



COMMONWEALTH of VIRGINIA
Department of Education

December 2, 2016

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: State Operated Programs and Re-enrollment Procedures

The purpose of this memo is to clarify the definition of State Operated Program (SOP) and practices for school divisions that interact with SOPs. The SOP refers to those education programs in the 24 local and regional detention centers, Commonwealth Center for Children and Adolescents, The Virginia Treatment Center for Children, Medical College of Virginia and Children's Hospital of Richmond, University of Virginia Hospital, Children's Hospital of the King's Daughters and those clinic consultants assigned to various clinics associated with the Virginia Department of Health. The SOP also refers to the education programs at Central State Hospital, Western State Hospital, and Eastern State Hospital. A complete list of SOPs along with the name of the program leader can be found at this link:

www.doe.virginia.gov/support/state_operated/index.shtml.

The *Code of Virginia* defines responsibility of each state board, agency and institution having children in residence or in custody at [§ 22.1-7](#). The *Code* reiterates SOPs at [§ 22.1-209.2](#). In addition, Special Education Regulations, define a SOP as a "local educational agency" ([8 VAC 20-81-10](#) (PDF)) and further defines that SOPs shall ensure a free appropriate public education (FAPE) [8 VAC 20-18-30 B](#) (PDF), including special education services. There is one exception to a SOP providing FAPE when there is a long term placement for non-educational purposes at Children's Hospital of Richmond. Further information about this exception can be found at [8 VAC 20-81-30, H](#) (PDF).

According to [8 VAC 30-131-60](#), "Virginia public schools shall accept standard and verified units of credit from other Virginia Public Schools, Virginia's virtual learning program, Virtual Virginia, and state operated programs." Since the majority of students educated in a SOP are enrolled on a short term basis, credit should be granted for the work completed while the student was enrolled in the SOP.

Concerning the SOPs in local and regional detention homes, The Board of Education promulgated regulations governing the re-enrollment of students committed to the Department of Juvenile Justice (DJJ) or students residing in detention homes or centers for more than 30 calendar days. (See Superintendents Memo #77, April, 15, 2005.) The re-enrollment regulations became final and in effect on August 23, 2006. The regulations present a procedure for re-enrollment of students into the public schools when they have been in the custody of the juvenile justice system and receiving instruction through local and regional detention homes and DJJ. The regulations promote the exchange of educational information concerning students among the Departments of Juvenile Justice, Department of Corrections, and local and regional detention homes, and local education agencies (LEAs). The regulations also note specific timelines for the re-enrollment process.

Questions regarding SOPs should be directed to Laurie Cooper, Education Specialist for State Operated Programs at (804) 786-8671 or by email at Laurie.Cooper@doe.virginia.gov.

SRS/LC/sb

