvenile detention centers receive instruction from licensed and endorsed teachers in order to increase achievement. This instruction will also ensure that the seat hours, grades, credits, and state- and federally-required tests students achieve while detained become part of their academic records.

Effect of Increased Requirements and the Goal of Graduation

Several processes have been utilized for the effective deployment of staff to ensure all students have their specific educational needs and requirements met. Measures are in place to provide support in secure juvenile detention centers for specific groups of students who are detained only on occasion and require specialized teaching. There is a statewide network of support where larger facilities support smaller facilities. Meeting requirements for ELLs, use of technology in the classroom and the special education process are areas of state support. For example, if an ELL student is detained in a facility where there is not an English-as-a-Second-Language (ESOL) teacher, the ESOL teacher from a larger facility will support the need with consultation and materials. This partnership allows the student to be served appropriately and efficiently

without hiring an additional teacher. Furthermore, there are some facilities that share positions with the local school division or another detention facility.

Due to the uniqueness of the 17 post-dispositional programs (where sentences are more than 30 days) in secure juvenile detention centers, a teacher is assigned to meet the specific needs of this group and to provide a smooth transition back to their communities and schools. In order to address any alternative programming such as an ISAEP, which must include instruction in personal finance and careers, there is a dedicated teacher. As personal finance and careers has also become a general requirement for graduation, this teacher can also fill these roles. Additionally, this teacher works with students pursuing a GED and is required to support the re-enrollment process.

Teachers and Student Enrollments in Secure Juvenile Detention Centers, 2012-13 School Year

Name of School Division	Teachers	Student Enrollments*	Ratio
Chesterfield	10***	35	1:4
Fairfax	19**	33	1:2
Frederick	4.5	27	1:6
Henrico and James River	14	87	1:6
Loudoun	4.5	15	1:3
Montgomery	4.1	9	1:2
Prince Edward	3.5	6	1:2
Prince George	3.8	28	1:7
Prince William	8	39	1:5
Spotsylvania	10	35	1:4
Alexandria	9	41	1:5
Bristol	4.5	19	1:4
Charlottesville	6	19	1:3
Danville	8	37	1:5
Lynchburg	7.5	24	1:3
Newport News	13**	71	1:5
Norfolk	10**	71	1:7
Richmond City	0	0	N/A
Roanoke City	7	32	1:5
Staunton	10.2**	39	1:4
Virginia Beach	9	50	1:6
Williamsburg	8	52	1:7
Chesapeake	12**	61	1:5
<i>Total</i>	<i>185.6</i>	<i>830</i>	<i>1:4</i>

*Student enrollments represent the number of new enrollments for the school year and not the average number of students; therefore, the values differ from detention ADP values presented in other DJJ reports.

**Indicates there was a reduction in staff for the 2013-14 school year.

***Indicates there will be a reduction in the 2014-15 school year.

However, the *Virginia Administrative Code* teacher-to-student ratio requirement of 1:12 for secure juvenile detention centers is based on bed capacity rather than number of students or number of enrollments (8VAC20-81-320). The statewide detention constructed capacity¹⁰ is 1,425 beds, making the teacher-to-student ratio 1:8.

Secure Juvenile Detention Center Staffing Conclusions

The achievement of a high school diploma is contingent upon students acquiring the skills and knowledge base in elementary school and middle school to prepare them to complete schooling and receive a diploma. It is also contingent upon students accruing credits in all content areas (mathematics, social studies, science, and language arts), CTE (8VAC20-81-20), and electives (8VAC20-81-20) (e.g., music, art, and/or drama) taught by Virginia licensed and endorsed teachers (§ 22.1-295). Furthermore, state-operated programs are required to offer a free appropriate public education (FAPE) to students with disabilities (8VAC20-81-30). In light of the Commonwealth's commitment to reducing the achievement gap and increasing graduation rates, it is crucial that the seat hours, grades, credits, and state-required tests students achieve while detained become part of their academic record. A minimum number of licensed and endorsed teachers is required per facility to meet state and federal guidelines and federal requirement for students to receive at least 5.5 hours of direct instruction per day over 180 days per year (8VAC20-131-150). In addition, staffing levels are affected by the way in which the individual detention facility groups students for the purposes of education, including grade level, pod, sex, and post-dispositional and pre-dispositional students. As safety and security are the prime goals of secure juvenile detention centers, education programs are required to adhere to the rules imposed by the security staff.

Therefore, while the 1:12 teacher-to-student ratio still applies, there are other factors which are stated above that can increase staffing levels regardless of the number of beds in a detention center. At a minimum, for each facility, it is recommended that there be one English teacher, one mathematics teacher, one science teacher, one social studies teacher, one health and physical education teacher, an art or music teacher or therapist, and one teacher to focus on alternative programs such as ISAEP and GED. In addition, one special education teacher should be assigned to each program so the rights afforded to students under the IDEA and the ADA are assured. All avenues for sharing of positions between secure juvenile detention centers and local school divisions and hiring dually-licensed and endorsed teachers should continue to be explored, making adjustments where indicated for the most effective use of staff across the state.

Overall report conclusions

After DJJ completed a program analysis and staffing review for its Division of Education, it is concluded that the staffing ratios for the DJJ Division of Education allow DJJ to provide an adequate level of services to committed residents. The teacher-to-student ratios for DJJ's Yvonne B. Miller High School were between 1:7 and 1:8 for the Spring, Summer, and Fall 2013 Terms,

¹⁰ Detention centers' constructed capacities may differ from operational capacities; some constructed capacity beds may not be in use.

complying with the *Virginia Administrative Code* (8VAC20-81-320) 1:10 requirement.¹¹ If further reductions occur in the DJJ Division of Education, however, the level of educational services at DJJ could be compromised; state and federal laws may not be met; and the number of diplomas and General Education Development (GED) credentials earned could decrease.

VDOE also completed a staffing review of Virginia's secure juvenile detention centers through which it was found that VDOE needs to maintain the current level of teaching staff in order to offer students core content, career and technical education (CTE), and elective classes taught by licensed and endorsed teachers. Since there are 24 independent local or regionally operated secure juvenile detention centers, it is recommended that at each facility there be content area certified teachers in each subject including, but not limited to, English, mathematics, science teacher, social studies, health and physical education, art or music, and focusing on alternative programs such as Individual Student Alternative Education Plan (ISAEP) and GED. In addition, each facility requires appropriately endorsed special education teacher (e.g., for learning disability or emotional disturbance identified students) should be assigned to each facility to ensure that the rights afforded to students under the Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA) are protected.

¹¹ 8VAC20-81-320 (Additional responsibilities of state boards, agencies, and institutions for education and training of children with disabilities in residence or custody) is the VDOE's regulation governing agency responsibilities for special requirements for educating students with disabilities in residence or custody. Subdivision C (11) of the regulation, relating to staffing, applies to the former Department of Correctional Education (DCE). Other subdivisions apply to other agencies, institutions, and groups of students with specifically identified disabilities. DJJ, for the purposes of this report, is using the former DCE ratio as the ratio requirement in completing this report.