



Workplan 2023

Justin Brown

Senior Associate Director

- 2023 studies
 - K–12 Standards of Quality funding formula
 - K–12 teacher pipeline
 - Public defenders, court-appointed attorneys, and commonwealth’s attorneys



Briefing: July 2023

K–12 Standards of Quality funding formula

Staff: Mark Gribbin, Erik Beecroft, Ph.D., Sarah Berday-Sacks, Sam Lesemann, Mitch Parry

Study resolution

- Directs JLARC to study the cost of education and assess the costs to implement the Standards of Quality
 - Estimate the cost of implementing the Standards of Quality based on actual expenses
 - Analyze impact of changes in the Standards of Quality formula since 2009
 - Propose changes to the Standards of Quality funding formula

Senate Joint Resolution 294 (2021)

Background

- State uses Standards of Quality (SOQ) funding formula to determine state funding for 131 school divisions
- Formula considers many factors
 - number of staff division needs based on student population
 - salary and benefits costs to employ those staff
 - relative ability of each school division to contribute local funds

Background (continued)

- In FY22, SOQ formula allocated about \$6.8 billion in state funds to school divisions, representing the vast majority of divisions' state funding
- In addition to state SOQ funds, localities are required to spend a minimum amount of their own funds
 - Nearly all localities spend substantially more than the minimum required
 - In FY22, the average division spent 90 percent more than required

Study issues

- How does K–12 funding compare to other states and relevant benchmarks?
- Do SOQ staffing requirements reflect actual and best practices?
- Does the SOQ formula accurately estimate the costs school divisions incur to meet required staffing and support standards?
- Does the state's funding allocation effectively direct funds based on local ability to pay and student needs?

Study issues (continued)

- How could state SOQ and other funding programs be improved?
- Do the SOQs meet generally accepted criteria?
 - Clear & justifiable rationale
 - Reflective of prevailing practice
 - Accurate
 - Fair
 - Predictable
 - Transparent

Research activities

- Interviewed K–12 administrators in Virginia and national experts on staffing and funding
- Reviewed academic research on best practices for staffing standards and K–12 funding
- Analyzed school division staffing data to measure actual staffing
- Convened workgroups with Virginia educators to estimate staffing needs

Research activities (continued)

- Analyzed SOQ formula inputs and assumptions
- Benchmarked division funding needs through statistical and other methods
- Compared Virginia's SOQ funding formula to
 - other states' funding formulas
 - best practice measures or estimates of funding needs
- Replicated VDOE model to estimate impact of potential changes to SOQ funding formula



Briefing: September 2023

Supply of qualified K–12 teachers

Staff: Lauren Axselle, Erik Beecroft, Ph.D., Laura White, Ph.D.,
Christine Wolfe

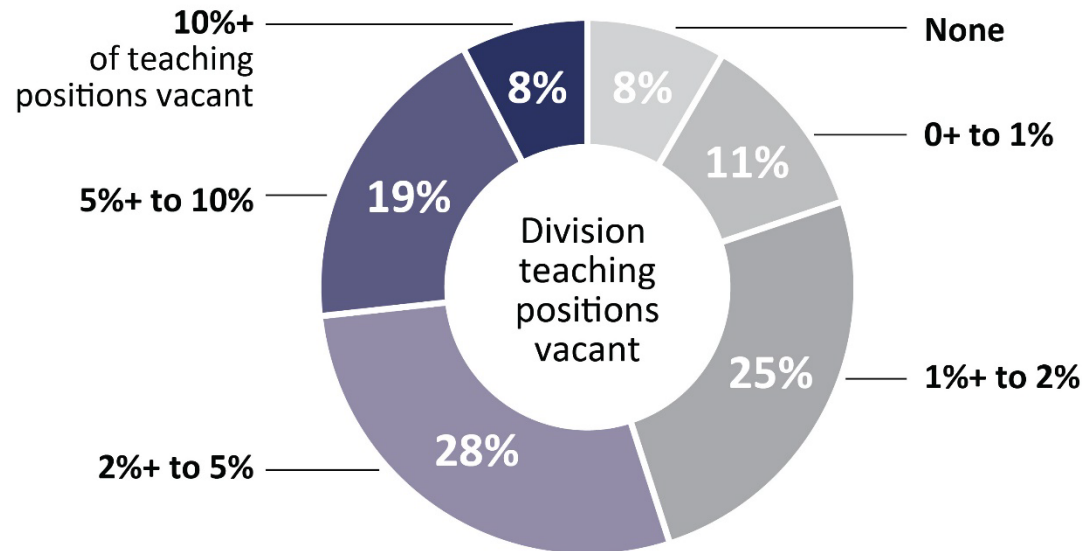
Study resolution

- Directs JLARC to study the adequacy of the supply of qualified public K–12 teachers
 - Identify number of teachers available and teachers needed
 - Evaluate factors contributing to decline in teacher supply
 - Evaluate teacher licensure process
 - Identify ways state can maintain or increase supply of teachers

Commission resolution (November 7, 2022)

Background

- JLARC's November 2022 K-12 pandemic impact report found some divisions struggling to hire enough teachers



- Number of newly licensed teachers not keeping pace with number of teachers leaving the workforce

Background

- Virginia has various pathways individuals can use to become a public K–12 teacher, called the “teacher pipeline”
- Virginia’s teacher pipeline is complex
 - At least eight different pathways to become a fully licensed teacher
 - Multiple state/local, & public/private entities determine how many teachers the pipeline produces

Study issues

- Which programs form Virginia's "teacher pipeline" and how many potential K–12 teachers does each program produce?
- How effective are programs at producing enough well-prepared K–12 teachers?
- How, if at all, is the state's licensure process hindering becoming a licensed teacher?
- How can the state facilitate a greater supply of K–12 teachers?

Research activities

- Interview teacher preparation experts
- Review academic research on factors that determine entry into teaching profession and effective teacher preparation program design
- Collect and analyze information from teacher preparation programs and other relevant initiatives
- Analyze Virginia's teacher licensure process steps and timeframes

Research activities (continued)

- Survey
 - school divisions
 - first-year teachers
 - individuals who are licensed but not teaching
- Compare number of teachers available (in-state, out-of-state) to number of teachers needed



Briefing: November 2023

Public defenders, court-appointed attorneys, and commonwealth's attorneys

Staff: Joe McMahon, Kate Agnelli, Scarlett Saunders,
Brittany Utz

Study resolution

- Directs JLARC to review adequacy, availability, and compensation of legal representation for indigent defendants
 - Court-appointed defense attorneys: # of attorneys serving, quality of representation, and state reimbursement
 - Public defenders: # of staffing, quality of representation, compensation, and need for additional offices
- Commonwealth's attorneys staffing and compensation
- Evaluate considerations for representation at first appearance and timing of bail hearings

Commission resolution (Nov. 7, 2022); incorporates SBs 136, 282, 475, 640

Background

- Adversarial legal system depends on sufficient qualified attorneys for prosecution and defense
- U.S. Constitution guarantees criminal defendants reasonably effective assistance of counsel; state provides counsel for indigent defendants
- State-provided defense counsel can be a public defender or a court-appointed private attorney

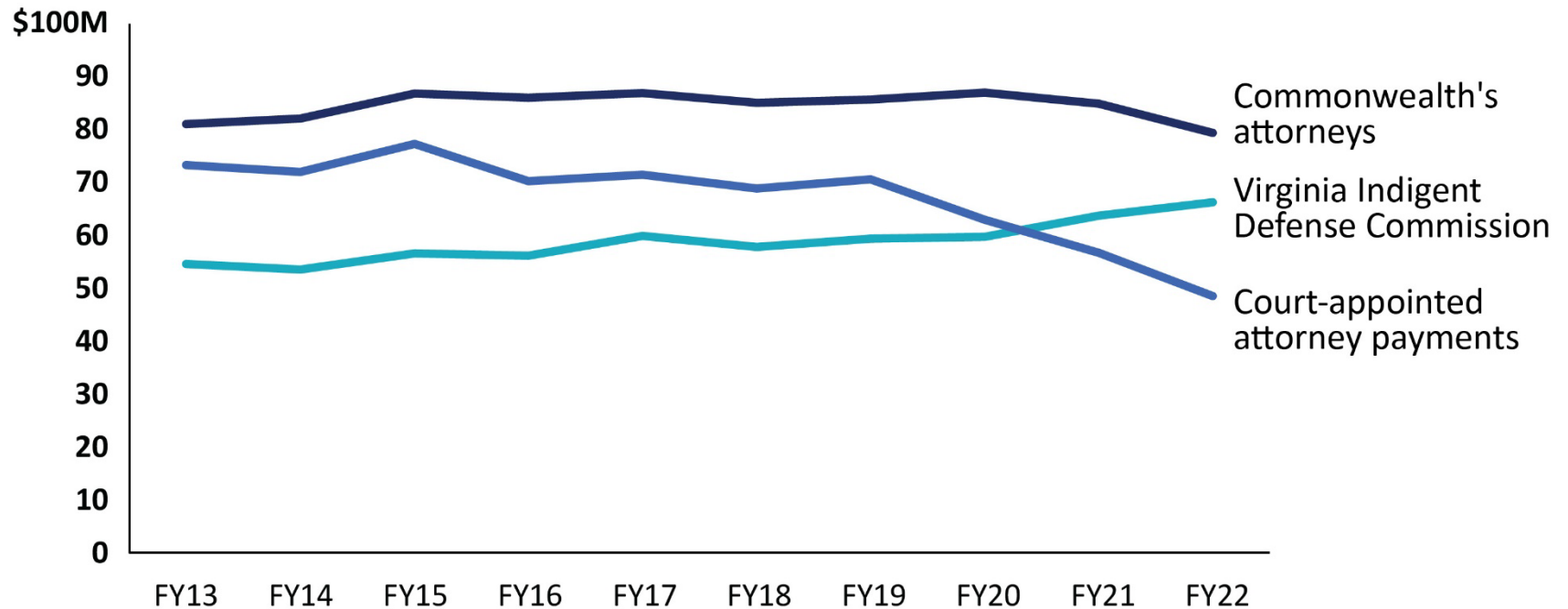
Background

	Offices	Total staffing
Commonwealth's attorneys	120	≈1,250
Public defenders	28 (serving 56 jurisdictions)	400+
Court-appointed attorneys*	-	1,500 – 1,700

*Includes only court-appointed *criminal* defense attorneys.

Background

- State spends about \$190 million to support publicly funded attorneys working criminal cases



Source: OES annual reports; Appropriation Acts.
Inflation-adjusted to FY22 dollars.

Study issues

- Does the state have the right number of public defenders, court-appointed attorneys, and commonwealth's attorneys?
- Do public defenders and court-appointed attorneys provide quality representation to their clients?
- How many additional, if any, public defenders and public defenders offices should the state consider?

Study issues

- How does compensation compare among commonwealth's attorneys, public defenders, court-appointed attorneys, and other attorneys?
- Should defendants be provided counsel at their first court appearance and/or be granted a bail hearing on the same day as their first appearance
 - if so, what would be the key implementation considerations?

Research activities

- Interviews with public defenders, court-appointed attorneys, and commonwealth's attorneys
- Comparison of Virginia's indigent defense system to other states
- Comparison of Virginia attorney compensation to relevant benchmarks (other attorneys, private sector, other states)
- Analysis of attorney quality, including level of effort and case outcomes, by jurisdiction and offense type

Research activities (continued)

- Analysis of attorney workload
 - Pending Compensation Board assessment of commonwealth's attorney workload
 - Partnership with National Center for State Courts to update 2010 public defender workload analysis
- Surveys of judges, public defenders, court-appointed attorneys, and selected indigent defendants

Tracey Smith

Associate Director

- 2023 studies
 - Self-sufficiency and child care
 - State psychiatric hospitals



Briefing: October 2023

Self-sufficiency and child care

Staff: Stefanie Papps, Kate Hopkins, Mitch Parry, Dillon Wild

Study resolution

- Directs JLARC to review the effectiveness of Virginia's financial assistance programs that promote self-sufficiency and to review the availability and affordability of child care
 - Programs' effectiveness at helping participants become self-sufficient
 - Participants' barriers to self-sufficiency
 - Supply of and demand for child care services
 - Barriers to making child care more available, including impacts of state regulations
 - Families' barriers to accessing child care

Commission resolution (November 7, 2022)

Background

- TANF, SNAP, and child care subsidy provide cash benefits to low-income individuals and promote employment and training
- ~ \$3.5B spent on these programs annually, primarily federal block grant funds
- Monthly cash benefits vary
 - TANF = ~\$424 on average (FY22)
 - SNAP = ~\$482 on average (FY22)
~\$247 (estimated current benefit)
 - Subsidy = ~\$746 on average per child (FY22)
- Enrollment increased for all 3 programs post-pandemic

Background (continued)

- Access to child care is a primary barrier to employment
- Nearly 70% of Virginia children under age six are assumed to need child care
- High-cost industry with low profit margins; many child care providers forced to close during pandemic
 - Most re-opened but are accepting fewer children
- Child care costs considered affordable at 7% or less of a family's income; average family spends 13%
- Child care subsidy reduces costs for eligible families but depends on provider willingness to participate

Study issues

- How effective are TANF, SNAP, and the child care subsidy programs at helping Virginians become self-sufficient?
- Are there opportunities to more effectively structure/administer these programs, including improving coordination with workforce programs?
- To what extent is child care available and affordable to Virginians, and how can the state improve access?
- How, if at all, does state regulation affect child care availability and affordability?
- How effective is the subsidy program at improving access to child care for eligible families?

Research activities

- Analysis of program participants' change in income and employment status over time
- Analysis of child care provider enrollment, waiting lists, rates, and staffing
- Interviews and surveys
 - State agency staff (VDSS, VDOE, VEC, VCCS)
 - Local agency benefits and case management staff
 - Child care providers
- Comparison of VA's benefit programs to other states (eligibility, assistance amounts, administration)



Briefing: December 2023

State psychiatric hospitals

Staff: Drew Dickinson, Sarah Berday-Sacks, Tess Hinteregger, Ellie Rigsby

Study resolution

- Directs JLARC to review state psychiatric hospitals'
 - staffing and space needs
 - criteria and policies for admissions and discharges
 - development and execution of patient treatment plans
 - patient outcomes
 - state oversight

Commission resolution (November 7, 2022)

Background

- State operates 9 psychiatric hospitals
 - 8 adult hospitals, 1 for children and youth
- Admitted 7,300 individuals in FY21
 - 71% increase since FY14
 - Most admissions are through civil TDOs (72%), but both civil and forensic TDO admissions have been increasing
- State hospitals have no control over who is admitted
 - Required to accept all forensic TDOs
 - Since 2014, required to accept civil TDOs if alternative placement cannot be found
 - Average admission wait time in FY22: ~43 hours

Background (continued)

- State psychiatric hospitals are operating at max capacity
 - Prompted safety concerns for (i) patients and staff and (ii) individuals on admissions waiting lists
- Some psychiatric hospital admissions could be avoided if alternative facilities and treatments were available (e.g., nursing facilities equipped for dementia care, behavioral health crisis stabilization facilities)
- Staff shortages and facility deficiencies create challenges for safely and effectively treating patients

Study issues

- Do individuals who need inpatient psychiatric care receive appropriate placements and care in a timely manner?
- Are state hospitals admitting patients who would be more appropriately and effectively served elsewhere?
- Are state psychiatric hospitals safe, humane, and therapeutic environments?
- How effectively do state psychiatric hospitals plan for and make decisions about patient discharge?
- Do state psychiatric hospital patients experience favorable outcomes?

Study issues (continued)

- Do state psychiatric hospitals have adequate staff and space to provide effective services and safe environments?
- How effective is state oversight of state psychiatric hospitals?

Research activities

- Analysis of state psychiatric hospital staffing, capacity, patient characteristics, and patient outcomes
 - Comparison to private psychiatric hospitals
- Evaluation of the quality of treatment plans, provision of services, and discharge planning decisions*
- Analysis of data and documents on safety incidents and human rights violations
- Comparison of Virginia's psychiatric hospital laws, policies, and patient characteristics with other states
- Interviews with and survey of psychiatric hospital staff

*To be conducted by a clinical expert under contract with JLARC

Kimberly Sarte

Associate Director

- Ongoing evaluation and oversight
 - Evaluation of economic development incentives
 - GO Virginia
 - Oversight of VRS, Virginia529, and VITA
 - Racial and ethnic impact statements
- Fiscal analysis
 - Annual reports
 - Fiscal impact reviews



Briefings: September and November 2023

Ongoing Evaluation of Economic Development Incentives

Staff: Ellen Miller

Effectiveness of business location and expansion incentives (September 2023)

- Nine job creation incentives to encourage location and expansion
 - Headquarters and major employer incentives
 - Manufacturers or other export-base industries
 - Agriculture and forestry incentives

Annual economic development incentives report (November 2023)

- Spending for all incentives
- Performance of completed projects receiving grants



Briefing: December 2023

GO Virginia

Staff: Mark Gribbin, Sam Lesemann, Ellen Miller

Study resolution

- Directs JLARC to review the effectiveness of the GO Virginia Program and evaluate
 - whether regional collaboration on economic development has improved
 - success of GO Virginia projects
 - effectiveness of the GO Virginia board and whether the program is appropriately placed in DHCD
 - overlap between GO Virginia and other state economic development efforts
 - the appropriateness of GO Virginia funding

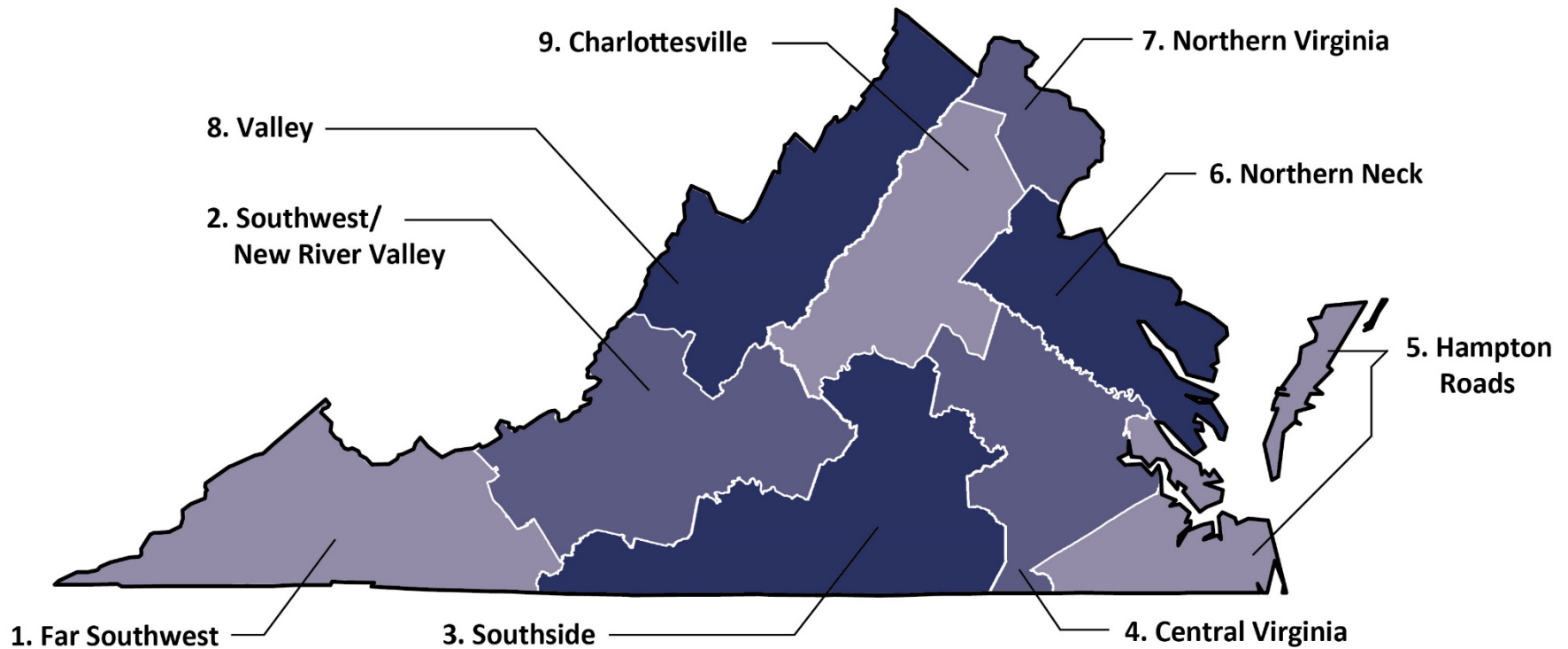
Commission resolution (November 7, 2022)

Background

- Created in 2016 to facilitate regional collaboration on economic growth and diversification
- Overseen by state GO Virginia board and administered by DHCD
- Nine regional councils apply for and receive grants for collaborative projects
- GO Virginia fund provides grants to regions (\$30 million appropriated annually)

Background

- Nine regional GO Virginia councils



Study issues

- Is GO Virginia achieving its goal to grow and diversify regional economies through regional collaboration?
- Is GO Virginia structured and administered effectively to achieve its goal?
- Are any GO Virginia functions unnecessarily duplicative of other state economic or workforce development programs?
- What, if any, changes could be made to improve GO Virginia?

Research activities

- Interviews
 - Staff at GO Virginia and other state economic development organizations
 - GO Virginia board members
 - Regional council support staff
- Surveys
 - Local economic development staff
 - Regional council members
 - GO Virginia projects
- Analysis of GO Virginia project-level data
- Observations of state board and regional council meetings



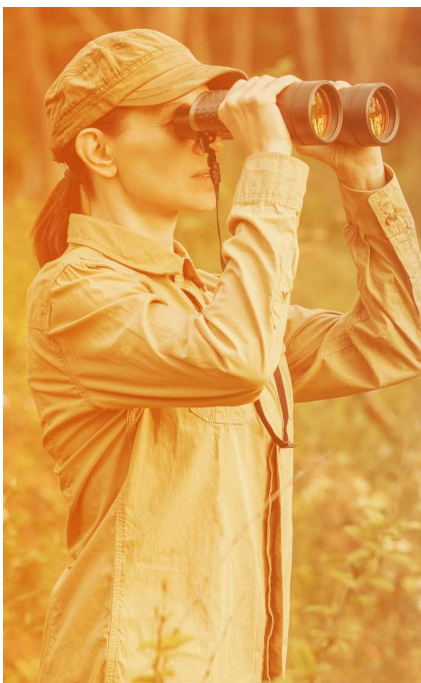
Briefings: Ongoing in 2023

Ongoing Oversight: VRS, Virginia529, and VITA

Staff: Jamie Bitz, Christine Wolfe

Virginia Retirement System

- Oversight update (July)
- Update from VRS director and chief investment officer (July)
- Oversight report (December)
- Attend meetings of the board and advisory committees (year-round)



Briefing: October 2023

Enhanced retirement benefits for public safety occupations

Staff: Jamie Bitz, Christine Wolfe

Study mandate

- Review the eligibility of public safety occupations for enhanced retirement benefits
 - 2008 occupation risk and responsibility criteria for enhanced benefits developed by JLARC
 - Existing state public safety occupations receiving enhanced benefits
 - Appropriateness of extending benefits to additional state and local public safety occupations
 - Cost of extending enhanced benefits to additional occupations

Study mandate: Commission resolution (November 7, 2022)

Background

- Virginia provides (or permits) enhanced retirement benefits for certain state and local public safety occupations because of job-related risks
 - Earlier retirement (25 vs. 30 years of service)
 - Higher multiplier for calculating retirement benefits
 - In some cases, a monthly supplement until Social Security

Background

- JLARC staff developed risk and responsibility criteria in 2008 for assessing eligibility for enhanced retirement benefits
- Since then, General Assembly has received ongoing requests to provide enhanced benefits for additional state and local public safety occupations
- General Assembly interest in reviewing 1) criteria and 2) appropriateness of extending benefits to additional public safety occupations

Study issues

- Are changes needed to the existing risk and responsibility criteria for enhanced retirement benefits?
- How do Virginia's state and select local public safety occupations compare on risk and responsibility?
- Are additional public safety occupations justified in receiving enhanced retirement benefits?
- What is the cost of providing enhanced retirement benefits to additional state and local public safety occupations?

Research activities

- Interviews
 - Occupations seeking enhanced retirements
 - Experts on retirement benefits and other states
- Survey of state and local public safety occupations
 - Both those receiving and not receiving benefits
- Analysis of state and local workers compensation data
- Estimate of costs to provide enhanced retirement benefits to additional occupations*

*Cost estimates will be developed by VRS's actuary.

Virginia529

- Update from Virginia529 chief executive officer and investment director (July)
- Attend meetings of the board and advisory committees (year-round)

Virginia Information Technologies Agency

- JLARC staff status update (November)
- Update from VITA leadership (November)
- Attend meetings of IT advisory groups

Racial and ethnic impact statements

- Impact on racial and ethnic disparities of proposed criminal justice legislation (2024 session)
- 3 racial and ethnic impact statements conducted during 2022 session; none during the 2023 session

NOTE: Reviews must be requested by House Courts of Justice chair or Senate Judiciary chair.



Fiscal Analysis

Staff: Kimberly Sarte, Justin Brown, Ellen Miller

Annual reports

- Review of State Spending (October)
- State Spending on K–12 Standards of Quality (December)
- Virginia Compared with Other States (January 2024)

Fiscal impact reviews

- Second opinions on the fiscal impact of proposed legislation (2024 session)
 - One fiscal impact review conducted during 2023 session
- Fiscal impact reviews of executive orders issued by governor (as requested)

NOTE: Reviews must be requested by committee chairs.

Proposed meeting schedule for 2023

JUNE	<i>No meeting</i>	OCTOBER 16	Self-sufficiency & child care Enhanced retirement benefits for public safety occupations State spending
JULY 10	SOQ funding formula VRS Virginia529	NOVEMBER 13 or 15	Commonwealth's attorneys, public defenders, & court- appointed attorneys Economic development incentives VITA
AUGUST	<i>No meeting</i>	DECEMBER 11	State psychiatric hospitals GO Virginia VRS State spending report: SOQ
SEPTEMBER 12	Teacher pipeline Business location & expansion incentives		

2024 work

- Several studies have been referred to JLARC for the Commission's consideration
- Study topic subcommittee to meet this fall to assign future work