

2012 EXECUTIVE SUMMARY OF

THE VIRGINIA COMMISSION ON YOUTH



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

**COMMONWEALTH OF VIRGINIA
RICHMOND
2012**



COMMONWEALTH of VIRGINIA
Commission on Youth

Delegate Christopher K. Peace, *Chair*
Senator Harry B. Blevins, *Vice Chair*

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January 08, 2013

TO: The Honorable Robert F. McDonnell
and Members of the General Assembly

Pursuant to the provisions of the Code of Virginia (§§ 30-174 and 30-175) establishing the Virginia Commission on Youth and setting forth its purpose, I have the honor of submitting herewith the Executive Summary for the calendar year ending December 31, 2012.

This 2012 Executive Summary includes the interim activity and work conducted by the Virginia Commission on Youth during the 2012 study year, as required by § 30-175.

Final reports of the studies conducted will be published or made available on the General Assembly website. These reports will also be available on the Commission's website, <http://vcoy.virginia.gov>.

Sincerely,

A handwritten signature in cursive script that reads "Christopher K. Peace".

Christopher K. Peace
Chair

2012
VIRGINIA COMMISSION ON YOUTH

House of Delegates

The Honorable Christopher K. Peace, Chair
The Honorable Mamy E. BaCote
The Honorable Robert H. Brink
The Honorable Peter F. Farrell
The Honorable Beverly Sherwood
The Honorable Anne Crockett-Stark

Senate of Virginia

The Honorable Harry B. Blevins, Vice Chair
The Honorable Stephen H. Martin
One seat is vacant.

**Gubernatorial Appointments
from the Commonwealth at Large**

The Honorable Gary L. Close, Esq.
Frank S. Royal, Jr., M.D.
Charles H. Slemph, III, Esq.

Legislative Initiative

Comparison of Academic Achievement in Virginia with Leading Industrialized Countries

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

In a two-year study, the Commission on Youth examined the issue of how Virginia school children compare academically to students in leading industrialized countries. During the first year, Commission staff compiled a “snapshot” of Virginia’s educational attributes/statistics compared to other states and compiled country-by-country “snapshots” of other countries’ educational systems’ attributes and best-practices. The second year’s study activities included review of data gathered during the first year, convening an Advisory Group of stakeholders to assist in process, assembling an academic roundtable to determine issues and resolutions, and identifying international/national best practices which can be adopted in Virginia.

Identified study issues included the following:

- Educators, parents, community leaders and policymakers at the local, state, and federal level have focused attention on the need to address the academic achievement gap illustrated by grades, standardized-test scores, course selection, dropout rates, and college-completion rates.
- This finding is considered especially relevant, as today's high school graduates enter a global job market where highly skilled workers are in increasing demand and a number of countries have made significant improvements.
- U.S. industry, science, and technological innovation is being overtaken by competitors throughout the world, and U.S. employers have detailed specifically and candidly the problems with the American education system;
 - In a major survey conducted in 2005 by the National Alliance of Manufacturing, when companies were asked whether K-12 schools were doing a good job preparing students for the workplace, 84 percent of the 800 participating companies indicated “no.”
 - When controlling for industry segment, the Aerospace and Defense segment reported “no” 93 percent of the time.
 - The top three most frequently-cited deficiencies of the education system were: basic employability skills, math and science, and reading and comprehension.
- This achievement gap challenges the Commonwealth's ability to maintain a competitive advantage among industrialized nations. On international assessments of academic proficiency, U.S. students' performance is below other countries.
 - In the Trends in International Mathematics and Science Study (TIMSS) last conducted in 2007, middle-school students in the United States ranked 11th out of 48 participating countries.
 - In the 2009 Programme for International Student Assessment (PISA), secondary school students' in the United States ranked 30th in Math, 23rd

in Science, and 17th in Reading out of the 34-member Organisation for Economic Co-operation and Development (OECD) countries.

- In follow-up studies, researchers assert that international comparisons are problematic because the impact of other factors, such as culture and context, are difficult to measure. Variables such as curricula, amount and rate of preschool education, age of school enrollment, class sizes, discipline, quantity of education, attendance at additional schools, early tracking, and the use of central exams and tests which also impact student outcomes, are not accounted for by these studies.
- Other nations have started benchmarking their policies and practices with the world's top performers. A compilation of the attributes of leading industrialized nations' educational systems would be useful in order to gather best-practices to help Virginia keep up globally.

The two-year study plan adopted by the Commission on Youth included the following study activities:

Year One

1. Compile a "snapshot" of Virginia's educational attributes/statistics compared to other states.
 - a. Determine secondary data sources
 - i. The National Assessment of Educational Progress (NAEP) of U.S. students
 - ii. The Institute for Education Sciences' *Projections of Education Statistics*
 - iii. U.S Department of Education' Consolidated State Performance Report (CSPR)
 - b. Select metrics for inclusion in this comparison
 - i. Science Technology Engineering and Math (STEM)
 - ii. No Child Left Behind (NCLB) Accountability Scores
 - iii. Graduation Rates
 - iv. Adequate Yearly Progress Data/Test Scores
2. Compile country-by-country "snapshots" of other countries' educational systems' attributes and best-practices.
 - a. Determine secondary data sources
 - i. Organisation for Economic Co-operation and Development (OECD)
 - ii. American Institute for Research
 - iii. Harvard's Program on Education Policy
 - iv. Education Commission of the States
 - v. Trends in International Mathematics and Science Study (TIMSS)
 - vi. 2009 Programme for International Student Assessment (PISA)
 - vii. American Institutes for Research
 - viii. National Center for Education Statistics
 - b. Select countries to be included
 - i. Group of Eight (G-8)
 - ii. OECD's Programme for International Student Assessment (PISA) survey participants
 - c. Select elements to include for comparison
 - i. Student data
 1. Age upon school enrollment
 2. Age upon graduation
 3. Economic status
 4. Gender
 - ii. System attributes
 1. Early education/Pre-K
 2. Curriculums
 3. Student/teacher ratio
 4. Per pupil expenditures
 5. Funding
 6. Time spent learning
 7. Teacher selection/preparation

8. Professional development
9. Student demographic
10. Science Technology Engineering and Math (STEM)
11. Length of school year
12. Standardized tests
- iii. Educational outputs
 1. Achievement scores
 2. Proficiency scores on standardized assessments
- d. Synthesize findings of literature review and formulate recommendations.
- e. Solicit feedback to recommendations from stakeholders and impacted agencies.
- f. Refine findings and recommendations.
- g. Present findings and recommendations to the Commission on Youth.

Year Two

1. Review data gathered during the first year.
 - a. Select a sample of high performing countries based on educational outcomes, test scores, and ability to apply findings to the United States/Virginia.
 - b. Select specific international outcomes/data.
 - c. Select attributes based on clarity and portability of outcomes.
2. Convene Workgroup to assist in process
 - a. Invite representatives from impacted groups

<ul style="list-style-type: none"> Secretary of Education Superintendent of Public Instruction Representatives from Higher Education/Academia Virginia Department of Education Virginia School Boards Association Virginia Association of School Superintendents Virginia Association of Secondary School Principals Alternative Education Representatives Court Service Unit Representatives Business Representatives Industry & Technology Representatives 	<ul style="list-style-type: none"> Board of Education Virginia PTA Virginia Manufacturers Association Career and Technical Education Officials Virginia Education Association Virginia Association of Elementary School Principals Governor's Academies/STEM Educators/Guidance Counselors State Council of Higher Education Virginia Community College System Private School Representatives
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3. Identify international/national best practices which can be adopted in Virginia.
 - a. Review other states'/nations' research and studies
 - b. Review findings from Virginia's Governor's Commission on Higher Education Reform, Innovation and Investment
 - c. STEM initiatives
 - d. Practices from schools that excel
 - e. Innovative methods used to measure students' progress
4. Develop consensus.
5. Develop recommendations.
6. Synthesize findings of literature and workgroup recommendations.
7. Solicit feedback to recommendations from constituents and DOE/Board of Education.
8. Refine recommendations.
9. Present recommendations to Commission on Youth.
10. Prepare final report.

At its December 3, 2012 meeting, the Commission on Youth approved the following recommendations:

A. TEACHER PREPAREDNESS/EFFECTIVENESS

Teacher Recruitment

1. Raise the value of the teaching profession in Virginia.
 - a. *Request the Governor and the Secretary of Education develop and implement approaches to make teaching a more attractive career choice.*
 - b. *Request the Governor and the Secretary of Education develop and implement promotional programs and marketing which addresses the value of the teaching profession.*

2. Develop and implement a rigorous teacher recruitment mechanism.
 - a. Request the Governor and the Secretary of Education develop and implement a rigorous teacher recruitment mechanism.
 - b. Recruit top academic achievers who are rising college freshman or already enrolled in college.
3. Provide incentives for early identification and attraction of high-performing, high ability candidates.
 - a. Request the State Council of Higher Education in Virginia (SCHEV) and the Virginia Community College System (VCCS) review Virginia's existing scholarship programs, such as the Virginia Teacher Scholarship Loan Program and Virginia's College Transfer Grants, and make recommendations for building awareness for recruiting highly qualified candidates into the teaching profession.
 - b. Develop dual enrollment and articulation agreements to establish a career pathway model in Virginia for recruiting high-performing teacher candidates and facilitate their entry into the teaching profession. Such a review will include dual enrollment, Virginia's two-year associates degree programs, articulation agreements with Virginia's teacher preparation programs, and master's degree program requirements that acknowledge teacher candidates who meet other criteria of highly qualified teachers.

Quality of Teacher Preparation Programs

Raise the rigor of teacher preparation programs.

- a. Require all student teachers to be supervised and jointly evaluated by an experienced teacher, principal, and university advisor.
- b. Request the State Council of Higher Education of Virginia (SCHEV) review teacher practicums to ensure the inclusion of a variety of experiences in addition to classroom teaching, such as observation of lessons, conferences with teacher, or participation in extracurricular and professional development activities.
- c. Strengthen the exit requirements of teacher education programs to include criteria such as completion of required courses, examinations, project assignments, and a teacher practicum.
- d. Expand the use of performance-based assessments proposed in the Virginia State Board of Education Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers for beginning teacher licensing as a means of determining effectiveness before a teacher receives a professional license.
- e. Request the Board of Education be advised of the findings from the Commission's study regarding the importance of quality teacher preparation programs and include Virginia's alternative licensing provisions as part of their comprehensive review of Virginia's Licensure Regulations for School Personnel.

Teacher Support and Development

Improve Virginia's teacher professional development practices/ programs.

- a. Request Virginia's teacher preparation programs include best practices that translate to high quality professional development to match teachers' training needs.
- b. Recommend that additional time be committed to professional development and identify options for providing professional development within existing mechanisms.
- c. Provide state funding for school divisions to provide high quality professional development opportunities that correspond with teachers' professional needs.
- d. Create policies that encourage school divisions to hold public instruction workshops to demonstrate exemplary teaching practices.

Teacher Evaluation

Implement teacher evaluation policies which encourage educational excellence and professional accountability.

Implement faithfully and institutionalize, through appropriate funding, the revised teacher evaluation system policy guidelines in the Virginia Board of Education's Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers. Also, provide financial support to implement the Board of Education's Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals and for Superintendents.

Teacher Compensation

Study/revise Virginia's teacher compensation system to include components that foster excellence in teaching.

- a. *Provide funding for teacher salary increases.*
- b. *Provide funding based on a strategic compensation model such as Salem's City Schools Growth Project.*
- c. *Provide funding for establishing a differentiated compensation system based on teacher performance.*

B. STRUCTURE AND SUPPORT OF THE EDUCATIONAL SYSTEM

Principal Quality

Develop leadership mentoring and development programs that target the skills, knowledge, and attributes of effective leaders.

- a. *Implement, fund, and ensure professional development provisions are included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals adopted by the Virginia Board of Education in 2012.*
- b. *Develop leadership policies and practices, in partnership with Virginia's education associations, to identify and develop promising teachers to assume official leadership positions.*
- c. *Request the Department of Education develop a Request for Proposal (RFP) for a Center for Research on Teacher and Leader Excellence to promote best practices in instructional leadership developed by Virginia's institutions of higher education and to coordinate with other states' leadership programs across Virginia's school divisions.*

Instructional Time and Time Spent Learning

Investigate the Commonwealth's school day structure and school year structure.

- a. *Request the Governor and the Secretary of Education review best practices in structuring adequate planning time for teachers.*
- b. *Request the Governor and the Secretary of Education study ways to maximize the instructional learning time for students including the allocation of the time in school day and the school year.*
- c. *Request the Governor and the Secretary of Education review the waivers of seat-time requirements and make recommendations to allow students to earn credit based on demonstrating course mastery.*

C. EDUCATIONAL INNOVATIONS

Virtual Learning

Explore virtual learning opportunities in Virginia.

- a. *Investigate multiple sources of funding, such as enrollment tuition, federal or state grants, or external funders, to ensure the sustainability of the virtual schools.*
- b. *Develop a plan to ensure equitable access to virtual learning resources, in particular for the at-risk student population.*
- c. *Request more research in the field of virtual learning to have a larger knowledge base about what makes virtual learning effective.*
- d. *Develop a plan to create more virtual middle, elementary, and remediation courses. Currently, more courses offered are high school courses, including AP or college level courses geared toward high-achieving students working toward college credits.*
- e. *Consider and plan teacher professional development to require a thorough knowledge of virtual teaching strategies and the workings of specific virtual teaching platforms.*
- f. *Investigate partnerships with other states to attain the most qualified teachers in specialized fields.*
- g. *Explore the best use of virtual learning and what works with ensuring access, success, and accountability.*
- h. *Recommend the expansion of virtual learning in Virginia based on the evidence of what works.*

Science, Technology, Engineering and Mathematics—Healthcare (STEM-H)

Develop a plan to implement rigorous and coherent STEM-H curriculum that deepens STEM-H learning over time.

- a. *Strengthen science education at elementary and middle school levels. Teachers can cover less material, but cover it in depth. For example, separate science into sub-subjects e.g., biology, physics, and chemistry starting at middle school level.*
- b. *Enhance Virginia’s STEM-H curriculum to promote mastery.*
- c. *Develop gender-specific student programming to encourage participation in STEM-H-related classes.*
- d. *Build cooperation with STEM-H-related business and industry where students can obtain “real life” experiences in the technology sectors.*
- e. *Increase the proportion of in-field STEM-H teachers, particularly in Title I schools.*

D. THE INTERNATIONAL ACHIEVEMENT GAP

The International Baccalaureate (IB)

Support, financially and otherwise, the expansion of IB programs.

- a. *Support the expansion of IB programs at the elementary, middle, and high school level.*
- b. *Request more schools with IB programs to have dual credentials (having sister schools in other countries).*
- c. *Request more research on IB curriculum and assessment in order to develop and implement a similar but cost-effective system in every public school.*

More Rigorous Middle School Curriculum

Continue to examine and improve Virginia’s academic standards to ensure the rigor and quality of standards.

- a. *Develop more advanced math/science curriculum for grades 6, 7, and 8. For example, offer age-appropriate courses in biology, chemistry and physics in grades 6-8.*
- b. *Conduct more research on the best math/science textbook and pedagogical instruction practices in other countries. Suggest conducting an in-depth examination of the math curriculum developed by Singapore’s Ministry of Education. This curriculum emphasizes extensive coverage of a relatively small number of concepts at early stages, and integrates math concepts, such as algebra and geometry, in secondary grade levels.*
- c. *Request a comprehensive development of middle school math and science textbooks, including electronic and interactive versions.*
- d. *Support the Virginia Board of Education’s work in establishing rigorous, focused and coherent content at all grade levels, and reducing overlap and variation in implemented curricula across grades.*
- e. *Offer students more opportunities to take challenging classes, beginning at the elementary school level.*
- f. *Recommend schools review and revise curricula on a regular schedule, for instance, every five or ten years. Curricula should concentrate on the topics that must be mastered in order to understand the material presented in the following year.*

Assessing Virginia’s Students Performance

Recommend Virginia consider additional methods to measure students’ achievement.

- a. *Request the Virginia Department of Education design a new generation of assessment to assess a broader range of student skills and knowledge. Instead of relying on multiple-choice computer-scored tests, which educators and researchers believe cannot accurately measure higher-order thinking skills, the assessment should be diversified to include essay-type responses or even oral examinations.*
- b. *Request the Virginia Department of Education to develop a plan for Virginia to participate in the 2015 TIMSS and/or PISA assessment as a “separate” country. The plan will discuss recommendations regarding the most appropriate assessment, implementation issues, and potential public and/or private funding sources. The Department will report on the status of this plan to the General Assembly and to the Commission on Youth prior to the 2014 General Assembly Session.*

Legislative Initiative

Definition of Kinship Caregivers

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

Kinship care, as set forth in § 63.2-100 of the *Code of Virginia*, is defined as the full-time care, nurturing, and protection of a child by relatives. The term “kin” is often used interchangeably with “relative”. The way states define “relative” for purposes of kinship care is important because it influences placement, access to information, and eligibility for program benefits.

Kinship care is the least restrictive and most family-like setting for children requiring out-of-home placement. Research has shown that children living with relatives in kinship care placements generally have a greater likelihood of being successful and not experiencing negative outcomes (e.g., dropping out of school or being incarcerated).

Like other states, Virginia has increasingly turned to kinship care as a viable placement option for children when the family is in crisis. Kinship diversion occurs when local departments of social services (LDSS) facilitate the placement of a child with relatives to prevent a foster care placement when the child cannot remain with their parents. In 2009, the Virginia Department of Social Services (VDSS) conducted a study to measure the number of children diverted from foster care and placed with kinship caregivers. VDSS calculated that the percent of children diverted to relatives ranges from 8.3 to 11.6 percent. Applying this percentage to the total population of referrals over one year, it is estimated that local departments divert between 2,148 and 3,012 children from foster care via informal kinship placements.

Local social service workers are typically tasked with the responsibility of evaluating potential kinship caregivers. Federal law, regulations, and guidance provide states with some flexibility in their approaches to kinship care. However, Virginia has no standardized policy or guidance on kinship diversion. There is no guidance specifying when to conduct an assessment and which diversion cases require them. Some LDSS workers may conduct a preliminary check and then follow up with a federal background check. Others may place the child with a relative before conducting any checks. LDSS may use safety plans to outline the service recommendations for the parent in order to regain care of her child. However, there is confusion about the legality of the safety plan. Additionally, when parents agree to a kinship arrangement to avoid an abuse and neglect proceeding, there is no defined procedure to ensure that the child returns home or achieves permanency. Kinship policies should be flexible regarding non-safety requirements. However, guidance regarding assessment and case management would be helpful to inform case decisions

At its May 14, 2012 meeting, the Commission on Youth adopted a study plan to clarify the definition of kinship caregivers and to provide for an advisory group of representatives from impacted agencies and stakeholder organizations to assist in this effort. Findings and recommendations were to be reported to the Commission on Youth prior to the 2013 General Assembly Session.

Issues

- Kinship care, as set forth in § 63.2-100 of the *Code of Virginia*, is defined as the full-time care, nurturing, and protection of a child by relatives.
- The term “kin” is often used interchangeably with “relatives”. The way states define relatives for purposes of kinship care is important because it influences placement, access to information, and eligibility for program benefits.
- In Virginia, the definition of “relative” varies from program to program.
 - The Virginia Department of Social Services (VDSS) narrowed the definition of “relative” for the Custody Assistance program to mean only those related by blood, marriage, or adoption.¹
 - In Virginia, for the purposes of adoption, a close relative is defined as “the child’s grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt.”²
 - Virginia’s Temporary Aid to Needy Families (TANF) regulations specify, for eligibility purposes, that the relative with whom the child is living who is designated as the caretaker must be a relative by blood, marriage, or adoption.³
- The federal *Fostering Connections to Success and Increasing Adoptions Act of 2008* does not define relative.
 - The U.S. Office of Personnel and Management utilizes the Child Welfare League’s definition of kinship care as the “... full time care, nurturing and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adult who has a kinship bond with a child.”
 - A national survey conducted by Casey Family Programs noted that the definition of relatives could be either broad or narrow. Broad definitions of kin includes persons not related to the child but who have an established relationship with the child; including godparents, close friends, and neighbors. Narrow definitions of kin include only blood relatives or those related by marriage or adoption.
- Kinship care is one of the least restrictive family-like settings for children requiring out-of-home placement. Research has shown that children living with relatives in kinship care placements generally have a greater likelihood of being successful and not experiencing negative outcomes (e.g., dropping out of school or incarceration).⁴
- Virginia has increasingly turned to kinship care as a viable placement option for children when the family is in crisis. Virginia policy strives to preserve families and requires that family members be considered first when out-of home placements are sought.⁵
- Legislation passed during the 2010 General Assembly Session (HB 718, Peace) requires the Governor and the VDSS, and other appropriate agencies, to develop a plan to increase the safe and permanent placement of children with families to reduce the number of children in foster care by 25% by 2020.
- According to VDSS, 94% of Virginia’s local social service agencies diverted children from foster care to kinship care in Fiscal Year 2010. VDSS calculated that local departments of social services are diverting between 2,000 and 3,000 children from foster care to kinship care, with the percent of children placed with relatives ranging from 8 to 12%.

¹ Virginia Department of Social Services. (2011). *Virginia’s Annual Report on the Five Year Child Welfare Plan*. [Online]. Available: http://www.dss.virginia.gov/files/about/reports/children/annual_progress_services/apsr2011.pdf. [March 2012].

² Va. Code § 63.2-1242.1. (2011).

³ 22VAC40-295-20.

⁴ Rubin et al., Impact of Kinship Care on Behavioral Well-being for Children in Out-of-Home Care. (2008). 162 *Archives for Pediatric & Adolescent Med.* 6.

⁵ Va. Code § 63.2-900. (2011).

Activities

- Convene Advisory Group to assist in study effort.
 - Invite representatives from the impacted groups including:

Special Advisor to the Governor on Virginia's Children's Services System	Family Assessment and Planning Teams (FAPT)
Virginia Department of Social Services	Virginia Department for the Aging
Local Departments of Social Services	Area Agencies on Aging
Virginia League of Social Service Executives	Advocacy Organizations
Office of Comprehensive Services	Parent Representatives
State Executive Council (SEC)	Faith-Based Community
State and Local Advisory Teams (SLAT)	Private child placing agencies
	CASA Representatives
	Guardians Ad Litem

- Review federal legislation/statutes
 - *The Fostering Connections to Success and Increasing Adoptions Act* (P.L. 110-351)
 - Titles IV-B and IV-E of the Social Security Act
 - Temporary Assistance for Needy Families (TANF) block grant
 - *The Adoption and Safe Families Acts of 1997*
- Review Virginia laws, regulations, and terminology
 - Kinship care, adoption, and foster care statutes
 - Child welfare regulations
 - Statutes pertaining to relative caregivers
- Analyze Virginia practices and data
 - Review state and local Department of Social Services' (LDSS) policies and practices
 - Review Virginia's custody assistance guidance documents
- Analyze other states' practices and procedures
 - State Policy Database from Casey Family Programs
 - Child Welfare League of America literature on state definitions/practices
- Develop recommendations
 - Synthesize findings
 - Develop recommendations
- Solicit feedback to recommendations
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Prepare final report

At its December 3, 2012 meeting, the Commission on Youth approved the following recommendations:

- 1. Support the Virginia Department of Social Services (DSS) in the creation of foster care diversion in early prevention guidelines that provide guidance to LDSS workers on the role of the agency in diversion practice, safety considerations, relative notification, and the use of criminal and child protective services (CPS) checks. DSS will report on its progress to the Commission on Youth prior to the 2014 General Assembly Session.**
- 2. Support the Virginia Department of Social Services (DSS) in the development of an assessment tools for the informal diversion of youth from foster care into family placements and request that DSS report on the progress on the implementation of the assessment tool to the Commission on Youth prior to the 2014 General Assembly Session.**

Legislative Initiative
Restoration of Parental Rights

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

The Commission's study of the Restoration of Parental Rights originated from legislation introduced during the 2012 General Assembly Session (HB 450, Toscano; SB 218, Barker; SB 555, Favola). The Senate and House Courts of Justice Committees members reviewed these bills and determined that further study of this issue would be appropriate. The members of the Courts of Justice Committees requested the Commission on Youth to study the provisions set forth in the legislation and carried the bills over to the 2013 General Assembly Session.

Foster care is intended to be a temporary safety net for children who are abused or neglected. Ideally, children exit foster care by reunifying with a birth parent, living with a guardian, or being adopted. However, the child welfare system does not locate a family for every child. In 2010, eleven percent of children exiting the Virginia foster care system did so by "aging out," meaning they were emancipated from foster care at the age of 18 or older without a safe and permanent placement.

Youth who age out of foster care face particularly difficult odds. They lack the moral and financial support of parents and relatives. Studies show they are at an increased risk for homelessness, involvement in the criminal justice system, and a lifetime dependence on public assistance. There are also increased rates of high school drop outs, alcohol and substance abuse, and unwanted pregnancies.

Some of the youth aging out of foster care were in the foster care system as a result of their parents having had their parental rights terminated by the court. In these cases, the court has intervened in the family and severed the familial connection. These children are then legal orphans, waiting in foster care for a permanent placement. In 2011, the Virginia Department of Social Services reported that eighteen youth aged out of foster care following the termination of their parents' parental rights. Restoration of parental rights would provide the courts with a tool to reunite these youth with their parents in those situations where it is safe and in the best interests of the youth.

At the Commission's meeting on May 14, 2012, the Commission on Youth adopted a study plan to study the feasibility of creating a procedure for the restoration of parental rights and to further study the policy implications of such a procedure. The study plan included convening an advisory group to assist in the effort. Findings and recommendations were to be reported to the Commission prior to the 2013 General Assembly Session.

Study Activities

- Convene Advisory Group to assist in study effort.
 - Invite representatives from the impacted groups including:

Virginia Department of Social Services	State Executive Council (SEC)
Local Departments of Social Services	State and Local Advisory Team (SLAT)
Virginia League of Social Service Executives	Local Comprehensive Services Act Coordinators
Special Advisor to the Governor on Virginia's Children's Services System	Family Assessment and Planning Teams (FAPT)
Juvenile Court Judges	Advocacy Organizations
Virginia Supreme Court	Parent Representatives
Office of Comprehensive Services	Private Child Placing Agencies
	CASA Representatives
	Guardians ad Litem
- Review federal legislation/statutes
 - *The Fostering Connections to Success and Increasing Adoptions Act* (P.L. 110-351)
 - Titles IV-B and IV-E of the Social Security Act
 - Temporary Assistance for Needy Families (TANF) block grant
 - *The Adoption and Safe Families Acts of 1997*
- Review Virginia laws, regulations, and terminology
 - Foster care and adoption statutes
 - Child welfare regulations
 - Other related practices
- Analyze Virginia practices and data.
 - Review state and local Department of Social Services' (LDSS) policies and practices
 - Review Virginia's custody assistance guidance documents
- Analyze other states' practices and procedures
 - National Conference of State Legislatures (NCSL)
 - State Policy Database from Casey Family Programs
 - Child Welfare League of America literature
- Develop recommendations
 - Synthesize findings
 - Develop recommendations
- Solicit feedback to recommendations
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Prepare final report

At its December 3, 2012 meeting, the Commission on Youth approved the following recommendation:

Amend the *Code of Virginia* by adding a section numbered 16.1-283.2, providing a procedure to restore the parental rights of a parent whose rights had been previously terminated, with the following conditions:

- Age of Juvenile: 14 years of age
- Exceptions to Age Requirement
 - Younger Sibling Exception
The juvenile must be a certain age, or a younger sibling of a juvenile of sufficient age for whom restoration is being sought, and the younger sibling independently meets the criteria for restoration; and
 - LDSS and GAL File Jointly

A restoration petition may be filed for a juvenile who does not meet the age requirement where his or her guardian ad litem and the local department of social services jointly file the petition for restoration.

- **Who May File:** the local departments of social services (LDSS) or the juvenile's guardian ad litem
- **Required Time Period Post-Termination:** Two years
- **Time Period Exception:** 18th Birthday Exception
Where the required two year time period would expire after the juvenile's 18th birthday, the petition may be brought sooner.
- **Who Must Consent:** the juvenile and the parent whose rights are being restored
- **Other Provisions:**
- Use a *best interests* standard with a *clear and convincing* burden of proof.
- Allow for the participation of a court-appointed special advocate (CASA) and include a CASA volunteer in the list of people who receive notice and reports.
- Limit the availability of the restoration procedure for those cases in which a parent's parental rights were terminated pursuant to §16.1-283(B), (C), or (D).
- Provide for a transitional period, during which the juvenile is in the physical custody of the parent and the legal custody of the local department of social services.