

2018 EXECUTIVE SUMMARY

THE VIRGINIA COMMISSION ON YOUTH



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

REPORT DOCUMENT 30

**COMMONWEALTH OF VIRGINIA
RICHMOND
2019**



COMMONWEALTH of VIRGINIA

Commission on Youth

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Senator Dave Marsden, *Vice Chair*

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January 8, 2019

TO: The Honorable Ralph S. Northam
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, 2018.

This Executive Summary includes the activity and work conducted by the Virginia Commission on Youth during the 2018 study year, as required by § 30-175. The Commission has enjoyed a busy year producing excellent work to support Virginia's families and youth.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dickie", written in a cursive style.

Richard P. "Dickie" Bell

2018

VIRGINIA COMMISSION ON YOUTH

House of Delegates

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Christian Rehak

Commission Staff

Amy M. Atkinson, Executive Director
Will Egen, Senior Policy Analyst
Christine Wilcox, Editor

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. Three Commission members from the Senate are appointed by the Senate Committee on Rules.

Legislative Study

Review of the Standard of Proof to Determine a Founded Case of Child Abuse and Neglect

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

At the September 2017 Commission on Youth meeting, the Commission heard a presentation from the Department of Social Services and the Department of Education on the child protective services (CPS) appeals process and teacher license review process. Further, the Commission heard findings and recommendations from staff on the reporting of child protective service cases to Virginia's public schools and the child protective services appeals process at the November 2017 meeting. At the December 2017 meeting, the Commission determined that further study was needed to review the standard of proof for a non-school personnel child protective services investigation vs. a conduct investigation involving a public school employee. The Commission adopted the following recommendation:

Request the Virginia Commission on Youth to study the difference in standards of proof to determine a founded case of child abuse and neglect between school personnel and non-school personnel and to advise the Commission of its findings and recommendations by December 1, 2018.

At the June 6, 2018, meeting, the members adopted a study plan directing the Commission on Youth to study the difference in standards of proof to determine a founded case of child abuse and neglect between school personnel and non-school personnel and to:

- Identify and work with impacted stakeholders
 - Law Enforcement
 - Local Departments of Social Services
 - Office of the Attorney General
 - Virginia Association of School Superintendents
 - Virginia Department of Education
 - Virginia Department of Social Services
 - Virginia Educational Association (VEA)
 - Virginia High School League
 - Virginia League of Social Services Executives
 - Virginia Poverty Law Center
 - Virginia Professional Educators
 - Virginia School Boards Association
 - Other Stakeholders
- Convene advisory group with impacted stakeholders
- Conduct extensive background and literature reviews
 - Virginia law, regulation, and policy
 - Regulatory town hall, NOIRA, proposed and final documents
 - Department of Social Services Child and Family Services Manual
 - Virginia case law
 - Paul D. Coverdell Teacher Protection Act of 2001
 - Journal articles on standards of proof
 - U.S. Department of Health and Human Services statistics and reports
 - Other states' statutes, regulations, studies, and activities

The Commission staff held two Advisory Group meetings with impacted stakeholders on August 20 and September 11, 2018. Draft study findings and recommendations were presented at the Commission's September 18, 2018, meeting. The Commission received written public comment through November 6, 2018. After receiving public comment at the November 20, 2018, meeting, the Commission on Youth approved the following recommendations:

Training and/or guidance for hearing officers and Child Protective Services workers

Recommendation 1 – Hearing officer training

Request VDSS hearing officers to undergo CPS new worker guidance training as well as training on forensic interviewing, other best practices, and topics deemed

essential to recognizing abuse and neglect. VDSS hearing officers shall undergo training within the first 6 months of employment. Further, require continuing education training annually, biennially, or as deemed necessary. VDSS shall determine the training requirements.

Child Protective Services worker training

Recommendation 2

Support VDSS's efforts in regards to training on how cases are being overturned due to documentation issues. In this training, request that CPS and VDSS appeals division identify procedural and documentation errors that prevent a hearing officer from using their discretion to uphold a founded case in which abuse and neglect occurred.

Recommendation 3 – Update Child and Family Services Manual

Request the Department of Social Services update and clarify the sections on conducting investigations involving public school employees in their chapter on out-of-family investigations in the Child and Family Services Manual.

Complaints of sexual abuse against teachers

Recommendation 4 – Update guidance on sexual abuse

Request the Department of Social Services provide guidance to CPS workers that states that if the act that gave rise to the investigation of abuse and neglect was for any act of sexual exploitation or any sexual act upon a child in violation of the law, then it shall not be deemed to be an act or omission taken in the scope of employment. The local department worker would therefore not apply § 63.2-1511 analysis.

Recommendation 5 – Update guidance and analyze scenarios for application of gross negligence and willful misconduct to sexual abuse

Request the Department of Social Services provide guidance to CPS workers that details the scenarios and appropriate analysis for gross negligence or willful misconduct as it applies to complaints of sexual abuse.

Legislative Study

Barriers to Obtaining a Driver's License for Virginia's Foster Youth

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

Teens in foster care often face significant barriers to obtaining a driver's license. These young people often miss out on age-appropriate adolescent experiences and opportunities that create a sense of normalcy and help them make a successful transition to adulthood. Foster youth who are forced to wait until adulthood to acquire a driver's license also do not benefit from the extensive safety training provided by graduated driver licensing programs.

At the Commission's November 8, 2017, meeting, presentations were made on the survey for children aging out of foster care. As part of the presentation, foster care youth gave testimony regarding the difficulty of obtaining a driver's license while in foster care. The Commission decided to investigate this topic during the 2018 study year.

The Commission on Youth directed staff at the June 6, 2018, meeting to:

- Conduct extensive background and literature reviews:
 - State Policy and Advocacy Reform Center (SPARC) initiative, "Youth Going Places"
 - Community Based Care of Central Florida
 - Keys to Independence Foster Youth driver's licensing initiative, Florida
 - Treehouse Driver's Assistance Program, Washington
 - Legislation enacted or pending in other states
 - Literature on effectiveness of Virginia's graduated licensing program
 - Foster Youth and Driving Act (H.R. 2512, pending legislation)
 - Virginia guidance on promoting normalcy for youth in foster care (CWSE3030)
 - Family First Prevention Services Act of the Bipartisan Budget Act of 2018
- Research the process in place in the Virginia foster care system for youth of driving age
- Work with VDSS to identify issues and barriers particular to Virginia
- Conduct round tables with foster youth and youth who have aged out of the foster care system to discuss their experiences regarding getting a driver's license while in foster care.

Draft study findings and recommendations were presented at the Commission's September 18, 2018, meeting. The Commission received written public comment through November 6, 2018. After receiving public comment at the November 20, 2018, meeting, the Commission on Youth approved the following recommendations:

Provide funding to support youth in foster care in obtaining their driver's license

Recommendation 1

Introduce a budget amendment to increase funding available to local departments of social services to reimburse foster parents and foster youth for increases to their existing automobile insurance premiums that occur because a foster youth in their care has become a licensed driver and to add additional coverage (umbrella policy or the equivalent) that will provide additional liability

protection should a licensed foster youth in their care get into or cause a catastrophic accident. Provide funding to the Virginia Department of Social Services to coordinate and administer the driver's licensing program based on best practices from similar programs in other states.

Introduce legislation to address foster parents' concerns about their automobile insurance policies being cancelled because they have foster youth in the household who drive

Recommendation 2

Amend § 38.2-2212 of the *Code of Virginia* to require that no insurer shall refuse to issue or renew a motor vehicle insurance policy solely because of policy owner's status as a foster care provider or foster care youth.

Recognize developmental and behavioral challenges

Recommendation 3

Support the present policy of VDSS, in which the foster parent or private provider, with input from the foster care worker, determines if obtaining a driver's license should be part of a foster youth's transition plan, consistent with the prudent parent standard.

Educate foster parents, private providers, and foster youth on 1) insurance and liability issues; 2) how to navigate DMV's licensing process; 3) whether funding is available for "Behind the Wheel"; and 4) why getting a driver's license on time is important for normalcy and a successful transition to adulthood

Recommendation 4

Request VDSS and/or other agencies develop educational or training materials that educate foster parents, private providers, and foster youth about 1) liability issues, insurance laws, and common insurance practices (to include laws about renewal and cancellation, how long an accident can affect premiums, how to establish that a foster youth is no longer living in the residence, and other applicable topics); 2) DMV requirements to obtain a learner's permit and driver's license; 3) what funding and resources are available to assist in this process, to include paying school lab fees for "Behind the Wheel" or paying a private driving education company; and 4) why getting a driver's license on time is important for normalcy and a successful transition to adulthood.

Support obtaining a driver's license as part of the transitional plan for foster care youth

Recommendation 5

Request VDSS to institute policy or otherwise communicate to caseworkers, foster youth, and foster parents that obtaining a driver's license before the age of 18 should be an element of consideration in the youth's transition plan as part of normalcy and should be encouraged when possible.

Legislative Study

Review of Virginia's Temporary Assistance for Needy Families Program – Workforce Development and Childcare

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2016 General Assembly Session, Senator Barbara Favola introduced Senate Joint Resolution 95. SJR 95 directed the Commission on Youth to (i) evaluate the Department of Social Services' administration of the Temporary Assistance for Needy Families (TANF) Program and identify the amount of and reasoning for unused TANF funds; (ii) determine whether TANF funds are being used for the intended purposes of the TANF Program or whether such funds are being diverted to other programs or non-TANF purposes; (iii) determine whether and how TANF funds can be better used to stabilize families economically, help provide educational opportunities, and provide parenting classes and identify other support services that could be made available through TANF funding to strengthen families; and (iv) consult with all relevant stakeholders.

The Commission on Youth directed staff at the June 6, 2018, meeting to:

- Review recent budget amendments and legislative bill proposals regarding TANF funds appropriated toward workforce development and childcare
- Meet and interview impacted stakeholders:
 - Virginia Department of Social Services
 - Local Departments of Social Services
 - Virginia Department of Health
 - House Appropriations Committee Staff
 - Senate Finance Committee Staff
 - Virginia League of Social Services Executives (TANF, Childcare and Child Welfare Committees)
 - Virginia Community College System
 - Local Community Colleges and Community College Workforce Centers
 - Advocacy Organizations
- Research other states' TANF policies, procedures, and programs within the realms of workforce development and childcare

Draft study findings and recommendations were presented at the Commission's November 20, 2018, meeting. The Commission received written public comment through November 30, 2018. After receiving public comment at the December 4, 2018, meeting, the Commission on Youth approved the following recommendations:

Welfare Stigma

Recommendation 1

Amend the *Code of Virginia* to rename the “Virginia Initiative for Employment not Welfare” (VIEW) to the “Virginia Initiative for Education and Work.” (This full title is currently found in the *Code of Virginia* Sections 2.2-435.8, 2.2-2472, 63.2-100, 63.2-601, 63.2-608, 65.2-101, 65.2-500, 65.2-502, and 65.2-512.)

Parent Education on Financial Literacy and School Readiness Options

Recommendation 2

Request that the Virginia Department of Social Services (VDSS) present to the Commission on Youth the plan mandated by § 63.2-226. This *Code* section requires VDSS, in consultation with the Virginia Employment Commission and the Virginia Community College System, to develop and implement a plan to provide to citizens receiving any form of public assistance information regarding courses on financial literacy, offered online or through any other appropriate medium, that are available to such citizens at no cost to them, prior to the 2020 General Assembly Session.

Recommendation 3

Request VDSS to implement self-sufficiency pilots to learn how to make the transition smoother for families and to minimize the “benefit cliff.” The purpose of the pilot is to develop supports that provide a pathway for self-sufficiency through earning a living wage. Pilot programs may allow TANF cash assistance payments to be adjusted depending on the amount of income and services a recipient receives. VDSS shall report its findings with recommendations to the House Appropriations and Senate Finance Committees and the Virginia Commission on Youth by November 15, 2020.

Recommendation 4

Support more parent education on quality child care and the Child Care Subsidy, Virginia Preschool Initiative, Early Head Start, and Head Start Programs for low-income families. Support training for child care workers on how to approach parents about child care quality and available resources in the brief time that they have with parents. Encourage child care workers to provide information to families seeking child care assistance, including the child care microsite address with child development information, early intervention services, and the importance of quality child care; a link to a short video on child care quality; and the VDSS brochure on “Choosing Quality Child Care.” Explore the possibility of creating a longer video or smart phone application on school readiness resources available and the importance of quality child care, to be available to play on smart phones and in waiting rooms and lobbies.

Workforce Development Programs

Recommendation 5

Introduce a budget amendment to increase funding to the Virginia Community College System’s “Road to Success in Virginia Program” to assist TANF recipients in

obtaining needed job skills and earning credentials that are sought by employers in the local community.

Recommendation 6

Introduce a budget amendment to provide TANF funding for the Virginia Community College System's standard credentialing program, "FastForward." (*A letter to the VDSS will be sent encouraging them to maximize federal dollars in this program*).

Recommendation 7

Request that VDSS study the subsidized employment program and develop a process that encourages more employers to be involved with the program. Efforts should be made to help link TANF/SNAP recipients to employers with jobs that are in high demand in the marketplace, especially those jobs that provide a living wage. VDSS should develop a process for connecting employers that are willing to provide short-term and intentional training programs that lead to success and self-sufficiency. Request that VDSS report to the Virginia Commission on Youth prior to the 2020 General Assembly Session.

TANF Programming

Recommendation 8

Request that VDSS study the different groups and income eligibility requirements for TANF. In addition, request that VDSS recommend outcome measures that go beyond work requirements. Success should be measured on long-term earnings and self-sufficiency. Request documentation on successful and unsuccessful strategies and the impacts of child care quality and accessibility has on families and children. Request that VDSS report to the Virginia Commission on Youth prior to the 2020 General Assembly Session.

Recommendation 9

Monitor the TANF Reauthorization: H.R. 5861. Work with the National Conference of State Legislators (NCSL) to recommend the elimination of outdated regulations that impede TANF workers in assisting TANF recipients to meet work and education requirements.

Staff Professional Development

Recommendation 10

Support the Virginia Department of Social Services and the League of Social Services Executives to continue their efforts on improving professional development for TANF and VIEW workers. Support recent efforts of VDSS to provide job coaching training for TANF and VIEW workers through the community colleges. Encourage the Workforce Innovation and Opportunity Act (WIOA) workgroup to consider providing enhanced services for the TANF population through this workforce development initiative. Encourage eligibility and benefits services workers to be cross trained.

Child Care Subsidies

Recommendation 11

Request VDSS to develop a six-year plan to eliminate the wait list for fee child care participants.

Recommendation 12

Amend the *Code of Virginia* (§ 63.2-611 C.1.) to provide transitional child care to former TANF recipients participating in an education or training program leading to employment. This would allow former TANF recipients to receive child care services while they are earning a credential or degree to help them become self-sufficient.

Availability and Support of Quality Child Care

Recommendation 13

Request that VDSS present to the Commission on Youth an update on the Child Care Provider S.T.E.P.S. Program (Shared Training, Education and Professional Development Services) pilot, which seeks to recruit more family child care providers in underserved/rural areas, especially those with odd-hour, special needs, and infant/toddler care, prior to the 2020 General Assembly Session.

Legislative Initiative

School Resource Officers

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2018 study year, at the request of Senator Dave Marsden, the Commission received several presentations at the Commission's June 6, 2018, meeting on school resource officers. Those presentations included the following:

School Safety in Virginia: An Overview of Laws, Trainings, and Resources

Donna P. Michaelis, Virginia Department of Criminal Justice Services

Keeping Kids in the Classroom and Out of the Courtroom: What Virginia's Data Tells Us

Gerard Lawson, PhD, LPC, NCC, ACS, Virginia Tech

Training and Support of Virginia's School Resource Officers and School Safety Officers

Gerard Lawson, PhD, LPC, NCC, ACS, Virginia Tech

Following the presentations, the Commission directed staff to develop recommendations regarding (i) threat assessment and follow-up treatment for at-risk

youth; (ii) training for school resource officers; and (iii) best practices on school discipline.

During the study year, Commission staff monitored the work of the Speaker's Select Committee on School Safety and the Governor's Children's Cabinet Workgroup on Student Safety. Based on these committees' work, draft recommendations were presented at the Commission's November 20, 2018, meeting. The Commission received written public comment through November 30, 2018. After receiving public comment at the December 4, 2018, meeting, the Commission on Youth approved the following recommendations:

Threat Assessment and Follow-up Treatment for At-Risk Youth

Recommendation 1

Amend the *Code of Virginia*, the Virginia Juvenile Community Crime Control Act (VJCCCA), so that community services can be provided to juveniles before they are brought before the court on a complaint or petition. (House Select)

Recommendation 2

Request the Department of Education identify opportunities to increase access to trauma-informed care within schools and communities, and expand access to trauma-informed training for school, mental health, and law enforcement professionals. (Children's Cabinet)

- a. Promote increased access to telehealth services that will enable students to receive access to care during school hours.
- b. Identify funding streams that may be utilized to achieve this goal.
- c. Support the placement of behavioral interventionist positions in schools. These positions should promote whole-child education and the social and emotional wellbeing of all students, but especially our most at-risk students. These roles should serve as an intermediary between classrooms and administration.

Recommendation 3

Support legislation defining "behavioral interventionist."

Recommendation 4

Request that the Department of Behavioral Health and Developmental Services, in conjunction with the Department of Health, Department of Criminal Justice Services, Department of Education, and advocacy organizations, coordinate and promote educational campaigns and trainings that will help school professionals, students, parents, and caregivers recognize behaviors that could indicate the potential for self-harm, or harm to others. (Children's Cabinet)

- a. Promote student-driven, peer-to-peer communication campaigns focusing on suicide prevention, recognizing when a peer may be in need of additional support, and "See Something, Say Something" principles. Particular emphasis should be placed on educating students, parents or

- caregivers, school professionals, and others on how to report information and to whom information should be reported.
- b. Local school divisions may consider adopting an anonymous reporting mechanism.
 - c. Develop school-appropriate guidance for school, mental health, and law enforcement professionals on which questions should be asked in order to assess a student's risk-level for harm to self or others.

Recommendation 5

Introduce a budget amendment to dedicate funding to the Virginia Center for School and Campus Safety under the Department of Criminal Justice Services to develop cross-disciplinary trainings for schools, law enforcement, and mental health professionals, improve data collection, and enhance information-sharing within the threat assessment team, as well as between threat assessment teams and their partners, including across school divisions. (House Select and Children's Cabinet)

This additional funding is allocated to:

- a. Provide technical assistance to local school divisions on the school climate survey, school safety audit, threat assessment teams, and other public safety practices.
- b. Increase the availability of cross-disciplinary threat assessment training for all involved stakeholders (including community mental health partners) that encompasses key principles from each of the disciplines involved in threat assessment.
- c. Authorize and fund the Center to conduct a single school climate survey in consultation with the Virginia Department of Education (DOE) and the Department of Behavioral Health and Developmental Services (DBHDS) that encompasses safety, education, and health interests. Survey students and staff in secondary schools (Grades 6-12) on an annual basis. This would reduce burden on schools, eliminate duplicative efforts, and provide statewide data to assist schools in addressing school climate issues and better direct their efforts.

Recommendation 6

Amend the *Code of Virginia* to enable the Virginia Center for School and Campus Safety under the Department of Criminal Justice Services to adopt and implement a case management tool for threat assessment teams to ensure that schools are able to collect important data, monitor outcomes, and track information over time. (House Select and Children's Cabinet)

Training for School Resource Officers

Recommendation 7

Amend the *Code of Virginia* to require that all school divisions employing school resource officers have a Memorandum of Understanding (MOU) with the employing law enforcement agency consistent with the Model MOU from the

Virginia Department of Criminal Justice Services. MOUs should be regularly reviewed and updated. (House Select and Children's Cabinet)

Recommendation 8

Amend the *Code of Virginia* to require every school resource officer to receive SRO training approved by the Virginia Center for School and Campus Safety before beginning employment at the local school division, with exceptions permitted for training availability and staffing exigencies. Encourage school administrators to attend this training with their assigned SRO. Also, introduce a budget amendment to provide adequate funding to the Center for School and Campus Safety to implement this recommendation. (Legislation submitted by Commission on Youth)

Best Practices on School Discipline

Recommendation 9

Amend the *Code of Virginia* to create a Commission on Student Mental Health. Recognizing that student mental health is a growing and multifaceted issue and that policy-making should be informed by adequate evidence and subject-matter expertise, direct the newly created Commission on Student Mental Health to study, among other topics, the following: (House Select)

- a. Current school counselor-to-student ratio and whether the proposed realignment of counseling responsibilities is improving the delivery of direct student services;
- b. Feasibility and affordability of enhanced wrap-around mental health services in schools through partnerships with the Department of Behavioral Health and Developmental Services, the Department of Medical Assistance Services, and Community Services Boards;
- c. Effectiveness of de-escalation and alternative disciplinary policies when interacting with students suffering from mental health challenges;
- d. Value of additional teacher training requirements on student mental health, such as mental health first aid.

Recommendation 10

Request the Virginia Center for School and Campus Safety under the Department of Criminal Justice Services to develop online training on critical school and student safety issues that can be accessed by teachers (including provisional teachers), law enforcement, and school support staff who may not be able to attend in-person trainings. Training could include cultural competency, supporting special populations, the role of the SSOs/SROs, mental health awareness, Threat Assessment Teams, etc. (Children's Cabinet)

- a. Require at least one school administrator from each school to attend a comprehensive school safety training developed or approved by the Center.
- b. School divisions may require that teachers participate in certain trainings or modules as part of their in-service or re-certification requirements.