

Remarks to the Virginia Senate Finance Subcommittee on Health and Human Resources
F. Woodrow Harris, Council Member, City of Emporia
January 24, 2011

Ladies and gentlemen, thank you for the opportunity to speak with you today about the Virginia Comprehensive Services Act. My name is Woodrow Harris. I'm a member of Emporia City Council and a past president of the Virginia Municipal League. I served as a local government representative on CSA's State Executive Council from 2001 to 2009 and as chairman of that council in 2002-2003. In my day job, I work as supervisor of the 6th District Court Service Unit. In that capacity I serve on four Community Policy Management Teams (one of the groups of the local CSA structure) and chair one of those teams. I've actually been to two CPMT meetings today. I'm speaking to you today in my capacity as a representative of local government.

Before I talk budget, I'd like to say a word about CSA legislation. While the General Assembly has understandable concerns about CSA's operations and cost, and while there are matters in that program that bear addressing, the changes suggested in SB 1171, and its companion HB 1679, do not appear to grant authority to the Office of Comprehensive Services or the SEC that they do not already possess and exercise. Adding this language seems a bit like adding suspenders to an outfit that already has a belt.

Instead of this legislation as proposed, what would really help is:

- 1) clear, ample, and consistent guidance to CSA coordinators and CPMTs about allowable and non-allowable services;
- 2) basic and advanced training for CSA coordinators and CPMT members, depending on their experience with the program; and
- 3) a meaningful public participation process. CSA is not covered under the Administrative Processes Act, but instead has its own participation process. This process has been applied unevenly at best over the years, and as such has caused much frustration and friction.

I hope that Secretary Hazel, who between working on small issues like health care reform, has made a real effort to listen to local governments on CSA, will work with us on these issues.

Now, onto the budget amendments.

Overall, CSA program costs have actually *decreased* in the past two years by \$77.7 million. This is an accomplishment that everyone should be celebrating. The decreases have occurred in no small part because of efforts to serve more children in the community, which tends to be less expensive and in many cases more effective. These efforts were accompanied by local match rate changes to encourage more community-based services.

We believe the actions in the introduced budget to increase local match rates and eliminate a funding option are akin to putting the car into reverse and stepping on the gas. We indeed may get somewhere fast, but it probably will not be where we really want to go.

First, Governor McDonnell's proposed amendments would eliminate state funding to non-mandated children. In CSA, a mandated case is a child in foster care or special education. A non-mandated child is usually one with behavioral health needs or one who has come in contact with the juvenile justice system or the courts. As you know, DJJ placement funds were one of the funding streams subsumed under CSA when the program began in the early 1990s.

About 60 percent of our localities use non-mandated funds. Localities use these funds sparingly because they must put up matching funds, but please make no mistake: these funds are a critical component of the service array. Interventions paid for with these funds can prevent foster care placements or eliminate the need for other costly services and more disruption to families later down the road.

Here is a real-life example of how non-mandated funds work. A young person in one of my jurisdictions was leaving a juvenile correctional center after a court commitment for sexual assault charges on minors. This boy could not return to his mother's home because the victims lived there. He was not a special education student nor did he really need foster care. His grandmother was reluctant to take him into her home due to the nature of the original charges and the emotions of the situation. Working with our CSA program, we were able to arrange a six-month placement at a residential facility and outpatient sex offender relapse prevention treatment program. He progressed well, left that placement on schedule and went to live at his grandmother's home. He is now working full time, has not reoffended, and has integrated comfortably back into society.

Without non-mandated funds, the probable choice of action would have been to get the family to go through the process of placing this young man in foster care that would then allow him to qualify for the services he truly needed. This process would have taken longer and cost more, both in terms of money and the personal cost to him and his family. It seems prudent in the interests of maintaining appropriate treatment and positive outcomes, to allow for these non-mandated cases to receive treatment in clear cases of need, but to in some other fashion limit their number. Figuring out the latter question should be a process open to discussion by all of the parties involved in the program.

The Governor's introduced budget also proposes to increase the local match rate (the locality's share) for therapeutic foster care, TFC for short, which is a community-based service. This service engages foster parents who have a higher level of training and allows children in the foster home to receive additional wrap around services. It keeps more children from moving into residential placements, and allows more children to return to the community from residential placements. The sustained effort over the

past few years to serve more children in the community may in fact partially explain why the overall cost for this program has increased in the past few years. More children, particularly those with more complex needs than previously were served in the community, are now being placed in TFC.

By changing the rules to arbitrarily consider this a residential placement service, the state would shift an estimated \$7.5 million in match costs to local governments' books, and along with it, increased pressure to avoid using the service and incurring additional local costs. This could lead to less suitable services, multiple placements as services fail, or increased residential placements. Many localities, particularly those with part-time coordinators, do not have the local infrastructure, the time, or the expertise to develop multiple comprehensive packages of community services to mirror or replace a TFC placement.

Finally, this move could put the state at risk of continuing to fall short on the federal measuring stick for the number of placements in a 12-month period, which could result in fiscal penalties.

TFC is not perfect. Local governments believe there are issues to be examined concerning quality and qualifications of providers, and the prices charged for this service, particularly in areas with few providers and therefore little competition. As a start, we hope that you will support amendments to restore the state match to the program, and particularly Senator Hanger's amendment to authorize regional contracts for this service, with the goal of lowering the overall cost of the service while maintaining or increasing the quality. Along with this authority, we also hope you will push for increased training and technical assistance to improve placement decisions and outcomes.

Finally, I would like to touch on the SEC's discussion earlier this month regarding changes to its policy regarding the use of CSA funds in public school special education settings. While this policy change appears to put the policy back in line with the letter of the current state CSA law, it leaves some open questions about efforts to prevent private placements. During the short discussion at the SEC meeting, some members pointed out the need to look more closely at this issue and potentially suggest amendments to the law to help keep children in the community.

Local governments would welcome an open, comprehensive, and evidence-based discussion of the issues and options for areas where CSA and special education intersect. The use of behavioral aides to serve strictly as a behavioral assistance function as opposed to an educational function would be one facet of this discussion. There are other situations where strategic, informed choices could make the difference between a child remaining in the local public school or going to a private day or residential placement.

CSA is a complicated program, as are the children and families it serves. The stakes are high, because the well-being of children and communities are directly affected by all of these decisions. Two areas local governments have raised concerns about since CSA's inception have never been adequately addressed and I would like to put in a plug

for them because they could have a significant impact in improving results, controlling costs, and more efficiently addressing the needs of children.

First, the amount of administrative costs shared by the state has not increased since the 1990s. As a result, many localities can only afford to employ a part time CSA coordinator. To put it another way, we are trying to run a Wal-Mart with a part-time person and acting surprised that it's a challenge to get a price check or maintain quality control.

The second concern involves training and guidance, which I mentioned earlier. There has never been adequate training to lay out for local staff in a simple, clear, and consistent manner what exactly is expected from an ideal best practice perspective. Adequately staffed programs with sufficiently trained leaders could take us a long way towards creating an environment more appropriately tailored to the needs of the children and families we serve and more effectively using the significant state and local dollars invested in this program. Local government would like to renew the request for an examination of these concerns.

I thank you for your time and your continued interest in this very important program. I would be happy to answer any questions.