

VIRGINIA COMMISSION ON YOUTH

October 20, 2016

1:00 p.m.

House Room C

MINUTES

Attending:

Delegates Richard Anderson, Richard Bell, Peter Farrell, Daun Hester, Christopher Peace
Senators William Carrico, Barbara Favola, Dave Marsden
Citizen members Karrie Delaney, Deirdre Goldsmith, Chris Rehak

Attending Electronically

Delegate Mark Keam

Staff Attending

Amy Atkinson, Will Egen, and Leah Mills

I. Call to Order and Opening Remarks

Delegate Christopher K. Peace, Chair

Delegate Peace started the meeting and asked that the members introduce themselves. He welcomed the Commission's new Senate member, Senator William Carrico. Delegate Peace informed the Commission that Delegate Keam was participating electronically.

II. Update on Virginia's Regional Special Education Programs

John Eisenberg, Assistant Superintendent for Special Education and Student Services, Virginia Department of Education

Delegate Peace stated that in 2015, the Virginia Commission on Youth completed a two-year study investigating the use of public funds for private educational placements of students with disabilities. The Commission had requested that the Department of Education analyze Virginia's Regional Special Education Programs and provide the Commission with an update of their findings. Delegate Peace introduced John Eisenberg and thanked him for presenting on the findings from the Department's study.

Mr. Eisenberg presented on Virginia's Regional Special Education Programs including the findings from the Department's study. He then outlined three options the Department had developed to revise Virginia's Regional Special Education Programs. Mr. Eisenberg then responded to questions from Commission members about the three options. He stated that Option 1 would require legislation but not additional funding because existing funding would be utilized. Mr. Eisenberg noted that Option 1 would necessitate a "phased-in" approach. The Commission concurred that Option 1 seemed to be the most appropriate and requested that the Department of Education move forward with Option 1. Delegate Peace stated that the Commission would include this request in the meeting minutes and would follow up with a letter to the Department.

Mr. Eisenberg's presentation can be accessed on the Commission's webpage under the October 20 meeting tab.

III. **Impact of Trauma on Children**

*Allison Sampson-Jackson, PhD, LCSW, CSOTP
Systems of Care Director, Magellan of Virginia*

Delegate Peace stated that he had the pleasure of hearing a presentation from Dr. Allison Sampson-Jackson on the topic of trauma. Dr. Sampson-Jackson has recently accepted a position with Magellan Health as their Systems of Care Director. Delegate Peace stated that Dr. Sampson-Jackson has worked closely with individuals who have experienced trauma and understands the challenges these individuals face. Delegate Peace introduced Dr. Sampson-Jackson and thanked her for agreeing to share with the Commission her work in building trauma-informed communities.

Dr. Sampson-Jackson defined trauma as well as what comprises trauma-informed care. She then outlined the consequences of exposure to violence in childhood. Dr. Sampson-Jackson discussed adverse childhoods experiences (ACEs) and how ACEs influence health, learning, and unhealthy behaviors later in life. Dr. Sampson-Jackson discussed the financial impact of trauma and referred to a study that found the per-victim lifetime cost of violence costs \$210,012. These costs include childhood health costs, adult medical costs, productivity losses, child welfare costs, criminal justice costs, and special education costs. Dr. Sampson-Jackson highlighted the importance of resilience in combating the effects of childhood trauma and how high-capacity communities can reduce the negative outcomes of trauma in young adults.

The Commission members asked questions about incorporating trauma-informed elements with the Commonwealths' initiatives pertaining to child welfare and discussed other initiatives addressing childhood trauma. Senator Favola informed the Commission members that Virginia was selected to be one of eight states to participate in the National Governors Association's Three Branch Institute, which is focused on improving child safety and the prevention of child fatalities. Senator Favola stated that she, along with Delegate Peace and Ms. Atkinson, were selected to serve on the Virginia team for the Three Branch Institute. Senator Favola suggested that the Commission on Youth request Virginia Commonwealth University to consider selecting adverse childhood experiences of trauma as the topic for next year's Family Impact Seminar. The Commission members concurred. Ms. Atkinson stated that she would reach out to Virginia Commonwealth University on behalf of the Commission and relay this request. Dr. Sampson-Jackson stated that she would be happy to return to the Commission and share information about application models. The members thanked her for her informative presentation.

Dr. Sampson-Jackson's presentation can be accessed on the Commission's webpage under the October 20 meeting tab.

IV. **Virginia's Adoption Home Study Process**

Will Egen, Legal Analyst

Delegate Peace suggested that Mr. Egen's presentation on *Virginia's Home Study Process* be added to the agenda for the Commission's December 6 meeting. The members agreed to postpone this presentation to the December meeting for the sake of time. The presentation, draft recommendations, and instructions for public comment on will be posted on the Commission's website.

V. Decision Matrix

Amy M. Atkinson

Delegate Peace noted that at the Commission's September 20 meeting, the Commission received the draft findings and recommendations on two of the Commission's studies – *The Use of Segregation in Virginia's Juvenile Detention and Correctional Centers* and *Review of Virginia's Temporary Assistance for Needy Families Program*.

Delegate Peace stated that the Commission accepted public comment on the draft recommendations from these two studies. Commission staff also sent the Commission members the public comments for consideration. A summary of the public comments were summarized in the decision matrix. Delegate Peace stated that, after the presentation of the decision matrix, the Commission would receive public comment. The Commission would then vote on the draft recommendations. The draft recommendations, along with the public comments considered by the Commission, can be accessed on the Commission's website under the October 20 meeting tab. The adopted recommendations can also be viewed on the Commission's website.

The Use of Segregation in Virginia's Juvenile Detention and Correctional Centers

Ms. Atkinson outlined the Commission's finding and draft recommendations for the Study – *The Use of Segregation in Virginia's Juvenile Detention and Correctional Centers*. Delegate Peace asked to hear from the individuals who signed up to speak.

The following individual offered public comment:

- Ms. BJ Brown discussed her work compiling information for Delegate David Albo on the rising prevalence of Attention Deficit Hyperactivity Disorder (ADHD). She outlined her concerns with the use of medication to treat ADHD and her concerns with the side effects from overutilization of medication to control mental health and substance use disorders. She shared a personal account of a family member's adverse reactions to medication. Ms. Brown stated her concerns regarding the utilization of isolation and how the outcomes from this form of punishment can be devastating.

Delegate Peace asked the members to turn to the Draft Decision Matrix and consider the Study's Draft Recommendations. The members discussed the options and the efforts of the Department of Juvenile Justice in reviewing residential requirements for juvenile correctional centers and secure juvenile detention centers. Senator Favola moved Draft Recommendations 1 and 3 with Delegate Keam seconding the motion. The Commission voted unanimously to adopt these two recommendations.

The Recommendations adopted by the Commission are listed below.

Study Finding – Segregation in Virginia's juvenile detention centers and correctional centers is used to address resident and staff safety, facility security, resident discipline, and acute mental health issues of certain residents. Virginia's current regulations on room confinement, isolation and administrative segregation/confinement provide the rules for the use of segregation.

1. Request the Board of Juvenile Justice, in consultation with experts in the fields of mental health and juvenile justice and child-rights advocates, to promulgate regulations on the use of room segregation in juvenile correctional facilities and detention homes.

2. Continue to monitor the Department of Juvenile Justice's comprehensive review of the residential requirements for juvenile correctional centers and secure juvenile detention centers which began in the summer of 2016, and request presentation updates from the department as needed.

Review of Virginia's Temporary Assistance for Needy Families Program

Ms. Atkinson outlined the Commission's findings and recommendations for the Study – *Review of Virginia's Temporary Assistance for Needy Families Program*. She also responded to questions from the Commission members and shared the fiscal impact for several of the draft recommendations. Delegate Peace asked to hear from the individuals who signed up to speak. He asked whether Ms. Vicki Krusie, representing the Virginia League of Social Services, would prefer to wait and see if the Commission made modifications to any of the study options prior to offering her comments. Ms. Krusie agreed to offer her comments after the Commission received information about Finding 3.

Senator Favola informed the Commission members that she had chaired the Advisory Group meetings on the study and was very appreciative of the work conducted by the Advisory Group. Senator Favola stated that she would be pleased to share the Advisory Group discussion with the Commission members to assist in their deliberations and offer some motions on the draft recommendations. Delegate Peace asked the members to turn to the Draft Decision Matrix and consider the Study's Draft Recommendations. Senator Favola outlined the Advisory Group discussion for each of the Findings and Recommendations.

Finding 1 – TANF recipients are not automatically guaranteed housing assistance. Ms. Atkinson reviewed the two draft options for Finding 1 and the public comments submitted to the Commission. Senator Favola requested that the Commission consider an alternate recommendation offered by the Virginia Poverty Law Center (VPLC), which was to establish a TANF-funded emergency program to assist TANF families, and families that received TANF support in the previous 12 months, who need help paying for security deposits, utility deposits, and/or overdue rent to secure affordable housing. Senator Favola requested the Commission's Option 1 be combined with the VPLC's recommendation. Delegate Peace inquired whether there was a fiscal impact. Delegate Farrell requested that a representative come forward and discuss how this would be funded. Mr. Thomas Steinhauser with the Virginia Department of Social Services stated that the General Assembly's Appropriations and Senate Finance Committees would need to establish the funding for this type of program. Senator Favola stated that the intent of the recommendation was to have an emergency fund if TANF recipients needed help paying for security deposits or if they became behind on their rent. The question was raised as to how much would be appropriated for this purpose. Senator Favola stated that TANF funds would be used to directly support TANF families. Delegate Peace asked if the recommendation could be revised to request the Department to evaluate the feasibility of establishing an emergency fund. The recommendation would be for the Virginia Department of Social Services (VDSS) and the Virginia Housing Development Authority, with input from relevant stakeholders, evaluate the feasibility of establishing this program. Senator Favola stated that she would agree with this but she would like this to be done as quickly as possible, hopefully prior to the 2017 General Assembly Session. Delegate Anderson noted that, as a member of the Appropriations Committee, he wanted to articulate that it was going to be a very difficult period for the General Assembly members because of the budget shortfall. He did understand that

this recommendation may not necessarily impact upon the Commonwealth's General Fund budget. Delegate Farrell asked whether the Virginia Department of Social Services had the authority to utilize TANF funding for emergency housing and, if the General Assembly asked the Department to do this, would there be any barriers to accomplishing this. Mr. Steinhauser stated that the TANF Block Grant was very flexible and this could be accomplished within the existing grant but that General Assembly authorization would be necessary. Senator Carrico echoed Delegate Anderson's comments and stated that the Commission should be aware of the budget issues facing the Commonwealth. Senator Favola moved that this alternate recommendation be adopted. Senator Marsden seconded the motion and the motion passed unanimously.

Finding 2 – Access to child care is essential for TANF families and those transitioning from TANF to the workforce. Ms. Atkinson reviewed the five draft options for Finding 2 and the public comments submitted to the Commission. She also noted that the projected fiscal impact for Option 2 was thought to be approximately \$95 million. Senator Favola discussed the need for child care, particularly in helping low-income parents achieve self-sufficiency. Senator Favola informed the Commission that Option 1 did not have a fiscal impact but would make it easier when families move to help them maintain eligibility for the child care subsidy. She also noted that that Option 1 had unanimous support. Ms. Atkinson stated that the TANF Block Grant only allowed up to 30 percent of the grant be transferred to the Child Care Subsidy Program. Delegate Peace stated Options 2, 3, and 4 could take the form of a letter to the Department requesting information on these options. Ms. Atkinson stated that this information had been provided to the Commission and that currently, the Department transfers approximately 20 percent to the Child Care Subsidy Program. In the next fiscal year, the transfer would be approximately 29 percent. After responding to questions about the various options, Senator Favola moved that Option 1 be adopted. Delegate Farrell seconded the motion and the motion passed unanimously.

Finding 3 – Virginia's VIEW recipients receive a comprehensive array of supportive and transitional services that help them to maintain employment and achieve self-sufficiency. Ms. Atkinson reviewed the five draft options for Finding 3 and revision to Options 3 and 4 that arose from public comment. Ms. Atkinson noted the fiscal impact for Option 1.a. was estimated to be \$3.45 million. She explained that all identified cost increases, excluding Unemployed Parent Program (TANF-UP), could be funded through the TANF block grant by moving TANF block grant funds to cover this cost. Virginia's TANF-UP program is funded entirely with General Funds so Option 1.a. would have a General Fund impact of \$344,000. Option 1.b. is not needed now because the Department has already provided this information to the Commission. Ms. Atkinson noted the fiscal impact for Option 2 was \$161,000 assuming the income level threshold increased to 150 percent of the federal poverty level and \$434,700 assuming the income threshold was increased to 200 percent of the federal poverty level.

Ms. Atkinson noted there was an alternate recommendation for Options 3 and 4 that addressed serving TANF recipients not participating in VIEW because of a temporary medical condition. The revised alternate option did not have a fiscal impact and directed VDSS and the Virginia League of Social Service Executives (VLSSE) to review existing policies and offer recommendations for improving the transition of these cases to VIEW or to the appropriate federal disability benefit program. Ms. Atkinson noted the League of Social Services was interested in reviewing this issue.

The fiscal impact of Option 5, which was to fund training for local departments of social services' workers, was approximately \$227,000 from the General Fund. Option 6 was a recommendation from Delegate Garrett and addressed increasing the use of data, and information sharing among state agencies.

Senator Favola discussed Option 1.a. and TANF's work-related requirements. She stated that if TANF recipient was continuing in school and needed two years to complete a certificate program, they may have to come off of TANF prior to completion of the program. Senator Favola discussed having an exception for those recipients who were enrolled in a certificate or degree program. Ms. Atkinson shared that the Commission's recommendation for Option 1.a. was to extend transitional services from one year to 18 months for all TANF recipients. Senator Favola stated that she would prefer to extend the time to 24 months but for just those recipients pursuing a certificate or degree.

Delegate Peace asked if Ms. Krusie would offer her public comment at this time.

- Ms. Vicki Krusie, representing the VLSSE, commented that the Virginia League of Social Services was looking for an extension of transitional services for employed TANF recipients. Child care was a critical service that allowed these individuals to obtain work and losing transitional services could derail an individual's efforts to sustain employment. Other transitional services include transportation, medical services, dental work, and other work-related expenses. VIEW can be used for transitional crisis emergency services and extending the time frame would significantly assist TANF recipients. These services would also minimize the impact of trauma.

Senator Favola inquired whether transitional services should be extended to 18 months or 24 months. Ms. Krusie stated that her opinion was that transitional services should be extended to 24 months. Senator Carrico asked if there was funding available to cover the cost of extending these services. Mr. Steinhauser stated the TANF surplus could cover the cost of extending transitional services for a couple of years. Senator Favola stated that the caseload has been dropping and the Commonwealth was spending \$20 million on expanded programs. These are very valuable programs but they may not have a direct impact on TANF recipients. Funding could be reallocated from these programs to cover the cost of extending transitional services. Ms. Atkinson noted that there would be a General Fund impact due to the impact in funding this for TANF-UP families, although the impact would be smaller than originally anticipated due to the narrowing of the population that would be eligible for extended TANF transitional services. These funds have to come from the General Fund and any changes made to the TANF program must be applied for TANF-UP families.

Senator Favola moved that Option 1.a. be amended to extend transitional services to 24 months to TANF recipients enrolled in a certificate or degree program. She then requested that the motion be adopted. Delegate Farrell seconded the motion. The motion passed. Delegates Anderson, Bell, Farrell, Hester, and Keam; Senators Favola and Marsden; and Citizen members Delaney, Goldsmith, and Rehak voted in favor of the motion. Delegate Peace and Senator Carrico voted in opposition to the motion. The motion carried with a vote of 11-2.

Senator Favola highlighted the revised recommendation to Options 3 and 4. Senator Favola asked if Mr. Jon Martz with the VLSSE would speak to the revised option. Mr. Martz stated that 17 percent of TANF recipients were exempt from VIEW for a twelve-

month period due to a temporary medical condition. The League would like to work with the Department and other partners to get these TANF recipients back into the VIEW program. Senator Favola requested the Commission to modify the recommendation to request the Virginia Department of Social Services, in partnership with the Virginia League of Social Services, to study this issue. Senator Favola moved the revised option to Options 3 and 4. Delegate Anderson seconded the motion. The motion was adopted unanimously.

Senator Favola outlined Option 5 that addressed training for caseworkers that deal with TANF recipients. Senator Favola noted this would have a fiscal impact. Ms. Atkinson noted that the fiscal impact was \$200,000 in General Funds and the local match was about \$35,000. Senator Favola asked Commissioner Schultze whether the Department of Social Services could do this without funding. Commissioner Schultze stated the Department was juggling many other things and the issue was the impact on caseloads. Senator Favola requested that the Commission send a letter to the Department requesting they address this issue. Delegate Peace stated the Commission would adopt Senator Favola's request for a letter by consensus.

Senator Favola noted that Option 6 came at the request from Delegate Garrett for a presentation to increase the use of shared data. Senator Favola asked Delegate Peace if this was a recommendation that the Commission would like to entertain. Delegate Peace stated that both he and Delegate Garrett serve on the House Appropriations' Subcommittee on Health and Human Resources. He stated that he would speak with Ms. Susan Massart, staff for this Subcommittee, to see about receiving this presentation at an upcoming Subcommittee meeting. This would allow Delegate Garrett to be present for the presentation. This recommendation could also be shared with the Senate Finance Committee. Senator Favola stated that she felt that would be an appropriate outcome.

Finding 4 – Virginia's locality groupings need to be re-assessed to ensure they are keeping up with current costs of living. Ms. Atkinson stated that this finding emerged from the Advisory Group and shared the varying cash assistance units linked to each locality's grouping. She noted the fiscal impact for Option 1, which was to combine Locality Groupings I and II, was \$2.4 million. Ms. Atkinson noted this funding would come from the TANF Block Grant. There would be a General Fund impact to the TANF-UP population of about \$88,000. Delegate Peace reviewed a public comment which noted that one subcommittee to the VLSSE did not believe this was a priority at this time and that there was already a mechanism to allow localities to petition for re-assignment. Delegate Farrell asked if it was straight-forward process to petition the Board of Social Services for such a review. Mr. Steinhauser noted the process was established in regulation. Senator Favola stated that this recommendation would raise the cash assistance to families who reside in Group I localities. TANF families have only had two increases in the past 15 years and this would enable families to have more cash in their pockets. Mr. Steinhauser noted that most of the Group I localities were primarily rural communities. Delegate Farrell made the motion to adopt Option 2, which was to take no action. Delegate Peace seconded the motion and it was adopted unanimously.

Finding 5 – There is a structural imbalance in TANF funding. Ms. Atkinson stated this was something the General Assembly was already monitoring. The challenge facing the Commonwealth was ensuring that all long-term TANF commitments were sustainable. In FY 2019, Virginia may have a TANF shortfall if TANF funding remains at current

levels and caseloads begin to increase. Delegate Peace noted that the Decision Matrix discussed the structural imbalance and he urged the Commission members to refer to the Decision Matrix to better understand TANF priorities and expenditures. Delegate Peace asked if the Commission would adopt Option 1 by consensus. The Commission members concurred and Option 1 was adopted by consensus.

Delegate Peace thanked all of the members of the Advisory Group who were present. He stated that this issue was very complex and he appreciated the time and effort of the Advisory Group. Senator Favola thanked the Advisory Group and the Commission members.

All of the Findings and Recommendations adopted by the Commission for this study are listed below.

Finding 1 – TANF recipients are not automatically guaranteed housing assistance.
Recommendation 1

1. Request the Virginia Department of Social Services (VDSS), with input from the Virginia Housing Development Authority (VHDA), local housing authorities, and other impacted stakeholders, evaluate the feasibility of establishing a TANF-funded emergency program to assist TANF families and families that received TANF support in the previous 12 months who require assistance paying for security deposits, utility deposits, and/or overdue rent to secure/retain affordable housing.

Finding 2 – Access to child care is essential for TANF families and those transitioning from TANF to the workforce.

1. Support the VDSS efforts to include a component within the Virginia Case Management System (VaCMS) that allows the seamless transition of the TANF child care subsidy from one local department of social services (LDSS) to another LDSS.

Finding 3 – Virginia’s VIEW recipients receive a comprehensive array of supportive and transitional services that help them to maintain employment and achieve self-sufficiency.

1. Introduce legislation/budget amendment to extend transitional services available to Virginia’s VIEW recipients from 12 months up to 24 months when those recipients are enrolled in an accredited post-secondary program and in the process of obtaining an industry-recognized license or certificate, associate’s degree or other college certification. VDSS will establish policies for the extension of transitional services that are consistent with current VIEW policies. Virginia’s TANF funds appropriated for expanded/discretionary services may be utilized to fund this expansion.
2. Request the VDSS, in conjunction with the Virginia League of Social Services’ (VLSEE) TANF/Employment Services Committee, review Virginia’s temporary medical exemption condition policies for VIEW cases. This review will include recommendations for improving Virginia’s existing temporary medical condition exemption determination and re-evaluation policies with focus on the goal of expeditiously transitioning TANF’s medically exempt cases to VIEW or facilitating their application to appropriate disability benefits programs. VDSS and the VLSEE’s TANF/Employment Service Committee will report findings and recommendations to the Commission on Youth prior to the 2018 General Assembly Session.
3. Request the VDSS to evaluate the feasibility of mandating training for LDSS workers who work with TANF recipients which incorporates best practices in working with TANF recipients and helping them achieve self-sufficiency.

Finding 4 – Virginia’s locality groupings need to be re-assessed to ensure they are keeping up with current costs of living.

1. Take no action.

Finding 5 – There is a structural imbalance in TANF funding.

1. Support the General Assembly’s efforts that ensure that Virginia’s TANF program is adequately funded and ensure that the primary purposes of TANF are maintained.

V. Adjourn

Delegate Peace reiterated that the Commission on Youth would accept written public comment on the Commission’s study on Virginia’s Adoption Home Study Process through Monday, November 28, 2016. He apologized to Mr. Egen for moving his presentation to the December 6 meeting. Delegate Peace also recognized Errica Facetti who had been in the audience. Ms. Facetti serves as the Executive Director of Connecting Hearts in Virginia, a non-profit that works to make a positive difference in the lives of foster children in Virginia.

Ms. Atkinson reiterated that Mr. Egen’s presentation and instructions for public comment would be posted on the Commission’s website. The Commission will then offer the opportunity for public testimony on the draft study recommendations and then vote on these recommendations at the next meeting scheduled for Tuesday, December 6 at 10:00 a.m. Delegate Peace noted that this meeting will be held at the Faison Center in Richmond.

Delegate Peace thanked everyone for their participation. The meeting adjourned at approximately 3:30 p.m.