

# JLARC Workplan

2023



## Joint Legislative Audit and Review Commission

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# 1 JLARC Workplan

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The Joint Legislative Audit and Review Commission (JLARC) is the oversight agency of the Virginia General Assembly. The legislature established JLARC in 1973 to review and evaluate the operations and performance of state agencies and programs. Since its establishment, JLARC's responsibilities have been expanded to include oversight and fiscal analysis in several areas of Virginia government.

JLARC uses a structured but flexible process for planning agency work. This workplan, which is prepared annually and submitted to the Commission for review and approval, represents a staff proposal for a feasible work schedule. The workplan may be revised to reflect changes in organizational priorities and needs. The sections that follow cover JLARC's major work functions: Studies, Ongoing Evaluation and Oversight, Fiscal Analysis, and Support.

## Proposed Commission meeting schedule 2023

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May 15	JLARC Workplan APA Workplan and report on 2022 work
June	<i>No meeting</i>
July 10	SOQ funding formula VRS Virginia529
August	<i>No meeting</i>
September 12	JLARC Impacts: Action Taken on Report Recommendations K-12 teacher pipeline Business location & expansion incentives
October 16	Self-sufficiency & child care Enhanced retirement benefits for public safety occupations State spending Unimplemented JLARC recommendations
November 13 or 15	Public defenders, court-appointed attorneys, and commonwealth's attorneys Economic development incentives VITA
December 11	State psychiatric hospitals GO Virginia VRS State Spending: K-12 Standards of Quality

## 2 Studies

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Major research studies are the agency's primary work. JLARC's topic selection subcommittee recommends research topics, which are then approved by the full Commission. JLARC also receives studies through joint resolutions passed by the General Assembly.

Studies follow project-specific workplans, which are developed by study teams and reviewed by JLARC's project review team—director, associate directors, methodologist, and publications staff—to ensure that high-quality work can be completed in the time allotted. The project review team examines each project at every major stage of the research process. JLARC staff are assigned to study teams on a full-time basis for the duration of the project.

Studies to be completed in 2023 are summarized below. Study resolutions are included in the appendix.

### **K–12 Standards of Quality funding formula**

*Mandate: SJ 294 (2021 session)*

*Scheduled publication: July 2023*

The state uses its Standards of Quality (SOQ) funding formula to allocate funds (nearly \$7 billion in FY22) to Virginia's 132 school divisions. The formula considers many factors, including school division staffing needs based on the student enrollment, staff salary and benefits costs, and the relative ability of each locality to contribute local funds. JLARC last reviewed the SOQ formula about 20 years ago. Since then, K–12 student needs and operations have evolved, and the state has changed how the funding formula is calculated or applied.

The study team is reviewing the complex SOQ funding formula, and other state funding to school divisions, such as the at-risk add-on. The study team is also reviewing the local composite index, which is used to apportion total SOQ costs between the state and each locality based on the locality's ability to pay. The team has been collecting and analyzing historical information from VDOE and school divisions, interviewing school division staff, collecting information about other state funding formulas, reviewing academic research on K–12 education funding, and convening workgroups of Virginia practitioners about the staff needed to operate schools. The study team will assess whether the state's K–12 funding approach meets key criteria (purposeful, realistic, accurate, fair, predictable, and transparent), then propose options to strengthen the SOQ formula where these criteria are not fully met. The study team will estimate these proposed options' fiscal impact to the state and localities.

## Supply of qualified K–12 teachers

*Mandate: Commission resolution*

*Scheduled publication: September 2023*

Virginia school divisions, and divisions in many other states, have been experiencing a shortage of fully qualified teachers. Especially after the pandemic, Virginia school divisions have struggled to recruit and retain enough teachers. As of October 2022, more than one-quarter (35) of school divisions reported at least 5 percent of their teaching positions were vacant. Vacant positions cause a variety of problems, including needing to rely on long-term substitutes or asking other teachers to take on more work or teach more students.

The study team will review whether Virginia’s teacher pipeline is producing enough, qualified K–12 teachers to meet the current and future needs of school divisions. The team will identify the programs that form the “teacher pipeline” and determine how many potential K–12 teachers are being produced through each program. The team also will evaluate the effectiveness of Virginia’s traditional teacher preparation programs at producing enough well-prepared K-12 teachers. In addition, the team will evaluate alternative teacher preparation programs and other initiatives, such as teacher residency or “grow your own” programs, intended to produce well-prepared teachers. The team also will review the extent to which the state’s licensure process is a barrier to becoming a teacher and identify ways the state can facilitate a greater supply of K–12 teachers in the future.

## Self-sufficiency and child care

*Mandate: Commission resolution*

*Scheduled publication: October 2023*

The federal and state governments operate several programs that provide financial assistance to low-income households, including Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Program (SNAP), the child care subsidy program, housing subsidies, Medicaid, and several other smaller programs. These programs vary by their eligibility criteria, benefits and services, and ultimate goals. Some programs, such as TANF and SNAP, are available to many low-income individuals, while other smaller programs are available only to individuals or families with special circumstances.

This study will focus on TANF, SNAP, and the child care subsidy program, which in FY22, cost approximately \$3.6 billion collectively in government funds. TANF is the only program designed specifically to help its clients progress toward self-sufficiency, but SNAP and the child care subsidy program help their clients address significant barriers to self-sufficiency (e.g., food security and child care affordability). SNAP and the child care subsidy also require most clients to participate in activities that may help them progress

toward self-sufficiency (e.g., working a certain number of hours, searching for work, participating in training or education).

The team will also evaluate the extent to which these programs' clients improve their financial circumstances and progress toward or achieve self-sufficiency. The team will also identify factors that hinder their ability to do so. In addition, the study team will examine how effectively these three programs are designed and administered to encourage self-sufficiency, including how well they are coordinated with the state's workforce development programs.

The availability and affordability of child care is likely to be one of the most significant barriers to self-sufficiency, and the study team will examine the extent to which the child care subsidy program improves child care affordability for low-income Virginians. Finding affordable, quality child care is not just a challenge for low-income families, and the study team will examine the extent to which existing child care meets families' needs and the factors that affect the availability and affordability of child care, including state regulations.

## **Enhanced retirement benefits for public safety occupations**

*Mandate: Commission resolution*

*Scheduled publication: October 2023*

The state provides or permits enhanced retirement benefits for certain state and local public safety occupations that face greater risks on the job. Compared with retirement benefits for typical state and local employees, enhanced retirement benefits include earlier retirement, a higher multiplier for calculating retirement benefits, and in some cases, a monthly supplement until employees become eligible for Social Security.

JLARC conducted a comprehensive review of state employee compensation in 2008 that included a review of enhanced retirement benefits. As part of the review, JLARC staff developed criteria that summarized the risks and responsibilities occupations should have to receive enhanced retirements and scored state occupations against the criteria. Since 2008, the General Assembly has received ongoing requests to provide enhanced benefits for additional state and local occupations and has used JLARC's framework to assess whether to provide enhanced benefits to these occupations.

The current study will determine whether changes are needed to the occupational risk and responsibility criteria JLARC developed in 2008. The study will also assess how Virginia's state and selected local public safety occupations compare in their level of job-related risks and responsibilities and whether additional public safety occupations could appropriately receive enhanced retirement benefits. Finally, the study will estimate the cost to the state and localities of providing enhanced retirement benefits for additional occupations. Key differences between the current study and the 2008 study

are that the current study will focus on public safety occupations and will include both state and select local occupations.

## **Public defenders, court-appointed attorneys, and commonwealth’s attorneys**

*Mandate: Commission resolution*

*Scheduled publication: November 2023*

Four bills from the 2022 legislative session (Senate bills 136, 282, 475, and 640)—related to public defenders, court-appointed private attorneys for indigent clients, and commonwealth’s attorneys—were referred to JLARC for study. These bills dealt with compensation for these attorneys, new public defenders offices, and whether defendants should be provided representation at their first court appearance. The Commission approved a study resolution that incorporated these topics.

The study team will evaluate whether the state has the right number of public defenders and court-appointed attorneys based on the number of indigent defendants who need counsel. The team will also evaluate whether, in general, public defenders and court-appointed attorneys provide quality defense for their clients. The team will compare compensation for commonwealth’s attorneys, public defenders, and court-appointed attorneys to one another and a variety of compensation benchmarks. The team will also evaluate whether defendants should be provided counsel at their first court appearance and whether a bail hearing should be held on the same day. In addition, the team will consider key considerations (e.g., courthouse space, time, logistics) if either of these are implemented.

## **State psychiatric hospitals**

*Mandate: Commission resolution*

*Scheduled publication: December 2023*

The state operates nine psychiatric hospitals across Virginia, which provide psychiatric treatment services to individuals who are a threat to themselves or others because of mental illness. State hospitals also serve individuals in the criminal justice system, including jail inmates who require inpatient psychiatric treatment and defendants who need inpatient treatment to be able to understand the criminal charges against them. In FY21, about 7,300 individuals were admitted to state psychiatric hospitals, most of whom were under a temporary detention order. That year, nearly two-thirds of state hospital patients were discharged in less than 30 days.

While admissions to state psychiatric hospitals have declined nationally, they have increased in Virginia. Legislation that went into effect in 2015 requires state hospitals to admit individuals who are under civil temporary detention orders if no other placement can be located for them. The legislation was intended to ensure that individuals in need of acute psychiatric services receive treatment, and it removed state hospitals' ability to deny admissions. Since then, state hospitals have experienced significant ongoing capacity constraints. In 2021 new admissions to five state hospitals were temporarily halted because of concerns that insufficient staffing was creating unsafe conditions. Hospitals' ability to recruit and retain qualified staff has been a longstanding challenge, with state hospitals routinely experiencing high turnover and vacancy rates among direct service and clinical staff.

The study team will focus on several key study topics that address state psychiatric hospitals' capacity constraints. The study team will assess: the reasons behind high staff turnover and vacancy rates; the suitability of hospital admissions and whether individuals could be served more effectively in non-state hospital settings, such as private psychiatric hospitals or nursing homes; and the extent to which state hospitals' physical space, including facility deficiencies, contributes to capacity constraints.

Another primary focus area for this study will be determining whether state psychiatric hospitals provide safe, humane, and therapeutic environments; have effective protections to ensure patient safety and human rights; use effective treatment practices; and effectively plan and facilitate patients' discharge.

The study team will also evaluate whether hospital leadership and the Department of Behavioral Health and Developmental Services are effectively overseeing state hospital operations.

## **GO Virginia**

*Mandate: Commission resolution*

*Scheduled publication: December 2023*

The General Assembly adopted the Virginia Growth and Opportunity (GO Virginia) Act in 2016 to provide state grants to incentivize regional collaboration to address economic challenges. The legislation created the GO Virginia board, which is responsible for overseeing the development and implementation of the GO Virginia program, including the administration of GO Virginia fund grants. Nine regional councils, which were approved by the board, apply for and receive grants to support collaborative local projects intended to improve economic diversification and create higher-paying jobs. The GO Virginia fund has received approximately \$30 million in general fund appropriations per year since FY18, and GO Virginia grant awards have averaged \$15 million per year. The Department of Housing and Community Development (DHCD) supports and administers the GO Virginia program.



The JLARC study will be the first comprehensive review of the GO Virginia program since it was established. The study will assess whether the program is effectively and efficiently achieving its goal, both in the short term and long term, to diversify regional economies through regional collaboration. The study will review whether GO Virginia is structured and administered effectively and efficiently to achieve its goal, including whether DHCD is effectively supporting the program. The study will also determine whether any of GO Virginia's functions are unnecessarily duplicative of other state economic development or workforce programs. Finally, based on these findings, the study will review changes that should be made to improve the program.

# 3 Ongoing Evaluation & Oversight

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JLARC provides ongoing evaluation and oversight for the General Assembly. The General Assembly has directed JLARC to evaluate and oversee the following topics. Two JLARC staff members are permanently assigned to evaluation and oversight. Other staff members are assigned as needed.

## Economic development incentives

The Appropriation Act directs JLARC to review and evaluate economic development initiatives and policies on an ongoing basis. The Commission approves the incentives to evaluate each year. JLARC contracts with the University of Virginia's Weldon Cooper Center for Public Service to perform evaluations. Evaluations analyze

- economic development incentives, such as grants and tax preferences;
- success by businesses in meeting goals in return for incentives;
- the economic benefits of incentives; and
- effectiveness of incentives in influencing business activity.

JLARC staff will present two reports in 2023:

**Evaluation of business location and expansion incentives**  
*Scheduled briefing: September 2023*

**Annual economic development incentives report**  
*Scheduled briefing: November 2023*

## Virginia Retirement System

The Virginia Retirement System Oversight Act (Chapter 10 of Title 30 of the Code of Virginia) authorizes oversight of the Virginia Retirement System (VRS). Under this authority, JLARC evaluates

- the structure and governance of the retirement system;
- the structure of the investment portfolio;
- investment practices, policies, and performance;
- the actuarial policy and the actuarial soundness of the trust funds; and
- the administration and management of the retirement system.

JLARC staff conduct independent research and attend meetings of the VRS Board of Trustees and committees to observe agency and board operations. JLARC staff will present the following briefings and reports in 2023.

**VRS Oversight Update**

*Scheduled briefing: July 2023*

**Enhanced retirement benefits for public safety occupations**

*Scheduled briefing: October 2023*

**VRS Oversight Report**

*Scheduled briefing: December 2023*

## Virginia529

The Virginia College Savings Plan Oversight Act (Chapter 51 of Title 30 of the Code of Virginia) authorizes oversight of the Virginia College Savings Plan (Virginia529). Under this authority, JLARC evaluates

- the structure and governance of Virginia529;
- the structure of investment portfolios;
- investment practices, policies, and performance;
- the actuarial policy and the actuarial soundness of the prepaid tuition program; and
- the administration and management of the plan.

JLARC staff conduct independent research and attend meetings of the Virginia529 Board of Directors and committees to observe agency and board operations. There are no planned briefings or reports by JLARC staff for 2023.

## Virginia Information Technologies Agency

The Appropriation Act directs JLARC to review and evaluate the Virginia Information Technologies Agency (VITA) on an ongoing basis. Under this authority, JLARC evaluates

- the state's IT infrastructure outsourcing contracts;
- VITA's planning and oversight responsibilities; and
- VITA's procurement services and oversight of state agency procurement activities.

JLARC staff conduct independent analysis and attend IT advisory and agency relational meetings to observe VITA's operations. JLARC staff will present the following briefing in 2023:

## **Other evaluation support provided for the General Assembly**

JLARC provides additional evaluation and support services for the General Assembly as directed by the Code of Virginia or the Appropriation Act. JLARC staff

- provide reviews of proposed criminal justice legislation to determine the potential impact on racial and ethnic disparities in the Commonwealth;
- conduct assessments of bills that would mandate insurance coverage of specific health-care benefits; and
- provide other evaluation support to the General Assembly as requested.

Several JLARC staff members work part time on other evaluation and support. Activities and reports for this year include:

### **Racial and ethnic impact statements for proposed criminal justice legislation**

*Upon request of the House Courts of Justice Committee or Senate Judiciary Committee chairs*

### **Reviews of proposed mandated health insurance benefits**

*Upon request of the Health Insurance Reform Commission*

# 4 Fiscal Analysis

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JLARC provides fiscal analysis services to the General Assembly. Under this function, JLARC staff

- provide an independent assessment of the fiscal impact of proposed legislation and executive orders;
- report on state spending and how Virginia compares nationwide;
- monitor and provide technical support for major forecasts related to the state budget; and
- provide other fiscal analysis support to the General Assembly as requested.

Several JLARC staff members work part time on fiscal analysis. Activities and reports for this year include:

**Second opinion fiscal impact reviews of proposed legislation**  
*Upon request of a committee chair*

**Fiscal impact reviews of executive orders issued by the governor**  
*Upon request of a committee chair*

**Annual state spending report**  
*Scheduled briefing: October 2023*

**Annual state spending on the K–12 Standards of Quality**  
*Scheduled briefing: December 2023*

**Annual Virginia compared with the other states publication**  
*Scheduled publication: January 2024*

**Monitoring of major expenditure forecasts**  
*Ongoing and periodic*

**Review of internal service funds**  
*Upon request of JLARC, House Appropriations Committee or Senate Finance & Appropriations Committee chairs*

**Debt Capacity Advisory Committee**  
*Participation by JLARC director*

# 5 Support Functions

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Several functions support the research and oversight work of JLARC staff: research methods, publications, business and administrative support, and staff training and development.

## Research methods

JLARC's chief methodologist supports teams in developing and evaluating state programs and agencies. The chief methodologist

- supports the conceptualization, design, and implementation of research methods and techniques to improve the accuracy and validity of findings;
- advises study teams on data collection, approaches to analysis, and statistical methods;
- leads complex or critical analyses for teams;
- reviews work products for methodological soundness and accuracy of interpretation;
- develops and implements training to enhance staff capabilities;
- provides technical assistance for the fiscal analysis function; and
- serves as a member of the project review team.

## Publications

JLARC's two-person publications team supports the study teams and advances communication of JLARC's work to the legislature and to the public. The publications team

- participates in project review during the development of reports and briefing materials;
- edits reports and other documents for clarity, logic, usage, and style;
- contributes to the design of graphics;
- handles design and layout of JLARC documents and publications;
- maintains staff resources for writing and graphics; and
- oversees output and distribution of JLARC publications online and in print.

The JLARC publications team maintains the JLARC website, making sure that public information is current and accurate.

## **Business operations and administrative support**

JLARC's business operations are carried out by a two-person team. The business manager oversees daily operations of the function, which include

- executing the agency's annual budget and ensuring effective internal financial controls;
- providing human resources, payroll, and benefits services to agency staff;
- managing the agency's fixed assets inventory;
- managing agency records and archives;
- arranging travel for site visits;
- conducting administrative preparation and follow-up for Commission meetings;
- coordinating staff recruitment efforts;
- and providing administrative support to study teams as needed.

## **Staff training and development**

Staff training activities ensure that staff have the skills and knowledge necessary to perform their work, improve their individual performance, and contribute to the organization's overall performance. JLARC offers several opportunities to help staff meet their training needs and to address organization-wide training needs.

In 2023, training may include:

- in-house training for staff on selected topics, to be led by external experts and trainers or experienced and skilled JLARC staff members;
- professional development opportunities offered by the National Legislative Program Evaluation Society at its annual conference; and
- webinars relevant to the work of the agency, available through the National Conference of State Legislatures and other professional organizations.

# Appendix: Study resolutions



# 2021 SPECIAL SESSION I

ENROLLED

## SENATE JOINT RESOLUTION NO. 294

*Directing the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality. Report.*

Agreed to by the Senate, January 27, 2021  
Agreed to by the House of Delegates, February 24, 2021

WHEREAS, under Article VIII, Section 1 of the Constitution of Virginia, ultimate responsibility for public education rests with the General Assembly, which is specifically charged with the duties of establishing a public school system and striving to ensure its quality; and

WHEREAS, the Standards of Quality, prescribed by the Board of Education and revised only by the General Assembly, establish minimum educational goals and requirements; and

WHEREAS, the cost of such Standards of Quality and how that cost is shared between the state and the localities is determined by the General Assembly; and

WHEREAS, the Standards of Quality funding formula has undergone several changes in the past decade and may no longer reflect the actual costs schools face in educating Virginia's children; and

WHEREAS, many school divisions in the Commonwealth exceed the minimum educational goals and requirements of the Standards of Quality; and

WHEREAS, the General Assembly must take into account the actual cost of education in the Commonwealth in order to ensure a high-quality education program and a fair balance of costs between the state and the localities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) estimate the cost of implementing the Standards of Quality based on the actual expense of education prevailing in the Commonwealth; (ii) determine if the Standards of Quality accurately reflect actual standards of practice within each school division; (iii) analyze changes in the Standards of Quality funding formula since 2009 and the impact of such changes on its accuracy in reflecting such costs; (iv) recommend changes to the Standards of Quality funding formula to ensure that state support is neither inadequate nor excessive; and (v) consider any other funding issues and make any other recommendations it deems relevant.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Education. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2022, and for the second year by November 30, 2023, and the Director shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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## Study Resolution

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### **Adequacy of the supply of qualified individuals to fill needed K-12 teaching positions**

Authorized by the Commission on November 7, 2022

WHEREAS, an adequate supply of qualified teachers to educate Virginia's 1.2 million public K-12 students is essential for an effective public education system; and

WHEREAS, school divisions report difficulties in recruiting and retaining qualified teachers, and the number of vacant teacher positions is increasing; and

WHEREAS, more teachers are leaving the profession or retiring while fewer individuals are (a) entering teacher preparation programs and (b) being licensed as first year teachers; and

WHEREAS, teachers cite frustration with licensing requirement complexity and recently the proportion of teachers who are provisionally licensed rather than fully licensed has increased; and

WHEREAS, teachers cite concern about their ability to manage their classrooms due to student behavior issues, mental health concerns, and increasingly complex student needs, now therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to review the adequacy of the supply of qualified individuals to fill needed K-12 teaching positions. In conducting its study staff shall (i) identify historical and current numbers of K-12 teachers needed and available and project the adequacy of the future supply of available teachers to accommodate future need, (ii) evaluate factors contributing to the decline in the number of individuals entering teacher preparation programs, (iii) evaluate the state process to determine qualifications and credentials needed to be a fully licensed teacher, and (iv) identify effective or innovative practices used in other states to maintain or increase the number of individuals entering and graduating from teacher preparation programs and becoming fully licensed teachers.

JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including the Board of Education, Virginia Department of Education, public institutions of higher education, State Council of Higher Education for Virginia, and local school divisions shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.

## Study Resolution

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### **Effectiveness of self-sufficiency programs, and availability and affordability of childcare**

Authorized by the Commission on November 7, 2022

WHEREAS, the Virginia Department of Social Services defines one of its objectives as “working to help people move from poverty to self-sufficiency,” and as of June 2022, there were 913,000 participants in the Supplemental Nutrition Assistance Program (SNAP), 53,000 recipients of Temporary Assistance for Needy Families (TANF), and 170,000 recipients of fuel or cooling assistance; and

WHEREAS, though the programs are not directly intended to help Virginians achieve self-sufficiency, there were also 2 million participants in the Medicaid or Family Access to Medical Insurance Security (FAMIS) programs; and

WHEREAS, access to affordable and quality childcare is a critical component of parents being able to work and be self-sufficient through the wages they earn, and many Virginians may face challenges finding childcare within a reasonable geographic proximity to their home or job, or may be unable to afford quality childcare that is available; and

WHEREAS, the state regulates approximately 5,000 licensed child care facilities, provides child care subsidies to support nearly 15,000 families, and offers a child care tax credit intended to reimburse individuals who file a tax return for a portion of the cost of child care; and

WHEREAS, JLARC has not reviewed the state’s child care regulations since 2004 and the impact of the state’s financial assistance programs on self-sufficiency since 2005, and JLARC reviewed some but not all aspects of child care availability and affordability in 2017; now therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to review the effectiveness of Virginia’s financial assistance programs intended to help participants achieve self-sufficiency, as well as child care availability and affordability. In conducting its study staff shall (i) determine how effective relevant federal and state financial assistance programs are at helping participants achieve self-sufficiency, (ii) identify barriers program participants face achieving self-sufficiency, (iii) evaluate the supply of and demand for child care services, including availability, proximity, and affordability, (iv) identify barriers child care providers and families face in providing and receiving childcare, and (v) evaluate the effectiveness and impacts of state regulations on the quality and availability of child care.

JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including the Virginia Department of Social Services, local departments of social services, Virginia Department of Education, and Department of Medical Assistance Services shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.

## Study Resolution

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### **Eligibility of public safety occupations for enhanced retirement benefits**

Authorized by the Commission on November 7, 2022

WHEREAS, the state includes certain public safety employees in either the Virginia Law Officers Retirement System (VaLORS) or the State Police Officers Retirement System (SPORS), and some local governments include certain public safety employees in the local Law Enforcement Officers Retirement System (LEOS), to facilitate earlier retirement due to the risks and responsibilities of performing their job; and

WHEREAS, in 2008 JLARC conducted a Review of State Employee Total Compensation, which provided guidelines for job risks and responsibilities to consider when determining whether occupations should be eligible for enhanced retirement plan membership; and

WHEREAS, since the 2008 JLARC review, legislation frequently has been submitted requesting the inclusion of additional occupational groups in the VaLORS and LEOS retirement systems; and

WHEREAS, the Senate Finance and Appropriations Committee and House Appropriations Committee sent a letter to the JLARC Director on August 23, 2022, requesting that JLARC evaluate specific occupations for which legislation has been recently submitted as well as existing occupations for their eligibility for enhanced retirement benefits provided under VaLORS or LEOS; now, therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to review the eligibility of public safety occupations for enhanced retirement benefits. In conducting its study staff shall (i) review the 2008 occupation risk and responsibility guidelines developed by JLARC for assessing eligibility for enhancement retirement plan membership to determine whether any modifications or updates to the guidelines are appropriate; (ii) assess existing state occupations covered through enhanced benefit plans against the guidelines; (iii) determine whether it would be appropriate to extend enhanced retirement benefits to additional state and local public safety occupations, particularly those requested for review by the Senate Finance and Appropriations Committee and the House Appropriates Committee; and (iv) estimate the cost of extending enhanced retirement benefits to additional state and local public safety employees with the assistance of the Virginia Retirement System actuary.

JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including the Virginia Retirement System, the Virginia Workers' Compensation Commission, the Department of Human Resource Management, the Virginia State Police, Department of Juvenile Justice, the Department of Corrections, the Department of Motor Vehicles, the Department of Conservation and Recreation, and Virginia local governments shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.

## Study Resolution

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### **Public Defenders, Court-appointed Attorneys, and Commonwealth's Attorneys**

Authorized by the Commission on November 7, 2022

WHEREAS, the state is to ensure indigent defendants still receive legal counsel when charged with a criminal offense, and a court determines whether a defendant is indigent by considering a variety of factors including receiving public financial assistance or having funds less than 125 percent of the federal poverty level; and

WHEREAS, the Commonwealth provides legal counsel free of charge to defendants through a network of 28 public defender offices throughout the state and private attorneys who can serve as a court-appointed counsel, and the Virginia Indigent Defense Commission establishes standards of practice for public defenders and court-appointed counsel; and

WHEREAS, providing legal representation to indigent defendants requires an adequate number of public defenders and court-appointed counsel who are in reasonable geographic proximity to legal proceedings, qualified, and appropriately compensated; and

WHEREAS, the Commonwealth seeks to ensure public safety through 120 commonwealth's attorney offices that have a responsibility to appropriately prosecute potential crimes; and

WHEREAS, Senate bills 136, 282, 475 and 640 from the 2022 General Assembly were referred by the Senate Finance and Appropriations Committee to the Joint Legislative Audit and Review Commission for consideration for future study; now therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to review the adequacy and availability of legal representation for indigent defendants, and commonwealth attorney staffing and compensation. In conducting its study shall staff (i) determine the adequacy of the number and location of public defenders and court-appointed attorneys to provide quality legal counsel to indigent defendants; (ii) determine the adequacy of the number of commonwealth's attorneys to appropriately prosecute crimes; (iii) compare compensation for public defenders, court-appointed attorneys, and commonwealth's attorneys and evaluate the adequacy of their compensation, including its impact on quality of representation; (iv) estimate the state and local fiscal impact of addressing compensation-related issues; (v) determine the need for, feasibility of, and fiscal impact of additional public defender offices; and (vi) evaluate the need for and required additional workload of providing defendants with representation at bail hearings.

JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including the Virginia Indigent Defense Commission, Executive Secretary of the Supreme Court, Office of the Attorney General, Compensation Board, public defender offices, and commonwealth's attorneys shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.

## Study Resolution

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### Review of Virginia's State-Operated Inpatient Psychiatric Hospitals

Authorized by the Commission on November 7, 2022

WHEREAS, Virginia operates eight inpatient psychiatric hospitals for adults and one for children and youth in various locations throughout the state; and

WHEREAS, these hospitals are overseen by the Department of Behavioral Health and Developmental Services; and

WHEREAS, it is critical to the health and well-being of patients that the services and treatment provided in state psychiatric hospitals is evidence-based and effective; and

WHEREAS, delivering evidence-based and effective services and treatment requires a sufficient number of qualified and experienced clinicians and staff; and

WHEREAS, the number of admissions to inpatient psychiatric hospitals has increased dramatically in recent years and there are currently waitlists for each state hospital; and

WHEREAS, there is evidence that some patients do not require the level or type of services or treatment provided by psychiatric hospitals but are still admitted due to a lack of alternatives; and

WHEREAS, some patients remain in state psychiatric hospitals for longer than necessary due to barriers to discharging them into community-based services; now, therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to review the state's inpatient psychiatric hospitals. In conducting its study, staff shall (i) evaluate whether the state hospitals have sufficient space and staff to meet demands for admissions, (ii) evaluate hospitals' staffing strategies and hiring practices, especially for clinicians and other direct care staff, (iii) evaluate the criteria and policies used by state hospitals for admitting and discharging patients, (iv) identify the most common and substantial barriers to discharging patients, including forensic patients, who are clinically ready to be discharged, (v) evaluate the development and execution of treatment plans for patients, (vi) evaluate the outcomes of patients, (vii) determine whether a portion of patients could be more effectively served in a setting different from a state hospital, and (viii) evaluate DBHDS's oversight of the state hospitals.

JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including each of the state's inpatient psychiatric hospitals, the Department of Behavioral Health and Developmental Services, all community services boards, and the Office of the Executive Secretary of the Supreme Court shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.



## Study Resolution

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### **Effectiveness of the Virginia Growth and Opportunity (GO Virginia) Program**

Authorized by the Commission on November 7, 2022

WHEREAS, the Growth and Opportunity Board and fund were created following the General Assembly's passage of the Virginia Growth and Opportunity Act in 2016; and

WHEREAS, the purpose of GO Virginia is to incentivize and reward regional collaboration while helping to strengthen and diversify regional economies and encourage the creation of high-value jobs in targeted industry sectors; and

WHEREAS, the GO Virginia Board designated nine GO Virginia regions, each with its own governance council, which are required to develop unique Growth and Diversification Plans detailing strategies to strengthen and diversify the economy in their region, including identifying targeted industry sectors and steps to align workforce development activities with the skills needed by regional employers; and

WHEREAS, GO Virginia has received \$133.7 million in general fund appropriations since the program's inception, which are included in the budget for the Department of Housing and Community Development (DHCD); and

WHEREAS, the GO Virginia Board develops guidelines and procedures for grant applications and the use of moneys in the fund, including a scoring system to award funding for grant applications; and

WHEREAS, GO Virginia provides regional grants 1) to build regional capacity for job creation and program implementation, 2) on a per capita basis for projects of regional significance, and 3) for projects of statewide economic impact and interregional collaborations; and

WHEREAS, since the program's inception GO Virginia has awarded over \$78 million in grant funding for over 200 projects across the Commonwealth; and

WHEREAS, GO Virginia projects pledge to achieve certain performance metrics, such as numbers of jobs created, acres of development sites that have advanced in business readiness, numbers of businesses served, and numbers of internship opportunities created; and

WHEREAS, overlap exists between some GO Virginia funded projects and those of other state economic development efforts, such as the Virginia Economic Development Partnership's Business Ready Sites Program and the Virginia Innovation Partnership Corporation's entrepreneurial programs (formerly CIT); and

WHEREAS, the effectiveness of the GO Virginia program in achieving its purpose has not been independently reviewed since its creation; now, therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to review the effectiveness of the GO Virginia Program. In conducting its study, staff shall (i) determine whether regional collaboration on economic development efforts has improved because of GO Virginia, (ii) evaluate whether the GO Virginia Board has developed effective guidelines for use of the funds and an appropriate scoring system for awarding funds, provided sufficient guidance to regions for the development of their Growth and Diversification Plans, and collected appropriate information on project performance to assess regions' progress in achieving their economic development goals, (iii) evaluate the quality of the performance metrics used for GO Virginia projects and the extent to which project performance is monitored, (iv) evaluate the success of projects that have received GO Virginia funds; (v) assess whether the information provided by regions when applying for projects, including regional workforce data, is used in a meaningful way, (vi) determine whether agency support for GO Virginia is appropriately placed in the Department of Housing and Community Development, (vii) review the overlap that exists between the GO Virginia program and other state economic development efforts, and whether this overlap is appropriate, and (viii) assess the adequacy of funding for GO Virginia, including whether funding levels should be increased for the program or redirected to other state economic development efforts.

JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including the Department of Housing and Community Development and the Virginia Economic Development Partnership, shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.







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