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| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |

# Agenda Item: G

## Date: October 21, 2021

### Title: First Review of Report on Recommendations for Appropriate Staffing and Funding Levels Necessary for State Operated Programs (SOP) in Regional and Local Detention Centers

#### Presenter: Dr. Samantha M. Hollins, Assistant Superintendent for Special

####  Education and Student Services

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## Purpose of Presentation:

Action required by state or federal law or regulation.

**Executive Summary:**

[Item 145 (C)19.2 of the 2021 Appropriation Act](https://budget.lis.virginia.gov/item/2021/2/HB1800/Enrolled/1/145/)requires the Board to make recommendations to the General Assembly related to State Operated Programs. The budget language requires that the Board convene a workgroup to make recommendations on the: (i) appropriate staffing and funding levels necessary for State Operated Programs (SOP); (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.

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 The workgroup also included personnel from the Virginia Department of Education’s (VDOE) Office of Policy and Department of Special Education and Student Services, representatives from two juvenile detention centers, and an advocacy group specializing in youth justice programs.

On behalf of the Board, VDOE staff facilitated two virtual workgroup meetings and work sessions that took place July 1, 2021, and August 3, 2021. The workgroups contained multiple members from the above required stakeholders. During each meeting, members received informative presentations as well as time to engage in facilitated discussions around the topical areas highlighted in the workgroup requirements. As a result of these meetings and discussions, a draft report was developed and shared with all workgroup members for feedback, additions, and edits. Workgroup members provided edits and comments to the existing recommendations but did not offer any new recommendations. No additional detailed feedback was received from workgroup members.

The report, as presented to the Board on September 22, 2021 during its work session, was reflective of the robust engagement undertaken as prescribed by the requirements of the legislation with interaction from the stakeholders and their respective organizations.

The proposed recommendations support Priority 1 of the [Board of Education Comprehensive Plan](https://www.doe.virginia.gov/boe/plan/index.shtml) to “provide high quality, effective learning environments for all students.”

## Action Requested:

The Board is requested to waive first review and approve this report for transmission to the General Assembly by the requested due date of November 1, 2021.

**Superintendent’s Recommendation:**
The Superintendent of Public Instruction recommends that the Board waive first review and approve the *Report on Recommendations for Appropriate Staffing and Funding Levels Necessary for State Operated Programs (SOP) in Regional and Local Detention Centers* to be transmitted to the General Assembly by November 1, 2021.

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**Background Information and Statutory Authority:**

This report has been prepared in response to [Item 145 (C) 19.2 of the *2021 Appropriation Act*](https://budget.lis.virginia.gov/item/2021/2/HB1800/Enrolled/1/145/).

*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 *Appropriation Act* designated the Virginia Board of Education to serve as the lead agency to 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. Additionally, the *Appropriation Act* required the Board to convene a workgroup to assist in the development of such findings and recommendations.

**Timetable for Further Review/Action:**
Following Board approval and any technical edits made by VDOE staff, the *Report on Recommendations for Appropriate Staffing and Funding Levels Necessary for State Operated Programs (SOP) in Regional and Local Detention Centers* will be transmitted to the General Assembly by November 1, 2021.

## Impact on Fiscal and Human Resources:

The impact on fiscal and human resources is unknown at this time and reliant on any action taken by the General Assembly with respect to the recommendations made within the report.