

AGENDA
State and Local Advisory Team (SLAT)
August 6, 2020
9:30 a.m. – 11:30 a.m.
Virtual Meeting via GoToMeeting

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Please note: This meeting is open to the public and public comment will be accepted at the time indicated in the agenda. It is not necessary to pre-register for this meeting.

- Welcome/Opening Lesley Abashian

- Virtual Meeting Logistics Scott Reiner
 - Initially all lines are muted, but will be opened as needed
 - Chat feature available
 - Use of Voice Roll Call for motions and official voting

- Public Comment Period

- Approval of June 2020 meeting minutes SLAT Members

- SLAT Member Survey Lesley Abashian

- SEC Strategic Plan Workgroups Updates Kristi Schabo/Jessica Webb
 - Core Leadership Competencies for Local CSA Leaders Cristy Corbin
 - Development of Guide for Youth and Families
 - SEC Policy Review and Alignment (has not met yet)

- SEC Provider Survey Update Shannon Updike

- Discussion: Impacts of Locality Educational Plans for Fall 2020 SLAT Members

- OCS Report Scott Reiner
 - OCS Guidance and Policy Updates Zandra Relaford
 - New Coordinators Academy Update Zandra Relaford
 - 2020 CSA Annual Conference (Virtual)

- SLAT Member Updates
 - State*
 - DOH – Jeannine Uzel
 - DJJ – Linda McWilliams
 - DSS – Em Parente
 - DBHDS – Nina Marino
 - DMAS – Laura Reed
 - DOE – Sabrina Gross

 - Local*
 - LDSS – Rebecca Vinroot
 - CSA – Mills Jones
 - CSB – Ivy Sager
 - CSU – Martha Carroll
 - Judge – The Honorable Ashley Tunner
 - Parent – Cristy Corbin
 - Provider – Shannon Updike
 - Schools – Angela Neely
 - Locality/Municipality – Lesley Abashian

- Adjournment Lesley Abashian

Next meeting: November 5, 2020

**VIRTUAL MEETING – June 4, 2020
STATE & LOCAL ADVISORY TEAM (SLAT)
CHILDREN’S SERVICES ACT
1604 Santa Rosa Road, Suite 137
Richmond, VA 23229**

Members Present: Shannon Updike, SLAT Vice-Chair, VCOPPA; Michael Triggs, VCOPPA; Lisa Madron, CPMT – CSB Representative; Rebecca Vinroot, CPMT – LDSS Representative; Em Parente, DSS; Laura Reed, DMAS; Cristy Corbin, Parent Representative; Martha Carroll, CPMT – CSU Representative; Mills Jones, CSA Coordinators Network; Lesley Abashian; CPMT - Local Government Representative; Sabrina Gross, DOE; Christina Owens, DOE; Beth Stinnett, DJJ

Members Absent: The Honorable Ashley Tunner, Juvenile and Domestic Relations District Court Representative; Angela Neely, CPMT – School Representative; Jeannine Uzel, VDH; Nina Marino, DBHDS

OCS Staff Members Present: Scott Reiner, Zandra Relaford, Marsha Mucha

Welcome/Opening

Shannon Updike, SLAT Vice-Chair, welcomed everyone to the call at 9:35 a.m.

Mr. Reiner noted that the COVID-19 state of emergency precludes assembling the required number of individuals in a central location. He noted that the Freedom of Information Act (FOIA) requires public bodies holding electronic meetings to make available to the public a public comment form. He provided the link for the form in the chat section of the virtual meeting.

Attendance of SLAT members on the call was taken by roll call.

Public Comment Period

There were no public comments.

Approval of Minutes

The minutes of the February 6, 2020 minutes were approved on a motion by Cristy Corbin, seconded by Lisa Madron and approved by roll call vote as follows: Rebecca Vinroot, Lisa Madron, Martha Carroll, Lesley Abashian, Mills Jones, Shannon Updike, Cristy Corbin, Em Parente, Sabrina Gross, Beth Stinnett and Laura Reed.

Mrs. Updike reported that members received notes from the April 2, 2020 virtual meeting for informational purposes as that meeting was not an official meeting and no business was conducted.

SLAT Representatives for SEC Strategic Plan Workgroups

Mrs. Updike reported that SLAT has been asked to serve on and/or guide the work of several workgroups toward implementing goals and strategies of the SEC’s Strategic Plan. She further reported that SLAT had solicited volunteers to serve on those workgroups.

The following people have volunteered to serve:

- Policy and Oversight Workgroup – From SLAT: Mills Jones, Lesley Abashian, Michael Triggs, Nina Marino and Em Parente.

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- Leadership and Collective Action Workgroup (SLAT workgroup) – From SLAT: Shannon Updike, Angela Neely, Martha Carroll and Laura Reed. From local CSA: Kristi Schabo, Sharon Minter and DeDreama Harrod.
- Empowering Families and Communities Workgroup (SLAT workgroup) – From SLAT: Cristy Corbin, Pamela Fisher and Sabrina Gross. Private provider: Vassanthi Griffis and from local DSS: Lori Heflin and Robin Turner.

OCS will assist SLAT with leading and/or staffing the workgroups. It was also suggested that the workgroups develop standard work plans to guide their activities.

Nominations for FY 2020-21 SLAT Officers

Mrs. Updike thanked Cristy Corbin, Angela Neely and Laura Reed for serving as the SLAT's Nominating Committee. The Nominating Committee recommended Lesley Abashian to serve as SLAT Chair and Shannon Updike to serve as SLAT Vice-Chair for the fiscal year beginning July 1, 2020.

Mrs. Updike called for any additional nominations. Hearing none, a motion was made by Martha Carroll, seconded by Mills Jones to elect Lesley Abashian and Shannon Updike as SLAT officers for the fiscal year beginning July 1, 2020. The motion was approved by roll call vote: Rebecca Vinroot, Lisa Madron, Martha Carroll, Lesley Abashian, Mill Jones, Shannon Updike, Cristy Corbin, Em Parente, Sabrina Gross, Beth Stinnett and Laura Reed.

SLAT members thanked Mrs. Updike for her leadership over the last several meetings.

SLAT Meeting Schedule for FY 2020-21

Zandra Relaford, OCS Assistant Director, reported on a proposal to move SLAT meetings to a quarterly schedule. This would bring SLAT's meeting schedule into alignment with the SEC's meeting schedule. Meetings could be held in the month preceding the SEC's meeting or a week before the SEC meets.

After some discussion, the consensus was to move to quarterly meetings in the month preceding the SEC's meeting. For FY 2020-21, SLAT would meet in August, November, February and May.

OCS Report

- CSA COVID-19 Survey Results

Mr. Reiner reported that during the last week in April and the first week in May, OCS conducted a survey of local CSA programs regarding operations during the pandemic. Of the 133 local programs, OCS received 111 responses to the survey.

Mr. Reiner reported that most programs have been handling the emergency well and have been able to continue the work of FAPT through tele-conference/or video conferencing. Family and youth involvement has remained about the same as in-person meetings. Some concerns were raised such as lack of adequate technology and quality of adaptive services. About 75% of localities have been able to find workable processes for CPMTs funding of private day educational services.

During discussion, members suggested an after action review including lessons learned and how to better prepare for future emergencies. Members were encouraged to send questions for further discussion at the August SLAT meeting to Mr. Reiner.

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In closing Mr. Reiner noted the survey was a positive reflection of the resiliency and adaptability of the local CSA programs during this time of emergency.

- *FY2021 CSA Training Plan*

- *New CSA Coordinator Academy*

Mrs. Relaford reported that originally the New CSA Coordinator Academy was scheduled to be held in Richmond the end of March. Because of the pandemic, OCS has adapted and moved the majority of the New CSA Coordinator Academy to a virtual platform. The virtual training will begin June 5 and will continue on Fridays through the middle of July. If permissible, OCS will host an additional in-person training for new coordinators in the fall.

- *CSA Annual Conference*

Mrs. Relaford reported that the annual CSA Conference is currently scheduled to be held October 29 and 30 in Norfolk. OCS is considering and exploring other options for offering the Conference. Additional information should be available by the first of July.

Member Updates

Members reported on activities and the statuses of ongoing projects, new programs and grant opportunities. Members continue to work within their agencies and advocate through their associations for improvements to services and service delivery for the children, youth and families of Virginia.

Adjournment

The virtual meeting adjourned at 11:15 a.m. The next meeting is scheduled for August 6, 2020.



“Protected” State Pool Funding Frequently Asked Questions (FAQ)

Acronyms used in this FAQ

CHINS – Child in Need of Services
CPMT– Community Policy and Management Team
COV – Code of Virginia
CSB – Community Services Board
CSU – Court Service Unit
DJJ – Department of Juvenile Justice
FAPT – Family Assessment and Planning Team
IEP – Individualized Education Program
LEDRS – Local Expenditure, Data, and Reimbursement System
OCS – Office of Children’s Services
SEC – State Executive Council for Children’s Services
SLAT – State and Local Advisory Team for the CSA

Terminology

In the CSA, the terms “mandated” and “non-mandated” have been used historically to refer to both eligible populations of children and funding streams. Typically, “mandated” has referred to children who are eligible for sum-sufficient funding as defined in the Code of Virginia §2.2-5211 and the funding to provide services to those children. The language specifically states: “The General Assembly and the governing body of each county and city shall appropriate such sums as shall be sufficient to (i) provide special education and foster care services for children and youth identified in subdivisions B 1, B 2, and B 3 and (ii) meet relevant federal mandates for the provision of these services.” Hence, the origin of the term “mandated.”

“Non-mandated” has referred to children (and funding for those children) who, while statutorily eligible for CSA, do not meet the definition for sum-sufficient funding as found in subdivisions B 4 and B5 of COV §2.2-5211.

COV §2.2-5212 provides additional definitions of the population of children and families eligible for CSA State Pool funded services (whether sum sufficient or non-sum sufficient).

For purposes of clarity and conformity with the terminology found in the Code and in policy of the State Executive Council for Children’s Services (SEC), the term “sum-sufficient” will be used in this document (and in other CSA-related documents) to describe the funding stream and population of children who shall receive sum-sufficient CSA state pool funding (previously

referred to as “mandated”). The term “*non-sum sufficient*” will be used to describe the previously labeled “non-mandated” population of children and youth eligible for the CSA and the word “Protected” is used to describe the CSA state pool funds available to the “non-sum sufficient” population.

In its 2019 work on this issue the State and Local Advisory Team for the CSA (SLAT), suggested that the terms “mandated” and “non-mandated” be “phased out” in order to improve access of all eligible children and families to CSA state pool funded services. The terminology described here reflects that recommendation.

Questions & Answers

1. What are CSA “Protected” funds?

“Protected” funds are a component of a locality’s CSA annual pool allocations that are available to serve CSA-eligible children and youth who are not eligible for sum sufficient CSA funding, that is, they are non-sum sufficient. The “Protected funds” were originally established by SEC policy in 1994 (just one year after the implementation of the CSA) due to the concerns of various stakeholders that no CSA State Pool funds would be utilized to serve CSA eligible, but non-sum sufficient children.

The specific language of SEC Policy 4.5.1 (Protected Funds) is:

“Each year localities may protect a specific amount of the total state pool to provide services to the targeted non-mandated and other populations. The amount that each locality is permitted to protect is determined by formula¹ and is in no case less than \$10,000. Each locality will be notified if its protection level prior to the beginning of each fiscal year.”

Presently the total amount of state funds that are in the protected amount of the annual CSA state pool appropriation is \$14,464,225. Amounts for State Fiscal Year 2020 vary from \$10,000 to \$1,630,458. The average amount is \$111,263 and the median is \$34,196.

2. Why are there two different funding categories, sum-sufficient and “Protected” for provision of services to children who are eligible for CSA?

When the CSA was established, four child-serving state agencies contributed (redirected) funds to the “state pool” from existing funding streams. Each these seven funding streams had a specific purpose. For example, the Virginia Department of Education (VDOE) contributed funds known as “private tuition assistance,” designated to serve students with

¹ The formula (last revised by the SEC in 1997) was based on a percentage of the locality’s total state pool allocation. The total Protected amount (\$14.5 million) and each localities amount has not been changed since 1997.

disabilities who required a private day or residential setting to meet their educational needs.

The Code of Virginia establishes that children who would have been eligible for any of the original seven funding streams placed in the CSA state pool are *eligible* for CSA (COV §2.2-5211). Eligibility was also extended to include children with significant emotional/behavioral needs who meet specific criteria (COV 2.2-5212 A. 1 and 2).²

COV §2.2-5211 establishes how *funding* for the various eligible populations will be appropriated and, as described in the opening section of this FAQ, defines the specific populations to receive sum sufficient funding. These include children who have an Individualized Education Program (IEP) that requires placement for purposes of special education in approved private school educational programs and children receiving foster care services as defined in COV §63.2-905.

The sum sufficient language does not apply to children meeting any other CSA eligibility criteria, including those children with emotional/behavioral needs, referred to CSA by a court service unit, community services board, or a parent/legal guardian. Funding for provision of services to this non-sum sufficient group of children is at the discretion of the local CSA program.

3. How did this distinction in eligibility result in creation of Protected funds?

Because of concern that the sum sufficient requirement for foster care and special education services would exhaust the local CSA allocation, the decision was made to set aside a portion of the allocation which was “protected” to use only for those children and youth who were non-sum sufficient.

4. Who is eligible for services with Protected funds?

Children and youth who are eligible for CSA by having emotional/behavioral needs which meet criteria described in COV §2.2-5212 A. and B., such as multiagency involvement or imminent risk of residential placement.

5. What types of services may be purchased with Protected funds?

Use of CSA funds is not limited to specific types or lists of services, supports, or interventions. CSA funds, whether sum-sufficient or protected, may be used to purchase any service recommended by the Family Assessment and Planning Team (FAPT) and approved by the Community Policy and Management Team (CPMT), if all CSA requirements are followed.

² Following the issuance of a 2006 Opinion from the Attorney General of Virginia, eligibility to CSA sum sufficient funds was extended (by SEC Policy 4.1.1) to children meeting the definition of a Child in Need of Services (CHINS).

Services purchased with Protected funds are typically provided in the community but may be utilized for out-of-home placement. Please note that many children in need of residential treatment for emotional/behavioral needs will meet the criteria for a Child in Need of Services (CHINS) and are eligible for sum sufficient funding. (See Footnote 2)

6. How is the amount of Protected funding determined for my locality?

The amount of Protected funds is determined by formula. See Question 1 and Footnote 1 for more detail. The CSA LEDRS system will only allow a locality to utilize the Protected funds allocated to it, nothing above the allocation.

7. How do I know how much my locality receives in Protected funds?

Locality allocations, including the amount of Protected funds, are on the OCS website (www.csa.virginia.gov). To see your locality's Protected amount, select "Statewide Statistics" then "Pool Fund Expenditure Reports." Under "Locality Reports" select "Allocation for non-sum sufficient youth (Protection Amount)" to see a list of all localities and amounts for the current fiscal year.

8. Is a local match required for use of Protected funds?

Yes, the same local CSA match is required for sum sufficient and Protected funds. As with sum sufficient funds, the base local match rate is adjusted depending on the type of services the child and family are receiving (e.g., community based, residential).

9. Do the same CSA requirements for use of sum-sufficient funds (e.g., FAPT recommendation, CPMT approval) apply to Protected funds?

Yes, the CSA process to access and use Protected funds is the same as for sum sufficient funding.

10. If a locality does not use its Protected amount to support services for non-sum sufficient populations, may that amount be used to serve their sum sufficient populations?

Yes. A locality may choose to utilize its entire CSA State Pool funding allocation (including the Protected allocation) to serve sum sufficient populations. There is no requirement that the Protected amount be used for non-sum sufficient children and families.

11. Some localities do not expend their Protected funds on the non-sum sufficient population. Why would a locality make this choice??

There are a variety of reasons, including financial, why a locality may opt not to use their Protected funds to serve non-sum sufficient children and families. Because local governments are required to provide local matching funds for sum-sufficient services for children and youth receiving foster care and private special education services, most fully

utilize or exceed the amount of funds they have budgeted to support the local CSA program. Any local match requirements for the non-sum sufficient funding represents additional, but not legally required expenditures. As sum sufficient costs are essentially “uncapped,” a locality may be hesitant to commit local funds to match the Protected amount for services for non-sum sufficient youth. The local governing body may not be willing to appropriate additional local matching funds as the services are not legally required, that is, mandated.

Another reason for failing to use Protected funds is that over the years, other funding streams or mechanisms have emerged or been identified as appropriate to serve non-sum sufficient youth. Examples include Mental Health Initiative funds administered by the local Community Services Boards, the Virginia Juvenile Community Crime Control Act (VJCCC) and funding for evidence-based services through the Department of Juvenile Justice (DJJ).

In 2007, the SEC adopted policy that allows for a child with significant behavioral/emotional needs to be determined as a “child in need of services” (see Footnote 2). This resulted in some children who were previously in a non-sum sufficient eligibility category to be in the sum sufficient population by the local FAPT using the CHINS Checklist. Children who meet the criteria in the CHINS Checklist are eligible for sum sufficient funding under the definition of “foster care services” found in COV §63.2-905. Either community based services or out of home placement for mental health treatment may be funded while the parent retains legal custody.

In 2009, the Appropriation Act began requiring utilization of Medicaid funds prior to CSA funds if a Medicaid funded service is available and appropriate for the child. This is another source of funding that may be used to meet the needs of non-sum sufficient youth who are Medicaid members.

Finally, some localities voice that the amount of available Protected funding is negligible for their community and would only be enough to pay for very limited services resulting in the need to locate another funding source to complete service provision for a child and family.

12. Must a locality obligate or expend its entire Protected amount before requesting supplemental CSA funding for its sum sufficient populations?

No. Supplemental reimbursements allow local governments to request additional funds from OCS to meet the sum sufficient requirements for children receiving special education and foster care services. A local government is not required to obligate or expend its Protected funds before requesting supplemental CSA State Pool funding.

13. Can a locality still request state match for the Protected amount if the local government has expended its local match for its sum sufficient allocation and supplemental requests?

Yes, the state match is available even if the local government has exceeded its state allocation for sum sufficient services. The local government will, of course, have to allocate additional local match.

14. If the CPMT authorizes the expenditure of Protected funding, how is reimbursement claimed on the Pool Fund Expenditure Report?

Requesting reimbursement simply requires using the appropriate coding in the LEDRS reimbursement submission. Use Primary Mandate Type (PMT) #11 (“Non-mandated”), Expenditure Code “1d” for residential services and Expenditure Code “3” for community based services. Utilize the appropriate Service Placement Type (SPT) and Service Name as for any service for which reimbursement is requested.

15. Are CSA administrative funds the same as Protected funds?

No, CSA administrative funds are a separate source of funds to assist local governments in the implementation of the local CSA. Administrative funds are used to support CSA Coordinator salaries or for typical overhead costs such as office space, supplies, training costs, and staff travel. These funds are not child-specific and are cannot be utilized to provide direct services to children and families. Each local CPMT determines how they will use administrative funds.