



COMMONWEALTH of VIRGINIA

Susan Cumbia Clare, M.Ed
Executive Director

OFFICE OF COMPREHENSIVE SERVICES
Administering the Comprehensive Services Act for At-Risk Youth and Families

December 28, 2011

[REDACTED] Policy and Management Team

Dear [REDACTED]

Thank you for taking the time to talk with us this morning regarding [REDACTED] and your use of Comprehensive Services Act (CSA) funds for students placed there. We appreciate that this program has been a successful service for your community for a number of years.

As you are aware, concern for the use of CSA funds for this program was brought to the attention of this office by the Virginia Department of Education (VDOE). VDOE reporting requirements for the December 1 Child Count identified a conflict between the [REDACTED] Schools special education placement code and the CSA "tuition paid" code. This conflict was caused by [REDACTED] reporting the use of CSA tuition funds for youth whose placement codes were "separate day school."

The eligibility for CSA funds is established for special education students through Virginia Code Section §2.2-5212A3 which requires that, "The child or youth requires placement for purposes of special education in approved private school educational programs." Thus, a youth's IEP must identify a private school placement, i.e., a private day school or private residential school, as his/her educational placement.

You stated it is the position of [REDACTED] CPMT that [REDACTED] services have been improperly coded in reimbursement requests over the past number of years and, in fact, should have been coded not as "private day" services, but as "services in the public schools." This office acknowledges that, if [REDACTED] services were appropriately documented in an Individualized Family Services Plan as non-educational services, the use of CSA funds may have been allowable under the reporting category "services in the public schools."

Effective January 2011, however, the State Executive Council clarified its policy regarding use of the special education mandate for students with disabilities. This clarification precludes the use of CSA funds for services provided in a school setting. Per your report, [REDACTED] represents the sole educational program for the youth for whom services are purchased. Therefore, [REDACTED] is a school program and the services purchased through CSA funds are, in fact, services provided in a school setting.

Thus, this office concludes that:

- 1) The use of CSA funds under the "private day school" reporting category for services provided by [REDACTED] is not appropriate. Students for whom funds are being used are not eligible for CSA funding as the IEPs do not require placement in a private school.
- 2) The use of CSA funds for services provided by [REDACTED] under the "wrap around services for students with disabilities" reporting category is not appropriate as the services are provided in a school setting.
- 3) For FY2012, [REDACTED] improperly claimed and received reimbursement for the state share of costs for services provided by [REDACTED].

We agreed by phone this morning that [REDACTED] CSA Coordinator, will identify the improper FY2012 claims submitted for reimbursement and will provide documentation to this office to ensure recovery of the state share of costs improperly paid to [REDACTED].

I appreciate the cooperative manner with which [REDACTED] administrators and staff have worked with this office to resolve the concerns at hand. We wish you the best as you work to continue the appropriate delivery of services for youth in your community. Please feel free to call me at (804) 662-9830 should you have questions.

Sincerely,



Susan Cumbia Clare
Executive Director

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