



VIRGINIA COMMISSION ON YOUTH

Meeting Minutes

October 19, 2021, 1:00 p.m. to 3:00 p.m.
(in-person and virtual meeting)

Members Attending In-Person:

Senators: Dave Marsden, Barbara Favola, David Suetterlein
Delegates: Emily Brewer, Rob Bell, Karrie Delaney, Elizabeth Guzman, Jay Jones
Citizen Member: Avi Hopkins

Members Attending Virtually:

Delegate: Joshua Cole
Citizen Member: Dede Goldsmith

Members Not Attending:

Citizen Member: Chris Rehak

Staff Attending:

Amy Atkinson, Will Egen, Kathy Gillikin

I. Welcome and Introductions

The Honorable Dave Marsden, Senator, Senate of Virginia

Senator Marsden welcomed the Virginia Commission on Youth members and all in attendance both in-person and virtually to the third meeting in the 2020-2021 study year and the first in-person meeting since December 2019. Senator Marsden asked the Commission members to introduce themselves and their districts. Senator Marsden introduced Delegate Josh Cole and Dede Goldsmith who joined the meeting virtually, thanking the Senate IT team for their help with facilitating virtual meetings. Senator Marsden shared that members have an update from the new Children's Ombudsman office in their packet and is looking forward to working with Mr. Eric Reynolds and his team. Senator Marsden explained the two decision matrices that require the Commission's actions today. First to be covered are the Crossover Youth draft recommendations from the September 20th meeting. He thanked Will Egen for leading this effort, as well as the work group participants. At the September meeting, the Commission requested public comment feedback. Comments that were received were sent to the Commission members. After Amy Atkinson, Executive Director of the Commission on Youth, presents the draft recommendations for the study on Crossover Youth Information Sharing and the presentation on Increasing Engagement

in Virginia Higher Education Substance Use Advisory Committee, public comments will be heard today and limited to two minutes. Senator Marsden introduced Amy Atkinson to present the draft recommendations.

II. Crossover Youth Information Sharing – Decision Matrix

Amy Atkinson, Executive Director, Virginia Commission on Youth

Ms. Atkinson thanked Senator Marsden for the introduction and for the summary of the study. Ms. Atkinson directed the Commission members to the Crossover Youth Information Sharing matrix. Ms. Atkinson reviewed the draft recommendations and the public comments and the degree to which stakeholders agreed or disagreed, in addition to the reasons why.

Senator Favola asked for understanding about Recommendation 4 regarding why the Department of Juvenile Justice (DJJ) desires to delay the pilot. Valerie Boykin, Director of DJJ, responded virtually that DJJ is supportive of crossover youth work and that the draft recommendation to work with the Office of Data Governance and Analytics (ODGA) will inform what needs to be done on the pilot and may include a pilot based on the study. Senator Favola suggested adding some verbiage to the recommendation 6, the ODGA draft recommendation, incorporating a pilot to gain information on how helpful it is when data is shared. Senator Favola made a motion to approve the merging of the intent of Recommendation 4 so that it is reflected in Recommendation 6 (a letter from the Chair to include the desire to build this data toward a pilot program operated by DJJ and to have the pieces in place to do that). The motion was seconded and carried.

Delegate Guzman expressed her concern about unintended consequences and requested some examples of how these agreements might be used against the child and cause harm. Ms. Atkinson explained that we need to strike a balance to protect the confidentiality of the children (especially if they have a juvenile justice record), but also have enough information for the agencies serving them to be able to identify the issues and create the best service plan for these youths.

Senator Marsden asked if the Commission had time to review the legislation attempt at the December meeting. Ms. Atkinson explained that any interested Commission member would have an opportunity to review the draft legislation as it comes out of Legislative Services.

Senator Marsden asked if DJJ had any other issues of the other recommendations. Valerie Boykin had no other issues but made a general comment that the Office of Children’s Services will be instrumental in furthering the work behind these recommendations. Ms. Boykin emphasized that we need to go further to determine how to do joint case planning and how to work together collaboratively when serving youth and families.

Senator Favola made a motion to adopt these recommendations in a block format with two amendments. Language was added to Recommendation 2 regarding a change to Legislation 63.2-104/63.2-105 to add that guidelines be developed and that Chief justice or designee in each jurisdiction would review. Secondly, the pilot project intent of Recommendation 4 was merged into Recommendation 6. The motion was seconded and carried with the amendments discussed.

Adopted Recommendations:

Draft and adopted recommendations, including the decision matrix, can be found on the Commission’s website under the Meetings tab. The Commission on Youth approved the following

recommendations related to this study:

1. Request the Department of Juvenile Justice, Department of Social Services, and the Department of Behavioral Health and Developmental Services, respectively, to create or update guidance on youth information sharing for use at the state level and for dissemination and use at the courts service units, local departments of social services, and community services boards.

This guidance on information sharing should focus on, but not be limited to, detailing what information is to be collected and maintained by the department and local agencies, clarifying permissible reasons to share information, reasons to request information, the process for how information is to be shared, steps in place to protect information, procedures for obtaining informed consent, the statutory requirements from the federal as well as state government that controls the dissemination of information in the Department's possession, and steps to ensure staff is properly trained on information sharing protocols.

Guidance shall be open for comment on the Virginia Regulatory Town Hall public comment forum and once implemented at the state department and local level be made available to the public on their websites.

2. Amend the Code of Virginia, sections 63.2-104/63.2-105 to indicate that the immediate identification of and sharing of crossover youth status between local departments and court service units and community services boards is to be done in accordance with established agreements between the local agencies. Any court service unit or community services board to which such records are disclosed in accordance with an agreement shall not further disclose any information received unless such further disclosure is expressly required by law. The Chief Judge or designee, who oversees the jurisdiction where an agreement by local agencies is being made to share information, must review the agreement before it goes into effect.

Direct the Department of Social Services to create guidelines or best practices on what these agreements should entail.

3. Amend the Code of Virginia to direct the Department of Juvenile Justice to develop and biennially update a model memorandum of understanding setting forth the respective roles and responsibilities of court service units, local departments of social services, and community services boards regarding the information sharing of youth records.

This model memorandum of understanding may include topics on, who has access to youth information, a listing of the information that will be shared, reasons for use of shared information, privacy policies and any individual or parent/guardian notification requirements, and steps to be used to keep the information secure. This model memorandum of understanding shall be disseminated to local agencies for their adaptation and use.

In developing the model memorandum of understanding the Department of Juvenile Justice shall collaborate with the Department of Social Services, Department of Behavioral Health and Developmental Services, the Office of Children's Services, Department of Criminal Justice Services, court service units, local departments of social services, community services boards, youth and family representatives, a nationally recognized expert on cross agency youth best practices, and any other interested stakeholders that it deems appropriate to biennially

update the model memorandum of understanding.

The Department of Juvenile Justice or locally-operated court services units, local departments of social services, and community services boards in each local area serving youth shall enter into a memorandum of understanding that sets forth the responsibilities of each local agency regarding the information sharing of youth records. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Department of Juvenile Justice, which may be modified by the parties in accordance with their particular needs.

Each adopted memorandum of understanding shall include agreements on the following, (i) the manner in which a multi-agency youth is identified and shared between agencies, including when at the point of court service unit intake, probable cause determination, and validated referral at a local department of social services, for older children, (ii) the manner in which past (non-ongoing) youth agency involvement is identified and shared, with the informed consent of the youth and guardian, and (iii) who at each local department is responsible for identifying potential crossover youth.

Each such court service unit, local department of social services, and community services board shall conduct at least yearly recurring cross-agency training on information sharing as a way to learn about other agency's protocols and to revisit and discuss the shared memorandum of understanding. Local agencies shall also review and amend or affirm such memorandum of understanding at least once every two years or at any time upon the request of either party.

4. Request the Department of Social Services, Department of Juvenile Justice, and Department of Behavioral Health and Developmental Services provide initial employee and ongoing training on youth information sharing for their local agencies, local departments of social services, court service units, and community services boards, respectively. Topics should include, but are not limited to, state and federal confidentiality laws, protocols for safe guarding data, and procedures on informed consent to release information.
5. Request the Office of Data Governance and Analytics to work with the Department of Juvenile Justice, Department of Social Services, Department of Behavioral Health and Developmental Services and other applicable stakeholders to create a plan to use the Commonwealth Data Trust to enable local departments to identify and share crossover youth status at the youth's initial contact point with an agency for purposes of service delivery.

This plan should identify what systems, and the records or information therein, that must be made available to the Data Trust to identify and share crossover youth status at initial point of contact with the respective agencies, what consents need to be obtained from the youth and guardians, what agreements need to be made between the relevant agencies as well as with the Office of Data Governance and Analytics, and what legislative or funding changes if any will be necessary to implement this practice. As part of this request, the Office of Data Governance and Analytics should also build a proof of concept to enable the Department of Juvenile Justice to work with local agencies to share de-identified data on multi-system involved youth between each other, with the goal of local system improvement and trend monitoring. The Office of Data Governance and Analytics shall report back its findings and recommendations to the Commission on Youth by November 1, 2022.

6. Request the Department of Juvenile Justice (DJJ) to conduct a study using Virginia Longitudinal Data Systems (VLDS) data to analyze the crossover youth population in Virginia. The Department of Juvenile Justice shall work with the Department of Social Services and other relevant VLDS member state agencies on this study.

The Department of Juvenile Justice shall identify and interpret demographic data and available and relevant outcomes data on the crossover youth population. Additionally, DJJ shall make recommendations on how to improve the collection, sharing, and analysis of de-identified data based on this study. The Department of Juvenile Justice shall report back its findings and recommendations to the Virginia Commission on Youth by November 1, 2022.

7. Request the Commission on Youth to conduct a study in 2022 to look at how youth who are being provided services in the school, including mental health services, can be better supported as they transition to adulthood. This study should look at ways that the Community Services Boards can work with the transitioning student and family and the local education agency.

Public Comment:

The Commission on Youth heard public comment from two speakers. Ms. Sarah Taylor from the City of Alexandria gave in-person testimony. Ms. Taylor thanked Senator Barker, Senator Marsden, Commission members, stakeholders, and staff for taking on this work. She appreciated the recommendations to use data and information sharing to better serve the vulnerable youth and their families as youth transition between the child welfare and juvenile justice systems. Ms. Taylor emphasized that these nationally-recognized best practices for quality collaboration, trauma-informed care and better outcomes for these youth will make the process more efficient, more effective and more equitable, both short and long term. Senator Marsden asked Ms. Taylor to convey the Commission's deep appreciation to the City of Alexandria for being engaged in, and providing information for, this issue.

Ms. Valerie L'Herrou, attorney with the Virginia Poverty Law Center, provided a virtual public comment. She served on the Crossover Youth Work Group, and appreciates the work but is concerned about existing confidentiality of youth records. She emphasized that Recommendation 2 needs to include that any agreements created under that proposal need to protect against any disclosures of youth in treatment settings and cannot be used against the youth in delinquency proceedings. Ms. L'Herrou suggested that local courts review the agreements before they go into effect so the youths' legal interest is not harmed. Ms. L'Herrou is concerned that records will be opened up too much and wants records to be shared only if there is a specific reason to be shared. Senator Favola asked if reviewing agreements would delay the process. Ms. L'Herrou thought that the juvenile court judge could review the agreements fairly quickly to protect the youth's interest. Senator Favola suggested that the Virginia Department of Social Services (VDSS) could write some guidelines for these agreements that would be developed by each jurisdiction.

III. Increasing Engagement in Virginia Higher Education Substance Use Advisory Committee (VHESUAC) – Decision Matrix

Amy M. Atkinson

Ms. Atkinson explained that the Commission did a study on identifying substance use prevention and intervention programs in Virginia's colleges and universities in 2017. In the 2018 General

Assembly session legislation was passed creating the Advisory Group to form the Virginia Higher Education Substance Use Advisory Committee (VHESUAC). Since then ABC has worked on implementing the goals of the strategic plan and, at the last Commission meeting, presented the ways that the Commission could be supportive and helpful in their efforts. Ms. Atkinson reviewed the page of draft recommendations. Senator Marsden commended and thanked Dede Goldsmith for her work on this and service to this group.

There were no public comments made. Senator Favola agreed with the draft recommendations and recognized the great work that ABC and the Higher Education Substance Use Advisory Committee have done to try to prevent substance abuse and overuse on Virginia's college campuses. She emphasized the importance of this work and the need to be strong partners with higher education and the ABC. Senator Favola made a motion to adopt Recommendations 1, 2, and 3. The motion was seconded and carried to adopt the recommendations.

Adopted Recommendations:

Draft and adopted recommendations on the topic of Increasing Engagement in Virginia Higher Education Substance Use Advisory Committee may be found on the Commission's website under the Meetings tab. The Commission on Youth approved the following recommendations related to this study:

1. Request that the Virginia Higher Education Substance Use Advisory Committee (VHESUAC) implement a recognition program for institutions of higher education (IHE) to increase participation within VHESUAC. Recognition would go to those IHEs that provide essential VHESUAC documentation, which could include: biannual report, alcohol and other drugs-specific strategic plan, progress on VHESUAC strategic plan campus-wide initiatives, and student data.
2. Introduce a budget amendment for VHESUAC to implement a one-time strategic initiative grant for institutions of higher education (IHE) to increase participation within VHESUAC. IHEs who apply and receive a grant from the VHESUAC shall use this funding to implement a new VHESUAC strategic plan campus-wide initiative and report on results at the end of the year.
3. Introduce a budget amendment for VHESUAC to implement a one-time incentivized reporting effort for institutions of higher education (IHE) to increase participation within the VHESUAC. Incentive reporting funds would go to those IHEs that provide essential VHESUAC documentation, which could include: biannual report, alcohol and other drugs-specific strategic plan, progress on VHESUAC strategic plan campus-wide initiatives, and student data.

IV. Workforce Development for Foster Care Youth and Young Adults

Amy M. Atkinson

Senator Marsden introduced the next topic of workforce development for foster care youth. He explained that after Ms. Atkinson's presentation, public comments on the draft recommendations will be accepted until November 30, 2021 at 5:00 P.M. Instructions for Public Comments will be posted on the Commission's website. Senator Marsden introduced Ms. Atkinson who reminded the Commission members that the Commission did a large study on Foster Care in 2019. The Commission hosted over 200 attendees at their Foster Care 101 Seminar in 2019. The Commission completed studies on Foster Care, Kinship Care and Driver's Licenses for Foster Care Youth. This

current study on foster care focused on the youth aging out of foster care, preparing for the workforce, and transitioning into adulthood.

Ms. Atkinson reviewed the workforce development slides, emphasizing that in Virginia we have a challenge with children aging out of foster care without permanency (especially for youth who enter foster care as preteens or teens). The presentation provided a recap of work done by the Advisory Group, which was Co-Chaired by Senator Barbara Favola and Delegate Emily Brewer. The presentation included statistics on demographics and outcomes of foster care youth who age out of foster care, members of the Advisory Group, information on Great Expectations with the Virginia Community College System, the benefits of the iFoster portal and app, information on the Virginia Department of Education School Counseling, as well as other states' strategies for improving outcomes with transition age youth (TAY). Ms. Atkinson thanked Senator Favola and Delegate Brewer for the leadership on the Advisory Group, as well as the work of Commission members Delegate Guzman, Delegate Delaney and Mr. Hopkins. Ms. Atkinson reviewed the Study Findings and Draft Recommendations from the Advisory Group.

The Workforce Development for Foster Care Youth and Young Adults presentation, draft recommendations, and public comment instructions may be found on the Commission's website (<http://vcoy.virginia.gov/>), under the meetings tab.

V. Virginia Board of Education and State Operated Programs (SOP) Update

Samantha Hollins, Ph.D., Assistant Superintendent, Department of Special Education and Student Services, Division of School Quality, Instruction and Performance, Virginia Department of Education

Senator Marsden introduced Dr. Samantha Hollins with the Board of Education's work on locally- and regionally-operated detention homes. Sen. Marsden explained that the declining population in the 24 juvenile detention facilities is what brought this issue to the forefront of the Commission's work. While this is a good problem to have, it means that we have a 1:3 ratio of teachers to students, and there is most likely a more efficient way to provide educational services to these youth. Operation costs are shared between the locality (2/3) and the state (1/3); however, the cost of education is paid entirely by the state.

As a result of last year's study on State Operated Programs (SOP) by the Commission on Youth, the Commission asked the Department of Education to conduct a work group and present their findings of how we could be more efficient in providing educational services to youth in juvenile detention facilities. Virginia has 24 facilities with a capacity of about 1440 and have 500-600 detained kids with 85 serving commitment sentences in 9 or 10 of these juvenile detention homes. In 1997 we had 1500 youth in juvenile correction. Senator Marsden indicated that adjustments to how we provide education to these kids and how we provide juvenile detention in this state are needed. JLARC is conducting a study of the juvenile justice system that is due in December. They will be including information about the declining population and what we might do about it.

Senator Marsden then turned over the presentation to Dr. Samantha Hollins with the Department of Education. Dr. Hollins thanked Senator Marsden for the introduction and explained that the work around support for state operated programs is something that the State Board of Education and a delegation to DOE staff take very seriously. Substantive *Code of Virginia* language requires oversight and monitoring of state operated programs by the Virginia Board of Education and delegated to the Virginia Department of Education.

Dr. Hollins explained that VDOE provides funding for materials and supplies, travel, etc., as well as contractual agreements with school divisions; direct supervision of the instructional program; monitoring, enforcement, technical assistance and consulting; review and SOP compliance evaluation; and input into the hiring of personnel. State operated programs include 24 Juvenile Detention Centers, 3 hospital education programs and Virginia Department of Health (VDH) clinics, 7 off-site VDH Clinics, 3 juvenile mental health facilities, 5 adult mental health facilities, and the Wilson Workforce and Rehabilitation Center. Funding for State Operated Programs (SOPs) comes from the Appropriations Act, and VDOE develops budgets for the separate programs.

Students must receive educational services that are comparable to public schools in addition to maintaining compliance with state and federal statutes. There has been an alteration with the way services are provided due to COVID. Fluctuations in student populations do not affect the change in staffing because VDOE must provide staff in all the areas in which students must receive education. This includes content areas, career and technical education and training, and additional academic subjects. Results have occurred for these students in many areas including the following: an increase in secondary school graduation, an increase in the number of career and technical education credentials and a decrease in recidivism.

The Work Group for this study was tasked with making recommendations regarding the items that were listed in the Appropriation Act from the 2021 General Assembly session. Recommendations as a result of this work group include, increasing staffing, leadership and support from VDOE, using innovative staffing and program models, learning from advances in online/asynchronous instructional options, and needing more time to study in order to inform the next steps or create alternatives on the recommendations. The group met once in July and once in August with a lot of individual research and small group work. A draft report for member feedback was developed. Dr. Hollins thanked the Commission for this opportunity to speak.

Senator Marsden reviewed the spending numbers versus population for the juvenile detention centers. In education, Virginia is spending \$25.8 M for 500+ kids. Overall spending is \$130 M of state and local dollars for 24 facilities. Of the 585 kids in the Commission on Youth's 2019 study, 51%, or 295 youths, were in juvenile detention less than 10 days, meaning 5-6 days of school. A bed at one facility costs \$675,000 per year. VDOE does an excellent job providing education for these youth, and this is not a reflection on VDOE. This is a very complicated situation because there are sometimes 4 different teachers for one student—math, social studies, English, science.

Senator Favola stated that the positive outcomes of these youth (better academic grades in the detention center and a decrease in recidivism) is a worthwhile investment. Delegate Guzman would like to see the data regarding how many juveniles in detention homes did not have their special education needs addressed in the regular public school setting before being enrolled in a SOP. Delegate Guzman would like to see the money reinvested in special education to reduce the long wait lists in localities for Individual Education Plans. Dr. Hollins agreed that there is a disproportionate number of youths in detention homes who have special needs and the current funding supports those unique special education needs, including English Language Learners and those who have disabilities. Additionally, the funding mentioned earlier supports all state operated programs, including hospital education programs, and adult and child mental health facilities. Dr. Hollins is requesting time to implement the recommendations alongside DJJ partners (dually licensed teachers, sharing staff among state operated programs within localities, assigning staff with flexibility based on point in time needs).

Mr. Hopkins asked about the credentials of the teachers in juvenile detention homes. Dr. Hollins responded that the teachers must meet the same requirements for any licensed teacher, in addition to training that prepares them for resiliency, trauma-informed care, and other topics as needed. Senator Marsden reminded members that any funding that can be saved should be reinvested into the juvenile justice educational efforts on behalf of troubled young people. Dr. Hollins thanked the Commission for their support and offered her assistance as needed.

The Virginia Board of Education and State Operated Programs Update presentation may be found at the VCOY website (<http://vcoy.virginia.gov/meetings.asp>), under the meetings tab.

VI. Adjourn

Senator Marsden suggested that the Commission might wait to meet until after the JLARC report on juvenile justice is completed. The meeting was adjourned at 2:58 p.m.

The Meeting Video is available on the Virginia Commission on Youth website and at this [link](#).