

2015 EXECUTIVE SUMMARY OF

**THE VIRGINIA COMMISSION
ON YOUTH**



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

**COMMONWEALTH OF VIRGINIA
RICHMOND
2016**



COMMONWEALTH of VIRGINIA
Commission on Youth

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

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January 4, 2016

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, 2015.

This 2015 Executive Summary includes the activity and work conducted by the Virginia Commission on Youth during the 2015 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

2015

VIRGINIA COMMISSION ON YOUTH

House of Delegates

The Honorable Christopher K. Peace, Chair
The Honorable Richard L. Anderson
The Honorable Mamy E. BaCote
The Honorable Richard P. “Dickie” Bell
The Honorable Peter F. Farrell
The Honorable Mark Keam

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

Deirdre 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

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.

Legislative Study

The Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities – Year Two

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2014 General Assembly Session, Delegate Les R. Adams introduced House Joint Resolution 196, directing the Commission on Youth to:

- i. examine the use of Comprehensive Services Act for At-Risk Youth and Families (CSA) and Medicaid funds for private day and private residential special education placements;
- ii. gather local and statewide data on the extent to which youth are placed in settings that are segregated from nondisabled students;
- iii. determine the feasibility and cost-effectiveness of more integrated alternatives to provide special education services to students including, but not limited to, those students with intellectual and developmental disabilities currently in segregated settings in the Commonwealth; and
- iv. consider any other matters as it deems appropriate to meet the objectives of this study.

The legislation required the Commission on youth to complete its meetings for the first year by November 30, 2014, and the second year by November 30, 2015.

During the first year of the study, an update on the study activities and identified issues were reported at the Commission's December 2, 2014 meeting.

During the second year of the study, an update on the study activities and draft recommendations was reported at the Commission's September 8th and October 20th meetings. At its October 20, 2015 meeting, the Commission on Youth approved the following recommendations:

Recommendation 1

Request the State Executive Council (SEC) revisit existing policy restrictions and budgetary constraints with Children Service's Act state pool funds for wrap around services for students with disabilities. This review will include whether the community match rate could be utilized, existing parental co-payment policies for additional services not included in the Individualized Educational Program (IEP), and the prohibition on using funds for non-educational services provided by school employees, and make recommendations to improve both utilization and access to these funds to the Commission on Youth by the 2017 General Assembly Session.

Recommendation 2

Request Virginia Department of Education (VDOE) include in its analysis of regional special education programs other states' funding formulas and policies identified during the course of their study that may be employed in the Commonwealth. VDOE shall also determine the efficacy of Virginia's regional special education programs and assess whether provisions are needed to revise these programs and if these programs should be expanded to other regions of the Commonwealth. VDOE shall report findings and recommendations to the Commission on Youth prior to the 2016 General Assembly Session.

Recommendation 3

Introduce a budget amendment for VDOE to convene an interagency workgroup to assess the barriers to serving students with disabilities in their local public schools. The workgroup shall assess existing policies and funding formulas including school division's program requirements, localities' composite indices, local CSA match rate allocations, local CSA rate setting practices, the impact of caps on support positions, policies for transitioning students back to the public school, and funding for local educational programming based on models which are collaborative and create savings for both local and state government while providing youth an educational option within their communities. Membership shall include a balance of local and state representative, all impacted state agencies, local education agency (LEA) representatives, local CSA representatives, local government officials, local special education administrators, stakeholder organizations, parent representatives, the Arc of Virginia, the Coalition for Students with Disabilities, and members of the Virginia General Assembly. The workgroup shall make recommendations to the Virginia Commission on Youth prior to the 2017 General Assembly Session.

Recommendation 4

Request the Office of Children's Services (OCS) collaborate with VDOE and include a track in their annual conference on best practices and effective strategies for serving children with disabilities in the least restrictive environments and increase knowledge and understanding on working with students with disabilities, and their parents, as well as improving coordination between schools and CSA.

Recommendation 5

Request the Office of Children’s Services (OCS) include in its annual training plan strategies best practices and effective strategies for serving children with disabilities in the least restrictive environment and increase knowledge and understanding on working with students with disabilities, and their parents, as well as improving coordination between schools and CSA.

Recommendation 6

Request VDOE work with private providers including the Virginia Association of Independent Specialized Education Facilities, the Virginia Council for Private Education, the Virginia Association of Independent Schools, the Southern Association of Colleges and Schools, the Virginia Coalition of Private Provider Associations, the Virginia Association of Community Services Boards, local school divisions, stakeholder groups, and parent representatives to identify and define outcome measures to assess students’ progress such as assessment scores, attendance, graduation rates, transition statistics, and return to the students’ home schools.

Recommendation 7

Request VDOE establish a procedure requiring all assessment scores for private day students tagged as ‘Special Situation’ be included in the student’s “home” school scores.

Recommendation 8

Request OCS to report annually on Child and Adolescent Needs and Strengths (CANS) assessment tool and CANVaS (the online version on CANS) scores that measure educational outcomes by service placement name and type for all students being served in CSA-funded educational placements.

Recommendation 9

Request VDOE include in the development of the statewide model IEP, an ongoing planning process which facilitates returning students with disabilities served in private placements to the public school setting. The IEP will establish an ongoing process which should commence when a student with a disability is first placed in a private day or residential school. This process should involve the parents, home school officials, CSA officials, the child’s teachers, and other involved stakeholders. VDOE shall also include in its guidance to schools best practices for transitioning students from private residential and private day schools such as employing gradual transition strategies and utilization of available community-based programs. VDOE will investigate the feasibility of incorporating in the statewide model IEP Medicaid billing for services provided to eligible IEP students.

Legislative Initiative

Temporary Placements of Children

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2015 General Assembly Session, Delegate Kathy J. Byron introduced House Bill 2034. It provides that a parent or legal custodian of a minor may delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a period not exceeding one year. The bill also creates a licensing exemption for private, nonprofit organizations that do not accept public funds and that assists parents with the process of delegating parental and legal custody of their children. The intent of the legislation is to provide parents with support and respite during difficult times while having children stay in a safe environment with the ultimate goal of reunification. Members of the House 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 House Bill 2034 and report its findings and recommendations.

An update on the study activities and draft recommendations was reported at the Commission's September 8th and October 20th meetings. Following the presentation and public comment at the October 20, 2015 meeting, the Commission on Youth approved the following recommendation:

Recommendation

Request a budget amendment in the 2016 budget (caboose) and 2016 – 2018 biennial budget for the Department of Social Services to partner with Patrick Henry Family Services to implement a pilot program in the area encompassing Planning District 11 (Amherst, Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary placements of children for children and families in crisis.

This pilot program would allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for temporary placement for a period that is not greater than 90 days. This program would allow for an option of a one-time 90-day extension. Prior to the expiration of the 180 day period, if the child is unable to return to his home, then Patrick Henry Family Services shall contact the local department of social services and request an assessment of the child and an evaluation of services needed and to determine if a petition to assess the care and custody of the child should be filed in the local juvenile and domestic relations court.

The Department of Social Services shall ensure that this pilot program meets the

following specific programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191.

- The pilot program organization shall meet the background check requirements described in 22 VAC 40-191.
- The pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).
- The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90).

The Department of Social Services shall evaluate the pilot program and determine if this model of prevention is effective. A report of the evaluation findings and recommendations shall be submitted to the Governor and Chairs of the House Appropriations and Senate Finance Committees as well as the Commission on Youth by December 1, 2017.

Legislative Initiative

Student-Athlete Concussions

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

During the 2015 General Assembly Session, legislation was introduced by Delegate Luke Torian (House Bill 2006) and Senator Richard Stuart (Senate Bill 998). The legislation as introduced would have required each local school division to establish a management plan for implementation of and compliance with its policies and procedures on the identification and handling of suspected concussions in student-athletes. The Senate Education and Health Committee and the House Education Committee members reviewed these bills and determined that further study of this issue would be appropriate. The members of the Committees requested the Commission on Youth to study the provisions set forth in the legislation.

An update on the study activities and draft recommendations was reported at the Commission's October 20th and December 8th meetings. Following the presentation and public comment at the December 8, 2015 meeting, the Commission on Youth approved the following recommendations:

Recommendation 1

Request the Virginia Department of Health (VDH) and the Virginia Department of Education (VDOE) to assess the feasibility of conducting regional information training sessions on updated concussion guidelines and concussion awareness. VDH previously conducted these trainings after the adoption of the 2011 Guidelines for Policies on Concussions in Student-Athletes.

The Departments are encouraged to use materials from the U.S. Centers for Disease Control and Prevention (CDC) and other nationally recognized resources as a guideline for presenting information to communities. Information presented should focus on identification of concussions, the use of smart phone applications, short-term and long-term health effects of concussions, and safety precautions.

Recommendation 2

Request the VDOE to develop additional guidance for the return to learn protocols that may be included in the Board of Education's *Guidelines for Policies on Concussions in Student-Athletes*. Guidance should include case management procedures for return to learn, minimum standards for return to learn, and practical strategies for teachers to implement in the classroom. In addition, the Guidelines should include template communication consent forms that school divisions may use to help assist with the sharing of information between schools, families, and the medical community. School divisions should be encouraged to identify a person within school/school division to ensure that the return to learn protocol is being followed.

Recommendation 3

Amend § 22.1-271.6 of the Code of Virginia to require local school divisions develop policies and procedures regarding "Return to Learn Protocol" by July 1, 2016, consistent with either the local school division's policies and procedures or the Board's Guidelines for Policies on Concussions in Student-Athletes.

Recommendation 4

Amend § 22.1-271.6 of the Code of Virginia to change the group covered by the statute from student-athlete to student.

Recommendation 5

Request the Virginia Department of Education convene a stakeholder team to provide best practices resources for school divisions to use which outlines what other school divisions are doing with their policies on student-athlete concussions. Such resources shall help connect schools that do it well with schools that are having difficulty either developing policies or implementing them.

Recommendation 6

Introduce a budget amendment to provide funding for low population density/poverty areas for additional supports in assisting students with concussions to return to the classroom successfully. Funding may be used for a licensed school nurse position employed by the school division, a licensed nurse

contracted by the local school division, or a certified athletic trainer. Funding shall be used to support the return to learn protocol as defined by the Board of Education's Guidelines for Policies on Concussions in Student-Athletes.

Recommendation 7

Request VDOE contact school divisions identified by the Virginia Commission on Youth as either not having a policy regarding the identification and handling of suspected concussions in student-athletes or that have missing components, such as annual parental review of the division's concussion policies. VDOE will work with these school divisions to provide technical assistance and resources so that these divisions expeditiously adopt policies that fulfill the requirements set forth in the Board of Education's Guidelines for Policies on Concussions in Student-Athletes.

Recommendation 8

Introduce legislation requiring a Pre-Participation Physical Examination (PPE) for athletes participating in school-sponsored athletics in middle school.

Recommendation 9

Request the Virginia Recreational Sports Association, the Virginia Youth Football and Cheering League, and the Virginia Youth Soccer Association to investigate ways to encourage concussion education including: providing strategies in concussion prevention, the development of a youth league report card for meeting safety standards for their members; and the establishment of policies and procedures regarding the identification and handling of suspected concussions in student-athletes, consistent with either local school division's policies and procedures or the Board of Education's Guidelines for Policies on Concussions in Student-Athletes.

Recommendation 10

Request the Virginia Council for Private Education to investigate ways to encourage concussion education, to provide strategies in concussion prevention, and to establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes, consistent with either the local school division's policies and procedures or the Board of Education's Guidelines for Policies on Concussions in Student-Athletes.

Legislative Initiative

Drug Prevention Strategies in Virginia's Universities

Study Author

Virginia Commission on Youth

Enabling Authority

§ 30-174 and § 30-175

EXECUTIVE SUMMARY

At the Commission's September 8 meeting, the Commission requested a formal presentation on substance use awareness and education programs employed by Virginia's state universities. Commission staff contacted the Office of the Secretary of Education to request this presentation. At the Commission's December 8 meeting, the Honorable Anne Holton and Dr. Linda Hancock, Director of the Wellness Resource Center at Virginia Commonwealth University, presented on this very important subject. Because of the information shared during this informative presentation, the Commission adopted a recommendation to be shared with both the Secretary of Education and the Secretary of Health and Human Resources. This recommendation is outlined below.

Recommendation

Request the Secretary of Education identify the current recreational substance use awareness and education programs at state schools, including an emphasis on peer-to-peer education, and compile a list of best practices and develop a plan for state universities to implement which addresses the increased use of recreational drugs by young people on college campuses. The Secretary of Education, in conjunction with the Department of Alcohol and Beverage Control and the Secretary of Health and Human Resources, will examine what silos need to be brought together and the need for potentially mandating substance use programs at Virginia's two and four year schools and high schools which may include, but not limited to, peer-to-peer programs and college recovery programs. The Secretary of Education shall make recommendations for legislation, including the feasibility of requiring colleges and universities to offer substance abuse education programs and the use of peer counselors, to the Virginia Commission on Youth prior to the 2017 General Assembly Session.