



VIRGINIA
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November 1, 2021

The Honorable Luke E. Torian
Chair, House Appropriations Committee
Pocahontas Building
900 East Main Street, 13th Floor
Richmond, Virginia 23219

The Honorable Janet D. Howell
Chair, Senate Finance and Appropriations Committee
Pocahontas Building, Room No: E509
PO Box 396
Richmond, Virginia 23218

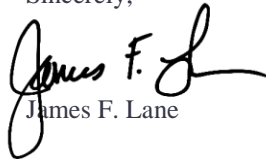
Dear Sir and Madam:

I am pleased to submit the enclosed report that describes the Virginia Board of Education's recommendations for appropriate staffing and funding levels necessary for State Operated Programs in regional and local detention centers. This report contains an overview of the complex regulatory and guidance implications as well as specific details regarding current staffing models, funding and possible areas of policy and regulatory impact.

The 2021 Appropriation Act (Chapter 522, Item 145 (C) 19.2) specifically required that the Virginia Board of Education convene a workgroup focused on staffing for the local juvenile detention canthers within the State Operated Programs. This workgroup was charged with taking into consideration a number of factors as well as being comprised of a number of required members. The findings and recommendations were required to be reported to the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee by November 1, 2021.

Please direct questions to Holly Coy, Assistant Superintendent of Policy and Communications by email at Holly.Coy@doe.virginia.gov.

Sincerely,



James F. Lane

JFL/SMH

Enclosure



Recommendations for Appropriate Staffing and Funding Levels Necessary for State Operated Programs (SOPs) in Regional and Local Detention Centers

Report to the Chairman of the House Education and Appropriations Committees and the Senate Educational and Health and Finance Committees pursuant to Item 145.C.19.c 2 of Chapter 552 of the *2021 Appropriation Act*.

NOVEMBER 1, 2021

VIRGINIA BOARD OF EDUCATION

Recommendations for Appropriate Staffing and Funding Levels Necessary for State Operated Programs (SOPs) in Regional and Local Detention Centers

AUTHORITY

This report has been prepared as a response to Item 145.C.19.c 2 of Chapter 552 of the 2021 *Appropriation Act*. The 2021 *Appropriation Act* designated the Virginia Department of Education (VDOE) to serve as the lead agency to make recommendations for: (i) appropriate staffing and funding levels necessary for State Operated Programs (SOPs) in regional and local detention centers to provide a quality education program; (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to implement the Board's findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board's findings. Additionally, the 2021 *Appropriation Act* required the VDOE to convene a workgroup to assist in the development of such findings and recommendations.

EXECUTIVE SUMMARY

The [2021 Appropriation Act \(Chapter 552, Item 145.C.19.c.2\)](#) required that the following actions be undertaken:

The Board of Education shall make recommendations for: (i) appropriate staffing and funding levels necessary for State Operated Programs (SOP) in regional and local detention centers to provide a quality education program; (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to implement the Board's findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board's findings.

In developing such recommendations, the Board shall consider: (i) the dramatic decrease in the Average Daily Population in detention centers over the course of two decades without a comparable decrease in state funding; (ii) establishing a system-wide staffing ratio that is comparable to those provided in Regional Alternative Education Programs and aligned with the staffing requirements provided in the federal Prison Rape Elimination Act; (iii) implementing efficiencies, such as sharing SOP instructional staff with participating school divisions, hiring part-time teachers and dually-certified teachers and principals, and utilizing a lead teacher in lieu of a full-time principal in programs with a low average daily population; (iv) changes to SOP operating agreements to facilitate more efficient staffing practices and to clarify the role of the state and school divisions in hiring and supervising SOP instructional staff; (v) increasing the use of enhanced distance learning; and (vi) the draft recommendations deliberated by the Commission on Youth from the 2020 study.

The Board shall convene a workgroup to assist in the development of such findings and recommendations and shall include staff members from the Senate Finance and Appropriations Committee, House Appropriations Committee, Department of Planning and Budget, the Virginia Department of Education, the Department of Juvenile Justice, the President of the Virginia Juvenile Detention Association or his/her designee, the Chair of the Virginia Commission on Youth or his/her designee, and other representatives the Board deems appropriate. Findings and recommendations shall be reported to the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee by November 1, 2021.

The 2021 Appropriation Act outlined that the workgroup shall include a number of various stakeholders to include, but is not limited to, staff members from the Senate Finance and Appropriations Committee, House Appropriations Committee, Department of Planning and Budget, the Virginia Department of Education, the Department of Juvenile Justice, the President of the Virginia Juvenile Detention Association or his/her designee, the Chair of the Virginia Commission on Youth or his/her designee, and others the Board deemed appropriate. As such, the members of the workgroup charged with making recommendations on the: (i) appropriate staffing and funding levels necessary for State Operated Programs (SOPs); (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to implement the Board's findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board's findings consisted of representatives from each of the entities identified above. The workgroup also included personnel from VDOE's Board of Education, VDOE's Office of Policy, VDOE's Department of Special Education and Student Services, representatives from two juvenile detention centers, and an advocacy group specializing in youth justice programs. A full listing, by name and representation, of participants in the workgroup can be found at Appendix A.

REGULATORY AND GUIDANCE IMPLICATIONS

The *Code of Virginia*, at [§22.1-7](#), states that each state board, state agency, and state institution having children in residence or in custody shall have responsibility for providing for the education and training to such children which is at least comparable to that which would be provided to such children in the public school system.

The *Code of Virginia*, at [§22.1-17.1](#), addresses re-enrollment requirements and speaks to the need for consistency in curricula, standards, and policies for eligible students. An eligible student is any student committed to the Department of Juvenile Justice (DJJ) or who spends 30 or more consecutive days in a juvenile detention center.

The *Regulations Governing the Reenrollment of Students Committed to the Department of Juvenile Justice* can be found at **8VAC20-660-10 et. seq.** The *Code of Virginia*, at [§22.1-209.2](#), states the responsibility for SOP education programs falls to the Virginia Board of Education (VBOE) and must be compliant with state and federal laws. The teacher/student ratio in juvenile detention centers (JDCs) is listed as 1:12 - est. in 1987. The SOP academic programs cannot be compliant with other parts of the *Code* with this ratio. Students would not receive credits

required for graduation. This is also in conflict with the [Prison Rape Elimination Act \(PREA\)](#). The PREA requires a ratio of security staff to residents during waking hours of 1:8. Facilities will not hire additional security staff to meet a 1:12 ratio in classrooms. Teaching staff do not count in PREA; it's explicitly stated that only security staff are counted in the ratio.

Additionally, if you were to follow a ratio that only allows for three teachers, students would not receive credit for work completed from teachers who are not properly endorsed. Further complicating such a change in the ratio is the fact that finding teachers who carry multiple endorsements is extremely difficult. Furthermore, the burden of having one teacher responsible for two content areas is outside of human resources (HR) policy when you consider the number of potential lesson preps and planning time one teacher would need to ensure comparable services are provided to the students in the JDC. Finally, creating a daily schedule that provides the mandated 5.5 hours of instructional time and also provides the planning time required for teachers would be unworkable.

As to the staffing requirements of JDC personnel, any time eight or more students are in one room, there must be two security staff. The number of staff increases as the number of students increases. Thus, if it were recommended to put more than eight students into a classroom, then there would have to be two staff dedicated to stay in that classroom.

The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, at 8VAC20-81-30.H, *Responsibility of Local School Divisions and State Operated Programs*, state that each state operated program shall ensure that all requirements in the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* are applied to children with disabilities, aged two to 21, inclusive, in that institution.

The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, at 8VAC20-81-100, *Free Appropriate Public Education*, outline the requirements for ensuring that students with disabilities with the state operated programs receive a free appropriate public education (FAPE).

The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, at 8VAC20-81-320.A, *Additional Responsibilities of State Boards, Agencies, and Institutions for Education and Training of Children with Disabilities in Residence or Custody*, states, in part, that the Virginia Board of Education (VBOE) supervises the education and training of SOP students and references to a requirement to provide instruction for 5.5 hours of daily or 27 ½ hours weekly.

The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, at 8VAC20-81-320.C.1-2, *Additional Responsibilities of State Boards, Agencies, and Institutions for Education and Training of Children with Disabilities in Residence or Custody*, outline the staffing requirements for state operated programs.

The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, at 8VAC20-81-320.C.3, *Additional Responsibilities of State Boards, Agencies, and*

Institutions for Education and Training of Children with Disabilities in Residence or Custody, define the facility and materials requirements within state operated programs.

The above referenced Virginia regulations can be found at [Regulations Governing Special Education Programs for Children with Disabilities in Virginia](#).

Additionally, SOPs must be in compliance with other state and federal statutes including: IDEA, ESSA - Title I, Part N & D as well as maintaining compliance with the US ED Office of Civil Rights. Further, the SOP Administrative Manual describes how the instructional program provided shall be designed to provide a continuum of program alternatives to meet the needs of each student and may include, if appropriate:

1. Instruction in basic educational skills;
2. Prevocational, vocational, and career education;
3. Preparation for high school graduation;
4. Affective educational skills;
5. Self-help skills; and
6. Preparation for the General Educational Development (GED®) examination.

STATE OPERATED PROGRAM OVERVIEW

State operated education programs are tasked with providing education services to students who are in residence at Virginia's local and regional juvenile detention centers, state teaching hospitals, and state mental health facilities. The programs also include education consultants staffed at certain Virginia Department of Health clinics.

Each of Virginia's 24 juvenile detention centers has an education program fully funded by VDOE utilizing funds from the *Appropriation Act*. Detention intakes occur every day at any time of the day or night. The JDC academic programs must be prepared to educate students from age 11 up to age 21. The academic program has no control over which students are detained or the juvenile student's length of stay at the JDC.

The academic programs are directed to provide comparable education services to enrolled students and must provide an education similar to that of traditional public school. That includes staffing the programs with teachers endorsed in their content area, following the VDOE's Standards of Learning (SOL), and providing assessment opportunities required for graduation or GED participation. The programs must also stay in compliance with state and federal regulations.

WORKGROUP ACTIVITY/DISCUSSION SUMMARIES

The workgroup met over two sessions (July 1, 2021, and August 3, 2021) to discuss and make recommendations for changes, if any, in the staffing and funding levels necessary for SOPs in regional and local detention centers that would ensure continued provision of a quality education program for students detained in these facilities. In preparation for its deliberations, the workgroup received a presentation during the workgroup's July 1, 2021, meeting from the

VDOE's Office of Specialized Education Facilities and Family Engagement (SEFFE). This presentation provided an overview of the state operated programs with the Commonwealth. Information presented included student population trends (total number of detainees, average length of stay, number of students with disabilities and English Language Learners (ELL), graduation status, etc.), staffing trends, budget trends for the period of FY 2015-2016 through FY 2020-2021, disbursement of funds to local educational agencies for fiscal and human resources management, and current initiatives being considered by VDOE regarding the staffing within all SOP programs (juvenile detention centers (JDCs), hospital education programs, clinics, and juvenile and adult mental health facilities). Additionally, during the July 1, 2021, meeting the workgroup was provided with the current regulatory background applicable to SOPs.

During the August 3, 2021, meeting, the workgroup met in rotating small breakout groups for discussion on guiding questions regarding the following topics: (i) staffing efficiencies; (ii) funding areas and priorities; and (iii) policy and regulatory impact. The workgroup reformed as a full body to share and discuss the information shared during the small group sessions, along with discussion on other key questions and to provide recommendations. A narrative summary of the small group discussions are provided below:

Staffing Efficiencies

Workgroup members looked at the current staffing patterns within the JDC academic programs, which include: a principal or lead teacher, an administrative assistant, and core content area teachers in English, Math, Science, Social Studies, Health/Physical Education (PE), special education (SPED), and ELL (if needed). Other positions, although not at every center as the size of the facility determines the staffing, which included: a Transition Specialist (recommended by Title I), Literacy Coach, Art or Music Therapist, School Social Worker, Post Dispositional or general education development (GED) Teacher, and career and technical education (CTE) Teacher. Workgroup members considered how instruction would be impacted if the budget was reduced and positions had to be eliminated.

The JDC academic programs are employees of a local school division and must follow the employing division's human resources policies and procedures. As such, any recommendations to create regional or shared staffing patterns and how that might be accomplished in an efficient manner could be impacted by local human resource policies and procedures. Also important to note are the federal and state accountability requirements that ensure the integrity of the daily schedules for the JDC and the allowance for variances between school division policies. Issues such as travel time between facilities, staff evaluations, and funding were considered. Support and leadership for the JDC programs are linked back to the administration at VDOE. At the VDOE oversight of the state operated programs (of which Juvenile Detention Centers are just one of the three programs) has one specialist covering all of the SOP programs across all eight Superintendent's Regions in the Commonwealth. The workgroup also considered the recommendation of increasing state staffing and oversight to ensure efficiencies and implement workgroup recommendations in the SOP programs.

Workgroup members clearly articulated that any decrease to the overall appropriation to this program could have a negative impact on all SOP academic programs. This could be exacerbated if additional funding is not provided associated with the addition of the state's largest juvenile

mental health facility set to open in the fall of 2022. Programs in each of the areas of SOP as well as this growth had to be considered when making any recommendations on staffing changes. Additionally, the workgroup discussed the potential impact that any reduction in staff at the JDCs would have on high school completion and post-graduate services for long term Department of Juvenile Justice (DJJ) students placed in local detention centers. It should be noted that DJJ does not fund any portion of the K-12 educational program provided in the JDCs. While DJJ may provide funding for postgraduate students, if the JDC is not staffed with enough qualified staff, these students will not be able to earn credits toward graduation.

Each of the groups raised the same concern that any changes in the current SOP staffing patterns would require additional study. Specifically, one group inquired as to what level of change might be appropriate given the review of requirements, should any changes be considered on a case-by-case basis or should there be a certain number of positions or a percentage of positions associated with a change? Additionally, the opening of a new juvenile mental health facility at the Children’s Hospital of The King’s Daughters (CHKD) in the fall of 2022 caused concerns about the impact that staffing the SOP at this facility would have on the overall staffing and budgeting considerations across all of the other SOP facilities. Funding for the new CHKD facility will be dependent upon what is provided in the *Appropriations Act*, with an understanding that what is appropriated would be for all SOP Programs. As such, if there is not a sufficient increase awarded in the *Appropriations Act* to cover the cost of operating the new CHKD facility, changes would need to be made to the funding of the other SOP programs and could lead to a reduction of services in the JDCs and health education program (HEP) facilities. Discussion also centered on the concern that students in the juvenile detention centers are some of the Commonwealth’s most vulnerable and a focus should be on the equitable provision of services and support for these students to become successful as well as to have a long-term impact on recidivism. One group discussed this topic at length and noted that, despite their current circumstances, students should not be subject to what this group defined as “double punishment.” This statement was based on discussion that the current regulations require that students in SOP programs receive an education which is at least comparable to that which would be provided to such children in the public school system and that any reduction in staffing could have an impact on the students’ ability to earn appropriate instruction for success in the Standards of Learning (SOL) testing and, as such, earn the required verified credits for graduation. Another group made the point that the teachers in the JDCs make a difference and often reestablish or make connections with their students, prompting them to look at their education in a more positive light. A concern regarding potential implications of lack of equity was also posed by the groups. The groups also agreed that the mental health of students should be a priority and, thus, funding and staffing at the mental health facilities should be a priority, but that the Commonwealth should not lose sight of the fact that students in the JDCs also may have mental health issues that can impact the staffing and support on-site at the JDC. There was much discussion from the workgroups on a needs-based approach to staffing and the awareness that Standards of Quality (SOQ) staffing levels are for a floor-level compliance and as such SOP programs should be considered for funding on needs and that any staffing solution should consider student population demographics, distance between facilities, etc.

Funding Areas and Priorities

Workgroup members discussed the priority of comparable services for students and the potential negative impact of any arbitrary funding cuts and percentage reductions given the regulatory and programmatic requirements of providing services and supports to students. Members were much more supportive of efficiency on the programmatic side that could allow for eventual realignment of staffing and program supports over time. Efficiencies noted include staff sharing across JDC and other SOP programs as well as developing regional based partnerships with one LEA designated to serve as fiscal and human resources facilitator. Workgroup members also discussed the possibility of studying program trends over time and consideration for support programs as a way to develop a more nuanced methodology to aid the SOQ based staffing and funding models to ensure education provided in on par with that of public school divisions.

Discussion also included conversation related to serving post-grad students and the impact this minimal student population had on the overall program support of JDC. Workgroup members noted the value in the positive outcomes for students (graduation, workplace readiness skills, and career and technical education credentials) as providing a bridge to success for students as well as reducing recidivism. Members were also complimentary of the support and partnership from local community colleges as well as the financial support from DJJ in supporting students in continuing their educational journey. The Department of Juvenile Justice may, on a case-by-case basis, provide funding for postgraduate students whose educational needs may include participation in community college coursework, job training, etc. In any case, DJJ students working towards a high school diploma or GED must receive instruction from a properly endorsed teacher.

Areas of Policy and Regulatory Impact

Workgroup members acknowledged that with an unknown daily student population due to a fluctuation in the length of stay of pre-dispositional students, stable staffing needed to be available to work with a range of students including: general education students, students with significant education gaps, students with disabilities and Section 504 plans, and English Learners. The workgroup noted the U.S. Department of Education monitors academic services to students in detention settings and has set the expectation that students will receive instruction from qualified teachers endorsed in their content area. The cost of salaries to ensure experienced and endorsed educators are available who understand the unique needs of the student population has been the primary driver for cost increases under SOP programs.

Members reviewed requirements of the *Individuals with Disabilities Education Act* (IDEA). Students with disabilities must receive a free and appropriate public education regardless of their placement in a detention center. This includes specialized instruction, accommodations and modifications, related services, and transition services. Each center must have at least one endorsed special education teacher to maintain compliance with IDEA. Individualized Education Plans (IEPs) must be implemented with fidelity and the programs need the personnel and resources to do so. On average, 25-35 percent of detained students are identified as a student with an educational disability.

The workgroup reviewed the *Code* statement that directs VDOE to provide comparable education services to students enrolled in SOP academic programs as well as the current Standards of Quality which state that Virginia will provide a system of high quality educational services to all children. To ensure compliance with these regulatory mandates, academic staffing in juvenile detention centers must remain at a level to provide comparable services. A reduction to staffing could result in less than comparable services and programs being out of compliance with federal and state regulations. While intakes to detention have declined, the students who are enrolled have experienced significant trauma, typically have multiple school placements and a history of poor school attendance. Students require intensive services and support to maintain progress towards graduation and/or an overall lack of school engagement. A reduction to staffing could also impact the ability to offer all courses required for graduation as well as preparing students to take the GED® assessment. The programs could face legal consequences if they do not provide coursework required for graduation.

Some workgroup members noted the majority of students enrolled in detention academic programs are minority students. Reducing services to this population would not be equitable or comparable to their school division peers and would not be compliant with VDOE's mission for an equitable education for all students in order to reduce the achievement gap.

Some workgroup members also concurred that the outdated teacher to bed ratio in the *Code* was not appropriate for academic program staffing nor is it in alignment with the *Prison Rape Elimination Act* (PREA) mandates. These staffing ratios predate the current multi-faceted make up of Virginia's detention population which includes pre-dispositional youth, youth awaiting placement, and youth actively serving their sentences at a juvenile detention center (post-dispositional and Community Placement Program (CPP) youth). Often, these populations are not mixed because of their varying level of involvement in the system. They noted a ratio was illogical given facilities range from 20 beds to 120 beds. Additionally, ratios provide a minimum standard and do not take into account the various academic needs of students. Conducting and then using a longitudinal study on the average daily population could create a better benchmark for staffing in the future and provide insight for possible code language updates.

Furthermore, it must be understood that teachers do not count in the PREA supervision ratio. If more than eight students are assigned to a classroom at one time, there must be two detention staff in the classroom. Detention staff determine the classroom assignments. In the majority of the centers, students move through the school day with their living unit. Most detention centers cap a living unit at eight students. So, if a center has 24 units with eight living in three units, there may be three classroom groups of eight students each with one security staff per classroom. If groups were combined into two groups of 12, you would need 4 security staff. In theory, there could be a group of 16 and 8 and only need 3 security staff. However, the JDCs do not have the classroom space for groups this large and detention staff will not mix living units into groups this large.

Some workgroup members felt that SOPs require staffing stability with teachers who have demonstrated the capacity to teach multiple subjects at one time to students with disparate skill sets, academic gaps, and background knowledge. The students in the programs require consistent access to qualified personnel who are licensed to provide comparable education services.

Therefore, within the school year fluctuations of teaching staff based on student populations is not a solution that is appropriate or tenable.

COMMISSION ON YOUTH STUDY AND RECOMMENDATIONS

The Virginia Commission on Youth (COY) conducted a study of state operated programs, specifically in juvenile detention centers, in the fall of 2020, and issued its report [Education in Local Detention Centers](#) in 2021. The results of that study found that, “due to effective juvenile justice reforms, the average daily population (ADP) in Virginia’s 24 juvenile detention centers (JDCs) has decreased dramatically over the past decade and is projected to continue to decline. However, funding for education in detention has increased over this time period. Because of the unique challenges involved in providing education within regional and local juvenile detention centers, the Board of Education with the input of a workgroup is best suited to make recommendations to ensure that State Operated Programs (SOP) can continue to provide a quality education program to a smaller student population.” The COY study also identified the following issues:

- *Juvenile detention provides a temporary placement for juveniles with criminal charges who require a secure environment to ensure public safety for the community or to provide protection of the juvenile’s own well-being.*
- *There are 24 juvenile detention centers (JDCs) in the Commonwealth, each operated by local governments or multi-jurisdictional commissions.*
- *The Department of Education (DOE) enters into a cooperative agreement with the locality in which the JDC is located.*
- *Educational instruction, including remedial services, is required within 24 hours of detainment (or the next school day) through DOE’s SOP.*
- *The ages and grade levels of these juveniles span a wide range. Instruction is in all core classes and special education, and students are taught exclusively under the Standards of Learning (SOL).*
- *The Department of Juvenile Justice partners local detention centers to provide Community Placement Programs (CPPs). CPPs are highly structured and disciplined residential programs for committed juveniles. They focus on treatment needs and risk factors and on developing competency in the areas of education, job readiness, and life and social skills.*
- *Pre-dispositional (Pre-D) juveniles constitute a majority of the population within a detention center (72.6%). The remaining 27.4 percent of detained juveniles have a post dispositional (Post-D) status or “other” detention dispositional status.*

- *In 2019, the average length of stay for Pre-D individuals was 24.1 days, and 29.8 percent of Pre-D youth had a length of stay of three days or less. Conversely, the average length of stay for juveniles with Post-D status is generally much longer (144.6 days). The difference in the length of stay between Pre-D and Post-D juveniles likely presents a challenge to adequately addressing the education needs of all juveniles in a detention center. We note that this data reflects a calendar year and not the 180-day instructional year.*
- *The number of juvenile intake cases has declined significantly since 2010, with a decrease of 43.6 percent. Overall, the JDC average daily population declined by 35.3 percent between 2010 (805 detainees) and 2019 (520 detainees). The Department of Juvenile Justice (DJJ) forecasts that the JDC population will continue to decrease through 2020 and then level off at around 457 detainees for the remainder of their forecast through 2025.*

As a result of identified issues and findings the COY made the following recommendation: “Introduce a budget amendment directing the Board of Education to recommend (i) appropriate staffing and funding levels necessary for State Operated Programs (SOP) in regional and local detention centers to provide a quality education program; (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to implement the Board’s findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board’s findings” which resulted in the 2021 General Assembly passing the *2021 Appropriation Act* (Chapter 552, Item 145.C.19.c.2) requiring the establishment of this workgroup.

BOARD OF EDUCATION RECOMMENDATIONS

Upon analysis of the workgroup discussions and the regulatory implications outlined above, along with consideration given to: (i) the dramatic decrease in the Average Daily Population in detention centers over the course of two decades without a comparable decrease in state funding; (ii) establishing a system-wide staffing ratio that is comparable to those provided in Regional Alternative Education Programs and aligned with the staffing requirements provided in the federal *Prison Rape Elimination Act*; (iii) implementing efficiencies, such as sharing SOP instructional staff with participating school divisions, hiring part-time teachers and dually-certified teachers and principals, and utilizing a lead teacher in lieu of a full-time principal in programs with a low average daily population; (iv) changes to SOP operating agreements to facilitate more efficient staffing practices and to clarify the role of the state and school divisions in hiring and supervising SOP instructional staff; (v) increasing the use of enhanced distance learning; and (vi) the draft recommendations deliberated by the Commission on Youth from the 2020 study, the Board of Education respectfully makes the following recommendations:

- Increase state staffing through the VDOE and oversight to ensure oversight, efficiencies, and implementation of the workgroup recommendations for the SOP programs.
- Require that VDOE staff meet with school division supervisors this fall to review the responsibilities of each agency and, although the local school divisions do not have oversight of the academic programs or budgetary decisions related to the state operated

programs, to solicit their input on how to share staff across school divisions or in developing regional programs and the impact that such changes might have on them from an HR and fiscal agent perspective.

- Consider developing “regional” models moving multiple facilities to one school division under cooperative agreement so that staff can be shared/better utilized with efficiency and compliance in mind.
- Examine the feasibility of having building administrators provide leadership and supervision across multiple facilities.
- Consider sharing staff between mental health and JDC facilities or between JDCs.
- Explore the creation of a “pool” of staff which could serve as needed based on JDC population and other demographics (special education, ELL, etc.).
- Consider using “lead teacher” positions instead of a principal position at certain facilities.
- Where possible, consider the use of enhanced online/asynchronous instructional options; such as Virtual Virginia, Edgenuity, etc.
- When possible, provide incentives for teachers to obtain multiple endorsements.
- When possible, share staff within the cooperating school division.
- Where possible, cut middle school program staff due to low numbers.
- Continue study to develop an alternative to the statutorily required 1:12 teacher to student staffing ratio.

ACKNOWLEDGEMENTS/CLOSING

In closing, the workgroup recognized the positive educational impact on students enrolled in detention academic programs and recognized the students’ successes. Members acknowledged the programs appeared to have what they needed to be successful and should continue to be appropriately funded in order to maintain their progress. The workgroup also noted that detention education positions have been reduced by 19 teachers over the last six years. These reductions are directly connected to school division pay raises and increases in health care and other benefits included in salary packages. Thus, rising salaries/benefits costs are the driving force for the increased costs of the state operated programs over time. In their 2021 report on *Education in Local Detention Centers*, the Commission on Youth focused just on the juvenile detention center programs without taking into consideration the other programs within the state operated program structure thus, making it an incomplete analysis. This report seeks to balance the requirements of the workgroup convening alongside the continued reviews, monitoring, and studies that have made decreases in program funding a priority. The Virginia Board of Education looks forward to supporting the Virginia Department of Education in reviewing and implementing the recommendations of the workgroup and continuing to work to identify efficiencies that could, over time, be redirected to other appropriate programs.

The Virginia Board of Education would like to acknowledge and thank the participants in this workgroup for their commitment and the investment of their time toward ensuring a meaningful discussion took place regarding the issue prompting the workgroup’s convening.

APPENDIX A

SOP WORKGROUP MEMBERSHIP

NAME	AGENCY	POSITION TITLE
Dr. Stewart Roberson	Virginia Board of Education (VBOE)	VBOE Representative – Workgroup Chair
The Honorable David Marsden	Commission on Youth (COY) – Virginia Senate	COY Chairman – Senator District 37
Dr. Samantha Hollins	VDOE Department of Special Education and Student Services (SESS)	Assistant Superintendent
Henry Millward	VDOE Office of Specialized Education Facilities and Family Engagement (SEFFE)	Director
Laurie Cooper	VDOE Office of Specialized Education Facilities and Family Engagement (SEFFE)	SOP Specialist
Dr. Leslie Sale	VDOE Office of Policy	Director
Marilyn Brown	Virginia Juvenile Detention Association (VJDA)	President of VJDA and Superintendent, Chesterfield Juvenile Detention Center
Dr. Melinda Boone	Department of Juvenile Justice (DJJ)	Deputy Director of Education
Tyler Williams	Senate Finance and Appropriations	Legislative Analyst
Zack Robbins	House Appropriations	Legislative Fiscal Analyst
Michael Maul	Department of Planning and Budget (DPB)	Policy Planning Manager III
Aimie Gindi	Department of Planning and Budget (DPB)	Policy Planning Specialist III
Renae Vanderveldt	Department of Planning and Budget (DPB)	Policy Planning Specialist III
Ainsley Walker	Department of Planning and Budget (DPB)	Policy Planning Specialist II
Tanner Boyle	Blue Ridge Juvenile Detention Center (JDC)	JDC School Principal
John Day	Newport News Juvenile Detention Center (JDC)	JDC School Principal
Amy Woolard	Legal Aid Justice Center	Policy Director
Rachael Deane	Legal Aid Justice Center	Legal Director, Youth Justice Programs