

AGENDA
State & Local Advisory Team (SLAT)
Children's Services Act

Thursday, February 4, 2016, 9:30 a.m. – 12:00 p.m.
Dining Hall, UMFS
3900 W. Broad Street
Richmond, VA

- 9:30 Introductions & Chair Remarks – Ron Belay**
- Approval of October 2015 Minutes
- 9:40 Public Comment**
- 9:45 Executive Director's Report – Scott Reiner**
- Final FY2015 Cost Driver Analysis
 - FY16 Legislative and Budget Update
 - Report on the State Executive Council Workgroup
 - Preview New CSA Outcomes Dashboard
 - CSA Conference Update
- 10:15 Discussion of SLAT Work Plan**
- Areas for SLAT Action
 - Discussion and recommendations to the SEC regarding Special Education Wraparound Funds per the Commission on Youth
 - Other Action Items from the Biennial Plan
- 11:00 Committee Member Updates**
- 11:30 New/Other Business – Ron Belay**
- 11:45 Adjourn – Ron Belay**

2016 SLAT Meetings: April 7; June 2; August 4; October 6; December 1

**MINUTES – October 1, 2015
STATE & LOCAL ADVISORY TEAM (SLAT)
CHILDREN’S SERVICES ACT
Dining Hall, UMFS
3900 W. Broad Street
Richmond, VA**

Members Present: Ronald Belay, SLAT Chair, CPMT - CSU Representative; Audrey Brown, Parent Representative; Cristy Corbin, Parent Representative; John Dougherty, Private Provider Representative; Kellie Evans, Private Provider Representative; Shannon Updike, Private Provider Representative; Tamara Temoney, Ph.D., CPMT – LDSS Representative; Janet Lung, DBHDS; Pam Fisher, DBHDS; The Honorable Frank Somerville, Juvenile and Domestic Relations District Court Representative; Brian Campbell, DMAS; Chuck Walsh, CPMT – CSB Representative; Karen Reilly-Jones, CSA Coordinators Network; Jodie Wakeham, VDH; Sabrina Gross, DOE

Members Absent: Angela Neely, CPMT – School Representative; Jack Ledden, DJJ; Carl Ayers, VDSS

Guests and Staff Members Present: Kyle McMahon, Mills Jones, Alisha Vines, Letitia Douthit, Dreama Harrod, Tammy Becoat-Eclou, Amy Smith, Ahnjayla Hunter, Penny Combs, Leah Mills, Scott Reiner, Stephanie Bacote, Brady Nemeyer, Marsha Mucha

Introductions and Chair Remarks

Ron Belay, SLAT Chair, called the meeting to order at 9:35 a.m. He welcomed members and guests. Introductions were made.

Approval of Minutes

The minutes of the August 6, 2015 meeting were approved on a motion by Audrey Brown, seconded by Janet Lung and carried.

Public Comment

There was no public comment.

Executive Director’s Report

Mr. Reiner reported on the following:

FY15 Final Expenditures – A chart with CSA expenditures by category over the last four fiscal years was provided. Yesterday, September 30, was the last day for localities to file FY15 expenditure reports with OCS. Expenditures for FY15 (\$343M) were up approximately 8% over FY14 (\$316M). The number of children served has increased along with an increase in expenditures in special education private day placements.

Budget Requests for CSA – A number of budget requests have been proposed including additional support for local CSA administrative costs as recommended by the SEC; increasing the MEL and funding to add two auditor positions; and collaborative planning with DJJ to increase use of protected funds to provide greater intervention with certain at-risk populations by supporting evidence-based interventions and removing the local match requirements on those funds.

In response to the discussion, DJJ staff will be asked to make a presentation to the SLAT at a future meeting on cost savings that have been achieved through the DJJ transformation.

Update on SEC Governance Study - The Work Group has met twice with two more meetings planned, one in October and one in November. The notes from the meetings are available for review on the CSA website. Draft recommendations will be available for comment in advance of the November meeting. The Performance Management Group at VCU is facilitating the meetings.

- **Plans for Integration of Local Reporting (Data and Expenditures)** – OCS has begun planning for this project with projected implementation in FY17.

Report on Increasing Public Awareness of CSA and Access to Multidisciplinary Planning
Brady Nemeyer reported on behalf of the Work Group. He provided background information on the need for the work group and reported that the group's charge was to identify and recommend actions by which the SEC can improve family and public awareness about CSA on the local level, and to identify and recommend actions by which the SEC can ensure a coordinated, consistent, and timely point of entry to the public service system for families in every community across the Commonwealth. He reported that the SEC, at its September meeting, endorsed the following recommendations. He stressed that these are recommendations for localities to use not requirements.

- Use of Model Family Referral Policy (*as stated in Recommendation 1*) – Direct access for families to FAPT through CSA offices. Of note: the 2015 General Assembly requires local CPMTs to establish a process for parents to refer children to the local CSA teams. The Model Family Referral Policy is available to localities as an option in meeting this requirement.
- Improvement of public awareness of CSA – Local CSA offices should consider meeting with identified stakeholders in order to provide information on local processes for CSA and FAPT.
- Use of best practices – Use of protected funds; FAPT should be the entity determining CSA eligibility, use of written materials (brochures) to assist families in understanding the local CSA process.
- Suggested topics for localities to consider displaying on their website (i.e. contact information for local CSA office; information about CSA, CSA eligibility requirements and parental co-pay policy).

After his presentation, Mr. Nemeyer noted that the Model Family Referral Policy will be posted to the CSA website and the recommendations will be distributed to CPMT Chairs and CSA Coordinators.

Report from SEC Meeting

Mr. Belay noted that all items of note from the SEC meeting had/were being addressed on today's agenda.

Report to the General Assembly on Funding Education for Children Placed in PRTFs Outside of the CSA Process.

Mr. Reiner reported that, at the SEC's September meeting, members reviewed the final draft of the report and approved the report for submission. He noted that the report was required pursuant to Item 279 (N) of the Appropriation Act and has been submitted as required. Mr. Reiner noted that, over the

past year, several task forces and work groups attempted to address the issue of funding the educational costs for children placed in PRTS by their parents and outside of the CSA process. Public comment was also solicited. The final report presented to and approved by the SEC summarized the consensus from this process and provided the following recommendations:

- Allocation of state general funds to cover the full cost (no local match) of educational services for children placed through Medicaid without CSA involvement in a PRTF. This should be a short-term solution while additional work is completed to fully integrate "Medicaid-only" placements into the CSA system or to determine another funding mechanism.
- Consideration of elimination or recalculation of the local Medicaid match requirements for children placed through CSA in PRTFs.
- Development and implementation of a practical, short-term data collection project that would provide necessary information about the process of accessing residential treatment.

During discussion, Karen Reilly-Jones asked about a "Plan B" if the recommendations to provide funding or make changes to and/or elimination of the match rate are not achieved. She noted that this will continue to be an ongoing issue and there is still work that can be done toward a solution. During the Workgroup meetings a number of good ideas were suggested that need to be explored further (i.e. the universal notice to parents).

Mr. Campbell spoke briefly about DMAS activities related to this issue. For instance a DMAS workgroup is addressing the residential treatment regulations. Mr. Reiner suggested including this issue as part of the planning for the joint SEC/SLAT meeting in December.

Planning for Joint SEC/SLAT December Meeting

Mr. Reiner reported that it was necessary to reschedule the December SEC meeting. This provides an opportunity for the SEC and SLAT to meet together on December 3, which is SLAT's regular meeting date. The joint December meeting will be used to discuss goals and objectives for the SEC's biennial plan. He asked member if there were topic areas they would like to consider for the December meeting. The Commission on Youth study/recommendations on special education day placements and other types of residential placements were mentioned. Mr. Reiner asked that members submit proposed topics for discussion to Mr. Belay.

Committee Member Updates

Mr. Belay asked members to report on activities within their agencies and organizations. Members continue to work within their agencies, serve on workgroups and advocate through their associations for improvements to services and service delivery to the children, youth and families of Virginia.

New/Other Business

There was no new or other business to discuss.

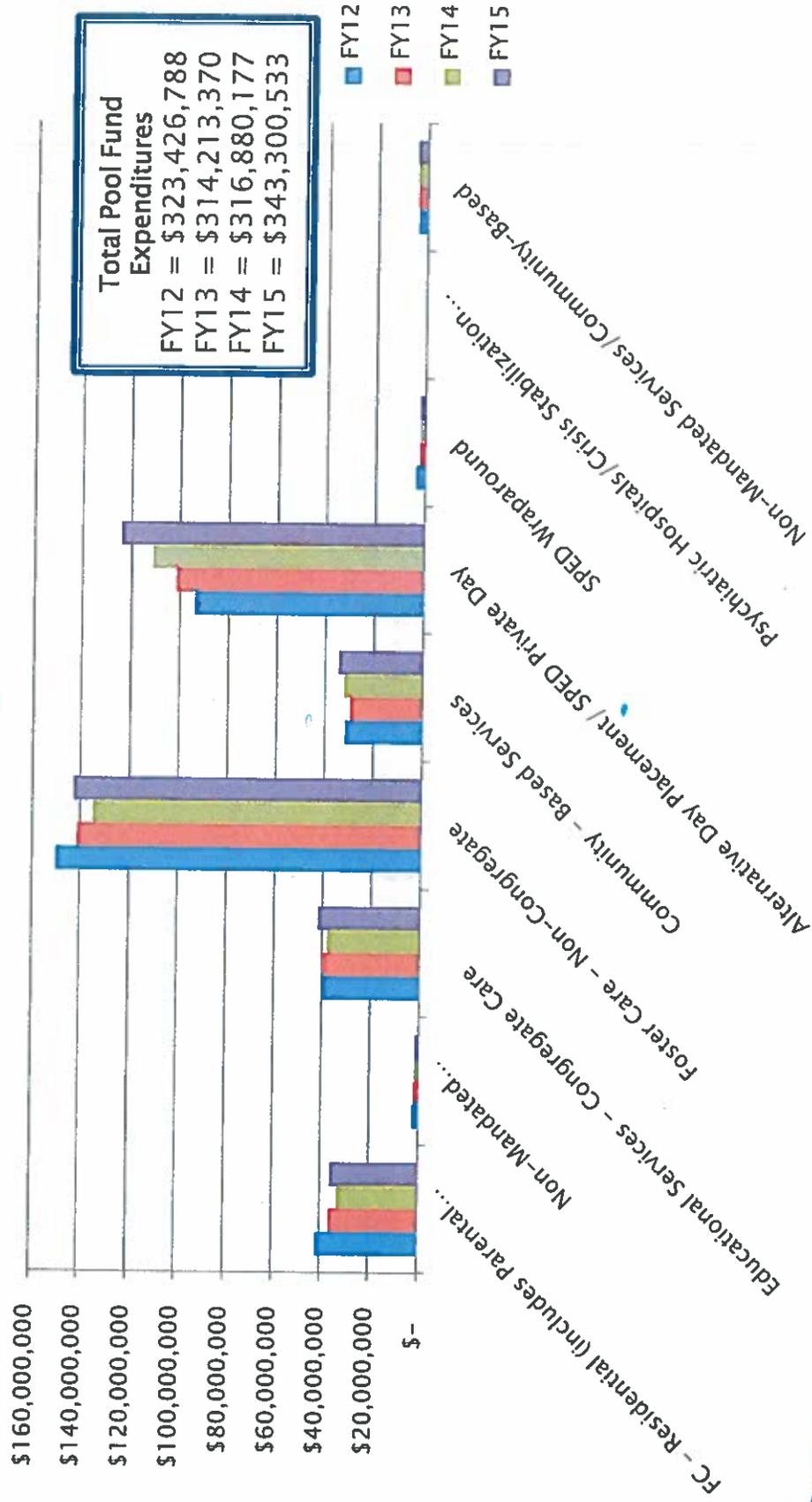
Adjournment

There being no further business, the meeting adjourned at 11:15 a.m.

CSA Expenditure Drivers FY 2015



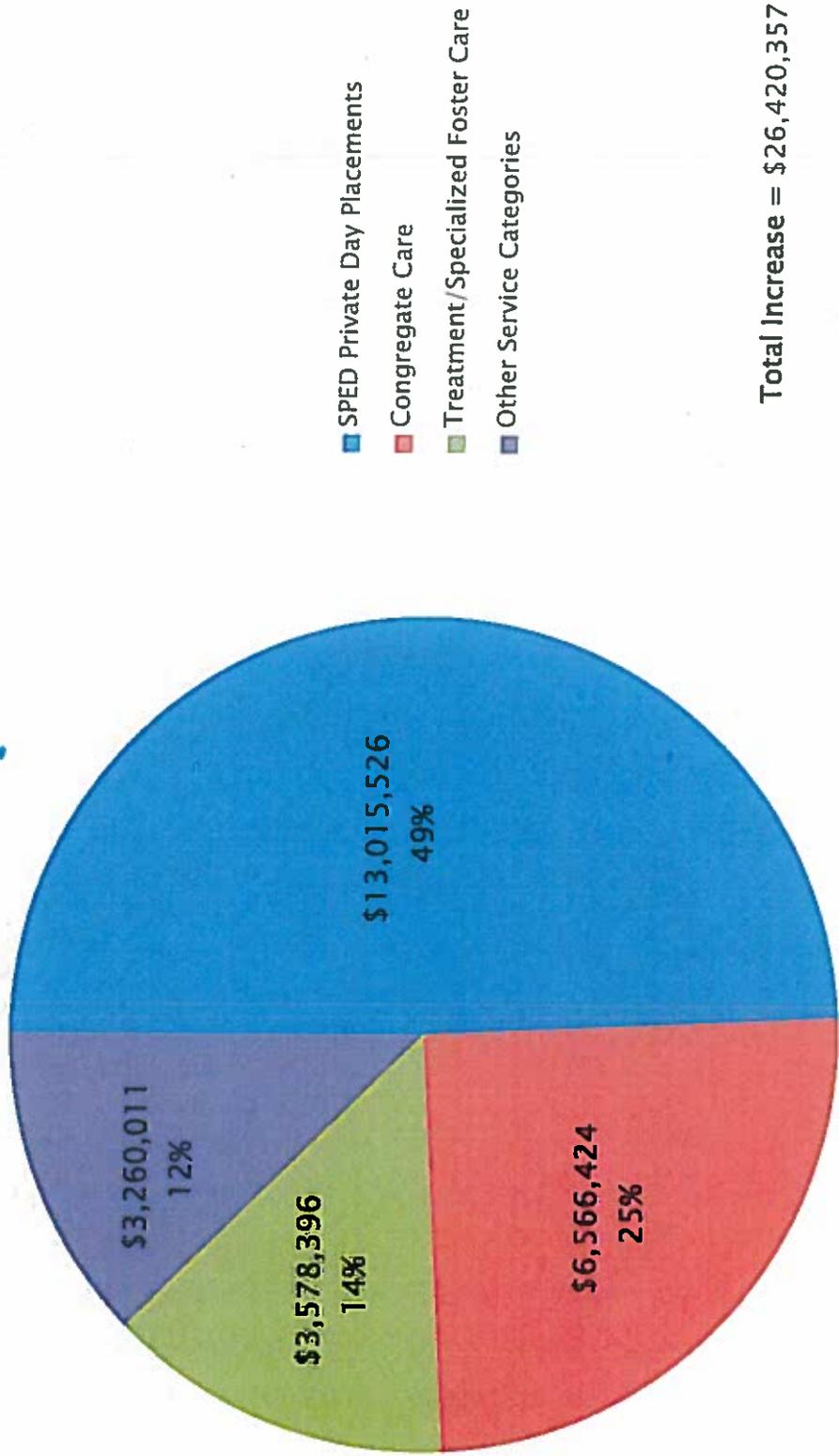
CSA (Net) Expenditures by Category FY 2012 - FY 2015



Source: CSA Pool Fund Reimbursement System, FY2015 Final



CSA FY15 vs FY14 Expenditures Increase By Service Category

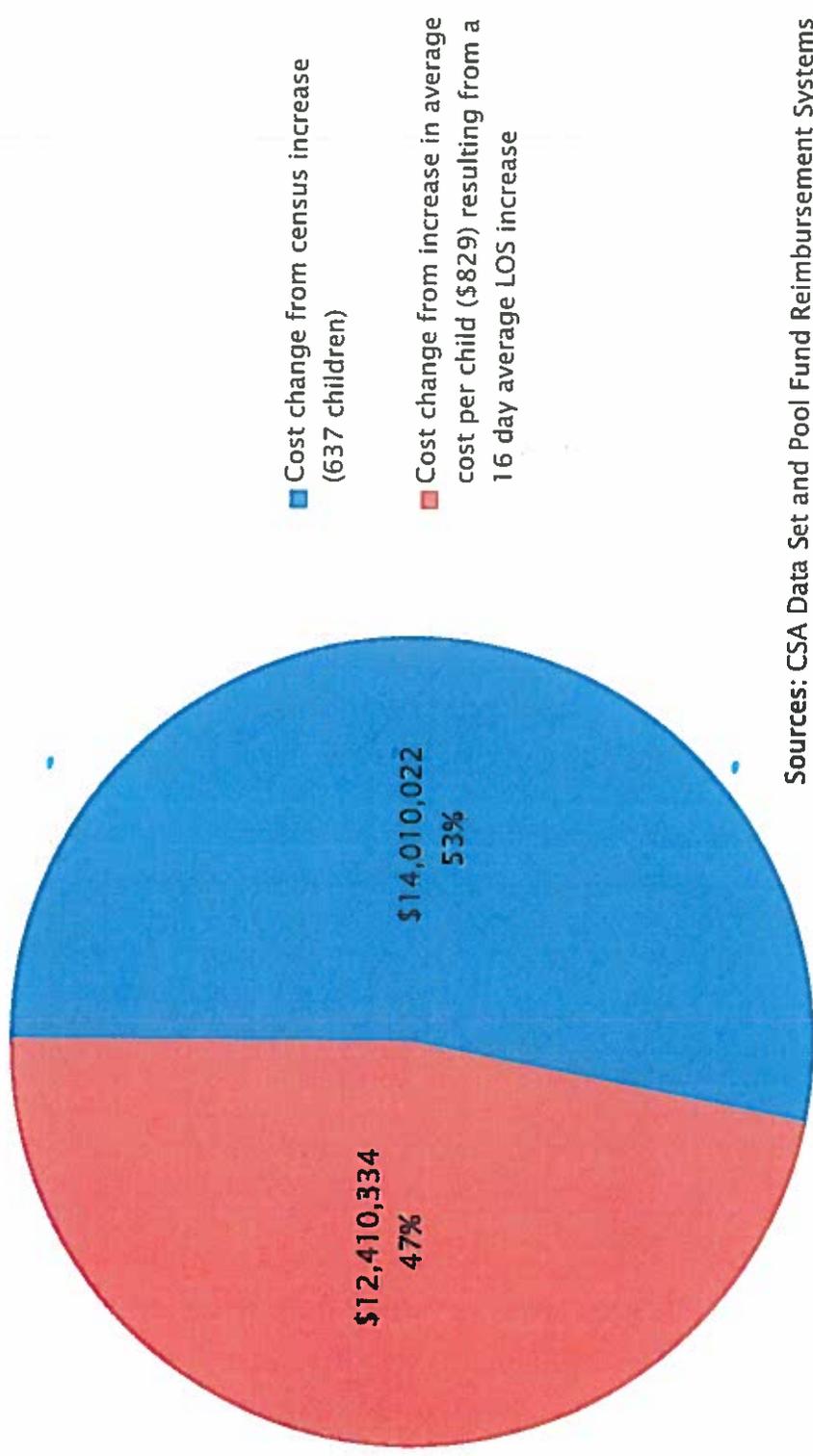


Total Increase = \$26,420,357

Source: CSA Pool Fund Reimbursement System



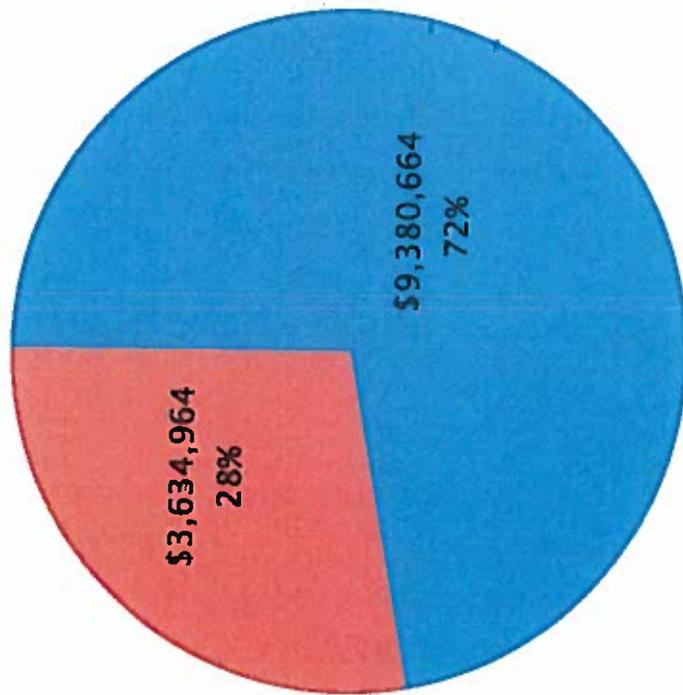
What Caused the Statewide Increase? (All expenditure categories)



Sources: CSA Data Set and Pool Fund Reimbursement Systems



Increased SPED Private Day Cost Represents Half of the 2015 Program Year Increase



■ Cost change from census increase (258 children)

■ Cost change due to increase in average cost per child (\$1,151) resulting from a 14 day average LOS increase

2015 SPED Private Day cost total \$13.0M (49%) of total CSA cost increase of \$26.4M

Sources: CSA Data Set and Pool Fund Reimbursement Systems



Office of Children's Services
Empowering communities to serve youth

16101738D

HOUSE BILL NO. 369

Offered January 13, 2016

Prefiled January 5, 2016

A BILL to amend and reenact §§ 2.2-2648 and 2.2-5201 of the Code of Virginia, relating to State Executive Council for Children's Services; state and local advisory team; membership.

Patron—Bell, R. P.

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2648 and 2.2-5201 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2648. State Executive Council for Children's Services; membership; meetings; powers and duties.

A. The State Executive Council for Children's Services (the Council) is established as a supervisory council, within the meaning of § 2.2-2100, in the executive branch of state government.

B. The Council shall consist of one member of the House of Delegates to be appointed by the Speaker of the House and one member of the Senate to be appointed by the Senate Committee on Rules; the Commissioners of Health, of Behavioral Health and Developmental Services, and 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 nonvoting member; the chairman of the state and local advisory team established in § 2.2-5201; five local government representatives chosen from members of a county board 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 Children's Services Act (§ 2.2-5200 et seq.), 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. 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. 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. Legislative members and ex officio members of the Council shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. Legislative members shall not be included for the purposes of constituting a quorum.

C. The Council shall be chaired by the Secretary of Health and Human Resources or a designated deputy who shall be responsible for convening the council. The Council shall meet, at a minimum, quarterly, to oversee the administration of this article and make such decisions as may be necessary to carry out its purposes. Legislative members shall receive compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

D. The Council shall have the following powers and duties:

1. Hire and supervise a director of the Office of Children's Services;

2. Appoint the members of the state and local advisory team in accordance with the requirements of § 2.2-5201;

3. 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;

4. 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;

5. Oversee the administration of and consult with the Virginia Municipal League and the Virginia

INTRODUCED

HB369

- 59 Association of Counties about state policies governing the use, distribution and monitoring of moneys in
60 the state pool of funds and the state trust fund;
- 61 6. Provide for the administration of necessary functions that support the work of the Office of
62 Children's Services;
- 63 7. Review and take appropriate action on issues brought before it by the Office of Children's
64 Services, Community Policy and Management Teams (CPMTs), local governments, providers and
65 parents;
- 66 8. Advise the Governor and appropriate Cabinet Secretaries on proposed policy and operational
67 changes that facilitate interagency service development and implementation, communication and
68 cooperation;
- 69 9. Provide administrative support and fiscal incentives for the establishment and operation of local
70 comprehensive service systems;
- 71 10. Oversee coordination of early intervention programs to promote comprehensive, coordinated
72 service delivery, local interagency program management, and co-location of programs and services in
73 communities. Early intervention programs include state programs under the administrative control of the
74 state executive council member agencies;
- 75 11. Oversee the development and implementation of a mandatory uniform assessment instrument and
76 process to be used by all localities to identify levels of risk of Children's Services Act (CSA) youth;
- 77 12. Oversee the development and implementation of uniform guidelines to include initial intake and
78 screening assessment, development and implementation of a plan of care, service monitoring and
79 periodic follow-up, and the formal review of the status of the youth and the family;
- 80 13. Oversee the development and implementation of uniform guidelines for documentation for
81 CSA-funded services;
- 82 14. Review and approve a request by a CPMT to establish a collaborative, multidisciplinary team
83 process for referral and reviews of children and families pursuant to § 2.2-5209;
- 84 15. Oversee the development and implementation of mandatory uniform guidelines for utilization
85 management; each locality receiving funds for activities under the Children's Services Act shall have a
86 locally determined utilization management plan following the guidelines or use of a process approved by
87 the Council for utilization management, covering all CSA-funded services;
- 88 16. Oversee the development and implementation of uniform data collection standards and the
89 collection of data, utilizing a secure electronic client-specific database for CSA-funded services, which
90 shall include, but not be limited to, the following client specific information: (i) children served,
91 including those placed out of state; (ii) individual characteristics of youths and families being served;
92 (iii) types of services provided; (iv) service utilization including length of stay; (v) service expenditures;
93 (vi) provider identification number for specific facilities and programs identified by the state in which
94 the child receives services; (vii) a data field indicating the circumstances under which the child ends
95 each service; and (viii) a data field indicating the circumstances under which the child exits the
96 Children's Services Act program. All client-specific information shall remain confidential and only
97 non-identifying aggregate demographic, service, and expenditure information shall be made available to
98 the public;
- 99 17. Oversee the development and implementation of a uniform set of performance measures for
100 evaluating the Children's Services Act program, including, but not limited to, the number of youths
101 served in their homes, schools and communities. Performance measures shall be based on information:
102 (i) collected in the client-specific database referenced in subdivision 16, (ii) from the mandatory uniform
103 assessment instrument referenced in subdivision 11, and (iii) from available and appropriate client
104 outcome data that is not prohibited from being shared under federal law and is routinely collected by the
105 state child-serving agencies that serve on the Council. If provided client-specific information, state child
106 serving agencies shall report available and appropriate outcome data in clause (iii) to the Office of
107 Children's Services. Outcome data submitted to the Office of Children's Services shall be used solely for
108 the administration of the Children's Services Act program. Applicable client outcome data shall include,
109 but not be limited to: (a) permanency outcomes by the Virginia Department of Social Services, (b)
110 recidivism outcomes by the Virginia Department of Juvenile Justice, and (c) educational outcomes by
111 the Virginia Department of Education. All client-specific information shall remain confidential and only
112 non-identifying aggregate outcome information shall be made available to the public;
- 113 18. Oversee the development and distribution of management reports that provide information to the
114 public and CPMTs to help evaluate child and family outcomes and public and private provider
115 performance in the provision of services to children and families through the Children's Services Act
116 program. Management reports shall include total expenditures on children served through the Children's
117 Services Act program as reported to the Office of Children's Services by state child-serving agencies on
118 the Council and shall include, but not be limited to: (i) client-specific payments for inpatient and
119 outpatient mental health services, treatment foster care services and residential services made through the
120 Medicaid program and reported by the Virginia Department of Medical Assistance Services and (ii)

121 client-specific payments made through the Title IV-E foster care program reported by the Virginia
 122 Department of Social Services. The Office of Children's Services shall provide client-specific
 123 information to the state agencies for the sole purpose of the administration of the Children's Services
 124 Act program. All client-specific information shall remain confidential and only non-identifying aggregate
 125 demographic, service, expenditure, and outcome information shall be made available to the public;

126 19. Establish and oversee the operation of an informal review and negotiation process with the
 127 Director of the Office of Children's Services and a formal dispute resolution procedure before the State
 128 Executive Council, which include formal notice and an appeals process, should the Director or Council
 129 find, upon a formal written finding, that a CPMT failed to comply with any provision of this Act.
 130 "Formal notice" means the Director or Council provides a letter of notification, which communicates the
 131 Director's or the Council's finding, explains the effect of the finding, and describes the appeal process, to
 132 the chief administrative officer of the local government with a copy to the chair of the CPMT. The
 133 dispute resolution procedure shall also include provisions for remediation by the CPMT that shall
 134 include a plan of correction recommended by the Council and submitted to the CPMT. If the Council
 135 denies reimbursement from the state pool of funds, the Council and the locality shall develop a plan of
 136 repayment;

137 20. Deny state funding to a locality, in accordance with subdivision 19, where the CPMT fails to
 138 provide services that comply with the Children's Services Act (§ 2.2-5200 et seq.), any other state law or
 139 policy, or any federal law pertaining to the provision of any service funded in accordance with
 140 § 2.2-5211;

141 21. Biennially publish and disseminate to members of the General Assembly and community policy
 142 and management teams a state progress report on comprehensive services to children, youth and families
 143 and a plan for such services for the next succeeding biennium. The state plan shall:

144 a. Provide a fiscal profile of current and previous years' federal and state expenditures for a
 145 comprehensive service system for children, youth and families;

146 b. Incorporate information and recommendations from local comprehensive service systems with
 147 responsibility for planning and delivering services to children, youth and families;

148 c. Identify and establish goals for comprehensive services and the estimated costs of implementing
 149 these goals, report progress toward previously identified goals and establish priorities for the coming
 150 biennium;

151 d. Report and analyze expenditures associated with children who do not receive pool funding and
 152 have emotional and behavioral problems;

153 e. Identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E
 154 funding; and

155 f. Include such other information or recommendations as may be necessary and appropriate for the
 156 improvement and coordinated development of the state's comprehensive services system; and

157 22. Oversee the development and implementation of mandatory uniform guidelines for intensive care
 158 coordination services for children who are at risk of entering, or are placed in, residential care through
 159 the Children's Services Act program. The guidelines shall: (i) take into account differences among
 160 localities, (ii) specify children and circumstances appropriate for intensive care coordination services,
 161 (iii) define intensive care coordination services, and (iv) distinguish intensive care coordination services
 162 from the regular case management services provided within the normal scope of responsibility for the
 163 child-serving agencies, including the community services board, the local school division, local social
 164 services agency, court service unit, and Department of Juvenile Justice. Such guidelines shall address:
 165 (a) identifying the strengths and needs of the child and his family through conducting or reviewing
 166 comprehensive assessments including, but not limited to, information gathered through the mandatory
 167 uniform assessment instrument; (b) identifying specific services and supports necessary to meet the
 168 identified needs of the child and his family, building upon the identified strengths; (c) implementing a
 169 plan for returning the youth to his home, relative's home, family-like setting, or community at the
 170 earliest appropriate time that addresses his needs, including identification of public or private
 171 community-based services to support the youth and his family during transition to community-based
 172 care; and (d) implementing a plan for regular monitoring and utilization review of the services and
 173 residential placement for the child to determine whether the services and placement continue to provide
 174 the most appropriate and effective services for the child and his family.

175 **§ 2.2-5201. State and local advisory team; appointment; membership.**

176 The state and local advisory team is established to better serve the needs of troubled and at-risk
 177 youths and their families by advising the Council *and* by managing cooperative efforts at the state level
 178 and providing support to community efforts. The team shall be appointed by and be responsible to the
 179 Council. The team shall include one representative from each of the following state agencies: the
 180 Department of Health, *the* Department of Juvenile Justice, *the* Department of Social Services, *the*
 181 Department of Behavioral Health and Developmental Services, the Department of Medical Assistance

182 Services, and the Department of Education. The team shall also include a parent representative who is
183 not an employee of any public or private program ~~which~~ *that* serves children and families and who has
184 a child who has received services that are within the purview of the Children's Services Act; a
185 representative of a private organization or association of providers for children's or family services; a
186 local Children's Services Act coordinator or program manager; a juvenile and domestic relations district
187 court judge; *a representative who has previously received services through the Children's Services Act,*
188 *appointed with recommendations from entities including the Departments of Education and Social*
189 *Services and the Virginia Chapter of the National Alliance on Mental Illness;* and one member from
190 each of five different geographical areas of the Commonwealth who is representative of one of the
191 different participants of community policy and management teams pursuant to § 2.2-5205. The nonstate
192 agency members shall serve staggered terms of not more than three years, such terms to be determined
193 by the Council.

194 The team shall annually elect a chairman from among the local government representatives who shall
195 be responsible for convening the team. The team shall develop and adopt bylaws to govern its
196 operations that shall be subject to approval by the Council. Any person serving on such team who does
197 not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the
198 State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public
199 agencies shall file such statements if required to do so pursuant to the State and Local Government
200 Conflict of Interests Act.

**Summary of Member Budget Amendment Requests Related to the CSA
2016 Session (House Bill 30, Senate Bill 30)**

Remove Local Match Requirements for Residential Placements and Certain Foster Care Services – \$28,526,197

Item 285 #3s – Senator Barker
Item 285 #3h – Delegate Heretick

- Eliminates the local Medicaid match on residential placements and treatment foster care case management

Fund Educational Costs for Students Placed in Psychiatric or Residential Treatment Facilities - \$10,729,929

Item 285 #2s – Senator Vogel
Item 285 #6s – Senator Hangar
Item 285 #7s – Senator Favola
Item 285 #2h – Delegate Peace

- Provides 100% general funds to cover the cost of educational services for Medicaid members placed in psychiatric or residential facilities outside the CSA process

Increase Funds for CSA Local Administration - \$1,149,465

Item 285 #1s – Senator Vogel
Item 285 #5s – Senator Favola
Item 285 #1h – Delegate Peace
Item 284 #4h – Delegate Hester

- Increase general fund allocation to support local CSA administrative costs.

Workgroup to Increase Use of Non-Mandated CSA Funds – Language Only

Item 285 #8s – Senator Barker

- Directs the SEC to convene a work group to make recommendations to increase the use of CSA non-mandated funds for those involved in the juvenile justice system and/or long-term school suspension/expulsion.

Non-Educational Placements in Day or Residential Facilities – Language Only

Item 132 #3h – Delegate Peace

- Directs DOE to work with the SEC to ensure that CSA funding is sufficient to pay for education services of students placed in psychiatric or residential treatment facilities to meet their IEPs or due to non-educational reasons as approved through Medicaid by July 1, 2017.

Interagency Workgroup for Special Education – Language Only

Item 132 #1h

- Directs DOE to convene a workgroup to assess barriers to serving students with disabilities in the local public schools and make recommendations to the Commission on Youth.

**Summary of CSA Budget Items in the Governor's Introduced Budget
2016 Session
(House Bill 29/Senate Bill 29 – Caboose Bill)
(House Bill 30/Senate Bill 30)**

Caboose Bill

Item 279 – \$18,082,051

- This is to cover state share of CSA expenditures for FY2016 that resulted from increased expenses.

FY16 – FY 18 Biennium

Item 285 – \$18,082,051

- This is to cover state share of anticipated CSA expenditures that are projected due to increased expenses.

Office of the
Secretary of Health and Human Resources

**Role of the State Executive Council for Children's
Services**

**Report to the Governor and the Chairmen Senate Committees
on Finance and Rehabilitation and Social Services and the
House Committees on Appropriations and Health, Welfare and
Institutions pursuant to Item 278 (E) of Chapter 665 of the 2015
Acts of Assembly.**

December 7, 2015



COMMONWEALTH of VIRGINIA

Office of the Governor

William A. Hazel, Jr., MD
Secretary of Health and Human Resources

December 7, 2015

The Honorable Terence R. McAuliffe
Governor of Virginia

The Honorable Charles J. Colgan
Co-Chairman, Senate Committee on Finance

The Honorable Walter A. Stosch
Co-Chairman, Senate Committee on Finance

The Honorable Frank Wagner
Chairman, Senate Committee on Rehabilitation and Social Services

The Honorable Christopher S. Jones,
Chairman, House Committee on Appropriations

The Honorable Robert Orrick
Chairman, House Committee on Health, Wealth and Institutions

Dear Legislators:

Item 278 (E) of Chapter 665 of the 2015 Virginia Acts of Assembly (the Appropriation Act) directs the Secretary of Health and Human Resources, in cooperation with Secretary of Education to convene a work group to "provide recommendations regarding the role of the State Executive Council for Comprehensive Services for At-Risk Youth and Families."

The work group has completed its assigned task and this report is respectfully submitted for your review. Please contact my office should you have any questions regarding any aspect of the information contained in the report.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Hazel, Jr.", written in a cursive style.

William A. Hazel, Jr. M.D.

AUTHORITY

Item 278.E. of Chapter 665 of the 2015 Virginia Acts of Assembly (the Appropriation Act) directed the Secretary of Health and Human Resources in cooperation with the Secretary of Education, to convene a work group regarding the role of the State Executive Council (SEC) for Comprehensive Services for At-Risk Youth and Families.”¹

METHODOLOGY

The work group (see Appendix A for Membership) met four times between the months of August and November, 2015 to complete their assigned duties.² The group was specifically asked to consider:

1. Should the Council be a supervisory council or a policy council?
2. What is the appropriate composition of the Council?
3. What is the role of the Council regarding decisions relative to funding streams?
4. What is the appropriate relationship between the Council and the executive branch of state government?
5. Should the Council have authority to promulgate regulations in accordance with the Administrative Process Act?

The Performance Management Group, a unit within the Center for Public Policy, L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University, provided meeting facilitation and documentation services in support of the work group’s efforts. All meetings were open to the public.

The first meeting focused on the differences between being designated as a supervisory council or a policy council as defined by §2.2-2100 of the Code of Virginia. The SEC is currently established as a supervisory council in §2.2-2648, COV. Mr. Al Wilson from the Office of the Attorney General briefed work group members on the differences between the two designations and answered member’s questions. Facilitated small group discussion helped members determine the advantages and disadvantages of each type of organizational structure relative to the work of the Council.

Questions two through five were addressed during the second work group meeting. Draft recommendations were identified. PMG was tasked with establishing a dedicated email address to receive public comments. Representatives from the Virginia Municipal League and the Virginia Association of Counties who attended the meeting indicated their willingness to share the email address with their members to facilitate broad distribution and opportunity for comment. The meeting summaries, draft recommendations and email address for comments

¹ The 2015 General Assembly changed the name to the State Executive Council for the Children’s Services Act and that terminology shall be utilized in the remainder of this report.

² Appendix B provides meeting dates, locations and agendas.

were also posted on the Children's Services Act website, and distributed to interested local agencies via their state agency affiliates (e.g., the Virginia League of Social Service Executives was solicited for input by the Virginia Department of Social Services).

The work group discussed and refined their draft recommendations during their third meeting. No public comments had been received at that time but members of the public were provided an opportunity to speak.

Final recommendations were posted prior to the final Work Group meeting and comments were received from four sources prior to that meeting. PMG shared copies of those messages with members prior to their final consideration of recommendations.

RECOMMENDATIONS

The work group unanimously approved the following recommendations to be forwarded to the Governor and the Chairmen of the Senate Committees on Finance and Rehabilitation and Social Services and the House Committees on Appropriations and Health, Welfare and Institutions as called for in Chapter 665:

1. The State Executive Council should remain as a supervisory council as presently configured.
2. The chair of the State and Local Advisory Team should be added as a voting member to the State Executive Council.
3. A representative who has previously received services through the Children's Services Act should be added as a voting member to the State Executive Council, appointed by the Governor, with recommendations being solicited from, but not limited to, the Virginia Department of Education, Virginia Department of Social Services, and the Virginia Chapter of the National Alliance on Mental Illness (NAMI). This will require a change to §2.2-2648(B), Code of Virginia.
4. A representative who has previously received services through the Children's Services Act should be added as a voting member to the State and Local Advisory Team, appointed by the State Executive Council, with recommendations being solicited from, but not limited to, the Virginia Department of Education, Virginia Department of Social Services, and the Virginia Chapter of the National Alliance on Mental Illness (NAMI). This will require a change to §2.2-5201, Code of Virginia.
5. As funding streams and funding decisions are the province of the General Assembly, no recommendation is made concerning the role of the Council with regard to funding streams.
6. The current relationship between the Council and the executive branch of state government through the designation of the Secretary of Health and Human Resources as the chair of the

Council and the designated membership of executive branch members is appropriate and no changes are recommended.

7. Congruent with the recommendation that State Executive Council remain a supervisory council, the Council should not have the authority to promulgate regulations through the Administrative Process Act. The Council should however, develop clear guidelines for public participation in its process of developing and adopting policy. These guidelines should include specific time frames for various stages in the process, expectations for public notice and public comments, and expectations for consideration of fiscal impact on local government.

NEXT STEPS

At the December 3, 2015 meeting of the State Executive Council, Scott Reiner, Interim Director for the Office of Children's Services presented a preliminary overview of draft guidelines for consideration by the SEC as outlined in Recommendation Seven. The SEC approved this preliminary notice to develop "Public Participation Guidelines for the State Executive Council for Children's Services" and the preliminary summary will be issued for an initial period of public comment.

Legislation to amend the membership of the SEC and the State and Local Advisory Team (SLAT) as outlined in Recommendations 2, 3 and 4 has been developed and will be drafted for consideration by the 2016 General Assembly.

APPENDIX A – WORK GROUP MEMBERSHIP

Eighteen members constituted the State Executive Council’s Children’s Services Work Group. Members include local government officials, state agencies, Virginia’s Supreme Court, and the Office of Children’s Services. Dr. Bill Hazel, Secretary of Health and Human Resources and Anne Holton, Secretary of Education served as co-chairs.

Honorable Bill Hazel – Co-chair
Secretary of Health and Human Resources

Honorable Anne Holton – Co-chair
Secretary of Education

Wanda Barnard-Bailey
Deputy City Manager, Chesapeake

Andrew Block
Director, Department of Juvenile Justice

Mary Bunting
City Manager, Hampton

Honorable Brenda Ebron-Bonner
Board of Supervisors, Dinwiddie County

John Eisenberg
Assistant Superintendent, Department of Education

Debra Ferguson
Commissioner, Department of Behavioral Health and Developmental Services

Honorable Woodrow Harris
City Council, Emporia

Bob Hicks
Deputy Commissioner, Virginia Department of Health

Cindi Jones
Director, Department of Medical Assistance Services

Sandra Karison
Assistant Director of Legal Research, Office of the Executive Secretary, Supreme Court of Virginia

Honorable Charlotte Moore
Board of Supervisors, Roanoke County

Jennie O’Holleran
Deputy Secretary of Education

Scott Reiner
Interim Director, Office of Children’s Services

Margaret Schultze
Commissioner, Department of Social Services

Honorable Steven Walker
Board of Supervisors, Culpeper County

APPENDIX B – MEETING AGENDAS

**State Executive Council for
Children’s Services Work Group**

August 26, 2015 Agenda

Twin Hickory Highway, Henrico VA

10:00 AM	Welcome, Introductions and Charge	William Hazel, Jr., M.D. Secretary of Health and Human Resources Commonwealth of Virginia
10:10 AM	Overview and Outcomes	James Burke, Ph.D. Linda L. Pierce, M.B.A. Performance Management Group Virginia Commonwealth University
10:15 AM	Supervisory vs. Policy Boards and the Administrative Process Act	Al Wilson, J.D. Office of the Attorney General Commonwealth of Virginia
10:45 AM	Facilitated Discussion on Governance	PMG/Small Groups
11:30 AM	Report Out	Small Groups
11:55 AM	Next Steps	PMG/Secretary Hazel
12:00 PM		Adjourn

**State Executive Council for
Children's Services Work Group**

September 17, 2015 Agenda

**Virginia Department of Taxation – 1957 Westmoreland Street
Richmond VA**

1:00 PM	Welcome	William Hazel, Jr., M.D. Secretary of Health and Human Resources Commonwealth of Virginia
1:10	Review of Initial Meeting and Public Input: Consensus on Board Structure Recommendations	Greg Brittingham, M.A. Performance Management Group VCU
1:30 PM	Background and Current Composition of the Council	Scott Reiner Interim Executive Director Office of Children's Services
2:00 PM	Facilitated Discussion: What is the Appropriate Composition of the Council?	PMG/Small Groups
2:45 PM	Report Out and Discussion	Small Groups
3:30 PM	Soliciting Public Input	PMG/Work Group Discussion
3:45 PM	Next Steps and Adjourn	Secretary Hazel

**State Executive Council for
Children's Services Work Group**

October 13, 2015 Agenda

1604 Santa Rosa Road – Richmond Room, Henrico VA

9:00 AM	Welcome	William Hazel, Jr., M.D. Secretary of Health and Human Resources Commonwealth of Virginia
9:10	Review of Second Meeting	James Burke, Ph.D. Linda L. Pierce, M.B.A. Performance Management Group Virginia Commonwealth University
9:30	Discussion and Vote on Recommendations to Date	Workgroup
10:10	Public Input	PMG
10:50	Next Steps	PMG/Work Group Discussion
11:00	Adjourn	Secretary Hazel

**State Executive Council for
Children's Services Work Group**

November 17, 2015 Agenda

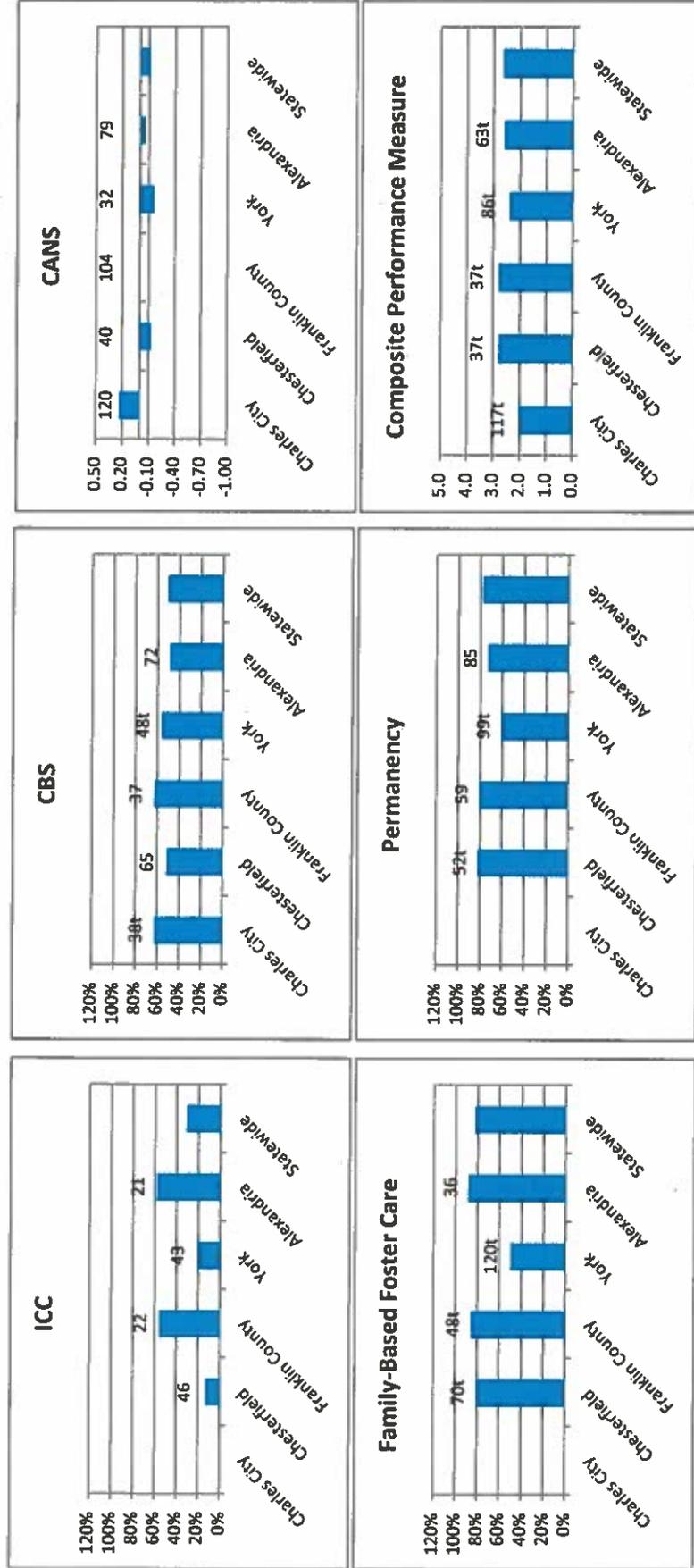
Tuckahoe Library – 1901 Starling Drive, Henrico VA

1:00 PM	Welcome and Introductions	William Hazel, Jr., M.D. Secretary of Health and Human Resources Commonwealth of Virginia
1:10	Review of Recommendations	Greg Brittingham, M.A. VCU Performance Management Group
1:40	Review of Public Comments Submitted Electronically	PMG
1:45	Meeting Open for Public Comments	PMG
2:30	Modification and/or Approval of Recommendations	PMG and SEC
3:00	Adjourn	Secretary Hazel

Sample CSA Performance Measures - FY 2015

Locality	Percent of Youth in Residential Receiving ICC ¹	Percent of Youth Receiving CBS Out of All CSA Youth	Average CANS Life Functioning Change ²	Percent of Foster Care Children in Family-based Placements	Percent of Children Who Exit from Foster Care to a Permanent Living Arrangement	Composite Performance Measure ³
Charles City		62.5%	0.23			2.00
Chesterfield	12.9%	51.3%	-0.13	80.6%	81.8%	2.80
Franklin County	55.6%	62.7%	0.01	85.7%	80.6%	2.80
York	20.0%	56.3%	-0.16	50.0%	60.0%	2.40
Alexandria	58.3%	49.0%	-0.06	88.7%	72.4%	2.60
Statewide	30.9%	50.4%	-0.11	82.1%	77.6%	2.66

Locality Performance Measures with Rankings



¹For the percent of youth receiving ICC, the average is taken for non-zero values only.

²Decreases in CANS scores are generally indicative of improved functioning.

³For each of the five outcome measures, localities are assigned a score relative to their proximity to either the statewide average or targets set by the Commonwealth. The composite outcome measure score is calculated using the average of the five outcome measure scores, with 4 being the highest possible score.

**FINAL REPORT OF THE
VIRGINIA COMMISSION ON YOUTH**

**The Use of Federal, State, and
Local Funds for Private
Educational Placements of
Students with Disabilities -
Year Two
(HJR 196, 2014)**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 14

**COMMONWEALTH OF VIRGINIA
RICHMOND
2015**

III. Executive Summary

During the 2014 General Assembly Session, Delegate Les R. Adams introduced House Joint Resolution 196, directing the Commission on Youth to:

- i. examine the use of Comprehensive Services Act for At-Risk Youth and Families (CSA) and Medicaid funds for private day and private residential special education placements;
- ii. gather local and statewide data on the extent to which youth are placed in settings that are segregated from nondisabled students;
- iii. determine the feasibility and cost-effectiveness of more integrated alternatives to provide special education services to students including, but not limited to, those students with intellectual and developmental disabilities currently in segregated settings in the Commonwealth; and
- iv. consider any other matters as it deems appropriate to meet the objectives of this study.

The legislation required the Commission on Youth to complete its meetings for the first year by November 30, 2014, and the second year by November 30, 2015. The Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. A copy of the legislation is included as Appendix A.

During the first year of the study, an update on the study activities and identified issues were reported at the Commission's December 2, 2014 meeting. An update on the study activities and draft recommendations for the second year of the study was reported at the Commission's September 8 and October 20 meetings. At the October 20 meeting, the Commission on Youth approved the following recommendations:

THERE ARE CHALLENGES WITH USING CHILDREN SERVICES ACT (CSA) WRAP-AROUND SERVICES TO MAINTAIN THE LEAST RESTRICTIVE ENVIRONMENT (LRE).¹

Recommendation

Request the State Executive Council (SEC) revisit existing policy restrictions and budgetary constraints with CSA state pool funds for wrap around services for students with disabilities. This review will include whether the community match rate could be utilized, existing parental co-payment policies for additional services not included in the individualized education program (IEP), and the prohibition on using funds for non-educational services provided by school employees, and make recommendations to improve both utilization and access to these funds to the Commission on Youth by the 2017 General Assembly Session.

¹ The 2015 General Assembly enacted legislation (SB 850, Favola) to change the name of the Virginia Comprehensive Services Act for At-Risk Youth and Families to the Children's Services Act (CSA) to better reflect the goals of CSA.

VIRGINIA'S EXISTING SPECIAL EDUCATION STATE FUNDING STRUCTURE DOES NOT ADEQUATELY MEET THE NEEDS AND INCREASING NUMBERS OF HARD-TO-SERVE, SPECIAL EDUCATION STUDENTS.

Recommendation

1. Request the Virginia Department of Education (VDOE) include in its analysis of regional special education programs other states' funding formulas and policies identified during the course of their study that may be employed in the Commonwealth. VDOE shall also determine the efficacy of Virginia's regional special education programs and assess whether provisions are needed to revise these programs and if these programs should be expanded to other regions of the Commonwealth. VDOE shall report findings and recommendations to the Commission on Youth prior to the 2016 General Assembly Session.

THE UTILIZATION AND COSTS OF PRIVATE PLACEMENTS FOR SPECIAL EDUCATION STUDENTS IN VIRGINIA HAVE INCREASED SIGNIFICANTLY.

Recommendations

1. Introduce a budget amendment for VDOE to convene an interagency workgroup to assess the barriers to serving students with disabilities in their local public schools. The workgroup shall assess existing policies and funding formulas including school division's program requirements, localities' composite indices, local CSA match rate allocations, local CSA rate setting practices, the impact of caps on support positions, policies for transitioning students back to the public school, and funding for local educational programming based on models which are collaborative and create savings for both local and state government while providing youth an educational option within their communities. Membership shall include a balance of local and state representative, all impacted state agencies, local education agency (LEA) representatives, local CSA representatives, local government officials, local special education administrators, stakeholder organizations, parent representatives, the Arc of Virginia, the Coalition for Students with Disabilities, and members of the Virginia General Assembly. The workgroup shall make recommendations to the Virginia Commission on Youth prior to the 2017 General Assembly Session.
2. Request the Office of Children's Services (OCS) collaborate with VDOE and include a track in their annual conference on best practices and effective strategies for serving children with disabilities in the least restrictive environments and increase knowledge and understanding on working with students with disabilities, and their parents, as well as improving coordination between schools and CSA.
3. Request the OCS include in its annual training plan strategies best practices and effective strategies for serving children with disabilities in the least restrictive environment and increase knowledge and understanding on working with students with disabilities, and their parents, as well as improving coordination between schools and CSA.

VIRGINIA'S REGIONAL SPECIAL EDUCATION PROGRAMS ALLOW SELECT SCHOOL DIVISIONS TO SERVE STUDENTS IN AN ADDITIONAL OPTION IN THE CONTINUUM OF PLACEMENTS BUT THE EXISTING STRUCTURE NEEDS TO BE RE-EVALUATED.

The Recommendation adopted for the Finding – *Virginia's existing special education state funding structure does not adequately meet the needs and increasing numbers of hard-to-serve, special education students* – addressed the issues set forth in this Finding.

THERE IS NO AVAILABLE DATA ABOUT THE EFFECTIVENESS OF CSA-FUNDED PRIVATE DAY AND RESIDENTIAL PROGRAMS.

Recommendations

1. Request VDOE work with private providers including the Virginia Association of Independent Specialized Education Facilities, the Virginia Council for Private Education, the Virginia Association of Independent Schools, the Southern Association of Colleges and Schools, the Virginia Coalition of Private Provider Associations, the Virginia Association of Community Services Boards, local school divisions, stakeholder groups, and parent representatives to identify and define outcome measures to assess students' progress such as assessment scores, attendance, graduation rates, transition statistics, and return to the students' home schools.
2. Request VDOE establish a procedure requiring all assessment scores for private day students tagged as 'Special Situation' be included in the student's "home" school scores.
3. Request OCS to report annually on Child and Adolescent Needs and Strengths (CANS) assessment tool and CANVaS (the online version of CANS) scores that measure educational outcomes by service placement name and type for all students being served in CSA-funded educational placements.

VIRGINIA'S PARENT CONSENT PROVISIONS EXCEED FEDERAL REGULATIONS AND MAY HINDER SERVING STUDENTS WITH DISABILITIES IN THE LEAST RESTRICTIVE ENVIRONMENT.

Recommendations

1. Request VDOE include in the development of the statewide model IEP, an ongoing planning process that facilitates returning students with disabilities served in private placements to the public school setting. The IEP will establish an ongoing process that should commence when a student with a disability is first placed in a private day or residential school. This process should involve the parents, home school officials, CSA officials, the child's teachers, and other involved stakeholders. VDOE shall also include in its guidance to schools best practices for transitioning students from private residential and private day schools such as employing gradual transition strategies and utilization of available community-based programs. VDOE will investigate the feasibility of incorporating in the statewide model IEP Medicaid billing for services provided to eligible IEP students.

GOALS AND STRATEGIES FOR THE FY16–FY18 BIENNIAL PLAN ENDORSED BY THE SEC AND SLAT – December 3, 2015

GOAL 1: Support implementation of a singular, unified system of care that ensures equal access to quality services for at risk youth across the Commonwealth.

<u>Strategy</u>	<u>Responsible Body</u>	<u>Target Completion Date</u>
1. Continue promotion of High Fidelity Wraparound/ Intensive Care Coordination as an evidence-based intervention through sustaining the activities of the HFW Center of Excellence on the expiration of federal grant funding (9/30/16) and continued collaboration with state and local partners to advance the practice of HFW and expand funding options for the intervention.	SEC, SLAT and OCS	Ongoing
2. Increase family participation in all aspects of the system of care by enhanced support for a child-centered, family-focused system by policy guidance and support of practices to increase family access and voice in the CSA process, including provision of ongoing training opportunities in this area.	SEC, SLAT and OCS	Ongoing
3. Review, clarify, and revise as necessary, relevant SEC policies that impact access to and quality of services (e.g., CSA eligibility as a Child in Need of Services, "Carve Out of Allocation for Development of New Services). Continue efforts to align SEC policies with those of other child-serving agencies as appropriate.	SEC	6/30/2017
4. Work with the Department of Education and other state and local stakeholders to examine and improve practices and develop greater collaboration with CSA regarding the placement of students with educational disabilities in the least restrictive environment. Review and recommend/adopt adjustments to SEC policy on the use of special education wraparound funds as appropriate.	SEC, SLAT OCS	6/30/2017
5. Work with/assist the Department of Medical Assistance Services (DMAS) and other appropriate agencies and groups to revise regulations governing residential treatment for children and adolescents to ensure consistent access, care coordination and improved outcomes.	OCS	6/30/2017

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------|
| 6. Support cross-secretariat leadership (i.e., HHR, Education, and Public Safety and Homeland Security) through the Governor's Children's Cabinet on policy, funding and practice issues to enhance outcomes for high-risk populations including youth involved in the juvenile justice system and those at-risk of long-term school suspension or expulsion due to emotional and/or behavioral problems. | SEC
OCS | Ongoing |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------|

GOAL 2: Support informed decision making through utilization of data to improve child and family outcomes and public and private provider performance in the provision of services through the Children's Services Act.

<u>Strategy</u>	<u>Responsible Body</u>	<u>Target Completion Date</u>
1. Improve availability of meaningful data via statistics on the CSA web page and expand information via data "dashboards". Work with local governments to define relevant data for inclusion, specifically common outcome metrics across the CSA service array.	SEC Outcome Committee, SLAT and OCS	Ongoing
2. Continue to enhance collection, analysis, availability and utilization of appropriate client, local and state level data to enable comprehensive analysis of needs, services, providers, and outcomes. Utilize data and predictive analytics as a basis for quality improvement activities. Explore opportunities for follow-up after receiving CSA services to determine long-term outcomes.	SEC Outcome Committee, SLAT and OCS	Ongoing
3. Enhance utilization and value of the Child and Adolescent Needs and Strengths Assessment (CANS) for service planning and identification of needs by release of and training on the new CANVaS 2.0 software platform which will include enhanced: <ul style="list-style-type: none"> • child level reporting capabilities to allow needs and strengths identification, progress monitoring, and adjustments of service plans • assessment of a child's experiences of trauma • ability (for children in the foster care system) to assess needs and strengths in the areas of safety, permanency and well-being and for concurrent permanency planning. 	OCS VDSS	6/30/2017

GOAL 3: Improve the operational effectiveness and accountability of CSA administration.

Strategy	Responsible Body	Target Completion Date
1. Develop and implement guidelines for the process of SEC promulgation of policies including stages and time frames for public notice, public comment, and evaluation of potential state and local fiscal impact	SEC	6/30/2017
2. Develop and adopt clear policy guidance regarding criteria for denial of CSA state pool funds in response to audit findings and subject to the SEC Dispute Resolution Policy	SEC and SEC Finance and Audit Committee	06/30/2017
3. Continue engagement of CPMT representatives (including parents and private providers), juvenile judges, school superintendents, government administrators, and elected leaders in local administration of the CSA through increased opportunities for education and dialogue.	SLAT and OCS	Ongoing
4. Enhance integration of fiscal and data reporting requirements and systems to reduce local administrative burden and improve accuracy and utility of data for program evaluation and improvement and fiscal operations.	OCS and SEC Finance and Audit Committee	6/30/2017
5. Continue implementation of a robust training plan including development and implementation of a group of e-learning courses to make training on core CSA policies and practices available "on-demand", especially for newly hired staff of local child-serving agencies.	SLAT and OCS	Ongoing
6. Build/enhance a systemic culture of collaboration across state and local CSA stakeholders through technical assistance in team building, communication, consensus building, etc.	SLAT and OCS	Ongoing
7. Enhance collaboration between SLAT and SEC through periodic joint meetings for review of strategic planning initiatives.	SEC and SEC	Ongoing