



**FINAL REPORT OF THE
VIRGINIA COMMISSION ON YOUTH**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**

Education in Local Detention Centers

**COMMONWEALTH OF VIRGINIA
RICHMOND
2021**

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Virginia House of Delegates

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I. Authority for Study

Section 30-174 of the *Code of Virginia* establishes the Commission on Youth and directs it to “study and provide recommendations addressing the needs of and services to the Commonwealth’s youth and their families.” This section also directs the Commission to “encourage the development of uniform policies and services to youth across the Commonwealth and provide a forum for continuing review and study of such services.” Section 30-175 of the *Code of Virginia* outlines the powers and duties of the Commission on Youth and directs it to “undertake studies and to gather information and data ... and to formulate and report its recommendations to the General Assembly and the Governor.”

As a result of Virginia’s recent juvenile justice reform efforts, the average daily population in local detention centers has decreased dramatically; however, the funding level for education provided in these centers has increased. At its June 17, 2020, meeting, the Commission approved a study to investigate issues related to education in local detention centers including the following:

- Assess local juvenile detention centers’ education systems and how education is delivered.
- Conduct an overview of other state operated programs for children in residence or in the custody of state agencies.
- Review education-related state and federal laws and regulations related to detained youth.
- Make recommendations to improve the efficiency and effectiveness of educational services in local detention centers.

II. Members Appointed to Serve

The Commission on Youth is a standing legislative commission of the Virginia General Assembly. It is comprised of twelve members: three Senators, six Delegates, and three citizens appointed by the Governor. 2020 membership of the Virginia Commission on Youth is listed below.

Senator David W. “Dave” Marsden, Burke, Chair
Senator Barbara A. Favola, Arlington
Senator David R. Suetterlein, Roanoke
Delegate Emily M. Brewer, Smithfield, Vice-Chair
Delegate Rob B. Bell, Charlottesville
Delegate Joshua G. Cole, Fredericksburg
Delegate Karrie K. Delaney, Centerville
Delegate Elizabeth R. Guzman, Woodbridge
Delegate Jerrauld C. “Jay” Jones, Norfolk
Deirdre S. “Dede” Goldsmith, Abingdon
Avi D. Hopkins, Midlothian
Christian Rehak, Radford

III. Executive Summary

As a result of Virginia's recent juvenile justice reform efforts, the average daily population in local detention centers has decreased dramatically; however, the funding level for education provided in these centers has increased. At its June 17, 2020, meeting, the Commission approved a study to investigate issues related to education in local detention centers including the following:

- Assess local juvenile detention centers' education systems and how education is delivered.
- Conduct an overview of other state operated programs for children in residence or in the custody of state agencies.
- Review education-related state and federal laws and regulations related to detained youth.
- Make recommendations to improve the efficiency and effectiveness of educational services in local detention centers.

Following the adoption of the study plan, Commission staff conducted a study on education in local and regional juvenile detention centers. The Commission convened an Advisory Group of stakeholders and held two virtual meetings. Draft study findings and recommendations were presented at the Commission's October 21, 2020, meeting. The Commission received written public comment through December 2, 2020. After receiving public comment at the December 9, 2020, meeting, the Commission on Youth approved the following recommendation:

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 educational 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.

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 lead teachers in lieu of a full-time principals 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 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, President of the Virginia Juvenile Detention Association or his/her designee, the chair of the Virginia Commission on Youth or his/her designee, and anyone else the Board deems as appropriate to serve on the workgroup. Findings and recommendations shall be reported to the House Appropriations Committee and the Senate Finance and Appropriations Committee by November 1, 2021.

IV. Study Goals and Objectives

In response to Virginia's decreasing population in local and regional detention centers, the Commission on Youth at its June 17, 2020, meeting approved a study plan to investigate issues related to education in local detention centers including the following:

- Assess local juvenile detention centers' education systems and how education is delivered.
- Conduct an overview of other state operated programs for children in residence or in the custody of state agencies.
- Review education-related state and federal laws and regulations related to detained youth.
- Make recommendations to improve the efficiency and effectiveness of educational services in local detention centers.

A. IDENTIFIED 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 to provide educational instruction, including remedial services, to the detained juveniles through State Operated Programs (SOP).
- Educational instruction, including remedial services, is required within 24 hours of detainment (or the next school day) through DOE's SOP.
- The locality, through SOP, provides the educational program for all juveniles in its detention center. 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). Some detention centers also teach life and vocational skills and provide GED preparation.

- The Department of Juvenile Justice partners with 10 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.
- 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.

B. STUDY ACTIVITIES

The Commission’s approved study plan includes the following activities:

- Provide an overview of Virginia’s Juvenile Justice System.
- Convene an Advisory Group with representatives from the following agencies and groups:
 - Virginia Department of Juvenile Justice
 - Virginia Department of Education
 - Virginia Juvenile Detention Association
 - Juvenile Detention Center educators
 - Education stakeholders
 - Commission on Youth members
- Conduct site visits and interviews at juvenile detention centers.
- Research state and federal laws and regulations.
- Develop recommendations as needed.
- Present findings and recommendations to the Commission on Youth.
- Receive public comment.
- Prepare final report.

V. Methodology

The findings of this study are based on several distinct activities conducted by the Commission on Youth.

A. ADVISORY GROUP

In order to accomplish the work of this study, the Commission on Youth formed an Advisory Group to further review education in local and regional detention centers. The Advisory Group was chaired by Senator Dave Marsden. The Advisory Group met on the following dates:

- September 14, 2020
- October 6, 2020

The Advisory Group consisted of representatives from the following organizations and groups:

- Department of Juvenile Justice
- Detention Home Principals
- Virginia Juvenile Detention Association
- Department of Education
- Fairfax County Public Schools
- Retired Probation Supervisor
- Retired DJJ Director
- Detention Home Teachers
- Detention Home Superintendents
- Legal Aid Justice Center
- Senate Finance
- House Appropriations
- Commission on Youth Chairman

A list of the Advisory Group members can be found in Appendix A.

Due to the active state of emergency related to the Covid-19 pandemic, this Advisory Group met electronically pursuant to Item 4-0.01 of the 2020 Appropriation Act. As such, these meetings remain accessible to the public in archive form on the Commission on Youth's website.

Each meeting of the Advisory Group featured different oral presentations and included a roundtable discussion on the topic of education in detention. The Advisory Group heard different perspectives from superintendents, principals, and teachers as well as presentations from Commission on Youth staff. The Advisory Group received information on the average daily

population (ADP) in the detention centers, average length of stay (ALS), and the cost of providing educational services to juveniles in detention.

B. SITE VISIT

Due to the Covid-19 pandemic, the Commission was able to conduct only one site visit to a local detention facility. The Commission's chairman and staff toured Chesterfield Juvenile Detention Home on October 8, 2020. The tour was led by superintendent Marilyn Brown and school principal Jason Trueblood. Chesterfield Juvenile Detention Home has a certified capacity of 90 beds. At the time of the tour, 18 juveniles were in custody of the detention home.

Chesterfield offers many programs and services to its residents including the following:¹

- **Post-Dispositional Program** – A six-month program that provides court judges presiding in Chesterfield and Colonial Heights with an alternative to committing juveniles to the Department of Juvenile Justice. Services are designed to meet the individual behavioral, educational, and treatment needs of residents while they remain connected to their families and community.
- **Community Placement Program (CPP)** – In partnership with the Department of Juvenile Justice, Chesterfield's CPP provides residential services with community reintegration planning for committed juveniles. Services are designed to meet the individual behavioral, educational, and treatment needs of residents while they remain connected to their families and community.
- **Chesterfield Detention Home School** – Academic program funded by the Virginia Department of Education, State Operated Programs. This program provides instruction guided by Virginia Standards of Learning and follows Chesterfield County Public Schools curriculum and pacing guides. Students are enrolled in the education program on their first day of attendance. Home schools are advised to withdraw students from their home schools.
- **Medical Services** – Juveniles are assessed for pertinent health issues, medications, and food/drug allergies. Juveniles who stay more than five days receive a physical examination including health history, vital signs, and systems assessment.
- **Mental Health Services** – Provides behavioral and coping skills, coordinates services with outside agencies, and conducts therapy sessions.

The chairman and Commission staff had the opportunity to talk with teachers and detained juveniles about their experience with educational services within the detention center. At the time of the tour, there were no more than five students in each class. Each class had a teacher and a juvenile detention officer present in the classroom. All classes were comprised of only male students, as the small number of detained girls were taught in their living pod. The superintendent

¹ Chesterfield Juvenile Detention Home website: <https://www.chesterfield.gov/1064/Juvenile-Detention-Home>.

gave a tour of the detention center's library, which contained a large number of books with a wide range of reading levels available. Improved reading skills of detained juveniles was highlighted as one of the successes of the school.

C. RESEARCH AND ANALYSIS

To begin the research and analysis portion of this study, the Commission received several presentations at its first meeting on June 17, 2020. The purpose of the presentations was to give Commission members foundational knowledge of Virginia's juvenile justice system.

- The Virginia Department of Juvenile Justice's director, Valerie Boykin, gave an overview of Virginia's juvenile justice system, which included: oversight responsibilities of the department; racial and ethnic disparities; trauma among committed youth; and the transformation of Virginia's juvenile justice system. The presentation showed the positive outcomes as a result of Virginia's transformation, which included a dramatic decrease in the average daily population in juvenile correctional centers and in juvenile detention facilities. This presentation may be found in Appendix B.
- Marilyn Brown, Superintendent of Chesterfield Juvenile Detention Home and President of the Virginia Juvenile Detention Association, presented an overview of Virginia's juvenile detention centers. Her presentation included a discussion of detention population; partnerships with DJJ; detention operations; differences between detention and state commitment; and delivery of education in detention. This presentation may be found in Appendix C.
- Laurie Cooper, State Operated Programs, Virginia Department of Education, gave an overview of State Operated Programs, including information that explains how the program works and what services it offers. This presentation may be found in Appendix D.

Commission staff reviewed the *Code of Virginia* and Virginia Administrative Code on State Operated Programs, as well as federal law and regulations related to education in detention facilities. The Department of Education provided data related to State Operated Programs including the following documents:

- Statewide Detention Facility Population
- Positions FY 19
- SOP Historical Funding Data
- Admission Releases, Average Days, and Range of Days For Secure Detention Population From 7/1/2019 thru 6/30/2020
- SOP Positions with Salary Benefits
- SOP Working Budget FY 19
- SOP Working Budget FY 20

- Detention Home Ratio Sheet
- Additional Information
- Additional Education Supplies and Needs

Data provided was compared to the information that the Commission received from the Department of Juvenile Justice on capacity, average daily population, and length of stay.

Commission staff interviewed detention officials from other states to gain insight into educational best practices. However, due to the differences in detention delivery (i.e. many were state operated), it was difficult to develop recommendations based on other states' practices. The Commission's chairman, Dave Marsden, provided valuable insight into other states' work in juvenile justice. With a long career working in juvenile justice, the chairman often contrasted Virginia's large number of juvenile detention centers with other states' very small number of centers, which is another factor that made it difficult to compare their practices to Virginia's.

VI. Background

A. JUVENILE DETENTION IN VIRGINIA

The National Juvenile Detention Association (NJDA) defines juvenile detention as “a process that includes the temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court who require a restricted environment for their own or the community's protection while pending legal action.”² According to the NJDA, critical components of juvenile detention include:

- Screening to ensure appropriate use of detention
- Assessment to determine the proper level of custody, supervision, and placement
- Policies that promote the safety, security, and well-being of juveniles and staff
- Services that address immediate and/or acute needs in the educational, mental, physical, emotional, and social development of juveniles

In Virginia, in addition to caring for juveniles who await court action, juveniles may also serve a post-dispositional sentence at a JDC. Furthermore, ten participating JDCs have a Community Placement Program (CPP) for juveniles committed to the state. Youth in a CPP are housed in separate units from the JDC population. The purpose of CPPs is to provide youth with programs and services close to their home communities in order to improve outcomes and reduce recidivism.

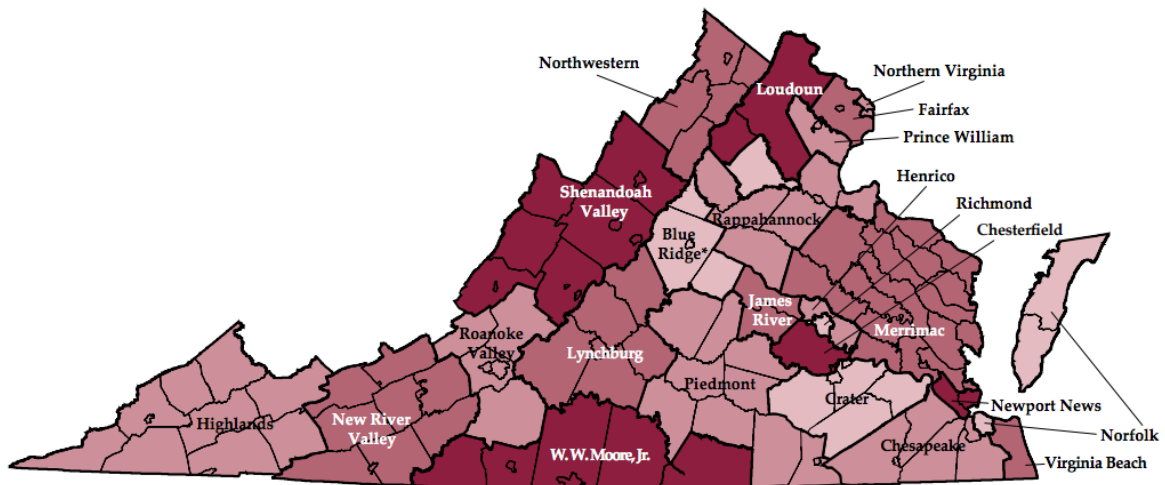
² National Partnership for Juvenile Services website: <http://npjs.org/detention/>.

Virginia has 24 Juvenile Detention Centers (JDCs), which are listed below. JDCs are operated by local governments or multi-jurisdictional commissions.

- | | | |
|-----------------|-----------------------|-----------------------|
| 1. Blue Ridge | 9. Loudoun | 17. Piedmont |
| 2. Chesapeake | 10. Lynchburg | 18. Prince William |
| 3. Chesterfield | 11. Merrimac | 19. Rappahannock |
| 4. Crater | 12. New River Valley | 20. Richmond |
| 5. Fairfax | 13. Newport News | 21. Roanoke Valley |
| 6. Henrico | 14. Norfolk | 22. Shenandoah Valley |
| 7. Highlands | 15. Northern Virginia | 23. Virginia Beach |
| 8. James River | 16. Northwestern | 24. W.W. Moore |

Figure 1 depicts Virginia’s JDCs by area served. Some localities utilize multiple JDCs.

Figure 1: Juvenile Detention Centers by Area Served ³



³ Virginia Department of Juvenile Justice, *Data Resource Guide, Fiscal Year 2019*. Retrieved from: http://www.djj.virginia.gov/pdf/about-djj/DRG/FY19_DRG.pdf.

Designation of Juvenile Residents in Detention

Juveniles in Virginia's detention centers have the following designations:

- **Pre-Dispositional (Pre-D):** Juveniles awaiting a dispositional or adjudicatory hearing ordered by a judge, intake officer, or magistrate. These students may also be awaiting other court action or placement, such as:
 - Awaiting special placement
 - Circuit Court transfers
 - Appeals
 - Restoration of mental competency
 - DJJ assessment and evaluation
- **Post-Dispositional (Post-D) with Programs:** Juveniles who have been ordered by a judge to remain in detention for up to six months (or twelve months with felony or misdemeanor offenses resulting in death) with structured programs of treatment and services. In FY 2019, 233 certified detention beds were dedicated to Post-D.
- **Post-D without Programs:** Juveniles who have been ordered by a judge to remain in detention for up to 30 days without special programs provided.
- **Community Placement Program (CPP):** Juveniles committed to the Department of Juvenile Justice who have been ordered by a judge to participate in a CPP. CPPs are direct care residential programs within juvenile detention centers. CPPs focus on addressing specific treatment needs and risk factors and developing competency in the areas of education, job readiness, and life and social skills. CPPs allow residents to be placed closer to their home communities with the goal of reducing recidivism and improving outcomes. In addition, some juveniles transition from state commitment to local detention to prepare for community transition prior to release.

Table 1 lists Virginia's 24 JDCs and notes whether the JDC offers Post-D with Programs and/or CPP.

Table 1: JDC Programs FY 2019 ⁴

JDC	Post-D with Programs	CPP
Blue Ridge	X	X
Chesapeake	X	X
Chesterfield	X	X
Crater		
Fairfax	X	
Henrico		
Highlands	X	
James River	X	
Loudoun	X	
Lynchburg	X	X
Merrimac	X	X
New River Valley	X	
Newport News	X	
Norfolk	X	
Northern Virginia	X	X
Northwestern	X	
Piedmont		
Prince William		X
Rappahannock	X	X
Richmond	X	
Roanoke Valley	X	
Shenandoah Valley		X
Virginia Beach	X	X
W.W. Moore	X	
Total	19	10

Note: All JDCs offer Pre-D detention, Post-D detention without programs, and other routine detention services. Offerings are determined on the last day of FY 2019.

Detention Center Capacity vs. Average Daily Population

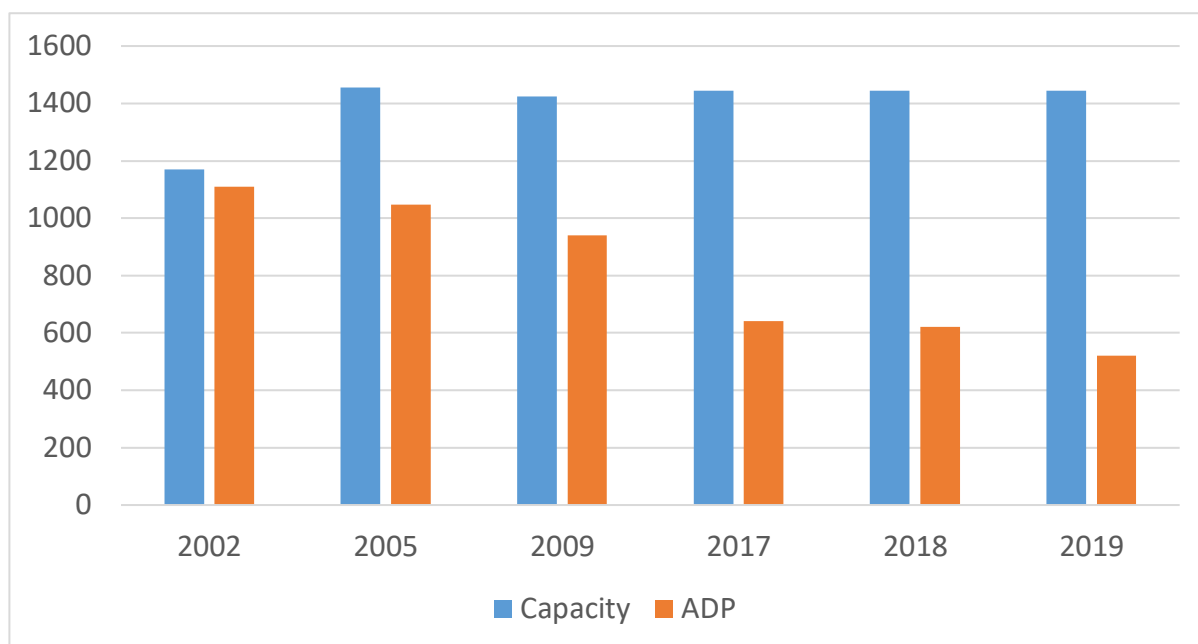
JDCs consistently operate below capacity. This is due in small part to the necessity of accommodating a fluctuating daily and seasonal population. However, due to juvenile justice reforms in Virginia, the average daily population (ADP) in juvenile detention centers has declined significantly since 2010. In addition to the decrease of juvenile intakes at Court Service Units, DJJ

⁴ Adapted from Virginia Department of Juvenile Justice, *Data Resource Guide, Fiscal Year 2019*.

put in place procedures to reduce detention of low-risk juveniles. As a result of these important factors, overall, the JDC average daily population declined by 35.3 percent between 2010 (805 detainees) and 2019 (520 detainees).⁵ According to the *Report on the Offender Population Forecast (FY2021 to FY2026)*,⁶ this downward trend will continue.⁶

Figure 2 illustrates the impact of juvenile justice reform in Virginia. In 2005, the total capacity of JDCs in Virginia peaked at 1456 certified beds, and the ADP of those JDCs was 1047 residents. In contrast, in 2019, the total capacity of JDCs remained at 2005 levels, while the ADP of those JDCs decreased to 520 residents.

Figure 2: JDC Capacity vs. Average Daily Population (ADP), 2002 – 2019⁷



	2002	2005	2009	2017	2018	2019
CAPACITY	1170	1456	1425	1445	1445	1445
ADP	1110	1047	940	642	620	520

Note: The number of certified beds may not represent the number of “operational” or “staffed” beds, which may be significantly lower.

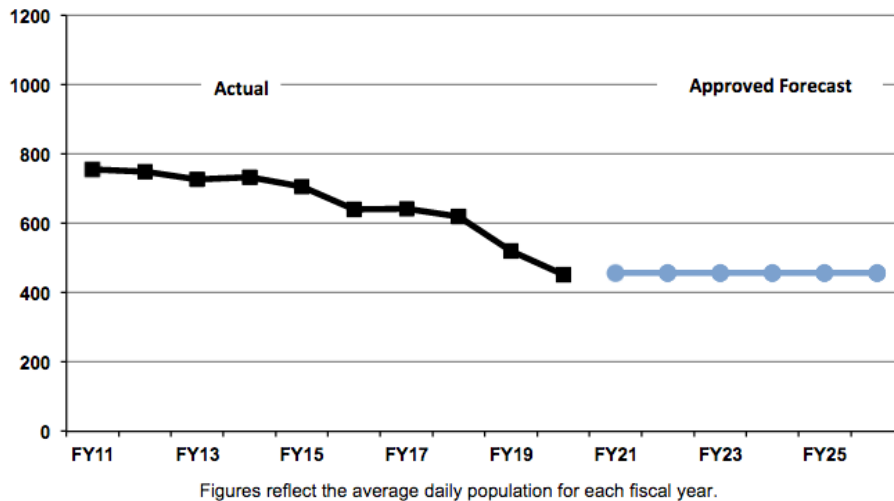
⁵ Virginia Department of Juvenile Justice, *Data Resource Guide, Fiscal Year 2019*.

⁶ Office of the Secretary of Public Safety and Homeland Security, *Report on the Offender Population Forecasts (FY2021 to FY2026)*, October 2020. Retrieved from: <https://rga.lis.virginia.gov/Published/2020/RD488/PDF>.

⁷ Virginia Department of Juvenile Justice, *Data Resource Guide, Fiscal Year 2019*.

The Office of the Secretary of Public Safety and Homeland Security 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 2025.⁸ Figure 3 depicts the approved detention center population forecast.

Figure 3: Approved Detention Center Population Forecast, FY 2021-2026⁹



Fiscal Year	Historical	Forecast	Change	Percent Change
FY2011	756			
FY2012	749		-7	-0.9%
FY2013	726		-23	-3.1%
FY2014	733		7	1.0%
FY2015	706		-27	-3.7%
FY2016	640		-66	-9.3%
FY2017	642		2	0.3%
FY2018	620		-22	-3.4%
FY2019	520		-100	-16.1%
FY2020	452		-68	-13.1%
FY2021		457	5	1.1%
FY2022		457	0	0.0%
FY2023		457	0	0.0%
FY2024		457	0	0.0%
FY2025		457	0	0.0%
FY2026		457	0	0.0%

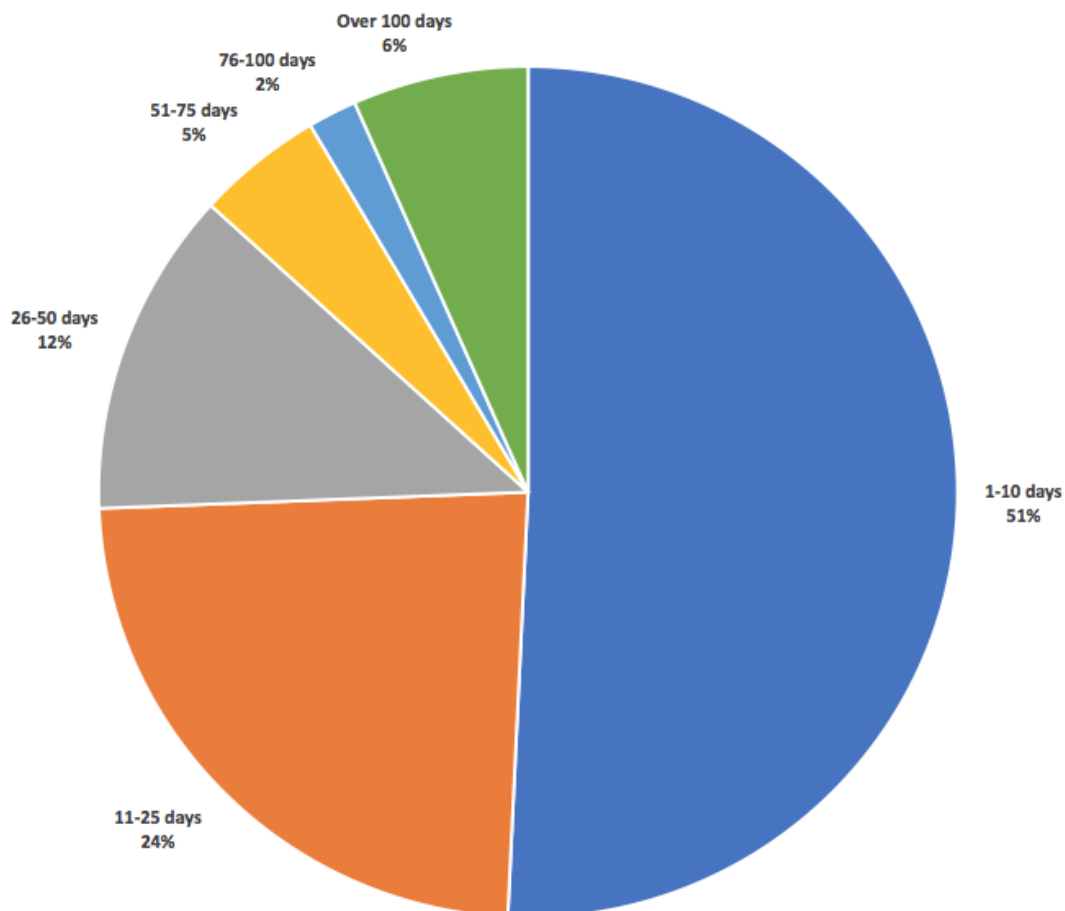
⁸ Office of the Secretary of Public Safety and Homeland Security, *Report on the Offender Population Forecasts (FY2021 to FY2026)*, October 2020.

⁹ Ibid.

Length of Stay for Juveniles Residing in JDCs

Figure 4 illustrates the length of stay for juveniles in detention during the 2019-2020 school year. During this period, 75 percent of juveniles had a length of stay of 25 days or fewer. The average length of stay of pre-dispositional status (Pre-D) juveniles was 24.1 days, which indicates that most students who remained in JDCs for fewer than 25 days were of Pre-D status and did not return to the facility after disposition. Fifty-one percent of juveniles had a length of stay of 10 days or fewer.

**Figure 4: Length of Stay of Residents in JDCs
7/1/2019 through 6/30/2020 ¹⁰**



¹⁰ Adapted from “Admission Releases, Average Days, and Range of Days For Secure Detention Population From 7/1/2019 thru 6/30/2020.” Document provided by the Virginia Department of Juvenile Justice via email on July 6, 2020.

Demographics

Overrepresentation of black youth can be found in every stage of Virginia’s juvenile justice system, including juvenile detention. In FY 2019, 55.2 percent of juveniles in detention were black and 36.3 percent were white. In comparison, about 19 percent of the population in Virginia is black and about 64 percent is white.¹¹

In FY 2019:

- 55.2% of detained juveniles were black and 36.3% were white.
- 43.4% of detained juveniles were non-Hispanic and 12.3% were Hispanic. (44.3% were missing ethnicity information.)
- 78.2% of detained juveniles were male and 21.8% were female.
- The average age of detained juveniles was 16.3 years old.
- Over half (62.7 – 65.0%) of juveniles detained since FY 2017 were 16 or 17 years old.

Table 2 details demographic information for detained juveniles from 2017 to 2019:

Table 2: Detainment Demographics, FY 2017-2019¹²

Demographics	2017	2018	2019
Race			
Asian	0.5%	0.4%	0.6%
Black	55.3%	53.9%	55.2%
White	38.6%	39.2%	36.3%
Other/Unknown	5.6%	6.5%	7.9%
Ethnicity			
Hispanic	11.3%	11.7%	12.3%
Non-Hispanic	37.4%	38.8%	43.4%
Unknown/Missing	51.2%	49.5%	44.3%
Sex			
Female	21.3%	21.6%	21.8%
Male	78.7%	78.4%	78.2%
Age			
8-12	1.8%	1.5%	1.8%
13	4.0%	4.7%	4.9%
14	9.6%	11.3%	10.7%
15	19.3%	19.1%	19.3%
16	29.8%	27.9%	27.6%
17	35.2%	35.0%	35.1%
18-20	0.4%	0.6%	0.5%
<i>Total Detainments</i>	7,677	7,291	6,408

¹¹ “Virginia Socio-Demographic Characteristics,” Virginia Department of Health, n.d. Retrieved from: https://www.vdh.virginia.gov/content/uploads/sites/10/2017/02/DEMOGRAPHICS_FINAL.pdf.

¹² Virginia Department of Juvenile Justice, *Data Resource Guide, Fiscal Year 2019*.

B. EDUCATION IN DETENTION

Section 22.1-7 of the *Code of Virginia* addresses the educational responsibility for children in residence or in the custody of state agencies, including juvenile detention centers: “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.” Juveniles in residence in JDCs are required to receive educational services within 24 hours of admittance or by the following school day.

State Operated Programs

State Operated Programs (SOP) is a division within the Virginia Department of Education that has been given the responsibility to educate children in local and regional juvenile detention centers, mental health facilities, and specialized children’s hospitals in Virginia. Typically, students who reside in these facilities range from preschool to high school level and have a variety of backgrounds from various parts of Virginia.

State Operated Programs are defined in the Virginia Administrative Code (8 VAC 20-81-10) as “programs that provide educational services to children and youth who reside in facilities according to the admissions policies and procedures of those facilities that are the responsibility of state boards, agencies, or institutions.” Authorization for SOP may be found in the *Code of Virginia* (§§ 22.1-209.2, 22.1-214.2, and 22.1-7 – see Appendix E), which gives the Virginia Board of Education the authority to establish, operate, and supervise SOP.

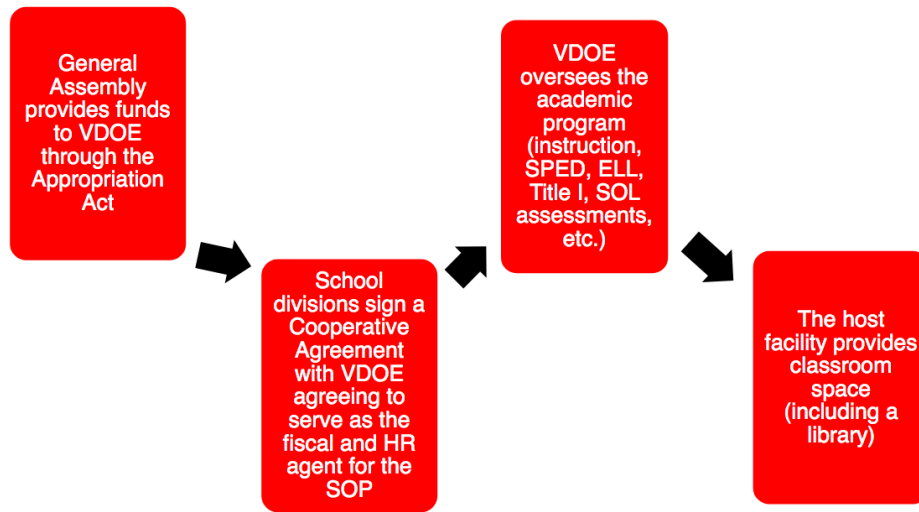
Through the State budget, general funds provide for general education, special education, and related services. 8 VAC 20-81-270 further states that, for regional and local juvenile detention homes, “State funds for education services are appropriated to the Virginia Department of Education. (Virginia Appropriation Act, 34 CFR 300.705).”

Figure 5 illustrates the shared responsibilities of education in detention.

SOP operates over 40 individual education centers across the state of Virginia, including:

- 24 Juvenile Detention Centers
- 3 Hospital Education Programs and Clinics
- 7 Off-Site Clinics
- 2 Juvenile Mental Health Facilities
- Wilson Workforce and Rehabilitation Center

Figure 5: Shared Responsibilities of Education in Juvenile Detention ¹³



Juveniles may enter an SOP academic program in the following ways:

- Court order (detention or mental health)
- Serve a sentence after being placed into DJJ custody (detention)
- Mandatory evaluation/parent placement
- Chronic medical need

Although State Operated Programs provides education services for all juveniles in state residence or custody, this report focuses on the education provided through SOP to local and regional juvenile detention centers.

Overview of SOP Academic Programs in Juvenile Detention Centers

Section 22-1-7 of the *Code of Virginia* requires that “Each state board, agency, and institution having children in residence or in custody shall provide education and training to such children which are at least comparable to that which would be provided to such children in the public school system.” In practice, this means that when a juvenile is placed in the custody of a juvenile detention center, that juvenile is transferred from his or her home school district and is enrolled in the State Operated Programs academic program at the JDC.

¹³ Adapted from “State Operated Programs.” Presentation to the Commission on Youth by DOE SOP, June 17, 2020 (Appendix D).

In the juvenile detention setting for the 2018-2019 school year:

- 3,472 unique students were served (students may have enrolled multiple times during a school year)
- Enrolled students ranged from fifth grade to post graduate
- Average length of stay was 52 calendar days, with 75 percent of students staying 25 days or fewer.
- 31 percent of students were identified as students with disabilities

When a juvenile enters a JDC, SOP is required to deliver educational services within 24 hours of admittance or by the following school day. Instruction at detention centers is typically delivered in a multiple-grade-level, single-room classroom setting based on subject matter. (Samples of academic program schedules can be found in Appendix F.) This usually means that students from different grade levels and from multiple home schools and school districts are grouped together in the same classroom. Class size varies based on student population, but typically does not exceed 10-12 students per class. Students receive individualized, one-on-one instruction as needed, both inside and outside of the classroom.

Because State Operated Programs functions as a school district, it is required to follow all applicable federal and state laws, regulations, and requirements pertaining to education. This includes performing all necessary assessments related to students with disabilities who have an individual education plan (IEP), including mental health screenings.

The State Operated Program within each JDC tests all new students in reading and math within 72 hours of admission to establish a baseline of academic ability in these areas. Staff then liaison with the student's home school to acquire assignments that the student will miss while in detention and to further assess the student's current educational needs. The initial goal for all students upon entry is to make every effort to keep students aligned with their current classes so they do not fall behind. If a student is later remanded to a detention center by the court (Post-D and CPP students), staff develop an education plan with graduation as a goal.

Staffing

In FY 2019, about 237 education staff members (teaching and administrative) were employed in full- and part-time positions in SOP academic programs. Table 3 breaks down personnel by JDC.

Table 3: JDC Academic Program Personnel – FY 2019 ¹⁴

JDC	Personnel
Blue Ridge	8.50
Chesapeake	14.00
Chesterfield	12.00
Crater	5.00
Fairfax	13.00
Henrico/James River*	15.00
Highlands	8.00
Loudoun	5.50
Lynchburg	10.00
Merrimac	11.00
New River Valley	6.30
Newport News	16.00
Norfolk	13.00
Northern Virginia	12.00
Northwestern	6.50
Piedmont	4.50
Prince William	13.00
Rappahannock	12.00
Richmond	13.00
Roanoke Valley	7.50
Shenandoah Valley	10.25
Virginia Beach	11.00
W.W. Moore	10.00
Total	237.05

*SOP teachers employed by Henrico County rotate between Henrico and James River JDCs

As in a traditional school system, SOP academic programs employ certified teachers in all content areas. During the 2019-2020 school year, 124 detention teachers carried endorsements in more than one content area. However, due to scheduling restrictions, course loads, and other factors, teachers typically are not able to teach multiple content areas.¹⁵

¹⁴ Information provided by the Virginia Department of Education, State Operated Programs, via email on June 29, 2020.

¹⁵ Ibid.

In addition to the teaching staff, the Virginia Department of Education requires that each detention center academic program have a principal or lead teacher onsite to oversee the program. These leaders have many of the same responsibilities as traditional public school principals. Finally, each program employs an administrative assistant. In six of the smaller facilities, the administrative assistant position is a part-time position.¹⁶

Advisory Group members reported that academic programs must be fully staffed in each content area, regardless of student population, to meet the requirement to provide an education that is “at least comparable to that which would be provided to such children in the public school system.”¹⁷ The student-to-teacher ratio for each JDC, based on average daily population (ADP), is detailed in Table 4.

Table 4: JDC Student/Teacher Ratio – FY 2019¹⁸

Detention Center	Teaching Positions	Total ADP	Student/Teacher Ratio
Blue Ridge	7	13	1.9 to 1
Chesapeake	12	46	3.8 to 1
Chesterfield	10	36	3.6 to 1
Crater	4	18	4.5 to 1
Fairfax	11	29	2.6 to 1
Henrico/James River	13	36	2.8 to 1
Highlands	6	13	2.2 to 1
Loudoun	4	6	1.5 to 1
Lynchburg	8	22	2.8 to 1
Merrimac	9	33	3.7 to 1
N.W. Regional	5	15	3.0 to 1
New River Valley	6	8	1.3 to 1
Newport News	14	59	4.2 to 1
Norfolk	10	37	3.7 to 1
NOVA	10	15	1.5 to 1
Piedmont Regional	4	11	2.8 to 1
Prince William	10	36	3.6 to 1
Rappahannock	10	33	3.3 to 1
Richmond	10	32	3.2 to 1
Roanoke	6	19	3.2 to 1
Shenandoah	8	22	2.8 to 1
VA Beach	10	51	5.1 to 1
W.W. Moore	8	22	2.8 to 1

¹⁶ Information provided by the Virginia Department of Education, State Operated Programs, via email on June 29, 2020.

¹⁷ Section 22.1-7 of the *Code of Virginia*.

¹⁸ Teaching positions data provided by the Virginia Department of Education, State Operated Programs, via email on September 15, 2020. ADP data taken from Virginia Department of Juvenile Justice, *Data Resource Guide, Fiscal Year 2019*.

Student Evaluations

All students are evaluated for reading and math upon entrance into detention using the Standardized Testing and Reporting (STAR) assessment tool. The goal is to test every student within 72 hours of admission. Initial testing is performed to assess reading and math levels and to establish a benchmark for later testing.

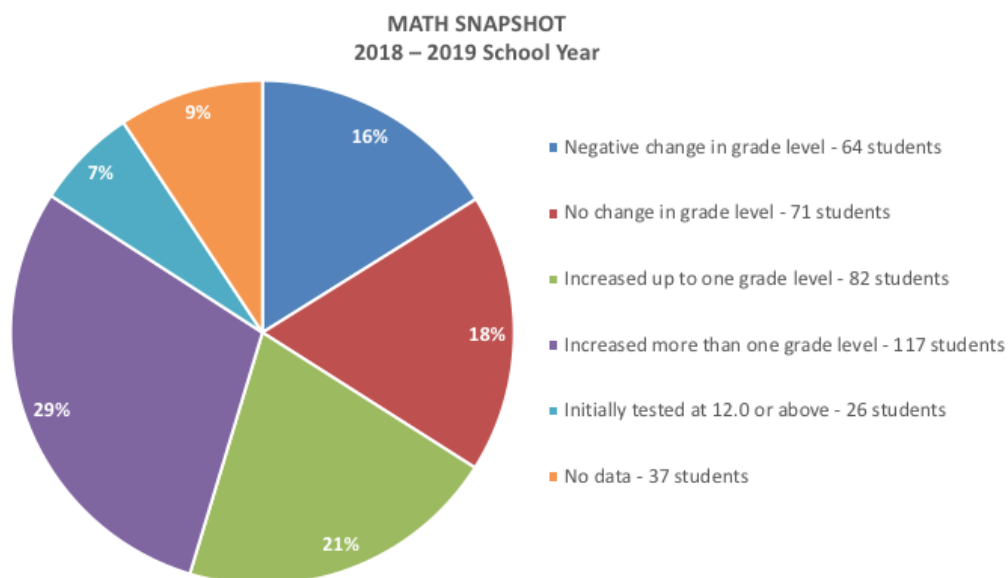
Students who remain in detention for an extended period are required by Title 1 to be retested at 90 days in reading and math. A comparison of initial and 90-day benchmark testing in reading and math is provided in Figures 6 and 7 for school years 2017-2018 through 2019-2020.

**Figure 6: SOP STAR Testing Data: Math
School Years 2017 – 2018 through 2019 – 2020 ¹⁹**

School Year	# of students who were detained 90 or more calendar days	# of students with a negative change in grade level	# of students with no change b/t pre- and post-testing	# of students who increased up to one grade level	# of students who increased more than one grade level	# of students who initially tested at 12.0 or above and never retested	No data
2017-2018	366	88	30	60	132	44	12
2018-2019	397	64	71	82	117	26	37
2019-2020*	332	72	45	53	90	33	39

* Figures for school year 2019-2020 are lower due to school closure from March through June.

Note: In general, initial assessment scores should be interpreted with caution. Most students are assessed within 72 hours of admission, during which time students may not be able to put forth their best effort. In addition, STAR tests are not connected to classroom grades, which impacts student motivation.



¹⁹ Figures and tables related to STAR testing have been adapted from information provided by the Virginia Department of Education, State Operated Programs, via email on September 15, 2020.

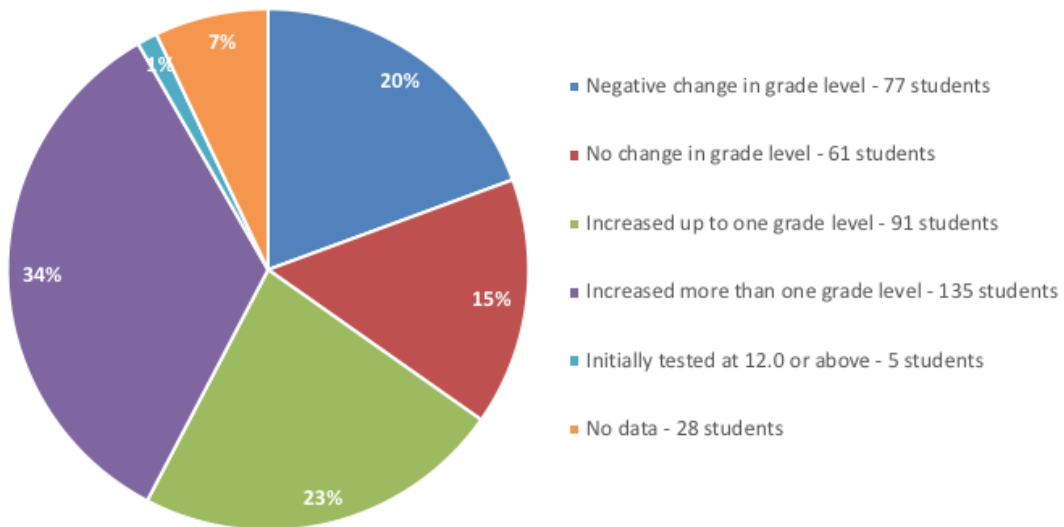
**Figure 7: SOP STAR Testing Data: Reading
School Years 2017 – 2018 through 2019 – 2020** ²⁰

School Year	# of students who were detained 90 or more calendar days	# of students with a negative change in grade level	# of students with no change b/t pre- and post-testing	# of students who increased up to one grade level	# of students who increased more than one grade level	# of students who initially tested at 12.0 or above and never retested	No data
2017-2018	366	81	27	80	149	24	5
2018-2019	397	77	61	91	135	5	28
2019-2020*	332	65	54	55	92	26	40

* Figures for school year 2019-2020 are lower due to school closure from March through June.

Note: In general, initial assessment scores should be interpreted with caution. Most students are assessed within 72 hours of admission, during which time students may not be able to put forth their best effort. In addition, STAR tests are not connected to classroom grades, which impacts student motivation.

**READING SNAPSHOT
2018 – 2019 School Year**



²⁰ Figures and tables related to STAR testing have been adapted from information provided by the Virginia Department of Education, State Operated Programs, via email on September 15, 2020.

In addition to STAR testing in reading and math, JDCs also provide or facilitate testing related to career and technical certificates, the Graduate Equivalency Degree/General Educational Diploma (GED), and high school diplomas. Data related to student achievement in these areas is provided in Table 5.

**Table 5: Achievements of Juveniles in JDCs: End of Year Statistics
School Years 2017 – 2018 through 2019 – 2020 ²¹**

SCHOOL YEAR	Unique Enrollments	Post Grads	CTE Certificates	GED	Diplomas
2016-2017	3847	174	614	112	30
2017-2018	3651	215	591	119	47
2018-2019	3169	303	564	157	32
2019-2020 *	2461	177	530	78	39

* Figures for school year 2019-2020 are lower due to school closure from March through June.

Education in Detention Challenges

SOP Academic Programs in detention serve some of Virginia’s most at-risk students. The majority of JDC residents come from backgrounds of poverty, trauma, and violence. For instance, New River Valley detention center reports that students have an average Adverse Childhood Experiences (ACE) score of 6 out of 10. A history of trauma can be a significant obstacle to academic success.

In FY 2019, youth in detention reported experiencing the following traumatic events.²²

- 61% - Parent criminal activity
- 58% - Parent incarceration
- 53% - Physical assault/abuse
- 40% - Parent substance abuse
- 35% - Parent death or abandonment
- 22% - Family domestic violence
- 20% - Self injurious behavior, suicide attempts, or suicidal ideation
- 17% - Sexual assault/abuse
- 95% - Reported at least one of the above
- 67% - Reported three or more of the above

²¹ Adapted from information provided by the Virginia Department of Education, State Operated Programs, via email on September 15, 2020.

²² “Juvenile Justice Reform.” Presentation to the Commission on Youth by VDJJ, June 17, 2020 (see Appendix B).

In addition, students in detention are often in crisis, and they must adjust to a structured schedule and a restricted environment. For this reason, academic programs in detention must emphasize student engagement and must provide more one-on-one instruction than is typically necessary in a traditional classroom setting.

Members of the Advisory Group noted that academic programs in detention also face unique challenges, such as the following:

- Approximately 35 percent of students have an IEP. Detention centers are required to perform all the necessary assessments, including mental health screenings, that are required by the IEP.
- Classes are made up of students who may be in detention for one day to multiple years. Students are of diverse ages and grade levels, and they have differing abilities. Classwork is tailored to each student's need, and students often are working on different materials provided by multiple home school districts.
- JDCs vary in the way they group students together (same or single sex classrooms, loaded corridor vs. pods, age, educational need, etc.) and groupings can change with fluctuating populations. In addition, court orders can specify that co-defendants must be separated.
- JDCs have differing resources available to them, and academic programs in JDCs typically have limited mental health staff and support.
- Some JDCs report having difficulty obtaining information about a new student from his or her home school. School districts are not required to coordinate with SOP in terms of providing information and materials about students who have been transferred to SOP academic programs. In addition, Advisory Group members reported that some local schools do not provide a reenrollment coordinator to assist with reenrollment once a student returns to his or her home school.²³
- Virtual, or online, instruction is not suitable for most detention residents due to issues related to reading, comprehension, and behavioral issues. In addition, the online activity of students in detention must be closely monitored due to safety and security concerns. Many online learning programs require access to an email address, which students may not use while detained.

C. EDUCATION FUNDING AND EXPENDITURES

State Operated Programs are funded through the Virginia Department of Education, Item 145 of the Appropriations Act.

²³ 8 VAC 20-660-10 et seq.

Item 145.19c of the 2020 Virginia Appropriation Act:

c. Out of the amounts for Financial Assistance for Categorical Programs, \$36,591,267 the first year and \$37,546,662 the second year from the general fund is appropriated to permit the Department of Education to enter into agreements with selected local school boards for the provision of educational services to children residing in certain hospitals, clinics, and detention homes by employees of the local school boards. The portion of these funds provided for educational services to children residing in local or regional detention homes shall only be determined on the basis of children detained in such facilities through a court order issued by a court of the Commonwealth. The selection and employment of instructional and administrative personnel under such agreements will be the responsibility of the local school board in accordance with procedures as prescribed by the local school board. State payments for the first year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2020 and the first three quarters of FY 2021. State payments for the second year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2021 and the first three quarters of FY 2022.

SOP Funding for All Academic Programs

Allocations for SOP funding for FY 2009 through FY 2022 are provided in Table 6.

Table 6: SOP Allocations FY 2009 through FY 2022 ²⁴

Fiscal Year	Allocation
2022	\$37,546,662
2021	\$36,591,267
2020	\$35,660,182
2019	\$35,588,024
2018	\$35,588,024
2017	\$34,872,556
2016	\$33,737,931
2015	\$32,755,271
2014	\$35,154,773
2013	\$32,971,928
2012	\$32,784,982
2011	\$29,959,061
2010	\$34,608,262
2009	\$32,527,833

²⁴ Virginia Legislative Information System. Retrieved from: <https://lis.virginia.gov/>.

SOP Expenditures for Academic Programs in JDCs

Table 7 details SOP expenditures by JDC for FY 2019. This table is also included as Appendix G.

**Table 7: SOP Detention Education Expenditures
Fiscal Year 2019 / 2018-2019 School Year** ²⁵

Facility Name	# Personnel	Educational Costs of State Operated Programs (SOP)				TOTAL COSTS SOP	Number of Unique Students Served ***	Student Average Daily Population (ADP)			Facility Capacity	AVERAGE EDUCATIONAL COST PER SEAT BASED ON ADP
		Total Costs Personnel Svcs*	Total Costs Non-Personnel Svcs**	Cooperative Agreement Amendments Additions / Reductions	ADP Pre-D & Post-D			ADP CPP ****	TOTAL ADP			
BLUE RIDGE	8.50	722,776	112,251	(1,878)	833,149	81	6	7	13	40	46,375	
CHESAPEAKE	14.00	1,438,472	45,050	5,000	1,488,522	244	38	8	46	100	32,359	
CHESTERFIELD	12.00	1,110,207	111,350	30,000	1,251,557	145	24	12	36	90	34,765	
CRATER & CSH	5.00	489,730	28,665		518,395	94	18		18	22	28,800	
FAIRFAX & MH & CL	13.00	2,108,806	51,799	68,136	2,228,741	184	29		29	121	76,853	
HENRICO/JAMES RIVER	15.00	1,408,515	62,050	22,000	1,492,565	193	36		36	80	41,460	
HIGHLANDS & MH	8.00	624,993	52,375	35,000	712,368	106	13		13	35	54,798	
LOUDOUN	5.50	703,970	35,900	7,000	746,870	43	6		6	24	124,478	
LYNCHBURG	10.00	773,197	49,925	5,385	828,507	99	15	7	22	48	37,659	
MIDDLE PENINSULA & ESH	11.00	1,005,719	42,007	102,200	1,149,926	184	20	13	33	48	34,846	
NEW RIVER VALLEY	6.30	491,543	25,829	14,500	531,872	61	8		8	24	66,484	
NEWPORT NEWS	16.00	1,455,566	66,104	7,000	1,528,670	268	59		59	110	25,910	
NORFOLK	13.00	1,379,124	43,860		1,422,984	187	37		37	80	38,459	
NORTHERN VA	12.00	1,719,697	37,400		1,757,097	110	15		15	70	117,140	
NW REGIONAL	6.50	582,215	19,880		602,095	103	15		15	32	40,140	
PIEDMONT	4.50	281,593	20,655		302,248	67	11		11	20	27,477	
PRINCE WILLIAM	13.00	1,377,789	113,336	84,295	1,575,420	231	29	7	36	72	43,762	
RAPPAHANNOCK	12.00	1,034,491	42,700	5,000	1,082,191	179	20	13	33	80	32,794	
RICHMOND	13.00	1,324,517	69,700	(1,000)	1,393,217	213	32		32	60	43,538	
ROANOKE & CL	7.50	1,064,413	150,450	8,000	1,222,863	141	19		19	81	64,361	
SHENANDOAH VALLEY	10.25	888,140	47,570	15,000	950,710	206	16	6	22	58	43,214	
VA BEACH	11.00	1,015,477	47,956	30,850	1,094,283	227	33	18	51	90	21,457	
WW MOORE	10.00	774,811	30,850	19,000	824,661	106	22		22	60	37,485	
TOTALS	237.05	23,775,759	1,307,662	455,488	25,538,909	3,472	521	91	612	1,445	41,730	

* Personnel Svcs include salary, indirect costs & benefits

** Non-Personnel Svcs include subs, travel, materials & supplies, tech & other

*** Unique Students Served refers to unique students present in a facility regardless of the number of times they enroll during the school year. Average cost per unique student served is \$7645 for the 18/19 school year.

**** Some CCP students receive post-secondary education, which is funded by DJJ's Division of Education. For example, in FY19, Virginia Beach had a large number of post-secondary students and received close to \$170,000 of DJJ funding. DJJ funding for post-secondary education is not reflected on this summary sheet.

The following are general notes on Table 7:

Each facility's average daily population (ADP) is included in the table to calculate a "per occupied seat" cost. Cost per seat is calculated by dividing the total costs of a JDC's State Operated Program (SOP) by the SOP's average daily population (ADP). For instance, in FY 2019, Blue Ridge's SOP had a total cost of \$833,147 and educated 13 students, on average,

²⁵ Information provided by the Virginia Department of Education, State Operated Programs, via email on June 29, 2020.

each day. Those 13 “occupied seats” each cost \$46,375 to operate during the school year. If the ADP had been higher, the cost per seat would decrease.

The funding listed in Table 7 is funding provided by DOE; it does not include any operational or educational funding provided by DJJ to the 10 detention centers that have Community Placement Programs (CPPs) (see Table 1). If these additional funds from DJJ were included in Table 7, each of the 10 detention homes with CPPs would have a slightly higher average cost per seat.

Table 7 illustrates the wide range of educational costs per occupied seat in each of Virginia’s 24 JDCs. Virginia Beach’s SOP has the lowest average cost per seat at \$21,457. This JDC has a total capacity of 90 beds, which includes 20 beds dedicated to juveniles participating in the detention center’s Community Placement Program (CPP). During FY 2019, Virginia Beach had an ADP of 51, 18 of whom were CPP juveniles. Because Virginia Beach has a CPP, it receives additional funding from DJJ’s Division of Education for the CPP students who participate in post-secondary education programs. If those additional funds were included in Table 7, the average cost per seat would increase slightly from \$21,457 to \$24,790.

In contrast, Loudoun’s SOP has the highest average cost per seat at \$124,478. Loudoun has a capacity of 24 beds; however, the center has an ADP of only 6 juveniles. Loudoun has four full-time teachers, one principal, and a part-time administrative assistant. The average teacher compensation (salary plus benefits) is \$123,862.

Of the \$25.5 million spent on education in detention provided by SOP, 93 percent goes to personnel services. Non personnel services include funding for additional education supplies and needs. The JDC’s SOP provides all of the instructional material and technology needed to operate the detention center’s academic program, including:²⁶

- Substitute teachers
- Instructional technology (hardware, software, internet service, and infrastructure)
- Instructional materials (pencils, paper, textbooks, consumables, supplementary materials, library books, test prep materials, etc.)
- Fine arts (music and art) materials
- Health/PE materials
- Related services as determined by IEP teams (Speech and Language, Occupational Therapy, Physical Therapy, Counseling, Sign Language Interpreting, etc.)
- Contracted English Language Learner services at facilities who do not have an ELL teacher
- Office supplies (postage, copier/fax rentals, phone service, etc.)
- Greenhouse materials

²⁶ Information provided by Laurie Cooper, Virginia Department of Education, State Operated Programs, via email on June 29, 2020.

- CTE and STEM materials
- Staff professional development
- Staff travel
- Meals for all day meetings
- SOP required purchases (Student Information System, STAR testing subscription)
- Classroom and office furniture
- GED[®] preparation materials, pre-testing, and GED[®] testing
- WIDA[®] testing materials (required testing for students identified as English Language Learners)
- Online curriculums, subscriptions, and certifications
- Student celebrations
- Open House, Career Day, and other guest speakers/functions
- Post graduate courses and services
- Online learning (GradPoint[™])

In addition to these indirect costs, throughout the course of the year, if the detention center identifies additional costs or savings, a cooperative agreement is signed to make those adjustments. These costs include items such as salary adjustments, salary bonuses, technology purchases, and administrative equipment.

Historical Trends in Funding and ADP

To illustrate historical trends in funding and ADP, Table 8 depicts detention center funding allocations from FY 2009 through FY 2019 and each facility's average daily population (ADP) for those years.

In each of the detention homes listed, the ADP decreased substantially over the 10-year period depicted. However, in each case, the SOP funding increased. For example, from 2009 to 2019, the percentage decrease in ADP with a corresponding increase in funding is as follows:

- Loudoun: 71.4% decrease in ADP; 125% increase in funding
- Chesterfield: 20% decrease in ADP; 41.5% increase in funding
- Highlands: 51.9% decrease in ADP; 70.9% increase in funding
- New River Valley: 57.9% decrease in ADP; 96.4% increase in funding
- Newport News: 36.6% decrease in ADP; 30.1% increase in funding
- Roanoke Valley: 57.8% decrease in ADP; 55.7% increase in funding

Table 8: SOP Academic Program Funding and ADP by JDC ²⁷

Detention Center	Fiscal Year	Allocation	Total ADP
Loudoun	2009	\$338,834	21
	2014	\$667,209	13
	2019	\$763,266	6
Chesterfield	2009	\$862,778	45
	2014	\$1,028,439	34
	2019	\$1,220,724	36
Highlands	2009	\$647,348	27
	2014	\$969,513	22
	2019	\$1,106,014	13
New River Valley	2009	\$221,128	19
	2014	\$361,031	10
	2019	\$434,369	8
Newport News	2009	\$1,103,459	93
	2014	\$1,176,344	79
	2019	\$1,435,783	59
Roanoke Valley	2009	\$712,965	45
	2014	\$751,292	29
	2019	\$1,110,029	19

Note: Table 8 only includes detention centers whose localities did not receive additional DOE SOP funding for hospitals or mental health facilities.

²⁷ SOP funding data: Virginia Department of Education, *Superintendent's Annual Reports for FY 2009-2019*. Retrieved from <https://www.doe.virginia.gov/>. ADP information: Virginia Department of Juvenile Justice, *Data Resource Guides for FY 2009-2019*. Retrieved from: <http://www.djj.virginia.gov/pages/about-djj/drg.htm>.

Table 8 highlights the opposing trends between the JDC student population and funding and illustrates the need for future evaluation of the JDC’s SOP program. The Secretary of Public Safety’s *Report on the Offender Population Forecast* stresses the importance of its offender forecasts in budgeting and planning. In FY 2002, the ADP in JDCs was 1110 detainees, near full capacity. In contrast, in FY 2019, the ADP in JDCs was 520 detainees, a 53 percent decrease. The forecast anticipates that the ADP will decrease further and then level off at around 457 detainees for the remainder of the forecast through 2025.

D. LAWS AND REGULATIONS

Juvenile Detention Centers

According to the Virginia Juvenile Detention Association, there are over 500 state and federal regulations with which juvenile detention centers must comply.²⁸

Federal Regulations Governing Juvenile Detention

Juvenile detention centers must comply with federal staffing ratios for the protection and safety of juveniles and staff. The Prison Rape Elimination Act (PREA) of 2003 was passed by Congress to address sexual misconduct in juvenile facilities, jails, and prisons. The Prison Rape Elimination Act establishes a 1:8 staff to resident ratio during the day and a 1:16 ratio during resident sleeping hours, except during limited circumstances, which shall be fully documented.²⁹

State Regulations Governing Juvenile Detention

State regulation for juvenile detention are governed by 6 VAC 35-101, Regulation Governing Juvenile Secure Detention Centers. Juvenile detention facilities are monitored and audited by the Department and Board of Juvenile Justice under 6 VAC 35-20, Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities.

Accordingly, state regulations that govern juvenile detention centers include directives for structured daily schedules for juveniles, including education, recreation, evidence-based treatment services (Community Placement Program and Post-Dispositional), volunteer programs, and other creative ways in which to engage youth.³⁰ Regulations also include health and safety related items such as health care procedures, suicide prevention, and medication. Finally, regulations lay out behavior management and the disciplinary process procedures applicable in juvenile detention centers.

²⁸ “Juvenile Detention in Virginia.” Presentation to the Commission on Youth by VJDA, June 17, 2020 (Appendix C).

²⁹ Prison Rape Elimination Act Juvenile Facility Standards. Retrieved from: <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/PREA-Juvenile-Facility-Standards.pdf>.

³⁰ “Juvenile Detention in Virginia.” Presentation to the Commission on Youth by VJDA, June 17, 2020 (Appendix C).

State Operated Programs

As with the general operation of juvenile detention centers, State Operated Programs must comply with federal and state laws and regulations. As summarized by the Virginia Department of Education:

“Virginia law requires institutions having children in residence or custody to provide education and training commensurate with that provided to pupils in public schools. These educational services may be provided on-site cooperatively with the Virginia Department of Education or pursuant to a contract with a public school division or other public or private nonsectarian school, agency, or facility. The Board of Education prescribes standards for the education of students by these facilities; the facilities in turn must submit annually their proposed educational programs for approval by the board.”³¹

Federal Laws and Regulations Governing State Operated Programs

Federal laws and regulations impact State Operated Programs (SOP) in terms of protections for disabled students, students needing accommodations, neglected or delinquent students, and English language learners. Federal law also has reporting requirements that SOP must follow. These are summarized in this section.

As with other school districts across the Commonwealth, State Operated Programs must comply with the provisions of Individuals with Disabilities Education Act (IDEA) 2004, Federal Public Law 108-446, and its implementing regulations. The VDOE must ensure that all persons with disabilities, ages two to 21 inclusive, are provided a free appropriate public education (FAPE). A FAPE includes special education and related services required to meet the individual educational needs of children with disabilities and ensure that their parents are protected under due process procedures. This federal law is referenced in *Code of Virginia* § 22.1-214, which provides that “The Board of Education shall prepare and supervise the implementation by each school division of a program of special education designed to educate and train children with disabilities.”³²

Additionally, Section 504 of the Federal law, Rehabilitation Act of 1973, provides for modifications and accommodations for students in the classroom. It states, in part, that “No otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”³³ Programs operating in existing facilities must be constructed so as to be readily accessible to the disabled.

³¹ Virginia Department of Education website, State-Operated Programs Overview: https://www.doe.virginia.gov/support/state_operated/index.shtml.

³² *Code of Virginia* § 22.1-214.

³³ U.S. Department of Education website, Disability Discrimination: <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/disability-pr.html>.

Other federal requirements state that, every other year, SOP provide data to the Office of Civil Rights Data Collection. This reporting requirement started in 2014. SOP must also participate in Title I, Part D (Neglected and Delinquent) oversight, which is prescribed by Federal Every Student Succeeds Act (ESSA) requirements. This ensures that students neglected or delinquent are being served. The Act states, in part, that “such [neglected and delinquent] children and youth have the opportunity to meet the same challenging State academic content standards and challenging State student academic achievement standards that all children in the State are expected to meet.”³⁴

State Operated Programs are also required to provide instruction under Title III of ESSA, which is Language Instruction for English Learners and Immigrant Students. Under this title, identified students and families must be provided specialized instruction and support.

State Law Governing State Operated Programs

Section 22.1-7 of the *Code of Virginia* addresses the educational responsibility for children in residence or in the custody of state agencies. “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.”³⁵ The role of institutions having children in residence or custody is summarized at the beginning of this section on laws and regulations of State Operated Programs.

Section 22.1-209.2 of the *Code of Virginia* specifically addresses the relationship between the state Board of Education and local school divisions in providing education to children in State Operated Programs. As the SOP Administrative Manual describes in further detail, VDOE enters into contracts with school divisions regarding services for children served in State Operated Programs. It is the responsibility of the school division to: ³⁶

1. Administer the SOP budget for employee salaries, materials and supplies, equipment, travel, and in-service training;
2. Employ administrative personnel, teachers, and support staff;
3. Establish the general policies of personnel administration as detailed in a policy and regulations manual;
4. Provide for the evaluation of instructional and administrative personnel; and
5. Establish the school calendar.

Finally, § 22.1-17.1 of the *Code of Virginia* has language dealing with the reenrollment of students. This section ensures that the Board of Juvenile Justice promulgate regulations for the reenrollment

³⁴ U.S. Department of Education, Part D — Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk. Retrieved from: <https://www2.ed.gov/policy/elsec/leg/esea02/pg9.html>.

³⁵ *Code of Virginia* § 22.1-7.

³⁶ SOP Administrative Manual 2020-2021. Retrieved from: https://www.doe.virginia.gov/support/state_operated/sop-administrative-manual-2020-2021.docx.

in public schools of children in their custody. These regulations are found at 8 VAC 20-660-10 et seq.

State Regulations Governing State Operated Programs

The Regulations Governing Special Education Programs for Children with Disabilities in Virginia at 8 VAC 20-81-10 et seq. further explain the responsibilities of State Operated Programs with respect to eligible enrolled students.³⁷

According to the Additional Responsibilities of State Boards, Agencies, and Institutions for Education and Training of Children with Disabilities in Residence or Custody, 8 VAC 20-81-320, State Operated Programs shall provide an education program for school-age children where at a minimum of five and a half hours per day or 27 and a half hours per week of instructional time is available for each student. Additionally, according to these regulations, “each facility shall have available adequate and appropriate classroom space, a library, and instructional materials and supplies to meet the educational needs of the children.”

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:

- i. Instruction in basic educational skills;
- ii. Prevocational, vocational, and career education;
- iii. Preparation for high school graduation;
- iv. Affective educational skills;
- v. Self-help skills; and
- vi. Preparation for the General Educational Development (GED[®]) examination.

Overall, these regulations provide safeguards for protecting the rights of students, and a number of sections are meant to ensure that students receive a free and appropriate education and that their specific educational needs are met.

³⁷ Virginia Legislative Information System. Retrieved from: <https://law.lis.virginia.gov/admincode/title8/agency20/chapter81/>.

VII. Finding and Recommendation

After presenting findings and recommendations at the Commission on Youth's December 9, 2020, meeting and receipt of public comment, the Commission approved the following recommendation:

Finding: *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.*

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.

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 lead teachers in lieu of a full-time principals 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 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, President of the Virginia Juvenile Detention Association or his/her designee, the chair of the Virginia Commission on Youth or his/her designee, and anyone else the Board deems as appropriate to serve on the workgroup. Findings and recommendations shall be reported to the House Appropriations Committee and the Senate Finance and Appropriations Committee by November 1, 2021.

VIII. Acknowledgments

The Virginia Commission on Youth extends special appreciation to the following for their assistance with this study:

- Members of the Advisory Group
- Valerie Boykin, Director of the Virginia Department of Juvenile Justice, for presenting to the Commission and providing staff support to the Commission's study.
- Marilyn Brown, Director of Chesterfield Juvenile Justice Services and President of the Virginia Juvenile Detention Association, for coordinating the site visit to the Chesterfield Juvenile Detention Home and presenting to the Commission.
- Laurie Cooper, State Operated Programs, for providing Department of Education and SOP data and presenting to the Commission.
- Steve Riach, Founder and CEO of One Heart Project, for coordinating interviews with other state detention programs.
- Jason Trueblood, Principal of the Chesterfield Juvenile Detention Home School, for providing a tour of the school.

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Juvenile Justice Transformation

Commission On Youth Committee Meeting
June 17, 2020
Valerie Boykin, Director



Virginia Department of
Juvenile Justice

Mission & Vision



Mission Statement

The Virginia Department of Juvenile Justice protects the public by preparing court-involved youth to be successful citizens.

Vision Statement

The Virginia Department of Juvenile Justice is committed to excellence in public safety by providing effective interventions that improve the lives of youth, strengthening both families and communities within the Commonwealth.

Guiding Principles

Safety, Connection, Fairness, Purpose

DJJ Operations and Oversight Responsibilities



The Virginia Department of Juvenile Justice (DJJ) operates:

- 32 court service units (CSUs)
- 1 juvenile correctional center (JCC) – Bon Air
- 1 school – Yvonne B. Miller

DJJ oversees/certifies/approves:

- 34 CSUs, including 2 locally-operated CSUs
- 24 juvenile detention centers (JDCs)
- Bon Air JCC
- 10 Community Placement Program (CPP) sites and 9 detention reentry programs
- 16 group homes, shelters, and living programs
- 77 Virginia Community Crime Control Act plans across 133 localities

* Merrimac has one male CPP program and one female CPP program, which will equate to a total of 11 programs, but there are 10 CPP sites.

2

DJJ's Transformation Journey



3

Impetus for Transformation



- Series of budget cuts
- Consultant reports recommending smaller, safer, and more cost-effective facilities
- Uneven local practices and treatment alternatives
- High rates of trauma
- Racial inequities
- No continuum of placements (one size fits all)
- JCC programming and operational model was ineffective
- Inconsistent reentry planning and services
- Inadequate family engagement
- The rate of success was low

4

Consequences of Budget Cuts



FY 2005


Culpeper Max Security Closed 2014	Bon Air Max Security	Beaumont Max Security
Hanover Mid Security Repurposed 2013	Reception & Diagnostic Center Closed 2015	Barrett Mid Security Closed 2005
Oak Ridge Special Placement Consolidated 2013	Transition Living Program Closed 2010	Natural Bridge Min Security Closed 2009
Hampton Place Halfway House Closed 2013	Abraxas House Halfway House Closed 2013	Discovery House Halfway House Closed 2010
20 Community Placement Slots	Camp New Hope Special Placement Closed 2009	VA Wilderness Inst. Special Placement Closed 2009

FY 2015

Bon Air Max Security	Beaumont Max Security
Reception & Diagnostic Center Closed 2015	

5

Trauma Among Committed Youth, FY 2019




- 61% - parent criminal activity
- 58% - parent incarceration
- 53% - physical assault/abuse
- 40% - parent substance abuse
- 35% - parent death or abandonment
- 22% - family domestic violence
- 20% - self injurious behavior (SIB), suicide attempts, or suicidal ideation
- 17% - sexual assault/abuse

95% reported at least one of the above
67% reported 3 or more of the above

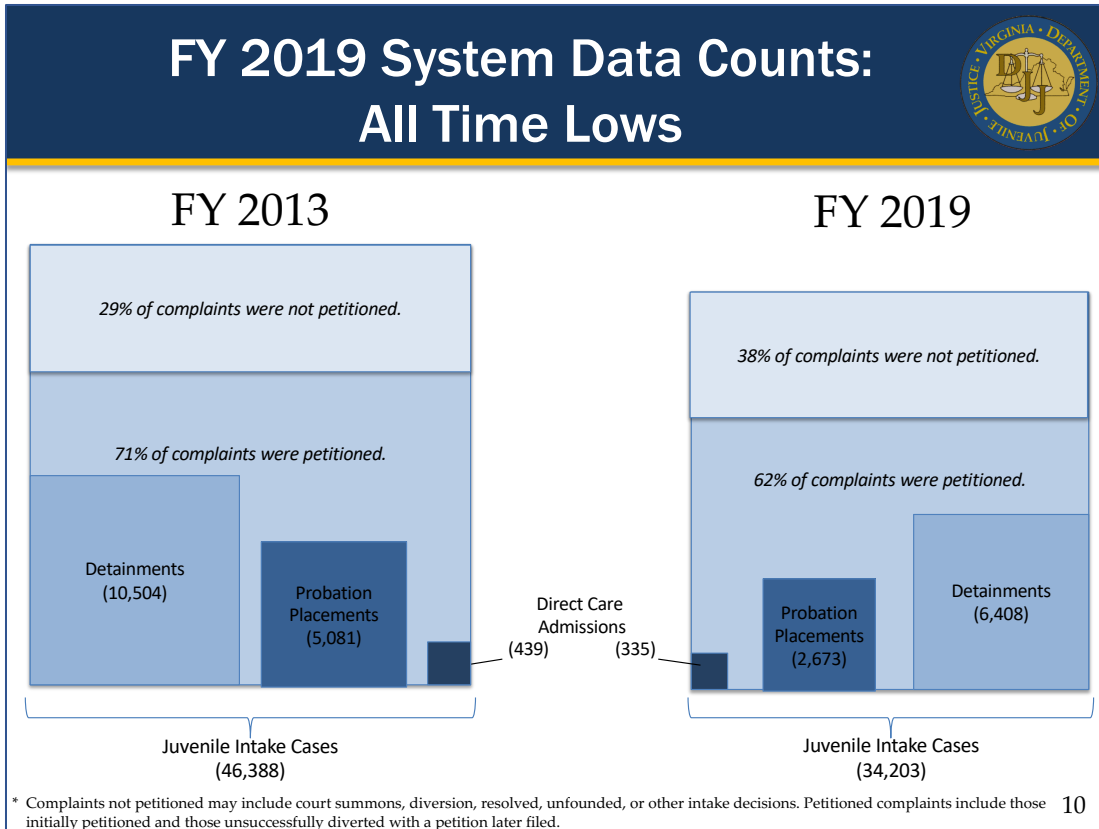
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DJJ Transformation Plan



Reduce	Reform	Replace	Sustain
<p>Implement uniform, effective, evidence-based and data-driven probation practices</p> <p>Use data and evidence to modify Direct Care Length of Stay (LOS) policy</p> <p>Develop more alternative placements for committed juveniles</p>	<p>Enhance JCC treatment services</p> <ul style="list-style-type: none"> - Implement Community Treatment Model (CTM) <p>Improve educational and vocational programming</p> <p>Strengthen family engagement</p> <p>Enhance reentry planning and parole services</p>	<p>Develop a statewide continuum of services by reinvesting savings</p> <p>Partner with local detention centers to open and operate Community Placement Programs</p> <p>Build new facilities that are safer, closer, smaller in scale, and designed for treatment</p>	<p>Create a culture for retaining a high-performing workforce</p> <p>Use data to drive plans and decisions</p> <p>Integrate services into a strategic plan supported by training, quality assurance, funding, and work culture</p> <p>Maintain current protocols and procedures</p>

9

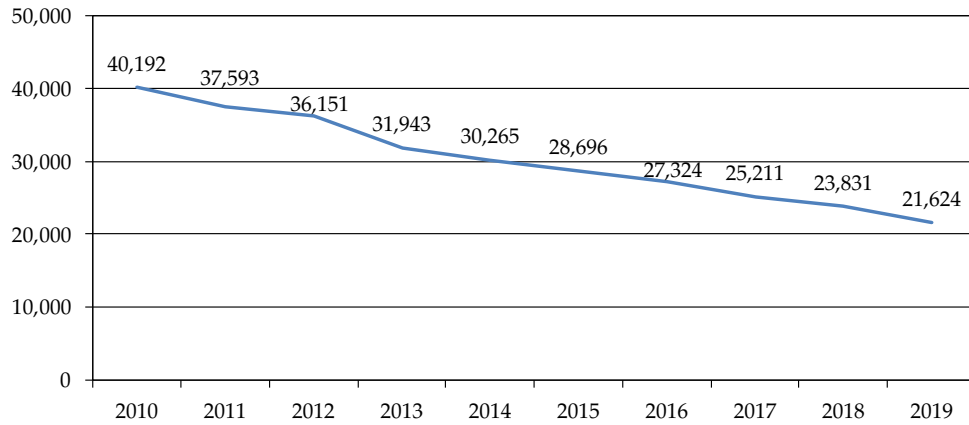


Transformation Outcomes: CSU Practice Improvement

- Increased use of diversion as allowed by the *Code of Virginia*
- Increased use of evidence based practices
 - Risk / Need / Responsivity (RNR) Model
 - Assessment tools (risk, need, trauma, etc.)
 - Structured Decision Making tools (DAI, YASI, SDM)
 - Uniform Social History Format
 - Probation practices include skill building
 - Use of incentives and sanctions
- Alignment of resources
- Employee development, support, and coaching

*Right Youth, Right Intervention, Right Time,
Right Dosage*

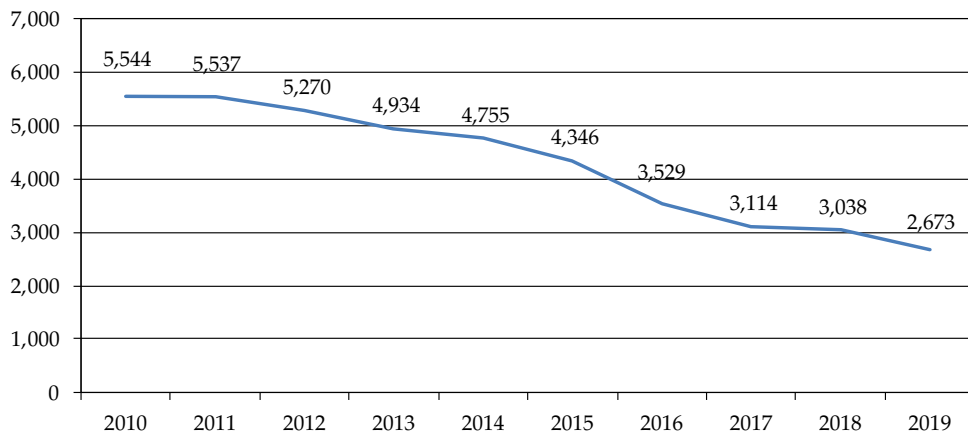
Detention-Eligible Intake Cases FY 2010 - 2019



- Detention-eligible intake cases decreased 46% (18,568 cases).

12

Probation Placements FY 2010 - 2019



- Probation placements decreased 52% (2,871 cases) since FY 2010.

13

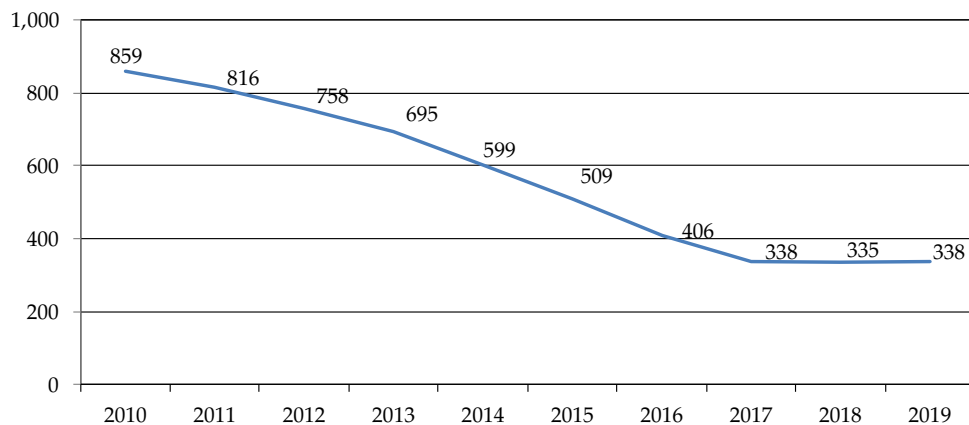
Transformation Outcomes: Residential Services



- Length of Stay (LOS) guidelines
- Consolidation of JCCs June 2017
- Community Treatment Model (CTM)
- Alternative placement options
 - 10 CPPs with 107 dedicated beds
 - 9 detention reentry programs
- Greater use of continuum placements
- Family engagement
- Student Government Association
- Personal Action Plans

14

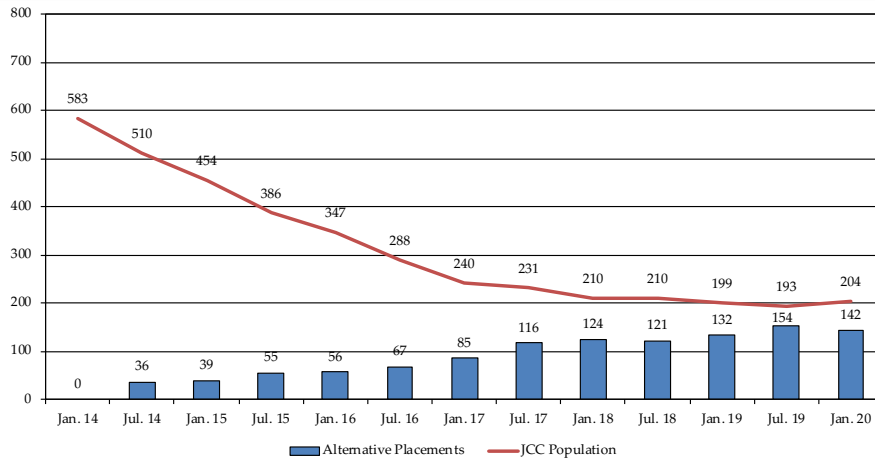
Direct Care Average Daily Population (ADP), FY 2010 - 2019



- Direct care ADP decreased 61% (521 juveniles).
- Direct care ADP was 338 in FY 2019. The approved forecast for FY 2019 was 334 juveniles.

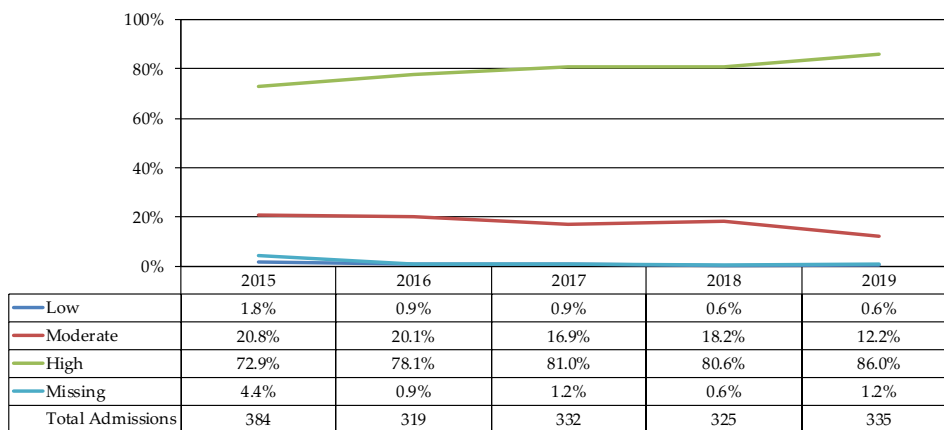
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Alternative Placements



- The JCC population has decreased 65%.
- As of January 2020, over a third of the direct care population was in an alternative placement.

Risk Level at Direct Care Admission, FY 2015 – FY 2019



- The percentage of high risk youth admitted to direct care increased from 72.9% in FY 2015 to 86.0% in FY 2019.

Direct Care Admissions Comparison



	FY 2013	FY 2019
Most Serious Offense Tier		
I	18.2%	10.4%
II	35.1%	30.1%
III	43.1%	54.6%
IV	3.6%	4.8%
Risk Level		
Low	2.5%	0.6%
Moderate	23.2%	12.2%
High	65.4%	86.0%
Average Age	16.9	16.5
% w/ Prior Supervision	79.0%	80.6%
Average Prior Violations	2.6	2.9
% w/ Prior Admissions	13.2%	15.2%

- Since FY 2013, offenses of direct care youth have become more serious, and more youth are high risk.

* Risk percentages may not add to 100% due to missing assessments.

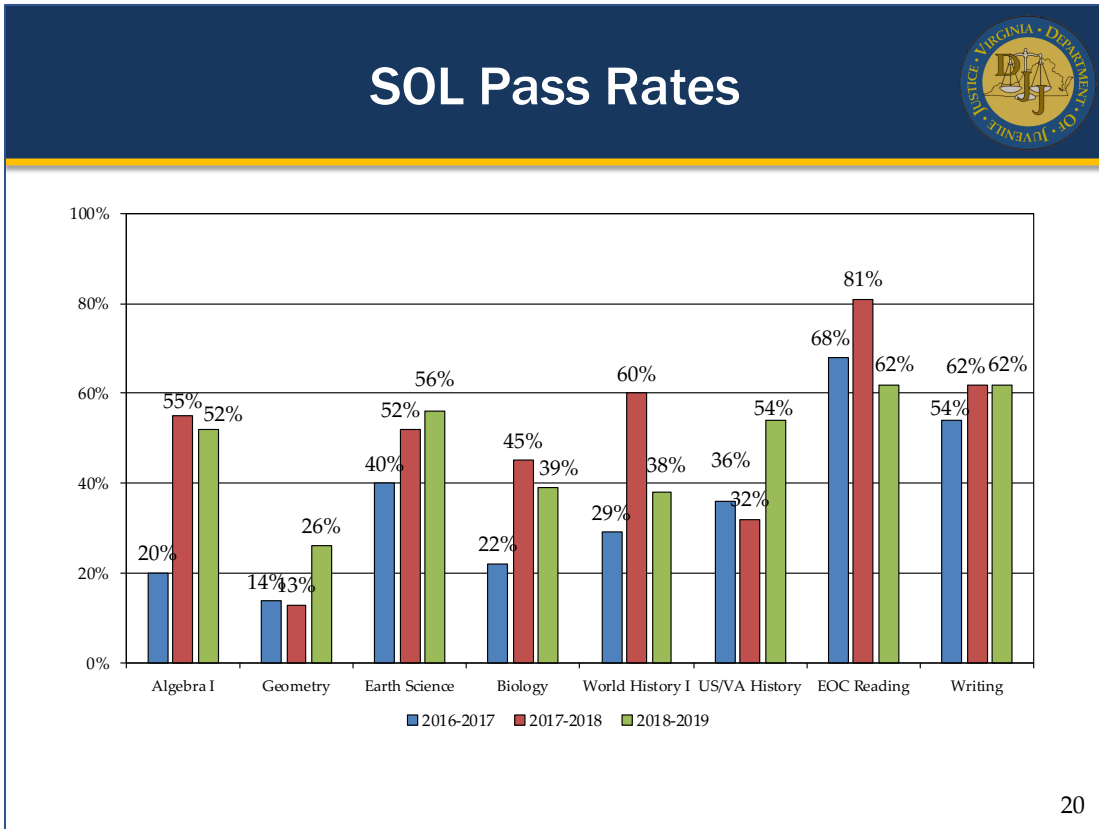
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Transformation Outcomes: Educational Services



- Fully licensed and endorsed teachers teaching in content
 - 55% in 2014-2015
 - 87% in 2017-2018
 - 89% in 2018-2019
- Sustained rates of standard and advanced diplomas
 - 90% of eligible seniors graduated in 2016-2017
 - 92% of eligible seniors graduated in 2017-2018
 - 87% of eligible seniors graduated in 2018-2019
- Improved SOL pass rates
 - 2014-2015 Algebra I = 21% 2014-2015 EOC Reading = 37%
 - 2018-2019 Algebra I = 52% 2018-2019 EOC Reading = 62%
- Post-secondary programming
 - Apprenticeships with VA Dept. of Labor include 6 targeted areas
 - 79 certifications awarded, 148 college credits earned last year
 - 4 college scholarships awarded (2 @ \$1,000; 2 @ \$2,500)
 - New welding and forklift simulators

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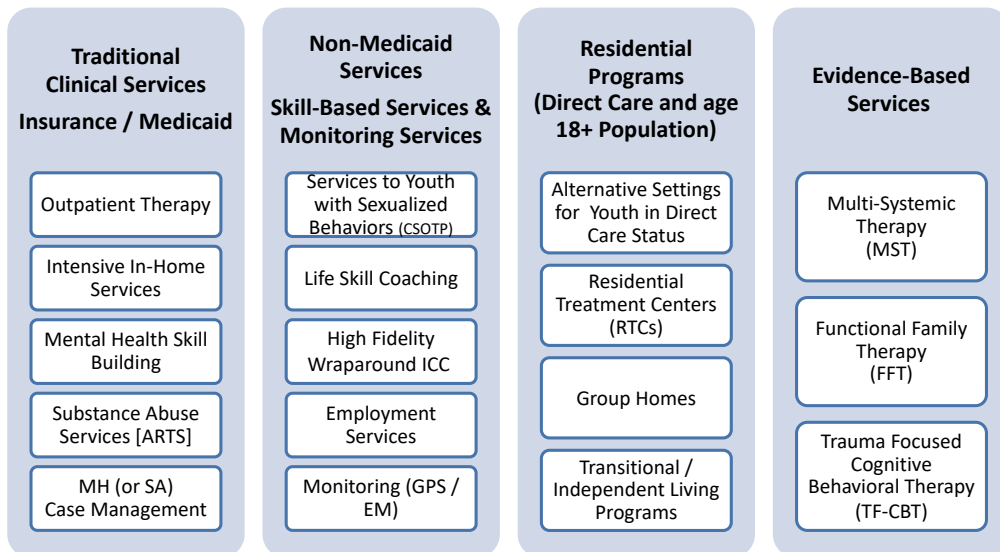
- ## Transformation Outcomes: Reentry Services
- New Reentry practices
 - Expedited Medicaid enrollment
 - Workforce partnerships
 - Department of Motor Vehicles ID cards and testing at the JCCs
 - Expanded Reentry Programs
 - Tidewater Reentry Program
 - Apartment Living Program
 - Transitional Living Group Home
- 21

RSC Service Delivery Model

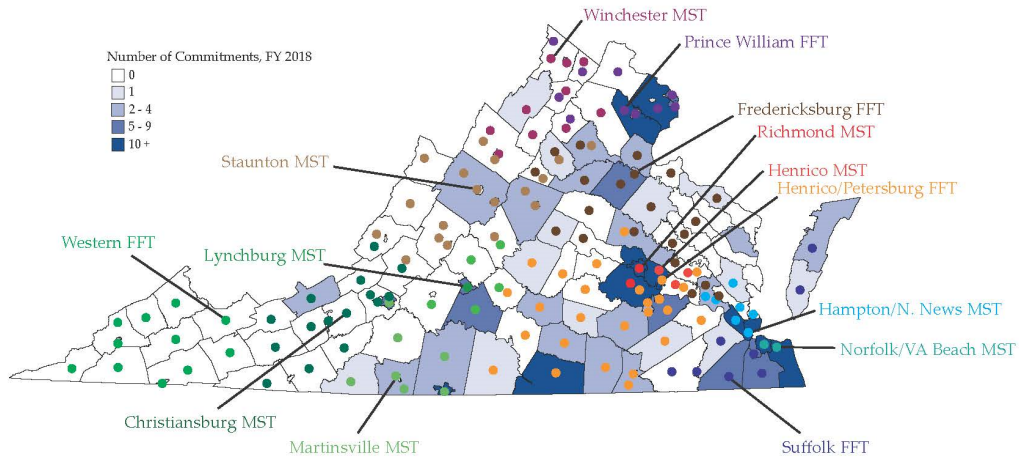


- Contracted with two Regional Service Coordinators (RSCs)
- More than 150 Direct Service Providers (DSPs) contracted since January 2017
- Introduced several evidenced based programs
 - Multi-Systemic Therapy (MST) and Functional Family Therapy (FFT) available in at least 129 of 133 jurisdictions (97%)
 - Trauma Focused Cognitive Behavioral Therapy in at least 96 localities (72%)
 - High Fidelity Wraparound in at least 117 of 133 localities statewide (88%)
- Group homes and residential treatment centers (20+)
- Residential providers: 25 out-of-home options (18+ year olds)
- Served over 1,500 youth with 3,500 services in FY 2018
- DJJ RSC Model is being reviewed by DSS and DMAS for possible replication as they transform service delivery

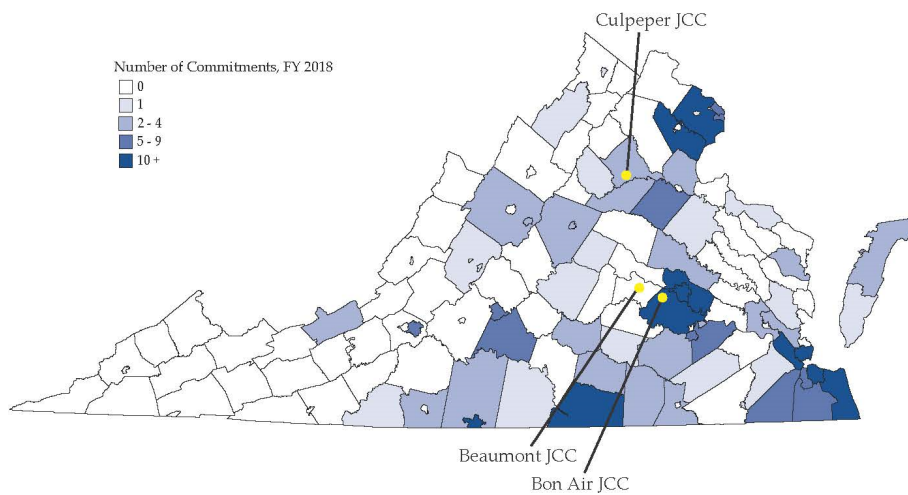
RSC Service Delivery Model: Broad Categories of Services

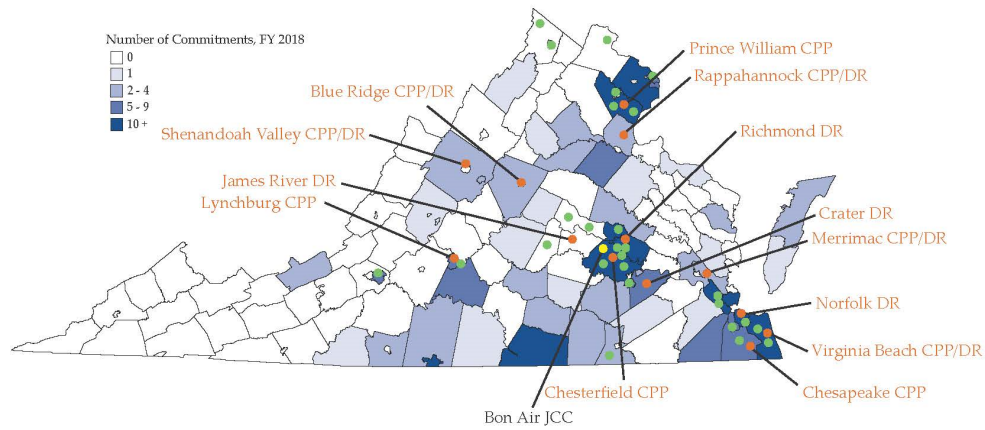
Map of MST and FFT Locations



Direct Care Placement Options on January 1, 2014



Current Direct Care Placement Options



Contracted Alternatives:

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> Elk Hill Farm - Goochland Hallmark Youth Care - Goochland Harbor Point Beh. Health - Portsmouth Intercept (Fresh Start) - Chesterfield Intercept Health - Richmond Intercept Youth Quest - Chesapeake Intercept Youth Quest - Lynchburg Intercept Youth Quest - Manassas Intercept Youth Quest - Newport News | <ul style="list-style-type: none"> Intercept Youth Quest - Richmond Intercept Youth Quest - Roanoke Intercept Youth Quest - Virginia Beach Intercept Youth Quest - Woodbridge Intercept Youth Quest - Winchester Jackson Field Beh. Health - Greensville Newport News Beh. Health - N. News North Spring Beh. Health - Loudoun Paramount Youth Services - Norfolk | <ul style="list-style-type: none"> Phoenix House - Arlington Poplar Springs - Petersburg Summit House - Chesterfield Tidewater Youth Services - Virginia Beach Timber Ridge School - Frederick UMFS - Richmond VA Home for Boys & Girls (DSS lic.) - Henrico VA Keys School (DSS/DOE lic.) - Cumberland Youth for Tomorrow - Prince William |
|---|--|--|

* Additional detention centers provide direct care admission/evaluation services.

DJJ's Transformation Path Forward



Sustaining Transformation

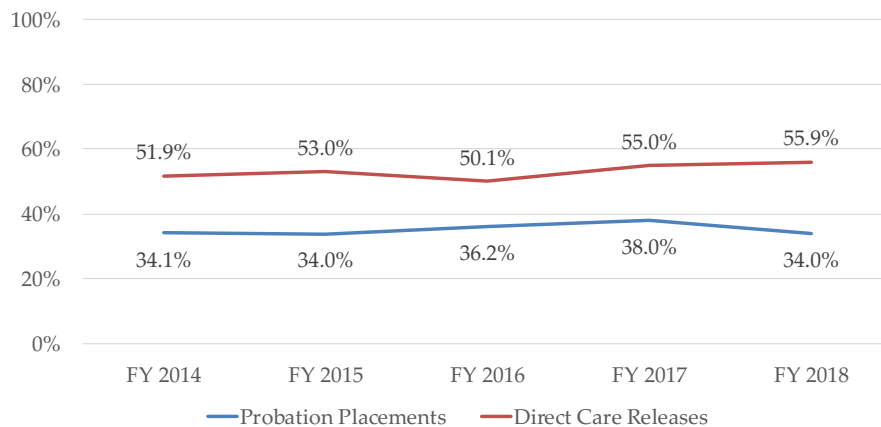


Safe, Healthy, and Inclusive Work Place:

- Promote Guiding Principles with youth and employees
- Develop a supportive organizational culture
 - Hosted listening sessions
 - Dedicated a new training team
 - Enhanced training opportunities
 - Leadership development opportunities
- Develop a fair compensation plan by realigning salaries
- Educate employees to deliver skill building activities with youth
- Prioritize and align initiatives using data to support decisions

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Transformation Outcomes: 12-Month Rearrest Rates

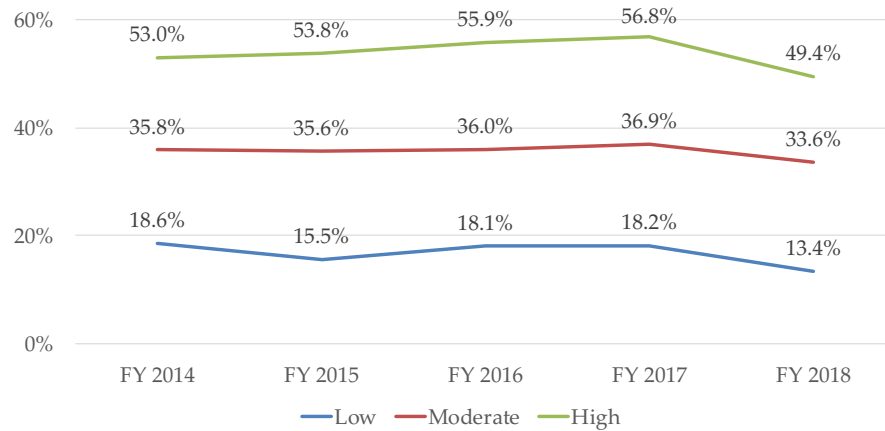


- Percentage of high risk youth increased for both probation placements (20% to 26%) and direct care releases (60% to 70%).
- 12-month rearrest rates remained relatively stable with this higher risk population.

* Changes in risk percentages reflect FY 2014 to FY 2018 recidivism samples.

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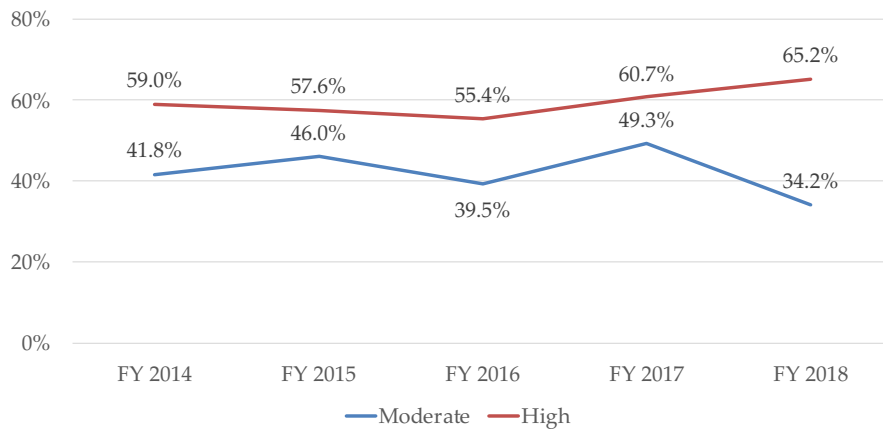
12-Month Rearrest Rates for Probation Placements



- From FY 2017 to FY 2018, 12-month rearrest rates for probation placements declined across all risk levels.

* Changes in risk percentages reflect FY 2014 to FY 2018 recidivism samples.

12-Month Rearrest Rates for Direct Care Releases



- From FY 2017 to FY 2018, the 12-month rearrest rate for moderate risk releases declined from 49% to 34%.

* Changes in risk percentages reflect FY 2014 to FY 2018 recidivism samples.

The Work Ahead



- Recidivism reduction
- Continue strategic framework
- Sustain progress made
- Develop leaders across the agency
- Deliver trauma informed care
- Focus on positive youth development
- Engage communities and stakeholders
- Continue cross agency collaborations
- Ensure fair and equitable treatment
- Best interest of children and families

32

What Works: The Ideal JJ System



Eight Principles and Characteristics (JJLN / Decker 2019):

1. Developmentally appropriate
2. Research-based, data-driven, and outcome-focused
3. Fair and equitable
4. Strengths-based
5. Trauma-informed and responsive
6. Supportive and positive relationships and stability
7. Youth and family-centered
8. Well coordinated across systems of care

RIGHT YOUTH, RIGHT INTERVENTION, RIGHT TIME,
RIGHT DOSAGE

33

Vision – Virginia DJJ



**Virginia DJJ
Is Becoming
The Ideal Juvenile Justice Agency!**

Virginia's Juvenile Detention Centers

OVERVIEW FOR COMMISSION ON YOUTH MEMBERS
JUNE 17, 2020

Detention: What is it?

- ▶ National definition (National Juvenile Detention Association and American Correctional Association):
 - ▶ *Temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court who require a restricted environment for their own or the community's protection while pending legal action; provides wide range of helpful services and a system of clinical observation and assessment that complements the helpful services and reports findings*

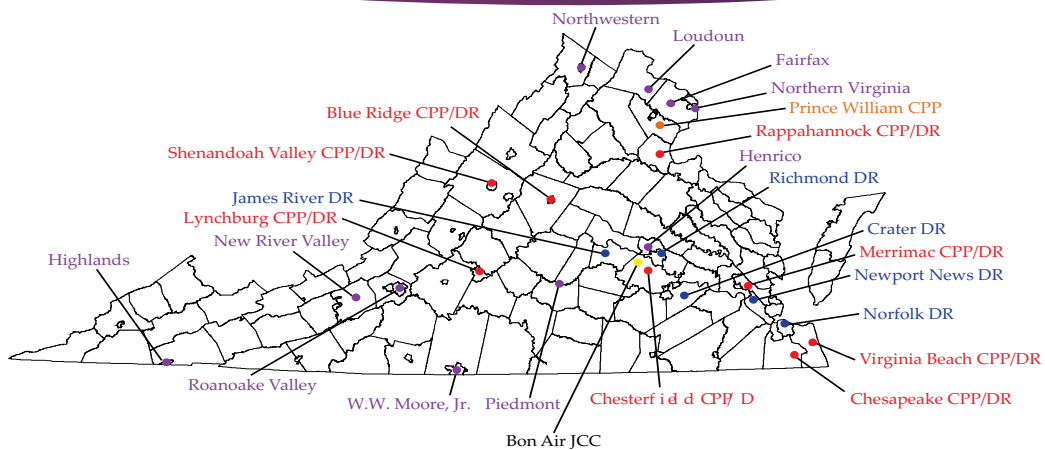
Virginia's Multi-Faceted Detention Population

- ▶ Children awaiting court action or placement:
 - ▶ Pre-dispositional
 - ▶ Awaiting Special Placement
 - ▶ Circuit Court Transfers
 - ▶ Appeals
 - ▶ Restoration of Mental Competency
 - ▶ DJJ Assessment and Evaluation

Length of Stay can range from 1 day to more than a year

- ▶ Children serving their disposition in detention:
 - ▶ Short-term Post-dispositional sentences of 1 to 30 days
 - ▶ Post-dispositional Program sentences (6 months) – Local treatment programs in lieu of state commitment (19 programs)
 - ▶ Community Placement Program (3 months to several years) – contractual programs (10 facilities)with DJJ to hold committed youth
 - ▶ Re-Entry (up to 60 days) – contractual relationship with DJJ to transition committed youth back to local detention to prepare for community transition

Detention Partnerships with DJJ



Detention Operations

- ▶ Over 500 state and federal regulations we must comply with (DJJ, PREA, USDA)
- ▶ 1:8 staff to resident ratio
- ▶ Structured daily schedule including
 - ▶ Education
 - ▶ Recreation
 - ▶ Evidence-Based Treatment Services (CPP and Post-d)
 - ▶ Volunteer Programs
 - ▶ Many creative ways in which to engage kids

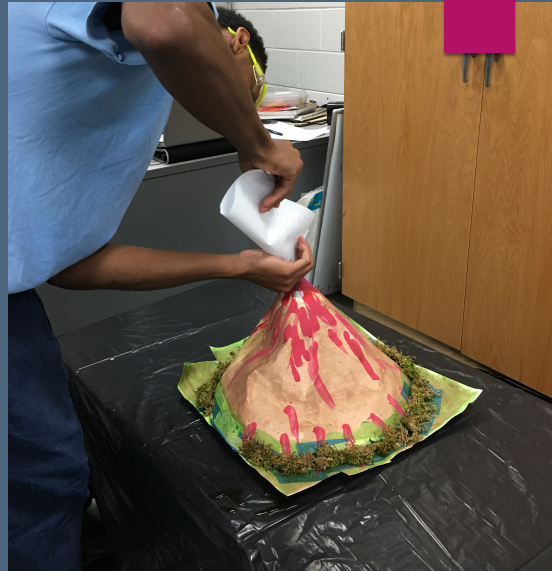
How Detention is Different from State Facilities

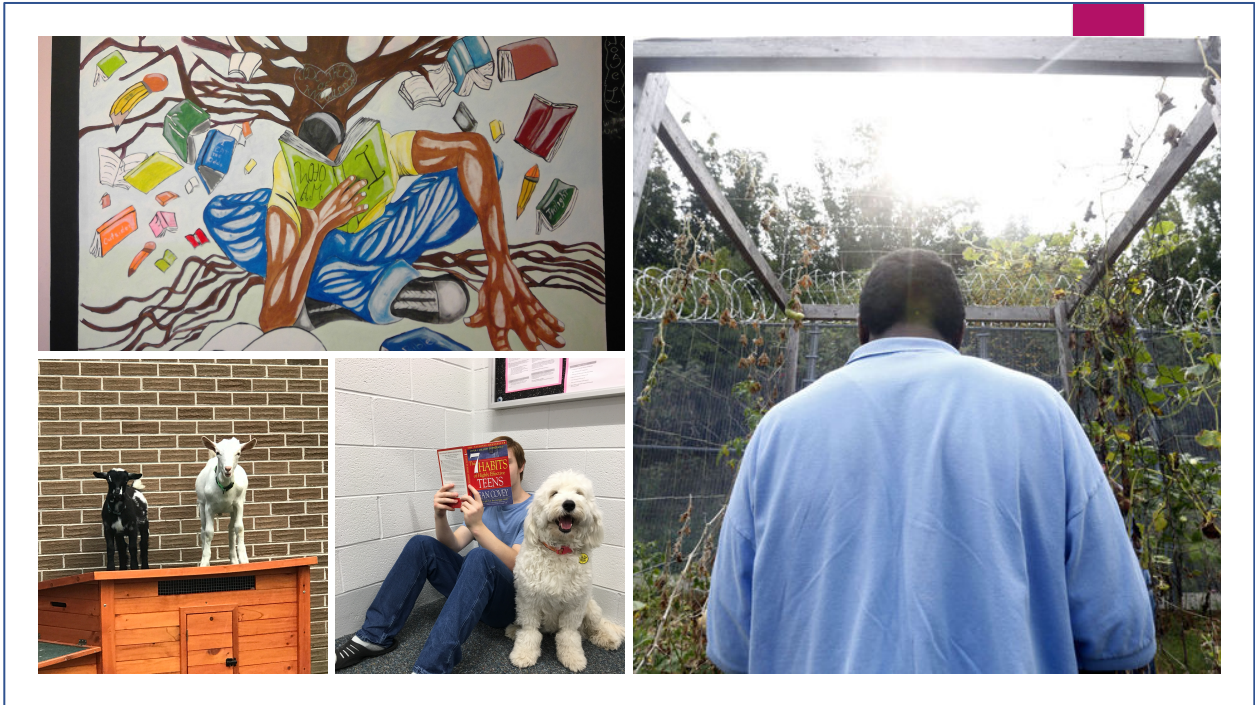
- ▶ Constant stream of intakes
 - ▶ Little to no information
 - ▶ Cross-jurisdictions
 - ▶ Classification (varied depending on age, educational need, gender, court orders – i.e., separation of co-defendants)
 - ▶ Adjustment to structured schedule and restricted environment
- ▶ Limited mental health staff and support
- ▶ Varied lengths of stay (1 day to many years)
- ▶ Varied facility design and layout (i.e. loaded corridor versus pods)
- ▶ Diverse ages, grade levels, and cognitive functioning

Delivery of Education in Detention



- ▶ Multiple grade levels (5th grade to post-graduate) and multiple home school districts in the same class
- ▶ Varied requirements (i.e., books, classes)
- ▶ Facility Design and Operational Differences
- ▶ Resident Engagement
- ▶ Ultimate goal is to get kids re-engaged and back in school in the community





State Operated Programs



Commission on Youth

06/17/2020

1



What is an SOP?

Section 22.1-7 of the *Code of Virginia* addresses the educational responsibility for children in residence or in the custody of state agencies. "Each state board, agency, and institution having children in residence or in custody shall provide education and training to such children which are at least comparable to that which would be provided to such children in the public school system."

2



What is an SOP?

Section 22.1-7 of the *Code of Virginia* addresses the educational responsibility for children **in residence** or in the custody of state agencies. "Each state board, agency, and institution having children in residence or in custody shall provide education and training to such children which are **at least comparable** to that which would be provided to such children in the public school system."

3



Who Are We?

- 24 Juvenile Detention Centers
- 3 Hospital Education Programs and Clinics
- 7 Off Site Clinics
- 2 Juvenile Mental Health Facilities**
- 5 Adult Mental Health Facilities
- Wilson Workforce and Rehabilitation Center

4



Who We Are Not...

- Department of Juvenile Justice
- Employees of the host facility
- School counselors, MH therapists, or mentors
- Attorneys
- Medical personnel
- Surrogate parents

5



When Might a Student Enter an SOP Academic Program?

- Court order (detention or mental health)
- Serve a sentence after being placed into DJJ custody (detention)
- Mandatory evaluation/Parent placement
- Chronic medical need

6



Facility Partnerships with DJJ

19 facilities serve as CAP locations

- ▣ CAP = Central Admission and Placement
- ▣ Process previously took place at RDC (Reception and Diagnostic Center)
 - ▣ Average LOS is 42 days

10 facilities serve as CPP locations

- ▣ CPP = Community Placement Programs
- ▣ LOS range from three months to five years

7



Facility Partnerships with DJJ

- Approximately 120 students in DJJ Custody remain in the local and regional JDCs
- Continuity of SOP education programs allows these students to continue progress towards graduation

8



What Do We Do?

- 4,912 enrolled students (at least one enrollment)
- 303 post-graduates served (detention only)
- 564 CTE certificates earned by students (detention only)
- 157 students earned a GED (detention only)
- 32 students earned a HS Diploma (detention only)
- 1,245 SOL tests administered

9



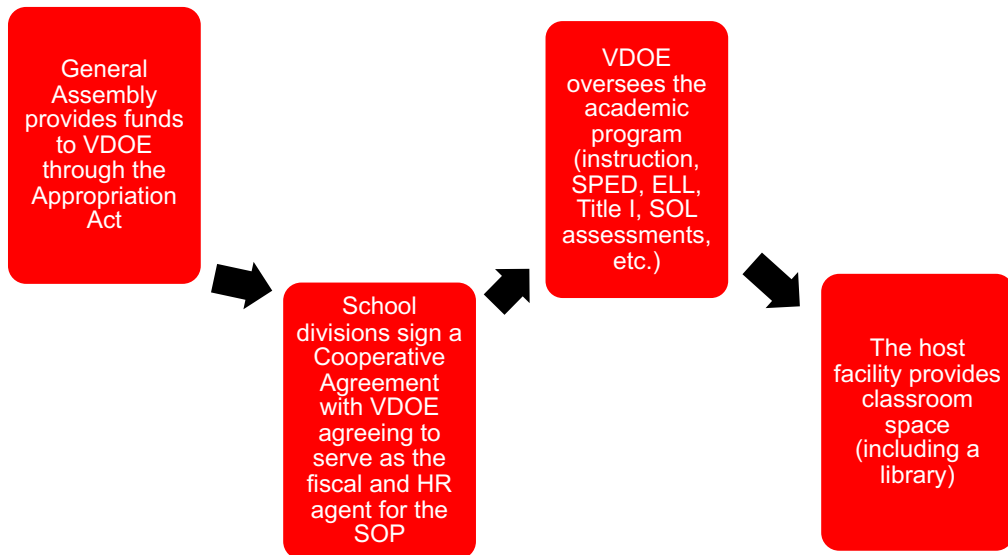
Detention Specific Information

- SY 2018-2019 enrolled students from 5th grade to post graduate (age 20.11)
- Average length of stay was 52 calendar days
- For 18-19, 31% in JDC were identified as SWD
- Programs enrolled students on a 24 hour hold up to students with a LOS of five years
- The majority of classrooms are similar to a “one room” schoolhouse model

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How Does All of This Work?



11

Federal Requirements

- Office of Civil Rights Data Collection
 - Information collected every two years
 - Since 2014 (the first year we were required to report), Virginia has not received any OCR complaints in regard to detention education
- Title I, Part D (Neglected and Delinquent)
 - Successfully completed a federal review (2017-2018)
 - Successfully completed a state review (2018-2019)

12

Federal Requirements

- Title III
 - Language Instruction for English Learners and Immigrant Students
 - Identified students and families must be provided specialized instruction and support
 - The majority of our EL students are in the Northern VA region, but we are seeing a dramatic increase in Central VA.

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Federal Requirements

- Individuals with Disabilities Education Improvement Act, 2004
 - Special education and related services
 - All JDC's were reviewed by VDOE between 2017 and 2018 are in compliance
 - There have been no due process or state complaints in JDC education programs in recent history (Data goes back to 2006)
- Section 504 of the Rehabilitation Act
 - Accommodations/modifications for students

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Code of Virginia Authorization for
Department of Education, State Operated Programs

§ 22.1-209.2. Programs and teachers in regional detention homes, certain local detention homes and state agencies and institutions.

The Board of Education shall prepare and supervise the implementation in the regional detention homes and those local detention homes having teachers whose salaries were being funded by the Commonwealth on January 1, 1984, a program designed to educate and train the children detained in the homes. In addition, the Board shall supervise those programs of evaluation, education and training provided to school-age children by the Department of Health, the Department of Behavioral Health and Developmental Services, the children's teaching hospital associated with the Eastern Virginia Medical School, the Virginia Commonwealth University Health System Authority, the children's teaching hospital associated with the Virginia Commonwealth University Health System Authority, and the University of Virginia Hospitals pursuant to the Board's standards and regulations as required by § [22.1-7](#).

The Board shall promulgate such rules and regulations as may be necessary to conform these programs with the applicable federal and state laws and regulations including, but not limited to, teacher/student ratios and special education requirements for children with disabilities. The education programs in the relevant detention homes and state agencies and institutions shall be approved by the Board and the Board shall prepare a budget for these educational programs which shall be solely supported by such general funds as are appropriated by the General Assembly for this purpose. Teacher staffing ratios for regional or local detention homes shall be based on a ratio of one teacher for every twelve beds based on the capacity of the facility; however, if the previous year's average daily attendance exceeds this bed capacity, the ratio shall be based on the average daily attendance at the facility as calculated by the Department of Education from the previous school year.

The Board of Education shall enter into contracts with the relevant state agency or institution or detention facility or the local school divisions in which the state agencies or institutions or the regional detention homes and the relevant local detention homes are located for the hiring and supervision of teachers.

In any case in which the Board enters into a contract with the relevant state agency or institution, the Department of Human Resource Management shall establish salary schedules for the teachers which are competitive with those in effect for the school divisions in which the agency or institution is located.

1987, c. 414; 1992, cc. 209, 439; 1994, c. [854](#); 2000, cc. [66](#), [657](#), [865](#); 2002, cc. [87](#), [478](#); 2008, cc. [46](#), [151](#); 2009, cc. [813](#), [840](#).

§ 22.1-214.2. Definition of "supervise" as related to educational programs provided for or by Department of Behavioral Health and Developmental Services.

For the purposes of subsection F of § [22.1-214](#) as related to the educational programs provided for or by the Department of Behavioral Health and Developmental Services, "supervise" shall mean providing active support in (i) designing mechanisms for maintaining constant direct contact and the sharing of ideas, approaches and innovations between the Department of Behavioral Health and Developmental Services and the facility staff responsible for providing educational services; (ii) providing consistent oversight, with particular attention to the mental health programs, to ensure that the availability of educational resources and the distribution of funds clearly reflect the needs of the different student populations residing in the various facilities; (iii) developing guidelines, in cooperation with the Department of Behavioral Health and Developmental Services for the evaluation of the performance of the education directors or other education supervisors employed by the Department of Behavioral Health and Developmental Services; (iv) developing and implementing, in cooperation with the Department of Behavioral Health and Developmental Services, programs to ensure that the educational and treatment needs of dually diagnosed children in state facilities are met; and (v) ensuring that the expertise of the Department of Education is utilized by providing technical assistance to the education programs provided for or by the Department of Behavioral Health and Developmental Services in the areas of selection and acquisition of educational materials, curriculum development including career and technical education, when appropriate, and applications for federal grants.

1985, c. 207; 2001, c. [483](#); 2009, cc. [813](#), [840](#); 2012, cc. [476](#), [507](#).

§ 22.1-7. Responsibility of each state board, agency, and institution having children in residence or in custody.

A. 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. Such board, agency, or institution may provide such education and training either directly with its own facilities and personnel in cooperation with the Board of Education or under contract with a school division or any other public or private nonreligious school, agency, or institution.

B. The Board of Education shall supervise the education and training provided to school-age individuals in state training centers, and shall provide for and direct the education for school-age individuals in state hospitals operated by the Department of Behavioral Health and Developmental Services in cooperation with the Department of Behavioral Health and Developmental Services.

C. The Board shall prescribe standards and regulations for all such education and training provided directly by a state board, state agency, or state institution.

D. Each state board, state agency, or state institution providing such education and training shall submit annually its program therefor to the Board of Education for approval in accordance with regulations of the Board.

E. If any child in the custody of any state board, state agency, or state institution is a child with disabilities as defined in § [22.1-213](#) and such board, agency, or institution must contract with a private nonreligious school to provide special education as defined in § [22.1-213](#) for such child, the state board, state agency, or state institution may proceed as a guardian pursuant to the provisions of subsection A of § [22.1-218](#).

F. Any person of school age who is admitted pursuant to § [16.1-338](#), [16.1-339](#), or [16.1-340.1](#) or in accordance with an order of involuntary commitment entered pursuant to §§ [16.1-341](#) through [16.1-345](#) to a state facility for children and adolescents operated by the Department of Behavioral Health and Developmental Services shall, upon admission, be permitted to participate in any education program offered in the facility that is administered by the Department of Education, regardless of his enrollment status. Information required to enroll such person in any such education program may be disclosed in accordance with state and federal law. Nothing in this subsection shall be construed to require enrollment in an education program if such person has been excused from attendance at school pursuant to subdivision B 1 of § [22.1-254](#).

Code 1950, § 22-9.1:04; 1972, c. 603; 1974, c. 480; 1980, c. 559; 1985, c. 207; 1994, c. [854](#); 2005, c. [928](#); 2009, cc. [813](#), [840](#); 2012, cc. [476](#), [507](#); 2019, cc. [173](#), [281](#).

**Sample School Day
Richmond JDC – Virgie Binford Education Center
Full Day Schedule 2018-2019**

TEACHERS	Common Planning 7:15-7:45 30 min	PERIOD 1 7:45-8:30 45 min	PERIOD 2 8:30-9:15 45 min	PERIOD 3 9:15-10:00 45 min	PERIOD 4 10:00-10:45 45 min	PERIOD 5 10:45-11:30 45 min	LUNCH 11:30-12:10 30 min	PERIOD 6 12:10-1:00 50 min	PERIOD 7 1:05-2:00 55 min	PERIOD 8 2:00-3:15 60 min
DOZIER CTE	Planning	Planning	POD B	POD G	POD F	POD C	Lunch	POD E	POD D	Daily Debrief & Grad Point
ROBINSON HISTORY	Planning	POD D	Planning	POD C	POD G	POD F	Lunch	POD B	POD E	Daily Debrief & Grad Point
MCGRUDER SCIENCE	Planning	POD E	POD D	POD B	POD C	POD G	Lunch	POD F	Planning	Daily Debrief & Grad Point
SMITH-TURNER MATH	Planning	POD C	POD E	POD D	POD B	Planning	Lunch	POD G	POD F	Daily Debrief & Grad Point
JANUS ART	Planning	POD B	POD G	POD F	POD D	POD E	Lunch	Planning	POD C	Daily Debrief & Grad Point
HARRIS ENGLISH	Planning	POD G	POD F	POD E	Planning	POD D	Lunch	POD C	POD B	Daily Debrief & Grad Point
MIDDLETON GYM/HEALTH	Planning	POD F	POD C	Planning	POD E	POD B	Lunch	POD D	POD G	Daily Debrief & Grad Point
ANDERSON	Planning	IEPs	Planning	Class Push In	IEPs	Class Push In	Lunch	IEPs	Class Push In	Daily Debrief & Grad Point
CYPRESS	Planning	Library/GED	Library/GED	Collab/Dozier	Collab/Dozier	Planning	Lunch	Library/Post D	Library/Post D	Daily Debrief & Grad Point
YOUNG	Planning	Virtuoso Green House	Virtuoso Post Grads	Library/Star	Planning	Library/Star	Lunch	Push In/ Pull Outs	Push In/ Pull Outs	Daily Debrief & Grad Point

**Sample School Day
New River Valley JDC
Regular Day Schedule 2018-2019**

	Wood Classroom #3 Office	Abel Classroom #2 Office	Moore Classroom #3 Office	Rush Classroom #1 Office	Skeens Classroom #2 Office
7:35 – 8:25	Health and PE with Mr. Akers all students				
	Planning	Planning	Planning	Planning	Planning
8:35 – 9:25	GED/SOL Remediation	Reading/STAR Testing	A-Life Skills Classroom #3	B-Social Studies Classroom #1	C-Science Classroom #2
9:25 – 9:35	SNACK/RESTROOM ON THE FLOOR				
9:35 – 10:25	GED/SOL Remediation	Reading/STAR Testing	B-Life Skills Classroom #3	C-Social Studies Classroom #1	A-Science Classroom #2
10:30 – 11:20	GED/SOL Remediation	Transition	C-Life Skills/PD Classroom #3	A-Social Studies Classroom #1	B-Science Classroom #2
11:20 – 11:45	LUNCH				
11:45 – 12:05	STUDENTS RETURN TO THEIR ROOMS				
12:05 – 12:55	A-Math Classroom #3	B-English Classroom #1	Special Education/Testing		C-Gradpoint/ Horticulture Classroom #2
1:00 – 1:50	B-Math Classroom #3	C-English Classroom #1	Special Education/Testing		A-Gradpoint/ Horticulture Classroom #2
1:50 – 2:00	SNACK/RESTROOM ON THE FLOOR				
2:00 – 2:50	C-Math Classroom #3	A-English Classroom #1	Special Education/Testing		B-Gradpoint/ Horticulture Classroom #2
2:50 – 3:10	SHIFT CHANGE				
3:10 – 3:55	READING/GROUP ACTIVITY				
3:55 – 4:55	EXERCISE				

**STATE OPERATED PROGRAMS
DETENTION EXPENDITURES
FISCAL YEAR 2019
2018/2019 SCHOOL YEAR**

Facility Name	# Personnel	Educational Costs of State Operated Programs (SOP)				TOTAL COSTS SOP	Number of Unique Students Served ***	Student Average Daily Population (ADP)			Facility Capacity	AVERAGE EDUCATIONAL COST PER SEAT BASED ON ADP
		Total Costs Personnel Svcs*	Total Costs Non-Personnel Svcs**	Cooperative Agreement Amendments Additions / Reductions	ADP Pre-D & Post-D			ADP CPP ****	TOTAL ADP			
BLUE RIDGE	8.50	722,776	112,251	(1,878)	833,149	81	6	7	13	40	46,375	
CHESAPEAKE	14.00	1,438,472	45,050	5,000	1,488,522	244	38	8	46	100	32,359	
CHESTERFIELD	12.00	1,110,207	111,350	30,000	1,251,557	145	24	12	36	90	34,765	
CRATER & CSH	5.00	489,730	28,665		518,395	94	18		18	22	28,800	
FAIRFAX & MH & CL	13.00	2,108,806	51,799	68,136	2,228,741	184	29		29	121	76,853	
HENRICO/JAMES RIVER	15.00	1,408,515	62,050	22,000	1,492,565	193	36		36	80	41,460	
HIGHLANDS & MH	8.00	624,993	52,375	35,000	712,368	106	13		13	35	54,798	
LOUDOUN	5.50	703,970	35,900	7,000	746,870	43	6		6	24	124,478	
LYNCHBURG	10.00	773,197	49,925	5,385	828,507	99	15	7	22	48	37,659	
MIDDLE PENINSULA & ESH	11.00	1,005,719	42,007	102,200	1,149,926	184	20	13	33	48	34,846	
NEW RIVER VALLEY	6.30	491,543	25,829	14,500	531,872	61	8		8	24	66,484	
NEWPORT NEWS	16.00	1,455,566	66,104	7,000	1,528,670	268	59		59	110	25,910	
NORFOLK	13.00	1,379,124	43,860		1,422,984	187	37		37	80	38,459	
NORTHERN VA	12.00	1,719,697	37,400		1,757,097	110	15		15	70	117,140	
NW REGIONAL	6.50	582,215	19,880		602,095	103	15		15	32	40,140	
PIEDMONT	4.50	281,593	20,655		302,248	67	11		11	20	27,477	
PRINCE WILLIAM	13.00	1,377,789	113,336	84,295	1,575,420	231	29	7	36	72	43,762	
RAPPAHANNOCK	12.00	1,034,491	42,700	5,000	1,082,191	179	20	13	33	80	32,794	
RICHMOND	13.00	1,324,517	69,700	(1,000)	1,393,217	213	32		32	60	43,538	
ROANOKE & CL	7.50	1,064,413	150,450	8,000	1,222,863	141	19		19	81	64,361	
SHENANDOAH VALLEY	10.25	888,140	47,570	15,000	950,710	206	16	6	22	58	43,214	
VA BEACH	11.00	1,015,477	47,956	30,850	1,094,283	227	33	18	51	90	21,457	
WW MOORE	10.00	774,811	30,850	19,000	824,661	106	22		22	60	37,485	
TOTALS	237.05	23,775,759	1,307,662	455,488	25,538,909	3,472	521	91	612	1,445	41,730	

* Personnel Svcs include salary, indirect costs & benefits

** Non-Personnel Svcs include subs, travel, materials & supplies, tech & other

*** Unique Students Served refers to unique students present in a facility regardless of the number of times they enroll during the school year. **Average cost per unique student served is \$7645 for the 18/19 school year.**

**** Some CCP students receive post-secondary education, which is funded by DJJ's Division of Education. For example, in FY19, Virginia Beach had a large number of post-secondary students and received close to \$170,000 of DJJ funding. DJJ funding for post-secondary education is not reflected on this summary sheet.