

**REPORT OF THE SECRETARY OF EDUCATION
AND THE SECRETARY OF PUBLIC SAFETY
ON SENATE JOINT RESOLUTION 159
TO
THE GENERAL ASSEMBLY OF VIRGINIA**



House Document No. 4


**COMMONWEALTH OF VIRGINIA
Richmond, Virginia
1980**

November 29, 1979

TO: THE GENERAL ASSEMBLY OF VIRGINIA

Pursuant to Senate Joint Resolution Number 159, we are pleased to submit this report outlining the necessary mechanisms to assure the implementation of the recommendations of the Juvenile Court-Public School State Task Force. We wish to thank all of those persons who cooperated in the preparation of this report.

Respectfully Submitted,


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SENATE JOINT RESOLUTION NO. 159

Requesting the Secretary of Public Safety and the Secretary of Education to develop the necessary mechanisms to implement the recommendations of the Juvenile Court Public School State Task Force.

Agreed to by the Senate, February 2, 1979

Agreed to by the House of Delegates, February 12, 1979

WHEREAS, more than four years of effort and approximately thirty thousand dollars have been expended on the Juvenile Court - Public School State Task Force; and

WHEREAS, while considerable progress has been made toward increased cooperation between the two agencies, problems in effective coordination and service delivery are still apparent; and

WHEREAS, the only mechanism established to monitor implementation of the Task Force recommendations has been dissolved as a result of the reorganization of the Department of Corrections; and

WHEREAS, while it is recognized that many of the problems cited by the Task Force can only be addressed at the local level, the impetus for action and the technical expertise necessary for effective results in communities must be provided at the highest State level; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the Secretary of Public Safety and the Secretary of Education are requested to review the recommendations and to develop the necessary mechanisms to assure the implementation of the recommendations of the Juvenile Court - Public School State Task Force. Implementation of the recommendations should be given highest priority in the upcoming year and a progress report should be given to the General Assembly in the nineteen hundred eighty session.

TABLE OF CONTENTS

	page
I. Introduction	1
II. Recommendations and Implementation Procedures	2
III. Summary	10

Report of the Secretary of Education
and the Secretary of Public Safety
on Senate Joint Resolution 159

to
The General Assembly.

INTRODUCTION

The 1979 Session of the General Assembly requested the Secretary of Public Safety and the Secretary of Education to develop the necessary mechanisms to implement the recommendations of the Juvenile Court-Public School State Task Force. In reply to that request, the Offices of Education and Public Safety established a committee, consisting of representatives from key agencies and organizations.

The committee met for the first time on June 25, 1979, for the purpose of identifying individuals, agencies, and organizations that would play a role in the implementation of the recommendations. At that meeting the committee also decided to extend an invitation to Mr. Robert N. Baldwin, Executive Secretary of the State Supreme Court, Judge Ralph Zehler, President of the Juvenile Court Judges Association, and Mr. Jeff Southard, Director of Law-Related Education for the Young Lawyers Association, to attend the meeting on July 26, 1979. Unfortunately, Judge Zehler nor his replacement, Judge Carle F. Germelman, was able to attend the meeting. However, Judge Germelman did send a letter wherein he accepted membership on the committee and outlined his support of various recommendations on behalf of Judge Zehler.

At the meeting on July 26, 1979, the committee heard remarks from Mr. Jeff Southard regarding the law-related education programs in the State. He also offered his assistance along with that of the Young Lawyers Association. Mr. Robert N. Baldwin provided remarks regarding the Juvenile Court-Public School recommendations and possible procedures that might be used to ensure involvement of the Juvenile Judges.

In addition to the above remarks, the committee discussed each recommendation and assigned responsibility to an agency and/or organization for the implementation of that recommendation. It was the consensus of those committee members present that the recommendations could and should be initiated and encouraged at the State level but implementation must be at the local level.

Recommended Procedures for Implementing Juvenile Court-Public School Recommendations

As a means of initiating the implementation of the following recommendations, the committee recommends that the State Superintendent of Public Instruction and the Executive Secretary of the Supreme Court send a joint memorandum to their constituents (with carbon copies to Secretaries of Education and Public Safety) asking for support of the Juvenile Court-Public School State Task Force recommendations.

Recommendations Numbers One and Three.

Biennial meetings of the juvenile court judges and school divisions superintendents should be held.

Implementation Procedure

Dr. E.B. Howerton, Jr., Assistant Superintendent for Administrative Field Services, and Dr. Joseph A. Spagnolo, President of the Virginia School Administrators Association, will contact the chairmen of the seven regional education study groups and request that they extend an invitation to the juvenile judges in their respective regions. (The committee felt more could be accomplished at the local level and that the superintendents and juvenile judges would relate more to the problems in their particular regions.) Also, the committee recommended that the Juvenile Court-Public School recommendations be the agenda for some of these regional meetings. Mr. Robert Baldwin, Executive Secretary of the State Supreme Court, will contact the Committee on District Court Judges and request permission for the juvenile judges to take administrative leave for this purpose.

Additionally, the committee recommends that superintendents and juvenile judges encourage communication between appropriate personnel under their guidance and direction and ensure that information filters down and up to appropriate personnel in the courts and schools.

Recommendations Numbers Two and Eight

A team approach should be used in attacking problems of youth in the communities and the schools. (An interagency committee should be established in every community and should be composed of representatives from the schools, court, welfare (social service) department, health department, commonwealth attorney's office, local legislature, law enforcement body, mental health and other appropriate agencies. The committee would develop a plan to use with the various agencies and the home to prevent or stop truancy on the part of children and other problems which children experience. Other functions of the team would include:

1. The delineation of appropriate agency roles.
2. The establishment of local standards to be followed in determining if an offense is a matter to be handled by the school system or a matter of sufficient seriousness to merit filing of a juvenile petition.
3. The consideration of treating truancy and other status offenses as child neglect.

A court-school liaison committee should be established in every community. The general goal of the committee would be to improve communication, cooperation, and coordination between the school and court systems. Among the more specific objectives or duties of the committee would be included:

1. The development or improvement of written policies and procedures regarding: (a) student privacy, the right of due process, and the placing, sharing, and purging of information in a student's file; (b) student suspension or expulsion; (c) student use of alcohol and other drugs; (d) others as needed.
2. The study and consideration of the total problem of a truancy case. The committee would study the case and involve people such as intake officer, psychologist, visiting teacher, counselor, and/or law enforcement officer.
3. The appointment of a liaison between school and probation staff to arrange court schedules and to coordinate all matters that involve the juvenile court.
4. The development of a uniform procedure regarding how law enforcement officers receive permission to interrogate students at school and who should be present at the interview.

Implementation Procedure

The committee recommends that a joint memorandum be sent by the State Superintendent of Public Instruction and the Executive Secretary of the Supreme Court to the superintendents and juvenile judges encouraging their support and involvement in the implementation of recommendations numbers two and eight. Consensus of the committee held that where possible an existing mechanism could be used to satisfy this need. For example, a multi-discipline team or youth service advisory board could address these issues and provide a forum for their resolution.

Recommendations Numbers Four, Five, and Six

In order to ensure uniformity, each school division should develop and make available to the court a student handbook that includes disciplinary regulations, procedures, and punishments.

A uniform system of school disciplinary measures should be established. There should be a definite understanding between the schools and the courts as to what is school discipline and what is court discipline and the court should consider school-imposed discipline in determining court-imposed discipline. The school should be made aware of court discipline, particularly where a part of the probation officer's plan for the child is to keep him in school.

School administrators should have a general understanding of juvenile court procedures with regard to the following:

1. COMPLAINT ... Types of incidents requiring juvenile court attention: (a) delinquent acts; (b) status offenses; (c) domestic problems.
2. INTAKE (Initial Contact) ... Alternatives available at intake: (a) petition; (b) diversion. Rights of: (a) complainant; (b) defendant.
3. ADJUDICATION ... Finding of guilt or innocence: (a) due process; (b) rules of evidence.
4. DISPOSITION ... Wide variety of alternatives available to the court: (a) legal limitations; (b) resource limitations.

Implementation Procedure

Presently, recommendations four and five are being implemented to some extent through the Standards of Quality; however, the committee recommends that recommendations four, five, and six be implemented further through an inservice training program initiated by the local school divisions. Also, the committee recommends that the State Superintendent of Public Instruction send a memorandum to local superintendents encouraging them to initiate inservice training in this area in cooperation with local court personnel.

Recommendation Number Seven

School personnel should be aware that they can or should inform a student of his or her right to go to court in certain cases.

Implementation Procedure

The committee recommends the incorporation of law-related education into the existing social studies curriculum and that local school divisions seek the assistance of the Young Lawyers Association of the local bar. Also, the committee recommends that school personnel receive inservice training on student rights and that the State Superintendent of Public Instruction send a memorandum encouraging implementation of this recommendation.

Recommendation Number Nine

The schools should provide BROAD based curricula so that appropriate instructional courses are available to children--special education (learning disabilities, emotionally disturbed, etc.), vocational education, trade education, remedial reading, etc.

Implementation Procedure

Recommendation nine is being addressed by local school divisions through State (Sections 22-10.3 through 22-10.11 and Section 22-275.6) and Federal laws (P.L. 94-142 and Section 504 of the Rehabilitation Act of 1973) and Standards three and five of the Standards of Quality.

Recommendations Numbers Ten and Eleven

Better programs and procedures for the early detection of handicapping conditions should be developed. (Schools have the major responsibility. However, local health and social service agencies should become more involved).

The State Department of Education and the Mental Health/Mental Retardation Board should establish clearly defined responsibilities between themselves and with other government agencies for meeting the needs of children with all forms of handicapping conditions. Simplified guidelines should be adopted and published for use by local agencies in cooperative programs to provide educational, residential, medical, and other essential services.

Implementation Procedure

Recommendations ten and eleven are being implemented through interagency agreements which are required by the Revised State Plan for Identification and Diagnosis of Children Who Are Handicapped.

Recommendation Number Twelve

School officials should ensure detection and follow through where truancy is involved - telephone contacts with the home, home visitation, etc.

Implementation Procedure

Recommendation twelve is being addressed by local school divisions in accordance with the Code of Virginia (Sections 22-275.1 through 22-275.20).

Recommendation Number Thirteen

School superintendent should build rapport with and have easy access to the commonwealth's attorney. (It is the commonwealth's attorney's duty to ~~determine whether~~ or not a case exists as well as to prosecute delinquents.) This is the key to success in presenting the school's point of view in court proceedings.

Implementation Procedure

The committee recommends that the word "personnel" be changed to "superintendent" and that the State Superintendent of Public Instruction send a memo to local superintendents encouraging support of this recommendation.

Recommendation Number Fourteen

Full compensation should be available for funding and providing justifiable or necessary services for youth. Agencies should be included in the development of programs and should support requests for funds and services.

Implementation Procedure

The committee recommends that continuation of interagency cooperation evolving at the State level be continued, especially in the areas of program planning and development, to serve the broad spectrum of the needs of youth. This would include the continuation of relationships with the Department of Mental Health and Mental Retardation, the Department of Corrections, the Rehabilitative School Authority, the Department of Welfare, the Department of Education and the Department of Health where involved. It is also recommended that the Division for Children which has carried an advocacy role for children and youth be involved in any coordinative and cooperative efforts to seek funding for programs. It is essential in the area of program development that inter-agency cooperation at the State level take place so as not to develop isolated systems for service delivery but rather that these systems be integrated. It is anticipated through other mechanisms outlined in this report that such interagency cooperation can take place at the local level through existing youth service bureaus, advisory committees, court services advisory committees, or multi-discipline teams as well as utilizing existing mechanisms of the private sector side such as the governing boards of UNITED WAY agencies.

Recommendation Number Fifteen

Court Intake Units should be encouraged to divert more children from the court to other agencies within the community. Additional community services independent of the court should be provided.

Implementation Procedure

The Code of Virginia addresses recommendation number fifteen and the Department of Corrections is presently implementing this recommendation as provided by Section 16.1-227. Diversion units and procedures have been established by standards adopted by the Board of Corrections.

Recommendation Number Sixteen

Judges should deal forcefully with parents who will not help schools deal with truancy. (Many courses can be followed by the judge within the framework of the law - parenting course(s), fines, incarceration, separating child from family unit, etc.)

Implementation Procedure

The Code of Virginia, as revised by the 1977 legislature (Section 16.1-279), addresses this recommendation.

Recommendation Number Seventeen

The Legislative Committees of the Virginia Association of School Administrators and the Virginia Council of Juvenile Court Judges should confer and consider existing and pending legislation with the goal of concerted action toward better school-related laws.

Implementation Procedure

The committee recommends that Dr. Joseph A. Spagnolo, Jr., President of the Virginia School administrators Association, and Judge Ralph P. Zehler, Jr., President of the Juvenile Judges Association, confer with their respective associations and develop a procedure to accomplish this recommendation and that the associations report to the Superintendent and Executive Secretary respectively on the action taken.

SUMMARY

In accordance with the Senate Joint Resolution 159 Directive, all the above recommendations are expected to be implemented during the 1979-80 school year, utilizing existing resources. As follow-up to the implementation procedures, the Secretaries of Education and Public Safety will request the State Superintendent of Public Instruction and the Executive Secretary of the Supreme Court to provide them with a progress report by June 30, 1980.

The committee believes very strongly that the successful implementation of the Juvenile Court-Public School recommendations depends to a great extent on local acceptance and encouragement from State officials. Furthermore, local school divisions and juvenile judges should be notified by the State Superintendent of Public Instruction and the Executive Director of the State Supreme Court of the usefulness of two publications, which were developed by the Juvenile Court-Public School State Task Force entitled "A Working Relationship Between Schools and Courts" and "The Internal Operations of Schools and Courts." The committee believes that the aforementioned publications would be very helpful to schools and courts as each attempts to implement the Juvenile Court-Public School State Task Force recommendations.

Finally, the committee would like to thank the Young Lawyers Associations for the work they have done in the public schools concerning law-related education and reemphasize the need to use this group whenever possible.

