



Virginia Commission on Youth 2014 Legislative Studies and Initiatives

UNLAWFUL ADOPTION OF A CHILD DRAFT FINDINGS AND RECOMMENDATIONS

PUBLIC COMMENTS IN RED

Findings/Conclusions	Recommendations and Public Comments
<p>Finding 1 – Need for Preventive Services Virginia law does not currently acknowledge the existence of "re-homing," which occurs when a child is removed from one adoptive family and placed in another home. The new family transfers custody of the child without following established adoption procedures, including background checks and a home study, and frequently utilize websites like Yahoo and Facebook. These children are extremely vulnerable and are at great risk for human trafficking and abuse. Awareness about re-homing stemmed from a joint Reuters and NBC News investigation in 2013 revealing an underground market of adoptive parents seeking new families for children they no longer wish to parent.</p> <p>A major issue identified during the course of the study is that many adoptive parents are not fully aware of the emotional or physical well-being of the adoptive child and remain unaware of the</p>	<ol style="list-style-type: none"> 1. Amend the <i>Code of Virginia</i> to require the State Registrar to furnish a document, to be compiled and annually reviewed by the Virginia Department of Social Services (VDSS) listing post-adoptive services available to all adoptive families simultaneous to when any new birth certificate is issued due to adoption. Also, make this information available on the VDSS website. 2. Request the VDSS, with the support of the Office of Comprehensive Services for At-Risk Youth and Families, to allow regional requests for proposals rather than statewide requests for proposals for post-adoptive services. 3. Support the current funding level for post-adoptive services. 4. Request the VDSS, with the support of the Office of Comprehensive Services for At-Risk Youth and Families, to review existing policies and practices related to early prevention services. A report will be submitted to COY prior to the 2016 General Assembly Session. 5. Support funding the state plan for foster care and adoption assistance to include implementing the provisions of the federal Foster Connections to Success and Increasing Adoptions Act of 2008, included in the 2014-2016 Appropriations Act, which would extend foster care and adoption assistance until the age of 21.

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<p>child's special needs at the time of adoption. Some of the primary issues cited by adoptive parents who had re-homed their adopted children according to the Reuters study include:</p> <ul style="list-style-type: none"> – They were unprepared for the issues that their children presented; – The lack of available assistance to address these challenges; and – They were not prepared for the needs of their children prior to, and at the time of, the adoption. <p>One local department of social services stated that parents do not pursue post-adoptive services for fear that Child Protective Services will remove their child. In Virginia, the types of post-adoptive services range from adoptive parent support groups, children and youth support groups, therapy, and respite care.</p> <p>Post-adoptive services are provided through the Department of Social Services' grants. United Methodist Family Services manages and provides for the statewide services delivery of the Adoptive Family Preservation (AFP) network (\$1.5 million). There are two other post adoption services grants. The awardees are Frontier Health (\$300,000) and C.A.S.E. (\$192,967) from general funds. The request for proposals (RFP) for post-adoptive services comes up again for review next year.</p>	

**EARLY CHILDHOOD EDUCATION – WORKGROUP ON QUALITY
DRAFT FINDINGS AND RECOMMENDATIONS**

PUBLIC COMMENTS IN RED

Findings/Conclusions	Recommendations and Public Comments
<p>Finding 1 – Lack of Coordination in Virginia’s Early Childhood Education Arena Virginia has a diverse array of early childhood education programs and initiatives located in public, private, home, and faith-based settings. Unlike K-12, there is wide variation in the delivery of early childhood programs under the auspices of multiple agencies and authorizing entities. Financing and policy support for Virginia’s early child care programs operate in “silos” – driven by separate funding streams, misaligned resources, and a lack systemic coordination.</p> <p>Virginia’s early childhood education programs and initiatives include:</p> <ul style="list-style-type: none"> – Virginia Early Childhood Foundation (VECF), – Statewide Smart Beginnings Network, – The Virginia Preschool Initiative (VPI), – The Virginia Star Quality Initiative (VSQI), and – Federal Head Start programs. <p>These separate programs and initiatives present challenges with blending and braiding funding due to regulatory and funding guidelines. Improving quality across early learning settings will require collaboration across a fragmented system. The Commonwealth should develop strategies to reduce barriers between agency “silos” in an effort to improve access and collaboration. The coordination of the work efforts of the agencies and organizations involved in early childhood education can help identify partnerships,</p>	<ol style="list-style-type: none"> 1. Introduce legislation establishing a statewide early childhood advisory council to improve the quality, availability, and coordination of funding and services for children from birth to school entry. Membership shall include all impacted state agencies, institutions of higher education, local early childhood providers, business representatives, parents, Head Start agencies, the Department of Veteran Services, and members of the Virginia General Assembly. The Council, under the direction of the Secretary of Education shall make recommendations to the Board of Education and the General Assembly on (a) quality early childhood education programming, (b) availability of high-quality early childhood programs, (c) opportunities for and barriers to collaboration and coordination among programs and agencies responsible for early childhood education, and (d) professional development for early childhood educators. <p style="text-align: center;">- or -</p> <ol style="list-style-type: none"> 2. Request the Governor’s Commonwealth Council on Childhood Success to assess and make recommendations to improve the quality, availability, and coordination of funding and services for children from birth to school entry. <p>The Virginia Department of Education (VDOE) stated that for Recommendation 2, members of the Council on Childhood Success were sworn in on October 6, 2014 and have a similar representation as Recommendation 1. Recommendations from the Council will be made available by June 15, 2015.</p> <p>A representative for the Commonwealth Council on Childhood Success stated that Recommendation 2 encompassed many of the elements contained in the Executive Order 22 which established the Council.</p> <p>The Virginia Council for Private Education (VCPE) looks forward to contributing to the Commonwealth Council on Childhood Success through participation on work groups, continuing a long tradition of cooperation and collaboration and representing the largest spectrum of comprehensive private preschool through 12th grade providers in Virginia.</p> <p>Voices for Virginia’s Children supports ensuring a strong link between the Commonwealth Council on Childhood Success and the legislature. This could be achieved by requesting an</p>

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<p>resources, and policies while reducing duplication of effort. A cross-sector committee would be helpful to achieve alignment and promote high-quality early childhood education.</p>	<p>annual meeting for the Council to report to legislators on their current efforts and recommendations, particularly for those that may require legislative or budget action.</p>
<p>Finding 2 – Build quality by linking training/supports to teachers which emphasize their interactions with children Recent research studies have shown that the experiences children have in early care settings are essential to high-quality care. The quality of the child’s experience and quality of their interaction with the educator has the greatest impact upon achievement gains in early learning settings and have a disproportionately large effect on children’s school readiness outcomes.</p> <p>Research also indicates that children from lower income families especially benefit from classrooms with strong instructional support. Children in Pre-K classrooms offering higher levels of instructional support displayed better language skills at the end of the kindergarten year. Coursework and coaching on interactions produces gains in teaching and in children’s engagement, literacy, vocabulary, self-regulation and math skills. Quality can be improved through teacher coaching and ongoing professional development that focuses on high quality interactions, mentoring/feedback, skill building and curriculum. Focused teacher professional development and preparation can increase quality and children’s school readiness. Studies have substantiated such approaches yield “gap-closing experiences”. Technology can also be used as a tool to provide</p>	<p>1. Introduce legislation requiring individuals seeking initial licensure with an endorsement in early childhood/Pre-K education and persons seeking licensure renewal as teachers who have not completed such study to complete coursework in effective teacher-child interactions and social and instructional supports based on evidence-based curriculum guidelines developed by the Board of Education, in consultation with the Department of Social Services, relevant to the specific teacher licensure routes.</p> <p><i>Potential revisions to Recommendation 1 based on public comment:</i></p> <p>a. <i>Introduce budget language for an interagency, cross-sector workgroup to develop a competency-based professional development framework to inform the requirements and guidance for pre-service education, in-service education, and training for early learning practitioners in all of Virginia’s early learning settings. The workgroup will be comprised of representatives from VDOE, VDSS, VCOY, the Virginia Early Childhood Foundation (VECF), the Virginia Cross Sector Professional Development Network, Head Start, Virginia Start Quality Initiative (VSQI) coordinators, Child Care Aware Virginia, child care providers, Virginia’s institutions of higher learning, Virginia’s Community College System, public and private associations, accrediting organizations, and diverse representation from other subject-matter experts and stakeholders.</i></p> <p><i>The framework would encompass practitioners working in programs under varied regulatory oversight including private center, faith-based, and home-based child-care settings; Title I, Head Start, and IDEA Parts B and C; and state-funded VPI classrooms. The workgroup will identify teacher competencies and professional development strategies most associated with effective teaching, strong learning outcomes, and lasting gains for young children. The workgroup will also assess the current early learning workforce; examine existing professional development opportunities, identify gaps in services, opportunities to collaborate at the state and local level; alignment among agencies; the use of technology in delivering professional support and in-service training; and additional resources needed to improve professional development opportunities. The workgroup shall make recommendations to the VCOY and legislature by November 1 of each year.</i></p> <p>- or -</p>

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<p>meaningful professional development.</p> <p>While there is no evidence that structural quality aspects (e.g., ratio, teacher credentials/degrees, etc.) drives student learning, it is important to note that structural requirements must not be ignored because they can be critical to ensure safety.</p> <p>There will be several opportunities over the coming year to enhance licensure and regulatory requirements in early learning. The reauthorization of the federal Child Care and Development Block Grant (CCDBG) and revisions to the Virginia Star Quality Initiative's Standards offers the opportunity to examine ways to link quality improvement with standards/regulations for early learning providers.</p>	<p>b. <i>Request the Board of Education partner with the Virginia Department of Social Services and the Virginia Early Childhood Foundation (VECF) to convene an interagency, cross-sector workgroup to be facilitated by the VECF. The workgroup will develop a competency-based professional development framework to inform the requirements and guidance for pre-service education, in-service education, and training for early learning practitioners in all of Virginia's early learning settings. The workgroup will report on its activities to the VCOY prior to the 2016 General Assembly Session.</i></p> <p>- or -</p> <p>2. Request VDOE review professional support and in-service training programs for early childhood educators to ensure that such requirements include focus on teacher-child interactions that promote gains in children's social and academic development. Such a review will include the use of technology in delivering professional support and in-service training.</p> <p><u>Potential revision to Recommendation 2 based on public comment:</u> <i>Support linking resources for professional development and quality-improvement initiatives to any legislation seeking to bring Virginia in compliance with forthcoming federal changes or improve safety in early learning settings.</i></p> <p>3. Request VDOE/VDSS re-assess licensure requirements to ensure the structural/physical plant requirements are not overemphasized over teacher licensure/training requirements that are proven to enhance quality.</p> <p>4. Request VDOE review <i>Virginia's Quality Indicators for Responsive Teaching: Creating a High Quality Preschool Learning Environment</i> to ensure that quality of teacher-child interactions and social and instructional supports are utilized as core competencies for early childhood educators.</p> <p>5. Support VDOE's efforts to build capacity with private partners that emphasize hiring teachers with training on the importance of quality teacher-child interactions and social and instructional supports.</p> <p><u>Potential revision to Recommendation 5 based on public comment:</u> <i>Request the Governor's Commonwealth Council on Childhood Success assess and make recommendations on methods to build capacity with private partners that emphasize hiring</i></p>

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<p>Finding 2 (cont.)</p>	<p><i>teachers with training on the importance of quality teacher-child interactions and social and instructional supports.</i></p> <p>6. Support the proposed revisions to Virginia's Star Quality Standards, which emphasizes those elements that best demonstrate success such as teacher preparation/professional development versus structural and/or physical plant components.</p> <p>The Virginia Department of Education (VDOE) noted Recommendation 1 would create a duplication of existing licenses. The VDOE provides PreK-3 and the PreK-6 licensures. In addition, there is a Pre-K Add-On Endorsement available. Coursework includes the importance of teacher/child interactions and personal and social development for students. The VDOE mandates that evidenced-based preschool curriculum align with the <i>Foundation Blocks for Early Learning: Comprehensive Standards for Four-Year-Olds</i>. Personal and Social Development is a standard within the Foundation Blocks. In addition, there is also a license in Early Childhood Special Education (ECSE). Teachers with this endorsement may teach any preschooler. The Commonwealth's higher education programs for this licensure are at the graduate level. A teacher can be licensed without a master's degree but several graduate level classes are required in order to meet the licensure criteria.</p> <p>For Recommendation 2, VDOE notes that the selection of professional development activities is a responsibility of the local school systems. In addition, VDOE does not have the capacity to review all professional support and in-service training programs. The VDOE encourages the focus on teacher-child interactions in all content areas. This is evident through the state preschool standards and supporting documents.</p> <p>For Recommendation 3, VDOE commented that the structural/physical plant requirements are not related at all to VDOE teacher licensure requirements. The Office of Student and School Support provides oversight regarding structural/physical plant requirements within schools. Annual reports and periodic monitoring is completed by the Facility Construction and Maintenance team.</p> <p>VDOE commented on Recommendation 4, which referenced Virginia's Quality Indicators for Responsive Teaching. VDOE commented that this document was created and presented and approved by the Board of Education in 2013 as a support to <i>Virginia's Foundation Blocks for Early Learning: Comprehensive Standards for Four-Year-Olds</i>. It aligns with the <i>Foundation Blocks</i> and was created to specifically address quality teacher-child interactions and social and instructional supports. The focus of teacher-child interactions and social and instructional supports are weaved throughout the document as core competencies. It is a professional</p>

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<p><i>Finding 2 (cont.)</i></p>	<p>resource document not a specific training document.</p> <p>For Recommendation 5, VDOE commented that building capacity with private partners was a local responsibility. Regardless of the specific location of the Virginia Preschool Initiative (VPI) program, the school divisions provide professional development and technical assistance that emphasizes quality teaching that includes teacher-child interactions and social and personal development. All professional development, training, and technical assistance must align with <i>Virginia's Foundation Blocks of Early Learning</i>.</p> <p>VDOE noted that Recommendation 6 was the responsibility of the Virginia Department of Social Services (VDSS).</p> <p>The Virginia Department of Social Services (VDSS) commented that it was important that Virginia does not require child care teachers or program directors (serving children from birth through school-age) to hold a professional teaching license. In Virginia, the only professional teaching license endorsement for teachers who work with infants and toddlers is for Early Childhood Special Education (for working with children from birth through age 5 who have special needs). Child Care Licensing regulations require minimal teacher or director credentials in early childhood education. VDSS will continue working in collaboration with its partners including the Virginia Early Childhood Foundation (VECF), VDOE, and Virginia's Cross Sector Professional Development team, to ensure elements that best demonstrate success in children's social and academic development are included.</p> <p>Voice for Virginia's Children supports establishing a workgroup to review professional development requirements for licensing, current course content, availability, and barriers to participation across agencies that can make recommendations to align funding and activities around professional development. Voices also supports expanding availability of professional development initiatives that emphasize teacher-child interactions through a cross-sector approach, such as the alignment of quality improvement initiatives by the Virginia Early Childhood Foundation (VECF), VDSS, and VDOE.</p> <p>The Virginia Head Start Association offered response to the Virginia Commission on Youth Early Childhood Education Workgroup on Quality September 16, 2014 excerpted from Dr. Pianta's presentation, <i>Review of the Research on Quality in Early Learning Settings</i>, which was given to the Virginia Commission on Youth Early Childhood Education – Workgroup on Quality. The Association notes that Head Start is a corner stone of our nation's commitment to give every child, regardless of circumstances at birth, an opportunity to succeed in school and life. In 2013, Virginia served 2,466 Early Head Start, 14,557 Head Start, and 147 Migrant/Seasonal</p>

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<p><i>Finding 2 (cont.)</i></p>	<p>children. Therefore, 17,170 children were connected to health services, screenings, and care in addition to school readiness objectives. Of these 17,000+ children, 840 were homeless, and 1,844 had a disability (or a disability was discovered during their time in our programs). Virginia Head Start has also served 240 pregnant women. There were 12,171 families reported as having received direct family services in 2013, which includes but is not limited to mental health care, dental health care, housing assistance, parenting education, smoking cessation, job education, and more. Virginia Head Start programs provided more than 3,500 jobs, and contributed over \$109,000,000 in federal funding to Virginia's economy.</p> <p>Child Care Aware Virginia noted support for Recommendation 3 but stated that this issue was very complex. Congress is in the process of reauthorizing the Child Care and Development Block Grant (CCDBG). There is a large gap between the CCDBG requirements and Virginia's license-exempt and unlicensed non-relative providers who care for subsidy children. There are 802 unlicensed providers receiving subsidy to care for low-income children, 903 voluntarily registered family day homes and 996 religiously exempt child care centers. Because state statute does not require a license for family child care providers until six unrelated children are in the home, it is unknown how many unlicensed providers are in Virginia. There is little to no training and no inspections for accountability or safety for those children. The Washington Post recently reported that 60 children in Virginia have died in child care over the past few years, 43 in unlicensed care. Virginia should not create two systems of care (one for low-income families on a subsidy and one for all other families). It is time to review our license-exempt care policies and our licensing threshold for family child care homes.</p> <p>The Virginia Association for Early Childhood Education (VAECE) strongly supports the concept of investing in teacher training. Before making specific improvements, VAECE recommends that the VDOE and the VDSS collaboratively review current professional development opportunities, including those for teacher/child interactions, to identify strengths and weaknesses and align scarce resources. This review should take into consideration pending changes due to reauthorization of Virginia's CCDBG, revisions to Virginia's STAR quality standards, and the Commonwealth's application for a federal pre-school expansion grant.</p> <p>For Recommendation 1, VAECE believes that all early childhood educators, not just those seeking licensure, should receive professional development and supports. This can be done by involving both the VDOE and the VDSS in establishing a work group to review professional development requirements, course content, availability, and barriers across agencies based on provider funding streams to link fragmented pieces of the existing system. This should include professional development for child care settings as well as Virginia Preschool Initiative settings</p>

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<p><i>Finding 2 (cont.)</i></p>	<p>and should consider a career ladder for professionals in the early childhood field.</p> <p>For Recommendation 2, VAECE suggests that both the VDOE and the VDSS review professional development and training programs for early childhood educators to identify content for a quality framework, including teacher/child interactions. This review should include both classroom and on-line offerings and should identify opportunities to align professional development between both departments to promote cross-sector collaboration.</p> <p>VAECE recommends deferring Recommendation 3, given that licensing of facilities applies to VDSS and that the reauthorization of CCDBG may effect changes.</p> <p>For Recommendation 5, VAECE commented that existing partnerships with private providers for VPI are currently handled by localities and hiring guidelines are not established. The VDOE should produce guidance on using public funding for private providers to expand VPI through an approach that addresses minimum quality standards.</p> <p>VAECE notes that the revisions have not been published to Virginia’s Start Quality Standards so it would be difficult to comment on Recommendation 6.</p> <p>The Virginia Council for Private Education (VCPE) supports building capacity with high-quality private partners and expanding professional development opportunities with the involvement of state recognized accredited private programs and quality rating and improvement system (QRIS) programs. Both VCPE and QRIS share goals of continuous quality improvement and professional development with an understanding of the foundational value of health and safety requirements and the importance of teacher quality. The VCPE peer accountability system has a proven record of accomplishment of collaborating with state agencies in the best interest of Virginia’s children and families. The peer-driven VCPE system operates at no cost to the Commonwealth, but provides services that mirror a non-public school office in other states. By using both systems, the state will immediately increase access to quality programs without adding cost.</p>
<p>Finding 3 – Improve Access to the Virginia Preschool Initiative (VPI) VPI serves four-year-olds who are at-risk for school failure and not presently receiving services from Head Start.</p>	<ol style="list-style-type: none"> 1. Request the Commonwealth Council on Childhood Success conduct a review the Virginia Preschool Initiative (VPI). The Council will be asked to review the local and statewide cost-drivers for the provision of high-quality public preschool, to identify local and regional cost variances, and to identify the “true cost” to communities to provide high-quality preschool services required by VPI. The Council will review the funding formula and cost-per-child for VPI, drawing on existing information such as the 2008 JLARC report and <i>Virginia’s Preschool Puzzle</i>, and address cost barriers to VPI for Virginia communities. The Council

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<p>VPI has proven positive outcomes including:</p> <ul style="list-style-type: none"> – increased literacy (only 6% of VPI participants need reading intervention in Kindergarten vs. 26% of those with no Pre- K experience); – reduced early grade repeaters (annual cost of repeaters K-3 in Virginia is approximately \$80 million); and – longer-term projections such as on-time grade promotion, which reduces likelihood of dropping out of high school. <p>There are 24,629 children in Virginia eligible for VPI and 18,021 children who participate in VPI. Of 135 school divisions, 131 are eligible for funding. Localities have identified classroom space and local match requirements as existing barriers to participation in VPI. As VDOE notes, the option is available for local school divisions to offer a mixed delivery system through local procurement contracts. However, given the desire to identify high quality private providers as partners with local school divisions to implement a mixed delivery approach, VDOE should provide guidance to localities to help identify the appropriate providers, incentivize partnership and monitor outcomes in private settings. Such guidance could come in the form of establishing a quality framework that outlines the standards of quality and methods for demonstrating quality.</p> <p>Another barrier to the utilization of state funds is allocation imbalances, meaning some school divisions have unused slots and others have waiting lists. Moreover, VPI allotments do not always correspond with educational costs. In some school divisions, the cost per pupil is \$10,000 to \$12,000 per student. However, the funding for VPI is set at \$6,000 per pupil slot.</p>	<p>will make recommendations that address barriers to access balancing quality and cost.</p> <p>- or -</p> <p>2. Request the Joint Legislative Audit and Review Commission (JLARC) follow up on the previous study of VPI, review the funding formula and cost-per-child for VPI, and make recommendations to address barriers to access such as local match and facility space to achieve a balance between program quality and easing access for children in all regions across the Commonwealth.</p> <p><i><u>Potential revision to Recommendation 1 based on public comment:</u></i> <i>Request JLARC follow up on the previous study of VPI and analyze Virginia's specific programs supported by general funds prenatal to age five.</i></p> <p>- or -</p> <p>3. Direct/Request the Board of Education to develop a quality framework for any childhood program that receives VPI funding. The Board will assess methods for more fully and effectively promote local partnerships with private and community-based providers to deliver VPI services including the development of guidance and targeted technical assistance for school divisions to promote use of private providers in the delivery of preschool services.</p> <p><i><u>Potential revision to Recommendation 3 based on public comment:</u></i> <i>Recommendation: Request the Board of Education examine ways to strengthen and incentivize the local option for VPI partnerships with private providers and community-based providers. This includes directing VDOE to develop guidance and targeted technical assistance for school divisions to promote the use of private providers in the delivery of preschool services.</i></p> <p>4. Allow private providers that meet the requirements for quality (QRIS and or the Quality Framework described above) to access VPI money.</p> <p>The Virginia Department of Education (VDOE) supports Recommendation 2 for a JLARC study and noted that the VDOE does not have the capacity to review the funding formula and cost per child and make recommendation to address barriers. A comprehensive review by an external entity is needed. Recommendation 3 should also be included within the request for review by JLARC.</p>

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<p>Moreover, there have been no evaluations conducted because this is not an allowable cost. There is also a lack of clarity around teacher qualifications in private settings.</p> <p>Nearly half of Virginia’s school divisions were interested in expanding access to Pre-K. However, local divisions also subsidize the cost when their true cost is more than the established \$6,000. Teacher salary/costs are comparable with K-12.</p> <p>VDOE no longer has funds to monitor quality in VPI classrooms. Potential solutions to increase VPI participation include addressing the allocation imbalance with unused slots and wait lists; acknowledging the true educational costs/local match requirements so that flexibility is built into the VPI formula; focusing on space limitations; and providing clarity for teacher qualifications in private settings.</p> <p>Localities have identified classroom space and local match requirements as existing barriers to participation in VPI. As VDOE notes, the option is available for local school divisions to offer a mixed delivery system through local procurement contracts. However, given the desire to identify high quality private providers as partners with local school divisions to implement a mixed delivery approach, VDOE should provide guidance to localities to help identify the appropriate providers, incentivize partnership and monitor outcomes in private settings. Such guidance could come in the form of establishing a quality framework that outlines the standards of quality and methods for demonstrating quality.</p>	<p>VDOE expressed concern with Recommendation 4 and noted that the Constitution of Virginia states, “Lottery proceeds shall be appropriated from the Fund to the Commonwealth’s counties, cities, and towns, and the school divisions thereof, to be expended for the purposes of public education.” The Virginia Preschool Initiative offers the option to local school divisions for a mixed delivery system through local procurement contracts with private providers.</p> <p>A representative for the Commonwealth Council on Childhood Success stated that one of the Council’s subgroups will be tasked with reviewing VPI access, formula and funding questions.</p> <p>The Virginia Council for Private Education (VCPE) supports Recommendation 2, which calls for a follow-up study on VPI to include a review of the funding formula and cost-per-child. The study could explore the benefits of building partnerships with private providers that either hold state recognized accreditation pursuant to § 22.1-19 of the <i>Code of Virginia</i> or that participate in the QRIS program.</p> <p>VCPE also noted that their Council approves accrediting associations by using a quality framework and supports the continued development of a quality framework under the authority of the Board of Education as a gateway to access VPI funding. The quality framework used by VCPE was originally developed in consultation with the Board of Education and a team of nonpublic school officials at VDOE.</p> <p>Voices for Virginia’s Children supports expanding access to VPI by reducing local school divisions’ barriers to participation, such as encouraging the local option for a mixed-delivery system. More specifically, Voices supports establishing a quality framework for early learning in Virginia that defines the quality indicators of an early learning program as measured by Virginia’s Star Quality Initiative (VSQI) accreditation (including state-recognized accreditation, pursuant to Section 22.1-19) or other research-based measures. Voices also supports maximizing participation in VPI by ensuring that all allocated and available funds for VPI are used to expand enrollment. Fully maximizing VPI funds could include more innovative partnerships with private providers and providing grants to localities for one-time expenses related to expansion.</p> <p>The Virginia Association for Early Childhood Education (VAECE) offered an alternative recommendation – <i>Request the Board of Education use existing information to address barriers to VPI and produce guidance on public/private partnerships for VPI expansion. Such guidance should address the minimum quality standards for private providers participating in VPI.</i></p>

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<p>Finding 4 – Improve Awareness of Gaps in Virginia’s High-Quality Early Childhood Education Programs</p> <p>While resources are in place, families have difficulty locating high-quality early learning programs. Multiple agency involvement is confusing to families. Moreover, families may assume that all child care/early care programs are licensed and not know how to locate high-quality programs in their community.</p> <p>Virginia has over 8,000 childcare providers with capacity to serve over 360,000 children. Mapping/linking programs that participate in Virginia’s Star Quality Initiative to areas of highest need would also show where there were regional gaps and help communicate the benefits of licensure to child care providers. Families may also be able to access other services through VPI such as health and nutrition services.</p>	<p>1. Support VDSS and VECF efforts to map all of the quality ratings for the participating early care programs across the state. Such mapping may help show regional gaps and help communicate the benefits of licensure to providers.</p> <p>The Virginia Department of Education (VDOE) noted that this Recommendation did not relate to VDOE.</p> <p>The Virginia Department of Social Services (VDSS) supports the mapping of quality rated early care providers, and noted that Child Care Aware of Virginia has initiated work in this area. Tools such as this enhance the ability of parents to locate the type of early care they seek.</p> <p>The Virginia Council for Private Education (VCPE) stated that this Recommendation assumes that QRIS is the only measure of quality in private programs in Virginia. Considerations should be made for mapping high-quality state recognized accredited schools if the goal is to improve awareness of gaps in high-quality early education programs. Although most VCPE state recognized accredited private programs are licensed, some have chosen an exemption option for the early education component of their program. VCPE assures that programs choosing an exemption option are not exempt from the rigorous process of accreditation.</p> <p>Voices for Virginia’s Children supports developing plans to improve quality in early learning based on indicators of need and the current reach of services. Voices supports a coordinated approach of identifying the areas of greatest need through the examination of data indicating risk which also communicates children’s outcomes related to school readiness.</p> <p>Child Care Aware of Virginia noted their agreement with this Recommendation and provided details of the significant mapping project they have already conducted. Any additional project could certainly benefit from the work that has already been completed. Child Care Aware has mapped the following programs:</p> <ul style="list-style-type: none"> – Virginia Licensed Family Child Care Homes and Registered Family Child Care Homes (http://bit.ly/1nJBjvs) – Virginia Head Start and Early Head Start Programs (http://bit.ly/1nJAYCM) – Virginia Licensed Child Care Centers and Religious Exempt Center Programs (http://bit.ly/1nJA8G9%20) – Virginia Star Quality Initiative Programs Differentiated by Quality Rating (http://bit.ly/1nJERrh) – A map of all programs in Virginia (http://bit.ly/1iIJVjs)

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<p><i>Finding 4 (cont.)</i></p>	<p>The mapping project overlays the Commonwealth with county poverty data for children under age five. This mapping reveals where there is limited access to licensed care, as well as the geographic distribution of programs by quality level in the Virginia Star Quality Initiative.</p>
<p>Finding 5 – Address the lack of high-quality early childhood programs for geographically dispersed reserve and active-duty families According to the National Association of Child Care Resource and Referral Agencies, a key issue facing Service Members, especially those deployed overseas, is a shortage of quality child care options, especially for families not living near a military installation. Even for families with access to a military installation child care program, waiting lists are common. The situation is even more urgent for National Guard and Reserve members who are being called to active duty. These families usually live in communities far from military installations. In addition, there is a growing need for short-term respite care for families with a deployed member, especially those who were not living near their extended families. Virginia should improve efforts to link military families to high quality early child care.</p>	<p>1. Request the Secretary of Veterans Affairs and Homeland Security and the Secretary of Public Safety include access to high-quality early childhood education for Virginia’s military families in all efforts seeking to improve services and programs for Virginia’s military families.</p> <p>The Virginia Department of Education (VDOE) noted that this Recommendation did not relate to VDOE.</p> <p>Ms. Lange, Regional Military Child Care Aware Liaison for George and Virginia expressed support for including a specific recommendation that addressed providing quality child care for military families.</p> <p>The Virginia Council for Private Education (VCPE) stated that military families should be able to choose any early education program as authorized by the Board of Education pursuant to § 22.1-19 of the <i>Code of Virginia</i>. This Code Section includes both state recognized accredited private programs and programs approved through VDOE for participation in VPI.</p> <p>Voices for Virginia’s Children supports requesting the Secretary of Veterans Affairs and Homeland Security and the Secretary of Public Safety to include access to high-quality early childhood education in all efforts seeking to improve services and programs for Virginia’s military families.</p>
<p>Finding 6 – Comprehensive Kindergarten Assessment (Additional Finding) A competitive K-12 education system is critically important to Virginia’s economy. States are competing against each other, and the world, for job-creating businesses. Businesses are looking for a highly skilled, trained, and educated workforce. All students should have the opportunity to be career-ready or college-ready when they graduate from high school. Decades of research indicate that</p>	<p><u><i>Additional Recommendation (Submitted after the Commission’s September 16 meeting)</i></u> 1. Request the Secretary of Education, the VECF, and E3 present to VCOY the findings Virginia’s Kindergarten Readiness Project (VKRP).</p>

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<p>investment in high quality early education is the best way to support improved academic outcomes in our K-12 and higher education systems.</p> <p>Every fall, over 10,000 of Virginia’s children are arriving to kindergarten without the basic skills to succeed. Children who enter kindergarten behind their peers rarely catch up; instead, the achievement and readiness gaps widen over time. These children are more likely to fall behind grade-level expectations, be held back and drop out of high school. Additionally:</p> <ul style="list-style-type: none"> – The achievement and readiness gaps begin long before a child enters the kindergarten classroom; – Children not reading proficiently in third grade are four times more likely not to graduate from high school; – 57% of Virginia’s incoming fourth graders score below proficient reading levels; – In Virginia, children who repeat grades K-3 cost taxpayers about \$80 million annually; and – High quality early education can close up to half the achievement gap. <p>Virginia has an opportunity to transform its early education, K-12, and higher education systems into as a continuum to build upon the Commonwealth’s nationally ranked education system to develop the world’s best workforce for the 21st Century.</p> <p>In August 2013, Elevate Early Education (E3) – a statewide advocacy movement created in 2012 by business, civic, and philanthropic leaders -in partnership with the Department of</p>	<p><i>Finding 6 (cont.)</i></p>

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<p>Education and the University of Virginia (UVA), launched a three-phased approach approved by the Governor and the General Assembly, to create a statewide, comprehensive kindergarten readiness assessment. The purpose of Virginia’s Kindergarten Readiness Project (VKRP) is to research and select an assessment tool that can be used statewide to assess readiness skills across a range of domains upon kindergarten entry. The VKRP involves piloting an assessment that will provide a snapshot of Virginia’s kindergarteners and clearly define the readiness gap; and, inform the implementation of a full-scale statewide comprehensive readiness assessment in the Commonwealth. Data from the assessment will be used to inform public policy and funding decisions in early childhood education.</p>	<p><i>Finding 6 (cont.)</i></p>

**USE OF RESTRAINT AND SECLUSION IN SCHOOLS
DRAFT FINDINGS AND RECOMMENDATIONS
PUBLIC COMMENTS IN RED**

Findings/Conclusions	Recommendations and Public Comments
<p>Finding 1 – Finalize the Proposed Regulations Governing the Operation of Private Day Schools for Students with Disabilities</p> <p>On June 27, 2013, the Board of Education (BOE) unanimously approved the proposed Regulations Governing the Operation of Private Schools for Students with Disabilities (8VAC20-671-10 et seq.). These regulations were drafted in response to legislation passed by the 2008 General Assembly requiring licensing agency to promulgate new regulations that govern the agency's role in serving students in group homes and residential facilities. BOE determined that a single set of regulations to govern the operation of all private schools for students with disabilities would be beneficial to placing agencies, licensing agencies, and parents seeking private placements. The proposed regulations also revised provisions pertaining to the use of seclusion and restraint. After much input from stakeholder organizations and families, the regulations included requirements that:</p> <ul style="list-style-type: none"> – the parent shall be informed on the day of each incident of physical restraint or seclusion; – the written report from an incident of restraint or seclusion will be made available to the parent within two business days of the occurrence and opportunity given for the parent and student, as appropriate, to 	<p>1. Request that the Governor finalize Virginia's Proposed Regulations Governing the Operation of Private Day Schools for Students with Disabilities.</p> <p><i>Letters and emails submitted to the Commission on Youth provide extensive and thoughtful public comments on the Draft Recommendations for the Commission's Study of the Use of Restraint and Seclusion in Schools. The following is a summary of public comments on the Draft Recommendations.</i></p> <p>The Virginia Education Association (VEA) noted support for this Recommendation but stated that this Recommendation was not appropriate for public schools, which are in an entirely different setting.</p> <p>The disAbility Law Center of Virginia (dLCV) urges the Commission on Youth to adopt this Recommendation.</p> <p>The Virginia Coalition for Students with Disabilities supports this Recommendation.</p> <p>The Virginia Coalition for Improving School Safety supports this Recommendation. The Virginia Coalition for Improving School Safety is comprised of over 30 different organizations including numerous local ARC Chapters, local Down Syndrome Associations, Autism Society Chapters, the JustChildren Legal Aid Justice Center, the National Alliance on Mental Illness, Prevent Child Abuse Virginia, the Virginia Board for People with Disabilities, the Virginia Association of Centers for Independent Living (VACIL), and Voices for Virginia Children.</p> <p>The Virginia Association of Independent Specialized Education Facilities (VAISEF) supports this Recommendation and confirmed that many stakeholders worked with the VDOE during the regulatory process. After several years, VAISEF looks forward to the proposed regulations proceeding to the final regulatory phase.</p>

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<p>discuss the matter with school staff; and</p> <ul style="list-style-type: none"> – schools to annually report to the VDOE the number of times restraint and seclusion was used during the school year. <p>Additional requirements for managing student behavior in emergency situations when it was necessary to use restraint or seclusion were also included in the regulations.</p> <p>During the regulatory process, the VDOE held two audio conferences and received 152 written comments. Most comments were supportive of the recommendations submitted by the Coalition for Students with Disabilities, a statewide network of organizations collaborating to support education rights and opportunities for students. The VDOE agreed with the Coalition’s recommendations and addressed each in the proposed regulations. The proposed regulations were certified by the Office of the Attorney General and are currently being reviewed by the Governor’s Office.</p>	<p><i>Finding 1 (cont.)</i></p>
<p>Finding 2 – There is no statute or regulation specifically governing the use of seclusion and restraint in Virginia’s public schools.</p> <p>According to the VDOE Guidelines issued in 2009, seclusion and restraint refer to safety procedures in which a student is isolated from others (seclusion) or physically held (restraint) in response to serious problem behavior that places the student or others at risk of injury or harm. There is no statute or regulation specifically governing the use of seclusion and restraint in Virginia’s public schools.</p> <p>In 2006, the VDOE issued <i>Guidelines for the Development of Policies and Procedures for</i></p>	<p>1. Introduce legislation requiring the Board of Education (BOE) to promulgate regulations on the use of seclusion and restraint in Virginia’s public schools. These regulations will be consistent with the 2009 DOE Guidelines and the U.S. DOE 15 Principles on Seclusion & Restraint and address definitions, criteria for use, restrictions for use, training, notification requirements, reporting, and follow-up.</p> <p><u><i>Potential revision to Recommendation 1:</i></u> <i>Introduce legislation requiring the BOE to promulgate regulations on the use of seclusion and restraint in Virginia’s public schools. These regulations will incorporate the 2009 DOE Guidelines and the U.S. DOE 15 Principles on Seclusion & Restraint and address definitions, criteria for use, restrictions for use, training, notification requirements, reporting, and follow-up. The regulations will also address the diverse population of students in the public school setting including students in the general education and special education populations and distinctions between primary and secondary schools including the students’ emotional and physical developmental differences.</i></p>

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<p><i>Managing Student Behaviors in Emergency Situations in Virginia Public Schools Focusing on Physical Restraint and Seclusion.</i> These Guidelines were updated in 2009 and a Superintendent’s Memorandum requesting that all school divisions review these Guidelines was distributed to local school divisions. The VDOE encouraged school divisions to adopt its guidelines or develop policy regarding physical restraints and seclusion. The Guidelines outline what school divisions should include in their policies such as training requirements, inclusion of methods for preventing violent behavior, informing parents of policies, notifying parents when seclusion/restraint is used, time limits for notification monitoring requirements, follow-up procedures and reporting requirements.</p> <p>In August 2010, the Virginia School Boards Association (VSBA), a voluntary and nonpartisan organization of school boards, adopted a policy regarding restraints and seclusion – <i>Restraint and Seclusion of Students</i>. The VSBA policy addresses criteria and restrictions for use and notification and monitoring requirements. COY interviewed family members, advocates, and school officials. Concerns expressed about the VSBA policy include:</p> <ul style="list-style-type: none"> – authorizing the use of seclusion/restraint as needed to quell a disturbance; – authorizing the use of seclusion/restraint as reasonably needed to prevent imminent destruction to school or another person’s property; – lack of follow-up procedures; and – lack of timely notification and/or lack of parental notification (parents are notified 	<p>-or-</p> <p>2. Request the BOE to promulgate regulations on the use of seclusion and restraint in Virginia’s public schools. These regulations will be consistent with the 2009 DOE Guidelines and the U.S. DOE 15 Principles on Seclusion & Restraint. These regulations will address definitions, criteria for use, restrictions for use, training, notification requirements, reporting, and follow-up.</p> <p>-or-</p> <p>3. Introduce legislation for the BOE to establish guidelines and model policies for the use of seclusion and restraint in Virginia’s public schools. The guidelines and model policies shall include definitions, criteria for use, restrictions for use, training, notification requirements, reporting, and follow-up. School boards shall adopt and revise policies on the use of seclusion and restraint consistent with, but may be more stringent than, the guidelines of the BOE.</p> <p>-or-</p> <p>4. Introduce legislation requiring local school boards to establish guidelines and model policies for the use of seclusion and restraint in Virginia’s public schools.</p> <p><i>Letters and emails submitted to the Commission on Youth provide extensive and thoughtful public comments on the Draft Recommendations for the Commission’s Study of the Use of Restraint and Seclusion in Schools. The following is a summary of public comments on the Draft Recommendations.</i></p> <p>Over 430 parents, family members, and concerned citizens signed an online petition created by Ms. Heather Luke, parent of a special needs child and advocate. The petition -- <i>Commonwealth of Virginia and Commission on Youth and Christopher Peace: Introduce legislation requiring the BOE to promulgate regs on the use of seclusion and restraint in VA's public schools</i> can be found on www.Change.org.</p> <p>Over 60 individuals representing parents, family members, and teachers submitted comment support Recommendation 1.</p> <p>Approximately 40 advocacy organizations including the Arc of Virginia, the National</p>

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<p>within 15 school days of a restraint incident, and if seclusion is used, only when a physical injury occurs in the seclusion room).</p> <p>The Commission on Youth conducted a survey of Virginia’s school divisions during the summer of 2014 to determine which divisions had adopted policies. As of October 13, 2014, 114 of 134 school divisions responded to the survey. The survey revealed that:</p> <ul style="list-style-type: none"> – 78 school divisions utilize the VSBA Policy on Restraint and Seclusion; – 9 have a separate school policy (non-VSBA) on seclusion and restraint; and – 27 school divisions have no policy on seclusion and restraint. <p>Of these 27, two divisions noted they were drafting a policy, one noted they had documented procedures in place, and three school divisions responded that seclusion and restraint were not utilized.</p> <p>Family members and advocacy organizations noted that Virginia’s reliance upon guidelines means that there is discretion in handling incidents pertaining to the use of seclusion and restraint. The Guidelines recommend training for staff and notifying parents after restraint or seclusion has been utilized, but there is no enforcement of these provisions.</p> <p>While there is no statute or regulation specifically governing the use of seclusion and restraint in Virginia’s public schools, there are regulations overseeing the use of seclusion and restraint for:</p> <ul style="list-style-type: none"> – Virginia’s private schools for students with 	<p>Organization for Women – Richmond Chapter, the disAbility Law Center of Virginia (dLCV), the Virginia Coalition for Students with Disabilities, and the Virginia Coalition for Improving School Safety support Recommendation 1. The Virginia Coalition for Improving School Safety is comprised of over 30 different organizations including numerous local ARC Chapters, Autism Society Chapters, the JustChildren Legal Aid Justice Center, the National Alliance on Mental Illness, Prevent Child Abuse Virginia, the Virginia Board for People with Disabilities, the Virginia Association of Centers for Independent Living (VACIL), and Voices for Virginia Children.</p> <p>The Arc Virginia commented that, before supporting Recommendation 2, they would like to be certain that the Board of Education has the authority to promulgate regulations without legislation.</p> <p>The Virginia Coalition for Students with Disabilities and the Arc of Virginia opposes Recommendation 3 because it includes no standards or limitations on restraint and seclusion and does not limit its use to emergencies threatening physical danger. Moreover, Recommendation 3 does not require 24-hour parental notice. The Coalition stated that adopting Recommendation 3 would allow school divisions to adopt the VSBA Policy on Restraint and Seclusion.</p> <p>The disAbility Law Center of Virginia (dLCV) supports Recommendation 1. dLCV analyzed Virginia school divisions’ policies and procedures on restraints and seclusion. This review found that a child may be restrained for an unlimited period of time without oversight or regulation. The regulations should, at the very least, align with the 2009 VDOE Guidance and the 15 Principles issued by the federal Department of Education.</p> <p>Wrightslaw, a national online resource that provides training and information about special education law and advocacy on Wrightslaw.com, submitted public comment in support of Recommendation 1 and supported the comments submitted by the Virginia Coalition for Improving School Safety.</p> <p>Dr. Bela Sood, Senior Professor, Child Mental Health Policy and Professor of Psychiatry and Pediatrics at Virginia Commonwealth University Health Sciences supports Recommendation 1. She noted the literature suggests that restraint and seclusion are ineffectual and have the potential for abuse that may lead to iatrogenic anxiety in children. While the process of implementing alternative interventions is complicated and resource intensive, it can be done. The Virginia Treatment Center for Children (VTCC) implemented Collaborative Problem Solving (CPS) to reduce the use of seclusion. CPS is a model that is</p>

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<p>disabilities licensed by DOE which oversee seclusion and restraint;</p> <ul style="list-style-type: none"> – Children’s residential facilities and providers licensed by DBHDS; – Children’s residential facilities licensed by the Virginia Department of Social Services (VDSS); and – Juvenile correctional centers, detention homes, residential centers, group homes and halfway houses. <p>It is important to note that seclusion and restraint are more likely to be used with students with disabilities. According to the U.S. Department of Education’s Office of Civil Rights, students with disabilities represent:</p> <ul style="list-style-type: none"> – 12% of students enrolled in public schools; – 75% of the students who are subjected to physical restraint during school; and – 58% of students subjected to seclusion in school. <p>During interviews with school officials, concerns were raised regarding the need for flexibility. The majority of students attending Virginia’s public schools are in the general education population and do not receive special education services pursuant to the Individuals with Disabilities Education Act (IDEA). Any recommendation adopted by the Commission should not be a “one-size-fits-all” approach. The facility specifications of a public school with campus-style architecture are very different from many private school settings. Moreover, the emotional and physical developmental differences of students attending primary versus secondary schools must also be considered.</p>	<p>based on the principle that social, emotional, and behavioral challenges in youth are caused by lagging cognitive skills and that these challenges are best addressed by resolving the problem collaboratively. By using this model, the VTCC was able to eliminate seclusion rooms. In 2009, the VTCC was seclusion and restraint free. Workman compensation claims dropped from \$530,000 to \$5,000. A similar approach would be a beneficial alternative in public schools where these students have less intense behaviors than youth served by the VTCC.</p> <p>Representatives from Radford University’s School of Teacher Education and Leadership expressed support for Recommendation 1, noting that adopting this recommendation would increase the use of positive behavior supports and create a more regulated humane environment for children with disabilities.</p> <p>The Virginia School Boards Association (VSBA) and the Virginia Association of School Superintendents (VASS) expressed support for Recommendation 3 for the VDOE to issue guidelines for school boards to use in adopting their policies consistent with the VDOE Guidelines. It was noted that the existing VSBA model policy could be revised to be consistent with these guidelines. The VSBA and the VASS requested the Commission consider the following points:</p> <ul style="list-style-type: none"> – The appropriate use of seclusion and restraint is not prohibited by law and can be an appropriate technique to avoid dangerous situations and maintain order; – There is no standard definition of restraint and seclusion. Developing a standard definition should be undertaken with care; – Any policy should apply to all students, not just students with disabilities; – Any guidelines should be consistent with Virginia’s corporal punishment statute and not delete protections for school staff contained in that statute; – The law requires policies to be posted on the school board’s website and to be available to citizens in printed form so any policy would be readily available to parents and the public; – The guidelines should incorporate the following elements: prompt notice to parents when restraint and seclusion is used, written documentation of the event, and an opportunity for administrative review after seclusion/restraint is utilized; – Notice to parents following the use of restraint and seclusion may be given within three business days. One day’s notice may not be administratively possible and does not allow for weekends and holidays; – Parents may already file complaints with the school division about the use of restraint and seclusion pursuant to procedures already in effect to handle parental complaints. A new process is unnecessary; – The guidelines should permit the use of restraint and seclusion in more than just emergency situations. Destruction of property should be a basis for use as this act can pose safety

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<p>School officials' primary goal is to protect the safety of the students as well as that of educators/administrators/staff. Schools are becoming increasingly confronted with youth who exhibit challenging behaviors. For example, if it is mandated that training is required for all staff prior to use of restraint, school officials may hesitate intervening when there is a need to restrain a student for safety reasons (e.g., to break up a fight in the cafeteria). Schools also lack funding to train school personnel in costly proprietary crisis intervention and de-escalation techniques.</p> <p>The U.S. Department of Education has identified 15 principles that states, local school divisions, parents, and other stakeholders should consider as the framework when implementing seclusion and restraint policies. These principles help assure that restraint or seclusion is used only if there is a threat of imminent danger of serious physical harm to the student or others and occur in a manner that protects the safety of all children and adults. These principles encourage schools to establish policies that:</p> <ol style="list-style-type: none"> 1. Prevent the use of restraint and seclusion; 2. Prohibit the use mechanical and chemical restraint; 3. Prohibit the use unless the student poses imminent danger of serious physical harm to self or others and other interventions are ineffective, and should be discontinued when imminent danger dissipates; 4. Apply to all children; 5. Are consistent with the students' rights to be treated with dignity; 6. Assures seclusion and restraint is never 	<p>concerns for students and result in expense to school divisions;</p> <ul style="list-style-type: none"> - Any guidelines should not require the use of progressive interventions in each case before restraint and seclusion is permitted because in some instances, the student escalates so quickly and presents an immediate danger such that less intrusive techniques are not feasible; - The guidelines should address physical parameters for seclusion rooms and for observation while the student is in the room; - While they may be appropriate in some cases, prone restraints are not favored <p>If the Commission adopts Recommendation 1 to promulgate regulations, the private day school regulations would not be automatically suitable for adoption by public schools. The VDOE would need to follow the Virginia Administrative Process Act before adopting them for use in public schools. Data collection is burdensome and costly for the VDOE and school divisions and would be contrary to the efforts by the General Assembly to reduce the number of reports required by school divisions. Requiring implementation of restraint and seclusion by only trained individuals would not be feasible. Students may pose a danger when a trained person is not immediately available. Training school personnel can be very expensive. It would not be possible to train all school personnel due to a lack of funding and turnover.</p> <p>The Virginia Association of Secondary School Principals (VASSP) supports Recommendation 3. VASSP does not support Recommendation 1. Concerns expressed by VASSP include:</p> <ul style="list-style-type: none"> - the valid use of seclusion and/or restraint complicated by the fact that public schools include special needs students in mixed classrooms; - regular students of all ages are in and out of the classroom, including hallways and cafeterias; - the very real problems associated with safety and security of students and staff; and - the continued problems associated with fewer support staff. <p>A diverse population in an atmosphere where the safety of all is paramount, as well as protection of a positive learning environment, requires that the support and professional staff be granted the flexibility necessary to respond to situations in unique ways.</p> <p>The Virginia Association of Elementary School Principals (VAESP) supports the comments and concerns submitted by the VSBA and the VASS. VAESP requested the Commission to recommend that the VDOE issue guidelines for school boards to use in adopting their own policies.</p>

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<p>used as punishment, discipline, coercion, retaliation, or for convenience;</p> <ol style="list-style-type: none"> 7. Assures that restraint is never used in manner that restricts breathing (prone restraint); 8. Trigger review and potential revision of strategies currently in place to address dangerous behavior and the implementation of positive behavioral strategies, if deemed necessary; 9. Incorporate behavioral strategies to address the underlying cause or function/purpose of behaviors; 10. Encourage regular training for teachers/school personnel; 11. Establish careful and continuous visual monitoring; 12. Inform parents of policies and applicable laws; 13. Notify parents as soon as possible after each incident; 14. Establish regular review and update, if appropriate, of existing policies; and 15. Create documentation and data collection requirements. 	<p>The Virginia Education Association (VEA) requests the Commission to adopt Recommendation 3 for the Board of Education or school boards establish guidelines and model policies. The VEA requested the Commission to respect the proper balance between protecting students and protecting other students and staff.</p> <p>The Virginia Counselors Association and the Virginia Alliance for School Counseling supports Recommendations 3 and 4, but prefers Recommendation 3. The process of guideline development would include input from many stakeholders, thus requiring broad stakeholder input. This Recommendation would provide the option for local school boards to adopt or revise the Board’s guidelines, so long as they would be consistent or more stringent than the Board’s guidelines. This would lend itself to local school board flexibility while, at the same time, offering a statewide standard. Recommendation 4 would give total responsibility to local school boards in developing guidelines and policies. This would offer flexibility but at the cost of statewide standardization and wide stakeholder input.</p>
<p>Finding 3 – Encourage Training Efforts Training is available for purposes of reducing the use of seclusion and restraint in schools. These training programs use positive interventions, conflict resolution, and de-escalation in an effort to prevent or limit the use of seclusion and restraint. The overall idea behind such training programs is that environments in which de-escalation or other positive means are used are healthier for students and employees alike. Furthermore, it is posited that the use of tactics such as the ones found in the training may reduce the number incidences.</p>	<ol style="list-style-type: none"> 1. Support DCJS efforts in training appropriate parties, including SROs and SSOs, in student development, de-escalation, and conflict mediation in the school setting. 2. Request DOE support local school divisions by providing resources and training on research-based appropriate behavioral management, prevention, de-escalation techniques to reduce the use of seclusion and restraint. <p><i>Letters and emails submitted to the Commission on Youth provide extensive and thoughtful public comments on the Draft Recommendations for the Commission’s Study of the Use of Restraint and Seclusion in Schools. The following is a summary of public comments on the Draft Recommendations.</i></p>

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<p>This training provides educators with a process to look at and treat the cause of behavioral issues rather than reacting to specific outbreaks.</p> <p>De-escalation is a process of handling a crisis in a way that removes tension from the environment and calms the aggressor without an escalation in physical force or power. The end result is to calm an enraged or out-of-control individual to the point of having a beneficial discussion. This discussion attempts to curb future undesirable behavior and opens a dialogue for expression.</p> <p>A majority of school divisions in Virginia employ training programs that utilize de-escalation techniques with the goal of reducing the use of physical force. By providing educators and staff with the necessary tools to effectively deal with potentially violent or belligerent students, out of control situations may be more readily avoided. Listed below are just a few of those training programs.</p> <ul style="list-style-type: none"> – MANDT – Non-Violent Conflict Intervention (NCI) – Crisis Prevention Institute (CPI) – Applied Crisis Training (ACT) – Handle with Care – Managing Aggressive Training <p>School divisions in Virginia are implementing training efforts for staff in relation to de-escalation and handling a crisis. The Commission on Youth surveyed 134 school divisions and found that 100 of the 114 responding school divisions provide staff de-escalation training. This training was offered to staff members authorized to implement seclusion and restraint.</p> <p>The main concern associated with mandating school-wide training is the cost. School divisions both nationally and in the Commonwealth have</p>	<p>The Virginia Education Association (VEA) supports the recommendations for appropriate training for only those employees most likely to be involved and for the state to provide proper funding.</p> <p>The Virginia Association of Independent Specialized Education Facilities (VAISEF) supports Recommendations 1 and 2. Crisis intervention training has been a key component that VAISEF has supported by requiring it of its member schools. When resources are available, VAISEF requests that DCJS and the VDOE make such training and resources available to the private school community.</p>

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<p>expressed concerns regarding the costs of providing such training. In 2012, the American Association of School Administrators (AASA) published a study – <i>Keeping Schools Safe: Ensuring Federal Policy Supports School Safety</i>. In an analysis of school districts across the country, the AASA used specific examples of school districts to exemplify the actual dollar amount it would take to train staff members. Loudoun County in Virginia, comprised of 9,000 employees, reported a potential cost in excess of \$120,000 for the initial training, test, and follow-up refresher course provided by the MANDT program. If such training were to become mandated, many school divisions would struggle to maintain the necessary levels of training. According to the AASA report, 81% of school districts across the country report being inadequately funded.</p> <p>Virginia’s School Security Officers (SSOs) licensed by the Virginia Department of Criminal Justice Service (DCJS) also receive training on de-escalation techniques. Among other requirements, standard training for SSOs includes knowledge of pertinent state and federal laws, mediation and conflict resolution, and student behavioral dynamics. In addition, Virginia’s School Resource Officers (SROs) received extensive training. As a minimum requirement, SROs must be trained in the use of restraints in regards to juveniles and youth with special needs. DCJS also regularly hosts Autism Awareness Train-the-Instructor courses.</p>	<p><i>Finding 3 (cont.)</i></p>