

1:55 OCS Executive Director's Report – Scott Reiner

- Summary of FY 2023 CSA Data
- Reports to the General Assembly
- Evidence-based Programs Bench Card
- CHINS/CSA Parental Agreement Review
- Potential Redesign of CSA pool appropriations (eliminate supplemental allocation)

2:20 Model Parental Co-Payment Policy

2:50 Closing Remarks and Adjourn

2024 Meetings

March 14, June 13, September 12, December 12

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**STATE EXECUTIVE COUNCIL (SEC)
FOR CHILDREN'S SERVICES**

1604 Santa Rosa Road

Richmond/Henrico Rooms

Richmond, VA

Thursday, September 14, 2023

SEC Members Present:

Leah Mills, Deputy Secretary of Health and Human Resources for The Honorable John Littel,
Secretary of Health and Human Resources (*SEC Chair*)

Carl Ayers for Danny Avula, M.D., Commissioner, Virginia Department of Social Services

Beth Coyne for Karl Hade, Executive Secretary of the Supreme Court of Virginia

The Honorable Carrie Coyner, Member, Virginia House of Delegates

The Honorable Willie Greene, Mayor, City of Galax

Natalie Handy, VP of Government Affairs & Advocacy, Health Connect America

Kathryn Hayfield, Commissioner, Department for Aging and Rehabilitative Services

Dale Holden, Jr. for Amy Floriano, Director, Department of Juvenile Justice

Michelle Johnson, County Administrator, Charles City County

The Honorable Chad Logan, Judge, 26th Judicial District, Juvenile and Domestic Relations
District Court

Jeff Lunardi for Cheryl Roberts, Director, Department of Medical Assistance Services

The Honorable T. Montgomery "Monty" Mason, Member, Senate of Virginia

Anahita Renner, Parent Representative

Ron Spears, CEO, Elk Hill

Rebecca Vinroot, Chair, State and Local Advisory Team (SLAT)

Other Staff Present:

Stephanie Bacote, Program Audit Manager, OCS

Mary Bell, Program Consultant, OCS

Marsha Mucha, Administrative Staff Assistant, OCS

Scott Reiner, Executive Director, OCS

Kristi Schabo, Senior Policy and Planning Specialist, OCS

Carrie Thompson, Research Associate Senior, OCS

Jennifer Williamson, Senior Assistant Attorney General

Members Absent:

The Honorable Christopher Faraldi, Member, Lynchburg City Council

The Honorable Margaret Angela Franklin, Prince William County Board of Supervisors

Samantha Hollins, Ph.D. for Lisa Coons, Superintendent of Public Instruction, Virginia Department of
Education

The Honorable Dalia Palchik, Member, Fairfax County Board of Supervisors

Karen Shelton, MD, Commissioner, Virginia Department of Health

Nelson Smith, Commissioner, Virginia Department of Behavioral Health and Developmental Services

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Call to Order/Opening Remarks

Leah Mills, Deputy Secretary of Health and Human Resources, called the meeting to order at 9:35 a.m. She welcomed everyone on behalf of Secretary Littel. Introductions were made. Mrs. Mills noted that today Governor Youngkin would be signing the 2024 amended state budget.

Approval of Minutes

The minutes of the June 8, 2023, meeting were approved on a motion by Carl Ayers, seconded by Monty Mason, and carried.

Public Comment

Public comments were made by the following individuals:

- Eric Reynolds, Director of the Office of the Children's Ombudsman - Mr. Reynolds reported that his office has been seeing a trend in complaints related to relinquishment of custody in order for families to access services. In some cases, families are being told to file relief of custody petitions and are not being advised of the options of CSA parental agreements and/or non-custodial foster care agreements.
- Michael Thomas, McGuire Woods Consulting made public comment on behalf of the Virginia Association of Independent Specialized Education Facilities (VAISEF). He introduced Mr. Jerry Baldwin as the new VAISEF Executive Director. Mr. Thomas also thanked the SEC and the SEC's legislative members, Delegate Coyner and Senator Mason, for their support regarding the implementation of private day rate setting and the resulting outcome of the removal of that language from the state budget.
- Mary Ottinot, parent and member of the Virginia Behavioral Health Advisory Committee reminded SEC members to be mindful that the Americans with Disabilities Act (ADA) includes protections for those with mental health issues.

2023 CSA Service Gap Survey

Carrie Thompson, Research Associate Senior for OCS presented on the 2023 CSA Service Gap Survey. Ms. Thompson provided background information and the methodology used in compiling the Survey. She reviewed and highlighted the results of the Survey. Ms. Thompson also demonstrated a new dashboard that will assist stakeholders in analyzing and utilizing the data at the local level.

Both the Survey and dashboard will be posted to the CSA website in the coming weeks.

State and Local Advisory Team (SLAT) Report

Rebecca Vinroot, SLAT Chair, provided the update. She reported that SLAT last met on August 3, 2023.

- SLAT has reviewed and made updates to their bylaws. SEC members received a copy of the draft revised bylaws for their review in their meeting packets. Mrs. Vinroot asked that the SEC approve the changes to the SLAT bylaws. A motion was made by Carrier Coyner, seconded by Michelle Johnson, and carried to approve the revised SLAT bylaws.
- Mrs. Vinroot has been serving as a member of the Safe and Sound Task Force. One of the products developed by the Task Force is a universal referral form to be used for congregate placement requests. The form, which is to be used as a "first glance" for referral will be

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piloted for a few months and will be available on DSS Fusion (intranet) and the CSA website next week.

- Mrs. Vinroot announced that she would be leaving her position with James City County in December to focus on family. The SEC membership wished her well and thanked her for her service on behalf of the children and families of Virginia.

SEC Policy Manual

Kristi Schabo, Senior Policy and Planning Specialist for OCS presented three Notices of Intent to Develop/Revise SEC policies for the SEC's consideration and approval. Those policies were:

- Policy 2.4 – Public Participation in Policy-Making Actions
- Policy 3.4 – Dispute Resolution Process
- Policy 4.2 – Payment for Services and Change of Legal Residence

Ms. Schabo reviewed each of the proposed changes/ additions to the policies. She further explained that if approved today the Notice of Intent to Develop/Revise Policy notices along with the draft revised policies would be disseminated for a 45-day public comment period. A compilation of those comments would be presented at the SEC's December 2023 meeting for consideration of further action.

The Notices of Intent and the revised policies were approved for a 45-day public comment period (ending October 30, 2023) as follows:

- Policy 2.4 – on a motion by Anahita Renner, seconded by Kathryn Hayfield and carried.
- Policy 3.4 – on a motion by Monty Mason, seconded by Natalie Handy and carried.
- Policy 4.2 – on a motion by Jeff Lunardi, seconded by Michelle Johnson and carried.

SEC Bylaws

Mr. Reiner presented proposed revisions to the SEC bylaws. Members received a marked-up copy of the proposed revisions to the bylaws with their meeting materials. Mr. Reiner noted that no action was needed today. He asked that members review and send specific comments/feedback to him as a final version will be on the SEC's December 2023 meeting agenda for consideration and approval.

OCS Executive Director's Report

Mr. Reiner reported on the following items:

- As noted earlier, the issue of private day special education rate setting has been resolved.
- SEC members received a copy of the final FY2023 OCS Training Summary in their meeting packets.
- OCS will close out FY2023 on September 30, 2023. Localities have until that date to submit final pool fund reimbursement requests.
- CSA's 12th Annual Conference will be held at the Hotel Roanoke and Conference Center, October 17 and 18, 2023. Pre-conference sessions for CSA coordinators, members of FAPTs and CPMTs will held on October 16, 2023.

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SEC Strategic Plan

Members continued their discussions from the June 2023 SEC meeting on the development of the 2024-2025 Strategic Plan. Mr. Reiner asked Ms. Schabo to report on the progress to date.

Ms. Schabo explained that the ideas from the brainstorming session at the June 2023 SEC meeting were compiled and sent out to the membership for further thoughts/suggestions in advance of today's meeting. SLAT also received the compilation for review at their August 2023 meeting. The compilations and feedback received were included in the draft document members were reviewing today.

Goals and metrics were categorized under three areas:

- Policy and Oversight
- Leadership and Collective Action
- Empowering Families and Communities

Ms. Schabo reviewed each of the goals and metrics under the three areas in the draft document. Members made comments, provided feedback, and made suggested changes to each of the strategic planning areas.

A finalized document will be sent to members for their review in advance of the December 2023 SEC meeting.

Closing Remarks and Adjournment

There being no further business, the meeting adjourned at 2:00 p.m. The next meeting is scheduled for December 14, 2023 and will be an extended meeting.

4.5 Fiscal Procedures

4.5.1 Protected Funds (Adopted 1994, Revised 1995, 1996, 1997)

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

4.5.2 Pool Fund Reimbursement

- a) Final claims for reimbursements for prior year payments will not be accepted after the first quarter of the next fiscal year. *(Adopted June 30, 1995)*
- b) With the exception of the final year-end report referenced above, request for reimbursement of local pool expenditures must be submitted no later than thirty (30) days after the close of the quarter in which the expenditure was paid. Localities may continue to report as often as monthly, but must report at least every quarter. A report should be submitted at the end of the quarter even if it indicates no expenditures were made during that quarter. The state fiscal agent will be monitoring local compliance with this requirement and will advise local administrative officials if there is non-compliance. *(Adopted June 30, 1995)*
- c) Effective for the quarter ending September 30, 1995, localities that have not submitted their Quarterly Services Utilization report will have their pool reimbursements held in abeyance until the quarterly report is submitted. A notice will be mailed to the local fiscal agent advising that the reimbursement request is considered incomplete until the past due statistical data is received. The quarterly report will be mailed to the same address as the fiscal reports beginning with the September 30 report due on or before October 15. The CSA Evaluation staff will be sending each locality a revised minimal report format including a submission timetable and at that time will again remind localities of the fiscal impact of not submitting the statistical data. *(Adopted June 30, 1995)*
- d) Effective April 30, 1999 a locality may request a waiver to the September 30 final year-end report requirement, either by written request for an extension to the OCS prior to the September 30 cutoff date, or post September 30, only if local governments demonstrate mitigating circumstance beyond their control. *(Adopted April 30, 1999)*
- e) Expenditures and Refunds are reported according to the following expenditure reporting categories:
 - Foster Care - IV-E children in Licensed Residential Congregate Care ; pool expenditures for costs not covered by IV-E (i.e., non room-and-board)

3.4 Dispute Resolution Process (Adopted December 19, 2013)

3.4.1 Appealable Actions; Parties; Venue; Written Decisions

- (a) Administrative actions that may be appealed through the dispute resolution process are:
1. Denial, in whole or in part, by the OCS of financial reimbursement for expenditures incurred by a community policy and management team pursuant to COV § 2.2-2648(D)(20); and
 2. Request by the OCS for the recoupment of prior reimbursement provided to a CPMT, pursuant to COV § 2.2-2648(D)(20).
- (b) Only a CPMT can file an appeal. Appeals are not available to clients of CSA services or to any subgroup of the CPMT, including any member agency or individual member.
- (c) All hearings and meetings related to appeals shall be held in the Richmond, Virginia area. Informal hearings may be held at an alternate location as agreed to by all parties.
- (d) The terms of any final case decision by the OCS or the Council, as signed by it, rendered at the informal or formal stages of the Appeal Process shall be served upon the CPMT by mail unless service otherwise made is duly acknowledged by them in writing. The signed originals shall remain in the custody of the OCS as public records; and they, or facsimiles thereof, together with the full record or file in every case shall be made available for public inspection or copying except (i) so far as the OCS may withhold the same in whole or part for the purpose of protecting individuals mentioned from personal embarrassment, obloquy, or disclosures of a private nature including statements respecting the physical, mental, moral, or financial condition of such individuals or (ii) for trade secrets or, so far as protected by other laws, other commercial or industrial information imparted in confidence.
- (e) The CPMT shall be entitled to be represented by counsel at all hearings and meetings related to appeals.

3.4.2 Appeal Process

- (a) **Written finding.** Upon receipt by the CPMT of a formal written notice from the Executive Director of OCS which communicates a finding by the Executive Director requiring action pursuant to subsection 3.4.1(a), and the basis for such finding, a local CPMT shall have the right to appeal such finding and action.
- (b) **Request for Reconsideration.** Within 45 calendar days of issuance of the formal written notice from the Executive Director, a CPMT appealing such finding and action may file a written Request for Reconsideration with the Executive Director stating its intention to appeal the finding and action and the reasons why the CPMT claims the finding and action are not appropriate. If the formal written notice from the Executive Director is delivered to the CPMT

by regular mail, 3 calendar days shall be added to the time in which the CPMT must respond. The Request for Reconsideration shall also include a request for the informal conference pursuant to subsection 3.4.2(c). The CPMT may waive its right to the informal conference and submit a Notice of Appeal requesting a formal hearing before the Council pursuant to subsection 3.4.2(d). The Notice of Appeal shall include a statement of the finding and/or action by the Executive Director being appealed and a brief statement of the reasons why the CPMT claims the finding and/or action are not appropriate.

(c) Informal conference.

1. The informal conference shall be held within 15 business days of the Executive Director's receipt of the Request for Reconsideration unless both parties agree in writing to hold the informal conference at a later date.
2. The purpose of the informal conference is to allow the CPMT to present, and the Executive Director to consider, any additional facts and reasons providing the basis for the CPMT's appeal of the written findings and action by the Executive Director.
3. The CPMT shall have the right to (i) receive reasonable notice thereof, (ii) appear in person and to be represented by counsel, (iii) have other witnesses appear for the informal presentation of factual data, argument, or proof related to the matter, (iv) have notice of any contrary fact basis of information in the possession of the OCS that can be relied upon in making an adverse decision, and (v) be informed, briefly and generally in writing, of the factual or procedural basis for a decision in any case prior to the commencement of the informal conference.
4. The OCS may, in its decision, rely upon public data, documents or information only when OCS has provided all parties with advance notice of its intent to consider such public data, documents or information. This requirement shall not apply to OCS's reliance on administrative precedent.
5. The Executive Director shall have the right to have counsel for the informal conference.
6. The CPMT shall be have the right and option to submit any documentation to support its case prior to, during, and/or at any time subsequent to the informal conference and prior to the rendering of the Executive Director's written determination.
7. Within 30 business days following the conclusion of the informal conference, or the receipt by the Executive Director of all relevant documents or exhibits, whichever is later, the Executive Director shall render a final decision. The parties may agree in writing to extend this period of time.
8. In the event the Executive Director who issued the written notice of finding and action is unable to conduct the informal conference or issue a written determination following the

informal conference due to sickness, disability, or termination of their official capacity with the OCS, the timeframe provisions herein shall commence from the date that either alternate OCS personnel are assigned to the matter or a new proceeding is conducted, if necessary, whichever is later. The OCS shall provide notice within five calendar days to the CPMT of any such inability or incapacity of the Executive Director that necessitates a replacement or a new proceeding.

9. The CPMT may contest the final decision of the Executive Director by submitting to the OCS a written Notice of Appeal requesting a formal hearing before the Council within 30 calendar days of the issuance of the Executive Director's final decision. If the Executive Director's final decision is delivered to the CPMT by regular mail, 3 calendar days shall be added to time in which the CPMT must respond. If the OCS does not receive such a Notice of Appeal within this time period, the CPMT shall be deemed to accept the final decision of the Executive Director and shall immediately comply therewith. The Notice of Appeal shall include a statement of the finding and/or action by the Executive Director being appealed and a brief statement of the reasons why the CPMT claims the finding and/or action are not appropriate.

(d) Formal hearing.

1. Within 5 business days of receipt by the Executive Director of the Notice of Appeal submitted by a CPMT, the Executive Director shall contact the CPMT chair to schedule a mutually agreeable date for the formal hearing and to establish guidelines for the receipt of documentation supporting the Notice of Appeal.
2. In all such formal proceedings all parties shall be entitled to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made. The burden of proof shall be upon the CPMT. The presiding officer at the proceedings may (i) administer oaths and affirmations, (ii) receive probative evidence, exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, rebuttal, or cross-examination, rule upon offers of proof, and oversee a verbatim recording of the evidence, (iii) hold conferences for the settlement or simplification of issues by consent, (iv) dispose of procedural requests, and (v) regulate and expedite the course of the hearing.
3. The Council shall conduct the formal hearings and the Chair of the Council shall serve as presiding officer. The decision of the Council shall be final and shall be made in writing in the form of a Final Order of Disposition. The Final Order of Disposition shall include:
 - a. written findings of fact;
 - b. conclusions of law or policy;

- c. rationale for its conclusion, including the identification of any documents or policies upon which the conclusion was made; and
- d. the corrective action plan and/or any repayment plan.

4. Timetable for decision

- a. The decision of the Council shall be rendered within 30 calendar days of the formal hearing. If the Council fails to render a decision within 30 calendar days of the date of the formal hearing, the decision is deemed to be in favor of the CPMT.
- b. The provisions of subsection 4(a) notwithstanding, if a quorum of the Council is unable to be met at the time the Council makes its decision due to a member's sickness, disability, or termination of their official capacity with the Council, then the timeframe provisions of subsection 4(a) shall be reset and commence from the date that either new board members are assigned to the matter or a new proceeding is conducted if needed, whichever is later. The OCS shall provide notice within five business days to the CPMT of any incapacity of the Council members that necessitates a replacement or a new proceeding.

**Public Comments and Responses – Proposed Revisions to State Executive Council for Children’s Services
Policy 2.4 Public Participation in Policy-Making Actions**

#	Commentor	Public Comments	OCS Response
1	Wendy Little (Parent)	<p>‘Parents need and deserve easy access to a routinely updated listing of all CSA services and descriptions as well as provider listing, to be updated for accuracy at least quarterly. What are ‘wrap-around’ ‘services’ and how are they even obtained? All CSA Case Managers should undergo required comprehensive training and testing to assure understanding upon licensing/employment as a CSA case manager, regarding available services/resources and how to access those for families and at least annually required refresher training to be able to support parents/children. All should be documentable and measured as to the abilities of CSA Case Managers to function in their roles in support of their clientele.’</p>	<p>While this comment is important for the State Executive Council to consider, it is not germane to the policy under review.</p>

POLICY 2.4

PUBLIC PARTICIPATION IN POLICY-MAKING ACTIONS

2.4.1 Purpose

The purpose of this policy is to promote public involvement in the development, amendment, or repeal of policies of the State Executive Council for Children's Services (SEC).

2.4.2 Authority

Section 2.2-2648 D 4 of the *Code of Virginia* states that the SEC shall:

"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."

§ 2.2-2648 D 5 specifies that the SEC shall:

"... consult with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution, and monitoring of monies in the state pool of funds and the state trust fund."

In addition, § 2.2-2648 enumerates specific areas in which the SEC shall be responsible for the development and implementation of guidelines and practices for the Children's Services Act (CSA).

The Office of Children's Services (OCS) is established pursuant to § 2.2-2649 A as the administrative entity of the SEC.

2.4.3 Definitions

"*Basic law*" means provisions in the *Code of Virginia* that delineate the basic authority and responsibilities of an agency and/or governing body.

"*Commonwealth Calendar*" means the electronic calendar for official government meetings open to the public as required by § 2.2-3707 C of the Virginia Freedom of Information Act.

"*Fiscal impact analysis*" means a systematic review of the potential fiscal impact of a proposed policy which includes an analysis of the impact on CSA state pool funds and other state funding sources, CSA local matching funds requirements, local government administration of CSA, and any potential federal funding sources.

"*Legal review*" means a review of a proposed policy by the Office of the Attorney General to ensure that the proposed policy is in compliance with all relevant state and federal laws and regulations.

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"Notice Stage" means the first stage of an SEC policy development where the SEC indicates the intent to initiate a policy-making action.

"Notification list" means a list of persons, maintained by OCS, to be notified of SEC policy-making actions.

"Open meeting" means any scheduled meeting of a unit of state government empowered by an agency's basic law to establish policies or decide cases related to a policy-making action.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal public or private entity and any successor, representative, agent, agency, or instrumentality thereof.

"Policy" means any requirement adopted by the SEC that governs the implementation of the CSA.

"Policy-making action" means the development, amendment, or repeal of a policy by the SEC.

"Proposed Stage" means the second stage of an SEC policy-making action where the SEC has drafted the proposed requirements for the operation of the CSA, OCS, or the SEC that is within the legal authority of the SEC under § 2.2-2648 of the *Code of Virginia* or which the SEC is directed to adopt by the General Assembly of Virginia.

"Public comment" means the mechanisms by which the SEC receives input from interested parties concerning policy-making actions.

"Public hearing" means a scheduled time at which SEC members meet to receive public comment on a policy-making action.

"Public notice" means informing the public of the policy-making activities of the SEC.

2.4.4 Notification List and Public Notice

A. Notification List

- 1. The OCS shall maintain a list of persons who have requested to be notified of policy-making actions being considered by the SEC.**
- 2. Any person may request to be placed on the notification list by making a request to OCS via e-mail at csa.office@csa.virginia.gov or 804-662-9815. Notification of persons on the notification list shall be made by electronic means unless the person specifically indicates a preference for notification via First Class mail.**
- 3. When electronic mail is returned as undeliverable on two occasions, at least 24 hours apart, that person will be deleted from the notification list. A single undeliverable message shall be insufficient cause to delete a person from the notification list.**

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4. When mail delivered by First Class mail is returned as undeliverable on two occasions, that person will be deleted from the list.
5. The OCS may periodically request those persons on the notification list to indicate the desire to remain on or be deleted from the list and their preferred method of notification.
6. All members of the SEC and the State and Local Advisory Team (SLAT) (§2.2-5201), all persons registered via the CSA website rosters as chairpersons of CSA Community Policy and Management Teams (CPMT, §2.2-5205) and CSA Coordinators shall be placed on the notification list without the necessity of a specific request.

B. Additional Public Notice

1. In addition to the use of the notification list, OCS shall use the following mechanisms for informing the public of proposed policy-making actions of the SEC:
 - a. Prominent display of current information about policy-making activities of the SEC on its website at www.csa.virginia.gov. The information shall indicate the stage of the action and when the SEC is scheduled to meet to consider the policy-making action.
 - b. Include notice of policy-making activities on the published agendas of public meetings of the SEC and any related committee, work group, or task force meeting.

2.4.5 Information to be Sent to Persons on the Notification List

- A. OCS shall send to persons on the notification list, and publish on its website, the following information:
 1. A notice of intent to develop policy (Initiation of the Notice Stage),
 2. A notice of the public comment period on a proposed policy-making action, including the specific proposed policy documents and/or information on how to electronically obtain a copy of the specific proposed policy documents, and information on how to submit public comments.
- B. The failure of any person to receive any notice of any documents shall not affect the validity of any policy if approved by the SEC.

2.4.6 Public Comment

- A. In considering any policy-making action not exempted in Section 2.4.8, the SEC shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing. Such opportunity to comment shall include an on-line public comment forum maintained on the CSA website.

1. The SEC shall provide a copy of the Notice Stage document to all persons on the Notification List as described in Section 2.4.4 A.
 2. Nothing herein shall prevent the SEC from developing and drafting policy-making actions prior to or during any opportunity it provides to the public to submit comments.
- B. The SEC shall accept public comments in writing after the issuance of public notice of a policy-making action in accordance with Section 2.4.4. Public comment in writing shall be accepted as follows:
1. For a minimum of thirty (30) calendar days following the issuance of the Notice Stage (see Section 2.4.7 B).
 2. For a minimum of sixty (60) calendar days following the preliminary approval of the proposed policy (see Section 2.4.7 C).
 3. For a minimum of sixty (60) calendar days following the approval of a re-proposed policy (see Section 2.4.7 E (1) (c)).
- C. The SEC may extend any of the comment periods listed in Section 2.4.6 B.
- D. Oral public comment on any policy-making action shall be accepted at all public meetings of the SEC and of any committee, work group, or task force established to consider the policy-making action. Notice of any open meeting shall be posted on the Commonwealth Calendar at least five (5) working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with §2.2-3707 D of the *Code of Virginia* allowing for contemporaneous notice to be provided to participants and the public.
- E. Response to Public Comment

The OCS shall compile a summary description of and prepare a response to all public comments on the policy-making action. Such summary description shall be sent to members of the SEC and all members of the Notification List described in Section 4A, and published on the CSA website, at least five (5) business days before the meeting of the SEC at which final approval of the proposed policy will be considered.

In this summary description, the OCS shall indicate for each comment or group of comments that are of a similar nature whether the comment has been incorporated into the proposed policy or, if not, a brief explanation of the rationale for the action taken.

2.4.7 SEC Policy-making Process

A. Petition for a Policy-making Action

1. Any person may petition the SEC to initiate a policy-making action. The petition shall state:
 - a. The petitioner's name and contact information; and

C. Initiation of the Proposed Stage

1. The SEC shall consider the draft of the proposed policy-making action a maximum of six (6) months after the close of the public comment period of the Notice Stage.
2. The draft shall be made available via public notice no less than five (5) days prior to the scheduled meeting of the SEC at which the draft of the proposed policy-making action will be considered. When distributing the draft, the OCS shall also provide a summary of public comments with the agency's response as provided for in Section 2.4.6 E.

D. Approval of Proposed Stage for Public Comment

1. The SEC shall consider the issuance of the proposed policy for public comment. At this time, the SEC may take one of three actions:
 - a. Approve *the* issuance of public notice of the proposed policy for a period of public comment not less than sixty (60) days.
 - b. Reject the proposed policy-making action.
 - c. Take other action to gather further information prior to proceeding on the proposed policy under 1 or 2 above. Such actions may include the appointment of an ad hoc work group, consultations with groups and/or individuals with interest in the proposed policy, or other steps the SEC may deem appropriate.

E. Proposed Stage Fiscal Impact Analysis and Legal Review

If the SEC approves the Proposed Stage, (i) the OCS shall complete a fiscal impact analysis and (ii) a legal review shall be conducted for consideration by the SEC.

1. Fiscal Impact Analysis

- a. Before taking further action on a proposed policy-making action the SEC shall consider the potential fiscal impact of the policy. The OCS, in conjunction with local government representatives, shall provide a thorough analysis of the fiscal impact of the proposed policy-making action based on the best available information.
- b. In completing the fiscal impact analysis, OCS, with the input of the SEC shall:
 - i. Convene a group of potentially impacted parties to define the parameters, sources of data, and analytic process to be utilized in completing the fiscal impact analysis. In accordance with §2.2-2648.5 of the Code of Virginia, input shall be solicited from the Virginia Municipal League (VML) and the Virginia Association of Counties (VACO). VML and VACO shall be provided a minimum of thirty (30) business days in which to provide comments. The fiscal impact analysis shall include whether there is an estimated impact on the Commonwealth, localities or other potentially impacted entities, such as private service providers and/or recipients of services and identify any parties particularly affected by the proposed policy. If no parties are particularly affected by the proposed policy, the analysis shall so state.

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- ii. The fiscal impact analysis shall be made available via public notice no less than five (5) business days prior to the scheduled meeting of the SEC at which the proposed policy-making action will next be considered.

2. Legal Review

- a. When the proposed policy-making action is posted for public comment, the OCS shall submit the proposed policy to the Office of the Attorney General to ensure statutory authority for the proposed policy-making action.
- b. Should the legal review of the proposed policy reveal non-compliance with relevant statutes and/or regulations, the SEC shall be so informed by legal counsel and shall make such revisions in the proposed policy as are necessary.

F. Final Approval

1. No less than five (5) business days prior to the scheduled meeting of the SEC for consideration of approval of the policy-making action, the following shall be sent via public notice:
 - a. A draft of the proposed final policy with any deletions indicated with strike-through notations and any new language underlined;
 - b. A summary of all changes and the rationale for the change;
 - c. A summary of all comments received and the agency's response as provided in Section 2.4.6 E; and
 - d. The fiscal impact analysis.
2. The SEC may take one of the following actions:
 - a. Approve the proposed policy and establish an implementation or effective date;
 - b. Reject the proposed policy;
 - c. Revise the proposed policy and initiate an additional period of public comment (re-proposed policy); or
 - d. Defer final action on the proposed policy in order to gather other specific information prior to taking additional action at a future meeting.

2.4.8 Exemptions

- A. The provisions of this SEC Policy 2.4 shall not apply to policy-making actions that:
1. Consist only of changes in style or form or are corrections of technical errors in existing SEC policies;
 2. Are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, notice of such policies shall be disseminated via public notice within ninety (90) days of the law's effective date;
 3. Are required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
 4. Are necessary to meet the requirements of federal law or regulations, provided such policies do not differ materially from those required by federal law or regulation, and the Office of the Attorney General has so determined in writing. Notice of such policies shall be disseminated via public notice not less than thirty (30) days prior to the effective date of the policy.

2.4.9 Policy Review

This policy will be subject to periodic review by the State Executive Council for Children's Services.

POLICY 3.4

DISPUTE RESOLUTION PROCESS

3.4.1 Purpose

To provide guidance to local Children's Services Act (CSA) programs regarding the processes related to the dispute resolution process for appealing administrative actions.

3.4.2 Authority

- A. *Section 2.2-2648.D.4 of the Code of Virginia requires the State Executive Council for Children's Services (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."*
- B. *Section 2.2-2648.D.19 of the Code of Virginia 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, including 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."*
- C. *Section 2.2-2648.D.20 of the Code of Virginia 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."*

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3.4.3 Definitions

"Administrative Actions" actions made by the Office of Children's Services (OCS) on behalf of the SEC related to the failure of a Community Policy and Management Team (CPMT) to comply with the provisions of § 2.2-5200 et seq.

"Community Policy and Management Team (CPMT)" is the entity that develops, implements, and monitors the CSA local program through policy development, quality assurance, and oversight of functions.

"Formal Notice" is the provision of a letter of notification from the OCS Director or SEC that communicates the Director's or the SEC'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.

"Office of Children's Services (OCS)" is the administrative entity of the SEC responsible for ensuring that the SEC's decisions and policies are implemented per the powers and duties granted by section 2.2-2649 of the Code of Virginia.

"State Executive Council for Children's Services (SEC)" is the supervisory council responsible for agency operations, including approval of requests for appropriations with the powers and duties outlined in section 2.2-2648 of the Code of Virginia.

3.4.4 Appealable Actions; Parties; Venue; Written Decisions

- A. Administrative actions that may be appealed through the dispute resolution process are:
 - 1. Denial, in whole or in part, by the OCS of financial reimbursement for expenditures incurred by a CPMT to COV § 2.2-2648(D)(20); and
 - 2. Request by the OCS for the recoupment of prior reimbursement provided to a CPMT, pursuant to COV § 2.2-2648(D)(20).
- B. Only a CPMT can file an appeal. Appeals are not available to clients of CSA services or to any subgroup of the CPMT, including any member agency or individual member.
- C. All hearings and meetings related to appeals shall be held in the Richmond, Virginia area. Informal hearings may be held at an alternate location as agreed to by all parties.
- D. The terms of any final case decision by the OCS or the SEC Council, as signed by it, rendered at the informal or formal stages of the Appeal Process shall be served upon the CPMT by mail unless service otherwise made is duly acknowledged by them in writing. The signed originals shall remain in the custody of the OCS as public records;

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and they, or facsimiles thereof, together with the full record or file in every case, shall be made available for public inspection or copying except *as provided in the Virginia Freedom of Information Act COV § 2.2-3700 et seq or unless otherwise provided by state or federal law.* ~~(i) so far as the OCS may withhold the same in whole or part for the purpose of protecting individuals mentioned from personal embarrassment, obloquy, or disclosures of a private nature including statements respecting the physical, mental, moral, or financial condition of such individuals or (ii) for trade secrets or, so far as protected by other laws, other commercial or industrial information imparted in confidence.~~

- E. The CPMT shall be entitled to be represented by counsel at all hearings and meetings related to appeals.

3.4.5 Appeal Process

- A. Written finding. Upon receipt by the CPMT of a formal written notice from the Executive Director of OCS which communicates a finding by the Executive Director requiring action pursuant to subsection 3.4.1(a), and the basis for such finding, a local CPMT shall have the right to appeal such finding and action.
- B. Request for Reconsideration. Within 45 calendar days of issuance of the formal written notice from the Executive Director, a CPMT appealing such finding and action may file a written Request for Reconsideration with the Executive Director stating its intention to appeal the finding and action and the reasons why the CPMT claims the finding and action are not appropriate. If the formal written notice from the Executive Director is delivered to the CPMT by regular mail, 3 calendar days shall be added to the time in which the CPMT must respond. The Request for Reconsideration shall also include a request for the informal conference pursuant to subsection 3.4.2(c). The CPMT may waive its right to the informal conference and submit a Notice of Appeal requesting a formal hearing before the SEC Council pursuant to subsection 3.4.2(d). The Notice of Appeal shall include a statement of the finding and/or action by the Executive Director being appealed and a brief statement of the reasons why the CPMT claims the finding and/or action are not appropriate.
- C. Informal conference.
 - 1. The informal conference shall be held within 15 business days of the Executive Director's receipt of the Request for Reconsideration unless both parties agree in writing to hold the informal conference at a later date.

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2. The purpose of the informal conference is to allow the CPMT to present, and the Executive Director to consider, any additional facts and reasons providing the basis for the CPMT's appeal of the written findings and action by the Executive Director.
3. The CPMT shall have the right to (i) receive reasonable notice thereof, (ii) appear in person and to be represented by counsel, (iii) have other witnesses appear for the informal presentation of factual data, argument, or proof related to the matter, (iv) have notice of any contrary fact basis of information in the possession of the OCS that can be relied upon in making an adverse decision, and (v) be informed, briefly and generally in writing, of the factual or procedural basis for a decision in any case prior to the commencement of the informal conference.
4. The OCS may, in its decision, rely upon public data, documents, or information only when OCS has provided all parties with advance notice of its intent to consider such public data, documents, or information. This requirement shall not apply to OCS's reliance on administrative precedent.
5. The Executive Director shall have the right to counsel for the informal conference.
6. The CPMT shall have the right and option to submit any documentation to support its case prior to, during, and/or at any time subsequent to the informal conference and prior to the rendering of the Executive Director's written determination.
7. Within 30 business days following the conclusion of the informal conference, or the receipt by the Executive Director of all relevant documents or exhibits, whichever is later, the Executive Director shall render a final decision. The parties may agree in writing to extend this period of time.
8. In the event the Executive Director who issued the written notice of finding and action is unable to conduct the informal conference or issue a written determination following the informal conference due to sickness, disability, or termination of their official capacity with the OCS, the timeframe provisions herein shall commence from the date that either alternate OCS personnel are assigned to the matter or a new proceeding is conducted, if necessary, whichever is later. The OCS shall provide notice within five calendar days to the CPMT of any such inability or incapacity of the Executive Director that necessitates a replacement or a new proceeding.
9. The CPMT may contest the final decision of the Executive Director by submitting to the OCS a written Notice of Appeal requesting a formal hearing before the

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~~SEC Council~~ within 30 calendar days of the issuance of the Executive Director's final decision. If the Executive Director's final decision is delivered to the CPMT by regular mail, 3 calendar days shall be added to *the* time in which the CPMT must respond. If the OCS does not receive such a Notice of Appeal within this time period, the CPMT shall be deemed to accept the final decision of the Executive Director and shall immediately comply therewith. The Notice of Appeal shall include a statement of the finding and/or action by the Executive Director being appealed and a brief statement of the reasons why the CPMT claims the finding and/or action are not appropriate.

D. Formal hearing.

1. Within 5 business days of receipt by the Executive Director of the Notice of Appeal submitted by a CPMT, the Executive Director shall contact the CPMT chair to schedule a mutually agreeable date for the formal hearing and to establish guidelines for the receipt of documentation supporting the Notice of Appeal.
2. In all such formal proceedings all parties shall be entitled to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made. The burden of proof shall be upon the CPMT. The presiding officer at the proceedings may (i) administer oaths and affirmations, (ii) receive probative evidence, exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, rebuttal, or cross-examination, rule upon offers of proof, and oversee a verbatim recording of the evidence, (iii) hold conferences for the settlement or simplification of issues by consent, (iv) dispose of procedural requests, and (v) regulate and expedite the course of the hearing.
3. The ~~SEC Council~~ shall conduct the formal hearings and the Chair of the ~~SEC Council~~ shall serve as presiding officer. The decision of the ~~SEC Council~~ shall be final and shall be made in writing in the form of a Final Order of Disposition. The Final Order of Disposition shall include:
 - a. ~~written~~ findings of fact;
 - b. conclusions of law or policy;
 - c. rationale for its conclusion, including the identification of any documents or policies upon which the conclusion was made; and
 - d. the corrective action plan and/or any repayment plan.
4. Timetable for decision:

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- a. The decision of the *SEC Council* shall be rendered within 30 calendar days of the formal hearing. If the *SEC Council* fails to render a decision within 30 calendar days of the date of the formal hearing, the decision is deemed to be in favor of the CPMT.
- b. The provisions of subsection 4(a) notwithstanding, if a quorum of the *SEC Council* is unable to be met at the time the *SEC Council* makes its decision due to a member's sickness, disability, or termination of their official capacity with the *SEC Council*, then the timeframe provisions of subsection 4(a) shall be reset and commence from the date that either new board members are assigned to the matter or a new proceeding is conducted if needed, whichever is later. The OCS shall provide notice within five business days to the CPMT of any incapacity of the *SEC Council* members that necessitates a replacement or a new proceeding.

3.4.6 Policy Review

This policy will be subject to periodic review by the State Executive Council for Children's Services.

POLICY 4.2

PAYMENT FOR SERVICES AND CHANGE OF LEGAL RESIDENCE

4.2.1 Purpose

To provide guidance to local Children's Services Act (CSA) programs regarding the processes related to the transfer of CSA cases upon the notification of a family's change of legal residence.

4.2.2 Authority

- A. *Section 2.2-2648.D.9 of the Code of Virginia requires the State Executive Council to "provide administrative support and fiscal incentives for the establishment and operation of local comprehensive service systems."*
- B. *Section 34 CFR 300.323(e) of the Individuals with Disabilities Education Act directs that "IEPs for children who transfer public agencies in the same State. If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either -
 - (1) *Adopts the child's IEP from the previous public agency; or*
 - (2) *Develops, adopts, and implements a new IEP that meets the applicable requirements in §§300.320 through 300.324."**
- C. *8VAC20-81-120.A.2 of the Code of Virginia requires that "Children with disabilities who transfer between local educational agencies in Virginia or transfer from a local educational agency outside of Virginia to a local educational agency in Virginia within the same school year are subject to the following provisions. (34 CFR 300.323(e), (f), and (g))
 2. *The new local educational agency shall provide a free appropriate public education to the child, including ensuring that the child has available special education and related services, in consultation with the parent(s), including services comparable to those described in the child's IEP from the previous local educational agency, until the new local educational agency either:
 - a. *Adopts and implements the child's IEP from the previous local educational agency with the parent's consent; or*
 - b. *Conducts an evaluation, if determined necessary by the local educational agency, and develops and implements a new IEP with the parent's consent that meets the requirements in this chapter."***

4.2.3 Definitions

"Community Policy and Management Team (CPMT)" is the entity that develops, implements, and monitors the CSA local program through policy development, quality assurance, and oversight of functions.

"Free appropriate public education" or "FAPE" means special education and related services that: (34 CFR 300.17) 1. Are provided at public expense, under public supervision and direction, and without charge; 2. Meet the standards of the Virginia Board of Education; 3. Include an appropriate preschool, elementary school, middle school or secondary school education in Virginia; and 4. Are provided in conformity with an individualized education program that meets the requirements of the Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

"Former CPMT" is, for the purpose of this policy, the CPMT from the locality where a family resides prior to a change of address.

"Individualized Education Program" or "IEP" is a written statement for a child with a disability that is developed, reviewed, and revised in a team meeting in accordance with the Regulations Governing Special Education Programs for Children with Disabilities in Virginia. The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the child's educational needs. (8VAC20-81-10)

"Individual Family Service Plan (IFSP)" is a plan developed during the Family Assessment and Planning Team (FAPT) process that incorporates the results of the mandatory uniform assessment, input of the youth and family, and other information to document goals, objectives, specific interventions/activities, and services recommended by the FAPT.

"Local Education Agency" or LEA means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools (34 CFR 303.23).

"New/Receiving CPMT" is, for the purposes of this policy, the CPMT from the locality where a family resides following a change of address.

4.2.4 Payment for Services

The CPMT jurisdiction where the child legally resides shall be responsible for payment for the services identified in the child/family's Individual Family Service Plan for 30 calendar days after the new CPMT receives written notification of the child/family's residence in the new CPMT locality, except for private special education services as detailed in section 4.2.6. of this policy.

4.2.5 Change of Legal Residence – Non-Special Education Services

- A. Issues of legal residence should be addressed by the legal services counsel assigned to the CPMT. If the child/family's legal residence changes, the following shall govern payment for services:
1. The Former CPMT is responsible for:
 - a. Providing written notification to the New/Receiving CPMT of the fact that the child/family's residence has changed after obtaining proper consent from the parent or legal guardian(s) of the child; and
 - b. Forwarding the child's/family's Individual Family Service Plan and other FAPT or MDT documents to the New/Receiving CPMT; and
 - c. Informing current service providers of changes in the child/family's residence; and
 - d. ~~The former CPMT jurisdiction pays~~ Paying for services for 30 calendar days after the New/Receiving CPMT receives written notification of the child/family's change of residence.
 2. ~~When the residence of the child/family transfers to a new CPMT jurisdiction, The New/Receiving CPMT must review~~ is responsible for reviewing the current IFSP and adopting (or revising) and implementing the IFSP within 30 calendar days of written receipt of the notification of the child/family's residence in their locality.
 3. CPMT jurisdictions are encouraged to:
 - a. Keep track of the child/family's residence status;
 - b. Notify New/Receiving Community Policy and Management Teams as soon as they know of the child/family's pending move to facilitate planning; and
 - c. To work cooperatively to resolve issues related to legal residence.

4.2.6 Change of Legal Residence – Private Special Education Placements

A. Issues of legal residence should be addressed by the legal counsel assigned to the CPMT/Local Education Agency. If the child/family's legal residence changes, the following shall govern payment for services:

1. The Former CPMT is responsible for:

- a. Providing written notification to the New/Receiving CPMT of the fact that the child/family's residence has changed;**
- b. Forwarding child's/family's IEP/Individual Family Service Plan and other FAPT or MDT documents to the New/Receiving CPMT jurisdiction;**
- c. Informing private special education service providers of changes in the child/family's residence; and**
- d. Fund educational services until the student no longer resides within the jurisdiction of the prior Local Education Agency.**

2. CPMTs are encouraged to:

- a. Include language in their contracts with private special education providers indicating that they (the local CSA program) are responsible for payment for such services only while the student is a resident of that jurisdiction.**
- b. Notify, in writing, the parents of students receiving private special education services, that if the parent relocates to another jurisdiction, responsibility for their child's IEP falls to their new jurisdiction of residence and they need to immediately enroll their child in the Local Education Agency where they now reside.**

3. The New/Receiving CPMT is responsible for:

- a. Notifying their Local Education Agency that a student has transferred into their locality; and**
- b. Begin funding educational services when the student resides within in the new school division.**

4. CPMT jurisdictions are encouraged to:

- a. Keep track of the child/family's residence status;**
- b. Notify New/Receiving Community Policy and Management Teams as soon as they know of the child/family's pending move to facilitate planning; and**

- c. *To work cooperatively to resolve issues related to legal residence.* .

4.2.7 Policy Review

This policy will be subject to periodic review by the State Executive Council for Children's Services.

DRAFT

CHILDREN'S SERVICES ACT (CSA)
STATE EXECUTIVE COUNCIL FOR CHILDREN'S SERVICES
BYLAWS

ARTICLE I: NAME

As authorized in § 2.2-2648.B of the *Code of Virginia*, the name of this body shall be the State Executive Council for Children's Services, hereafter referred to as the Council.

ARTICLE II: PURPOSE

The purpose and objectives of the Council shall be, to assure collaborative programmatic policy development, fiscal policy development, and administrative oversight for the efficient and effective provision of child-centered, family-focused, and community-based services to eligible ~~emotionally and behaviorally troubled~~ children/youth and their families in the least restrictive, appropriate environment. Further, the Council strives to ensure that assures the Governor and appropriate Cabinet Secretaries are well-informed in matters related to the aforementioned areas.

ARTICLE III: MEMBERSHIP

Section 1

~~The members of the Council shall be as set forth in § 2.2-2648.B of the *Code of Virginia*. As set forth in § 2.2-2648.B of the *Code of Virginia*, the members of the state executive 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.~~

Section 2

The juvenile and domestic relations district court judge, local officials, private providers, ~~and parent, and service recipient~~ representatives shall be appointed by the Governor. The member from the House of Delegates shall be appointed by the Speaker of the House and the member from the Senate by the Senate Committee on Rules. All Governor's appointments shall be for a term not to exceed three years and limited to no more than two consecutive terms, ~~beginning with appointments after July 1, 2009. The parent representatives shall not be employees of any public or private program which serves children and families.~~

Section 3

State agency heads may designate their chief deputies, or other senior agency staff, as alternates, hereafter referred to as delegates, with full authority to speak on behalf of the agency head and to commit agency resources. Such delegation shall be accomplished in written format and provided to the Council Chair. Delegates shall not be members of the State and Local Advisory Team.

ARTICLE IV: ATTENDANCE

Section 1

Members/delegates are expected to attend all regularly scheduled meetings of the Council.

Section 2

In the event neither an agency head nor their ~~delegate chief deputy~~ can attend the meeting, an alternate representative vested with the same decision-making authority, including the commitment of agency-wide resources, may be designated to represent the member for that meeting. The alternate may vote only with a written designation of the member/delegate. Alternates may not be members of the State and Local Advisory Team. The use of alternates is expected to be minimal.

ARTICLE V: MEETINGS

Section 1

Pursuant to § 2.2-2648 of the *Code of Virginia*, the ~~council~~-Council shall meet, at a minimum, quarterly.

Section 2

The Chair may convene special meetings with appropriate notification to all members.

Section 3

A quorum, consisting of ~~50 percent plus one of the current voting members or their designated delegates/alternates ten of the nineteen voting members or their designated delegates/alternates~~ shall be present to conduct any official business. Vacancies shall not count against a quorum. Roberts Rules of Order shall guide the transaction of business. The members representing the House of Delegates and the Senate shall not be included for the purposes of constituting a quorum. In the event of a tie vote, the Chair shall serve as ~~tie-breaker~~tiebreaker.

Section 4

1. The agenda for each meeting shall be finalized by the Chair in consultation with the Director of the Office of Children's Services.
2. All items requiring action shall be identified by the Chair for inclusion on the formal, written agenda.
3. At each meeting, members shall be afforded the opportunity to request items for inclusion on the next meeting's agenda, as well as time for comments and announcements.
4. Additionally, each meeting shall include a public comment period with each public comment limited to five (5) minutes and the total comment period limited to 30 minutes. On a motion of the Council, the period may be expanded.
5. No action shall be taken as a result of comments during the above-referenced announcement and public comment period, but rather action shall be deferred until the following meeting. On a motion of the Council, this restriction may be waived.
6. Secretarial services will be provided by the Office of Children's Services.

ARTICLE VI: OFFICERS

Section 1

1. Pursuant to § 2.2-2648.C, of the *Code of Virginia*, the Secretary of Health and Human Resources, or a designated deputy, shall serve as chair and will convene the Council.

~~2. Secretarial responsibilities shall be assumed by an administrative assistant from the Office of Children's Services.~~

ARTICLE VII: DUTIES OF THE OFFICERS

Section 1

The powers and duties of the Chair shall be to:

1. Serve as the leader of the organization.
 2. Advise the Governor and the appropriate Cabinet Secretaries on behalf of the Council.
 3. Respond to legislative requests and address legislative committees on behalf of the Council.
 4. Call and preside at meetings.
 5. Prepare an agenda, in collaboration with the Executive Director, Office of Children's Service for each meeting.
- ~~1. Serve as the leader of the organization~~
~~2. Advise the Governor and the appropriate Cabinet Secretaries on behalf of the Council.~~
~~3. Respond to legislative requests and address legislative committees on behalf of Council.~~
~~4. Call and preside at meetings.~~
~~5. Prepare an agenda, in collaboration with the Office of Children's Service Director, for each meeting.~~

Section 2

In the absence of the Secretary of Health and Human Resources or a designated Deputy Secretary, the Director of the Office of Children's Services shall serve as convener of the Council.

ARTICLE VIII: ORGANIZATION

Section 1

1. ~~The d~~Duties and ~~r~~Responsibilities of the Council, as defined in § 2.2-2648. D of the Code of Virginia and as stated in the CSA Items 284 and 284 of the Appropriation

Act -relate to the approval of policy and administrative oversight for the Children's Services Act (CSA), and include:

- ~~2.~~
- ~~3. Hiring and supervising a director of the Office of Children's Services (OCS).~~
- ~~4.~~
- ~~5. Appointing members of the State and Local Advisory Team.~~
- ~~6.~~
- ~~7. Providing for the establishment of interagency programmatic and fiscal policies developed by the OCS.~~
- ~~8.~~
- ~~9. Overseeing the administration of state policies governing state pool and trust funds.~~
- ~~10.~~
- ~~11. Providing for the administration of necessary functions to support the work of the OCS.~~
- ~~12.~~
- ~~13. Reviewing and taking appropriate action on issues brought before it by the OCS.~~
- ~~14.~~
- ~~15. Overseeing coordination of early intervention programs to promote comprehensive coordinated service delivery.~~
- ~~16.~~
- ~~17. Advising the Governor and appropriate Cabinet Secretaries on behalf of Council.~~
- ~~18.~~
- ~~19. Biennially publishing and disseminating a state progress report.~~

Additionally, the Council is solely responsible for the appointment of work groups, assignment of tasks, assigned and general timeframes in which the requested product will be brought before the Council for consideration.

Section 2

- ~~1. The Office of Children's Services (OCS) is established having the following powers and duties: serves as the administrative entity of the state executive council ensuring that the decisions of the council are implemented §2.2-2649.~~
- ~~2. the The director of the Office of Children's Services is authorized to:~~

~~Develop and recommend to the Council programs and fiscal policies that promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels;~~

~~Develop and recommend to the Council state interagency policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;~~

~~Develop and provide for the consistent oversight for program administration and compliance with state policies and procedures;~~

~~Provide for training and technical assistance to localities in the provision of efficient and effective services that are responsive to the strengths and needs of troubled and at-risk youths and their families;~~

~~Serve as liaison to the participating state agencies that administratively support the Office and that provide other necessary services; and~~

~~Hire appropriate staff as approved by the state executive council.~~

~~Implement in collaboration with participating state agencies, policies, guidelines and procedures adopted by Council.~~

~~Consult regularly with the Virginia Municipal League and the Virginia Association of Counties on the implementation and operation of CSA.~~

~~Perform other duties and responsibilities as defined in Code of Virginia § 2.2-2649.~~

Section 3

~~1. The State and Local Advisory Team is appointed by and responsible to the State Executive Council. As set forth in § 2.2-5202 of the Code of Virginia, duties and responsibilities include:~~

- ~~a. Advising the state executive council on state interagency program and fiscal policies which promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels;~~
- ~~b. Advising state agencies and localities on training and technical assistance necessary for the provision of efficient and effective services that are responsive to the strengths and needs of troubled and at-risk youths and their families;~~
- ~~c. Advising the state executive council on the effects of proposed policies, regulations and guidelines.~~

~~2. The State and Local Advisory Team shall develop bylaws to be formally approved by Council.~~

~~Furthermore, the State and Local Advisory Team shall develop an annual work plan to be submitted to Council for review and action. Support for accomplishing the work plan shall be provided by the state agencies represented on the State and Local Advisory Team with approval of their respective Council members.~~

ARTICLE IX: AMENDMENTS

Any proposed amendment to these bylaws, other than those related to General Assembly action, shall be submitted to the membership of the Council not less than fourteen calendar days prior to the meeting at which action is to be considered. Any amendment shall become a part of these bylaws by a majority vote of those present at a regularly scheduled Council meeting.

ADOPTED-OCTOBER 30, 1998

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REVISED 9/16 Based on House Bill 369 (2016 Session)

REVISED xx/xx

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