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Local Commissioners Memorandum

Transmittal:	09-OCFS-LCM-09
To:	Local District Commissioners
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	June 17, 2009
Subject:	Community Optional Preventive Services (COPS) Program FFY 2008-09/SFY 2009-10 Funding and Claiming Instructions
Contact Person(s):	Any questions concerning this release should be directed to the contacts listed on pages 7 & 8
Attachments:	Yes
Attachment Available Online:	N/A

I. Purpose

The purpose of this Local Commissioner's Memorandum (LCM) is to advise local departments of social services (LDSS) of the availability of \$29,105,000 in funding for community optional preventive services (COPS) programs in State Fiscal Year (SFY) 2009-10. This LCM also notifies LDSS of the requirement to report outcomes of COPS program services to the Office of Children and Family Services (OCFS) and the separate claiming instructions for reimbursement for such programs.

II. Background

In 1988, a Request for Proposal (RFP) was issued to select and fund programs known as COPS. The COPS programs were targeted to families where a child

was not at immediate risk of foster care, but where primary or secondary forms of preventive services would help to avert family crises and later foster care placements. About 20 programs were funded from that RFP, and a subsequent RFP was issued in New York City. Several program types were represented among the selected programs, including: group parenting skills education, general community-wide community education, school-based, and “therapeutic” programs. COPS programs, in some instances, were authorized to serve families without determining individual eligibility, and without Uniform Case Review (UCR) or Child Care Review Service (CCRS) requirements. Some of these programs continued under the former Family and Children’s Services Block Grant, without a specific continuing state appropriation.

In 2002, with the implementation of the open-ended Child Welfare Services finance provisions, which provided for 65 percent state reimbursement for all preventive services, funding became available for the expansion of COPS. In order for a COPS proposal to be approved, LDSS were required to submit a plan to the appropriate regional office of OCFS’s Division of Development and Prevention Services (now the Division of Child Welfare and Community Services). OCFS provided guidance regarding the COPS program in 02-OCFS-LCM-19.

COPS programs are designed to serve children or youth who are not at imminent risk of foster care. The target group to be served are those considered at general risk of future foster care or crisis by virtue of one or more identified characteristics. COPS cannot be used as a substitute or alternative to providing mandated preventive services to eligible children and families.

Although individual programmatic eligibility determinations are unnecessary, there must be an acceptable method for determining whether a case is below or over 200 percent of the federal poverty level consistent with criteria outlined in Chapter 3 of the OCFS “Eligibility Manual for Child Welfare Programs.” Individual family eligibility determinations can be done by a simplified family-specific determination as to whether the income is below or over 200 percent of poverty and the recipients are either U.S. citizens or qualified aliens. Alternatively, the need to do individual eligibility determinations for COPS programs can be waived if the LDSS identifies a reliable source of information to calculate the proportion of the target population that is below 200 percent of the poverty standard (e.g., the percent of students receiving subsidized school lunches in the community(ies) being served). Any alternative measure for determining if a family’s income is either below or over 200 percent of poverty is subject to OCFS approval. Participation in a COPS program may not be limited to those families who are below 200 percent of the federal poverty level.

III. Program Implications

For SFY 2009-10, \$29,105,000 in state funding is provided for COPS programs in a separate capped appropriation. This funding amount represents a reduction of approximately \$5 million as compared to the estimated funding levels included in the recent findings from OCFS's COPS survey published in January 2009. For COPS services provided from October 1, 2008, through September 30, 2009, state reimbursement is available for 98 percent of 65 percent (or 63.7 percent) of eligible costs up to the capped appropriation amount.

LDSS must submit claims that separately identify the costs of COPS services. The expenses claimed cannot exceed the costs for the programs that were in effect on October 1, 2008. In order to receive reimbursement for a COPS program, an LDSS must demonstrate that the program had been approved by OCFS on or before October 1, 2008. An LDSS may contract to restart a program that was approved by OCFS as of October 1, 2008, and in operation on that date, that subsequently ceased providing COPS; however, this may only be done at the same level of funding as of October 1, 2008. Furthermore, an LDSS cannot receive state reimbursement for any COPS services provided during a time when it did not have a contract in place and the LDSS cannot contract retroactively for the services. For example, if an LDSS terminated a contract on December 31, 2008, and the LDSS did not enter into a new contract until April 15, 2009, it could claim for the services provided from October 1, 2008, through December 31, 2008, and for the services provided from April 15, 2009, through September 30, 2009, but not for any services provided from January 1, 2009 through April 14, 2009, during the time period that a contract did not exist.

LDSS may receive the 63.7 percent State reimbursement, net of any available federal funds, for the costs of eligible services provided through September 30, 2009 up to the amount of the capped appropriation. If there are insufficient funds in the capped appropriation to reimburse 63.7 percent of all the LDSS eligible COPS expenditures claimed, the LDSS will receive its proportionate share of the capped appropriation based on the LDSS's total COPS eligible expenditures claimed compared to the statewide total of eligible expenditures claimed.

If the amount appropriated in the budget exceeds the eligible expenditures claimed by all the LDSS, OCFS may reimburse 63.7 percent for new COPS programs, as approved by OCFS. Further information regarding the process for OCFS approval of new COPS programs will be provided if funds become available. In order to determine whether OCFS may approve funding for new COPS programs, each LDSS that is seeking state reimbursement for existing COPS programs must submit by July 15, 2009, a list of the COPS programs that OCFS had approved on or before October 1, 2008, for which the LDSS

will be seeking state reimbursement and an estimate of its annual eligible COPS expenditures, based on the first six months of expenditures and the maximum approved contract amounts, to OCFS. An Excel spreadsheet form, titled COPS Estimated Expenditures, has been provided with this LCM as Attachment A and is to be used to report this information to OCFS.

Each LDSS that currently has one or more COPS programs for which they will be seeking state reimbursement, needs to complete the COPS Estimated Expenditures form (Attachment A) and submit it by July 15, 2009 to:

Lynn Baniak Davock
NYS Office of Children and Family Services
Strategic Planning and Policy Development
52 Washington Street, Room 313 S.
Rensselaer, NY 12144

Or email a copy to Lynn.BaniakDavock@ocfs.state.ny.us

The eligible LDSS expenditures that are subject to 63.7 percent state reimbursement may also assist the state in meeting the maintenance of effort (MOE) and match requirements for federal Title IV-B, Subpart 1 and 2 funds for child welfare services. When finalizing the state settlement of Child Welfare Services, the expenditures that are subject to 63.7 percent State reimbursement may also assist an LDSS in meeting its Child Welfare Services threshold established for the Flexible Fund for Family Services (FFFS) as further discussed in section IV below, and to assist the LDSS in using its allocation of Title XX Transfer (Title XX Below 200 Percent COPS) should the LDSS have an underclaim in this category. This adjustment may be done by the state during the state settlement of Child Welfare Services.

COPS funding is aimed at supporting community services that work with youth and families before a serious problem develops, rather than serving youth at immediate risk for placement, with the long-term goal of reducing the need for foster care and offering a less costly alternative to placement. There are a wide range of services that LDSS have offered through the COPS program to work toward this goal of averting placements.

In 2008, LDSS were surveyed regarding their COPS programs and this information was published in January 2009 in the "Community Optional Preventive Services (COPS): Findings from OCFS' COPS Survey." As part of this survey, LDSS were specifically asked to report out on performance targets and achievement of these targets. As part of this year's budget requirements, LDSS must submit information regarding outcomes of COPS programs to OCFS.

For Federal Fiscal Year (FFY) 2008-09 / SFY 2009-10, LDSS need to complete a COPS program report (Attachment B) for each COPS program in their LDSS and submit the reports to OCFS by October 15, 2009. This template asks LDSS to provide demographic information and to report on current performance targets or outcomes, which have been required for all preventive service programs (see 07-OCFS-LCM-12), and need to be updated for the current funding year of October 1, 2008, through September 30, 2009.

Please complete a COPS Program Report Form for each COPS program LDSS in existence October 1, 2008, through September 30, 2009, and submit by October 15, 2009, to:

Lynn Baniak Davock
NYS Office of Children and Family Services
Strategic Planning and Policy Development
52 Washington Street, Room 313 S.
Rensselaer, NY 12144

Or email a copy to Lynn.BaniakDavock@ocfs.state.ny.us

In 07-OCFS-LCM-12, outcome is defined as “the anticipated change in, or maintenance of, conditions or behaviors of a targeted population as a result of the provision of services.” Performance targets provide evidence as to whether the program accomplished its outcomes. It is important that performance targets and outcomes established are specific, measurable, achievable, realistic and time bound. For more information regarding how to develop outcomes you may wish to visit the OCFS website at:

http://www.ocfs.state.ny.us/main/sppd/eff_practices/

IV. Other Related SFY 2009-10 Budget Actions

FFFS: The SFY 2009-10 Enacted Budget appropriates \$964.6 million of Temporary Assistance for Needy Families (TANF) funding to continue FFFS. Prior to the establishment of FFFS in SFY 2005-06, three separate appropriations were made for TANF Emergency Assistance to Families (EAF) child welfare services and for TANF transfer to Title XX for child welfare and for other Title XX services. Those separate appropriations do not exist for SFY 2009-10. Instead, the FFFS provides LDSS with the flexibility to determine local funding priorities. LDSS have greater flexibility in how they may use FFFS directly for child welfare services. Under the FFFS, child welfare services other than COPS may be funded for families that meet the TANF EAF eligibility criteria and/or for families with incomes up to 200 percent of the federal poverty level. LDSS also have the option to transfer a portion of their FFFS allocations to the Title XX Block Grant. Under federal law, any FFFS funding your LDSS chooses to transfer to the Title XX Block Grant must be used for families and individuals with incomes below 200

percent of the federal income level. Among the programs that can be supported with funds transferred to Title XX from an LDSS's FFFS allocation are the TANF Transfer to Title XX under 200 percent for Preventive, Child Protective, Aftercare and Adoption Services and the TANF transfer to Title XX for otherwise eligible Title XX under 200 percent expenditures, including COPS. Under federal statute, no more than 30 percent of the state's entire TANF block grant may be transferred to the Child Care Development Block Grant (CCDBG) and Title XX combined, with only up to 10 percent of the entire TANF block grant eligible for transfer to Title XX. Under the SFY 2009-10 Enacted Budget, this means that an LDSS may transfer up to 33 percent of its FFFS allocation to CCDBG and Title XX combined, with up to 25 percent of its FFFS allocation going to Title XX.

With the establishment of FFFS in SFY 2005-06, LDSS-specific Child Welfare Services thresholds were enacted. In SFY 2009-10, the total combined threshold is increased to \$342,322,341. In order for LDSS to receive state reimbursement for Child Welfare Services other than COPS, each LDSS must expend FFFS funds for Title XX Child Welfare Services Below 200 percent, Title XX Below 200 percent COPS, TANF-EAF Child Welfare Services, FFFS Child Welfare Direct Services for families with income below 200 percent, and Administration at a level equal to or greater than that district's portion of the \$342,322,341 statewide Child Welfare Services threshold. An LDSS meeting its Child Welfare Services threshold may be eligible for 98 percent of 65 percent State reimbursement for its eligible child welfare expenditures other than COPS, net of the available federal funding, provided it has established performance targets or outcome based requirements for child preventive services. The SFY 2009-10 child welfare settlement period is for expenditures incurred October 1, 2008 through September 30, 2009, and claimed by March 31, 2010; therefore, the threshold timeframe is also October 1, 2008, through September 30, 2009, in order to be counted towards the district's SFY 2009-10 threshold.

V. Claiming Instructions

The LDSS will use the following set of instructions to claim reimbursement for COPS for services from October 1, 2008 through September 30, 2009. Expenditures must be made by October 31, 2009 and claims must be submitted no later than March 31, 2010.

The COPS expenditures must be identified as F17 Functional costs and claimed on the Schedule D-17, Distribution of Allocated Costs to Other Programs, LDSS-3274 in a column labeled as COPS 2008-2009. These costs will carry over to a LDSS-3922, Reimbursement Claim for Special Projects, to be submitted via TRACS labeled as COPS 2008-2009 and reported in the Non-Administrative Costs column. Claims filed under the federal share will draw down any FFFS funds the LDSS has transferred to Title XX Below 200

Percent COPS from their FFFS allocation. Those cases receiving federal reimbursement must be under 200 percent of the poverty level. Claims filed under the state share will draw down on that LDSS's portion of the capped state appropriation for COPS. Those cases receiving state reimbursement are not required to be under 200 percent of the poverty level. When calculating federal share, LDSS are reminded that they (LDSSs) set the federal reimbursement rate and the difference should be treated as local share. When calculating state share, LDSS should be aware that reimbursement is 63.7 percent with the balance as local share.

COPS expenditures in excess of the amount transferred to Title XX Below 200 Percent COPS from an LDSS's FFFS allocation may be eligible for reimbursement under the capped COPS state reimbursement appropriation to the extent funds are available, separate from the open-ended child welfare services funding. If the total COPS claims eligible for state reimbursement exceed the capped appropriation amount, state reimbursement will be made proportionally to each LDSS based on its percentage of the statewide total of eligible claims as compared to the amount appropriated after March 31, 2010.

Please refer to the Fiscal Reference Manual (FRM), Volume 2, Chapter 3 for further LDSS-3922 instructions. Instructions for the Schedule D-17 are found in Volume 3 (Volume 4 for New York City) of the FRM in Chapter 18.

LDSS that previously claimed these expenditures on the Schedule G will need to submit a negative supplemental claim that should be cross-referenced to the 3922 claim.

VI. Contact Information

Any questions concerning this release should be directed to the appropriate OCFS Regional Office, Division of Child Welfare and Community Services:

Buffalo Regional Office- Mary Miller (716) 847-3145
Mary.Miller@ocfs.state.ny.us

Rochester Regional Office- Linda Kurtz (585) 238-8200
Linda.Kurtz@ocfs.state.ny.us

Syracuse Regional Office- Jack Klump (315) 423-1200
Jack.Klump@ocfs.state.ny.us

Albany Regional Office- Kerri Barber (518) 486-7078
Kerri.Barber@ocfs.state.ny.us

Spring Valley Regional Office- Patricia Sheehy (845) 708-2498
Patricia.Sheehy@ocfs.state.ny.us

New York City Regional Office- Patricia Beresford (212) 383-1788
Patricia.Beresford@ocfs.state.ny.us

Native American Services- Kim Thomas (716) 847-3123
Kim.Thomas@ocfs.state.ny.us

Questions pertaining to claiming only should be directed to the Office of
Temporary and Disability Assistance, Bureau of Financial Services:

Regions I - IV: James Carroll (518) 474-7549
James.Carroll@otda.state.ny.us

Region V: Michael Borenstein (631) 854-9704
Michael.Borenstein@otda.state.ny.us

Region VI: Marian Borenstein (212) 961-8250
Marian.Borenstein@otda.state.ny.us

/s/ Nancy Martinez

Issued By:

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