

Heidi W. Abbott, Chair  
Tamara Neo, Vice-Chair  
Karen Cooper-Collins, Secretary  
Anthony W. Bailey  
William C. Boshier, Jr.  
David R. Hines  
Helivi L. Holland  
Robyn Diehl McDougale  
Kenneth W. Stolle



Post Office Box 1110  
Richmond, VA 23218-1110  
804.588.3903

COMMONWEALTH of VIRGINIA  
*Board of Juvenile Justice*

**MEETING MINUTES**

**November 13, 2013**

**Department of Juvenile Justice  
Central Office – 12<sup>th</sup> Floor Conference Room South  
600 East Main Street  
Richmond, Virginia 23219**

**Board Members Present:** Heidi Abbott, Bill Boshier, Karen Cooper-Collins, David Hines, Helivi Holland, Robyn Diehl McDougale

**DJJ Staff Present:** Mark Gooch, Lionel Jackson, Daryl Francis, Ralph Thomas, Deron Phipps, Janet Van Cuyk, Barbara Peterson-Wilson, Joy Lugar, Andrea McMahan, Angela Valentine, Jenna Easton, Jack Ledden, Greg Davy, Christina Hall, Regina Hurt, Ken Bailey, Mark Murphy, Lara Jacobs, Wendy Hoffman

**Guests Present:** Barbara Myers, Asha Hettiavachchige, Tamara Rosser, Bill Allen, Dan Fallen, Jeree Thomas, Kandise Lucas, Susan Oliver

**CALL TO ORDER**

Chairperson Abbott called the meeting to order at 9:40 a.m.

**INTRODUCTIONS**

Chairperson Abbott welcomed everyone and asked the individuals present to introduce themselves.

**APPROVAL of June 12, 2013, MINUTES**

The minutes of the June 12, 2013, Board meeting were presented for approval. On MOTION duly made by Bill Boshier and seconded by Robyn Diehl McDougale to approve the minutes as presented. Motion carried.

**PUBLIC COMMENT PERIOD**

Kandise Lucas, advocate for an organization called Teachers Behind Bars.

Teachers Behind Bars was formed by educators within the Department of Juvenile Justice (DJJ) who wanted to ensure the civil rights of incarcerated youth were protected from an education perspective as well as a human rights perspective.

Ms. Lucas discussed her concerns pertaining to special education, individualized educational plan (IEP) violations, parental involvement, method in which the administration receives feedback from its employees, the agency's grievance policy, and agency intimidation issues.

Chairperson Abbott asked for questions from the Board for Ms. Lucas, there were none. Chairperson thanked Ms. Lucas for her comments and introduced the next speaker.

Susan Oliver, retired DJJ guidance counselor.

Ms. Oliver's comments are attached and are available upon request.

Chairperson Abbott asked for questions from the Board for Ms. Oliver, there were none. Chairperson thanked Ms. Oliver for her comments.

### **RECOGNITION:**

Chairperson Abbott made a point of personal/board privilege to recognize a former Board member in the audience, Dr. Barbara Myers. Chairperson Abbott conveyed her appreciation to Dr. Myers for her dedicated work and compassionate service to the Board. Chairperson Abbott noted that Dr. Myers went beyond and above Board service and the Board and the children the Board serves are better for it. A framed certificate of appreciation will be provided to Dr. Myers.

### **CERTIFICATION REPORTS**

Ken Bailey explained to the Board that the certification regulations have changed, noting that the Director of DJJ now has the authority to certify programs. For future meetings, the Board will receive an informational packet detailing the certification actions taken by the Director for oversight purposes.

Mr. Bailey reported on the two status reports that the Board had requested at earlier meetings.

**Bon Air Juvenile Correctional Center (JCC):** The original audit for Bon Air JCC was conducted in November 2012 with medication and medical issues identified. The Certification Unit staff made numerous visits to the facility to assess its ongoing compliance with its corrective action plan. A number of personnel changes have been made at Bon Air JCC since November 2012 with the designation of a new Superintendent and reassignment of Assistant Superintendents. In addition to hiring a new head nurse and supervisory nurses, Mark Murphy was hired as the new health administrator for the DJJ. The monitoring visits conducted show 100% compliance with all mandatory medical issues identified last November.

**Crossroads Community Youth Home (Crossroads):** The next status report is Crossroads located in the Williamsburg area. Crossroads is a residential group home for 12 residents that are placed through the court service unit and community service board in that area. The original audit conducted in December 2012, identified eight deficiencies, five of which were medical related including improper documentation of medication administration records and residents not receiving medication as prescribed. Crossroads does not have onsite medical staff and depends on staff being trained in the delivery of medication by a program approved by the Board of Nursing. There was a lapse in the application of this training. Since this issue was identified, two monitoring visits have been conducted; and Crossroads has demonstrated 100% compliance with all of the requirements that were noted in December.

## **OTHER BUSINESS**

### **Designate meeting dates for 2014**

The first Board meeting of 2014 will occur on January 7 before the beginning of the General Assembly session to avoid any conflict. The Chair asked if the Board was in agreement with the first meeting date, all were in favor.

The Chair informed the Board that the meeting locations are moved around the Commonwealth. The Board decided on a Tidewater location in June, a Shenandoah Valley location in September, and back in Richmond for the November meeting.

The 2014 meeting dates and locations were presented for approval. On MOTION duly made by David Hines and seconded by Robyn Diehl McDougale to approve the 2014 meeting dates with the noted locations. Motion carried.

### **Lynchburg Juvenile Services Group Home Needs Assessment**

Janet Van Cuyk provided background on the City of Lynchburg's (City's) attempt to construct a new group home. The Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs, 6VAC35-30, set forth the process by which DJJ and the Board of Juvenile Justice will approve the Commonwealth's reimbursement of a portion of a locality's cost of constructing a juvenile residential facility. There is a moratorium on state reimbursement, and this is a multiple stage process that localities have to go through if at any point in the future they want to request reimbursement from the General Assembly. The City of Lynchburg is at the first stage of the process which is the Needs Assessment. Angela Valentine and her unit have reviewed the City's Needs Assessment submission thoroughly to ensure the locality has met all requirements. Representatives from the locality are here to present the Needs Assessment to the Board with a request to the Board to approve the Needs Assessment thus stating that the locality has the circumstances that necessitate the construction of a new facility.

Angela Valentine indicated that the Needs Assessment itself was a very lengthy document. The Board members were provided with an executive summary in their meeting packets. If the Board would like to read the entire document, it can be made available. Ms. Valentine went on to note that this particular needs assessment for the City was the most comprehensive and detailed needs assessment DJJ has received from a locality in some time. The City did provide a clear and concise justification for the need to construct a new group home. Bill Allen is present to answer any questions or provide you with additional information. DJJ has reviewed the entire document, and we do support their request to move forward to the Planning Stage.

Bill Allen from the City reported that the locality currently operates three facilities (group homes) and those facilities are located in historic homes, built in the late 1800s to early 1900s. These facilities are not ADA accessible, are aged and worn, and are not effective to operate as a group home. Facility personnel are doing a great job currently with what they have, but ultimately the City has realized that there is a need to consolidate the three facilities into a new facility, collocated with the juvenile detention center. The City is requesting a 28-bed capacity and feels that this is an adequate and appropriate number to take them long term with what its youth are experiencing now and what their projections are into the future. After looking at multiple options, the City has determined that the existing facilities are in need of replacement and the option the City has chosen is to collocate the facility.

On MOTION duly made by Helivi Holland and seconded by Robyn Diehl McDougale to approve the Needs Assessment for a Lynchburg Juvenile Services Group Home, thereby authorizing the City to proceed to the planning study stage. Motion carried.

### **Amend FY13-14 Virginia Juvenile Community Crime Control Act (VJCCCA) Plan for Colonial Heights**

Janet Van Cuyk requested an amendment to the Board agenda to approve the modification to the VJCCCA Plan for Colonial Heights. There is a *Code of Virginia* requirement for the Board to approve a locality's VJCCCA plan biannually. If the locality decides to remove or add services to their already approved plan, the locality needs to appear before the Board and request the Board's approval to amend its plan. This is such a request that DJJ wanted the Board to act on to allow the locality to alter the plan to provide the determined appropriate services.

Angela Valentine indicated that the services Colonial Heights would like to discontinue are anger management, substance abuse, and education and parenting skills. Those three services are group services which have been misused in the jurisdiction. As a result and in the best interest of the families they serve, Colonial Heights would like to change those services to case management and supervision plan services. The proposed services will have a more positive impact on juveniles who are referred for services. Therefore, approval of the amended plan is recommended.

Bill Boshier asked if this is the normal process for any amendment that comes before the Board for approval. Janet Van Cuyk replied that this is the correct process. In Title 16.1 there is an article related to Virginia Juvenile Community Crime Control Act which allows a locality or a group of localities to develop a plan for crime prevention and intervention, which is monitored through DJJ. Since there is a requirement for the Board to approve the plan originally, if the locality needed to change its plan during the two year cycle of the plan, it has to come before the Board to seek approval to make those changes. It is changing the locality's plan that requires Board approval. This process does not involve any regulations and is not amending any regulations.

Dr. Boshier asked what would happen if the Board had concerns with some aspect of the locality's plan. Director Mark Gooch noted that the Board can offer suggestions on the plan and the locality could either take that suggestion or not. It would eventually come back to the Board for its approval. Janet Van Cuyk noted that the Board's statutory authority is to approve the plans and, if there were a concern, could withhold the approval.

On MOTION duly made by Helivi Holland and seconded by Robyn Diehl McDougale approve to amend FY 13-14 VJCCCA Plan for Colonial Heights. Motion carried.

### **Request authorization for Submission of Notices of Intended Regulatory Action for Initiation of the Regulatory Process**

Barbara Peterson-Wilson presented to the Board a request to authorize the submission of four separate Notices of Intended Regulatory Actions (NOIRAs). The first request relates to The Regulation Governing Juvenile Record Information and Juvenile Justice Information System. This regulation establishes who is permitted to access and disseminate juvenile information. It also identifies a security requirement for records and the process for challenging and expunging juvenile records. The second regulation is The Minimum

Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice. This regulation establishes the requirement for ethical standards and the confidentiality requirement for conducting human research involving juveniles committed to or under the supervision of DJJ or DJJ employees. Due to the requirement in the *Code of Virginia*, the above regulations will be undergoing a comprehensive review, also known as a "periodic review," that is required every four years. During the process, DJJ will complete a thorough review, ensuring that the regulations are still in line with statutory requirements and updating as appropriate, and provide recommended changes to the Board for approval. It is anticipated that the two regulations will have substantive changes to them during their periodic review.

The third regulation is the Standards of the Interim Regulation of Children's Residential Facilities and the fourth regulation is the Standards for Juvenile Residential Facilities. Beginning on January 1, 2014, three new residential regulations will replace these two regulations. Accordingly, DJJ is requesting authorization to initiate the regulatory process to repeal the two chapters that will be replaced by new regulations on January 1, 2014.

Dr. Boshier asked what kinds of records can be expunged. Janet Van Cuyk explained that DJJ follows two separate records management requirements; DJJ has a retention schedule from the Library of Virginia detailing what records DJJ must keep and then there is the expungement requirements in Title 16.1. The records management/records retention schedule is separate from the expungement requirement.

Dr. Boshier asked for more information on the second regulation. Ms. Van Cuyk indicated this requirement is a two step process. Researchers will need to obtain an institutional review board (IRB) approval through their college or university or a federal IRB to perform research involving residents under our supervision or in one of our facilities regulated by the Board, which includes group homes and detention centers. The second part of the process is approval from the DJJ Human Research Review Committee, which is required by statute that governs this regulation.

On MOTION duly made by Helivi Holland and seconded by Robyn Diehl McDougale authorizing the DJJ to submit Notices of Intended Regulatory Action (NOIRAs) for initiation of the regulatory process for the following regulations:

- 1) Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6 VAC 35-160);
- 2) Minimum Standards of Research Involving Human Subjects or Records of the Department of Juvenile Justice (6 VAC 35-170);
- 3) Standards for the Interim Regulation of Children's Residential Facilities (6 VAC 35-31) and;
- 4) Standards for Juvenile Residential Facilities (6 VAC 35-140)

Motion carried.

### **Request for Designation of Critical Regulatory Requirements**

Barbara Peterson-Wilson informed the Board that, to assist the Board with identifying which regulatory requirements should be designated as critical, an advisory committee was formed with stakeholders and representation from the group homes, locally and regional operated detention centers, juvenile correctional centers, and DJJ representatives including regional

program managers and staff from the certification and legislative and research units. The committee met five times over the past three years as the substantive regulations have proceeded through the regulatory process. The committee reviewed and compared performance based mandatory standards issued by the American Correctional Association (ACA) to existing mandatory standards for the group homes, detention centers, and juvenile correctional centers. The committee created a chart identifying ACA mandatory standards, current mandatory standards, and the proposed group home, detention center, and juvenile correctional center regulatory requirements. The committee then met and discussed which regulatory requirements should be proposed to be identified as critical regulatory requirements.

On MOTION duly made by Helivi Holland and seconded by Robyn Diehl McDougale to identify the specific residential regulations, as discussed and approved at today's meeting, be designated as critical regulatory requirements from the following regulations:

Governing Certification Audits from November 1, 2013, through December 31, 2013, designate from the following regulations:

- The Standards for Interim Regulation of Children's Residential Facilities (6VA35-31); and
- The Standards for Juvenile Residential Facilities (6VAC35-140)

Governing Certification Audits on and after January 1, 2014, designate from the following regulations:

- The Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41);
- The Regulation Governing Juvenile Correctional Centers (6VAC35-71); and
- The Regulation Governing Juvenile Secure Detention Centers (6VAC35 – 101).

Motion carried.

Ms. Van Cuyk stated to the Board that, based on the new certification regulations, the Board has sole authority to designate which regulatory requirements will be defined as critical regulatory requirements through a two step process. The requirement may be amended by a majority of the Board at a regularly scheduled board meeting when notice of the proposed change is posted, consideration of the change is placed on the Board meeting agenda, and a date is set for final consideration. Ms. Van Cuyk also noted that a request to review the critical regulatory requirement can be made by any person at any time.

### **Regulatory Update**

The Regulatory Update can be found in your Board packet.

### **Education Update**

Dr. Lionel F. Jackson, Jr. provided a Division of Education update.

The mission of the Division of Education is to provide quality educational programs that enable committed juveniles to become responsible, productive, tax-paying members of their communities. By way of background, the 2012 session of the General Assembly enacted legislation to abolish the Department of Correctional Education (DCE) and merge DCE's juvenile academic and technical education requirements to DJJ.

On August 26, 2013, the DJJ renamed the campus schools the Yvonne B. Miller High School with the Blandford Campus at Beaumont JCC, Mastin Campus at Bon Air JCC, and Cedar Mountain Campus at Culpeper JCC. The Yvonne B. Miller High School adheres to the Virginia Department of Education's accreditation and graduation requirements. All administrative, academic teachers, and career and technical education teachers must meet state certifications and endorsement criteria. 41% of students receive special educational services and the majority of the determinations are in the areas of emotional disturbances and learning disabilities.

A Deputy Director for Education position is being created within DJJ to elevate the position of Superintendent to a Deputy Director which would be equal to the Deputy Director of Operations and the Deputy Director of Administration and Finance. A Special Education Coordinator position was developed based on the agency's high special education population and to make sure the agency is in compliance with all Virginia Department of Education and federal rules and regulations.

DJJ offers core classes that traditional high schools would offer and career and technical education programs as well. In addition, the Division of Education is implementing Certified Training Programs, a training program that offers post secondary students an opportunity to earn a credential in telecommunications, cooper based networks, and fiber optic networks.

Within the next 60 days, DJJ will be opening a new parent resource center located in the 13<sup>th</sup> Court Service Unit. The new center's focus will be to involve parents more in the agency's educational program.

DJJ is evaluating a computer-based educational program called Edgenuity which will allow our residents to self pace their learning in traditional academic programs and provide the student a chance to work towards an advanced diploma. This will allow the residents to earn a credential in chemistry or foreign language such as Spanish.

The DJJ Director and the President of Southside Virginia Community College will be signing a memorandum of agreement on December 16 to provide our residents a chance to be enrolled as a college student and recognize them for dual enrollment. This will allow the resident to take high school level classes while receiving college credit.

The Division of Education is completing Standard of Learning testing via the computer, which allows DJJ to see results quicker and adjust instruction based on the resident's scores. DJJ is also evaluating using the Achieve 3000, a non-fiction reading computer based program that will allow our residents to be taught at their learning level.

It is very important for the Division of Education to measure a student's academic progress, especially in the area of special education. DJJ is evaluating several Individualized Education Plan (IEP) online programs which would be a great benefit to these students.

The Division of Education has employed a student management system administrator. This position will be working on producing transcripts and report cards via the computer. This will help immensely in the Division's recordkeeping and it would be easier for school districts to obtain the educational record of our residents.

Dr. Boshier wanted to commend the Director and the Chief Deputy Director in doing a great job with what was a difficult transition merging two organizations. There is no school division in Virginia that looks like DJJ's Division of Education; there is no school division in Virginia that has 50% of its population with IEPs. So to try and treat it like a school, a regular school in Virginia or a school division in Virginia is totally impractical. Dr. Boshier requested the Chair and the Board to do all they can to push for more technology for DJJ, whether it is legislatively or through VITA. Dr. Boshier hopes the Board can provide platforms for DJJ to provide more individualized educational approaches to DJJ's youth.

### **DIRECTOR'S COMMENTS**

Director Gooch thanked the new Board members for their willingness to serve and looks forward to their guidance and direction.

The Director indicated that it has not been the easiest transition with the merger of Department of Correctional Education with DJJ. The biggest challenges facing DJJ include technology initiatives and the age of DJJ facilities. Most of DJJ's facilities are worn out; this has prompted DJJ to seek evaluations from consultants on our operation from top to bottom and provide suggested actions on improvements. The Director announced that the agency is moving towards having a five, ten year strategic plan that establishes a clear vision of DJJ's future. One of the consultants is reviewing DJJ's infrastructure. Most of the residents have had experience with technology in schools before and unfortunately, DJJ seems to be moving backwards to the pencil and paper age. The Director noted that bringing in programs like Edgenuity requires a facility to have the infrastructure in place to use the Internet and our facilities are not able to accommodate this requirement. The Director offered that, within the next 120 days, one of the consulting firms will turn in their report on DJJ's infrastructure and their recommendations for moving forward.

The Director went on to say that the number of residents at DJJ have dropped off through the years. When the Director first started at DJJ four years ago, the number of residents was between 800 and 850. Today, the number of residents is around 620. The Director offered that this drop is due to DJJ's hard work in the community. Many of our residents have mental health needs which are not being effectively addressed within the community on the front end. The Director noted that this is one of DJJ's goals in the upcoming years; increase services on the front end to address the mental health needs of our youth.

### **BOARD ELECTIONS:**

On MOTION duly made by Bill Boshier and seconded by Robyn Diehl McDougale elected Heidi Abbott as Board Chairperson. Motion carried.

On MOTION duly made by Robyn Diehl McDougale and seconded by Bill Boshier elected Tamara Neo as Board Vice-Chair. Motion carried.

On MOTION duly made by Heidi Abbott and seconded by David Hines elected Karen Cooper-Collins as Secretary. Motion carried.

### **NEXT MEETING:**

The next meeting of the Board of Juvenile Justice is January 7, 2014, at 9:30 a.m. at Central Office.



**ADJOURNMENT:**

The Chair adjourned the meeting at 11:04 a.m.

Susan Oliver  
School Board Meeting  
Nov. 13, 2013

First I would like to congratulate DJJ Administrators for changes made to the DJJ Website, for personnel changes made in the Division of Education, and for the posting of new positions, such as an in-house attorney and part-time grievance coordinator. It is hoped that Mr. Gooch will now *show willingness to comply with EDR §1.1-§1.9 in the letter and spirit of the law without using strong arm tactics, delay, and retaliation.* Mr. Gooch, you received many complaints about retaliation at the hand of Ms. Nelson and Ms. Friday. You did nothing. In turning a deaf ear, you hurt the agency, the students, and the faculty. In the future, when retaliation is reported, it is hoped that you will take a proactive role in conflict resolution.

As a stakeholder, I am requesting a Century SIS Database update. Century went on-line in July 2011. It had a disastrous roll-out, much like the federal government, and was dysfunctional for an entire school year in terms of printing transcripts, report cards, scheduling, averaging grades, etc. Also, Century was programmed to conceal actual class size. Classes were much larger than shown in Century. Have the problems been corrected and are rosters accurate?

As a stakeholder, I would also appreciate an overview of currently offered vocational courses. With the extremely high recidivism numbers cited on the DJJ website, it is hoped that DJJ will focus on building strong vocational services.

As a stakeholder, I would ask that Dr. Jackson present a Special Education update regarding:

- the correctional plan ordered by the VA DOE,
- the number of IEP's currently out of compliance,
- special education services in general, including accommodations, student/ teacher ratios, collaboration, classroom numbers, and testing,
- and the implementation of on-line IEP software that almost all school systems currently use.

It is also hoped that Dr. Jackson will review and revise academic programs for over-aged students, including reinstatement of the AE Program that was disbanded by former Superintendent Nelson, as she cited "credit recovery". Credit recovery, as touted on the new DJJ website, is a concept that can be effective in the public school arena, but it is impractical in a correctional setting due to length of stays, low reading scores, the number of special ed. students, and movement of students between facilities. Placing incarcerated 17 year old students in the 9<sup>th</sup> grade is illogical. These students need preparation for a GED not a diploma.

It would also be helpful if Dr. Jackson will review numbers in general;

- Number of projected graduations with diploma types for 2013-14,
- Number of advanced diplomas, 2012-13 and 2013-14,

- Number of graduations that were postponed as a result of DJJ staff shortages, student transfers, or AMSA programming,
- Number of students staying longer than their release dates as a result of DJJ staff shortages, student transfers, or AMSA programming,
- Status of evening and weekend classes with a list of subjects to be taught and verification of student attendance—(are students receiving grades or credits?),
- Confirmation that students are receiving necessary textbooks and materials, including calculators,
- Review of DJJ's skewed grading scale, including implementation of a 10 point grading scale,
- Assurance that counselors and administrators are not altering teachers' grades, giving credits for courses that have not been taken, or altering the names of courses—(for example, one counselor changed biology to reflect earth science on the transcript),
- A full presentation to review SOL scores, by subject and by school, with a 5 year comparison.

Mr. Gooch, because of high employee turnover, is there going to be a retention plan?

Also, could you report on the number of employee grievances filed since the merger and the number that are still pending (backlogged), if any?

Is the agency currently in compliance with PREA?

Have the 3 hour classes been disbanded as was suggested by so many employees?

What services are in place for Spanish speaking students and their parents? Do we have an interpreter in place for IEP's?

Finally, will you consider establishing a teacher forum so that faculty will have input and ownership in decision-making?

Despite the recent necessary administrative changes, there are a great many issues that continue to require attention. People have been hurt, students have been hurt, and the agency name has been hurt. I sincerely hope that we can work together to provide excellence in correctional education. However, this can only happen when employees feel valued, protected, and informed.

Thank you.