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## SENATE BILL NO. 1332

Offered January 12, 2007

A *BILL to amend and reenact §§ 2.2-5211 and 2.2-5212 of the Code of Virginia, relating to state pool of funds for community policy and management teams.*

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Patron—Devolites Davis

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Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-5211 and 2.2-5212 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-5211. State pool of funds for community policy and management teams.

A. There is established a state pool of funds to be allocated to community policy and management teams in accordance with the appropriation act and appropriate state regulations. These funds, as made available by the General Assembly, shall be expended for public or private nonresidential or residential services for troubled youths and families.

The purposes of this system of funding are to:

1. Place authority for making program and funding decisions at the community level;
2. Consolidate categorical agency funding and institute community responsibility for the provision of services;
3. Provide greater flexibility in the use of funds to purchase services based on the strengths and needs of youths and families; and
4. Reduce disparity in accessing services and to reduce inadvertent fiscal incentives for serving children according to differing required local match rates for funding streams.

B. The state pool shall consist of funds that serve the target populations identified in subdivisions 1 through 56 of this subsection in the purchase of residential and nonresidential services for children. References to funding sources and current placement authority for the targeted populations of children are for the purpose of accounting for the funds in the pool. It is not intended that children be categorized by individual funding streams in order to access services. The target population shall be the following:

1. Children placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance;

2. Children with disabilities placed by local social services agencies or the Department of Juvenile Justice in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by the Department of Education through the Interagency Assistance Fund for Noneducational Placements of Handicapped Children;

3. Children for whom foster care services, as defined by § 63.2-905, are being provided to prevent foster care placements, and children placed through parental agreements, entrusted to local social service agencies by their parents or guardians or committed to the agencies by any court of competent jurisdiction for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by § 63.2-900;

4. Children placed by a juvenile and domestic relations district court, in accordance with the provisions of § 16.1-286, in a private or locally operated public facility or nonresidential program, or in a community or facility-based treatment program in accordance with the provisions of subsections B or C of § 16.1-284.1; ~~and~~

5. Children committed to the Department of Juvenile Justice and placed by it in a private home or in a public or private facility in accordance with § 66-14; *and*

6. *Children requiring mental health services that are not covered by private insurance or Medicaid, where such services are necessary to prevent placement in foster care pursuant to a parental agreement between a local social services agency or public agency designated by the community policy and management team and the child's parents or guardians, entrustment to a local social services agency by the child's parents or guardians, or commitment to the agency by a court of competent jurisdiction for the purposes of placement as authorized by § 63.2-900.*

C. The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient to (i) provide special education services, *mental health services*, and foster care services for children identified in subdivisions B 1, B 2, ~~and B 3, and B 6~~ and (ii) meet relevant federal mandates for the provision of these services. The community policy and management team shall anticipate to the best of its ability the number of children for whom such

INTRODUCED

SB1332

59 services will be required and reserve funds from its state pool allocation to meet these needs. Nothing in  
60 this section prohibits local governments from requiring parental or legal financial contributions, where  
61 not specifically prohibited by federal or state law or regulation, utilizing a standard sliding fee scale  
62 based upon ability to pay, as provided in the appropriation act.

63 D. When a community services board established pursuant to § 37.2-501, local school division, local  
64 social service agency, court service unit, or the Department of Juvenile Justice has referred a child and  
65 family to a family assessment and planning team and that team has recommended the proper level of  
66 treatment and services needed by that child and family and has determined the child's eligibility for  
67 funding for services through the state pool of funds, then the community services board, the local school  
68 division, local social services agency, court service unit or Department of Juvenile Justice has met its  
69 fiscal responsibility for that child for the services funded through the pool. However, the community  
70 services board, the local school division, local social services agency, court service unit or Department  
71 of Juvenile Justice shall continue to be responsible for providing services identified in individual family  
72 service plans that are within the agency's scope of responsibility and that are funded separately from the  
73 state pool.

74 Further, in any instance that an individual 18 through 21 years of age, inclusive, who is eligible for  
75 funding from the state pool and is properly defined as a school-aged child with disabilities pursuant to  
76 § 22.1-213 is placed by a local social services agency that has custody across jurisdictional lines in a  
77 group home in the Commonwealth and the individual's individualized education program (IEP), as  
78 prepared by the placing jurisdiction, indicates that a private day school placement is the appropriate  
79 educational program for such individual, the financial and legal responsibility for the individual's special  
80 education services and IEP shall remain, in compliance with the provisions of federal law, Article 2  
81 (§ 22.1-213) of Chapter 13 of Title 22.1, and Board of Education regulations, the responsibility of the  
82 placing jurisdiction until the individual reaches the age of 21, inclusive, or is no longer eligible for  
83 special education services. The financial and legal responsibility for such special education services shall  
84 remain with the placing jurisdiction, unless the placing jurisdiction has transitioned all appropriate  
85 services with the individual.

86 E. In any matter properly before a court for which state pool funds are to be accessed, the court  
87 shall, prior to final disposition, and pursuant to §§ 2.2-5209 and 2.2-5212, refer the matter to the  
88 community policy and management team for assessment by a local family assessment and planning team  
89 authorized by policies of the community policy and management team for assessment to determine the  
90 recommended level of treatment and services needed by the child and family. The family assessment  
91 and planning team making the assessment shall make a report of the case or forward a copy of the  
92 individual family services plan to the court within 30 days of the court's written referral to the  
93 community policy and management team. The court shall then consider the recommendations. However,  
94 the court may make such other disposition as is authorized or required by law, and services ordered  
95 pursuant to such disposition shall qualify for funding as appropriated under this section.

96 § 2.2-5212. Eligibility for state pool of funds.

97 A. In order to be eligible for funding for services through the state pool of funds, a youth, or family  
98 with a child, shall meet one or more of the criteria specified in subdivisions 1 through 45 and shall be  
99 determined through the use of a uniform assessment instrument and process and by policies of the  
100 community policy and management team to have access to these funds.

101 1. The child or youth has emotional or behavior problems that:

102 a. Have persisted over a significant period of time or, though only in evidence for a short period of  
103 time, are of such a critical nature that intervention is warranted;

104 b. Are significantly disabling and are present in several community settings, such as at home, in  
105 school or with peers; and

106 c. Require services or resources that are unavailable or inaccessible, or that are beyond the normal  
107 agency services or routine collaborative processes across agencies, or require coordinated interventions  
108 by at least two agencies.

109 2. The child or youth has emotional or behavior problems, or both, and currently is in, or is at  
110 imminent risk of entering, purchased residential care. In addition, the child or youth requires services or  
111 resources that are beyond normal agency services or routine collaborative processes across agencies, and  
112 requires coordinated services by at least two agencies.

113 3. The child or youth requires placement for purposes of special education in approved private school  
114 educational programs.

115 4. The child or youth has been placed in foster care through a parental agreement between a local  
116 social services agency or public agency designated by the community policy and management team and  
117 his parents or guardians, entrusted to a local social services agency by his parents or guardian or has  
118 been committed to the agency by a court of competent jurisdiction for the purposes of placement as  
119 authorized by § 63.2-900.

120 5. The child or youth requires mental health services to prevent placement in foster care pursuant to

121 *a parental agreement.*

122 B. For purposes of determining eligibility for the state pool of funds, "child" or "youth" means (i) a  
123 person less than eighteen years of age and (ii) any individual through twenty-one years of age who is  
124 otherwise eligible for mandated services of the participating state agencies including special education  
125 and foster care services.

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SB1332