

**Virginia Commission on Youth
2006 Legislative Studies and Initiatives
Study of the Establishment of an Office of Children's Services Ombudsman**

Findings/Conclusions	Recommendations
<u>JLARC Study on Child Protective Services</u> In December 2003, the Joint Legislative Audit and Review Commission (JLARC) directed staff to conduct a two-year study of the child protective services (CPS) program in Virginia. JLARC reported its findings and recommendations to the Governor and General Assembly in 2005 (Review of Child Protective Services in Virginia, <i>House Document 21</i>, 2005). JLARC reported that one of the concerns raised by some CPS supervisors is that caseloads of their workers are too high, which makes it difficult for them to fulfill their statutory responsibilities. JLARC recommended that DSS should conduct a comprehensive analysis of the extent to which child protective service units may not have adequate staff to effectively manage their caseload. JLARC also reported that some localities around the state have implemented innovative practices and programs to administer protective services more effectively to children and families. In studying the establishment of an Office of Children's Services Ombudsman, several local departments of social services reported their concern about the high level of caseloads and the need for increased funding for direct service programs to children and their families. These service programs may assist local departments of social services in administering child welfare services more effectively to children and their families. These programs include Structured Decision-Making, Concurrent Planning, Training for Foster and Adoptive Parents and the Kinship Care Federal Waiver.	<u>RECOMMENDATION 1</u> Request that the Virginia Department of Social Services report its findings from the workload study of Structured Decision-Making conducted by the Children's Research Center to the Commission on Youth prior to the 2008 General Assembly Session. The study will determine whether local departments of social services need additional resources to implement Structured Decision-Making. <u>RECOMMENDATION 2</u> Request that the Virginia Department of Social Services report its findings from various innovative practices and programs, including Concurrent Planning, Training for Foster and Adoptive Parents, and the Kinship Care Federal Waiver, that some local departments of social services have implemented to more effectively administer child welfare services to the Commission on Youth prior to the 2008 General Assembly Session.

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<u>Continuation of the Current Study of the Establishment of an Office of Children's Services Ombudsman</u> After in-depth study and analysis of the establishment of an Office of Children's Services Ombudsman, the Advisory Group recommends that the Commission on Youth continue to the current study. The Advisory Group suggests that the Commission convene a small group of stakeholders (including Guardians ad Litem, parents, youth, foster care youth councils, Court Appointed Special Advocates, advocates within the system and those who speak for children within Child Protective Services). This group would identify gaps within the current children's services system, determine the services that the Office of Children's Services Ombudsman would provide and narrow the scope and population of children that the Office of Children's Services Ombudsman would serve. The Advisory Group also suggested that the Commission invite children's services ombudsman offices from other states, particularly from states that have locally administered social service systems, to speak to the Advisory Group.	Option 1 - Continue to study the establishment of an Office of Children's Services Ombudsman. Findings and recommendations from this study shall be made to the Commission on Youth prior to the 2008 General Assembly Session.

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<u>Conduct a Study on the Current Children's Services System in Virginia</u> The Commission on Youth would establish an Advisory Group of child-serving agencies to identify the most appropriate and efficient mechanisms needed to strengthen the current system within the current funding structure. The Advisory Group would identify and quantify problems within the current system, and review studies and reports on child-serving agencies in the executive branch. Additional duties of this study would include the review and analysis of statutory requirements (federal, state, local and agency) on child-serving agencies in the executive branch and study of the current processes in relation to these statutory requirements. An analysis of the current system would be conducted to identify systemic gaps. <u>Establish an Office of Children's Services Ombudsman</u> In establishing an Office of Children's Services Ombudsman, important decisions would have to be made. These decision would require the Commission to: ➤ Determine which child-serving agencies would fall under the Office; ➤ Determine whether private entities would be included, along with public entities; ➤ Determine the administrative authority of the Office (i.e. conduct investigations, serve as a resource, make system improvements recommendations, advocate, conduct inspections, make external reports, have legal authority, have subpoena authority, have a screening/triage mechanism); ➤ Carefully define the administrative authority of the Office; ➤ Determine the placement and structure of the Office (i.e. executive, legislative, independent, judicial; one central ombudsman office, regional offices, one central with regional offices); and ➤ Determine and identify the funding structure of the Office (i.e. government funding, grants, foundations).	Option 2 - Create an Advisory Group of child-serving agencies to study ways to strengthen the current children's services system within the current funding structure. This advisory group would make recommendations prior to the 2008 General Assembly Session on ways to improve the current system. Option 3 - Establish an Office of Children's Services Ombudsman. Legislation would be introduced during the 2007 General Assembly Session.

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<u>Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services</u> The Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services provides inspections of and makes policy and operational recommendations for state facilities and for providers in order to prevent problems, abuses and deficiencies in and improve the effectiveness of their programs and services. The Office also provides oversight and conducts announced and unannounced inspections of state facilities and of providers, including licensed mental health treatment units in state correctional facilities, on an ongoing basis in response to specific complaints of abuse, neglect or inadequate care and as a result of monitoring serious incident reports and reports of abuse, neglect or inadequate care or other information received. Currently, the Office's primary focus is on the adult system. The Commission would determine the most appropriate option in consultation with the Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Staff would report to the Commission prior to the 2008 General Assembly Session.	Option 4 A - Establish an Office of Children's Services Ombudsman that is similar to the Virginia Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. - OR - B - Create an Office of Children's Services Ombudsman within the Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services.

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<u>Support Funding for Current Children's Ombudsman</u> The 2002 General Assembly (House Bill 9) established an ombudsman program within the Virginia Office of Protection and Advocacy (VOPA). This program was to become effective July 1, 2004; however, funding has not been allocated for this program. VOPA is not a part of the executive branch and does not develop a Service Area Plan for youth with disabilities. However, VOPA estimates that it could serve disabled youth in this capacity in the following manner: ▪ 100 requests for ombudsman services will be processed. ▪ 1 publication describing VOPA's ombudsman services will be developed. ▪ 1 mass mailing to parent and advocacy groups. ▪ 25 children with disabilities will have issues with disability related services providers addressed. ▪ 25 children with disabilities will receive mediation services. ▪ 50 parents, family/caregivers and advocates will receive information about disability rights. During the 2006 General Assembly Session, VOPA proposed the following fiscal impact for the ombudsman program: FY 2007: \$131,740 FY 2008: \$130,224 In order to provide such ombudsman services to disabled youth, a budget amendment would need to be introduced.	Option 5 - Support the Virginia Office of Protection and Advocacy's funding proposal for the ombudsman services for persons with disabilities. Option 6 - Defer decision(s) until the next Commission on Youth meeting. Option 7 - Take no action.

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Study of Alternative Education Options

Findings/Conclusions	Recommendations
<u>Lack of Data on Local Alternative Education Programs</u> Virginia's Regional Alternative Education programs were established to provide options for students who no longer have access to traditional school programs because they were suspended or expelled. There are 114 school divisions participating in these 29 regional programs. These regional programs are required to report data to the Department of Education. However, there is a lack of data on local alternative education programs/practices. <u>Best Practices in Alternative Education Programming</u> There is no available information on the programs/practices that effectively serve youth who have been suspended or expelled. There is a need for more awareness of best practices utilized in alternative education programs. Moreover, local school divisions are frequently unaware of available programs that exist in the Commonwealth. Such information could guide local school divisions in building programs and meeting service needs. <u>Regional Alternative Education Programs</u> Regional Alternative Education programs are working and efficiently leveraging funds to serve youth across the Commonwealth. However, some localities do not participate in these programs. Furthermore, some programs indicate that they have waiting lists and that the division has unmet needs for students requiring alternative education placements.	<u>RECOMMENDATION 1 (NO FORMAL COMMISSION APPROVAL REQUIRED)</u> The Commission on Youth will survey school divisions to receive a complete picture of locally created alternative education programs and ascertain whether there are unmet service needs. The results of the survey shall be communicated to the Virginia Commission on Youth. <u>RECOMMENDATION 2</u> The Commission on Youth will compile a best practices guide for alternative education programs/practices. The guide will include a listing of all existing alternative education programs across the Commonwealth, including local programs. This compilation will commence once survey data is analyzed and shall be conducted in cooperation with the Department of Education. The Commission shall complete the guide prior to the 2008 General Assembly Session. <u>RECOMMENDATION 3</u> Request the Department of Education, in conjunction with the Commission on Youth, to investigate ways to increase funding for a second tier of regional alternative education programs. Such an investigation will be based on an analysis of survey results. Any proposal for a second tier of funding shall not dilute the funding already distributed to existing regional programs. The findings from this investigation shall be reported to the Commission on Youth prior to the 2008 General Assembly.

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<u>Federal Safe and Drug Free School Grants</u> There is a shortage of school-based prevention programs that address issues such as violence prevention, anger management, conflict resolution, and other behavioral health needs. These programs reduce suspensions and expulsions by offering valuable prevention services for youth who may be considered "at-risk". These programs have been negatively impacted by the reductions to the federal Safe and Drug-Free School grants. In 2006, the level of funding has decreased 21% and it is anticipated that there will be an additional 11% reduction in 2007. <u>Need for Further Analysis</u> Pertinent issues to this study were identified and evaluated by the Advisory Group. However, ancillary issues, both systemic and economic, were also identified during the course of this study. Further evaluation needs to be conducted to ascertain whether these issues can be addressed.	<u>RECOMMENDATION 4</u> The Commission on Youth, in conjunction with various child-serving agencies, including the Department of Education, Department of Criminal Justice Services, Department of Juvenile Justice, Department of Health, and Department of Social Services, will investigate ways to fund prevention programs to supplant funding lost in recent years from the decreases in the federal Safe and Drug-Free School grants. The findings from this investigation will be reported to the Commission on Youth prior to the 2008 General Assembly. <u>RECOMMENDATION 5</u> The Commission on Youth will continue to study alternative education program options and report findings to the Commission on Youth prior to the 2008 General Assembly Session.