



State Operated Programs



The Virginia Board of Education and 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, 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.”

Authorization has been granted by statute 22.1-209.2, 22.1-214.2 and 22.1-7 to the Virginia Board of Education (VBOE) for the establishment, operation, and supervision of State Operated Programs (SOP). State funds are provided for general education, special education, and related services in the state appropriation.



The Virginia Board of Education and VDOE SOP

The VDOE provides:

- Annual funding for SOP staff, materials and supplies, equipment, travel, and in-service training;
- Contractual agreements with school divisions to provide for the human resources and fiscal management of the program;
- Direct supervision of the SOP instructional program with a focus on best instructional and behavioral practices;
- Monitoring, enforcement, technical assistance and consultative services in the interpretation and implementation of state and federal laws and regulations pertaining to the education of children with disabilities;
- Review and evaluation of SOP compliance with state and federal regulations; and
- Job qualifications and input into the hiring of SOP personnel.



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- 24 Juvenile Detention Centers (JDC)
- 3 Hospital Education Programs and the Virginia Department of Health (VDH) Clinics
- 7 off-site VDH Clinics
- 3 Juvenile Mental Health Facilities
- 5 Adult Mental Health Facilities
- Wilson Workforce and Rehabilitation Center



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- Funding for SOP comes from the *Appropriations Act* and VDOE creates budgets for the individual programs.
- SOP experience characteristics specific to programs (JDC, mental health, and hospital programs) and the students they serve.
- Regardless of the size or daily census, students must receive educational services comparable to public schools as well as maintaining compliance with state and federal statutes.
- Specific focus on vulnerable student populations.



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The Board of Education shall make recommendations for:

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



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In developing such recommendations, the Board shall consider:

- (i) the dramatic decrease in the Average Daily Population in detention centers over the course of two decades without a comparable decrease in state funding; and
- (ii) establishing a systemwide staffing ration that is comparable to those provided in a Regional Alternative Education Programs and aligned with the staffing requirements provided in the federal *Prison Rape Elimination Act*.



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- (iii) implementing efficiencies, such as sharing SOP instructional staff with participating local school divisions, hiring part-time teachers and dually certified teachers and principals, and utilizing a lead teacher in lieu of a full-time principal in programs with a low average daily population;
- (iv) changes to SOP operating agreements to facilitate more efficient staffing practices and to clarify the role of the state and school divisions in hiring and supervising SOP instructional staff;
- (v) increasing the use of enhanced distance learning; and
- (vi) the draft recommendations deliberated by the Commission on Youth from the 2020 study.



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- **Required Members**
 - Senate Finance and Appropriations Committee, House Appropriations Committee, Department of Planning and Budget, VDOE, Department of Juvenile Justice, Virginia Juvenile Detention Association, Chair of the Virginia Commission on Youth, state operated program principals and advocacy organizations.
- **Meeting Schedule**
 - July 2 and August 3, 2021, meetings
 - Development of draft report for member feedback



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- Process to get to recommendations
 - Over the course of in-person meetings the workgroup reviewed the regulatory requirements, the specific programs, the demographic and outcome data associated with each program as well as the legislative mandate for the workgroup
 - This review informed smaller group discussions with whole-group debrief on feedback and input into possible draft recommendations
 - Workgroup members then reviewed and provided feedback that was used to revise the final report as well as the recommendations



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● Recommendation Areas

- Increasing staffing, leadership and support from VDOE
- Consideration of innovative staffing and program models
 - Flexibility of existing positions
 - Incentivizing dual-certified and shared positions
 - Possible creation of staff to serve on an as-needed basis
- Learning from advances in enhanced online/asynchronous instructional options
- Additional time to study in order to inform next steps and/or develop alternatives on recommendations