



Virginia Commission on Youth 2008 Legislative Studies

Recommendations in blue have a fiscal impact or may create a resource issue.

Those in red were adopted at the 12/03/08 meeting.

Revised 12/29/08

STUDY OF ALTERNATIVE EDUCATION OPTIONS – YEAR 3

Findings/Conclusions	Recommendations
<u>Gaps in Alternative Education Services</u> There are gaps in alternative education services in Virginia, such as lack of placements for middle school students and credit recovery for overage middle and high school students. Non-college-bound youth and other students who have not done well in traditional public schools may have few options available to them. These students need quality education programs to address their needs and help them acquire life and career skills. Alternative educational options can help students remain in and be successful in high school. Existing alternative education programs do not have the capacity to keep students permanently, even if students are succeeding. In 2007-2008, 26 of the 30 regional alternative education programs indicated that they would have placements for all slots assigned to each division in each regional program. A request by school divisions to the Department of Education was made for an additional 413 slots. According to a survey conducted by the Commission in 2006, over 50% of all responding programs, both local and regional, indicated their primary goal was to transition students to the regular academic setting. Only 10% were equipped to keep students in the program for remainder of their education.	<u>Recommendation 1</u> <i>Option 1:</i> 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. (Adopted by Commission) <i>Option 2:</i> 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. (Not Adopted) <i>Option 3:</i> 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.) (Not Adopted)

Findings/Conclusions	Recommendations
<u>Effective Disciplinary Programs in Virginia</u> Training school staff and educators in evidence-based intervention programs can potentially reduce suspensions and expulsions. A school wide system of effective discipline consists of proactive strategies that focus on teaching and rewarding student behavior, which in turn contributes to improved academic performance and social behavior. Such disciplinary programs can reduce the number of discipline referrals, increase instructional time, increase achievement scores and achievement standards. These effective disciplinary policies and practices support greater student responsibility and accountability, help students develop more effective problem solving skills and greater personal efficacy, and help alienated and resistant students increase positive attachment to school and learning. Virginia's Standards of Accreditation (8 VAC 20-131-210.A and B) states that the principal "is recognized as the instructional leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources. Section B.2 specifies that the principal shall "ensure that the school division's student code of conduct is enforced and seek to maintain a safe and secure school environment. Section 22.1-279.9 of the <i>Code of Virginia</i> requires school boards, in cooperation with the local law enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community-at-large, to develop programs to prevent violence and crime on school property and at school-sponsored events.	<u>Recommendation 2</u> 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 schools exhibiting suspension and expulsion rates above the state average implement evidence-based intervention programs designed to improve suspension and expulsion rates. (Adopted by Commission)

Findings/Conclusions	Recommendations
<u>Lack of Clarity about Alternative Education</u> There is no consistent and established definition of what an alternative program/school is and what components must be present. Currently, there is great diversity among the local alternative education programs in program components, such as program hours and the ability to earn verified credits. The term "alternative education" covers all educational activities that fall outside the traditional K-12 school system, including vocational programs, special programs for gifted children and programs for the handicapped. A broad definition of alternative education programs that describes the full array of alternatives may be an important element in encouraging the development of the most effective programs. A unified definition of alternative education could also be helpful for both funding opportunities and evaluation purposes. The Advisory Group agreed that nontraditional education was a more accurate description of the options currently available in the Commonwealth. Henrico County currently categorizes its programs in this manner. The Virginia Alternative Education Association has researched alternative education definitions. The following language is their recommendation: <i>Alternative Education is any non-traditional educational program and/or service that meets the academic, social and emotional needs of the students. They may include but are not limited to:</i> • <i>ISAEF (Individual Student Alternative Education Plan program for 16 & 17 year olds);</i> • <i>GED;</i> • <i>Detention;</i> • <i>Pregnant and parenting;</i> • <i>Academic enhancement;</i> • <i>Behavior intervention;</i> • <i>Substance abuse;</i> • <i>Career development/internship/apprenticeship;</i> • <i>Transition to and from other schools/programs; and</i> <i>Formal or informal education or training that occurs inside or outside the traditional school setting.</i>	<u>Recommendation 3</u> Introduce legislation to include a definition of alternative education programs in the <i>Code of Virginia</i> 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. (Adopted by Commission)

Findings/Conclusions	Recommendations
<u>No Central Point of Contact for Alternative Education</u> In Virginia, there is no central point of contact for information about alternative education programs. Local school divisions' alternative education programs are very diverse and are not monitored by the Department. Alternative education programs are on the continuum of educational services/dropout prevention. Improving coordination of alternative education programs would allow for improved utilization and transition of students from alternative to traditional educational settings. A central point of contact could monitor and advise on policies and procedures as they impact alternative education programs, help disseminate research on alternative education practices; conduct training on alternative education for school divisions, review and assist with the publication of literature and data regarding alternative education; educate the public about alternative education; and develop start-up processes for new alternative programs.	<u>Recommendation 4</u> 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. (Adopted by Commission)
<u>The Lack Of Guidance/Standards for Local Alternative Education Schools/Programs</u> In Virginia, there are approximately 160 local alternative education programs and all are very diverse. Alternative education programs are a crucial element of states' public education systems because they provide an option to educate students for whom traditional education systems are responsible but may be ineffective. Typically, students enrolled in alternative education programs are older and face a range of issues that may have contributed to their exit from traditional school systems. These students may require stronger program components to help them catch up and to be successful. It is important that these students also have the opportunity to earn a diploma, meet high academic standards and prepare for postsecondary options. Twenty percent of local alternative education programs do not allow students to earn verified credits. Per pupil program costs ranged from \$100 to \$22,702, with median cost being \$6,000. Half of all local programs were entirely locally funded. Twenty-five percent of local alternative education programs operate fewer than 20 hours per week. Local alternative education programs determine their own program design to meet the needs of their school division. It is important that alternative	<u>Recommendation 5</u> 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. (Adopted by Commission)

Findings/Conclusions	Recommendations
education programs have the flexibility to design their programs to respond to higher standards in ways that are not contrary to their mission. Model guidelines may be helpful to offer consistency in programs, such as the guidelines set out for the regional alternative education options. Guidelines could address instruction, teacher/student ratio, assessment and parent/community involvement.	
<u>Tracking Students After They Attend Alternative Education</u> Frequently, it is unknown what happens to students after they are referred to alternative education, in particular if these students attend a local alternative education program. Students could successfully transition to their home school, remain in the alternative program, drop out or leave the program but later return or acquire a GED. Student identifiers developed by the Department of Education could be used to ascertain the alternative education placement as well as the educational outcome. This could help localities track at-risk students and determine whether they are reenrolling into school or dropping out. This tracking could also show which alternative education programs are successful in transitioning students back to their home schools or helping them secure a diploma or a GED.	<u>Recommendation 6</u> 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. (Adopted by Commission)
<u>Career and Technical Education</u> The Board of Education recognized the connection between students' connectedness to school and school safety in its Comprehensive Plan. The Board is encouraging school divisions to "find innovative ways to keep students with behavioral challenges in school."¹ This is important because at-risk and/or disconnected students have been unsuccessful in their original high school environment. Educational options that respond to students' diverse needs and circumstances can increase graduation rates by keeping students connected to school. Career and technical educational options can help students remain in and be successful in high school. High-risk students are 8 to 10 times less likely to drop out in the 11th and 12th grades if they enroll in a career and technical program instead of a general program. A quality career and technical program can reduce a school's dropout rate by as much as 6%. Career and technical students are less likely than general-track students to fail a course or to be absent.	<u>Recommendation 7</u> 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. <i>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.</i> (Incorporated into Truancy and Dropout Prevention Recommendation 7)

¹ Board of Education, *Comprehensive Plan: 2007-2012*, Adopted September 26, 2007, Objective 8, Strategy 3.

STUDY OF TRUANCY AND DROPOUT PREVENTION – YEAR 1

Findings/Conclusions	Recommendations
Disciplinary Laws Allow Students to be “On the Street” When Suspended or Expelled Suspension is frequently utilized for students with attendance problems. As reported in the Virginia Department of Education’s Annual Report on Discipline, Crime and Violence, in 2006-07 there were 18,530 instances of attendance suspensions of Virginia students. That constitutes over 8% of short-term suspensions and is the fourth most frequently reported offense resulting in a short-term suspension. Since it is known that time out of school increases the likelihood of future misbehavior and eventually dropping out, it is particularly important to keep those students exhibiting attendance problems in school.	<u>Recommendation 1</u> Option 1: Request the Virginia Department of Education to offer guidance in the <i>Student Conduct Policy Guidelines</i> 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.) (Adopted by Commission) Option 2: Amend the <i>Code of Virginia</i> to prohibit the use of suspension or expulsion in all instances of tardiness or attendance. (Not Adopted) Option 3: Amend the <i>Code of Virginia</i> to prohibit the use of suspension in all instances of tardiness or attendance. (Adopted by Commission) 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. (Not Adopted)
Judicial Involvement is Inconsistent Among Localities Disagreement exists whether truancy belongs in the courts. In some jurisdictions, there is close involvement with the courts – Judges exhaust every remedy and frequently include school attendance in the Court Order. In other jurisdictions, schools are discouraged from filing petitions for attendance issues. Docket space was identified as a problem by participants of the site visits, as well members of the Advisory Group. Accordingly, not all truant students are actually referred to the court for truancy. There may be attempts to “piggyback” on other charges.	<u>Recommendation 2</u> 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. (Adopted by Commission) 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 exception. (Adopted by Commission)

Findings/Conclusions	Recommendations
Punitive Measures May be Imposed Prior to Referral of Services When proceedings are instituted against a parent pursuant to § 22.1-258 of the <i>Code of Virginia</i>, the parent may be found guilty of a Class 2 or Class 3 misdemeanor (§ 22.1-263 of the Code). While some judges may order the parent or family to receive services (counseling, substance abuse treatment) or to the Department of Social Services, others may not prior to imposition of jail or fines. Service referral is frequently appropriate because truancy is usually a symptom of other serious problems.	<u>Recommendation 3</u> 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. (Carried over to the second year of the study)
Confusion Surrounding Information-Sharing Between Courts and Law enforcement Existing statutes addressing law enforcement’s ability to access a juvenile’s information are unclear. There is a lack of information sharing between court services units (CSU) and law enforcement about status of a juvenile. It is also unclear whether CSU may share information with law enforcement without a court order. Currently, law enforcement is not included in the <i>Code of Virginia</i> as a party having legitimate interest to supervision records maintained by a CSU.	<u>Recommendation 4</u> Option 1: Request the Commission on Youth to develop a “carve out” in § 16.1-309.1 of the <i>Code of Virginia</i> 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 <i>Code of Virginia</i>, 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 <i>Code of Virginia</i> 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 <i>Code of Virginia</i>. Option 3: Request the Commission on Youth to develop a “carve out” in § 16.1-309.1 of the <i>Code of Virginia</i> 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 <i>Code of Virginia</i>. 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. (Adopted by Commission) The Commission carried Option 1, 2, and 3 over into the second year of the study and the Chairman will write a letter to the State Crime Commission requesting they assist the Commission on Youth in the review of these issues.

Findings/Conclusions	Recommendations
Insufficient Educational Options for Youth Not Succeeding in Traditional School Setting A common reason students leave school is disengagement. Many students lose interest and motivation because the curriculum does not appear to have a real-world application. Different education strategies that connect school and the real world would help bridge this gap. In order to reduce the dropout rate, apathetic and disengaged students must be re-connected to education.	<u>Recommendation 5</u> 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. (Not Adopted)
Career and Technical Education an Overlooked Component in Dropout Prevention Students frequently do not understand the link between education and career development. Career and technical educational options can help students remain in and be successful in high school. High-risk students are 8 to 10 times less likely to dropout in the 11th and 12th grades if they enroll in career and technical programs instead of a general education program.² A quality career and technical program can reduce a school's dropout rate by as much as 6%.³	<u>Recommendation 6</u> 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.* (Adopted by Commission) <i>*Note – This recommendation was originally denoted in blue because it has a fiscal impact. It was adopted with the understanding that such a study will be undertaken if funding/resources were available. Staff will prepare a study plan to present to the Commission at the Spring 2009 meeting.</i>
Unintended Consequences of School Division's Attendance Policies School divisions' truancy policies may create unintended consequences. Passing a class is typically tied to attendance. Attendance policies may dictate that a student can pass a class only if they do not exceed a certain number of unexcused absences. The grade earned would have no impact, so a student who exceeds the limit has no hope of catching up or passing. For example, if the student had six or more unexcused absences in the first grading period, they may have already failed the class, regardless what happens during the	<u>Recommendation 7</u> 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. (Adopted by Commission) Option 2: Request the Virginia Board of Education to issue guidance regarding § 22.1- 253.13:4 of the <i>Code of Virginia</i> which allows schools to establish procedures to facilitate the acceleration of students without

² Association for Career and Technical Education. (2007). *Career and Technical Education's Role in Dropout Prevention*.

³ Ibid.

Findings/Conclusions	Recommendations
remainder of the school year. If there is no hope for passing the class, the student may stop attending school altogether. In Virginia, the only data currently collected by school divisions is the number of conferences held with parents after the sixth absence. If no data is available, the question is when does a child actually become a truant?	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. (Not Adopted) 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. (Carried Over to Year 2)
Shortage of School-based Prevention Programs There is a shortage of school-based prevention programs which address violence prevention, anger management, conflict resolution and other behavioral health needs. Students with these needs are most at-risk for dropping out of school. While schools employ school counselors to help provide these services, their job duties have become more administrative in nature. School counselors' primary role, according to the Virginia Standards for School Counseling, is the delivery of services to meet the behavioral, personal/social, career and academic needs of their students. A comprehensive, school-based system which offers prevention, identification and intervention services to help improve school performance and healthy development is an effective dropout strategy.	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. (Not Adopted) 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. (Not Adopted) 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. (Not Adopted)
Understanding of Family Challenges A recurring issue associated with school dropout is family involvement. Families' participation in their child's education is viewed as one of the most important factors that influences the success or failure of the child in the classroom. Other family factors may also impact a student's decision to dropout. Students may have to work to help support their family, have young children of their own to support or must care for a family member. Understanding of these variables is needed in order to develop effective dropout prevention strategies.	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. (Adopted by Commission)
Achievement Gap for Students Identified "At-Risk" There is an achievement gap, as reflected in the on-time graduation rate, for students who are identified as disadvantaged. In 2008, only 69.8% of disadvantaged students graduated on-time with a Board of Education-approved diploma.* The state average for all students is 81.3 %.	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. (Not Adopted)