

Office of the
Secretary of Health and Human Resources

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

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

December 7, 2015

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COMMONWEALTH of VIRGINIA

Office of the Governor

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

December 7, 2015

The Honorable Terence R. McAuliffe
Governor of Virginia

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

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

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

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

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

Dear Legislators:

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

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

Sincerely,

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

William A. Hazel, Jr. M.D.

AUTHORITY

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

METHODOLOGY

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

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

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

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

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

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

² Appendix B provides meeting dates, locations and agendas.

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

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

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

RECOMMENDATIONS

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

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

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

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

NEXT STEPS

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

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

APPENDIX A – WORK GROUP MEMBERSHIP

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

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

Honorable Anne Holton – Co-chair
Secretary of Education

Wanda Barnard-Bailey
Deputy City Manager, Chesapeake

Andrew Block
Director, Department of Juvenile Justice

Mary Bunting
City Manager, Hampton

Honorable Brenda Ebron-Bonner
Board of Supervisors, Dinwiddie County

John Eisenberg
Assistant Superintendent, Department of Education

Debra Ferguson
Commissioner, Department of Behavioral Health and Developmental Services

Honorable Woodrow Harris
City Council, Emporia

Bob Hicks
Deputy Commissioner, Virginia Department of Health

Cindi Jones
Director, Department of Medical Assistance Services

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

Honorable Charlotte Moore
Board of Supervisors, Roanoke County

Jennie O’Holleran
Deputy Secretary of Education

Scott Reiner
Interim Director, Office of Children’s Services

Margaret Schultze
Commissioner, Department of Social Services

Honorable Steven Walker
Board of Supervisors, Culpeper County

APPENDIX B – MEETING AGENDAS

**State Executive Council for
Children’s Services Work Group
August 26, 2015 Agenda
Twin Hickory Highway, Henrico VA**

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

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

September 17, 2015 Agenda

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

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

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

October 13, 2015 Agenda

1604 Santa Rosa Road – Richmond Room, Henrico VA

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

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

November 17, 2015 Agenda

Tuckahoe Library – 1901 Starling Drive, Henrico VA

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