



Office of Children's Services
Empowering communities to serve youth

New CSA Coordinator Academy

2021 Virtual Edition



Office of Children's Services
Empowering communities to serve youth

Anna Antell

Program Consultant

Office of
Children's Services



BEFORE WE BEGIN . . .



This session is being recorded



All lines are muted to start the meeting

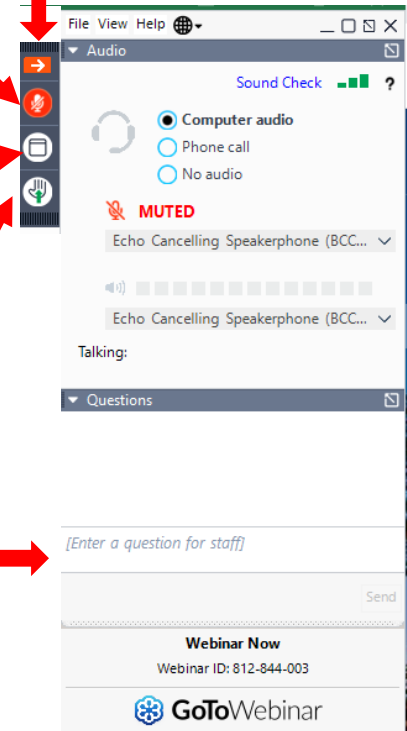
Click to Unmute Yourself (if allowed)

Click ESC to leave full screen mode

Raise Hand to have your line unmuted

Type questions here

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Office of Children's Services
Empowering communities to serve youth

Welcome

Scott Reiner
Executive Director
Office of
Children's Services





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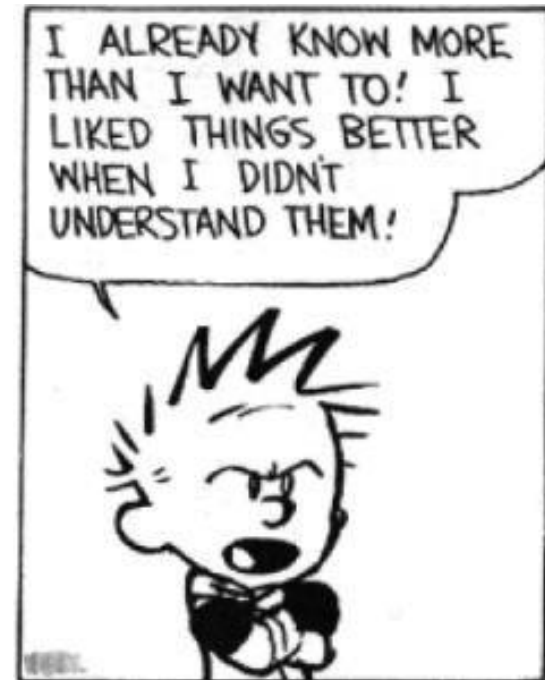
Alphabet Soup

What CSA Personnel Need to Know About
Special Education and the Children's Services Act

New CSA Coordinator Academy

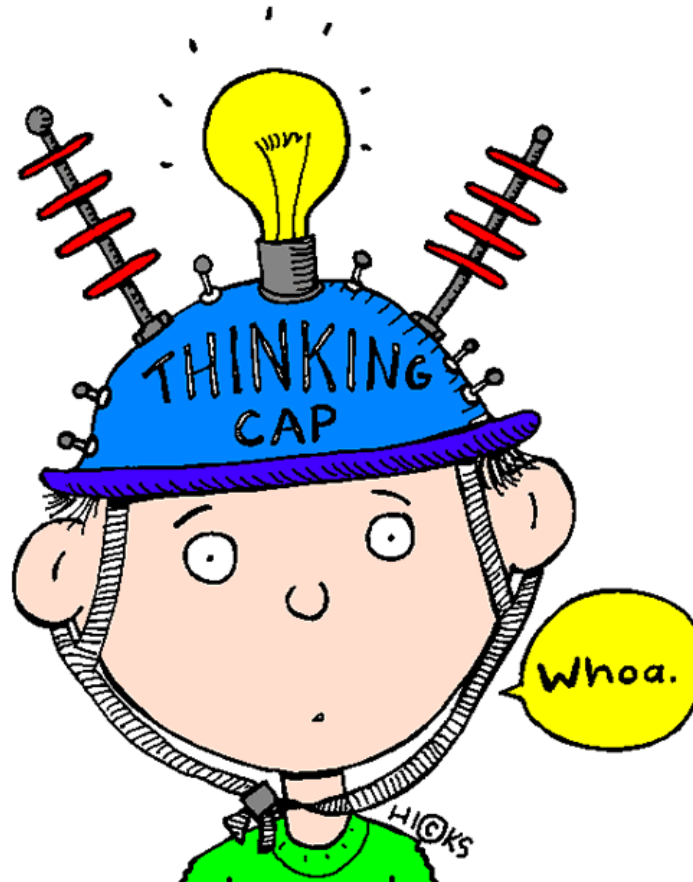
Objective

- Provide CSA personnel with information pertaining to special education and its relationship with the CSA program.



Pretest

What do you already know about Special Education?



Federal and State Regulations

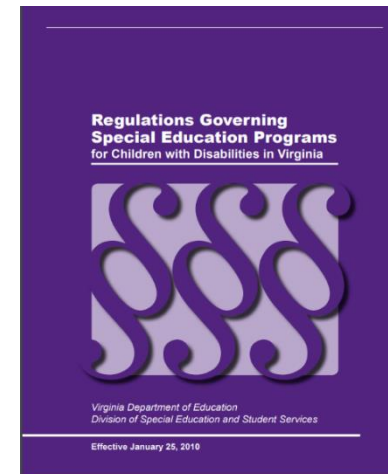
Federal Law

- Individuals with Disabilities Education Improvement Act (IDEIA)



State Administrative Code

- Regulations Governing Special Education Programs for Children with Disabilities in Virginia, January 25, 2010 (Virginia Regulations)



What is Special Education?

- Specially designed instruction
- No cost to the parent
- Meets the unique needs of a child with a disability in all settings (classroom, home, hospitals, institutions, etc.)
- Age of eligibility - Ages 2 to 21+ inclusive



Key Components of Special Education in VA



IEP

Individualized
Education Program



LRE

Least Restrictive
Environment



FAPE

Free Appropriate
Public Education



Procedural Due Process



Parental Involvement
and Consent

Special Education is a Process



IEP

- Written educational plan for a child with a disability
- Developed, reviewed, revised by a school-based team
- Requires parent involvement and consent




IEP Elements

- Present Levels of Academic and Functional Performance (PLOP)
- Required Considerations
 - Measurable Annual Goals
 - Progress Reporting
 - Participation in State Assessments
 - Transition Services, where applicable
- Accommodations and Modifications
- Services
- *Determination of LRE*
- Informed Consent



Least Restrictive Environment (LRE)

Continuum of Educational Placements

Level	Setting
 <p data-bbox="556 529 799 625">Least Restrictive</p> <p data-bbox="556 911 799 1006">Most Restrictive</p>	<ul style="list-style-type: none"> Regular school building: regular classroom with accommodations and/or support services
	<ul style="list-style-type: none"> Regular school building: regular classroom with itinerant services or resource room services (pull-out)
	<ul style="list-style-type: none"> Regular school building: full-time self-contained special education class
	<ul style="list-style-type: none"> Full-time self-contained class in a separate public facility
	<ul style="list-style-type: none"> Private day school
	<ul style="list-style-type: none"> Home-bound/Home-based
	<ul style="list-style-type: none"> Hospital/Public or private residential program

Students are removed from public school ONLY when the educational goals cannot be achieved satisfactorily in public school due to the nature or severity of the student's disability .

The Special Education Process Leads to FAPE*

- Provided at public expense, public supervision and direction, without cost to parent;
- Meets the standards of the Virginia Board of Education;
- Appropriate preschool, elementary, middle or secondary school
- Provided in conformity with an IEP

FAPE is a right, NOT privilege!!

***Free and Appropriate Public Education**



Questions?



Targeted Population for CSA

- § 2.2-5212. Eligibility for state pool of funds.
 - “The child or youth requires placement for purposes of special education in approved private school educational programs.”

****Includes all children whose IEPs include placement in private day school or private residential facilities***



Why Only This Population?



Why Only This Population?

DOE Contributions to the State Pool

Private Tuition
Assistance

+

Interagency
Assistance Fund for
Placement of SWD



What is Needed to Determine CSA Eligibility?

- IEP (is used as an alternative to an IFSP)
 - LRE Determination
 - Written Consent to Implement the IEP
 - Services
 - Accommodations

- AG's ruling on consent to exchange information
 - Administrative Memo #18-01
 - CSA requires parental consent to share eligibility info (the IEP)
 - Without consent, CSA cannot verify eligibility



Responsibility of the School Division

- Conducts evaluations for eligibility
- Ensures IEPs are implemented (public & private)
- Pays for:
 - IEP services and supports (public)
 - Homebound/Home-based services
 - Regional special education programs
 - Tuition to another public school
 - Transportation to implement IEP (private setting)
 - Services necessary for FAPE



Responsibilities of CSA

- When IEP calls for private day or residential:
 - Authorizes CSA funding/payment for IEP services (not transportation)
 - Collects data required for CSA reporting (LEDRS)
 - Considers child/family needs beyond IEP
 - Assists with coordination of services
- ❖ Cannot request or suggest changes to IEP
- ❖ Parental contribution policies do not apply

**CPMT policies may NOT interfere with the implementation of the IEP.

**No FAPT/IFSP requirement unless non-IEP services are being provided



Why Can't CSA Pay for Services in the School?

- Department of Education (VDOE) in Superintendent's Memo #018-10 (2010)
 - Responsibility for FAPE rests with the school division
 - Omission of services in the IEP to gain access to CSA funding is a violation of FAPE
 - Misuse of CSA funds

–How is the youth eligible for CSA?



New for FY2022 – Transitional Services

- §2.2-5211

B. 6. Children and youth previously placed pursuant to subdivision 1 in approved private school educational programs for at least six months who will receive transitional services in a public school setting. State pool funds shall be allocated for no longer than 12 months for transitional services. Local agencies may contract with a private school education program provider to provide transition services in the public school.

F. As used in this section, "transitional services" includes services delivered in a public school setting directly to students with significant disabilities or intensive support needs to facilitate their transition back to public school after having been served in a private special education day school or residential facility for at least six months. "Transitional services" includes one-on-one aides, speech therapy, occupational therapy, behavioral health services, counseling, applied behavior analysis, specially designed instruction delivered directly to the student, or other services needed to facilitate such transition that are delivered directly to the student in their public school over the 12-month period as identified in the child's individualized education program.

Out of Jurisdiction Educational IEP Placements Through CSA

- Placing school division maintains its role as LEA
 - Ensure IEP Compliance
 - Eligibility/Evaluation
 - State Testing Requirements
 - Transportation
- Interstate Compact on the Placement of Children (ICPC) for out of state placements
(8VAC20-81-150-A.9)

JURISDICTION



Out of Jurisdiction Non-Educational Placements Through CSA

Youth in Foster Care

- If the IEP specifies public school...
 - receiving school division IEP team determines if they can implement IEP as written; OR makes appropriate changes to implement IEP.
- If receiving division determines child's needs cannot be met in their division (and writes a private day IEP)
 - school division on placing CPMT team becomes the responsible LEA.
- **Best Interest Determination process applies**

Youth NOT in Foster Care

- School division that sits on the CSA Team that places the student is the LEA and is responsible for:
 - Ensure IEP Compliance
 - Eligibility/Evaluation
 - State Testing Requirements
 - Transportation
- **CSA responsible for educational costs**



Non-Educational Residential Placements by Parents (Outside of CSA)

Local school division convenes IEP and determines:*

Child needs placement for educational reasons

- LRE is declared residential or private day
- IEP team determines services (FAPE)
- Child is eligible for CSA
- CSA funds the educational/residential services indicated in the IEP

This is a residential IEP

Child does NOT need placement for educational reasons

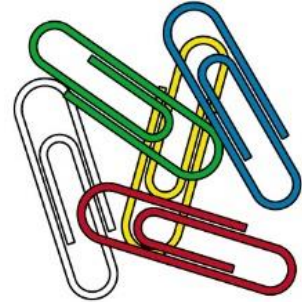
- LRE is functionally unavailable
- IEP team determines services (FAPE)
- Child is NOT eligible for CSA
- CSA does not fund the educational/residential services indicated in the IEP

This is NOT a residential IEP

CSA pays education services for students who have a private day school IEP prior to being residentially placed by their parents.

*Source VDOE 014-11

Residential Placements Through Adoption Assistance



- DSS Broadcast 9091 (April 15, 2015)
- Process similar to non-educational placement by parents
- CSA (where adoptive parents reside) pays for education if youth has a private day IEP
- CSA (where adoptive parents reside) CAN pay for education if youth is CHINS eligible through a parental agreement.
- Adoption Assistance can pay general education costs
- Schools (LEA where adoptive parents reside) monitors IEP and progress

Special Education Wraparound Funds

- Funded per Appropriation Act
 - *Special education mandate cited in COV § 2.2-5211(B)(1) may be utilized to fund "non-residential services in the home and community for a student with a disability when the needs associated with his/her disability extend beyond the school setting and threaten the student's ability to be maintained in the home, community, or school setting."*



Special Education Wraparound Funds



- Tied to keeping a child in the least restrictive environment (home, school, community)
- Services driven by IFSP (not IEP)
- Child must be eligible for special education services
- Must be used for community based services (not in schools)
- Can be used by children in private placements
- Money is capped at \$2.2 million – can request reallocation

Name some potential Special Education Wraparound services...

Resources:

Special Education and the Children's Services Act (CSA)

Guidance for Community Policy Management Teams (CPMT),
Family Assessment and Planning Teams (FAPT),
CSA Coordinators, and Local School Divisions



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https://csa.virginia.gov/content/doc/Special_Education_and_CSA-Guidance_for_CPMTs_FAPTs_CSACoordinators_Local_School_Divisions.pdf



Questions?



Contact Information

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OCS Help Desk

<https://www.csa.virginia.gov/Contact/TechnicalAssistance/1>

Coming Up Next . . .

- Can CSA Pay?





Office of Children's Services
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Welcome

Carol Wilson
Program Consultant
Office of
Children's Services





Office of Children's Services
Empowering communities to serve youth

"Can CSA Pay?" ...

New Coordinator Academy

May 21, 2021

Carol Wilson, OCS Program Consultant



Can CSA Pay?

Today's Workshop

- Does it seem like sometimes CSA can pay for a service, but other times CSA can't pay for the same service for a different child or family?
- Decision tree to help us think critically and logically to make and document decisions
 - *How statutory provisions affect service and funding decisions*
 - *How other factors (e.g., other partner child-serving agency requirements/policy and their responsibilities) influence CSA*



It's not a puzzle...

It's not magic...



It's not a maze...



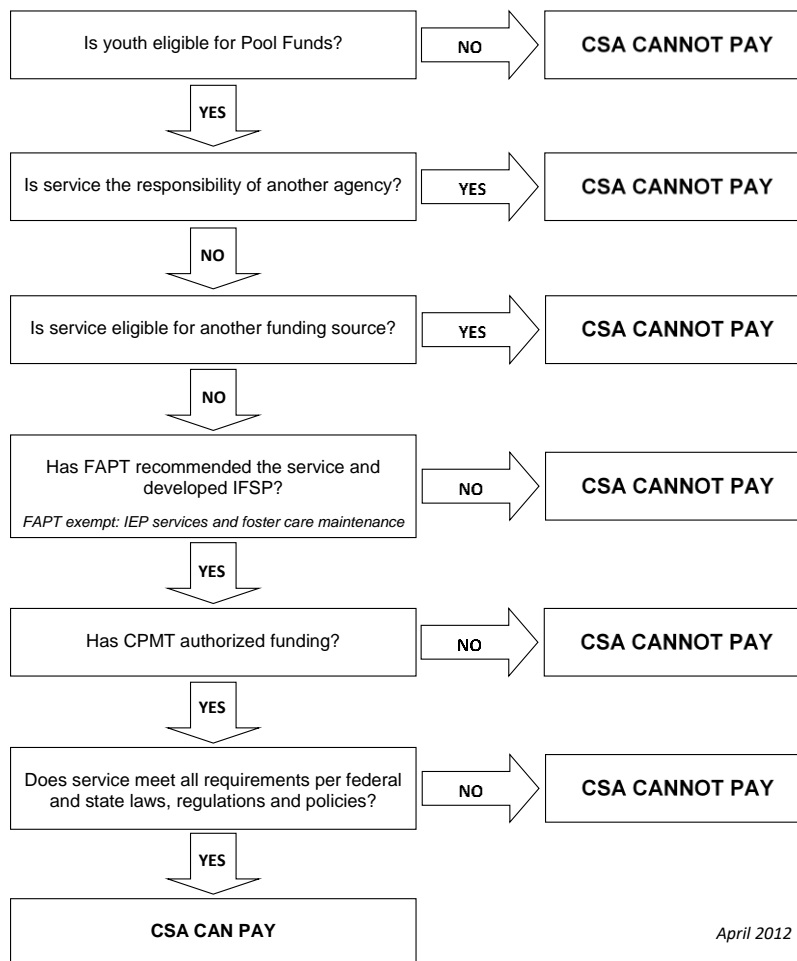
Can CSA Pay?

- The answer to this question is not “guess work” or magic
- It is based upon the requirements established by the Children's Services Act.
- Apply the requirements to determine the answer.



Can CSA Pay?

DETERMINING IF CSA CAN PAY

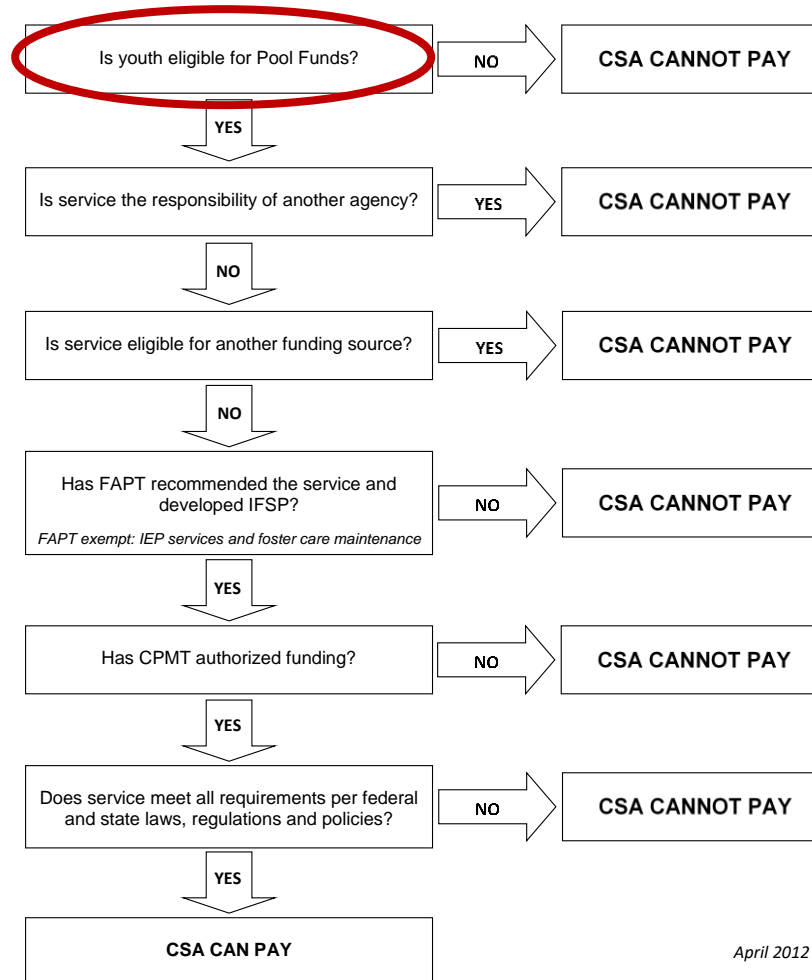


April 2012

Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

Who's eligible?

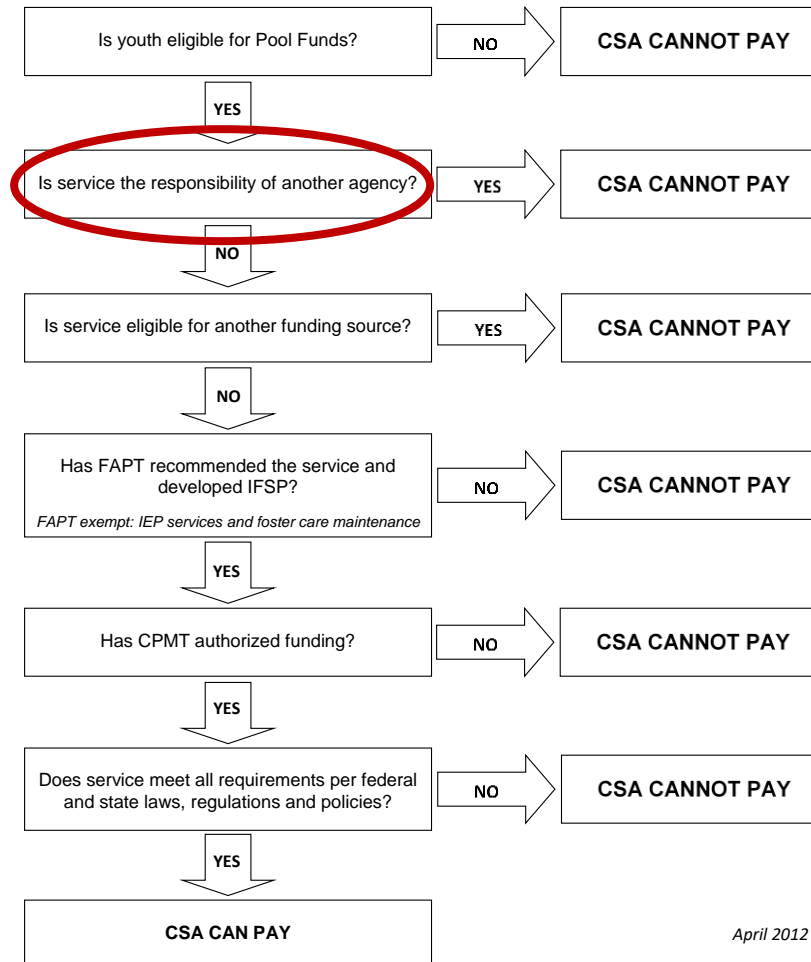


VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

Responsibility of another agency?

COV § 2.2-5211 D.

"...However, the community services board, the local school division, local social services agency, court service unit or Department of Juvenile Justice shall continue to be responsible for providing services identified in individual family service plans that are within the agency's scope of responsibility and that are funded separately from the state pool.

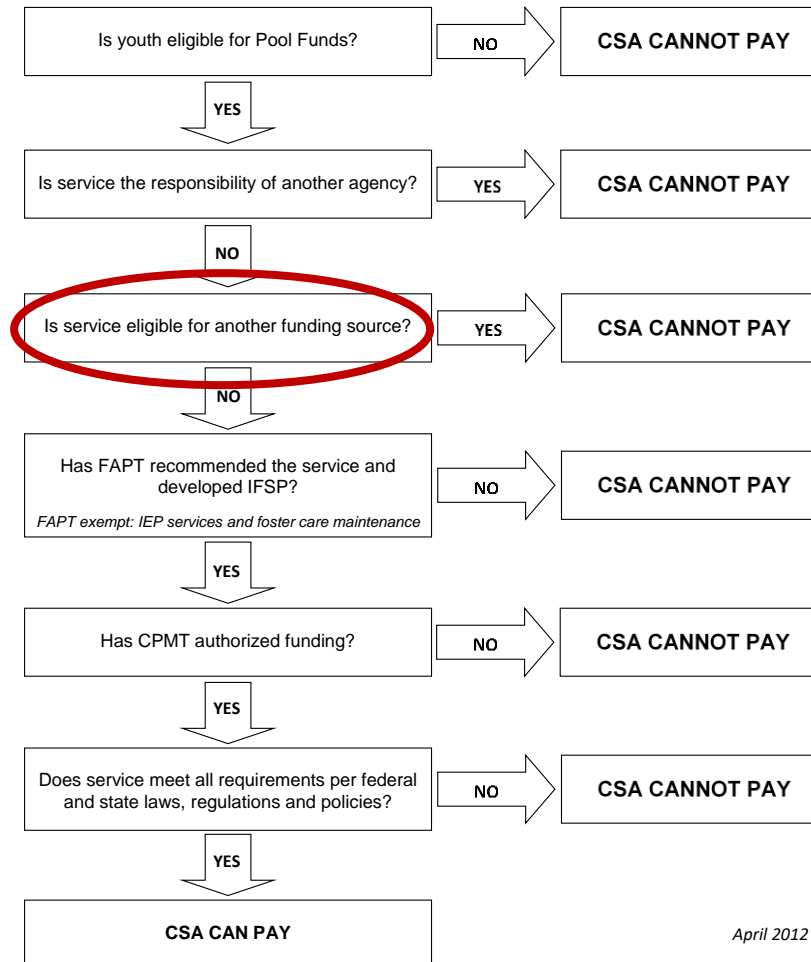
Responsibility of Another Agency?

- Part of that agency's mission
- Described in that agency's regulations or policy
- Agency receives funding for that function
- Examples?
 - Case Manager visits to families/foster families
 - Case Manager travel to visit children in out of home placement
 - Private day transportation

Can CSA Pay?



DETERMINING IF CSA CAN PAY

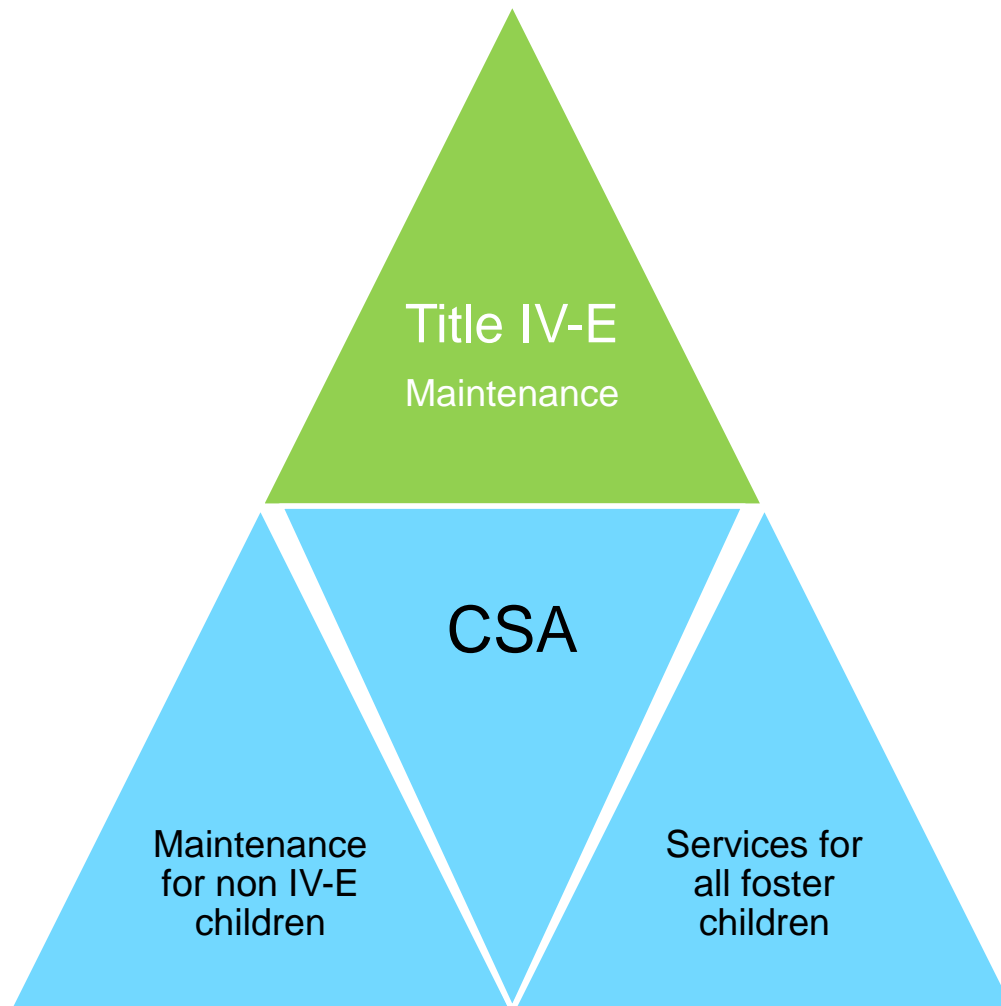


April 2012

Examples of Other Funding Sources..

- Title IV-E Foster Care
- Title IV-E Prevention Services (effective July 1, 2021)
- Promoting Safe and Stable Families
- Chafee IL Services
- Chafee ETV
- Adoption Assistance
- Mental Health Initiative
- Virginia Juvenile Community Crime Control Act
- Private Health Insurance

Title IV-E and CSA



CSA Pays Maintenance Costs for Non-IV-E Children

- **CSA Maintenance includes:**
 - Basic maintenance payment
 - Enhanced maintenance payment as determined by the VEMAT
 - Clothing allowance for foster child
 - Personal incidentals (not a separate payment)
 - Child care if the foster parent works or to attend specific activities (e.g., court hearing)
 - **Transportation for the child to visit parents**
 - Transportation for Best Interest Determination (BID) placements



Title IV-E and CSA

- Can CSA pay when Title IV-E denies?
- It depends.
- Two factors:
 1. IV-E does not pay for services; but CSA is responsible to pay for services for foster children.
 2. If IV-E won't pay a maintenance cost because requirements for safety or permanency are not met, or local agency was not timely, CSA cannot pay.

Example-Services

- **IV-E does not pay for any services (e.g., Intensive In-Home, ICC/HFW, counseling, ABA, parent education/skill building or mentoring).**
- **CSA may pay for services such as the above when appropriate. (See Can CSA Pay? decision tree).**

Example-Maintenance

- **What if a local DSS wants to place a child in an unapproved or unlicensed foster home?**
 - IV-E will not pay maintenance.
 - CSA will not pay maintenance.
 - Why?
- **Rule is in place to protect the child from possible harm.**

Family First Prevention Services Act (FFPSA)

- **Allows the use of title IV-E funds for specific evidence based prevention services; in Virginia those services will be:**
 - **Multisystemic Therapy (MST)**
 - **Functional Family Therapy (FFT)**
 - **Parent Child Interaction Therapy (PICT)**

- **Effective July 1, 2021**

Other Funding Sources-Appropriations Act Item 282

Medicaid

“D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Children's Services Act. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.”

What Does Medicaid Cover? (Examples)

- **Community based services *such as***
 - Intensive In-home
 - Therapeutic Day Treatment
 - Mental Health Skill Building
- **Treatment costs in group homes**
- **Room, board and treatment in Psychiatric Residential Treatment Programs (PRTFs)**
- **Addiction and Recovery Treatment Services (ARTS)**

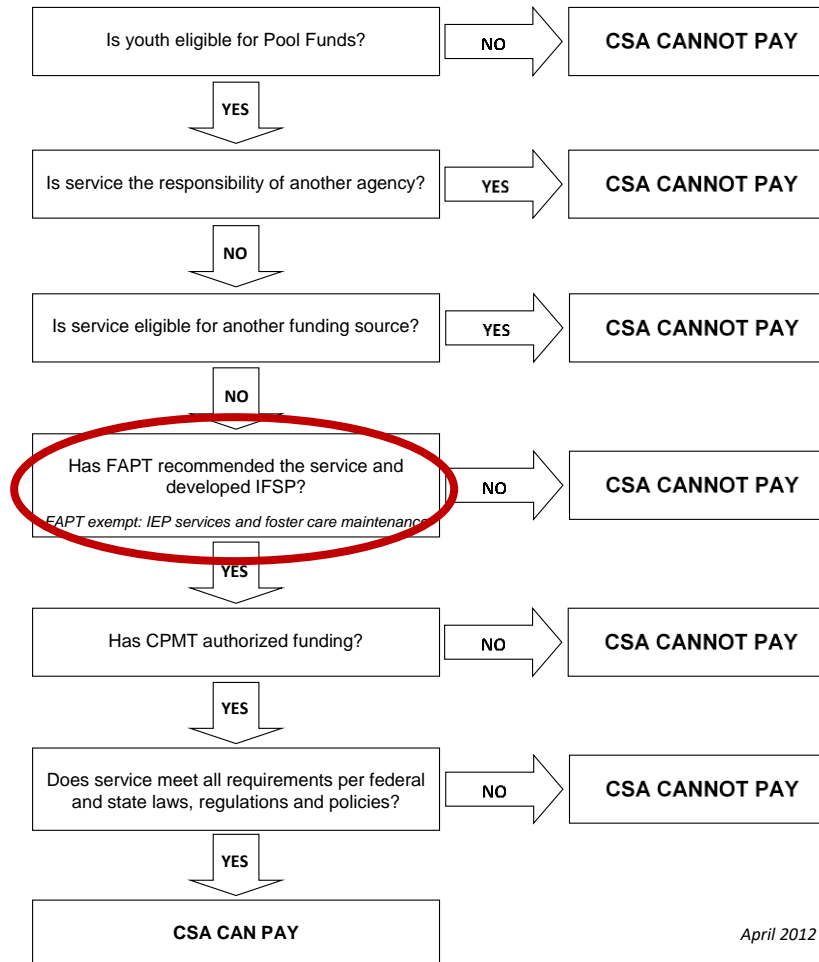
Exploring Other Funding Sources

- **Is CSA “funding of last resort?”**
 - No, but CSA cannot be the automatic “default” funder if other resources are available and may be used.
 - CPMTs should planfully determine how they wish to use the various resources available to their agencies and community. Funding streams may be obligated for specific purposes.
 - Prior to using CSA, other funding streams should be explored and used if available and appropriate. Document this process.

Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

FAPT Review

Code of Virginia §2.2-5209

“...Except for cases involving only the payment of foster care maintenance that shall be at the discretion of the local community policy and management team, *cases for which service plans are developed outside of this family assessment and planning team process or approved collaborative, multidisciplinary team process shall not be eligible for state pool funds.*” *(Italics added)*

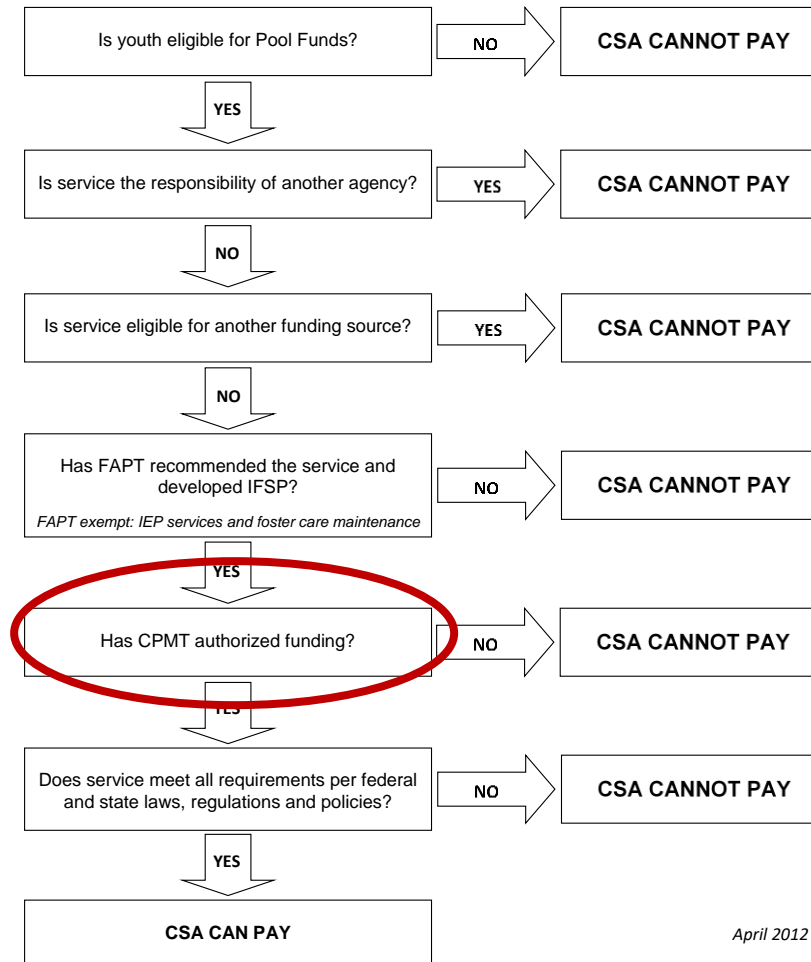
Exemptions to FAPT Review?

- **Maintenance if the CPMT has a written policy to that effect**
- **IEP cases (private placement) if the CPMT has a written policy to that effect**
- **Emergency placements and services (FAPT must review within 14 days)**

Can CSA Pay?



DETERMINING IF CSA CAN PAY

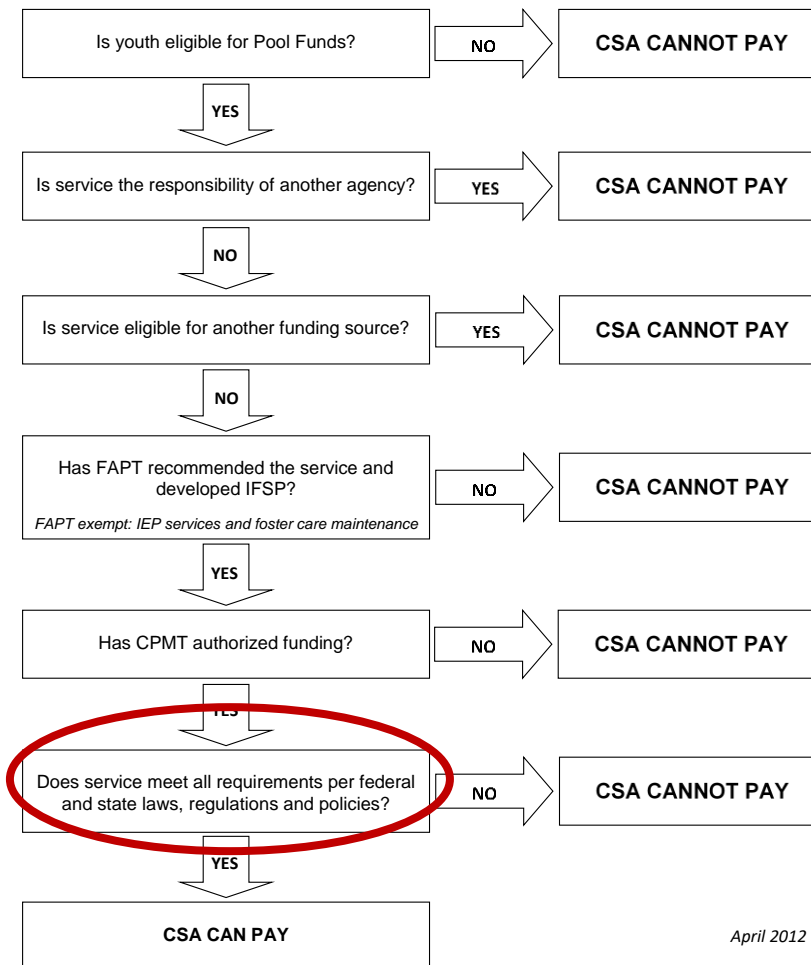


April 2012

Can CSA Pay?



DETERMINING IF CSA CAN PAY



April 2012

Requirements of Law, Regulation and Policy

- **Services must be appropriately licensed or approved**
- **State Executive Council (SEC) policy re: Denial of Funds**
- **Child care must be on the VDSS "legally operating" list for IV-E or CSA to be used**
- **CSA policy must be consistent with other partner agency policies; cannot be used to circumvent their requirements**

CSA Can Pay!!!



- If the decision is made that CSA can pay, document reasons and be confident in your decision making!!
- CSA is intended to provide services to youth and families!!!

To think about...could CSA pay?

- 1. Can CSA pay for plane fare for a local DSS worker to pick up foster children in Jamaica from a disrupted relative placement? What about the children's travel?**
- 2. Can CSA pay placement costs for a foster child placed in a non-Medicaid group home?**
- 3. Can CSA pay for inpatient substance abuse services for the mother of a child in foster care to promote reunification? What if the child has not been removed and it's a foster care prevention case?**

Can CSA Pay?

- 4. Can CSA pay back rent (not a DSS/CSA case) but mother says she and children will be homeless without assistance?**

- 5. Can CSA pay rent/rental deposits or utilities for a family with an ongoing CPS case to prevent the children from coming into foster care?**

- 6. Can CSA pay for BID transportation for a IV-E eligible child?**

Can CSA Pay?

- 7. Can CSA pay for a group home placement for a CHINS youth who receives adoption assistance?**

- 8. Can CSA pay educational costs when a parent places a child in residential for non-educational reasons if the child has a private day IEP?**

- 9. Can CSA pay for court testimony of an expert witness in an Termination of Parental Rights case?**

Can CSA Pay?

10. Can CSA pay for ABA for a child with a public school IEP?
11. Can CSA pay for speech and language therapy written in the IEP of a child attending public school?
12. Can CSA pay for supervised visits of foster children with their birth families?

Thank you!

Contact Information:

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Office of Children's Services

www.csa.virginia.gov

Coming Up Next . . .

- Friday June 4, 9:00 AM
- CSA Parental Agreements
- Service Planning and Utilization Review
- Send questions to anna.antell@csa.virginia.gov

