

VIRGINIA COMMISSION ON YOUTH

December 3, 2008

9:30 a.m.

House Room C

AGENDA

Attending: Senators Harry Blevins, Edward Houck (attending electronically) and Yvonne Miller; Delegates William H. Fralin, Robert Brink, Mark Cole, Chris Peace and Beverly Sherwood; citizen members Marvin Wagner and Anthony Dale

Absent: Delegate Mamye BaCote; citizen member Joy Myers

Staff Attending: Amy M. Atkinson, Leah Hamaker and Cordell Hairston

I. Call to Order and Opening Remarks

Delegate William H. Fralin, Jr.

Delegate Fralin called the meeting to order at 9:37 a.m. Delegate Fralin welcomed everyone to the final meeting of the Commission's 2008 study year.

II. Election of Officers

Members voted unanimously to elect Delegate Fralin as Chair and Senator Miller, Vice Chair. Delegate Fralin recognized the subcommittee members who served on the Commission's Advisory Groups over the past year.

III. 2008 Legislative Study Decision Matrix

Study of Alternative Education Options

Study of Truancy and School Dropout Prevention

Amy M. Atkinson, Executive Director

Leah Hamaker, Senior Legislative Policy Analyst

Study of Alternative Education Options

The Commission voted on the following recommendations and options for the Study of Alternative Education Options outlined in the Decision Matrix:

Recommendation 1

Option 1: Introduce legislation to amend § 22.1-209.1:2 of the *Code of Virginia* to provide that regional alternative education options may also be utilized for students at-risk of a long-term suspension as authorized by the school superintendent. Due process protections regarding notice, hearings, and appeals required for students who are suspended or expelled required when a regional alternative education placement would also be recommended for students deemed at-risk of receiving a long-term suspension. Also, amend this section of the Code to clarify that this section refers to regional alternative education programs.

Option 2: Introduce a budget amendment to allow school divisions not currently participating in a regional alternative education program or participating, but not allotted slots, to join an existing regional alternative education program and be allocated state slots. There are approximately 16 affected school divisions: Albemarle, Arlington, Buchanan, Chesterfield, Frederick, Surry, Warren, Charlottesville, Covington, Falls Church, Portsmouth, Loudoun, Page, Rockingham, Winchester, and Colonial Beach.

Option 3: Introduce a budget amendment for 413 additional slots in the regional alternative education programs. These slots could be utilized for students who are not succeeding in the traditional school setting, as well as address the existing shortage of slots. (The fiscal impact is \$1,581,790 - \$3,707 per slot x 413 slots.)

Senator Blevins moved Recommendation 1, Option 1 and it was approved unanimously.

Options 2 and 3 were not approved.

Recommendation 2

Request that the Chairman of the Virginia Commission on Youth write a letter to the Board of Education to ask that the revisions to the Standards of Accreditation (SOA) be amended to include provisions for requiring **recommending** schools exhibiting suspension and expulsion rates above the state average implement evidence-based intervention programs designed to improve suspension and expulsion rates.

The Commission requested to change “requiring” to “recommending.” Senator Blevins moved Recommendation 2 and it was approved unanimously.

Recommendation 3

Introduce legislation to include a definition of alternative education programs in the *Code of Virginia* which is consistent with § 22.1-253.13:1. that describes instructional programs supporting the Standards of Learning (SOLs) and other educational objectives. This legislation would specify that alternative education options are for students whose needs are not met in programs prescribed elsewhere, as set forth in the SOLs. “Alternative education” will be replaced by “nontraditional education” except when referring to regional alternative education programs.

Delegate Fralin moved Recommendation 3 and it was approved unanimously.

Recommendation 4

Write a letter requesting the Superintendent of Public Education to establish a central point of contact with the Department of Education in the area of nontraditional education options. Senator Blevins moved Recommendation 4 and it was approved unanimously.

Recommendation 5

Write a letter requesting the Board of Education establish model guidelines for locally-created alternative education programs consistent with the guidelines established for the regional alternative education programs.

Senator Blevins moved Recommendation 5 and it was approved unanimously.

Recommendation 6

Request that the Chairman of the Virginia Commission on Youth write a letter requesting that the Virginia Department of Education establish a mechanism for school divisions to use the individual student tracking number system to indicate whether a student is enrolled in their home school, in a local alternative setting or in a regional alternative school.

Delegate Peace moved Recommendation 6 and it was approved unanimously.

Recommendation 7

Request the Commission on Youth to evaluate policies and goals for career and technical education services, career and technical education needs and gaps in services that addresses identified needs of career and technical education programs in the Commonwealth. *The above issues of this study are identical to those in Section 30-199 of the Code of Virginia, which established the Advisory Council Career and Technical Education. The enabling legislation has been in place for several years; however, the Council has not met since 2003.*

Under general consensus, the Commission moved Recommendation 7 to be considered in the Truancy and Dropout Prevention Study.

Study of Truancy and School Dropout Prevention

The Commission voted on the following recommendations and options for Study of Truancy and School Dropout Prevention:

Recommendation 1

Option 1: Request the Virginia Department of Education to offer guidance in the *Student Conduct Policy Guidelines* to school divisions regarding options other than suspension or

expulsion for instances of tardiness or attendance. (This recommendation was received from the Alternative Education Advisory Group.)

Option 2: Amend the *Code of Virginia* to prohibit the use of suspension or expulsion in all instances of tardiness or attendance.

Option 3: Amend the *Code of Virginia* to prohibit the use of suspension in all instances of tardiness or attendance.

Option 4: The Commission on Youth, with the Virginia Department of Education, will develop a resource which describes school divisions' programs and partnerships that provide educational and support services for at-risk youth, as well as youth with attendance problems. This resource will also include information about private sector partnerships and best-practices that strive to keep youth connected to school.

Citizen member Wagner moved Recommendation 1, Option 1 and was approved unanimously. Option 2 was not approved. Delegate Fralin moved Option 3, Senator Blevins opposed; Option 3 was approved. Option 4 was not approved due to a lack of a motion.

Recommendation 2

Option 1: Request the Chief Justice of the Supreme Court of Virginia, through the Office of the Executive Secretary, to assist the Virginia Commission on Youth in its review of truancy matters, specifically the role of the judiciary, consistency of court practices, and judicial education, including the court's ability to order services for the family prior to the imposition of jail or fines. This would take place in the second year of the study.

Option 2: Monitor the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008 which includes an amendment to strengthen the Deinstitutionalization of Status Offenders (DSO) requirement by eliminating the Valid Court Order (VCO) exception.

Delegate Fralin moved Recommendation 2, Option 1 and was approved unanimously.

Delegate Peace moved Recommendation 2, Option 2 and was approved unanimously.

Recommendation 3

Request that the Chairman of the Commission on Youth write a letter to the Executive Secretary of the Supreme Court of Virginia to encourage training of Juvenile and Domestic Relations judges that addresses their ability to court-order services for families in truancy cases prior to initiation of other remedies.

Under general consensus, the Commission moved Recommendation 3 to the second year of the study.

Recommendation 4

Option 1: Request the Commission on Youth to develop a "carve out" in § 16.1-309.1 of the *Code of Virginia* to allow the Department of Juvenile Justice to release information to law enforcement about whether a juvenile, who is alleged to be a truant in violation of § 22.1-258 of the *Code of Virginia*, is being detained in a secure facility.

Option 2: Request the Commission on Youth to develop a "carve out" in § 16.1-309.1 of the *Code of Virginia* to allow the Department of Juvenile Justice to release information to law enforcement about whether a juvenile is being detained in a secure facility or who is on probation/parole if a juvenile is in the custody of law enforcement during school hours and if the juvenile is alleged to be a truant in violation of § 22.1-258 of the *Code of Virginia*.

Option 3: Request the Commission on Youth to develop a "carve out" in § 16.1-309.1 of the *Code of Virginia* to allow the Department of Juvenile Justice to release information to law enforcement about whether a juvenile is being detained in a secure facility or who is on probation/parole if a juvenile is in the custody of law enforcement and alleged to be a truant in violation of § 22.1-258 of the *Code of Virginia*.

Option 4: Request the Commission on Youth to monitor the Crime Commission's actions on §§ 16.1-301, 16.1-305 and 16.1-309.1.

The Commission expressed concern with privacy law issues. The Commission, with general consensus, moved Recommendation 4 to the second year of study. In addition: Delegate Fralin will write a letter to the Crime Commission; Delegate Brink requested Commission staff to collaborate with the Crime Commission; and citizen member Mr. Dale

stated that more research was needed in privacy law issues.

Recommendation 5

Request that the Virginia Department of Education brief the Commission on the current status of 21st Century Schools in Virginia. Such schools focus on the creation of community learning centers that provide academic enrichment opportunities during non-school hours for students, particularly students who attend low-performing schools.

Under general consensus, the Commission moved Recommendation 5 to the second year of study.

Recommendation 6

Request the Commission on Youth conduct a study/gap analysis of career and technical educational options available in the Commonwealth. Such a study will also include at when is it most effective to identify career and technical options. Potential linkages with the Tobacco Commission, the Virginia Manufacturers Association, the Community College system and the Virginia Workforce Council for workforce training will also be explored, along with the *Jobs for Virginia Graduates* program. Commission staff will apply for relevant funding opportunities.

The Commission approved Recommendation 6 unanimously, contingent upon Commission staff locating private funding.

Recommendation 7

Option 1: Request the Virginia Board of Education to issue guidance to school divisions regarding the unintended consequences of attendance policies which may keep students from returning to school.

Option 2: Request the Virginia Board of Education to issue guidance regarding § 22.1-253.13:4 of the *Code of Virginia* which allows schools to establish procedures to facilitate the acceleration of students without completing the ~~140-hour class~~, to obtain credit for such class upon demonstration of mastery of the course content and objectives and with the recommendation of the division superintendent.

Option 3: Request the Virginia Department of Education to report recommendations for a standardized definition of truancy to the Commission on Youth prior to the 2010 Session of the General Assembly.

The Commission approved Recommendation 7, Option 1 unanimously. The Commission removed the “140-hour class” requirement and moved Recommendation 7, Option 2 to a second year of study. No motion was received and Recommendation 7, Option 3 was not approved.

Recommendation 8

Option 1: Request the Department of Education to survey/gather information on existing, non-traditional programs for the development of best-practice guidelines effective in serving students.

Option 2: The Commission on Youth, in partnership with the Department of Education, will survey/gather information on existing, non-traditional programs for the development of best-practice guidelines effective in serving students.

Option 3: Request the Virginia Department of Education to work with school divisions to develop equitable task assignments so that school counselors can provide the vital services for which they were trained. These services include those school-based prevention services that address issues such as violence prevention, anger management, conflict resolution and other behavioral needs of their students.

The Commission did not approve Recommendation 8.

Recommendation 9

The Commission on Youth will meet with both students and parents to request their input in this study effort. These meetings will take place immediately and continue in the second year of the study.

Delegate Fralin moved Recommendation 9 and it was approved unanimously.

Recommendation 10

Write a letter to be sent to the members of the Subcommittees on Education for the House Appropriations and Senate Finance Committees requesting that Virginia's at-risk add-on funds which are appropriated to offset the higher cost of educating economically disadvantaged students, be preserved.

No motion was received and Recommendation 10 was not approved.

IV. 2008 State Activities

Ms. Atkinson

Due to time constraints, Ms. Atkinson presented an abbreviated review of the 2008 State Activities.

V. Adjourn

The meeting adjourned at 11:33 a.m.

Public comments submitted to the Commission on or before December 25, 2008, were included in the decision matrix.