

2014 EXECUTIVE SUMMARY OF

**THE VIRGINIA COMMISSION
ON YOUTH**



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

**COMMONWEALTH OF VIRGINIA
RICHMOND
2014**



COMMONWEALTH of VIRGINIA
Commission on Youth

Delegate Christopher K. Peace, *Chair*
Senator Barbara A. Favola, *Vice Chair*

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January 9, 2015

TO: The Honorable Terry McAuliffe
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, 2014.

This 2014 Executive Summary includes the interim activity and work conducted by the Virginia Commission on Youth during the 2014 study year, as required by § 30-175. As anyone can see, the Commission has enjoyed a busy year producing excellent work to support Virginia's families and youth. Commission staff should be commended for their excellent work and dedication to the sons and daughters of Virginia.

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

2014

VIRGINIA COMMISSION ON YOUTH

House of Delegates

The Honorable Christopher K. Peace, Chair
The Honorable Mamy E. BaCote
The Honorable Richard P. "Dickie" Bell
The Honorable Peter F. Farrell
The Honorable Mark Keam
One Vacancy

Senate of Virginia

The Honorable Barbara A. Favola, Vice Chair
The Honorable Dave W. Marsden
The Honorable Stephen H. Martin

Gubernatorial Appointments from the Commonwealth at Large

Deidre S. Goldsmith
Frank S. Royal, Jr., M.D.
Charles H. Slemph, III, Esq.

Commission Staff

Amy M. Atkinson, Executive Director
Leah Mills, Senior Policy Analyst
Will Egen, Legal Policy Analyst
John Starzer, Part-time Policy Analyst

Summer Interns

Joi Brown
Kevin Cottingham
Rebecca Lawrence
Lady Lockhart

EXECUTIVE SUMMARY

Virginia Commission on Youth - Background

Enabling Authority

§ 30-174 and § 30-175

Established in statute by the 1989 General Assembly, the Virginia Commission on Youth represents a legislative response to a two-year study examining the issues related to services to chronic status offenders. Virginia Code directs the Commission "to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and families." Enacted in 1989, the Commission began operations in 1991.

The Commission on Youth is comprised of nine members of the General Assembly and three citizens appointed by the Governor (§30-174). Six Commission members from the House of Delegates are appointed by the Speaker of the House. The three Commission members from the Senate are appointed by the Senate Committee on Rules.

Highlights of Recent Accomplishments

Mental Health Assessments for Juvenile Offenders

- Governor Bob McDonnell included in the 2014 Biennial Budget \$1.6 million each year in the Department of Juvenile Justice's appropriation to support mental health and substance abuse evaluation and treatment services for juveniles under state probation or parole as recommended by the Commission. Delegate Peter F. Farrell and Senator Barbara A. Favola served as chief patrons for legislation (House Bill 183 and Senate Bill 128) to ensure judges have a completed social history prior to disposition for juveniles who may be committed to the Department of Juvenile Justice and required the Department to create a model social history and guidelines for Court Services Units to use in assisting the courts in making informed dispositional decisions.

The Three Branch Institute

- As one of seven states selected to participate in The Three-Branch Institute on Child Social and Emotional Well-Being of the National Governors Association, Virginia was able to improve the social and emotional well-being of children in foster care. Accomplishments include:
 - Incorporated well-being activities into foster care guidance;
 - Integrated well-being outcomes into the Virginia Department of Social Services automated system;
 - Incorporated well-being sections and outcomes into the five-year plan;
 - Enrolled over 80 percent of all children in foster care in managed care, which has improved access to health care providers, coordinated care and case management, targeted services for chronic conditions, and inclusion of a 24-hour nurse advice line;
 - Managed Medicaid community-based behavioral health services through a new behavioral health administrator;
 - Revised and strengthened the Child Adolescent Needs and Strengths Assessment (CANS);

- Developed a Medicaid prescription rate analysis;
- Shared data on foster children between the Department of Education and the Department of Social Services;
- Developed Learning Collaborative Series focused on enhancing service assessment, planning, and delivery; and
- Completed Permanency Values Trainings.

Early Childhood Education

- The Commission on Youth hosted an Early Childhood Education Workgroup on Quality on June 17, 2014. Over 120 individuals attended the meeting including: Senators Colgan, Lewis, Miller and Ruff, Delegates R.P. Bell, Dance, Krupicka, Mason, Orrock, Peace, Plum, Pogge and Sickles, Governor Terry McAuliffe, the Secretary of Health and Human Resources, William Hazel and the Secretary of Education, Anne Holton; and representatives from the Secretary of Commerce and Labor and the Office of the Lieutenant Governor.
- Dean Robert C. Pianta, Ph.D., Curry School of Education of the University of Virginia presented on the current national research on quality in early learning settings. Christine Harris, Director of the Office of Humanities and Early Childhood Education of the Department of Education, Barbara Newlin, Director of the Division of Child Care and Early Childhood Development of the Department of Social Services, and Kathy Glazer, President of the Virginia Early Childhood Foundation presented on Virginia's Early Learning Quality Improvement Initiatives. Vikki Barth of the Leadership Metro Richmond facilitated discussion of the workgroup and assisted in the development of recommendations.

Virginia's Public Guardian and Conservator Program

- The Commission supported additional funding to expand services through the Virginia Public Guardian and Conservator Program to individuals with mental illness and/or intellectual disability who are 18 years of age and older. Virginia's Public Guardian and Conservator Program enables incapacitated persons to meet essential requirements for physical and emotional health and management of financial resources and enables them to remain in their homes and communities. The Commission on Youth recommended inclusion of funding in the 2014-2016 Biennial Budget to support the Virginia Public Guardian and Conservator Program. This funding is in response to the documented need for guardians of last resort.

Federal Preschool Expansion Grant

- The Commission supported Virginia's application for a Federal Preschool Expansion Grant which provided Virginia with \$17.5 million in 2015 for high quality preschool for at-risk four-year-olds in eleven high-need localities in Virginia. The grant will allow our Commonwealth to capitalize on and sustain the momentum and support for high-quality preschool programs and will enhance our Commonwealth's preschool program infrastructure and capacity to service Virginia's children and families.

Legislative Initiative

Use of Restraint and Seclusion in Schools

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2014 General Assembly Session, Delegate Patrick Hope introduced House Bill 1106, directing the Commission on Youth, in consultation with the Department of Education and the Department of Behavioral Health and Developmental Services, to review:

- i. statewide policies and regulations related to seclusion and restraint in public and private elementary and secondary schools; and
- ii. methods used in other states to reduce and eliminate the use of seclusion and restraint in public and private elementary and secondary schools.

The legislation required the Commission on Youth to make recommendations and report its findings to the General Assembly no later than the first day of the 2015 Regular Session of the General Assembly.

An update on the study activities and draft recommendations was reported at the Commission's September 16th and October 20th meetings. At its November 17, 2014 meeting, the Commission on Youth approved the following recommendations:

- Request that the Governor finalize Virginia's Proposed *Regulations Governing the Operation of Private Day Schools for Students with Disabilities*.
- Introduce legislation requiring the Virginia Board of Education to promulgate regulations on the use of seclusion and restraint in Virginia's public schools. These regulations will incorporate the 2009 Department of Education Guidelines and the U.S. Department of Education's 15 Principles on Seclusion & Restraint and address definitions, criteria for use, restrictions for use, training, notification requirements, reporting, and follow-up. The regulations will also address the diverse population of students in the public school setting including students in the general education and special education populations and distinctions between primary and secondary schools including the students' emotional and physical developmental differences.
- Support the Department of Criminal Justice Services efforts in training appropriate parties, including School Resource Officers and School Security Officers, in student development, de-escalation, and conflict mediation in the school setting.
- Request the Virginia Department of Education support local school divisions by providing resources and training on research-based appropriate behavioral management, prevention, de-escalation techniques to reduce the use of seclusion and restraint.

Legislative Initiative

Court Appointed Attorneys in Child Welfare Cases

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

In a letter received April 28, 2014, Senator George Barker requested that the Commission on Youth study legal representation for parents in child welfare cases. This study reviewed Virginia's existing system for providing counsel in these cases and ascertained whether modifications or improvements to the system would advance Virginia's efforts to increase permanency.

An update on the study activities and draft recommendations was reported at the Commission's November 17, 2014 meeting. At its December 2, 2014 meeting, the Commission on Youth approved the following recommendation:

- Allow court-appointed counsel for parents in child welfare cases to submit a waiver application for additional compensation above the current cap for all stages of a child dependency case.

Legislative Initiative

Three Branch Institute on Child Social and Emotional Well-Being (Year Two)

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

At the May 7, 2014 meeting, the Commission adopted a work plan for Virginia's Three Branch Institute on Child Social and Emotional Well-Being's (The Institute) second year. The Institute requires coordination and collaboration of the state's executive, legislative and judicial branches of government. The goal is for states to develop a state-specific plan for children and youth receiving foster care services through the state's child welfare system. Virginia is one of only seven states selected to participate in the Institute, which took place in 2013 and 2014.

At the May 7th and December 2nd Commission meetings, the Commission received presentations on strategies and accomplishments from Virginia's Three Branch Team.

These strategies were developed to improve outcomes for Virginia’s foster care youth and are listed on the following page.

1. Managing by data to improve health and behavioral health outcomes;
2. Managing by data to improve educational outcomes; and
3. Improving appropriate and effective use of psychotropic medications for children in foster care and implement strategies for consent and monitoring.

Accomplishments of Virginia’s Three Branch Institute include the following:

- Incorporation of well-being activities into Virginia’s foster care guidance;
- Integration of well-being outcomes into the Virginia Department of Social Services’ automated system and Virginia’s five-year plan including safety, permanency and well-being sections;
- Over 80 percent of children in foster care enrolled in managed care;
- All Medicaid community behavioral health services administered through a behavioral health administrator;
- Strengthening Virginia’s Child Adolescent Needs and Strengths Assessment (CANS);
- Analysis of medications prescribed to foster children in Medicaid; and
- Improved data sharing between the Department of Education and the Department of Social Services on foster care youth.

Legislative Initiative

Collection of Evidence-Based Practices for Children and Adolescents with Mental Health Treatment Needs (Biennial Update)

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

SJR 358 (2003) directed the Commission on Youth to update biennially its publication, the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs (Collection)*. The purpose of the *Collection* is to identify effective treatment modalities for children, including juvenile offenders, with mental health treatment needs. Utilization of evidence-based practices in the field of children's mental health promotes better patient outcomes and may offer the Commonwealth some cost savings.

Senate Joint Resolution 358 also mandated that the Commission disseminate the *Collection* via web technologies. As specified in the resolution, the Commission received assistance in disseminating the *Collection* from the Advisory Group, the Secretary of Health and Human Resources, the Secretary of Education, and the Secretary of Public Safety.

The Commission on Youth directed staff at the May 7, 2014 meeting to:

- Revise the *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs 5th Edition* (the “Collection”). The *Collection* is to be revised biennially pursuant to Senate Joint Resolution 358 (2003);
- Seek the assistance of the Study Advisory Group, the Secretary of Health and Human Resources, the Secretary of Public Safety, and the Secretary of Education;
- Make the *Collection* available through web technologies; and
- Develop a cost-effective and efficient dissemination method.

The American Psychiatric Association (APA) made several significant changes to the categorization of disorders included in the *Diagnostic and Statistical Manual Fifth Edition (DSM-5)*, which was published in 2013. These changes will affect the upcoming edition of the *Collection*. The Commission is making significant revisions to the *Collection 5th Edition* to incorporate these changes.

Legislative Initiative

Unlawful Adoption of a Child

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2014 General Assembly Session, Senator Jeffrey L. McWaters introduced Senate Bill 411. It provided that any parent, guardian, or other person responsible for the care of a child who transfers physical custody of a child with the intent to do so permanently without following established adoption procedures is guilty of a Class 6 felony. These procedures attempt to ensure, among other things, that the child will not be abused or neglected by his new adoptive parents. The legislation would create an exception for kinship care arrangements for the purposes of school enrollment or other established legal procedures for transferring custody.

Members of the Senate Courts of Justice Committee reviewed the bill and determined that further study would be appropriate. The Committee passed the bill by indefinitely and requested that the Commission on Youth study the provisions set forth in Senate Bill 411 and report findings and recommendations prior to the 2015 General Assembly Session.

An update on the study activities and draft recommendations was reported at the Commission’s October 20 meeting. At its November 17 meeting, the Commission on Youth approved the following recommendations:

- Amend the Code of Virginia to require the State Registrar to furnish a document, to be compiled and annually reviewed by the Virginia Department of Social Services

listing post-adoptive services available to all adoptive families simultaneous to when any new birth certificate is issued due to adoption. Also, make this information available on the Department's website.

- Request the Virginia Department of Social Services, with the support of the Office of Comprehensive Services for At-Risk Youth and Families, to allow regional requests for proposals rather than statewide requests for proposals for post-adoptive services.
- Support the current funding level for post-adoptive services.
- Request the Virginia Department of Social Services, with the support of the Office of Comprehensive Services for At-Risk Youth and Families, to review existing policies and practices related to early prevention services. A report will be submitted to the Commission on Youth prior to the 2016 General Assembly Session.
- Request the Governor to ensure there is adequate funding in the 2014-2016 Appropriations Act to fully implement the provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which would extend foster care and adoption assistance until the age of 21. Doing so would allow the Commonwealth to draw down partial federal reimbursement for support of young adults in the 19 to 21 age group.

Legislative Initiative

Early Childhood Education – Workgroup on Quality

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

At the Commission on Youth's May 7, 2014 meeting, members adopted a study plan to convene a workgroup to assess methods for improving quality in Virginia's early childhood education programs. The study plan required an update on the progress of the workgroup to be reported to the Commission on Youth prior to the 2015 General Assembly Session.

The Commission convened an Early Childhood Education Workgroup on Quality on June 17, 2014. Chairman Christopher Peace presided over the meeting with over 120 individuals in attendance. Senators Colgan, Lewis, Miller and Ruff, Delegates R.P. Bell, Dance, Krupicka, Mason, Orrock, Plum, Pogge and Sickles, Governor Terry McAuliffe, the Secretary of Health and Human Resources William Hazel and the Secretary of Education, Anne Holton; and representatives from the Secretary of Commerce and Labor and the Office of the Lieutenant Governor participated in the workgroup.

At its November 17 and December 2 meetings, the Commission adopted the following recommendations:

- Request the Virginia Department of Education's Office of Humanities and Early Childhood participate with the Virginia Department of Social Services and the Virginia Early Childhood Foundation to convene an interagency, cross-sector workgroup to be facilitated by the Foundation. The workgroup shall develop a competency-based professional development framework to inform the requirements and guidance for pre-service education, in-service education, and training for early learning practitioners in Virginia's early learning settings. In developing the framework, the workgroup will review the following:
 - Professional support and in-service training proven to promote gains in children's social and academic development;
 - Current professional development standards, such as competencies for practitioners, trainers, and technical assistance providers; career pathways; trainer and training approval systems; technical assistance and mentoring/coaching programs, training programs that lead to credentials and certifications;
 - *Virginia's Quality Indicators for Responsive Teaching; Creating a High Quality Learning Environment* to ensure that the document supports teacher-child interactions and personal and social development;
 - Efforts to build capacity with private partners that emphasize hiring teachers with such training;
 - Revisions to Virginia's Star Quality Standards which emphasize elements that demonstrate success including teacher preparation/professional development versus structural and/or physical plan components; and
 - Other relevant research-based information.

The workgroup shall make a final report on its activities to the Virginia Commission on Youth prior to the 2016 General Assembly Session.

- Request the Virginia Department of Social Services to continue to ensure compliance with federal child care regulations and new federal rules that may be adopted. This would include provisions of *the Child Care and Development Block Grant Act of 2014*, signed into law by the President on November 19, 2014 as well as subsequent regulations that may be issued by the U. S. Office of Child Care.
- Request the Commonwealth Council on Childhood Success to investigate the development of a child care system where all providers, including home-based providers, be required to obtain a child care license and present on its activities to the Commission on Youth prior to the 2016 General Assembly Session.
- Request the Joint Legislative Audit and Review Commission follow up on the previous study of the Virginia Preschool Initiative (VPI), review the funding formula and cost-per-child for VPI, and make recommendations to address barriers to access such as local match and facility space to achieve a balance between program quality and easing access for children in all regions across the Commonwealth.

- Support the Virginia Department of Social Services and the Virginia Early Childhood Foundation's efforts to map all of the quality ratings for the participating early care programs across the state. Such mapping may help show regional gaps and help communicate the benefits of licensure to providers.
- Request the Secretary of Veterans Affairs and Homeland Security and the Secretary of Public Safety include access to high-quality early childhood education for Virginia's military families in all efforts seeking to improve services and programs for Virginia's military families.
- Request the Secretary of Education, the Virginia Early Childhood Foundation, and E3 present to the Virginia Commission on Youth the findings Virginia's Kindergarten Readiness Project.