

State Executive Council (SEC) for Children’s Services

Notice of Intent to Develop/Revise Policy

Approved for Public Comment by the SEC: September 14, 2023

Public Comment Period Ends: 5:00 PM, October 30, 2023

Number and Name of Proposed/Revised Policy:

Policy 3.4 – Dispute Resolution Process

Basis and Purpose of the Proposed/Revised Policy:

Section 2.2-2648.D.4 of the *Code of Virginia* requires the SEC to: “Provide for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions that support the purposes of the Children's Services Act (§ 2.2-5200 et seq.). The public participation process shall include, at a minimum, 60 days of public comment and the distribution of these guidelines and procedures to all interested parties.”

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

Section 2.2-2648.D.20 of the *Code* requires the SEC to: “Deny state funding to a locality, in accordance with subdivision 19, where the CPMT fails to provide services that comply with the Children's Services Act (§ 2.2-5200 et seq.), any

other state law or policy, or any federal law pertaining to the provision of any service funded in accordance with § 2.2-5211.”

The proposed changes to the existing policy 3.4 align the policy with the standard policy format adopted by the SEC in September 2022 by adding sections 3.4.1 (Purpose), 3.4.2 (Authority), 3.4.3 (Definitions), and 3.4.6 (Policy Review), as well as footers to denote dates of Adoption, Effect, Revision, and page numbers.

The proposed changes also add consistency in referring to the State Executive Council for Children’s Services as the SEC (as opposed to “Council) and add language (in Section 3.4.4) so the policy is consistent with the Freedom of Information Act (COV §2.2-3700 et seq).

Summary of the Proposed Policy:

Policy 3.4 provides guidance to local Children’s Services Act (CSA) programs regarding the processes related to the dispute resolution process for appealing administrative actions.

Preliminary Fiscal Impact Analysis:

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