



Virginia
Regulatory
Town Hall

Periodic Review and
Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	Department (Board) of Juvenile Justice
VAC Chapter Number:	6 VAC 35-60
Regulation Title:	Minimum Standards for Delinquency Prevention and Youth Development Act Grant Programs
Action Title:	Amend
Date:	12 07 00

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes operating standards for Virginia's Offices on Youth. The goal of the regulation is "to promote efficiency and economy in the delivery of youth services and to provide support to localities seeking to respond positively to the growing rate of juvenile delinquency." (See Code of Virginia Sections 66-27 and 66-28.) The regulation seeks to encourage local autonomy and flexibility in addressing juvenile crime.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The general authority of the Board of Juvenile Justice to promulgate regulations is found in Code of Virginia § 66-10 (6), which gives the Board the power and duty " To promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

Specifically, as regards these Minimum Standards for Delinquency Prevention and Youth Development Act Grant Programs, § 66-28 of the Code of Virginia directs the State Board of Juvenile Justice to prescribe policies governing applications for grants and standards for the operation of programs developed and implemented under the Delinquency Prevention and Youth Development Act.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.

Informal comments from office on youth directors reveal both confusion and consensus about what regulatory changes are needed in light of the actions taken by the 2000 General Assembly. For example, amendments to Code of Virginia §§ 66-29, 66-30, 66-34 and 66-35 appear to be directing the offices on youth to take more of a coordinating and facilitating role in their communities, and to reduce the emphasis on direct provision of services. On the other hand, item 475.B of the 2000 Appropriations Act directs the Department to develop standards for the operations of Offices on Youth that shall include the establishment of goals, quantifiable objectives and measures for the evaluation of program effectiveness for each Office on Youth, which would appear to affirm the continuation of direct programming by offices on youth.

There is, however, consensus that the regulation should be amended to remove the requirement that offices on youth dedicate a certain level of services for juveniles who are before the court or the court services unit. The requirement appears to conflict with the primary mission of offices on youth as prevention programs, rather than early intervention programs.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

When the regulation was revised in 1997, one stated purpose of the revisions was "to reflect the change in focus of office on youth programs to work more closely with court service units." However, in setting a quota for office on youth programming to serve juveniles under court service unit supervision, the regulation has the unintended consequence of potentially reducing the effectiveness of the offices on youth in their primary mission of preventing juvenile delinquency. The process proposed for amending the regulation will address this tension.

Another stated objective of the regulation is "to encourage local autonomy and flexibility in addressing juvenile crime." The regulation has, in fact, been effective in encouraging locally-driven approaches to juvenile delinquency prevention, but with the result that there is very little commonality in the way Offices on Youth operate. Differences in programming to respond to varying local circumstances would be consistent with the intent of the statute and the regulation, but there are also wide variations in how the localities ascertain needs, set program goals and evaluate program outcomes. Consequently, it is difficult on a statewide basis to identify best practices, duplicate successful approaches, or even to apply consistent measures of success. Notably, Item 475.B of the 2000 Appropriations Act directs the Department to develop standards for the operations of Offices on Youth, including the establishment of goals, quantifiable objectives and measures for the evaluation of program effectiveness for each Office on Youth receiving funding from the Commonwealth.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

In conjunction with the periodic review of this regulation, the Department assessed a related mandate on localities (SPS002, Comprehensive Delinquency Prevention and Youth Development Plan), pursuant to Code of Virginia § 2.1-7.1. That assessment considered whether the current regulation applying standards to Delinquency Prevention and Youth Development Act programs should be eliminated.

The assessment concluded that, since the Commonwealth provides 75% of the funding for offices on youth, it would be irresponsible not to require some basic accountability on the part of the receiving programs, as is established by this regulation. The General Assembly apparently had similar concerns about accountability when it directed the Department in Item 475.B of the 2000 Appropriations Act, to develop standards for the operations of Offices on Youth, to include

the establishment of goals, quantifiable objectives and measures for the evaluation of program effectiveness for each Office on Youth receiving funding from the Commonwealth.

The Department concludes that the regulation remains necessary to the public safety insofar as it facilitates development of delinquency prevention programs. The regulation is designed to protect local autonomy in a manner that makes it the least burdensome alternative available for accomplishing the goals of the regulation.

Recommendation

Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.

The Department recommends that the regulation be amended to comply with the directive of the General Assembly in Item 475.B of the 2000 Appropriations Act, and, to clarify, consistent with amendments to the Delinquency Prevention and Youth Development Act (Chapter 277 of the 2000 General Assembly), that the primary mission of offices on youth is to be the planning, coordination, evaluation and technical assistance to programs.

Substance

Please detail any changes that would be implemented.

The proposed amendments will be developed in cooperation with representatives of Offices on Youth prior to January 1, 2001. A task group has been convened to address the issues identified in the regulatory review and in the legislative changes to the Delinquency Prevention and Youth Development Act.

Family Impact Statement

Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulation is expected to have a positive impact on the institution of the family and family stability. Amendments to the Virginia Delinquency Prevention and Youth Development Act made in 2000 specify that it shall be a responsibility of the local programs established under the Act to "Collaborate with public and private entities to maintain and disseminate an annual inventory of youth and parenting related services and programs available in the locality."