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**7STATE EXECUTIVE COUNCIL (SEC)  
FOR CHILDREN'S SERVICES  
1604 Santa Rosa Road  
Richmond/Henrico Rooms  
Richmond, VA  
Thursday, December 8, 2022**

**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*)  
Adrienne Fegans for Cheryl Roberts, Director, Department of Medical Assistance Services  
The Honorable Margaret Angela Franklin, Member, Prince William County Board of  
Supervisors  
Colin Greene, M.D., Commissioner, Virginia Department of Health  
The Honorable Willie Greene, Mayor, City of Galax  
Natalie Handy, CEO, Intercept Health  
Ellen Harrison for Nelson Smith, Commissioner, Virginia Department of Behavioral Health and  
Developmental Services  
Dale Holden for Amy Floriano, Director, Department of Juvenile Justice  
Samantha Hollins, Ph.D. for Jillian Balow, 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 in the 26<sup>th</sup> Judicial District, Juvenile and Domestic Relations  
District Court  
The Honorable T. Montgomery "Monty" Mason, Member, Senate of Virginia  
The Honorable Dalia Palchik, Member, Fairfax County Board of Supervisors  
Anahita Renner, Parent Representative  
Ron Spears, CEO, Elk Hill  
Rebecca Vinroot, Chair, State and Local Advisory Team (SLAT)

**Other Staff Present:**

Stephanie Bacote, Program Audit Manager, OCS  
Mary Bell, Program Consultant, OCS  
Annette Larkin, Program Auditor, OCS  
Marsha Mucha, Administrative Staff Assistant, OCS  
Scott Reiner, Executive Director, OCS  
Kristi Schabo, Senior Policy and Planning Specialist, OCS  
Courtney Sexton, Program Consultant, OCS  
A.J. Stepter, Program Auditor, OCS  
Susan Whyte, Assistant Attorney General

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### **Call to Order/Opening Remarks**

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 who was not able to attend today's meeting but would be sharing a greeting and brief comments with the membership shortly.

A motion was made by Monty Mason, seconded by Sandra Karison, and carried to approve a request made by Councilman Faraldi (work) pursuant to §2.2-3708.2 and SEC Policy 2.1.3 to participate virtually from his office.

New members (Christopher Faraldi, Natalie Handy, Chad Logan and Anahita Renner) were welcomed to the SEC and introductions were made.

Secretary Littel connected virtually to the meeting and thanked members for the critical work the SEC does to support children and families in Virginia. He noted that there is a lot of work to do to address learning loss and the emotional/social skills lost to children as a result of the pandemic.

### **Approval of Minutes**

The minutes of the September 8, 2022, meeting were approved on a motion by Dalia Palchik, seconded by Ellen Harrison, and carried. (*Christopher Faraldi abstained.*)

### **Public Comment**

There were no public comments.

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

Rebecca Vinroot, SLAT Chair, provided the update. She reported that SLAT last met on November 10, 2022. Mrs. Vinroot provided background information on SLAT's role and responsibilities as they relate to the SEC.

She reported that, at their November meeting, SLAT received and discussed the report prepared by Anna Antell, OCS Lead Program Consultant, on the *Recruitment and Retention of Parent Representatives on Community Policy and Management Teams and Family Assessment and Planning Teams and Best Practices for Elevating Parent Voices*. SLAT will continue discussions on ways to recruit and train parent representatives, as well as the use of CSA administrative funds to provide stipends to parent representatives.

SLAT also developed a guidance document for distribution to local CSA offices on the *Characteristics of a High-Functioning Family Assessment and Planning Team (FAPT)*. That document has been distributed by OCS. SLAT is also interested in reviewing the recommendations from the DOE/CSA workgroup on the transfer of special education funding from CSA to DOE.

SLAT's next meeting is scheduled for February 2, 2023.

### **SEC Policy Manual “Clean Up” Discussion**

Mr. Reiner provided background information noting that, other than the Code of Virginia, the SEC policies are the only other binding guidance for the administration of CSA. He also explained that CSA is not under the purview of the Administrative Process Act but that CSA does have a process in place for public participation in the policy-making process.

Mr. Reiner reported that, in an effort to enhance uniformity and achieve regulatory reduction, OCS is proposing a comprehensive review of the CSA Policy Manual. The purpose of the review would be two-fold:

- To employ a uniform format throughout the policy manual
- To eliminate policies that only restate existing statutes from the Code.

OCS Senior Policy and Planning Specialist, Kristi Schabo would lead the project and work in conjunction with the Office of the Attorney General on the review.

During discussion, several suggestions were made (i.e., including statutes rather than hyperlinks in the actual policies and including a summary table with statutes/relevant policies). After additional discussion, it was decided to refer the project to SLAT for additional input. This item will be included on the SLAT agenda for their February 2023 meeting.

### **OCS Executive Director’s Report**

Mr. Reiner reported on the following items:

- *Summary of FY2022 CSA utilization and expenditures* - Members received a copy of the summary report. For the fiscal year ending June 30, 2022, final expenditures were due from localities by September 30, 2022. Mr. Reiner noted that there was a slight drop in the number of children served in FY2022. CSA expenditures have been flat for the past three fiscal years, including expenditures for private day special education. After reviewing the summary report, Senator Mason asked Mr. Reiner to provide him with the final annual cost per child per service type for FY22.
- *Reports to the General Assembly* – Members received copies of five (5) reports that are due annually to the General Assembly. Mr. Reiner reported that, as required, these reports have been filed.

While briefly reviewing the reports, a lengthy discussion was held on the *Impact of Tiered Match Rates for CSA* report. Mr. Reiner reported that the intent of the tiered match rates, when first implemented, was to encourage reduced utilization of residential care and increase the number of children served in community-based settings.

Several members suggested that perhaps now is the time to review the current match rates. Members focused their discussion on service density and service needs by possibly developing a services density metric to identify where and what services are lacking. It was noted that this would be a huge undertaking that OCS could not accomplish alone. Members also suggested augmenting the Service Gap Survey and the data collected from localities through that report.

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As a result of today's discussion and the issues and questions raised, this topic will be placed on the SEC agenda for the March 2023 meeting. This topic will also be included for further discussion at SLAT's February 2023 meeting.

- *DOE/CSA Workgroup on funding for private special education day schools and residential facilities* – Recommendations have just been released by the Secretaries of Education and Health and Human Resources concerning the transfer of funds for these services from CSA to DOE. The workgroup does not recommend a transfer at this time; however, work to improve oversight and quality of special education and support services is continuing. Members received copies of the report containing all recommendations.
- *Rate-Setting for Private Day Special Education and Fiscal Impact Analysis* – Mr. Reiner provided background information on the language from the 2019 Appropriation Act, and the two rate-setting studies and methodology developed by the Public Consulting Group through a contract with OCS.

Other activities related to rate setting have included virtual focus groups with providers and training and guidelines on the model/tiered rate structure. During its last session, the General Assembly delayed the implementation of rate setting to July 1, 2023. During the 2022-2023 school year, OCS has been conducting a fiscal impact analysis using the new tiered rate structure model. Over the next few weeks, data should be available to report on the proposed fiscal impact if rate setting is implemented.

Absence further direction from the General Assembly, implementation of the model/tiered rate structure will begin July 1, 2023.

- *Follow up on intervention related to audit findings* – Mr. Reiner updated members on OCS's actions regarding a locality's audit findings as discussed with the SEC at their September 2022 meeting. He reported that he had met with representatives of the locality. During the meeting, representatives of the locality and OCS had come to an agreement that, if the locality met certain goals within the next 90 days, there would be no suspension of CSA funding to the locality. So far, the locality has not met those goals.
- *Program Enhancement Plans developed through intensive technical assistance* – As required by the Code, members received copies of the December 2022 Enhanced Technical Assistance Report providing an update on activities. Members also received a copy of the detailed Program Enhancement Plan for Sussex County.

Mr. Reiner noted that seven additional localities have requested intensive technical assistance.

### **Closing Remarks and Adjournment**

Due to time constraints, member updates were not shared. Due to the time necessary for discussion of agenda items, meeting times for 2023 will be extended and lunch will be provided.

There being no further business, the meeting adjourned at 12:05 p.m. The next meeting is scheduled for March 9, 2023.

## **2.1 State Executive Council for Children's Services**

### **2.1.1 Purpose**

The State Executive Council for Children's Services (the "Council" or "SEC") is established as a supervisory council, within the meaning of COV § 2.2-2100, in the executive branch of state government, to oversee the administration of the CSA in accordance with the powers and duties granted by statute in COV § 2.2-2648(D).

*Statutory Authority: § 2.2-2648 of the Code of Virginia.*

### **2.1.2 Membership, Terms and Appointment**

(a) Membership. The Council shall consist of:

- One Member of the House of Delegates to be appointed by the Speaker of the House;
- One Member of the Senate to be appointed by the Senate Committee on Rules;
- The Commissioner of the Department of Health;
- The Commissioner of the Department of Behavioral Health & Developmental Services;
- The Commissioner of the Department of Social Services;
- The Superintendent of Public Instruction;
- The Executive Secretary of the Virginia Supreme Court;
- The Director of the Department of Juvenile Justice;
- The Director of the Department of Medical Assistance Services;
- A juvenile and domestic relations district court judge, to be appointed by the Governor and serve as an ex officio non-voting member;
- The Chair of the State and Local Advisory Team established in § 2.2-5201;
- Five local government representatives chosen from county boards of supervisors or a city council and a county administrator or city manager to be appointed by the Governor;
- Two private provider representatives from facilities that maintain membership in an association of providers for children's or family services and receives funding as authorized by the CSA, to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations;
- A representative who has previously received services through the Children's Services Act, to be appointed by the Governor with recommendations from entities including the Departments of Education and Social Services and the Virginia Chapter of the National Alliance on Mental Illness; and
- Two Parent Representatives, appointed by the Governor.

(b) Terms.

1. The parent representatives shall be appointed by the Governor for a term not to exceed three years and neither shall be an employee of any public or private program that serves children and families.
2. The Governor's appointments shall be for a term not to exceed three years and shall be limited to no more than two consecutive terms, beginning with appointments after July 1, 2009.
3. Legislative members and ex officio members of the Council shall serve terms coincident with their terms of office.
4. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms of the members vacating their membership. Vacancies shall be filled in the same manner as the original appointments.

*Statutory Authority: § 2.2-2648 of the Code of Virginia.*

## **2.2 Office of Children’s Services**

### **2.2.1 Purpose**

The Office of Children’s Services (“OCS”) serves as the administrative entity of the Council and to ensure that the decisions and policies of the Council are implemented in accordance with the powers and duties granted by statute in COV § 2.2-2649.

### **2.2.2 Support and Assistance to Localities**

The director of OCS, in order to provide support and assistance to the Community Policy and Management Teams (CPMTs) and Family Assessment and Planning Teams (FAPTs) established pursuant to the CSA, shall:

1. Develop and maintain a web-based statewide automated database, with support from the Department of Information Technology or its successor agency, of the authorized vendors of the CSA services to include verification of the vendor’s licensure status, a listing of each discrete CSA services offered by the vendor, and the discrete services rate determined in accordance with COV § 2.2-5214; and
2. Develop, in consultation with the Department of General Services, CPMTs, and vendors, a standardized purchase of services contract, which in addition to the general contract provisions when utilizing state pool funds will enable localities to specify the discrete service or services they are purchasing for the specified client, the required reporting of the client’s service data, including types and numbers of disabilities, mental health and mental retardation diagnoses, or delinquent behaviors for which the purchased services are intended to address, the expected outcomes resulting from these services and the performance timeframes mutually agreed to when the services are purchased.
3. Provide for training and technical assistance in the provision of efficient and effective services that are responsive to the strengths and needs of at-risk youth and families, best practices and evidence-based practices related to CSA, and to help prioritize CSA coordinator responsibilities toward activities to maximize program effectiveness and minimize spending.
4. Develop and implement uniform data collection standards and collect data; develop and implement a uniform set of performance measures; develop, implement and distribute management reports; and report to the Council all expenditures associated with serving children who receive pool-funded services including expenditures for all services purchased with pool funding, treatment foster care and residential treatment funded by Medicaid, and payments through Title IV-E.

*Statutory Authority: § 2.2-2649 of the Code of Virginia.*



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

### **2.3.1 Purpose**

The state and local advisory team ("SLAT") shall manage cooperative efforts among stakeholders at the state and local levels and in the private sector to advise the Council regarding CSA policies and to provide support to local community efforts in accordance with the powers and duties granted by statute in COV §§ 2.2-5202 and 2.2-5203.

### **2.3.2 Membership, Terms and Appointment**

(a) **State-level membership.** The team shall be appointed by and be responsible to the Council and shall include one representative from each of the following state agencies:

1. the Department of Health;
2. the Department of Juvenile Justice;
3. the Department of Social Services;
4. the Department of Behavioral Health & Developmental Services;
5. the Department of Medical Assistance Services; and
6. the Department of Education.

(b) **Local-level and private-sector membership.** The team shall also include the following:

1. a parent representative who is not an employee of any public or private program which serves children and families and who has a child who has received services that are within the purview of the Children's Services Act;
2. a representative who has previously received services through the Children's Services Act, appointed with recommendations from entities including the Departments of Education and Social Services and the Virginia Chapter of the National Alliance on Mental Illness;
3. a representative of a private organization or association of providers for children's or family services;
4. a local CSA coordinator or program manager;
5. a juvenile and domestic relations district court judge; and
6. one member from each of five different geographical areas of the Commonwealth who is representative of one of the different participants of community policy and management teams.

(c) **Terms.** The non-state agency members shall serve staggered terms of not more than three years. The Council will set the length of non-state agency members' terms.

*Statutory Authority: § 2.2-5201 of the Code of Virginia.*

### 2.3.3 Conflict of Interests

SLAT members who do not represent a public agency must file a statement of economic interests as set out in COV § 2.2-3117 of the State and Local Government Conflict of Interests Act (COV § 2.2-3100 *et seq.*). Members that represent state or local public agencies must file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

*Statutory Authority: § 2.2-5201 of the Code of Virginia.*

### 2.3.4 Governance

The members of SLAT shall annually elect a chairman from among the local government representatives who will be responsible for convening SLAT meetings. By-laws governing operations shall be developed and adopted by the SLAT and approved by the Council. Meetings are to take place on a regular basis, as determined by the SLAT members and set forth in the by-laws.

*Statutory Authority: §§ 2.2-5201, 2.2-5202, and 2.2-5203 of the Code of Virginia.*

## **3.1 Community Policy and Management Team**

### **3.1.1 Establishment, Appointment, and Membership**

- (a) Each locality, or combination of localities, shall establish a Community Policy and Management Team ("CPMT") for the receipt and expenditure of funds pursuant to the CSA in accordance with the powers and duties granted by statute in COV § 2.2-5206.
- (b) CPMT members shall be appointed by the governing body or bodies of the participating localities establishing the CPMT and shall include, at a minimum, the following:
1. One elected official or appointed official or his designee from the governing body of a locality that is a member of the team;
  2. The local agency heads or their designees from the following community agencies:
    - a. Community Services Board established pursuant to § 37.2-501,
    - b. Juvenile Court Services Unit,
    - c. Department of Health,
    - d. Department of Social Services, and
    - e. the local school division;
  3. A representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality; and
  4. A parent representative.
- (c) The local governing body may appoint other members to the team including, but not limited to:
1. A local government official;
  2. A local law-enforcement official; and
  3. Representatives of other public agencies.
- (d) Parent representatives who are employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a community policy and management team may serve as a parent representative provided that they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on daily basis with children. Notwithstanding this provision, foster parents may serve as parent representatives.

*Statutory Authority: §§ 2.2-5204, 2.2-5205, and 2.2-5206 of the Code of Virginia.*

## **4.4 Restrictions on Pool Fund Usage**

### **4.4.1 Reimbursement and Children Placed Outside Community and Across Jurisdictions**

“Notwithstanding any provision of this chapter to the contrary or any practice or previous decision-making process of the State Executive Council, Office of Children’s Services, State and Local Advisory Team, any Community Policy and Management Team, any Family Assessment and Planning Team or any other local entity placing children through the Children’s Services Act (CSA), the following restrictions shall control:

1. “In the event that any group home or other residential facility in which CSA children reside has its licensure status lowered to provisional as a result of multiple health and safety or human rights violations, all children placed through CSA in such facility shall be assessed as to whether it is in the best interests of each child placed to be removed from the facility and placed in a fully licensed facility and no additional CSA placements shall be made in the provisionally licensed facility until and unless the violations and deficiencies relating to health and safety or human rights that caused the designation as provisional shall be completely remedied and full licensure status restored.”
2. “Prior to the placement of a child across jurisdictional lines, the family assessment and planning teams shall (i) explore all appropriate community services for the child, (ii) document that no appropriate placement is available in the locality, and (iii) report the rationale for the placement decision to the community policy and management team. The community policy and management team shall report annually to the Office of Children’s Services on the gaps in the services needed to keep children in the local community and any barriers to the development of those services.”
3. “Community policy and management teams, family assessment and planning teams or other local entities responsible for CSA placements shall notify the receiving school division whenever a child is placed across jurisdictional lines and identify any children with disabilities and foster care children to facilitate compliance with expedited enrollment and special education requirements.”

*Statutory Authority: § 2.2-5211.1 of the Code of Virginia*

## **Children's Services Act**

### **Summary of Activities – 2023 General Assembly**

#### **Passed House and Senate**

**HB 1945** Eliminates required reporting by CPMT to DBHDS regarding children for whom acute psychiatric or psychiatric residential treatment admissions cannot be found (§2.2-5206.16.).  
(Durant)

**SB 1513** Adds the Commissioner of the Department of Aging and Rehabilitative Services (DARS) to the State Executive Council for Children's Services and a DARS representative to the State and Local Advisory Team (SLAT).  
(Mason)

#### **Passed House**

**HB2018** Provided for a limited waiver of confidentiality in §2.2-5210 when the "team determines that a child poses a threat of violence or physical harm to himself or others, the team may share such information with local law enforcement or the applicable threat assessment team established pursuant to §22.1-79.4."  
(L. Adams)  
(Left in Senate Rehabilitation and Social Services Committee)

#### **Appropriations Act**

Amendments reported from both the House Appropriations and Senate Finance and Appropriations Committees (and adopted by the respective chamber) to eliminate the requirement to implement rate setting for private day special education on July 1, 2023.

This is now pending further action on the state budget by the General Assembly and the Governor.