

**AGENDA**  
**State Executive Council for Children's Services**  
**March 14, 2024**  
**9:30 AM – 1:00 PM**

5600 Cox Road  
Glen Allen, VA 23060  
James River/York River Rooms

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Note: This is an in-person meeting  
To accommodate interested members of the public, the meeting will be viewable at:

**Please join my meeting from your computer, tablet, or smartphone.**  
<https://meet.goto.com/416965165>

**You can also dial in using your phone.**  
Access Code: 416-965-165  
United States: [+1 \(646\) 749-3122](tel:+16467493122)

- 9:30 Call to Order / Opening Remarks** – Honorable Leah Mills  
Deputy Secretary of Health and Human Resources
- 9:40 Member Introductions**
- Action Item:** Approval of Remote Participation per SEC Policy 2.1.3 and §2.2-3708.2, COV  
(if necessary)
- 9:45 Public Comment** (Five-minute limit per speaker)
- 10:00 Action Item:** Approval of December 2023 Minutes
- 10:05 SEC Policy Review** – Public comments on policies 2.4, 3.4, and 4.2
- Action Item:** Adoption of revised policies 2.4, 3.4, and 4.2
- 10:45 SEC Policy Review**
- Action Item:** Approve revised Policy 4.5.2 for the initial 45-day public comment period
- 11:15 Request from the Commission on Youth (FAPT Confidentiality)**
- 11:30 State and Local Advisory Team (SLAT) Report** – Mills Jones, SLAT Chair
- 11:45 OCS Executive Director's Report** – Scott Reiner
- 12:30 Member Remarks / Updates**
- 1:00 Closing Remarks and Adjourn** – Honorable Leah Mills

**Remaining 2024 Meetings**

June 13, September 12, December 12

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**STATE EXECUTIVE COUNCIL (SEC)  
FOR CHILDREN'S SERVICES  
1604 Santa Rosa Road  
Richmond/Henrico Rooms  
Richmond, VA  
Thursday, December 14, 2023**

**SEC Members Present:**

Leah Mills, Deputy Secretary of Health and Human Resources for The Honorable John Littel,  
Secretary of Health and Human Resources (*SEC Chair*)  
Carl Ayers for Danny Avula, M.D., Commissioner, Virginia Department of Social Services  
The Honorable Carrie Coyner, Member, Virginia House of Delegates  
The Honorable Christopher Faraldi, Member, Lynchburg City Council (*virtually*)  
The Honorable Willie Greene, Mayor, City of Galax  
Kathryn Hayfield, Commissioner, Department for Aging and Rehabilitative Services  
Bob Hicks for Karen Shelton, MD, Commissioner, Virginia Department of Health  
Samantha Hollins, Ph.D. for Lisa Coons, Superintendent of Public Instruction, Virginia Department of  
Education  
Michelle Johnson, County Administrator, Charles City County  
Sandra Karison for Karl Hade, Executive Secretary of the Supreme Court of Virginia  
The Honorable Chad Logan, Judge, 26<sup>th</sup> Judicial District, Juvenile and Domestic Relations  
District Court  
Jeff Lunardi for Cheryl Roberts, Director, Department of Medical Assistance Services  
The Honorable T. Montgomery "Monty" Mason, Member, Senate of Virginia  
Andrea McMahan for Amy Floriano, Director, Department of Juvenile Justice  
The Honorable Dalia Palchik, Member, Fairfax County Board of Supervisors  
Anahita Renner, Parent Representative  
Melvin Roy, Founder and CEO of Foster-U, Service Recipient Representative  
Nelson Smith, Commissioner, Virginia Department of Behavioral Health and Developmental Services  
Rebecca Vinroot, Chair, State and Local Advisory Team (SLAT)

**Other Staff Present:**

Stephanie Bacote, Program Audit Manager, OCS  
Mary Bell, Program Consultant, OCS  
Marsha Mucha, Administrative Staff Assistant, OCS  
Scott Reiner, Executive Director, OCS  
Kristi Schabo, Senior Policy and Planning Specialist, OCS  
Susan Whyte, Assistant Attorney General

**Members Absent:**

The Honorable Margaret Angela Franklin, Prince William County Board of Supervisors  
Natalie Handy, VP of Government Affairs & Advocacy, Health Connect America, Private  
Provider Representative  
Nancy Robbins, Parent Representative  
Ron Spears, CEO, Elk Hill, Private Provider Representative

### **Call to Order/Opening Remarks and Member Introductions**

Leah Mills, Deputy Secretary of Health and Human Resources, called the meeting to order at 9:40 a.m. She welcomed everyone on behalf of Secretary Littel. Introductions were made. Mrs. Mills noted that later today, Governor Youngkin would unveil his youth mental health strategy. The announcement is on the first anniversary of the Right Help, Right Now Initiative. Several SEC members will need to leave the meeting early to attend the event and she asked that action items on today's agenda be considered first.

On a motion by Nelson Smith, seconded by Dalia Palchik, the SEC approved a request by Councilman Faraldi pursuant to §2.2.-3708.2 and SEC Policy 2.1.3 to participate virtually from his office due to a work commitment.

Upon Mr. Roy's arrival, he was welcomed and introduced as the newest member of the SEC.

### **Public Comment**

The following individuals made public comments:

- Mary Ottinot, parent and member of the Virginia Behavioral Health Advisory Committee.
- Bill Elwood, Executive Director of the Virginia Coalition of Private Provider Associations (VCOPPA).

Brittany Whitworth (*virtually*), a parent.

### **Approval of Minutes**

The September 14, 2023 meeting minutes were approved on a motion by Michelle Johnson, seconded by Jeff Lunardi, and carried. (Dalia Palchik abstained.)

### **Request for Waiver Related to SEC Policy 4.5.2 (Pool Fund Reimbursement)**

Representatives from Fairfax County came before the SEC to request a waiver of a 2023 pool fund reimbursement (state share) of \$2.2 million for their June 2023 CSA expenditures. Fairfax County indicated that the expenditures were not submitted by the September 30, 2023, year-end filing deadline, due to extenuating circumstances.

Under oath, Mr. Reiner provided details on policies and procedures governing the year-end process for submission of reimbursements by localities. September 30 is the last day to submit reimbursements for the previous fiscal year. In this case, for the fiscal year ending June 30, 2023.

Under oath, representatives from Fairfax reported that the filing was missed because of a computer system outage that did not allow Fairfax to follow the checks and balances they had in place and would normally follow in assuring that their expenditures had been appropriately submitted to CSA.

During the discussion, Mr. Reiner explained that a technology fix has been implemented by CSA that would prevent a locality from submitting for reimbursement in the current month if the previous month has not been submitted.

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A motion was made by Jeff Lunardi and seconded by Nelson Smith to approve the waiver request from Fairfax. SEC members further discussed revising SEC policy 3.4, Dispute Resolution Process, to update the appeal process.

The Statement of Facts as presented:

- Fairfax did not submit their June 30, 2023 request for pool fund reimbursement by September 30, 2023.
- Fairfax submitted a request for a waiver for the June 30, 2023 pool fund reimbursement.
- The SEC granted the waiver today.

On a motion by Carl Ayers, seconded by Senator Mason, the SEC accepted these Statement of Facts as presented.

The following SEC members abstained on all votes on this matter: Sandra Karison, Supervisor Palchik, and Anahita Renner.

#### **Appeal Under SEC Policy 3.4 (Dispute Resolution)**

The following appeals were made:

- **Essex County** was notified by an external audit that their May 2023 CSA pool fund reimbursement in the amount of \$155,759.84 had not been submitted before the September 30, 2023 deadline for the FY ended June 30, 2023.

Under oath, Mr. Reiner reported that Essex County had not offered or made him aware of any mitigating circumstances as to why the filing had not occurred.

Under oath, representatives from Essex County reported that in October 2023, when the county became aware of the issue, Mr. Reiner was contacted by the CPMT, Chair, Candace Mickelborough. The county followed the same procedure as always and had no idea that the May 2023 pool fund reimbursement was missing until contacted by county auditors. SEC members were assured that steps were being put in place by the Essex Director of Finance and County Administrator to prevent this from happening again.

The Statement of Facts as presented:

- Essex County followed the same procedures/process as always.
- Essex County CSA Fiscal Agent did not receive an email for final approval of the submission.

On a motion by Senator Mason, seconded by Supervisor Palchik, the SEC granted the appeal by Essex County to allow the filing of their May 2023 pool fund reimbursement request. Delegate Coyner voted no and Sandra Karison abstained.

- **Dinwiddie County** identified an oversight in submitting pool fund reimbursement requests for January 2023 and July 2023 (for fiscal year ending June 30, 2023) in the amounts of \$123,502.04

and 241,074.30, respectively. These reimbursement requests were not filed by the September 30, 2023 deadline and were identified by Dinwiddie after FY 2023 closed.

Under oath, Mr. Reiner reported that no requests from Dinwiddie County for mitigating circumstances had been provided.

Under oath, representatives on behalf of Dinwiddie County noted medical issues for the employee responsible for filing the pool fund reimbursement requests. Other mitigating circumstances were log-in issues and a local computer system conversion.

### **Closed Meeting**

To discuss the employee's health records and receive legal counsel, the SEC voted to go into a closed meeting to receive legal advice, as permitted by Section 2.2-3711, subsection (A), paragraph 8 of the Code of Virginia.

The motion to convene in a closed meeting was made by Carl Ayers, seconded by Supervisor Palchik and carried.

### **Reconvene in Open Session**

The SEC members reconvened in open session and certified that (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting.

The Statement of Facts as presented:

- The Dinwiddie County employee responsible for the pool fund reimbursement submissions had several health issues that were mitigating circumstances and outside the control of the Dinwiddie CPMT.
- Dinwiddie was undergoing a computer system conversion during this timeframe.

On a motion by Senator Mason, seconded by Rebecca Vinroot, the SEC granted the appeal of Dinwiddie County to allow the filing of their January 2023 and July 2023 pool fund reimbursement requests in the amounts \$123,502.04 and 241,074.30, respectively. Delegate Coyner voted no and Sandra Karison abstained.

### **Biennial Report on the CSA and 2024-2025 SEC Strategic Plan**

Mr. Reiner reported that members received a copy of the revised draft of the Biennial Report and Strategic Plan for their final review with the meeting materials. If adopted today as presented, the Biennial Report and Strategic Plan will be submitted to the General Assembly as required.

On a motion by Delegate Coyner, seconded by Kathryn Hayfield, the SEC adopted the Biennial Report and Strategic Plan as presented.

### **SEC Policy Manual**

Mr. Reiner reported that at the September 14, 2023 meeting, three draft revised SEC policies were presented and approved for a 45-day public comment period. One comment was received on Policy 2.4, Public Participation in Policy-Making Actions. Members received a copy of that comment with their meeting materials.

Mr. Reiner presented a draft of revised SEC policies: Policy 2.4 (Public Participation in Policy-Making Actions) and Policy 3.4 (Dispute Resolution Process) for the SEC's consideration. The next step is to disseminate the revised draft policies for a 60-day public comment period. On a motion by Delegate Coyner, seconded by Nelson Smith, the dissemination of draft Policy 2.4 and 3.4 was approved for a 60-day public comment period.

Mr. Reiner further reported that the third draft revised SEC policy 4.2 (Payment for Services and Change of Legal Residence) had been revised since the draft was presented at the SEC's September 14, 2023 meeting. Section 4.2.6, Change of Legal Residence – Private Special Education Placements, has been added and reviewed by the Attorney General's Office.

On a motion by Carl Ayers, seconded by Senator Mason, the dissemination of draft revised SEC policy, 4.2, Payment for Services and Change of Legal Residence, was approved for a 60-day public comment period

### **SEC Bylaws**

Mr. Reiner presented the proposed revised SEC bylaws, noting that members received a copy with their meeting materials. On a motion by Kathryn Hayfield, seconded by Delegate Coyner, the revised SEC bylaws were approved.

### **OCS Executive Director's Report**

In consideration of time constraints, Mr. Reiner noted that members had received several documents for their review with their meeting materials: a summary of FY 2023 CSA data, copies of five reports to the General Assembly, and an Evidence-Based Programs Bench Card (a suggestion of Judge Logan).

Mr. Reiner also reported that a workgroup will be convened to review parental agreement guidelines. He asked members to let him know if they would like to serve on the workgroup.

### **State and Local Advisory Team (SLAT) Report**

Rebecca Vinroot, SLAT Chair, provided the update. She noted that today would be her last meeting and that Mills Jones, CSA Coordinator, Goochland County, the SLAT Vice-Chair, would serve as SLAT Chair in the interim.

- SLAT last met on November 2, 2023 and approved their revised bylaws.
- SLAT also discussed the Universal Referral Form, one of the products developed by the Safe and Sound Task Force and is a universal referral form to be used for congregate placement requests as a "first glance."

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In closing her report, Mrs. Vinroot thanked the SEC for elevating the voice of SLAT. Mrs. Mills thanked Mrs. Vinroot for her service on SLAT and the members wished her well.

**Closing Remarks and Adjournment**

Mrs. Mills thanked Senator Mason for his work and commitment to the SEC and to the Commonwealth. The members thanked him and wished him well. There being no further business, the meeting adjourned at 1:30 p.m. on a motion by Sam Hollins, seconded by Melvin Roy and carried.

The next meeting is scheduled for March 14, 2024.

**Public Comments and Responses – Proposed Revisions to State Executive Council for Children’s Services  
Policy 2.4 Public Participation in Policy-Making Actions**

#	Commenter	Public Comments	OCS Response
		There was no public comment submitted for this policy.	



## POLICY 2.4

### PUBLIC PARTICIPATION IN POLICY-MAKING ACTIONS

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#### 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 monies 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 SEC members meet to receive 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](mailto: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.

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**Revised:** pending

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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](http://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 2.4.8, 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 2.4.4 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 2.4.4. 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 2.4.7 B).
  2. For a minimum of sixty (60) calendar days following the preliminary approval of the proposed policy (see Section 2.4.7 C).
  3. For a minimum of sixty (60) calendar days following the approval of a re-proposed policy (see Section 2.4.7 E (1) (c)).
- C. The SEC may extend any of the comment periods listed in Section 2.4.6 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.~~<sup>1</sup>
  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 2.4.6 B. The Executive Director of the OCS or designee shall be responsible for compiling, organizing, and presenting to the SEC public comments received.

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<sup>1</sup> §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.”

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 2.4.6 E.

D. Approval of Proposed Stage for Public Comment

1. The SEC shall consider the 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.

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**Revised:** pending

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- 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 2.4.6 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 policies 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.

## 2.4.9 Policy Review

*This policy will be subject to periodic review by the State Executive Council for Children's Services.*



**Public Comments and Responses – Proposed Revisions to State Executive Council for Children’s Services  
Policy 3.4 Dispute Resolution Process**

#	Commenter	Summary of Comments	OCS Response
		There was no public comment submitted for this policy.	

## POLICY 3.4

### DISPUTE RESOLUTION PROCESS

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#### 3.4.1 Purpose

*To provide guidance to local Children's Services Act (CSA) programs regarding the processes related to the dispute resolution process for appealing administrative actions.*

#### 3.4.2 Authority

- A. Section [2.2-2648.D.4](#) of the Code of Virginia requires the State Executive Council for Children's Services (SEC) to: "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."
- B. Section [2.2-2648.D.19](#) of the Code of Virginia requires the SEC to: "Establish and oversee the operation of an informal review and negotiation process with the Director of the Office of Children's Services and a formal dispute resolution procedure before the State Executive Council, which include formal notice and an appeals process, should the Director or Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this Act. 'Formal notice' means the Director or Council provides a letter of notification, which communicates the Director's or the Council's finding, explains the effect of the finding, and describes the appeal process to the chief administrative officer of the local government with a copy to the chair of the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT, including a plan of correction recommended by the Council and submitted to the CPMT. If the Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a plan of repayment."
- C. Section [2.2-2648.D.20](#) of the Code of Virginia requires the SEC to: "Deny state funding to a locality, in accordance with subdivision 19, where the CPMT fails to provide services that comply with the Children's Services Act (§ 2.2-5200 et seq.), any other state law or policy, or any federal law pertaining to the provision of any service funded in accordance with § 2.2-5211."

**Adopted:** December 19, 2013

**Effective:** December 19, 2013

**Revised:** pending

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### 3.4.3 Definitions

*“Administrative Actions” actions made by the Office of Children’s Services (OCS) on behalf of the SEC related to the failure of a Community Policy and Management Team (CPMT) to comply with the provisions of § 2.2-5200 et seq.*

*“Community Policy and Management Team (CPMT)” is the entity that develops, implements, and monitors the CSA local program through policy development, quality assurance, and oversight of functions.*

*“Formal Notice” is the provision of a letter of notification from the OCS Director or SEC that communicates the Director's or the SEC's finding, explains the effect of the finding, and describes the appeal process to the chief administrative officer of the local government with a copy to the chair of the CPMT.*

*“Office of Children’s Services (OCS)” is the administrative entity of the SEC responsible for ensuring that the SEC's decisions and policies are implemented per the powers and duties granted by section [2.2-2649](#) of the Code of Virginia.*

*“State Executive Council for Children’s Services (SEC)” is the supervisory council responsible for agency operations, including approval of requests for appropriations with the powers and duties outlined in section [2.2-2648](#) of the Code of Virginia.*

### 3.4.4 Appealable Actions; Parties; Venue; Written Decisions

- A. Administrative actions that may be appealed through the dispute resolution process are:
  - 1. Denial, in whole or in part, by the OCS of financial reimbursement for expenditures incurred by a CPMT to COV § [2.2-2648\(D\)\(20\)](#); and
  - 2. Request by the OCS for the recoupment of prior reimbursement provided to a CPMT, pursuant to [COV § 2.2-2648\(D\)\(20\)](#).
- B. Only a CPMT can file an appeal. Appeals are not available to clients of CSA services or to any subgroup of the CPMT, including any member agency or individual member.
- C. All hearings and meetings related to appeals shall be held in the Richmond, Virginia area. Informal hearings may be held at an alternate location as agreed to by all parties.
- D. The terms of any final case decision by the OCS or the SEC Council, as signed by it, rendered at the informal or formal stages of the Appeal Process shall be served upon the CPMT by mail unless service otherwise made is duly acknowledged by them in writing. The signed originals shall remain in the custody of the OCS as public records;

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**Revised:** pending

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and they, or facsimiles thereof, together with the full record or file in every case, shall be made available for public inspection or copying except *as provided in the Virginia Freedom of Information Act COV § 2.2-3700 et seq or unless otherwise provided by state or federal law.* ~~(i) so far as the OCS may withhold the same in whole or part for the purpose of protecting individuals mentioned from personal embarrassment, obloquy, or disclosures of a private nature including statements respecting the physical, mental, moral, or financial condition of such individuals or (ii) for trade secrets or, so far as protected by other laws, other commercial or industrial information imparted in confidence.~~

- E. The CPMT shall be entitled to be represented by counsel at all hearings and meetings related to appeals.

### 3.4.5 Appeal Process

- A. Written finding. Upon receipt by the CPMT of a formal written notice from the Executive Director of OCS which communicates a finding by the Executive Director requiring action pursuant to subsection 3.4.1(a), and the basis for such finding, a local CPMT shall have the right to appeal such finding and action.
- B. Request for Reconsideration. Within 45 calendar days of issuance of the formal written notice from the Executive Director, a CPMT appealing such finding and action may file a written Request for Reconsideration with the Executive Director stating its intention to appeal the finding and action and the reasons why the CPMT claims the finding and action are not appropriate. If the formal written notice from the Executive Director is delivered to the CPMT by regular mail, 3 calendar days shall be added to the time in which the CPMT must respond. The Request for Reconsideration shall also include a request for the informal conference pursuant to subsection 3.4.2(c). The CPMT may waive its right to the informal conference and submit a Notice of Appeal requesting a formal hearing before the ~~SEC Council~~ pursuant to subsection 3.4.2(d). The Notice of Appeal shall include a statement of the finding and/or action by the Executive Director being appealed and a brief statement of the reasons why the CPMT claims the finding and/or action are not appropriate.
- C. Informal conference.
  - 1. The informal conference shall be held within 15 business days of the Executive Director's receipt of the Request for Reconsideration unless both parties agree in writing to hold the informal conference at a later date.

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2. The purpose of the informal conference is to allow the CPMT to present, and the Executive Director to consider, any additional facts and reasons providing the basis for the CPMT's appeal of the written findings and action by the Executive Director.
3. The CPMT shall have the right to (i) receive reasonable notice thereof, (ii) appear in person and to be represented by counsel, (iii) have other witnesses appear for the informal presentation of factual data, argument, or proof related to the matter, (iv) have notice of any contrary fact basis of information in the possession of the OCS that can be relied upon in making an adverse decision, and (v) be informed, briefly and generally in writing, of the factual or procedural basis for a decision in any case prior to the commencement of the informal conference.
4. The OCS may, in its decision, rely upon public data, documents, or information only when OCS has provided all parties with advance notice of its intent to consider such public data, documents, or information. This requirement shall not apply to OCS's reliance on administrative precedent.
5. The Executive Director shall have the right to counsel for the informal conference.
6. The CPMT shall have the right and option to submit any documentation to support its case prior to, during, and/or at any time subsequent to the informal conference and prior to the rendering of the Executive Director's written determination.
7. Within 30 business days following the conclusion of the informal conference, or the receipt by the Executive Director of all relevant documents or exhibits, whichever is later, the Executive Director shall render a final decision. The parties may agree in writing to extend this period of time.
8. In the event the Executive Director who issued the written notice of finding and action is unable to conduct the informal conference or issue a written determination following the informal conference due to sickness, disability, or termination of their official capacity with the OCS, the timeframe provisions herein shall commence from the date that either alternate OCS personnel are assigned to the matter or a new proceeding is conducted, if necessary, whichever is later. The OCS shall provide notice within five calendar days to the CPMT of any such inability or incapacity of the Executive Director that necessitates a replacement or a new proceeding.
9. The CPMT may contest the final decision of the Executive Director by submitting to the OCS a written Notice of Appeal requesting a formal hearing before the

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**Effective:** December 19, 2013

**Revised:** pending

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~~SEC Council~~ within 30 calendar days of the issuance of the Executive Director's final decision. If the Executive Director's final decision is delivered to the CPMT by regular mail, 3 calendar days shall be added to *the* time in which the CPMT must respond. If the OCS does not receive such a Notice of Appeal within this time period, the CPMT shall be deemed to accept the final decision of the Executive Director and shall immediately comply therewith. The Notice of Appeal shall include a statement of the finding and/or action by the Executive Director being appealed and a brief statement of the reasons why the CPMT claims the finding and/or action are not appropriate.

D. Formal hearing.

1. Within 5 business days of receipt by the Executive Director of the Notice of Appeal submitted by a CPMT, the Executive Director shall contact the CPMT chair to schedule a mutually agreeable date for the formal hearing and to establish guidelines for the receipt of documentation supporting the Notice of Appeal.
2. In all such formal proceedings all parties shall be entitled to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made. The burden of proof shall be upon the CPMT. The presiding officer at the proceedings may (i) administer oaths and affirmations, (ii) receive probative evidence, exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, rebuttal, or cross-examination, rule upon offers of proof, and oversee a verbatim recording of the evidence, (iii) hold conferences for the settlement or simplification of issues by consent, (iv) dispose of procedural requests, and (v) regulate and expedite the course of the hearing.
3. The ~~SEC Council~~ shall conduct the formal hearings and the Chair of the ~~SEC Council~~ shall serve as presiding officer. The decision of the ~~SEC Council~~ shall be final and shall be made in writing in the form of a Final Order of Disposition. The Final Order of Disposition shall include:
  - a. written findings of fact;
  - b. conclusions of law or policy;
  - c. rationale for its conclusion, including the identification of any documents or policies upon which the conclusion was made; and
  - d. the corrective action plan and/or any repayment plan.
4. Timetable for decision:

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**Revised:** pending

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- a. The decision of the ~~SEC Council~~ shall be rendered within 30 calendar days of the formal hearing. If the ~~SEC Council~~ fails to render a decision within 30 calendar days of the date of the formal hearing, the decision is deemed to be in favor of the CPMT.
- b. The provisions of subsection 4(a) notwithstanding, if a quorum of the ~~SEC Council~~ is unable to be met at the time the ~~SEC Council~~ makes its decision due to a member's sickness, disability, or termination of their official capacity with the ~~SEC Council~~, then the timeframe provisions of subsection 4(a) shall be reset and commence from the date that either new board members are assigned to the matter or a new proceeding is conducted if needed, whichever is later. The OCS shall provide notice within five business days to the CPMT of any incapacity of the ~~SEC Council~~ members that necessitates a replacement or a new proceeding.

### ***3.4.6 Policy Review***

*This policy will be subject to periodic review by the State Executive Council for Children's Services.*

**Adopted:** December 19, 2013

**Effective:** December 19, 2013

**Revised:** pending

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**Public Comments and Responses – Proposed Revisions to State Executive Council for Children’s Services  
Policy 4.2 Payment for Services and Change of Legal Residence**

#	Commenter	Summary of Comments	OCS Response
		There was no public comment submitted for this policy.	



## POLICY 4.2

### PAYMENT FOR SERVICES AND CHANGE OF LEGAL RESIDENCE

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#### 4.2.1 Purpose

To provide guidance to local Children's Services Act (CSA) programs regarding the processes related to the transfer of CSA cases upon the notification of a family's change of legal residence.

#### 4.2.2 Authority

- A. Section [2.2-2648.D.9](#) of the Code of Virginia requires the State Executive Council to "provide administrative support and fiscal incentives for the establishment and operation of local comprehensive service systems."
- B. Section [34 CFR 300.323\(e\)](#) of the Individuals with Disabilities Education Act directs that "IEPs for children who transfer public agencies in the same State. If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either -
  - (1) Adopts the child's IEP from the previous public agency; or
  - (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in [§§300.320](#) through [300.324](#)."
- C. [8VAC20-81-120.A.2](#) of the Code of Virginia requires that "Children with disabilities who transfer between local educational agencies in Virginia or transfer from a local educational agency outside of Virginia to a local educational agency in Virginia within the same school year are subject to the following provisions. (34 CFR 300.323(e), (f), and (g))
  2. The new local educational agency shall provide a free appropriate public education to the child, including ensuring that the child has available special education and related services, in consultation with the parent(s), including services comparable to those described in the child's IEP from the previous local educational agency, until the new local educational agency either:
    - a. Adopts and implements the child's IEP from the previous local educational agency with the parent's consent; or
    - b. Conducts an evaluation, if determined necessary by the local educational agency, and develops and implements a new IEP with the parent's consent that meets the requirements in this chapter."

### **4.2.3 Definitions**

*“Community Policy and Management Team (CPMT)” is the entity that develops, implements, and monitors the CSA local program through policy development, quality assurance, and oversight of functions.*

*“Free appropriate public education” or “FAPE” means special education and related services that: (34 CFR 300.17) 1. Are provided at public expense, under public supervision and direction, and without charge; 2. Meet the standards of the Virginia Board of Education; 3. Include an appropriate preschool, elementary school, middle school or secondary school education in Virginia; and 4. Are provided in conformity with an individualized education program that meets the requirements of the Regulations Governing Special Education Programs for Children with Disabilities in Virginia.*

*“Former CPMT” is, for the purpose of this policy, the CPMT from the locality where a family resides prior to a change of address.*

*“Individualized Education Program” or “IEP” is a written statement for a child with a disability that is developed, reviewed, and revised in a team meeting in accordance with the Regulations Governing Special Education Programs for Children with Disabilities in Virginia. The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the child's educational needs. (8VAC20-81-10)*

*“Individual Family Service Plan (IFSP)” is a plan developed during the Family Assessment and Planning Team (FAPT) process that incorporates the results of the mandatory uniform assessment, input of the youth and family, and other information to document goals, objectives, specific interventions/activities, and services recommended by the FAPT.*

*“Local Education Agency” or LEA means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools (34 CFR 303.23).*

*“New/Receiving CPMT” is, for the purposes of this policy, the CPMT from the locality where a family resides following a change of address.*

#### 4.2.4 Payment for Services

The CPMT jurisdiction where the child legally resides shall be responsible for payment for the services identified in the child/family's Individual Family Service Plan *for 30 calendar days after the new CPMT receives written notification of the child/family's residence in the new CPMT locality, except for private special education services as detailed in section 4.2.6. of this policy.*

#### 4.2.5 Change of Legal Residence – Non-Special Education Services

- A. Issues of legal residence should be addressed by the legal ~~services counsel~~ assigned to the CPMT. If the child/family's legal residence changes, the following shall govern payment for services:
1. The Former CPMT is responsible for:
    - a. Providing written notification to the New/Receiving CPMT of the fact that the child/family's residence has changed *after obtaining proper consent from the parent or legal guardian(s) of the child; and*
    - b. Forwarding the child's/family's Individual Family Service Plan and other FAPT or MDT documents to the New/Receiving CPMT; ~~and~~
    - c. Informing *current* service providers of changes in the child/family's residence; ~~and~~
    - d. ~~The former CPMT jurisdiction pays~~ *Paying* for services for 30 calendar days after the New/Receiving CPMT receives written notification of the child/family's change of residence.
  2. ~~When the residence of the child/family transfers to a new CPMT jurisdiction, The New/Receiving CPMT must review~~ *is responsible for* reviewing the current IFSP and adopting (or revising) and implementing the IFSP within 30 calendar *days of written receipt of the notification of the child/family's residence in their locality.*
  3. CPMT jurisdictions are encouraged to:
    - a. Keep track of the child/family's residence status;
    - b. Notify New/*Receiving* Community Policy and Management Teams as soon as they know of the child/family's pending move to facilitate planning; and
    - c. To work cooperatively to resolve issues related to legal residence.

## ***4.2.6 Change of Legal Residence – Private Special Education Placements***

A. *Issues of legal residence should be addressed by the legal counsel assigned to the CPMT/Local Education Agency. If the child/family’s legal residence changes, the following shall govern payment for services:*

1. *The Former CPMT is responsible for:*
  - a. *Providing written notification to the New/Receiving CPMT of the fact that the child/family’s residence has changed;*
  - b. *Forwarding child’s/family’s IEP/Individual Family Service Plan and other FAPT or MDT documents to the New/Receiving CPMT jurisdiction;*
  - c. *Informing private special education service providers of changes in the child/family’s residence; and*
  - d. *Fund educational services until the student no longer resides within the jurisdiction of the prior Local Education Agency.*
2. *CPMTs are encouraged to:*
  - a. *Include language in their contracts with private special education providers indicating that they (the local CSA program) are responsible for payment for such services only while the student is a resident of that jurisdiction.*
  - b. *Notify, in writing, the parents of students receiving private special education services, that if the parent relocates to another jurisdiction, responsibility for their child’s IEP falls to their new jurisdiction of residence and they need to immediately enroll their child in the Local Education Agency where they now reside.*
3. *The New/Receiving CPMT is responsible for:*
  - a. *Notifying their Local Education Agency that a student has transferred into their locality; and*
  - b. *Begin funding educational services when the student resides within in the new school division.*
4. *CPMT jurisdictions are encouraged to:*
  - a. *Keep track of the child/family’s residence status;*
  - b. *Notify New/Receiving Community Policy and Management Teams as soon as they know of the child/family’s pending move to facilitate planning; and*

- c. *To work cooperatively to resolve issues related to legal residence.*

#### ***4.2.7 Policy Review***

*This policy will be subject to periodic review by the State Executive Council for Children's Services.*

DRAFT

# State Executive Council (SEC) for Children's Services

## Notice of Intent to Develop/Revise Policy

**Approved for Public Comment by the SEC:** March 14, 2024

**Public Comment Period Ends:** 5:00 PM, April 29, 2024

### **Number and Name of Proposed/Revised Policy:**

Policy 4.5.2 – Time Frames Regarding CSA Pool Fund Reimbursement

### **Basis and Purpose of the Proposed/Revised Policy:**

Section 2.2-2648.D.3 of the *Code of Virginia* requires the SEC to: "Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of Children's Services, which support the purposes of the Children's Services Act (§ 2.2-5200 et seq.), through the promulgation of regulations by the participating state boards or by administrative action, as appropriate."

Additionally, Section 2.2-2648.D.19 of the Code of Virginia requires the State Executive Council for Children's Services (SEC) to "Establish and oversee the operation of an informal review and negotiation process with the Director of the Office of Children's Services and a formal dispute resolution procedure before the State Executive Council, which include formal notice and an appeals process, should the Director or Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this Act. 'Formal notice' means the Director or Council provides a letter of notification, which communicates the Director's or the Council's finding, explains the effect of the finding, and describes the appeal process to the chief administrative officer of the local government with a copy to the chair of the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a plan of repayment."

The proposed changes to the existing policy 4.5.2 align the policy with the standard policy format adopted by the State Executive Council in September 2022 by adding sections 4.5.2.1 (Purpose), 4.5.2.2 (Authority), 4.5.2.3 (Definitions), 4.5.2.4(Pool Fund Reimbursements), and 4.5.2.5 (Policy Review), as well as footers to denote dates of Adoption, Effect, Revision, and page numbers.

The proposed changes include modifications to existing content that designate timeframes for final claims for reimbursement, the process for requesting final reimbursement submission waivers, and allow the OCS Executive Director to grant or decline waiver requests. The revised policy also requires localities to develop procedures related to regular reconciliation of local expenditures and pool fund distribution and the temporary unavailability of report preparers and/or fiscal agents.

**Summary of the Proposed Policy:**

Policy 4.5.2 provides guidance to local Children’s Services Act (CSA) programs regarding the fiscal process related to pool fund reimbursement.

**Preliminary Fiscal Impact Analysis:**

There is no anticipated fiscal impact of the revisions to this policy on either the Commonwealth or local governments.

## **POLICY 4.5**

### **FISCAL PROCEDURES**

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#### **4.5.2 Times Frames Regarding CSA Pool Fund Reimbursement**

##### **4.5.2.1 Purpose**

*To provide guidance to local Children's Services Act (CSA) programs regarding the fiscal process related to pool fund reimbursement.*

##### **4.5.2.2 Authority**

- A. [2.2-2648.D.3](#) of the Code of Virginia requires the State Executive Council for Children's Services (SEC) to "Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of Children's Services, which support the purposes of the Children's Services Act (§ 2.2-5200 et seq.), through the promulgation of regulations by the participating state boards or by administrative action, as appropriate."
- B. Section [2.2-2648.D.19](#) of the Code of Virginia requires the State Executive Council for Children's Services (SEC) to "Establish and oversee the operation of an informal review and negotiation process with the Director of the Office of Children's Services and a formal dispute resolution procedure before the State Executive Council, which include formal notice and an appeals process, should the Director or Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this Act. 'Formal notice' means the Director or Council provides a letter of notification, which communicates the Director's or the Council's finding, explains the effect of the finding, and describes the appeal process to the chief administrative officer of the local government with a copy to the chair of the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a plan of repayment."

##### **4.5.2.3 Definitions**

*"Final Year-End Report" means the last request for reimbursement submitted by a locality to the OCS for the previous fiscal year.*

*"Fiscal Agent" means the individual designated by the locality as responsible for the final approval and submission of CSA financial documents to the Office of Children's Services.*

**Adopted:** June 30, 1995

**Effective:** June 30, 1995

**Revised:** 1996, 1997, 1998, 1999, 2000, 2009, 2012, 2024

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*“Fiscal Year” means the time period that begins on the first day of July through the last day of June of the succeeding year.*

*“Good Cause” means a substantial reason or legal justification for failing to appear, act, or respond to an action. The burden of establishing good cause rests on the locality that is requesting a waiver from the September 30 final year-end report.*

- *Good cause may include:*
  - *A state of emergency declared by the Governor or the President which results in the closure of local government offices on September 30.*
  - *Documented failure of local information technology systems that prevent submission of reimbursement requests. Such failures occurring before September 30 should be communicated to the Office of Children’s Services at the time of their occurrence.*
  - *A failure of the OCS system of record for the submission of reimbursement requests.*
- *Good cause does not include:*
  - *Failure to adopt, implement, and carry out local procedures to reconcile actual CSA reimbursements against expected reimbursements using local general ledgers and Pool Fund Distribution History and the Pool Transaction History reports on the CSA website ([www.csa.virginia.gov](http://www.csa.virginia.gov)).*
  - *Failure of the local fiscal agent to approve reimbursements submitted by the local report preparer.*
  - *Failure to obtain and/or process invoices received from service providers for services provided through June 30 of the previous fiscal year. Fiscal years are divided into four quarters (July 1 - September 30; October 1 – December 31; January 1 – March 30; and April 1 – June 30).*

*“Report Preparer” means the individual designated by the locality to process local CSA expenditures such that they may be submitted to the Fiscal Agent for approval and submission to the Office of Children’s Services.*

*“Waiver” means an extension of the time frame in which a locality may submit the final year-end report.*

#### **4.5.2.4 Pool Fund Reimbursements**

- ~~a) Final claims for reimbursements for prior year payments will not be accepted after the first quarter of the next fiscal year. (Adopted June 30, 1995)~~
- ~~b) With the exception of the final year end report referenced above, request for reimbursement of local pool expenditures must be submitted no later than thirty (30) days after the close of the quarter in which the expenditure was paid. Localities may continue to report as often as monthly, but must report at least every quarter. A report should be submitted at the end of the quarter even if it~~

**Adopted:** June 30, 1995

**Effective:** June 30, 1995

**Revised:** 1996, 1997, 1998, 1999, 2000, 2009, 2012, 2024

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indicates no expenditures were made during that quarter. The state fiscal agent will be monitoring local compliance with this requirement and will advise local administrative officials if there is non-compliance. *(Adopted June 30, 1995)*

- c) ~~Effective for the quarter ending September 30, 1995, localities that have not submitted their Quarterly Services Utilization report will have their pool reimbursements held in abeyance until the quarterly report is submitted. A notice will be mailed to the local fiscal agent advising that the reimbursement request is considered incomplete until the past due statistical data is received. The quarterly report will be mailed to the same address as the fiscal reports beginning with the September 30 report due on or before October 15. The CSA Evaluation staff will be sending each locality a revised minimal report format including a submission timetable and at that time will again remind localities of the fiscal impact of not submitting the statistical data. *(Adopted June 30, 1995)*~~
- d) ~~Effective April 30, 1999 a locality may request a waiver to the September 30 final year-end report requirement, either by written request for an extension to the OCS prior to the September 30 cutoff date, or post September 30, only if local governments demonstrate mitigating circumstance beyond their control. *(Adopted April 30, 1999)*~~
- e) ~~Expenditures and Refunds are reported according to the following expenditure reporting categories:~~
- ~~● 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)~~
  - ~~● Foster Care – all others in Licensed Residential Congregate Care~~
  - ~~● Residential Congregate Care – CSA Parental Agreements ; DSS Noncustodial Agreements~~
  - ~~● Non-Mandated Services/Residential/Congregate~~
  - ~~● Educational Services – Congregate Care~~
  - ~~● Treatment Foster Care – IV-E~~
  - ~~● Treatment Foster Care~~
  - ~~● Treatment Foster Care – CSA Parental Agreements ; DSS Noncustodial Agreements~~
  - ~~● Specialized Foster Care – IV-E ; Community Based Services~~
  - ~~● Specialized Foster Care~~
  - ~~● Family Foster Care – IV-E ; Community Based Services~~
  - ~~● Family Foster Care Maintenance only~~
  - ~~● Family Foster Care – Children receiving maintenance and basic activities payments; independent living Stipend/Arrangements~~
  - ~~● Community Based Services~~
  - ~~● Community Transition Services – Direct Family Services to Transition from Residential to Community~~
  - ~~● Special Education Private Day Placement~~
  - ~~● Wraparound services for students with disabilities~~
  - ~~● Psychiatric Hospitals/Crisis Stabilization Units~~
  - ~~● Non-Mandated Services/Community-Based~~
- (Adopted 1994, Revised 1995, 1996, 1997, 1998, 1999, 2000, 2009, 2012)*

**Adopted:** June 30, 1995

**Effective:** June 30, 1995

**Revised:** 1996, 1997, 1998, 1999, 2000, 2009, 2012, 2024

~~f) Each Pool Fund Reimbursement Request requires certification of compliance with CSA requirements per the following: “The expenditures and refunds reported herein were incurred in accordance with provisions of the CSA, and have not been reported on a previous claim. Documentation is maintained to support the expenditure and refund amounts reported, and to demonstrate that each expenditure and refund was made on behalf of a specific child (or list of specific children) and complies with the CSA Manual, COV and Appropriation Act requirements including utilization management and FAPT criteria.” (Adopted 1995, Revised 1999)~~

- A. *Final claims for reimbursements for prior year payments will not be accepted by the Office of Children’s Services after September 30 of the next fiscal year.*
- B. *Localities may submit requests for reimbursement to the Office of Children’s Services on a monthly basis but must report at least every quarter. A reimbursement report shall be generated and submitted for each calendar month, even if it indicates no expenditures were made during that month.*
- C. *A locality may request a waiver to the September 30 final year-end report requirement specified in 4.5.2.4.A. by:*
  - 1. *Submitting a written request to the OCS Executive Director before or after the September 30 cutoff date.*
  - 2. *The OCS Executive Director will grant or decline a waiver based on their determination that “good cause” exists.*
  - 3. *If a locality does not agree with the OCS Executive Director’s determination of “good cause,” they may request an appeal of the decision through the State Executive Council’s dispute resolution policy (Policy 3.4).*
- D. *Localities shall adopt and implement procedures to reconcile actual CSA reimbursements against expected reimbursements using local general ledgers and the Pool Fund Distribution History, the Pool Transaction History, and other available reports on the CSA website ([www.csa.virginia.gov](http://www.csa.virginia.gov)).*
- E. *Localities shall adopt procedures to address position vacancies, including temporary unavailability, in the roles of Report Preparer and/or Fiscal Agent that impact the timely submission of the CSA reimbursement requests.*

#### **4.5.2.5 Policy Review**

*This policy will be subject to periodic review by the State Executive Council for Children's Services.*

**Adopted:** June 30, 1995

**Effective:** June 30, 1995

**Revised:** 1996, 1997, 1998, 1999, 2000, 2009, 2012, 2024

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# COMMONWEALTH of VIRGINIA

## *Commission on Youth*

Senator Barbara A. Favola, *Chair*  
Delegate Carrie E. Coyner, *Vice Chair*

821 E. Broad St., Ste. 140  
Richmond, Virginia 23219

*Executive Director*  
Amy M. Atkinson

804-371-2481  
<https://vcoy.virginia.gov>

December 1, 2023

The Honorable John Littel  
Secretary of Health and Human Resources  
Chair, State Executive Council  
P.O. Box 1475  
Richmond, Virginia 23218

*Subject: Request the State Executive Council Review HB 2018 (2023) and provide clarification on policies related to the limits of confidentiality during FAPT and CPMT meetings.*

Dear Secretary Littel:

I am writing about a recommendation recently adopted by the Virginia Commission on Youth related to HB 2018 (2023) patroned by Delegate Les Adams. During the 2023 Session, Delegate Les Adams introduced HB 2018 which allows family assessment and planning teams (FAPT) and community policy and management teams (CPMT) to share information with local law enforcement or threat assessment teams established by local school boards, if a FAPT or CPMT obtains information from which the team determines that a child poses a threat of violence or physical harm to himself or others.

This legislation did not pass the General Assembly. In the fall of 2023, Delegate Adams requested that the Commission on Youth provide input on the bill and the underlying issues. While the Commission did not conduct a yearlong study on this issue, staff sought input from a local CSA office and the Office of Children's Services. It was determined that the best course of action would be for the State Executive Council to provide clarification on confidentiality policies since they originate from the user guide for the Children's Services Act. At its November 20, 2023, meeting, the Commission on Youth adopted the following recommendation:

## Request the State Executive Council Review

Request the State Executive Council with input from the Office of the Attorney General to review HB 2018 introduced by Delegate Les Adams in the 2023 General Assembly Session and to provide clarification on policies related to the limits of confidentiality during Family Assessment and Planning Team (FAPT) and Community Policy and Management Teams (CPMT) meetings. Members of FAPT and CPMT teams are required to keep confidential information about a specific child and family obtained during the Children's Services Act (CSA) process and while carrying out their CSA responsibilities. It is further stated in policy that this information may not be shared "except as permitted by law." Clarification is needed to determine specifically what is meant by "except as permitted by law" and what can be shared with local law enforcement or threat assessment teams when a child poses a threat to self or others. The SEC shall provide their findings to the Commission on Youth by November 1, 2024.

The Commission on Youth is committed to working with the State Executive Council on this important request, and is happy to provide any information you may need in furtherance of this assessment.

Please feel free to contact Ms. Amy Atkinson, Executive Director (804-371-2481 or [aatkinson@vcoy.virginia.gov](mailto:aatkinson@vcoy.virginia.gov)), or me, if you have any questions or wish to schedule a meeting to discuss this recommendation.

Sincerely,



Barbara A. Favola

cc: The Honorable Les Adams, House of Delegates  
Scott Reiner, Office of Children's Services  
The Honorable Jason Miyares, Office of the Attorney General

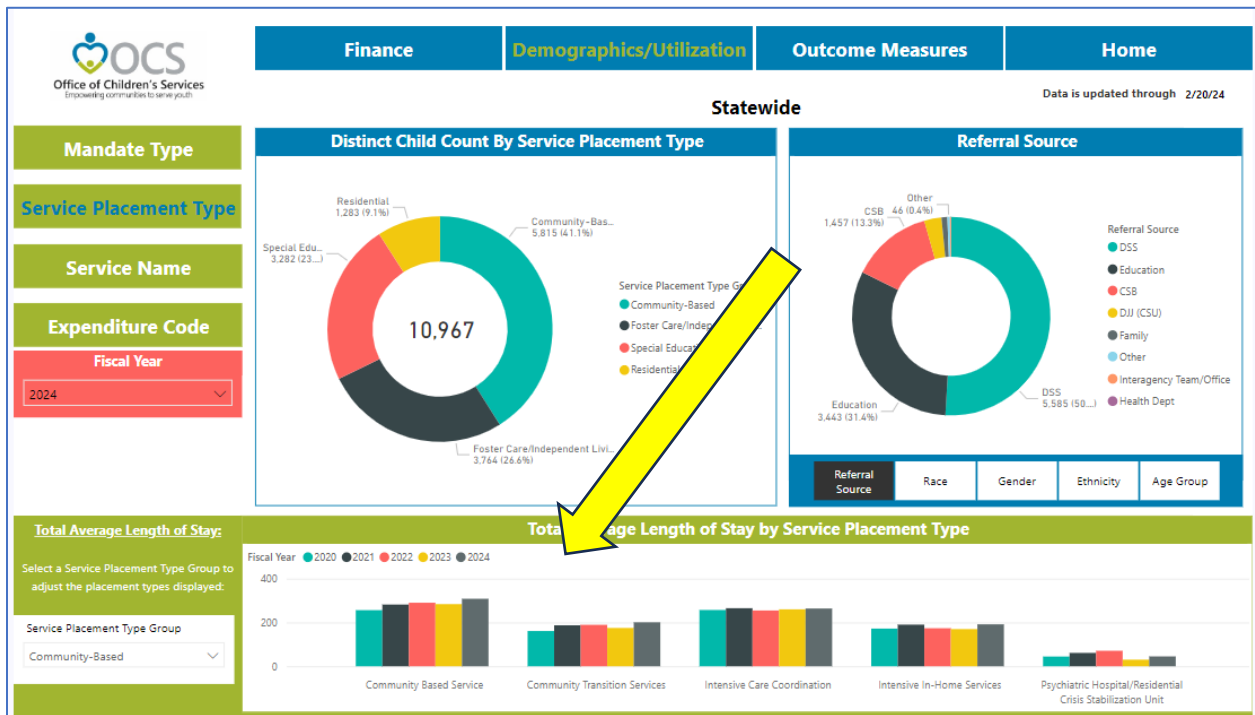
Enclosure

## CSA Data and Outcomes (CQI) Dashboard – Changes in 2024

### Total Average Length of Stay Data Added

The total average length of stay is now available in the Demographic/Utilization section of the dashboard. This measure represents the average total number of days in service from FY 2016 to the present for those youth receiving the service in the current/selected fiscal year. This length of stay measure is available in three breakdowns on the Demographics/Utilization tab: Mandate Type, Service Placement Type, and Service Name.

*Demographics/Utilization dashboard page, total length of stay by Service Placement Type shown below:*

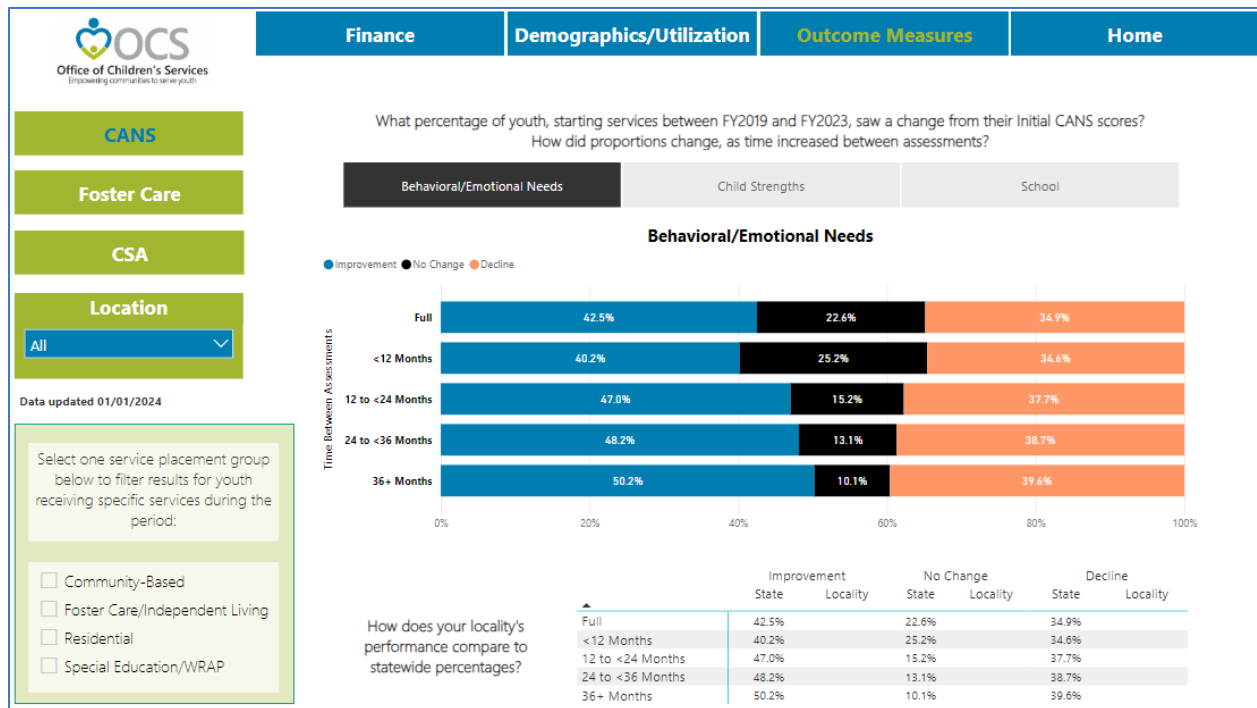


## Changes to the CANS Outcomes

The display for CANS Outcomes has been updated and additional information has been added to this page as follows:

- Youth with “No Change” and “Decline” in domain scores have been added to the chart.
- Performance is reported for five years (youth that began services between FY 2019 and FY 2023). Details are available by the time between the initial assessment and reassessments. For example, the <12 Months category reports the percentage of youth with domain change in the most current reassessment dated less than a year after the initial assessment.
- CANS outcomes are now filterable by the type of services that youth receive. Found in the bottom right corner of this Dashboard page, clicking on one of the checkboxes will filter results to only those youth that received at least one day of the selected service type in the five years measured.

CANS outcomes will continue to be refreshed twice a year, once in January and once in August. However, these measures will now describe a rolling five-year population and domain change by time between assessments. CANS outcomes will no longer be reported by the earliest initial assessment fiscal year cohorts.



Link to Data and Outcomes Dashboard (CQI): <https://csa.virginia.gov/Resources/CQIDashboardReport>

Link to the Dashboard User Guide:

[https://www.csa.virginia.gov/content/doc/Data\\_and\\_Outcomes\\_Dashboard\\_\(CQI\)\\_Instruction\\_Manual.pdf](https://www.csa.virginia.gov/content/doc/Data_and_Outcomes_Dashboard_(CQI)_Instruction_Manual.pdf)