

AGENDA
State Executive Council for the Children's Services Act
June 23, 2016
Virginia Department of Taxation
1957 Westmoreland Street
Richmond, VA

- 9:30 a.m. **Welcome & Chair Remarks – Dr. Bill Hazel**
 ➤ **Action Item** – Approval of March 2016 Minutes
- 9:40 **Public Comment**

Public Participation in SEC Policy Making – Scott Reiner
 • Summary of Public Comments and Recommended Revisions
 ➤ **Action Item** – Approval of Policy
- 10:00 **Executive Director's Report – Scott Reiner**
 • General Assembly Request on Private Day Educational Placements and Educational Funding for Non-CSA Placements in Residential Treatment
 ○ Discussion and Plan
 • FY2016 Expenditure Status Update
 • FY2016 Training Summary
 • FY2017 Training Plan
 ➤ **Action Item** – Approval of FY2017 CSA Training Plan
 • Plans for Distribution of Additional CSA Local Administrative Funds (\$500,000)
- 10:15 **SLAT Report – Ron Belay**
 • Commission on Youth Request:: CSA Special Education Wraparound Funds
 ○ Status of SLAT Work
 • Announcement of New SLAT Chair and Vice Chair
 • New/Re-nominated Primary and Alternate Representatives
 ➤ **Action Item** – Approval of SLAT members for FY2017
- 10:25 **Report of the Finance and Audit Committee – Catherine Hudgins/Mary Biggs**
- 10:35 **Report of the Outcomes Committee – Jeannette Troyer**
- 10:45 **Presentation: IEPs and Private Day Educational Placements – Angie Neely, VCASE**
- 11:20 **Presentation: Therapeutic Day Treatment in the School Setting – Magellan of Virginia**
- 11:35 **Discussion: The Role of the SEC: Collective Impact – Dr. Hazel**
 • Role of the SEC in consideration of critical, cross-cutting children's services issues
- 12:00 p.m. **Adjournment**

Remaining Meeting Schedule for 2016: September 15; December 15

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**STATE EXECUTIVE COUNCIL (SEC)
FOR CHILDREN'S SERVICES
Richmond/Henrico Rooms
1604 Santa Rosa Rd
Richmond, VA
Thursday, March 17, 2016**

SEC Members Present:

The Honorable William A. (Bill) Hazel, Jr., M.D., Secretary of Health and Human Resources (*Chair*)
Jack Barber, Interim Commissioner, Virginia Department of Behavioral Health
and Developmental Services
The Honorable Mary Biggs, Vice-Chair, Montgomery County Board of Supervisors
The Honorable Robert "Rob" Coleman, Vice-Mayor, City of Newport News
John Eisenberg for Steven Staples, Ed.D., Superintendent of Public Instruction, Virginia Department
of Education
The Honorable Anita Filson, Juvenile and Domestic Relations District Court Judge,
25th Judicial District
Courtney Gaskins, Director of Program Services, Youth for Tomorrow
Bob Hicks for Dr. Marissa Levine, Commissioner, Virginia Department of Health
The Honorable Catherine Hudgins, Member, Fairfax County Board of Supervisors
Cindi Jones, Director, Department of Medical Assistance Services
Sandra Karison for Karl Hade, Executive Secretary of the Supreme Court of Virginia
Pam Kestner, Special Advisory on Families, Children and Poverty
Greg Peters, President and CEO, UMFS
Margaret Schultze, Commissioner, Virginia Department of Social Services
Jeanette Troyer, Parent Representative
Angela Valentine for Andrew Block, Director, Department of Juvenile Justice
The Honorable Jennifer Wexton, Member, Senate of Virginia
Eddie Worth, Parent Representative

SEC Members Absent:

The Honorable Richard "Dickie" Bell, Member, Virginia House of Delegates
Maurice Jones, City Manager, City of Charlottesville

Other Staff/SLAT Members Present:

Marsha Mucha, Administrative Staff Assistant, OCS
Scott Reiner, Interim Executive Director, OCS
Eric Reynolds, Assistant Attorney General, Office of the Attorney General
Howard Sanderson, Research Associate Senior, OCS/DSS

Call to Order and Approval of Minutes

Secretary Hazel called the meeting to order at 9:30 a.m. and welcomed everyone. Dr. Hazel recognized the newest SEC member, Eddie Worth, and asked everyone to introduce themselves.

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The minutes of the December 3, 2015 meeting were approved without objection.

Public Comments

There were no public comments.

Executive Director's Report

Scott Reiner reported on the following items:

- *FY16 Expenditure Status Update* – Year-to-date expenditures for FY16 are 8.5 percent (\$13M) higher than FY16. The increase is primarily due to an increase in expenditures for special education private day placements.
- *FY16 Training Summary* – Members were provided with a copy of the FY16 OCS Training Progress Report. Mr. Reiner noted that OCS is working with an e-learning developer to develop five CSA training modules for local DSS staff. These training modules will be housed in the Knowledge Center.
- *FY17 Training Plan* – Members were provided a draft of the OCS Training Plan for FY17 for its first reading. Action on the plan will be taken at the SEC's June meeting. Members were asked to submit questions or comments about the Plan to Mr. Reiner.
- *Update on General Assembly Actions* – HB369 that adds membership to the SEC and the State and Local Advisory Team (SLAT) was passed unanimously by the Senate and House of Delegates. The enrolled bill review has been completed and is pending action by the Governor.
- *Budget Actions* – The General Assembly has appropriated \$18M in funding to cover the state share of CSA expenditures for FY16 that resulted from increased expenditures. This amount has also been included in the FY16-F618 biennial budget. Funding of \$500,000 per year for the FY16-FY18 biennium has been provided to support local CSA administrative costs.

Budget language was also included to address issues of reintegration of children receiving special education private day treatment services into their home school districts. Language was also included to assess the barriers to serving students with disabilities in their local public schools.

- *5th Annual CSA Conference* – The Conference will be held April 27-28 in Roanoke. A pre-conference session for CSA coordinators will be held on April 26. The keynote speaker will be Elizabeth Gaines, Forum for Youth Investment speaking on collective impact. Ms. Gaines will also meet with the SEC for a facilitated discussion.

SLAT Report

There was no SLAT report.

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Report of the Finance and Audit Committee

Mary Biggs and Catherine Hudgins reported on behalf of the Committee. The Committee met in late January and received an orientation on CSA finances by Interim Director Scott Reiner and on the CSA audit process by OCS Audit Manager, Stephanie Bacote. Both Ms. Biggs and Ms. Hudgins commented on the thoroughness of the review.

At that meeting, Committee members also approved the Committee Charter that was provided to SEC members in their meeting packets. At the Committee's next meeting, members will begin developing policy concerning recommended actions in response to individual audit findings, including denial of funds and corrective actions related to audit findings. The Committee will next meet in April.

Report of the Outcomes Committee

Courtney Gaskins and Jeannette Troyer reported on behalf of the Committee. The Committee met in late January and received a presentation on and reviewed a Local Outcomes Dashboard that utilizes the five indicators from the CSA Executive Scorecard. At that meeting, the Committee also approved the Committee Charter that was provided to SEC members in their meeting packets.

Howard Sanderson provided a demonstration for SEC members of the Local Outcomes Dashboard which will be made available on the CSA website in the near future.

Multi-disciplinary Team Request

Mr. Reiner reported that a request for a multi-disciplinary team (MDT) had been received from the Wythe County CPMT. The request has been vetted by OCS staff. The CPMT proposal is for the current Wythe County "Truancy Team" or interdisciplinary team to serve as an alternate MDT. Youth are referred to the team either by school staff or the Court and meet either the statutory criteria for truancy and are at risk of court involvement, or may already be before the court.

The SEC approved the MDT request without objection.

Electronic Participation Policy

Mr. Reiner reported that at the SEC's December 3, 2015 meeting the SEC voted to disseminate for a 60-day public comment period a proposed policy on participation in meetings of the SEC from remote locations not open to the public under Virginia Code § 2.2.3708.1. The purpose of the proposed policy was to outline a process and requirements for individual members of the SEC to participate in meetings via electronic means.

Mr. Reiner further reported that the proposed policy had been reviewed by the Attorney General's Office and was disseminated for a 60-day public comment period which ended February 8, 2016. No public comments were received.

The SEC approved the proposed policy without objection.

Public Participation in SEC Policy Making

Mr. Reiner reported that at the SEC's December 3, 2015 meeting the SEC voted to disseminate for public comment a Notice of Intent to Develop Policy on Public Participation in Policy Making Activities of the SEC. The purpose of the policy would be to outline a process and requirements for public participation in all policy development by the SEC. The Intent to Develop Policy was disseminated for a public comment period ending February 1, 2016. A total of six comments were received.

SEC members briefly reviewed the draft proposed policy and approved, without objection, dissemination of the proposed policy for a 60-day public comment period.

Request from the Commission on Youth: CSA Special Education Wraparound Funds

Mr. Reiner reported that SEC members had received in their meeting packets a document containing background information and issues raised by the Virginia Commission on Youth (COY) concerning the COY study on the use of federal, state, and local funds for private educational placements of students with disabilities.

The COY study recommends that the SEC revisit existing policy restrictions and budgetary constraints with CSA state pool funds for wraparound services for students with disabilities. The study recommends that the SEC review:

- utilizing the community match rate
- existing parental co-payment policies for additional services not included in the individualized education program (IEP)
- prohibition on using funds for non-educational services provided by school employees

During discussion it was noted by Eric Reynolds that statutory action would be required to address proposed changes to the first two bullet points. Mr. Reiner noted that the SEC did not need to take any action at today's meeting. SLAT could be asked by the SEC to collect and provide feedback from their various constituencies on the existing policy and provide recommendations to the SEC.

System of Care Grant Application

Jack Barber, Janet Lung and Pam Fisher (DBHDS) reported on the new System of Care grant application. If received, the \$3M in grant funding would be utilized to expand System of Care and the use of the High Fidelity Wraparound model from five demonstration projects to other regions of the state.

As part of the application process, a "governance board" is to be named to provide integrity and structure oversight to the project. Ms. Lung asked that the SEC consider serving as that governance board. During discussion, Ms. Lung noted that the expansion of System of Care through this grant opportunity would dovetail nicely with the work the SEC has already done in adopting a policy on intensive care coordination.

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After further discussion, a motion was made by Margaret Schultze, seconded by Mary Biggs and carried to name the SEC as the “governance board” for the grant pending a review of the grant application by Secretary Hazel and the Attorney General’s Office for any legal or policy challenges.

Enhancing the System of Care Through the Use of Non-Mandated Funds

Mr. Reiner reported that budget language was introduced but did not pass that would direct the SEC to convene a work group to make recommendations to increase the use of CSA non-mandated funds for those involved in the juvenile justice system and/or long-term school suspension/expulsion. Although the language did not pass, the issue needs to be addressed. Members were asked to begin thinking of ways to encourage discussion of the issue and the type of work group needed to begin examining the issue and to develop recommendations to increase the use of non-mandated funds.

Member Updates

Judge Filson reported that she has been appointed to the circuit court effective July 1. Dr. Hazel and members congratulated her on her appointment.

Secretary Hazel asked members to report on activities within their agencies and organizations. Members reported on the legislative session and noted upcoming conferences. Members continue to work within their agencies, serve on workgroups and advocate through their associations for improvements to services and service delivery to the children, youth and families of Virginia.

Secretary Hazel reported that the SEC Executive Committee will be screening applications for the OCS Executive Director position. The anticipated hire date is by the end of May.

Next Meeting and Adjournment

There being no further business the meeting was adjourned at 11:55 a.m. The next meeting will be held April 27 at the Hotel Roanoke and Conference Center during the CSA Conference.

**Summary and Response to Public Comment for the Proposed Public Participation in
Policy-making Actions of the State Executive Council for Children’s Services
(Proposed SEC Policy 2.4)**

Public Comment Open: March 22, 2016

Public Comment Closed: May 23, 2016

Number of Public Comments Received: 5

Comments Received From:

1. Janet C. Areson
Director of Policy Development, Virginia Municipal League (VML)
2. Patricia Harrison, Chair, Fairfax-Falls Church CPMT
Deputy County Executive for Human Services
3. James P. Taylor, President, Virginia Association of Local Human Services Officials
(VALHSO)
4. Jessica D. Webb, CSA Coordinator, County of Roanoke
Cheryl Austin, CPMT Chair, County of Roanoke
5. Allen Wooten, CPMT Chair, County of Prince William

Summary and Response to Public Comment for the Proposed Public Participation in Policy-Making Actions of the SEC

Section	Comment	Comment by	Response
Introduction	<p>The Fairfax County Board of Supervisors supports the CSA being subject to the provisions of the Administrative Processes Act.</p> <p>The County of Roanoke supports the SEC following a more formalized policy making process, such as the Administrative Process Act, which is transparent, clear, consistent, and mindful of the impact on local government.</p>	<p>Fairfax</p> <p>Roanoke</p>	<p>The workgroup convened in response to the General Assembly's request to consider whether the State Executive Council for Children's Services (SEC) should be subject to the Administrative Process Act (APA) concluded that the SEC should continue as a supervisory council and should not have the authority to promulgate regulations in accordance with the APA. The proposed Public Participation Policy addresses the desire to provide clear guidelines ensuring transparency and full participation of all interested parties in SEC policy-making.</p>
2.4.3 (page 2) Definitions- "Administrative Policy"	<p>The scope of the proposed policy is unclear based on this definition. "Operations of the SEC and/or OCS" should be further defined to add clarification on how consideration of new policies will be handled that may be administrative yet also have an impact on local government's administration of CSA.</p> <p>The definition of "administrative policy" should be further clarified to include the type of operations that are considered to be part of this definition. As it is written, it is difficult to ascertain what types of operations would not have impact on groups of stakeholders outside the SEC.</p>	<p>Fairfax-Falls Church</p> <p>Roanoke</p>	<p>This definition of "administrative policy" and any related provisions elsewhere in the proposed policy have been removed. Any policy which requires SEC consideration will be handled through the same provisions.</p>
2.4.3 (page 3) Definitions- "Fiscal Impact Analysis"	<p>The analysis described in this policy does not adequately address the potential impact on localities nor does it include a mechanism for obtaining a comprehensive, impartial analysis. Consultation with VML and VACO is insufficient to address the need for analysis with sufficient staffing resources necessary to analyze local impact. It is recommended that OCS solicit an agreement with a non-partisan entity such as the Institute for Government to provide independent fiscal analysis for all stakeholders.</p>	<p>Fairfax-Falls Church</p>	<p>See responses to comments regarding the Fiscal Impact Analysis in section 2.4.7.E.1.a. and 2.4.7.E.1.b.1.</p>

Summary and Response to Public Comment for the Proposed Public Participation in Policy-Making Actions of the SEC

	For the term fiscal impact analysis, there is a typo on the second line (<i>and</i> should be <i>an</i>).	VML	Corrected
	Within the definition after "CSA local matching funds requirements" add the phrase "local government administration of CSA,". This would allow a fiscal impact analysis to take place when proposed policies affect things such as data reporting requirements or new or enhanced administrative or policy responsibilities for FAPTs, CPMTs, and coordinators.	VML	Change made as described.
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2.4.4.A (page 4) "Notifications List"	Add CSA Coordinators to the notification list so they may receive proactive notification of proposed policy change.	Fairfax-Falls Church	Change made as described.
	Add CSA coordinators to the notification list.	VML	
	Add CSA coordinators, registered via the CSA website rosters, to the notification list.	Roanoke	
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2.4.6.A.1 (page 5) "Public Comment"	If the term "to any requesting person" refers to the notification list referred to in 2.4.4.a.1, could it reference that list?	VML	Change made as described.
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2.4.6.B.3 (page 5) "Public Comment"	Include a new fiscal impact process to accompany any public comment period for a re-proposed policy.	VML	A new fiscal impact would be requested by the SEC as part of their decision to initiate a new public comment period for a re-proposed policy. It is possible that a new fiscal impact may not be required as the issues of concern may not alter the proposed policy in such a manner as to alter the fiscal impact.
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2.4.6.E (page 6) "Response to Public Comment"	Recommend a change in language from five (5) "calendar days" to "no less than five (5) business days".	Fairfax-Falls Church	Change made as described.
	There is an extra word on line two (<i>on</i>).	VML	Change made as described.

Summary and Response to Public Comment for the Proposed Public Participation in Policy-Making Actions of the SEC

	<p>Clarify that the summary of public comments will be sent to the notification list as well as the public commenters and SEC since those on the notification list wish to be made aware of policy-making actions.</p>	<p>VML</p>	<p>Change made as described.</p>
<p>2.4.7.A (page 6) "Petition for a Policy-making Action"</p>	<p>As written, this process lacks transparency and criteria by which the Executive Committee makes their determinations as there is no time frame outlined for when the SEC must meet after receipt of a petition, appeal process, or provision for the SEC to learn about the position or its disposition. The following additions are suggested:</p> <ol style="list-style-type: none"> 1. Provisions to describe the method used to inform the full SEC of the petition; 2. A provision that the SEC would meet within 45 days of receiving the petition if the regularly scheduled meeting is not planned within that time period; 3. A provision to require notice of disposition of a petition to include rationale for the decision; and 4. Allow for an appeal to the full SEC should the petition be denied by the SEC. 	<p>Fairfax-Falls Church</p>	<p>The meetings of the Executive Committee are open to the public under provisions of the Freedom of Information Act.</p> <ol style="list-style-type: none"> 1. Additional language has been added at 2.4.7.A.5. to inform the State Executive Council of all decision made with regard to petitions for policy-making heard by the Executive Committee. 2. It is not practical to add additional SEC meetings. The meetings of the Executive Committee are typically held within the 30 – 45 days of the scheduled SEC meetings. 3. Language has been added at 2.4.7.A.4. to include the rationale being provided if the petition is denied by the Executive Committee. 4. As stated in 2.7.A.6. of the amended policy, there is no prohibition of the SEC proceeding on its own motions to initiate a policy-making action. The petitioner would simply need to address such a request to the full SEC through its established public comment mechanisms.
<p>2.4.7.B (page 7) "Notice Stage"</p>	<p>Recommend that a legal review occur at this stage rather than after the "Approval of Proposed Stage for Public Comment". Given that the policy would be unable to progress without a legal review, it seems prudent to conduct this review as early in the policy stage as possible.</p>	<p>Roanoke</p>	<p>The Office of the Attorney General is consulted, in a less formal role, at all stages of the policy development process. It is in the best interest of all concerned to ensure that any proposed policy meets any statutory and/or regulatory requirements as early as possible.</p>

Summary and Response to Public Comment for the Proposed Public Participation in Policy-Making Actions of the SEC

	<p>The issue of VML being named in state policy as a responsible body for determining local fiscal impact for the SEC is of great concern because:</p> <ol style="list-style-type: none"> 1. VML is a small, private non-profit association, not a state agency that reports to a Secretary or the SEC; 2. As a small association, there is only one person who follows CSA, thus localities could be compromised if that person is unavailable to work on this process for some reason; and 3. There is a fiscal impact for VML to administer this potentially complex process. <p>Instead, SEC and OCS should talk with the Commission on Local Government staff about the software it uses for its legislative fiscal impact process to see if OCS should obtain a similar product. OCS/SEC could consider developing their own fiscal impact team, which could include representatives from VML and VACO, as well as other interested stakeholders.</p>	<p>VML</p>	<p>§2.2-2648.5 of the Code of Virginia specifies that the Virginia Municipal League and the Virginia Association of Counties work with the SEC to “oversee the administration of ... state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund.” Therefor VML (and VACO) have an established statutory role in this process.</p> <p>The process for completing the fiscal impact analysis has been revised in 2.7.4.E.1.b. to address concerns about the fiscal impact analysis process.</p>
<p>Clarification regarding how OCS plans to obtain all of the necessary information for determining local fiscal impact is necessary. While input from VML and VACO are beneficial, there is not currently enough information regarding the resources that will be available to provide this data. Although not specified, it appears that local governments may be contacted to provide supplemental information in the event that information is not able to be secured through alternate sources. It would be beneficial to clarify who is ultimately responsible for getting the information to OCS and how such information would be made available.</p>	<p>Roanoke</p>		<p>The process for completing the fiscal impact analysis has been revised in 2.7.4.E.1.b. to address concerns about the fiscal impact analysis process.</p>

Summary and Response to Public Comment for the Proposed Public Participation in Policy-Making Actions of the SEC

<p>Although in support of a provision for fiscal impact analysis and input of local government associations, the use of an objective agency such as the Virginia Institute of Government or an equipped state agency which is accustomed to serving this purpose be utilized for analysis is suggested.</p>	<p>VALHSO</p>	<p>The process for completing the fiscal impact analysis has been revised in 2.7.4.E.1.b. to address concerns about the fiscal impact analysis process.</p>
<p>It is not clear if local government associations (VML/VACO) are staffed or resourced to complete the level of data-collection required as well as conduct the necessary analysis. Use of a non-partisan entity, such as the Institute for Government, would offer a more robust fiscal impact analysis. Additionally, this impact analysis should be made available in no less than ten (10) business days for review. The following recommendations are offered:</p> <ol style="list-style-type: none"> 1. Amend the provisions for public release of fiscal impact estimates to no less than ten (10) business days prior to a meeting of the SEC where they proposed policy would be considered; and 2. Provide clarification on how local fiscal impact would be determined and reported, separate from the fiscal impact analysis of stake holders such as the recipient, families, providers, courts, local governments and more. 	<p>Fairfax-Falls Church</p>	<p>The process for completing the fiscal impact analysis has been revised in 2.7.4.E.1.b. to address concerns about the fiscal impact analysis process.</p>
<p>Allowing a minimum of thirty (30) days for a response from VML and VACO is not enough time for localities to effectively work with VML and VACO since significant staffing time and protocols must be followed in order for our state-level associations to be properly informed of the assessments, concerns, and recommendations by various local governments. The following recommendations are offered:</p> <ol style="list-style-type: none"> 1. Due to the multi-disciplinary aspect of CSA, matters of fiscal impact should be considered by additional state-level associations such as VCOPPA, VACSB, VLSSE, etc. 	<p>Prince William</p>	<p>In order to provide for the process to proceed without extended delay, some time frames are necessary and will undoubtedly require prompt response by the impacted parties. The various state level associations will have the opportunity to review and comment on all proposed policies. As described in the revisions to the Fiscal Impact Analysis, various parties may be included, as appropriate, on the group developing the methodology for and reviewing the fiscal impact analysis.</p>

Summary and Response to Public Comment for the Proposed Public Participation in Policy-Making Actions of the SEC

	<p>2. Remove the 30-day minimum to allow for the full amount of time for public comment expected by all applicable state-level associations.</p>		<p>The period is a minimum which therefore provides only the lower threshold and does not limit the ability for public comment throughout the full public comment period.</p>
<p>2.4.7.E.1.b.ii (page 8) "Fiscal Impact Analysis"</p>	<p>A five (5) day notice is insufficient to appropriately react to something as important as a newly published fiscal impact analysis. It is recommended that stakeholders be given sixty (60) days to provide their comments so that the fiscal impact analysis can be thoroughly reviewed.</p>	<p>Prince William</p>	<p>This suggestion is impractical as it would extend the process for consideration of the proposed policy by another 60 days. If significant concerns emerge, such concerns can be made known to the SEC as they consider adoption of the policy and the SEC can defer action if it so desires.</p>
<p>2.4.7.E.2.a (page 8) "Legal Review"</p>	<p>Specify that the Office of the Attorney General will review a proposed policy before it is posted for public comment so that any problems with the proposal are surfaced and addressed by the SEC prior to public comment. If the legal review of the proposed policy reveals non-compliance, a restart of the public comment period would be necessary.</p>	<p>VML Prince William</p>	<p>The Office of the Attorney General is consulted, in a less formal role, at all stages of the policy development process. It is in the best interest of all concerned to ensure that any proposed policy meets any statutory and/or regulatory requirements as early as possible. If the legal review uncovers areas of non-compliance with statute and/or regulation which require more than minor technical revisions to the proposed policy, it is understood that the revised policy would be subject to an additional period of public comment.</p>
<p>2.4.7.E.2.b (page 8) "Legal Review"</p>	<p>If the Office of the Attorney General does not look at proposals prior to posting for public comment, make public the comment/report on a proposed policy when it is reissued for public comment so that those interested in the policy are aware of the reasons why a proposed policy will need to be revised.</p>	<p>VML</p>	<p>The Office of the Attorney General has advised that the content of the legal review is considered to be privileged attorney-client communication and that the specific details of the legal review are not to be made part of the public record.</p>
<p>2.4.7.F.1 (page 8) "Final Approval"</p>	<p>Specify that five (5) days means business days so as not to short cut time for consideration if there is a holiday prior to the SEC meeting.</p>	<p>VML</p>	<p>Change made as described.</p>

Summary and Response to Public Comment for the Proposed Public Participation in Policy-Making Actions of the SEC

Approval"	Please provide rationale for establishing a specific number of objections. Why is seven (7) considered to be an insufficient number of objections regardless of the merit of the objections? It is recommended that all objections be reviewed by the SEC to make a determination of what should be the next appropriate step.	Prince William	
	Recommend changing the term "individuals" to the term "persons" to remain consistent with the definitions noted in 2.4.3.	Roanoke	

**Public Participation in Policy-making Actions of the
State Executive Council for Children's Services
(~~Proposed~~ SEC Policy 2.4)**

Notice of Intent to Develop Policy Approved by the SEC: December 3, 2015
Public Comment Opened: March 22, 2016
Public Comment Close: May 23, 2016
SEC Action: June 23, 2016

2.4.1 Purpose:

The purpose of this policy is to promote public involvement in the development, amendment, or repeal of policies of the State Executive Council for Children's Services (SEC).

2.4.2 Authority:

Section 2.2-2648 D 4 of the *Code of Virginia* states that the SEC shall:

"Provide for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions that support the purposes of the Children's Services Act (§ 2.2-5200 et seq.). The public participation process shall include, at a minimum, 60 days of public comment and the distribution of these guidelines and procedures to all interested parties."

§ 2.2-2648 D 5 specifies that the SEC shall:

"... consult with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund."

In addition, § 2.2-2648 enumerates specific areas in which the SEC shall be responsible for the development and implementation of guidelines and practices for the Children's Services Act (CSA).

The Office of Children's Services (OCS) is established pursuant to § 2.2-2649 A as the administrative entity of the SEC.

2.4.3 Definitions:

~~"Administrative policy" means a policy of the SEC that applies only to the operations of the SEC and/or OCS without any impact on groups or stakeholders outside of the SEC or OCS.~~

"Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency and/or governing body.

“*Commonwealth Calendar*” means the electronic calendar for official government meetings open to the public as required by [§ 2.2-3707](#) C of the Virginia Freedom of Information Act.

“*Fiscal impact analysis*” means a systematic review of the potential fiscal impact of a proposed policy which includes an analysis of the impact on CSA state pool funds and other state funding sources, CSA local matching funds requirements, [local government administration of CSA](#), and any potential federal funding sources.

“*Legal review*” means a review of a proposed policy by the Office of the Attorney General to ensure that the proposed policy is in compliance with all relevant state and federal laws and regulations.

“*Notice Stage*” means the first stage of an SEC policy development where the SEC indicates the intent [to](#) initiate a policy-making action.

“*Notification list*” means a list of persons, maintained by OCS, to be notified of SEC policy-making actions.

“*Open meeting*” means any scheduled meeting of a unit of state government empowered by an agency’s basic law to establish policies or decide cases related to a policy-making action.

“*Person*” means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal [commercial-public or private](#) entity and any successor, representative, agent, agency, or instrumentality thereof.

“*Policy*” means any requirement adopted by the SEC that governs the implementation of the CSA.

“*Policy-making action*” means the development, amendment, or repeal of a policy by the SEC.

“*Proposed Stage*” means the second stage of an SEC policy-making action where the SEC has drafted the proposed requirements for the operation of the CSA, OCS, or the SEC that is within the legal authority of the SEC under [§ 2.2-2648](#) of the *Code of Virginia* or which the SEC is directed to adopt by the General Assembly of Virginia.

“*Public comment*” means the mechanisms by which the SEC receives input from interested parties concerning policy-making actions.

“*Public hearing*” means a scheduled time at which members of the SEC meet for the purpose of receiving public comment on a policy-making action.

“*Public notice*” means informing the public of the policy-making activities of the SEC.

2.4.4 Notification List and Public Notice

A. Notification List

1. The OCS shall maintain a list of persons who have requested to be notified of policy-making actions being considered by the SEC.
2. Any person may request to be placed on ~~a the~~ notification list by making a request to OCS via e-mail at csa.office@csa.virginia.gov or 804-662-9815. Notification of persons on the notification list shall be made by electronic means unless the person specifically indicates a preference for notification via First Class mail.
3. When electronic mail is returned as undeliverable on two occasions, at least 24 hours apart, that person will be deleted from the notification list. A single undeliverable message shall be insufficient cause to delete a person from the notification list.
4. When mail delivered by First Class mail is returned as undeliverable on two occasions, that person will be deleted from the list.
5. The OCS may periodically request those persons on the notification list to indicate the desire to remain on or be deleted from the list and their preferred method of notification.
6. All members of the SEC and the State and Local Advisory Team (SLAT) ([§2.2-5201](#)), ~~and~~ all persons registered via the CSA website rosters as chairpersons of CSA Community Policy and Management Teams (CPMT, [§2.2-5205](#)) ~~and~~ **CSA Coordinators** shall be placed on the notification list without the necessity of a specific request.

B. Additional Public Notice

1. In addition to the use of the notification list, OCS shall ~~utilize~~ use the following ~~additional~~ mechanisms for informing the public of proposed policy-making actions of the SEC:
 - a. ~~Prominently~~ Prominent display of current information about policy-making activities of the SEC on its website at www.csa.virginia.gov. The information shall indicate the stage of the action and when the SEC is scheduled to meet to consider the policy-making action.
 - b. Include notice of policy-making activities on the published agendas of public meetings of the SEC and any related committee, work group, or task force meeting.

2.4.5. Information to be Sent to Persons on the Notification List

- A. OCS shall send to persons on the notification list, and publish on its website, the following information:

1. A notice of intent to develop policy (Initiation of the Notice Stage),
 2. A notice of the public comment period on a proposed policy-making action, including the specific proposed policy documents and/or information on how to electronically obtain a copy of the specific proposed policy documents, and information on how to submit public comments.
- B. The failure of any person to receive any notice of any documents shall not affect the validity of any policy if approved by the SEC.

2.4.6 Public Comment

- A. In considering any policy-making action not exempted in Section 8, the SEC shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing. Such opportunity to comment shall include an on-line public comment forum maintained on the CSA website.
1. The SEC shall provide a copy of the Notice Stage document To to any requesting person all persons on the Notification List as described in Section 4 A, the SEC shall provide a copy of the Notice Stage document.
 2. The SEC shall not be prohibited Nothing herein shall prevent the SEC from developing and drafting policy-making actions prior to or during any opportunity it provides to the public to submit comments.
- B. The SEC shall accept public comments in writing after the issuance of public notice of a policy-making action as defined in accordance with Section 4. Public comment in writing shall be accepted as follows:
1. For a minimum of thirty (30) calendar days following the issuance of the Notice Stage (see Section 7 B).
 2. For a minimum of sixty (60) calendar days following the preliminary approval of the proposed policy (see Section 7 C).
 3. For a minimum of sixty (60) calendar days following the approval of a re-proposed policy (see Section 7 E (1) (c)).
 4. ~~An expedited period of public comment for certain proposed policies is described in Section 7 G.~~
- C. The SEC may determine extend if any of the comment periods listed in Section 6 B shall be extended.
- D. Oral public comment on any policy-making action shall be welcome accepted at all public meetings of the SEC and of any committee, work group, or task force established to consider the policy-making action. Notice of any open meeting shall be posted on the

Commonwealth Calendar at least five (5) working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with [§2.2-3707 D](#) of the *Code of Virginia* allowing for contemporaneous notice to be provided to participants and the public.

E. Response to Public Comment

The OCS shall compile a summary description of and prepare a response to all public comments ~~to~~ on the policy-making action. Such summary description shall be sent and send this to members of the SEC and all members of the Notification List described in Section 4A and all public commenters on the proposed policy, and published on the CSA website, at least five (5) ~~calendar~~ business days before the meeting of the SEC at which final approval of the proposed policy will be considered.

In this summary description, the OCS shall indicate for each comment or group of comments that are of a similar nature whether the comment has been incorporated into the proposed policy or, if not, a brief explanation of the rationale for the action taken.

2.4.7 SEC Policy-making Process

A. Petition for a Policy-making Action

1. Any person may petition the SEC to initiate a policy-making action. The petition shall state:
 - a. The petitioner's name and contact information; and
 - b. The substance and purpose of the policy-making action that is requested, including reference to any applicable SEC policies and/or reference to the legal authority of the SEC to take the action requested. However, the failure of a petitioner to include the legal authority shall not preclude consideration of the petition.
2. Petitioners shall submit a written petition to the Executive Director of the OCS. The petition shall be included in the documents provided in advance of the next scheduled meeting of the Executive Committee of the SEC. At this meeting, the Chair of the SEC, in consultation with the Executive Committee of the SEC and the Executive Director of the OCS, shall determine the disposition of the petition.
3. Disposition of such petitions may include:
 - a. Acceptance of the petition and initiation of a policy-making action.
 - b. A request for the petitioner to present the request for consideration to the full SEC.
 - c. Denial of the petition.

4. Within ten (10) days of disposition, OCS shall notify the petitioner in writing of the that disposition ~~in writing, to include~~ including the rationale for the decision if the request is denied.

5. The ~~outcome~~ disposition of all petitions for policy-making will be made known to the State Executive Council at its next scheduled meeting.

56. Nothing in this policy shall prohibit the OCS or the SEC from receiving information or from proceeding on its own motion for initiation of a policy-making action.

B. Notice Stage

1. A determination to begin a policy-making action will be made by the Executive Director of the OCS, in consultation with the Chair and the Executive Committee of the SEC.¹
2. At a minimum, the Notice Stage shall include (i) a summary of the intended policy-making action, a statement of the basis, purpose, and substance thereof; (ii) issues to be addressed therein; and (iii) a preliminary estimate of the fiscal impact of the policy-making action on both state and local governments.
3. Should the SEC approve the Notice Stage, it shall be issued via public notice and open for public comment as provided for in Section 6 B. The Executive Director of the OCS or designee shall be responsible for compiling, organizing, and presenting to the SEC public comments received.

C. Initiation of the Proposed Stage

1. The SEC shall consider the draft of the proposed policy-making action a maximum of six (6) months after the close of the public comment period of the Notice Stage.
2. The draft shall be made available via public notice no less than five (5) days prior to the scheduled meeting of the SEC at which the draft of the proposed policy-making action will be considered. When distributing the draft, the OCS shall also provide a summary of public comments with the agency's response as provided for in Section 6 E.

D. Approval of Proposed Stage for Public Comment

1. The SEC shall consider issuance of the proposed policy for public comment. At this time, the SEC may take one of three actions:

¹ §2.2-2649 B 1 of the *Code of Virginia* provides that the Director of OCS shall "Develop and recommend to the state executive council programs and fiscal policies that promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels." Section B 2 further requires to OCS to "Develop and recommend to the Council state interagency policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund."

- a. Approve the issuance of public notice of the proposed policy for a period of public comment not less than sixty (60) days.
- b. Reject the proposed policy-making action.
- c. Take other action to gather further information prior to proceeding on the proposed policy under 1 or 2 above. Such actions may include the appointment of an ad hoc work group, consultations with groups and/or individuals with interest in the proposed policy, or other steps the SEC may deem appropriate.

E. Proposed Stage Fiscal Impact Analysis and Legal Review

If the SEC approves the Proposed Stage, (i) the OCS shall complete a fiscal impact analysis and (ii) a legal review shall be conducted for consideration by the SEC.

1. Fiscal Impact Analysis

- a. Before taking further action on a proposed policy-making action the SEC shall consider the potential fiscal impact of the policy. The OCS, in conjunction with appropriate entities representing local government representatives, shall provide a thorough analysis of the fiscal impact of the proposed policy-making action based on the best available information.
- b. ~~For non-administrative policy-making actions,~~ in completing the fiscal impact analysis, OCS, with the input of the SEC shall:
 - i. Convene a group of potentially impacted parties to define the parameters, sources of data and analytic process to be utilized in completing the fiscal impact analysis. In accordance with §2.2-2648.5 of the Code of Virginia, input shall be solicited ~~input~~ from the Virginia Municipal League (VML) and the Virginia Association of Counties (VACO). VML and VACO shall be provided a minimum of thirty (30) business days in which to provide comments. The fiscal impact analysis shall include whether there is an estimated impact on the Commonwealth, localities or other potentially impacted entities, such as private service providers and/or recipients of services and identify any parties localities or other entities particularly affected by the proposed policy. If no ~~parties localities or other entities~~ are particularly affected by the proposed policy, the analysis shall so state.
 - ii. The fiscal impact analysis shall be made available via public notice no less than five (5) business days prior to the scheduled meeting of the SEC at which the proposed policy-making action will next be considered.

2. Legal Review

- a. When the proposed policy-making action is posted for public comment, the OCS shall submit the proposed policy to the Office of the Attorney General to ensure statutory authority for the proposed policy-making action.

- b. Should the legal review of the proposed policy reveal non-compliance with relevant statutes and/or regulations, the SEC shall be so informed by legal counsel and shall make such revisions in the proposed policy as are necessary.

F. Final Approval

1. No less than five (5) business days prior to the scheduled meeting of the SEC for consideration of approval of the policy-making action, the following shall be sent via public notice:
 - a. A draft of the proposed final policy with any deletions indicated d with strike through notations and any new language underlined;
 - b. A summary of all changes and the rationale for the change;
 - c. A summary of all comments received and the agency's response as provided in Section 6 E; and
 - d. The fiscal impact analysis ~~and legal review documents~~.
2. The SEC may take one of the following actions:
 - a. Approve the proposed policy and establish an implementation or effective date;
 - b. Reject the proposed policy;
 - c. Revise the proposed policy and initiate an additional period of public comment (re-proposed policy); or
 - d. Defer final action on the proposed policy in order to gather other specific information prior to taking additional action at a future meeting.

~~G. Expedited Approval~~

- ~~1. If the Executive Committee of the SEC believes a proposed policy meets the definition of administrative policy or is deemed to otherwise be non-controversial, it shall so inform the SEC.~~
- ~~2. If the SEC so determines, the proposed policy may be handled via an expedited review process.~~
- ~~3. The expedited review process shall include the following:
 - a. The proposed policy shall be presented at a regular meeting of the SEC with a recommendation that it is eligible for expedited approval;
 - b. The SEC shall make a determination on whether the proposed policy meets the criteria for expedited approval;~~

- ~~c. If an affirmative determination is made, public notice of the proposed policy shall be made by the OCS in accordance with Sections 4 A and B. The public comment period shall be open a minimum of thirty (30) days;~~
- ~~d. If there are no more than seven (7) individuals raise objections to the proposed policy raised through public comment, the proposed policy will become effective fifteen (15) days following the close of the public comment period;~~
- ~~e. If more than seven (7) persons raise objections to the proposed policy during the public comment period, the expedited review process shall serve as the Notice Stage and the policy-making action shall proceed to the Proposed Stage.~~

2.4.8 Exemptions:

- A. ~~The following policy-making actions shall be exempt from the provisions of this policy that The provisions of this SEC Policy 2.4 shall not apply to policy-making actions that:~~
 - 1. Consist only of changes in style or form or are corrections of technical errors in existing SEC policies;
 - 2. Are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, notice of such policies shall be disseminated via public notice within ninety (90) days of the law's effective date;
 - 3. Are required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
 - 4. Are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Office of the Attorney General has so determined in writing. Notice of such policies shall be disseminated via public notice not less than thirty (30) days prior to the effective date of the policy.

**Public Participation in Policy-making Actions of the
State Executive Council for Children's Services
(SEC Policy 2.4)**

2.4.1 Purpose:

The purpose of this policy is to promote public involvement in the development, amendment, or repeal of policies of the State Executive Council for Children's Services (SEC).

2.4.2 Authority:

Section 2.2-2648 D 4 of the *Code of Virginia* states that the SEC shall:

"Provide for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions that support the purposes of the Children's Services Act (§ 2.2-5200 et seq.). The public participation process shall include, at a minimum, 60 days of public comment and the distribution of these guidelines and procedures to all interested parties."

§ 2.2-2648 D 5 specifies that the SEC shall:

"... consult with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund."

In addition, § 2.2-2648 enumerates specific areas in which the SEC shall be responsible for the development and implementation of guidelines and practices for the Children's Services Act (CSA).

The Office of Children's Services (OCS) is established pursuant to § 2.2-2649 A as the administrative entity of the SEC.

2.4.3 Definitions:

"Basic law" means provisions in the *Code of Virginia* that delineate the basic authority and responsibilities of an agency and/or governing body.

"Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by § 2.2-3707 C of the Virginia Freedom of Information Act.

"Fiscal impact analysis" means a systematic review of the potential fiscal impact of a proposed policy which includes an analysis of the impact on CSA state pool funds and other state funding sources, CSA local matching funds requirements, local government administration of CSA, and any potential federal funding sources.

“Legal review” means a review of a proposed policy by the Office of the Attorney General to ensure that the proposed policy is in compliance with all relevant state and federal laws and regulations.

“Notice Stage” means the first stage of an SEC policy development where the SEC indicates the intent to initiate a policy-making action.

“Notification list” means a list of persons, maintained by OCS, to be notified of SEC policy-making actions.

“Open meeting” means any scheduled meeting of a unit of state government empowered by an agency’s basic law to establish policies or decide cases related to a policy-making action.

“Person” means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal public or private entity and any successor, representative, agent, agency, or instrumentality thereof.

“Policy” means any requirement adopted by the SEC that governs the implementation of the CSA.

“Policy-making action” means the development, amendment, or repeal of a policy by the SEC.

“Proposed Stage” means the second stage of an SEC policy-making action where the SEC has drafted the proposed requirements for the operation of the CSA, OCS, or the SEC that is within the legal authority of the SEC under [§ 2.2-2648](#) of the *Code of Virginia* or which the SEC is directed to adopt by the General Assembly of Virginia.

“Public comment” means the mechanisms by which the SEC receives input from interested parties concerning policy-making actions.

“Public hearing” means a scheduled time at which members of the SEC meet for the purpose of receiving public comment on a policy-making action.

“Public notice” means informing the public of the policy-making activities of the SEC.

2.4.4 Notification List and Public Notice

A. Notification List

1. The OCS shall maintain a list of persons who have requested to be notified of policy-making actions being considered by the SEC.
2. Any person may request to be placed on the notification list by making a request to OCS via e-mail at csa.office@csa.virginia.gov or 804-662-9815. Notification of persons on the notification list shall be made by electronic means unless the person specifically indicates a preference for notification via First Class mail.

3. When electronic mail is returned as undeliverable on two occasions, at least 24 hours apart, that person will be deleted from the notification list. A single undeliverable message shall be insufficient cause to delete a person from the notification list.
4. When mail delivered by First Class mail is returned as undeliverable on two occasions, that person will be deleted from the list.
5. The OCS may periodically request those persons on the notification list to indicate the desire to remain on or be deleted from the list and their preferred method of notification.
6. All members of the SEC and the State and Local Advisory Team (SLAT) ([§2.2-5201](#)), all persons registered via the CSA website rosters as chairpersons of CSA Community Policy and Management Teams (CPMT, [§2.2-5205](#)) and CSA Coordinators shall be placed on the notification list without the necessity of a specific request.

B. Additional Public Notice

1. In addition to the use of the notification list, OCS shall use the following mechanisms for informing the public of proposed policy-making actions of the SEC:
 - a. Prominent display of current information about policy-making activities of the SEC on its website at www.csa.virginia.gov. The information shall indicate the stage of the action and when the SEC is scheduled to meet to consider the policy-making action.
 - b. Include notice of policy-making activities on the published agendas of public meetings of the SEC and any related committee, work group, or task force meeting.

2.4.5. Information to be Sent to Persons on the Notification List

- A. OCS shall send to persons on the notification list, and publish on its website, the following information:
 1. A notice of intent to develop policy (Initiation of the Notice Stage),
 2. A notice of the public comment period on a proposed policy-making action, including the specific proposed policy documents and/or information on how to electronically obtain a copy of the specific proposed policy documents, and information on how to submit public comments
- B. The failure of any person to receive any notice of any documents shall not affect the validity of any policy if approved by the SEC.

2.4.6 Public Comment

- A. In considering any policy-making action not exempted in Section 8, the SEC shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing. Such opportunity to comment shall include an on-line public comment forum maintained on the CSA website.
1. The SEC shall provide a copy of the Notice Stage document to all persons on the Notification List as described in Section 4 A.
 2. Nothing herein shall prevent the SEC from developing and drafting policy-making actions prior to or during any opportunity it provides to the public to submit comments.
- B. The SEC shall accept public comments in writing after the issuance of public notice of a policy-making action in accordance with Section 4. Public comment in writing shall be accepted as follows:
1. For a minimum of thirty (30) calendar days following the issuance of the Notice Stage (see Section 7 B).
 2. For a minimum of sixty (60) calendar days following the preliminary approval of the proposed policy (see Section 7 C).
 3. For a minimum of sixty (60) calendar days following the approval of a re-proposed policy (see Section 7 E (1) (c)).
- C. The SEC may extend any of the comment periods listed in Section 6 B.
- D. Oral public comment on any policy-making action shall be accepted at all public meetings of the SEC and of any committee, work group, or task force established to consider the policy-making action. Notice of any open meeting shall be posted on the Commonwealth Calendar at least five (5) working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with [§2.2-3707 D](#) of the *Code of Virginia* allowing for contemporaneous notice to be provided to participants and the public.
- E. Response to Public Comment

The OCS shall compile a summary description of and prepare a response to all public comments on the policy-making action. Such summary description shall be sent to members of the SEC and all members of the Notification List described in Section 4A , and published on the CSA website, at least five (5) business days before the meeting of the SEC at which final approval of the proposed policy will be considered.

In this summary description, the OCS shall indicate for each comment or group of comments that are of a similar nature whether the comment has been incorporated into the proposed policy or, if not, a brief explanation of the rationale for the action taken.

2.4.7 SEC Policy-making Process

A. Petition for a Policy-making Action

1. Any person may petition the SEC to initiate a policy-making action. The petition shall state:
 - a. The petitioner's name and contact information; and
 - b. The substance and purpose of the policy-making action that is requested, including reference to any applicable SEC policies and/or reference to the legal authority of the SEC to take the action requested. However, the failure of a petitioner to include the legal authority shall not preclude consideration of the petition.
2. Petitioners shall submit a written petition to the Executive Director of the OCS. The petition shall be included in the documents provided in advance of the next scheduled meeting of the Executive Committee of the SEC. At this meeting, the Chair of the SEC, in consultation with the Executive Committee of the SEC and the Executive Director of the OCS, shall determine the disposition of the petition.
3. Disposition of such petitions may include:
 - a. Acceptance of the petition and initiation of a policy-making action.
 - b. A request for the petitioner to present the request for consideration to the full SEC.
 - c. Denial of the petition.
4. Within ten (10) days of disposition, OCS shall notify the petitioner in writing of the disposition including the rationale for the decision if the request is denied.
5. The disposition of all petitions for policy-making will be made known to the State Executive Council at its next scheduled meeting.
6. Nothing in this policy shall prohibit the OCS or the SEC from receiving information or from proceeding on its own motion for initiation of a policy-making action.

B. Notice Stage

1. A determination to begin a policy-making action will be made by the Executive Director of the OCS, in consultation with the Chair and the Executive Committee of the SEC.¹

¹ §2.2-2649 B 1 of the *Code of Virginia* provides that the Director of OCS shall "Develop and recommend to the state executive council programs and fiscal policies that promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels." Section B 2 further requires to OCS to "Develop and recommend to the Council state interagency policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund."

2. At a minimum, the Notice Stage shall include (i) a summary of the intended policy-making action, a statement of the basis, purpose, and substance thereof; (ii) issues to be addressed therein; and (iii) a preliminary estimate of the fiscal impact of the policy-making action on both state and local governments.
3. Should the SEC approve the Notice Stage, it shall be issued via public notice and open for public comment as provided for in Section 6 B. The Executive Director of the OCS or designee shall be responsible for compiling, organizing, and presenting to the SEC public comments received.

C. Initiation of the Proposed Stage

1. The SEC shall consider the draft of the proposed policy-making action a maximum of six (6) months after the close of the public comment period of the Notice Stage.
2. The draft shall be made available via public notice no less than five (5) days prior to the scheduled meeting of the SEC at which the draft of the proposed policy-making action will be considered. When distributing the draft, the OCS shall also provide a summary of public comments with the agency's response as provided for in Section 6 E.

D. Approval of Proposed Stage for Public Comment

1. The SEC shall consider issuance of the proposed policy for public comment. At this time, the SEC may take one of three actions:
 - a. Approve the issuance of public notice of the proposed policy for a period of public comment not less than sixty (60) days.
 - b. Reject the proposed policy-making action.
 - c. Take other action to gather further information prior to proceeding on the proposed policy under 1 or 2 above. Such actions may include the appointment of an ad hoc work group, consultations with groups and/or individuals with interest in the proposed policy, or other steps the SEC may deem appropriate.

E. Proposed Stage Fiscal Impact Analysis and Legal Review

If the SEC approves the Proposed Stage, (i) the OCS shall complete a fiscal impact analysis and (ii) a legal review shall be conducted for consideration by the SEC.

1. Fiscal Impact Analysis

- a. Before taking further action on a proposed policy-making action the SEC shall consider the potential fiscal impact of the policy. The OCS, in conjunction with local government representatives, shall provide a thorough analysis of the fiscal

impact of the proposed policy-making action based on the best available information.

- b. In completing the fiscal impact analysis, OCS, with the input of the SEC shall:
 - i. Convene a group of potentially impacted parties to define the parameters, sources of data and analytic process to be utilized in completing the fiscal impact analysis. In accordance with §2.2-2648.5 of the Code of Virginia, input shall be solicited from the Virginia Municipal League (VML) and the Virginia Association of Counties (VACO). VML and VACO shall be provided a minimum of thirty (30) business days in which to provide comments. The fiscal impact analysis shall include whether there is an estimated impact on the Commonwealth, localities or other potentially impacted entities, such as private service providers and/or recipients of services and identify any parties particularly affected by the proposed policy. If no parties are particularly affected by the proposed policy, the analysis shall so state.
 - ii. The fiscal impact analysis shall be made available via public notice no less than five (5) business days prior to the scheduled meeting of the SEC at which the proposed policy-making action will next be considered.

2. Legal Review

- a. When the proposed policy-making action is posted for public comment, the OCS shall submit the proposed policy to the Office of the Attorney General to ensure statutory authority for the proposed policy-making action.
- b. Should the legal review of the proposed policy reveal non-compliance with relevant statutes and/or regulations, the SEC shall be so informed by legal counsel and shall make such revisions in the proposed policy as are necessary.

F. Final Approval

1. No less than five (5) business days prior to the scheduled meeting of the SEC for consideration of approval of the policy-making action, the following shall be sent via public notice:
 - a. A draft of the proposed final policy with any deletions indicated with strike through notations and any new language underlined;
 - b. A summary of all changes and the rationale for the change;
 - c. A summary of all comments received and the agency's response as provided in Section 6 E; and
 - d. The fiscal impact analysis.

2. The SEC may take one of the following actions:
 - a. Approve the proposed policy and establish an implementation or effective date;
 - b. Reject the proposed policy;
 - c. Revise the proposed policy and initiate an additional period of public comment (re-proposed policy); or
 - d. Defer final action on the proposed policy in order to gather other specific information prior to taking additional action at a future meeting.

2.4.8 Exemptions:

- A. The provisions of this SEC Policy 2.4 shall not apply to policy-making actions that:
 1. Consist only of changes in style or form or are corrections of technical errors in existing SEC policies;
 2. Are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, notice of such policies shall be disseminated via public notice within ninety (90) days of the law's effective date;
 3. Are required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
 4. Are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Office of the Attorney General has so determined in writing. Notice of such policies shall be disseminated via public notice not less than thirty (30) days prior to the effective date of the policy.

**CSA/DOE Work Group on Private Day Education
Meeting Schedule**

Thursday, July 14	1:00 p.m. – 3:30 p.m.	Richmond Room 1604 Santa Rosa Rd., Richmond
Friday, July 29	10:30 a.m. – 1:00 p.m.	Richmond Room 1604 Santa Rosa Rd., Richmond
Wednesday, August 24	1:00 p.m. – 3:30 p.m.	Tuckahoe Library 1901 Starling Drive, Henrico

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CSA POOL REIMBURSEMENT REQUEST REPORT COMPARISON (FY13 -FY16)

Today's Date: June 16, 2016

Net Total Expenditures as of June 16, 2016 of each Fiscal Year.

Net Total Expenditures include all reports with a status of 1 or greater (All non-pended reports)

EXPENDITURE DESCRIPTION		NET TOTAL EXPENDS FY13	NET TOTAL EXPENDS FY14	NET TOTAL EXPENDS FY15	NET TOTAL EXPENDS FY16	\$ CHG	% CHG
NUMBER OF REPORTS		1,268	1,279	1,287	1,291	4	
1. MANDATED SERVICES / RESIDENTIAL / CONGREGATE CARE							
1a.	Foster Care - IV-E children in Licensed Residential Congregate Care ; pool expenditures for costs not covered by IV-E (i.e., non room-and-board)	2,509,683	2,370,444	2,621,242	2,283,278	-337,964	-12.9%
1b.	Foster Care - all others in Licensed Residential Congregate Care	17,691,316	14,728,563	15,453,599	13,848,103	-1,605,496	-10.4%
1c.	Residential Congregate Care – CSA Parental Agreements ; DSS Noncustodial Agreements	6,112,798	7,374,077	7,403,962	8,251,298	847,337	11.4%
1d.	Non-Mandated Services/Residential/Congregate	1,004,768	692,200	983,038	824,215	-158,823	-16.2%
Pt1. 4.	Educational Services - Congregate Care	28,034,687	28,126,635	29,424,175	31,714,661	2,290,486	7.8%
-	School Referred Residential - Non-Educational Services	0	0	0	0	0	0 %
2. OTHER MANDATED SERVICES							
2a.	Therapeutic (Treatment) Foster Care – IV-E	18,544,856	19,772,768	21,436,195	23,311,655	1,875,461	8.7%
2a.1	Therapeutic (Treatment) Foster Care	39,332,625	37,247,930	34,446,061	31,209,308	-3,236,754	-9.4%
2a.2	Therapeutic (Treatment) Foster Care – CSA Parental Agreements ; DSS Noncustodial Agreements	836,285	555,546	325,828	371,739	45,911	14.1%
2b.	Specialized Foster Care – IV-E ; Community Based Services	934,771	1,198,300	1,445,867	807,518	-638,349	-44.1%
2b.1	Specialized Foster Care	3,772,960	3,338,446	3,428,859	2,213,538	-1,215,321	-35.4%
2c.	Family Foster Care – IV-E ; Community Based Services	753,947	771,240	954,689	1,550,661	595,972	62.4%
2d.	Family Foster Care Maintenance only	3,258,789	2,790,305	3,259,129	2,104,963	-1,154,166	-35.4%
2e.	Family Foster Care – Children receiving maintenance and basic activities payments; independent living Stipend/Arrangements	8,252,840	8,381,276	7,205,017	11,419,595	4,214,578	58.5%
2f.	Community - Based Services	20,904,698	22,745,549	23,836,171	26,250,519	2,414,348	10.1%

2f.1	Community Transition Services – Direct Family Services to Transition from Residential to Community	1,294,775	1,463,147	1,309,532	1,374,588	65,056	5.0%
2g.	Alternative Day Placement/ SPED Private Day	74,548,093	82,162,620	90,526,625	101,588,666	11,062,041	12.2%
2h.	Wrap Services for Students with Disabilities	1,365,009	1,242,999	1,307,507	1,337,126	29,619	2.3%
2i.	Psychiatric Hospitals/Crisis Stabilization Units	86,138	4,140	226,483	197,125	-29,358	-13.0%
PT2. 4.	Non-Mandated Services/Community-Based	2,521,580	2,662,643	3,073,698	3,026,366	-47,332	-1.5%
5.	GRAND TOTALS:	231,760,618	237,628,829	248,667,678	263,684,924	15,017,246	6.0%

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Office of Children's Services
 FY 2016 Training Progress Report

Topic (Presenter)	Organization/Group/Audience	Date	# of Participants
High Fidelity Wraparound: Family Support Partners - Cohort 2 - Richmond, VA (YFTI)	ICC/HFW Family Support Partners	7/8-7/10/2015	22
High Fidelity Wraparound: Introduction (Days 1 - 2) Cohort 8 - Richmond, VA (YFTI, Anna Antell)	ICC Providers	7/13-7/14/2015	31
High Fidelity Wraparound Refresher - Bristow, VA (YFTI)	ICC Providers	7/15/2015	25
High Fidelity Wraparound Refresher - Bristow, VA (YFTI)	ICC Providers	7/16/2015	24
High Fidelity Wraparound and ICC Overview (Anna Antell)	Rockbridge FAPT	8/4/2015	11
CSA Basics (Brady Nemever)	Manassas Park CPMT/FAPT	8/6/2015	12
High Fidelity Wraparound: Introduction (Days 3 - 4) Cohort 8 - Richmond, VA (YFTI, Anna Antell)	ICC Providers	8/10-8/11/2015	29
High Fidelity Wraparound Refresher - Newport News, VA (YFTI)	ICC Providers	8/12/2015	18
High Fidelity Wraparound Supervisors (YFTI)	ICC Supervisors	9/11/2015	25
CSA Basics (Carol Wilson)	Amelia CPMT/FAPT	9/17/2015	13
CSA Update (Scott Reiner)	VALHSO Conference	9/22/2015	45
Blending and Braiding Funds/CSA Update (Scott Reiner)	Suffolk FAPT/CPMT	10/8/2015	19
CSA Basics (Brady Nemever)	Craig/Boletourt CPMT/FAPT	10/19/2015	26
CSA Basics (Brady Nemever)	Bedford CPMT/FAPT	10/21/2015	10
CANS and Service Planning (Carol Wilson)	New Kent FAPT/Case Managers	11/9/2015	12
CSA Update (Scott Reiner)	VCOPPA Annual Symposium	11/12/2015	80
CSA Financial Reporting Requirements (Chuck Savage)	Henrico (CSA Fiscal Agents/Report Preparers)	12/1/2015	39
CSA Financial Reporting Requirements (Chuck Savage)	Portsmouth (CSA Fiscal Agents/Report Preparers)	12/3/2015	24
CSA Financial Reporting Requirements (Chuck Savage)	Galax (CSA Fiscal Agents/Report Preparers)	12/9/2015	26
CSA Financial Reporting Requirements (Chuck Savage)	Roanoke (CSA Fiscal Agents/Report Preparers)	12/10/2015	31
CSA Financial Reporting Requirements (Chuck Savage)	Warrenton (CSA Fiscal Agents/Report Preparers)	12/17/2015	29
CSA Overview (Scott Reiner)	State Board of Social Services	2/17/2016	15
Overview of CSA (Scott Reiner)	VCU HHR Course	2/22/2016	23
CSA Basics (Carol Wilson)	Hopewell CPMT/FAPT	2/22/2016	18
2016 New CSA Coordinators Academy (All OCS Staff)	New CSA Coordinators	3/8-3/10/2016	27
DOE Aspiring Special Education Leaders Academy (Scott Reiner)	DOE Local Special Ed. Leaders	3/10/2016	31
CSA Conference Pre-Conference	CSA Coordinators	4/26/2016	88
5th Annual CSA Conference	All CSA Stakeholders	4/27-4/28/2016	583
HFW Facilitator Training - Part I (Anna Antell)	New HFW Facilitators	5/3-5/4/2016	30
Case Planning Basics (Anna Antell)	Harrisonburg/Rockingham CSA Teams	5/16/2016	65
HFW Facilitator Training - Part II (Anna Antell, UMFS)	New HFW Facilitators	6/6-6/7/2016	30
HFW Family Support Partner Training (Anna Antell, UMFS)	New HFW Family Support Partners	6/8-6/10/2016	13



TRAINING PLAN

Fiscal Year 2017

Developed in accordance with Chapter 665 (Appropriation Act), Item 279, Section B.6

Submitted for Approval by the State Executive Council June 23, 2016

The mission of the Children's Services Act (CSA) is to create a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the strengths and needs of troubled and at-risk youth and their families in the Commonwealth. One important mechanism for achieving this mission is through development and implementation of a robust training plan. The Code of Virginia requires that the Office of Children's Services (OCS) "provide for training and technical assistance to localities in the provision of efficient and effective services that are responsive to the strengths and needs of troubled and at-risk youths and their families." In accordance with provisions of the biennial Appropriation Act, the Office of Children's Services presents an annual training plan to the State Executive Council for approval. This document outlines the OCS FY2017 Training Plan for the period of July 1, 2016 – June 30, 2017.¹ The list of training topics is intended to be broad and inclusive. Specific training activities will be planned and implemented in response to stakeholder requests and needs, important system-wide initiatives, and within the resources available.

I. GOALS

A. TO INCREASE KNOWLEDGE, SKILLS, AND COMPETENCIES OF INDIVIDUALS HOLDING CSA SPECIFIC ROLES AND RESPONSIBILITIES TO ENSURE EFFECTIVE IMPLEMENTATION OF THE CSA.

Objectives:

- To enhance effectiveness and positive outcomes for youth and families by ensuring that the core requirements of CSA and the principles of a system of care are known to individuals who serve key roles within the structures of CSA.
- To assure that basic competencies in CSA practice are applied to local operations.
- To enhance the levels of knowledge and skills of core members of local CSA team members.
- To support, encourage and motivate key CSA participants to realize the mission and vision of the CSA and the system of care through collaboration and excellence in practice.

Target Audiences:

- CSA Coordinators; CPMT members; FAPT members; Fiscal Agents; Utilization Review Specialists; External Auditors.

Possible Topics:

- CSA Mission and Vision/CSA as a System of Care
- Building effective multi-disciplinary teams/collaboration
- Overview and prioritization of local CSA Coordinator responsibilities (§2.2-2649)
- Provision of effective and efficient services (§2.2-2649)

¹ Where appropriate, specific statutory requirements addressed through this training plan are indicated.

- Use of data and data analytics to assess service patterns and improve outcomes
- Understanding High Fidelity Wraparound and Intensive Care Coordination
- Utilization Management and Utilization Review (*Appropriation Act*)
- Controlling costs and utilizing alternative funding streams and revenues (*Appropriation Act*)
 - Blending & Braiding Funds – Developing a Fiscal Plan
 - Accessing the full array of Medicaid services (*Appropriation Act, with DMAS*)
- Use of state pool funds: eligibility and decision points
- FAPT determination of CHINS: parental agreements and foster care prevention
- Understanding mission, purpose, and outcomes of child-serving agencies
 - Foster care services and the CSA (*Appropriation Act, with DSS*)
 - Requirements regarding IDEA and the use of CSA funds for special education services (*Appropriation Act, with DOE*)
- Guidelines for Therapeutic Foster Care and negotiating contracts with TFC providers (*Appropriation Act*)
- Building community services/public-private partnerships (*Appropriation Act*)
- CSA program audits: compliance monitoring and program improvement; self-assessment process
- Navigating cross-jurisdictional issues: Fostering Connections; transfers; out-of state placement
- Administrative and fiscal issues: Local statutory responsibilities (*Appropriation Act*)
- Financial and data reporting requirements of CSA (supplemental funding requests, pool fund reimbursement, data set, and client based expenditures; understanding service categories, match rates)
- Engaging families, empowering client/family voice and choice
- Contracting: regional contracts, negotiating terms, performance-based contracts
- Audits of local CSA programs

Primary implementation methods:

- CSA Annual Conference
- New CSA Coordinator Academy
- On-line and Webinar training
- Information developed and disseminated through the CSA website

B. TO INCREASE KNOWLEDGE, SKILLS, AND COMPETENCIES OF CHILD SERVING ENTITIES TO MAXIMIZE USE OF CSA PROCESSES AND FUNDING TO EFFECTIVELY SERVE YOUTH AND FAMILIES.

Objective:

- To ensure that the key partners in the CSA gain specific and targeted knowledge and competencies to incorporate CSA into their primary areas of professional responsibility.

Target Audiences:

- Executive managers, supervisors, and direct service staff in local departments of social services, court service units, community services boards, and school divisions; state level managers in child-serving agencies; juvenile and domestic relations court judges; guardians ad litem; LDSS attorneys; elected and appointed local government officials; private service providers.

Topics:

- Foster care services and the CSA (*Appropriation Act, with DSS*)

- Requirements regarding IDEA and the use of CSA funds for special education services (*Appropriation Act, with DOE*)
 - Best practices and effective strategies for serving children with educational disabilities in the least restrictive environment (per request of the Commission on Youth)
- Vision and mission of CSA
- Accessing CSA funded services
- CANS certification and Super Users training
- Using CANS for service planning

Primary Implementation Methods:

- Stakeholder venues/conferences
- Locality-specific training events
- Virtual learning (on-line) opportunities developed and disseminated in conjunction with partner agencies

Supporting Activities:

- Coordinate with local CSA programs and stakeholder organizations to plan and deliver topical CSA training within agency-specific conferences and training sessions.
- Work with the State and Local Advisory Team (SLAT), the State Executive Council (SEC), selected partner agencies, and other affiliated organizations (e.g., VML/VACO, VCOPPA, VLSSE/VDSS) to identify “recommended” and “mandatory” CSA-related training to be incorporated into agency training requirements and plans.

C. TO ENHANCE CSA OUTCOMES FOR YOUTH, FAMILIES AND COMMUNITIES BY ADOPTION OF EFFECTIVE, EVIDENCE-BASED PRACTICES.

Objectives:

- To provide opportunities for CSA stakeholders to learn about and develop competencies in effective, evidence-based models pertaining to the service needs of the CSA population.

Target Audiences:

- All CSA stakeholders

Topics:

- Best practices and evidence-based practices related to the CSA (*Appropriation Act*)
 - Introduction to Systems of Care
 - Intensive Care Coordination / High Fidelity Wraparound (HFW)
 - Facilitator training
 - Family and youth support partner training
 - Local coaching and clinical supervisors training
 - Trauma-informed services within an overall System of Care (in collaboration with DSS and DBHDS)
 - Use of the CANS as an outcomes management tool
 - Family engagement – families and youth as partners
 - Evidence-based/evidence-informed practices in children’s services

Primary implementation methods:

- CSA Annual Conference

- Collaborative training efforts with partner agencies
- On-line and Webinar training
- Information developed and disseminated through the CSA website

II. TRAINING AND TECHNICAL ASSISTANCE METHODOLOGIES

A. DELIVER OCS SPONSORED TRAINING OPPORTUNITIES

Activities:

- Conduct Annual CSA Conference
- Conduct Pre-conference CSA Coordinator session at annual CSA Conference
- Conduct New CSA Coordinator Academy

B. DELIVER CSA RELATED TRAINING WITHIN STAKEHOLDER VENUES/CONFERENCES

Projected Activities:

- In collaboration with sponsoring entities, conduct training in a variety of venues. Examples include, but are not limited to:
 - Dept. of Education: Aspiring Leaders of Special Education Academy
 - Dept. of Education: New Directors of Special Education Academy
 - Dept. of Social Services: New Local Directors Learning Experience
 - VA League of Social Service Executives training events
 - VA Association of Counties meetings
 - VA Coalition of Private Provider Organizations Critical Issues Symposium
 - VA Association of Independent Special Education Facilities: Annual Conference
 - Office of Executive Secretary of the Supreme Court: Court Improvement Program training events
 - Office of Executive Secretary of the Supreme Court: Mandatory JDR Judges Conference
- Through collaboration with stakeholder agencies and organizations, identify and schedule venues.
- Through collaboration with stakeholder agencies and organizations, the State and Local Advisory Team (SLAT), and the SLAT Training Workgroup, identify training needs and appropriate training venues/opportunities.

C. DELIVER TARGETED, HIGH-QUALITY TECHNICAL ASSISTANCE

Objective:

- To respond to stakeholder identified needs for information that will enhance the effectiveness of CSA activities, minimize and/or respond to audit findings, and support overall system of care implementation

Activities:

- Maintain the "OCS Help Desk" on the CSA website to facilitate prompt, accurate and consistent responses to requests for specific guidance
- Provide targeted on-site training and technical assistance to meet needs identified by OCS, localities, and/or regions
- Provide targeted assistance to facilitate CPMT corrective action/program improvement activities
- Provide on-site and remote technical assistance on frequently asked questions/common issues
- Provide information through the Resource Library of the CSA website (FAQ's, Fact Sheets)

D. DEVELOP AND OFFER VIRTUAL LEARNING OPPORTUNITIES

Objective:

- Maximize participation and accessibility of CSA-related training through an array of delivery platforms and designing training to meet diverse learning styles and venues

Activities:

- Maintain training site for CANS certification
- Administer the CSA Knowledge Center (KC) to include user account management for local users
- Plan and deliver webinars on “hot topics” (e.g., new policy guidelines), best practices, common focal issues raised by CSA stakeholders
- Develop and implement on-line and other distance learning programs to include:
 - Educational opportunities through the Knowledge Center
 - Ongoing availability of archived training materials from the annual conferences, webinars, and other sources
 - Use of the CSA website to make available materials from national and other sources of best-practices information

E. PROMOTE AVAILABILITY OF LIVE AND VIRTUAL TRAINING OPPORTUNITIES

Objective:

- Build participation levels and ensure that various stakeholders are aware of relevant training opportunities provided by both OCS and partner agencies

Activities:

- Maintain the on-line Training Calendar which provides information about upcoming training events and information on how to enroll in those events
- Support the work of the SLAT Training Committee to collect, provide to OCS and disseminate information on upcoming training events
- OCS will utilize various communication mechanisms (CSA listserve, CSA website, e-mail lists) to inform stakeholders of relevant upcoming training events

III. EVALUATION

Objective:

- To provide accountability and continuous quality improvement for OCS training activities

Activities:

- Identify and assess measurable objectives for all CSA training activities
- Design course outlines, content, materials, activities, methods of instruction, and evaluation criteria for CSA training activities that reflect the principles of adult learning and best practices in instructional design
- Collect and report information regarding participants (e.g., number, primary professional affiliation) at major CSA training events

- Collect and summarize evaluations of OCS training activities and utilize feedback to refine and improve training activities
 - Provide quarterly reports to the State Executive Council summarizing OCS training activities
 - Complete and submit an annual report to the General Assembly regarding OCS training activities
-