

Study of Truancy and School Dropout Prevention Advisory Group Meeting

General Assembly Building
Speaker's Conference Room – 6th Floor
October 14, 2008
1:00 p.m.

AGENDA

Attending:

Delegates William Fralin (electronic participating) and Robert Brink, Kitty Boitnott, William Bosher, Cynthia Cave, Katherine Farmer, Sarah Geddes, Tracey Jenkins, Melissa Nehrbass, Tom Shortt, Jean Bankos for Kendall Tyree and Suzanne Whitehead

Monitored:

Asia Jones, Michele Dowdy, Otis Dowdy, Ingrid Grant, Marie Sobers and Robert Ransome

Absent:

Delegate Frank Hall, Judge Joseph P. Bounds, Alfred Butler, Heidi Davis, Suzanne Devlin, Mark Embridge, Patrick Lacy, Bet Neale, Keith Lisenbee, Anthony Roper, Robert Tally, Rob Jones and Jan McKee

Staff Attending:

Amy M. Atkinson, Leah Hamaker and Cordell Hairston

I. Welcome and Introductions

The Honorable William H. Fralin, Jr., Chair

Amy M. Atkinson, Executive Director

Ms. Atkinson gave an overview of the Truancy and School Dropout Prevention Subcommittees and later reviewed agenda items.

II. Class of 2008 On-Time Graduation Rate Results

*Anne Wescott, Assistant Superintendent for Policy and Communications
Virginia Department of Education*

Mr. Pyle gave a presentation on the Virginia Department of Education's (VDOE) 2008 On-Time Graduation Rate Results. One Advisory Group member asked how VDOE identifies students, such as students who are Hispanic. Mr. Pyle stated that students self-identify themselves, but he was not sure how "non-Hispanic" students are identified. Another Advisory Group member asked what qualifies disadvantaged students. Mr. Pyle stated that VDOE uses free or reduced lunch status as a way to report disadvantaged students. In addition, VDOE will conduct a report on five-year cohort data. Delegate Brink asked whether there were any other states conducting the same type of study of On-Time Graduation Rate Results. Mr. Pyle stated that Virginia is the 16th state to conduct this kind of study, but he stressed that methodology will vary from state-to-state.

III. 2008 Study Findings and Recommendations

Truancy Subcommittee Recommendations

I. Finding – Disciplinary laws allow youth to be “on the streets” when suspended or expelled.

Recommendations

- A. Encourage schools to utilize suspension or expulsion only for the most dire disciplinary infractions.
- B. Request the Virginia Department of Education to offer guidance in the *Model Code of Student Conduct* to school divisions regarding imposition of suspensions or expulsions on students for instances of tardiness or attendance. (This recommendation was received from the Alternative Education Advisory Group.)
- C. Amend the *Code of Virginia* to prohibit the use of suspension or expulsion in all instances of tardiness or attendance.
- D. Develop a grant allowing school divisions to develop partnerships with nonprofits to establish day-reporting programs for youth with attendance problems, at-risk students or students who have been suspended or expelled. (e.g. Hampton’s Performance Learning Center)

The Advisory Group did not support Recommendation A. The Advisory Group requested the Commission to work with Ms. Geddes to reword language in Recommendation B. The Advisory Group supported Recommendation C. The Advisory Group requested the Commission to work with Ms. Jones and the Virginia Department of Education to redraft language in Recommendation D.

II. Finding – Judicial involvement is inconsistent among localities. Section 22.1-258 of the *Code of Virginia* outlines the enforcement of attendance laws through the filing of a child in need of supervision (CHINSup) petition or pursuing proceedings against parents. However, these provisions are not uniformly applied across school divisions.

Recommendations

- A. Request the Chief Justice of the Supreme Court of Virginia to assist the Commission on Youth by reviewing the appropriate role of juvenile and domestic relations court judges as well as the consistency of court practices in truancy cases. This would take place in the second year of the study.
- B. Request the Education Subcommittee of the Virginia Judicial Conference of District Court Judges to assist the Commission on Youth in reviewing the appropriate role of juvenile and domestic relations court judges in truancy cases. This would take place in the second year of the study.

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 suggested finding an alternative way to include the court system in truancy related cases.

III. Finding – When proceedings are instituted against a parent pursuant to § 22.1-258 of the *Code of Virginia*, 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.

Recommendation

- A. Introduce legislation to amend § 22.1-262 of the *Code of Virginia* to specify that judges may order services for the family based on the family's needs in truancy cases prior to initiating other remedies.

The Advisory Group expressed concern with the wording of *Code of Virginia Section § 22.1-262* in relation to Recommendation A. As a result, the Advisory Group would like the Commission to draft a letter for Delegate Fralin requesting the Supreme Court's assistance for Recommendation A.

IV. Finding – There is confusion surrounding information-sharing which prevents law enforcement from adequately tracking students who are truant. Existing statutes addressing information sharing between court service units and law enforcement are unclear about law enforcement's ability to access records.

Recommendations

- A. Introduce legislation to amend §16.1-305 of the *Code of Virginia* to include law enforcement, located in the same jurisdiction as the court services unit, as a party having legitimate interest to supervision records maintained by the court services unit without a court order.
- B. Request that impacted state agencies, including the Virginia Department of Education, the Department of Criminal Justice Services, the Commonwealth Attorneys' Services Council, the Indigent Defense Council, the Department of Juvenile Justice and the Department of Mental Health, Mental Retardation and Substance Abuse Services create training/online training modules to help clarify confidentiality provisions which exist among schools, court service units and law enforcement.

The Advisory Group voiced concern about using language from the *Code of Virginia Section §16.1-305* relating to federal privacy laws. The Advisory Group requested the Commission to work with the Virginia Department of Juvenile Justice and the Attorney General's Office to work on language for Recommendation A and B. In addition, Ms. Atkinson stated the Commission staff will monitor the Crime Commission's work on federal privacy laws.

Dropout Prevention Subcommittee Recommendations

I. Finding – There are insufficient meaningful education options for “underachievers” or youth not succeeding in traditional school settings. Many of these students may also be overage for their grade.

Recommendations

- A. Request that the Virginia Board of Education develop guidelines to encourage the creation of overage academies. (This recommendation was received from the Alternative Education Advisory Group.)
- B. Request all school divisions with a cohort completion rate below 80 percent establish overage academies. The Virginia Department of Education will provide technical assistance to local school divisions in the formation of these academies.

- C. 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 children, particularly students who attend low-performing schools.

The Advisory Group supports Recommendation A and would like the Commission to work with the Virginia Department of Education (VDOE). The Advisory Group did not support Recommendation B. The Advisory Group supports Recommendation C.

- II. Finding – Workforce development is a crucial but frequently overlooked component in the educational spectrum. Students may not understand the link between education and career development. Disengaged youth may become “re-engaged” in school if they understand how education impacts their career options. Adequately connecting school and work may help more youth remain in school.**

Recommendation

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 introduce career and technical options. Potential linkages with the Tobacco Commission, the Community College system and the Virginia Workforce Council for workforce training will also be explored, as will the current *Jobs for Virginia Graduates* program.

The Advisory Group requested the Recommendation to be moved to the second year of study and to search for additional grant options.

- III. Finding – School divisions’ truancy policies may create unintended consequences. For example, if the student had six or more unexcused absences in the first grading period, they may be more likely not to return to school if the number of unexcused absences is tied to passing the class. If there is no hope for passing the class, the student may stop attending school altogether.**

Recommendations

- A. 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.
- B. 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.
- C. 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 Advisory Group supports Recommendations A, B and C.

- IV. Finding – 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.

Recommendations

- A. Request a budget amendment to fund school-based evidence-based prevention programs.
- B. Request a budget amendment to supplement Virginia's at-risk add-on funding for school-based prevention programs. At-risk add-on currently funds programs such as dropout prevention, reading recovery, Standards of Learning (SOL) remediation and class size reduction.

Advisory Group members expressed concerns that a budget amendment could become problematic and suggested rewording language in both Recommendations A and B.

V. Finding – Many variables have an impact on a student's success in school. It is important to understand what factors influence a student's decision to drop out, as well as the parents' perspective, in order to construct meaningful solutions.

Recommendation

- A. 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.

An Advisory Group member recommended that funds for school-based prevention programs should be preserved for gaps in disadvantaged students. The Advisory Group requested that Recommendation A be sent to the Commission.

IV. Discussion

Advisory Group

V. Adjourn

The meeting adjourned at 3:36 p.m.

This is an electronic meeting "attended" by Delegate William H. Fralin, Jr., at the following remote location: Roanoke, Virginia 24018. (Phone 540-989-3618)