

MINUTES FORM: COMMISSION TO STUDY RESIDENTIAL PLACEMENT OF CHILDREN

GROUP MEETING: Commission to Study
Residential Placement of Children

MEETING DATE: December 6, 2007

Members Present: **Martha Yeager Walker**, Secretary/Chair; **Jack Alsop**, Circuit Court Judge, Webster Co.; **John Bianconi**, Bureau for Behavioral Health & Health Facilities; **Lynn Boyer**, WV Department of Education; **Pam Cain**, WV Department of Education; **Nikki Tennis**, WV Supreme Court of Appeals (representing **Steve Canterbury**); **Jane Charnock-Smallridge**, Family Court Judge, 11th District; **John A. Hutchison**, Circuit Court Judge, Raleigh Co.; **Gary Johnson**, Circuit Court Judge, Nicholas Co.; **Matt Kittle**, WV Department of Education; **Jason Najmulski**, Bureau for Children and Families; **O.C. Spaulding**, Circuit Court Judge, Putnam Co.; and

Members Absent: **Andrea Darr**, WV Prosecuting Attorneys Institute; **Mike Lacy**, WV Supreme Court of Appeals; **Marsha Morris**, Bureau for Medical Services; **Phillip Morrison**, WV Prosecuting Attorneys Institute; **Dale Humphreys**, Division of Juvenile Services; and **Steven L. Paine**, WV Department of Education.

Staff/Guests: **Carl Hadsell**, WVU Center for Entrepreneurial Studies & Development; **Sue Hage**, Bureau for Children and Families; **Jeanette Rowsey**, WV System of Care; **Linda Dalyai**, Bureau for Children and Families; **Laurel Haught**, Region II Family Resource Network; **Susan Fry**, Stepping Stones; **Frank Andrews**, WV Department of Education; and **Jerry Roueche**, Department of Health and Human Resources, Secretary's Office.

KEY POINTS DISCUSSED

Welcome Introductions

Steve Canterbury introduced Nikki Tennis who will be standing in for him when he is unable to attend due to other duties.

Secretary Walker thanked everyone for their continued support on a voluntary basis. This continued support is beneficial to the Commission because they have been/are able to see and guide the activities of their Recommendations.

Approval of Minutes

Minutes: Minutes were approve without changes

UPDATES:

Commission Website

The Commissions website is available for public viewing. The website includes: Approved minutes from previous meetings; reports and related documents; members names and their positions/agency; Status Action Report; etc.

Shortly after the website opened for public view, an inquiry came in New York. This individual was interested in the work of the Commission because New York recently began looking at out-of-state placements. Linda Dalyai put together a packet of reports for her review and extended an offer of support.

Suggestions or questions about the website can be sent to Linda Dalyai at lindadalyai@wvdhhr.org or fill out "inquiry" on Website.

Will keep you informed about

Live viewing of the website was requested for the next meeting.

McKinney Vento

McKinney-Vento is a primary piece of federal legislation dealing with the education of children and youth experiencing homelessness in U.S. public schools. It was reauthorized as Title X, Part C, of the No Child Left Behind Act in January 2002.

McKinney-Vento Funds are broken down into administrative costs and monies granted to counties that receives Title I Part A funds. 100% of available FY 2008 funds were distributed among the 14 counties

that applied for funds. The amount given through McKinney-Vento (approximately \$300,000) represents a fraction of what it costs to educate a child in West Virginia. All county school systems are required to comply with the McKinney-Vento Act, regardless if they receive McKinney-Vento funds or not.

At the county level, the Attendance Liaison also serves as the Homeless Liaison or the county appoints a Homeless Liaison. The Statewide Coordinator of Homeless Education, Patricia Lucas, will provide support to the Homeless Liaison.

Standards / Expectations and Monitoring

Monitoring is provided under the Board of Education. The Homeless Liaison provides the information requested. Before the information is reported, each county is provided the information reported. Once the information is reviewed, the Homeless Liaison signs off. When a county is found to be out of compliance, an Improvement Plan is required.

The Local Educational Agency (LEA) provides "public notice of rights" under McKinney-Vento. These notices are provided through the media and other avenues of community awareness (e.g. Family Resource Networks). In addition, a brochure on the rights under McKinney-Vento is provided during enrollment. The WVDE would like to consolidate the reporting for various federal grants including No Child Left Behind under one consolidated procedure and form.

Even with public notice, it is difficult to identify some students that are homeless due to the stigma and the parent's fear of the child being removed from their care. For some of these children, the parents pull them out of school and "home-school" them. The WVDE is preparing a "position" paper/document that shows data on home school in WV and the rules that apply to this population. They will include general observations, concerns, and issues to set the context and impact of home school on topics regarding the Commission's work. This information will be provided at the next Commission meeting.

The Out-of-Home Care Education Task Force is defining "awaiting placement" for West Virginia which will include many children in foster care under the McKinney-Vento Act. The Secretary would like this definition provided at the next Commission meeting

The Out-of-Home Care Education Task Force is also looking at the number of these children by county and age (grade) to determine the fiscal implications. Currently, they have found that there is a drop in homelessness by High School students. They believe that this might be due to the youth finding alternative arrangement for housing on their own (e.g. living with a boyfriend, friend, other family member).

WVDE is planning to provide training workshops on the McKinney-Vento. Secretary Walker would also like DHHR staff to be provided this training.

For more information, please refer to the green packet of information provided.

Packets for New Judges

Letter is in the final stages for approval. The information being provided includes the following documents:

- *Reduction of Dependence on Out-of-State Placement of Youth.* West Virginia Department of Health and Human Resources (July 2004) an undertaking earlier requested by the Legislature.
- *Reaching Every Child: Addressing Educational Attainment of Out-of-Home Care Children in West Virginia.* West Virginia Department of Education (July 2005).
- *Advancing New Outcomes: Finding, Recommendations & Initial Actions of the West Virginia Commission to Study Residential Placements of Children* (May 2006).

- *Comprehensive Clinical Review of Youth in Out-Of-State Placement. Commission to Study Residential Placement of Children. (June 2006).*
- *West Virginia System of Care Annual Progress Summary. West Virginia System of Care Implementation Team. (September 2007).*
- *Regional Clinical Review Process brochure. West Virginia System of Care Implementation Team. (May 15, 2007).*
- *West Virginia System of Care Community Conversations Readiness Activities, Indicators & Recommendations. West Virginia System of Care Implementation Team. (July 2006 – June 2007).*

A copy of the letter to be sent to the new Judges was requested for the next meeting.

Comprehensive Behavioral Health Commission

Commissioner, John Bianconi, provided the following information on the activities of the Comprehensive Behavioral Health Commission:

For 15 months the workgroups have been formulating the recommendations to be provided. For the last 2 months the Commission and the Advisory Board have been studying the recommendations from the 7 workgroups.

November was the original date for completion. However, more time was needed to go through the remaining recommendations. The Advisory Board plans to present the recommendations to the Commission in January '08 and have a report by February '08.

Once the report on the recommendations has been published, the implementation of these recommendations will begin.

For more information, please go to the Comprehensive Behavioral Health Commission website at: www.wvcbhc.org

Performance Benchmarks

Foster Care Placements:

Good news – Downward Trend. Members asked that the data be refined so that the out of state placements that were within 50 miles from a child's home would be considered "in-state". These statistics by Region will be on the BCF website.

Out of State Youth Statistical Report

This "point-in-time" report is a sample summary that will be provided to the Commission on a regular basis. The purpose of this initial report is to establish a base line and guide the System of Care Implementation Team in developing strategies that will serve West Virginia youth.

The following suggestions were made:

- Refine how the child came into care
- Report needs to reflect that out of state placements that were within 50 miles from a child's home would be considered "in-state".
- Add "most appropriate placement and closest to home"
- Report should reflect if out-of-state placement was due to lack of "bed" availability or lack of needed resources/service.

Discussion and an example showed that there are still issues that need to be resolved. However, once the Referral and Response Tracking web-based application is available online,

we will be able to track these reasons better. Until this time, the Regional Clinical Coordinators will pull “bed availability” from the Child Placement Network at or shortly before the meeting.

Please refer to the handout, “Out of State Youth Statistical Report” for more information.

Additional Placement Options for MI/MRDD

A contract has been awarded by the Bureau for Children and Families to three (3) providers that will provide thirty-two additional placement options for children that are MI/MRDD.

Out of Home Care Education Task Force

Matt Kittle and Pam Cain reported on the progress of the Out of Home Care Education Task Force. The OOH Care Education Task Force will be guided by the nine (9) action steps within five (5) areas. These five areas and the action steps are briefly outlined below:

- Ownership – (1) The West Virginia Department of Education’s (WVDE) to the Office of Institutional Education Programs will provide leadership to the education of out-of-home care; (2) The Coordinator of Homeless Education will support the recommendations under the Reaching Every Child and the Commission to Study the Residential Placement of Children.
- Collaboration – (3) Reinstated a key stakeholders “guidance team” to provide guidance and technical assistance to the Department in the education of children in out-of-home care. The WVDE Assistant Superintendent of Schools, Division of Student Support Services will chair the guidance group and provide oversight of implementation; (4) Frank Andrews will provide assistance in interagency collaboration to support the guidance group.
- Policy Development – (5) Define “foster children awaiting placement” to ensure the educational right of children of in out-of-home care under the McKinney-Vento Act; (6) Develop accreditation standards for education programs provided by county school districts and study the concept of a State Board of Education High School Diploma for students who are in out-of-home care and in institutional settings.
- Legislative – (7) Develop and submit a Request for Legislative Appropriation for FY-09 for staff for the WVDE to monitor out-of-state educational placements for non-disabled students.
- Administrative – (8) implement the WVDE agreement with DHHR to share data and develop reports on the academic achievement of children in out-of-home care; (9) Increase awareness of the educational rights of children in out-of-home care.

The above information was taken directly from the handout, *Action Agenda 2007-08 Education of Children in Out-of-Home Care* provided at the last Commission meeting.

The following informational handouts were provided and discussed:

- *Action Agenda 2007-08 Education of Children in Out-of-Home Care*
- *Education of Children in Out-of-Home Care Advisory Committee Agenda (November 29, 2007)*
- *Education of Out-of-Home Care Advisory Committee (contact information)*
- *WVDE Notice of Vacancy (Coordinator of Education for Homeless, Attendance and Student Placement)*
- *McKinney-Vento Update*
- *LEA – McKinney-Vento Homeless Education Program (Document to be utilized for the 2008-2011 monitoring cycle)*
- *Out of State Residential Facility Self-Assessment Review Report*
- *Procedures for NCLB (No Child Left Behind) Consolidated Monitoring*
- *FY 2009 Request for Appropriation Improvement Above Current Level*

Please refer to the handouts in the green packet of information for more information.

Judicial Feedback Survey – Local Service Needs

The Commission members were provided with a working draft of the Judicial Survey Summary Results. There were 34 respondents to the survey which represented 38 counties.

The following comments/suggestions were made:

- Outpatient Substance Abuse Counseling rated mostly adequate or high in Availability, but the quality range was mostly Adequate.
- The Commission would like to see the responses categorized by region. This will be provided at the next Commission meeting.
- The information from the Judicial Survey will be utilized when gathering information for the Statewide Service Array Assessment.
- Some of the comments need to be clarified

Future Commission Model Update

Nancy Tyler is working on the Legislation that will continue the Commission. Carl Hadsell and Sue Hage will develop the Progress Report for the Commission. The last report was in May '07.

Status Action Table

Several Recommendations were made with regards to the Status Action Table. These were:

- Ensure that the original Recommendations of the Commission have been/are being addressed.
- Include emerging issues (e.g. work of the OOH Care Education Task Force).

Next Meeting

The next meeting of the Commission will be March 6, 2008.