

AGENDA
State Executive Council for Children's Services
December 10, 2020

Virtual Meeting

<https://global.gotomeeting.com/join/904300197>
(312) 757-3121 Access Code: 904-300-197

- 9:30 Roll Call of Members**
- 9:40 Opening Remarks – Dr. Daniel Carey, Chair**
- Introduction of New SEC Members – Michelle Johnson, Local Government
 - **Action Item** – Approval of September 2020 Minutes (Roll Call Vote)
- 9:50 Public Comment I**
- 9:55 Executive Director's Report – Scott Reiner**
- Overview of CSA Utilization and Expenditures
 - Status of Strategic Plan implementation
 - Recap of CSA (Virtual) Annual Conference – October 29 – 30
- 10:10 State and Local Advisory Team Report – Lesley Abashian, SLAT Chair**
- 10:20 Summary of the JLARC Report on CSA**
- 10:35 Break**
- 10:45 Questions and Discussion of the JLARC Report – JLARC Staff**
- 11:00 Updates**
- Family First Prevention Services Act – VDSS
 - Behavioral Health Enhancement – DMAS
 - COVID-19 Vaccination – Christy Gray, Director, Division of Immunization, VDH
- 11:20 Public Comment II**
- 11:25 Closing Remarks – Secretary Carey**
- 11:30 Adjourn**

FOIA Council Post-Meeting Survey:

<http://foiacouncil.dls.virginia.gov/sample%20letters/Elec%20Mtgs%20public%20comment%20form%202013.doc>

Schedule of 2021 Meetings

March 11, June 10, September 9, December 9

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**STATE EXECUTIVE COUNCIL (SEC)
FOR CHILDREN'S SERVICES
1604 Santa Rosa Road, Suite 137
Richmond, VA
(VIRTUAL MEETING)
Thursday, September 10, 2020**

SEC Members Present:

The Honorable Daniel Carey, M.D., Secretary of Health and Human Resources
Lesley Abashian, Chair, State and Local Advisory Team (SLAT)
The Honorable Mary Biggs, Member, Montgomery County Board of Supervisors
Sophia Booker, Service Recipient Representative
Valerie Boykin, Director, Department of Juvenile Justice
Eric Campbell, City Manager, City of Harrisonburg
Courtney Gaskins, Ph.D., Director of Program Services, Youth for Tomorrow
The Honorable Willie Greene, Mayor, City of Galax
The Honorable Elizabeth Guzman, Member, Virginia House of Delegates
Samantha Hollins, Ed.D. for James Lane, Ed.D. Superintendent of Public Instruction, Virginia
Department of Education
Sandra Karison for Karl Hade, Executive Secretary of the Supreme Court of Virginia
Alyssa Ward, Ph.D., for Karen Kimsey, Director, Department of Medical Assistance Services
Andelicia Neville, Parent Representative
Mira Signer for Alison Land, Commissioner, Virginia Department of Behavioral Health and
Developmental Services
The Honorable T. Montgomery "Monty" Mason, Member, Senate of Virginia
The Honorable Frank Somerville, Presiding Judge, 16th Judicial District, Juvenile and Domestic
Relations District Court
Amanda Stanley, President and CEO, DePaul Community Resources
Nanette Bowler for Duke Storen, Commissioner, Virginia Department of Social Services

SEC Members Absent:

Bob Hicks, for M. Norman Oliver, M.D., Commissioner, Virginia Department of Health
Jessica Stern, Parent Representative

Other Staff Present:

Marsha Mucha, Administrative Staff Assistant, OCS
Kim Piner, Senior Assistant Attorney General
Scott Reiner, Executive Director, OCS
Zandra Relaford, Assistant Director, OCS

Roll Call of Members and Opening Remarks

Scott 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 to be completed at the end of the meeting. He provided the link for the form in the chat section of the virtual meeting.

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Mr. Reiner conducted a roll call of the membership for attendance purposes.

Secretary Carey called the virtual meeting to order at 9:35 a.m. and welcomed everyone. He recognized Lesley Abashian, the Director of Human Services for the City of Fairfax as the new SLAT Chair and welcomed her to the SEC.

The minutes of the June 11, 2020 meeting were approved on a motion by Courtney Gaskins, seconded by Mira Signer and approved by roll call vote as follows:

Aye: Secretary Carey, Nanette Bowler, Samantha Hollins, Valerie Boykin, Sandra Karison, Alyssa Ward, Mira Signer, Courtney Gaskins, Amanda Stanley, Andelicia Neville, Sophia Booker, Mary Biggs, Eric Campbell, Willie Greene, Delegate Elizabeth Guzman, Senator Monty Mason, Frank Somerville and Lesley Abashian.

Nay:

Public Comment

There was no public comment.

Executive Director's Report

Scott Reiner, Executive Director of OCS reported on the following items:

- CSA Protected Funds – Members received a copy of the final Frequently Asked Questions (FAQ) document on “Protected” State Pool Funding, prepared by OCS. Mr. Reiner noted that the SEC (*September 2018*) had requested that SLAT review the use of what had been referred to as “non-mandated funds,” including barriers to use of the funds, and best practices. At the December 2019 SEC meeting, SLAT presented the findings and recommendations of their study to the SEC. One of the short-term recommendations was the development of specific training and informational materials for CSA audiences, which resulted in the FAQ.
- Status of Strategic Plan Implementation
 - **SEC Policy Review and Alignment** – Mr. Reiner reported that Ivory Banks and Corey Pleasants from DMAS will provide the equity-based focus/perspective to the policy review work. Chidi Uche from OSHHR will provide the trauma-based focus/perspective. The workgroup would benefit from having a parent representative and someone with Medicaid behavioral health experience. Please send Mr. Reiner recommendations for other workgroup members by the end of next week as he will be convening the workgroup within the next 30 days.
 - **Empowering Families and Communities and Leadership and Collective Action** - SLAT has two workgroups currently meeting. One workgroup is working on development of a guide for youth and families regarding access to services. The other workgroup is working on defining core knowledge, skills and abilities for various local CSA roles (e.g., CSA Coordinators, CPMT and FAPT members).
 - **Outcome-driven Practices** - OCS is in the process of surveying state agencies concerning their collection and reporting of outcomes data. Surveys are due back by

September 15. A summary and next steps will be discussed at the December SEC meeting.

- **Evidence-based Practices** - Collaborative activities continue toward the establishment of an Evidence-Based Center of Excellence. Mr. Reiner reported that multiple agencies, utilizing existing resources, are working in coordination with an institution of higher education in this regard.

At the end of Mr. Reiner's update on implementation of the SEC's Strategic Plan, Sophia Booker suggested the addition of equity-based goals to the Plan.

- Annual CSA Conference – The 2020 CSA Annual Conference will be held virtually on October 29 and 30. The keynote speaker will be the Commonwealth's Chief Diversity, Equity and Inclusion Officer, Dr. Janice Underwood. SEC members are encouraged to attend.

State and Local Advisory Team Report (SLAT)

Lesley Abashian, SLAT Chair provided the report. SLAT last met on August 6, 2020. As noted by Mr. Reiner in his report, SLAT has two workgroups meeting on areas of the SEC's Strategic Plan.

- The Empowering Families workgroup led by Cristy Corbin is working on a survey to parents.
- The Leadership and Collective Action Workgroup led by Jessica Webb and Kristi Schabo is working on deliverables around leadership competencies for local CSA leaders (CSA coordinators, FAPT and CPMT members).

SLAT members also decided to move SLAT meetings to a quarterly schedule with meetings held in the months preceding the SEC's quarterly meetings. This would bring SLAT's meeting schedule into alignment with the SEC's meeting schedule.

Ms. Abashian reported that she and Zandra Relaford would, in the next week or so, be sending a short survey on SLAT meetings to the SLAT membership. She noted that it would be beneficial to her as the new SLAT Chair to gather feedback about the meetings.

CSA Private Provider COVID Survey

Courtney Gaskins reported that, at the June SEC meeting, members received a report of an OCS conducted survey of local CSA programs regarding operations during the pandemic. At that meeting, she and Amanda Stanley suggested a similar survey of private providers.

Dr. Gaskins further reported that a survey was disseminated to private providers through OCS by way of CSA coordinators and CPMT Chairs. Also, Dr. Gaskins, Ms. Stanley and Greg Peters (UMFS) disseminated the survey through their private provider organizational memberships. 307 responses were received (192 were complete responses) during the 30-day period the survey was available. Responses were received from programs providing a wide range of services, with all regions of the state represented. Overall, responses to the survey displayed a strong and clear sense of resiliency.

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Dr. Gaskins and Ms. Stanley reviewed results of the survey with members. Most providers have been handling the emergency well and have been able to continue providing services through telephonic and/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 adapted services. Providers reported particular concern (i.e. receiving consistent guidance and honoring existing contracts) on the financial impact of COVID-19 and their ability to retain the highly-trained staff needed to provide services to their clients and families.

At the end of their report, Senator Mason asked about the issue of honoring existing contracts. Mr. Reiner explained that CSA is limited in its authority to direct localities with regard to contractual matters. If a locality chooses to operate under an existing contract despite variations in the services delivered due to the pandemic, CSA will reimburse the state's share for that contract. CSA does not have authority to mediate a dispute between a locality and a provider and the CSA office has no official position on these matters, which would be referred to the CPMT for mediation. After the discussion, it was noted that this is an issue that needs to be addressed going forward.

Status Updates

Updates were provided on the following areas/projects:

- Return to School Status (public schools) – Dr. Samantha Hollins, VDOE
- Return to School Status (private day schools) – Ron Spears (Elk Hill) and Rick Leichtweis (INOVA)
- Child Welfare/Child Protective Services During COVID-19 – Kristin Zagar, VDSS
- Family First Prevention Services Act – Kristin Zagar, VDSS
- Behavioral Health Enhancement – Dr. Alyssa Ward, DMAS

Public Comment II

There was no public comment.

Closing Remarks and Adjournment

In closing, Secretary Carey thanked everyone for their commitment to serving youth and families during these challenging times.

There being no further business the meeting adjourned at 11:35 a.m.

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Bill - HB5005 (Chapter 56)

Bill Order » Part 4: General Provisions » Operating Policies » Item 4-0.01

Operating Policies

Item 4-0.01

§ 4-0.00 OPERATING POLICIES

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g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia, or any joint meeting of such entities, may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

2. A public body or governing board convening a meeting in accordance with this subdivision shall:

a) Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.

Report to the Governor and the General Assembly of Virginia

Review of the Children’s Services Act and Private Special Education Day School Costs

2020



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Summary: Review of the Children’s Services Act and Private Special Education Day School Costs

WHAT WE FOUND

Spending on private special education day school services has driven overall CSA spending growth

CSA spending for private special education day school services (“private day school”) has more than doubled since FY10, growing by approximately 14 percent per year from \$81 million to \$186 million. In 2019, private day school spending accounted for 44 percent of all CSA spending. If spending trends continue, within the next several years the majority of the CSA program’s expenditures will be for private day school services.

Children placed in private day schools typically have an emotional disturbance, autism, or some other childhood mental disorder, and exhibit behaviors that public schools have difficulty managing.

Half of the growth in private day school spending is explained by increasing enrollment in these schools.

Enrollment has grown 50 percent over the past 10 years because of three factors: more new children placed in private day school each year, children being placed in private day school at younger ages, and children spending more time in private day school.

Increasing tuition rates charged by private day schools and greater use of additional services offered by private day schools also contributed to spending increases. Tuition rates increased by 25 percent between FY10 and FY19, or an average of 3 percent annually, similar to inflation growth during that time. Annual tuition rates for private day schools are costly (\$22,000 to \$97,000 per child), and the lack of insight into tuition rates has raised questions about their reasonableness and the schools’ profits.

However, private day schools appear to charge tuition rates that are consistent with the cost of providing low student-to-staff ratios in small environments, and a majority of schools do not earn excessive profits. On average, private day schools earned a 6 percent net profit in 2019.

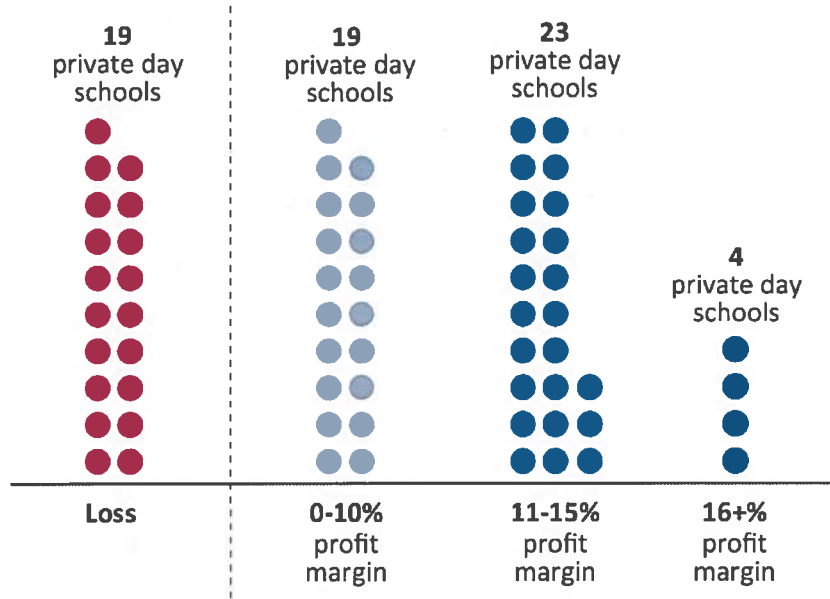
WHY WE DID THIS STUDY

In 2019, the Joint Legislative Audit and Review Commission (JLARC) asked staff to conduct a review of the Children’s Services Act (CSA) program. The study resolution required staff to examine drivers of spending growth in the CSA program, the cost effectiveness of services, especially private special education day school, and state and local oversight and administration of CSA.

ABOUT CSA

The CSA program was created in 1992 to more efficiently and effectively serve Virginia children who require services from multiple different programs. Services include community-based behavioral health services (e.g. outpatient counseling) for children in foster care or at risk of foster care placement and services delivered to students with disabilities who are placed in private special education day schools instead of public school. In FY19, 15,656 children received services funded by CSA, the majority of whom were in foster care or private special education day school placements.

Majority of private day schools responding to JLARC questionnaire generated profit levels of 10 percent or less



SOURCE: JLARC analysis of responses to private day school finance and tuition questionnaire.

NOTE: Sixty-eight (68) private day schools responded to the finance and tuition questionnaire, but only 65 provided enough information to calculate profit margins.

Restricting use of CSA funds to private day school services could prevent children from receiving comparable services in a less restrictive setting

State law and policy do not permit CSA funds to be spent on public school services. School divisions therefore cannot access these funds to provide services that could keep children in public school or transition them back to public school from a more restrictive placement in a private day school. School divisions do have federal, state, and local funding to pay for services delivered within the public schools, but state and federal funding has declined. At the same time, the number of students receiving special education services and the severity of their needs have been increasing.

Prohibiting CSA money from being spent on services that could help keep students in their public school means that students must be placed outside of their school, in a private day school, in order to access more intensive services. Private day schools are considered one of the more restrictive placements because they are separate from public schools, and students have little to no access to their non-disabled peers. Virginia places a higher percentage of students with disabilities in more restrictive out-of-school settings than 37 other states, and Virginia’s out-of-school placement rate has increased over the past 10 years.

Some intensive services delivered in private day schools (such as one-on-one aides) could be delivered in the public school just as they are in a private school. Without the restriction on where services have to be delivered in order for CSA funds to be used, more students could receive needed intensive services within their public schools instead of being placed in a private day school.

VDOE would be a more logical administrator of private special education day school funding

The CSA program currently pays for private day school placements but cannot affect placement decisions or students' service plans. Consistent with federal law, school district IEP teams make private day school placement decisions, and local CSA programs have no control over these decisions even though they pay for the services. Because the Virginia Department of Education is responsible for administering funding and programs for special education services in Virginia's school divisions, and already licenses private day schools, VDOE would be a more logical and potentially effective administrator of this portion of CSA funding.

Private day school performance expectations should be comparable to those for public schools

Stakeholders and parents of private day school students do not have information on the same basic metrics for private day schools that are reported for every public school in the Commonwealth. Unlike public schools, data has not been consistently published on outcomes for students who attend Virginia's private day schools. While the private day school accreditation process reviews several aspects of private day schools' educational quality and school operations, it primarily relies on observations and subjective assessments to make determinations about school quality.

State regulations on the use of restraint and seclusion in private day schools are more permissive than restraint and seclusion regulations in public school. In most cases, students who are placed in private day schools have behaviors that are too severe or challenging for public schools to manage effectively. Students with these behaviors are more likely to be subject to restraint and seclusion behavior management techniques. Despite the need to use these techniques in private day schools, the regulations governing them do not require as much documentation of restraint and seclusion incidents, or as much planning to prevent future incidents.

CSA services benefit majority of children, but the multidisciplinary service planning process can delay the start of services

Case managers reported that a majority of CSA children on their caseloads have shown improvement in the past year and that CSA's multi-disciplinary service planning approach adds value beyond what they can contribute on their own. An analysis of changes in children's scores on the program's standardized assessment instrument supports case managers' experience. On average, children who receive community-

based services funded by CSA, such as outpatient counseling or therapeutic mentoring, show improvements in behavior, school attendance, and emotional issues over time. In particular, children in CSA's community-based services improved most related to potentially dangerous behaviors like self-harm, running away, and bullying. Notably, children in residential services (11 percent of the CSA population) generally did not show improvement over time, and their behaviors tended to worsen.

While CSA's services and multidisciplinary approach appear to benefit children, many children experience delays in receiving services. The state requires CSA programs to hold Family Assessment and Planning Team (FAPT) meetings to develop children's service plans, which must then be approved by a separate group—the Community Policy and Management Team. Localities hold these team meetings with various frequencies. In an estimated one-fifth of local CSA programs, children referred to CSA could wait one month or more to begin services after they are referred to the program.

More children could be served through CSA

CSA requires the state and local CSA programs to serve children in or at risk of being placed in foster care and children with disabilities who require placements in private day schools. The CSA program must cover these “mandated” children at a “sum-sufficient” level, meaning the program must pay for the entire cost of services.

The state also provides funding that local CSA programs can use to pay for services for children with less severe emotional and behavioral issues, but nearly half of Virginia's localities choose not to. These children are not eligible for sum-sufficient funding from the state, per the criteria set out in the Code of Virginia, and are referred to as “non-mandated” children.

Not serving non-mandated children may exacerbate two problems that the CSA program was designed to address—delayed intervention in at-risk children's circumstances and geographical disparities in service availability. About 18 percent of Virginia's children live in localities that do not serve non-mandated youth.

Serving non-mandated children could be an effective preventative strategy, and the General Assembly could consider requiring local programs to use available funding to pay for services for these children, resulting in more than 300 additional children receiving CSA-funded supports. This would also increase state and local CSA costs, but services for these children cost less, on average, than services for children in the “mandated” eligibility category.

CSA program could benefit from more well-defined OCS responsibilities and active OCS role

The CSA program's locally administered structure allows for necessary flexibility, but some local programs are not operating as intended. CSA is designed to encourage local programs to use a “systems of care” approach to service planning, but some local

governments view CSA simply as a state funding source for children's services. The reluctance of some localities to embrace this philosophy was cited as a concern by numerous stakeholders.

Effective OCS supervision of local programs could help improve local CSA programs' effectiveness, but the Code of Virginia does not give OCS sufficient responsibility for ensuring that local programs operate effectively. Neither OCS nor any other state entity has clear authority to intervene when a local CSA program is *ineffective*, only when it is not in *compliance*.

WHAT WE RECOMMEND

Legislative action

- Allow funds reserved for private special education day school services to be used to pay for special education services and supports delivered in the public school setting, either to prevent children from being placed in more restrictive settings like private day school, or to transition them back to public school from more restrictive settings.
- Transfer funding for private special education day school services from the CSA program to VDOE.
- Direct VDOE to annually collect and publish performance data on private day schools that is similar to or the same as data collected and published for public schools.
- Direct the Board of Education to develop and promulgate new regulations for private day schools on restraint and seclusion that mirror those for public schools.
- Require all local CSA programs to serve all children identified as eligible for CSA funds, including those categorized as "non-mandated."
- Direct OCS to more actively monitor and work with local CSA programs that need technical assistance or are underperforming.

Executive action

- Require local programs to measure, collect, and report data on timeliness in service provision and target assistance to those programs that struggle the most with it.

The complete list of recommendations and policy options is available on page vii.

Recommendations: Review of the Children's Services Act and Private Special Education Day School Costs

RECOMMENDATION 1

The General Assembly may wish to consider amending §2.2-5200 of the Code of Virginia to make the annual reporting of tuition rates charged by private special education day schools a condition for private special education day schools to receive state funds and require the Office of Children's Services (or Virginia Department of Education if funding responsibility is transferred) to publish the private day school tuition rates annually by July 1. (Chapter 2)

RECOMMENDATION 2

The General Assembly may wish to consider amending §2.2-5200 of the Code of Virginia to direct the Office of Children's Services (or Virginia Department of Education if funding responsibility is transferred) to develop a standardized reporting process and template for private special education day school tuition rates to ensure that tuition rates can be accurately compared across schools and over time. (Chapter 2)

RECOMMENDATION 3

The General Assembly may wish to consider amending §2.2-5211 and §2.2-5212 of the Code of Virginia to allow state funds currently reserved for children requiring placement in a private special education day school to pay for services delivered in public schools to help transition students from residential or private day school placements back to a public school setting. (Chapter 3)

RECOMMENDATION 4

The General Assembly may wish to consider amending §2.2-5211 and §2.2-5212 of the Code of Virginia to allow the use of state funds currently reserved for children requiring placement in a private special education day school for services delivered to students with disabilities in public schools if the public school's individualized education program (IEP) team has determined that the services may prevent a more restrictive placement. (Chapter 3)

RECOMMENDATION 5

The General Assembly may wish to consider including language in the Appropriation Act, and amending the Code of Virginia as appropriate, to direct the transfer of funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Virginia Department of Education (VDOE) effective July 1, 2022. The language should also direct the VDOE to develop a detailed plan to administer this funding that (i) funds services for students with the most severe disabilities who are at-risk of or in an out-of-school placement; (ii) ensures that funds are equally accessible to all school divisions; and (iii) minimizes the fiscal impact of the new funding policy on localities. VDOE could be required to submit its plan and recommendations to the House Appropriations and Senate Finance and Appropriations committees for approval by November 1, 2021. (Chapter 3)

RECOMMENDATION 6

The General Assembly may wish to consider amending §22.1-217 of the Code of Virginia to require the Virginia Department of Education (VDOE) to direct that individualized education program (IEP) teams (i) identify any children with disabilities who may need additional services outside of the school setting and (ii) refer them to the local family assessment and planning team. (Chapter 3)

RECOMMENDATION 7

The General Assembly may wish to consider amending §2.2-5211 of the Code of Virginia to prohibit the use of state funds for any private day school tuition payments to schools that are not licensed by the Virginia Department of Education (VDOE), or in the case of out-of-state schools, the respective state's licensing agency. (Chapter 4)

RECOMMENDATION 8

The General Assembly may wish to consider including language in the Appropriation Act directing VDOE to collect and publish the following data on each private day school annually: (i) number of teachers not fully endorsed in content they are teaching ("out-of-field"); (ii) number of teachers with less than one year of classroom experience; (iii) number of provisionally licensed teachers; (iv) educational attainment of each teacher; (v) number of career and technical education (CTE) credentials earned by students; (vi) accreditation status; and (vii) number of incidences of restraint and seclusion. (Chapter 4)

RECOMMENDATION 9

The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Board of Education to develop and promulgate new regulations for private day schools on restraint and seclusion that establish the same requirements for restraint and seclusion as those established for public schools. (Chapter 4)

RECOMMENDATION 10

The Office of Children's Services (OCS) should require local Children's Services Act (CSA) programs to measure, collect, and report timeliness data to OCS at least annually, and OCS should use this data to identify local CSA programs with relatively long start times for services, provide assistance to these programs, and notify Community Policy and Management Teams of their low performance relative to other CSA programs. (Chapter 5)

RECOMMENDATION 11

The General Assembly may wish to consider amending the Code of Virginia to (i) require all local CSA programs to serve children who meet criteria established by the Office of Children's Services and the State Executive Council for the "non-mandated" eligibility category, (ii) require that services for these children be paid for with both state CSA funds set aside each year by the State Executive Council from the CSA pool of funds and local government matching funds, and (iii) maintain the provision that makes these funds non-sum sufficient. (Chapter 5)

RECOMMENDATION 12

The General Assembly may wish to consider including language in the Appropriation Act directing the State Executive Council (SEC) to form a committee composed of selected SEC members, State and Local Advisory Team members, and Office of Children's Services staff to assess the feasibility and efficacy of initiating an SEC-administered competitive grant fund to fill gaps in children's services and report its findings by January 1, 2022 to the chairs of the House Appropriations and Senate Finance and Appropriations committees. (Chapter 5)

RECOMMENDATION 13

The General Assembly may wish to consider amending §2.2-2649.B.1 of the Code of Virginia to direct the Office of Children's Services (OCS) to provide for the effective implementation of the Children's Services Act program in all localities by (i) regularly monitoring local performance measures and child and family outcomes; (ii) using audit, performance, and outcomes data to identify local programs that need technical assistance; and (iii) working with local programs that are consistently underperforming to develop a corrective action plan that will be submitted to OCS and the State Executive Council. (Chapter 6)

RECOMMENDATION 14

The Office of Children's Services should collect annually from each local Children's Services Act program the number of program staff by full- and part-time status and the administrative budget broken out by state and local funding to understand local program resources and target technical assistance to the most under-resourced local programs. (Chapter 6)

RECOMMENDATION 15

The General Assembly may wish to consider including language in the Appropriation Act directing the Office of Children's Services to develop and submit a plan to modify its staffing and operations to ensure effective local implementation of the Children's Services Act. The plan should include any new or different staff positions required, how those positions will be used to monitor and improve effectiveness, and the estimated cost of implementing these changes. The plan should be submitted to the chairs of the House Appropriations and Senate Finance and Appropriations committees no later than November 1, 2021, in advance of the 2022 General Assembly session. (Chapter 6)

RECOMMENDATION 16

The Office of Children's Services should modify its Continuous Quality Improvement tool to allow local Children's Services Act programs to review metrics on a service and provider level, including changes in Child and Adolescent Needs and Strengths (CANS) scores, length-of-stay in services, and spending per child. (Chapter 6)

RECOMMENDATION 17

The Office of Children's Services should work with Children's Services Act (CSA) programs to design and administer a statewide survey of parents/guardians of youth who are receiving CSA services to obtain their assessment of how well the program and CSA-funded services have addressed their child's emotional and behavioral challenges. (Chapter 6)

RECOMMENDATION 18

The Office of Children's Services should work with (i) the Department of General Services to determine the benefits and feasibility of a statewide contract for children's services and the types of children's services and service providers that would be included and (ii) the Office of the Attorney General to develop contracts to be made available to all local Children's Services Act programs where beneficial and feasible. (Chapter 6)

1 The Children's Services Act

In 2019, the Joint Legislative Audit and Review Commission (JLARC) approved a staff study of the Children's Services Act (CSA). (See Appendix A for the study resolution.) CSA is a state-supervised and locally administered program whose purpose is to identify and pay for services that can benefit some of the state's most at-risk children, including children in foster care and children with serious emotional and behavioral problems. The study resolution required this review to examine:

- state and local spending through CSA on services for at-risk children;
- drivers of spending growth in the CSA program;
- cost-effectiveness of services, including how decisions are made about which services at-risk children receive, especially for private day placements for special education;
- state and local oversight and administration of the CSA program; and
- gaps in available services for at-risk children.

To complete this review, JLARC staff interviewed staff from the state Office of Children's Services (OCS), local CSA program staff, special education staff from local school divisions, private providers of children's behavioral health and special education services, and parents whose children have received CSA-funded services. JLARC staff also surveyed local CSA program staff, CSA case managers, and private special education day school providers. In addition, JLARC staff analyzed spending and service use data provided by OCS and the Virginia Department of Education (VDOE). (See Appendix B for more detail on the research methods used in this study.)

CSA was created to more efficiently and effectively serve children who required services from multiple programs and to avoid unnecessary spending on expensive congregate care services, such as psychiatric hospitals and group homes. Prior to CSA's enactment in 1992, four state agencies oversaw services for at-risk children (sidebar) and eight different funding streams paid for these services. This decentralized approach prevented strategic, multi-disciplinary service planning and delivery.

JLARC previously studied CSA in 1998 and in 2006. These reports included recommendations for administrative changes and ways to reduce the use of residential services for children.

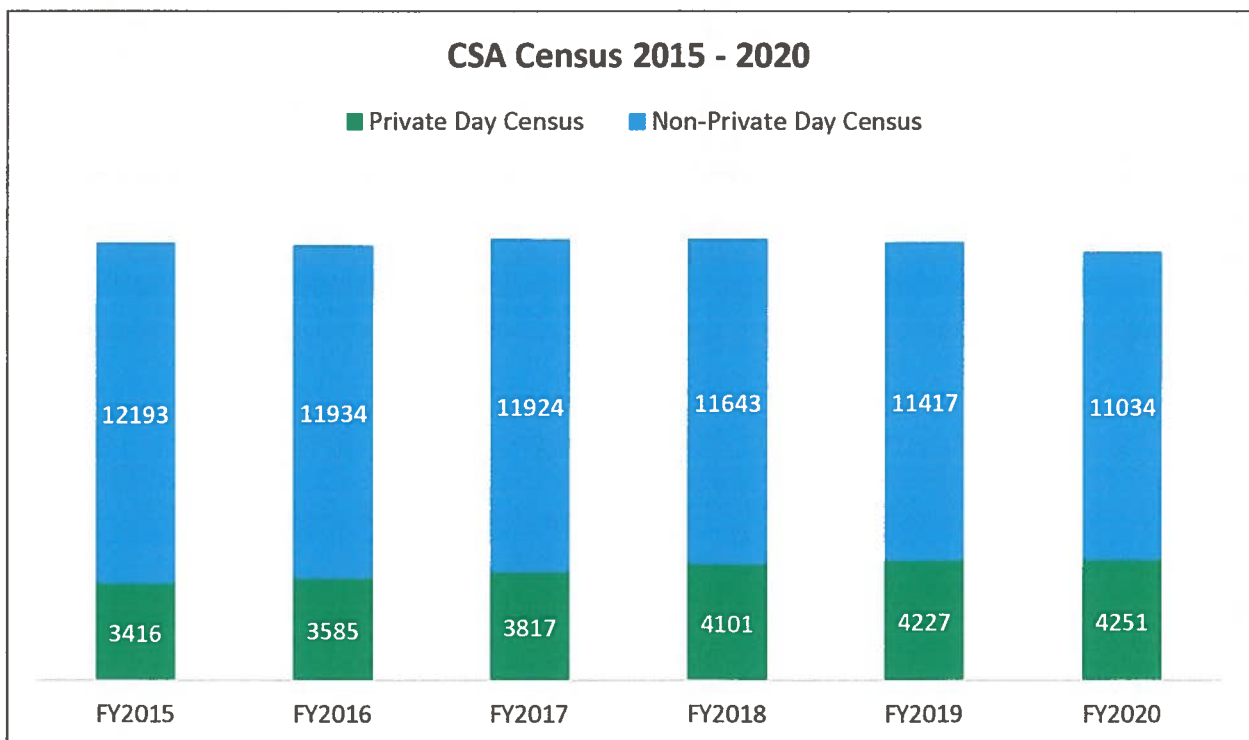
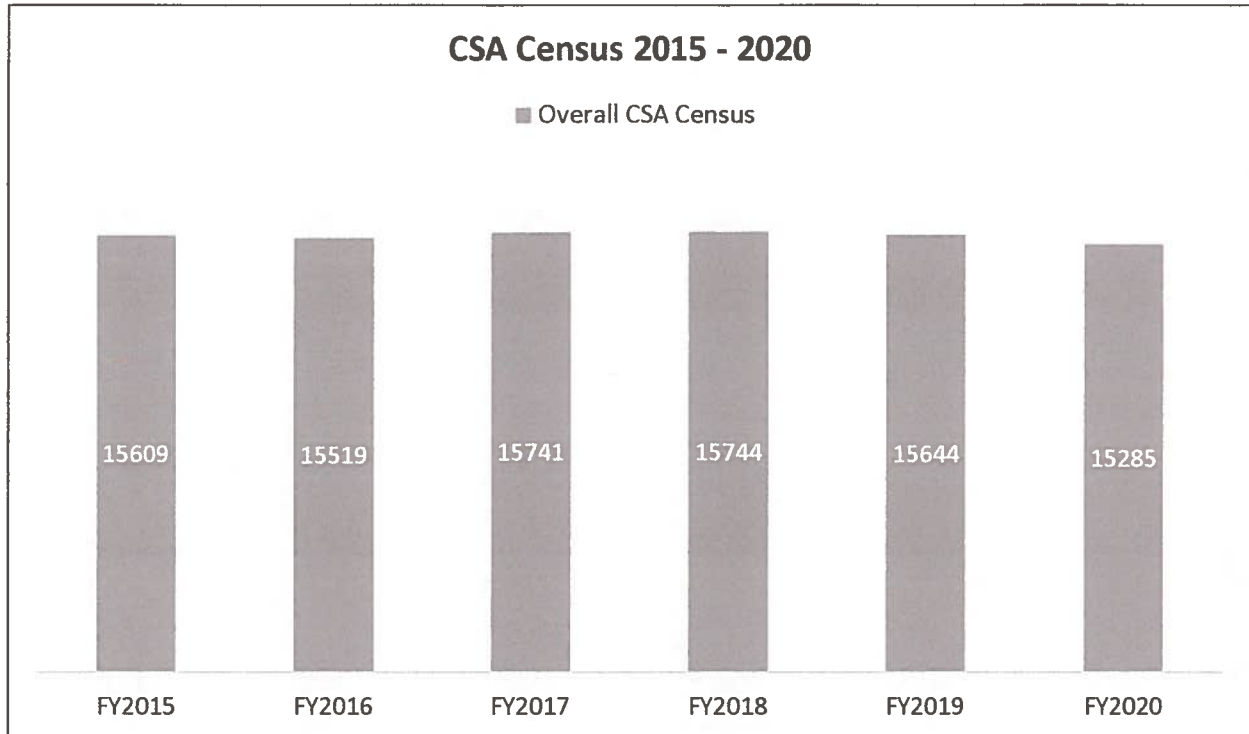
The Children's Services Act was originally known as the **Comprehensive Services Act for At-Risk Families and Youth**, but the name was changed in 2014.

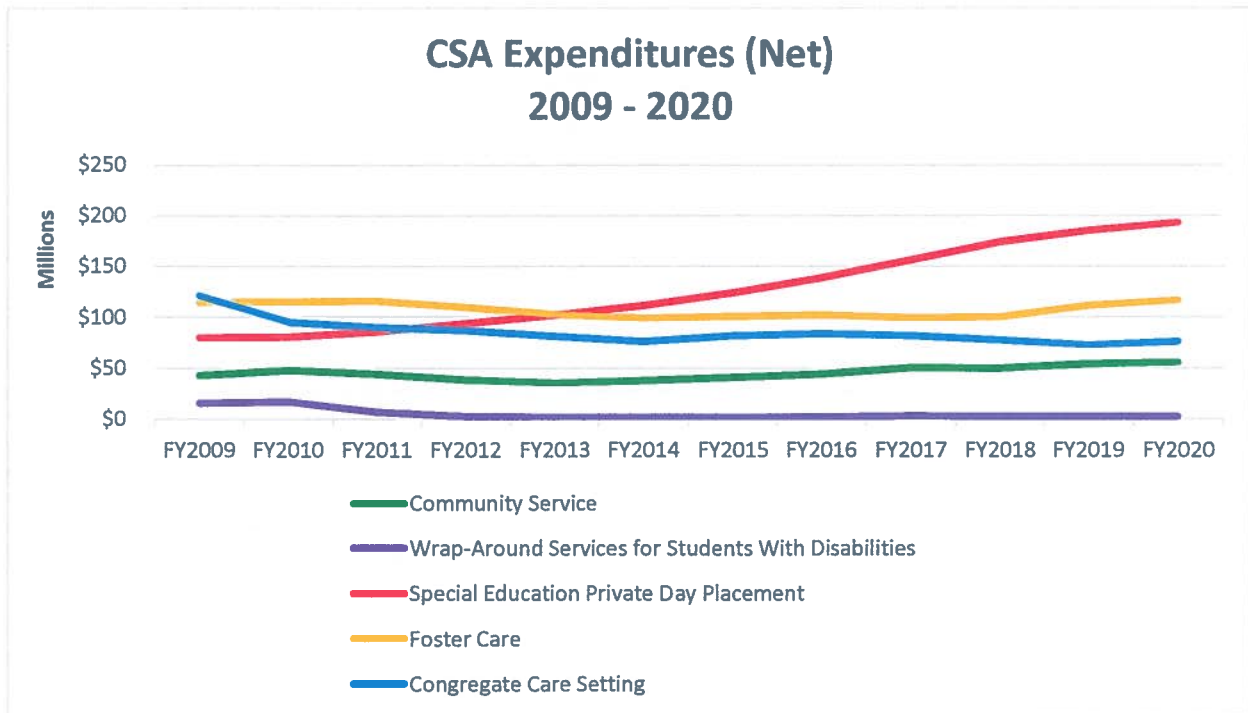
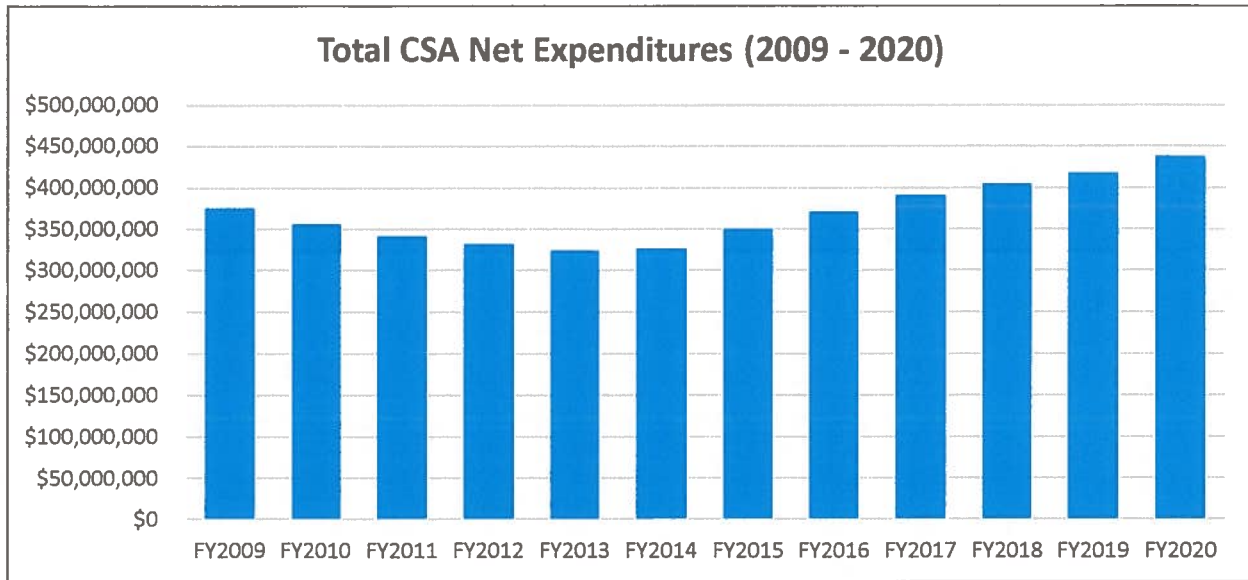
Before CSA was enacted, four agencies oversaw services for at-risk children separately: Department of Social Services, Virginia Department of Education, Department of Juvenile Justice, and Department of Behavioral Health and Developmental Services.

Summary of CSA Utilization and Expenditure Data

Sources: Pre-2017 – CSA Data Set (Census) and CSA Expenditure Reports (Expenditures)

2017 – present – CSA Local Expenditure, Data, and Reimbursement System, LEDRS





Average Annual CSA Expenditure per Child (Net) by Service Type, 2009 - 2020

