

**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**



**Office of
Children's Services**
Empowering communities to serve youth

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1. Purpose Statement

This document provides guidance related to the interface of special education services and the Children's Services Act. While the document addresses a wide breadth of circumstances, it is not intended to address every situation encountered when navigating the CSA and special education processes. Readers are encouraged to contact the Office of Children's Services and/or the Virginia Department of Education concerning specific situations not covered in this document.

2. Introduction

The Children's Services Act (CSA), formerly the Comprehensive Services Act, is the name for a law enacted in 1993 that establishes a single state pool of funds to purchase an array of services for youth and their families. State general funds, combined with local matching funds, are managed by local interagency teams who plan and oversee services to youth. The mission of the CSA is to create a collaborative system of services and funding that is child-centered, family-focused, and community-based when addressing the strengths and needs of youth and their families in the Commonwealth.

The passage of the CSA enabled communities to more effectively meet the needs of children and youth, including students receiving special education services. Agency staff from local child-serving agencies, such as community services boards (CSB), local departments of social services (LDSS), and court service units (CSU), have long been involved in Individualized Education Program (IEP) meetings on a case-specific basis. However, the comprehensive multidisciplinary planning mandated by the CSA significantly enhanced the ability to collaborate around the needs of children and families and provide services outside the IEP. When local teams utilize multidisciplinary planning to support students with disabilities, communities and schools may better meet child and family needs within the least restrictive environment. This approach enables communities to wrap the necessary services around children and families to prevent more restrictive placements.

Two special education funding streams were placed in the CSA funding pool effective July 1, 1993. These had previously paid for placements in private day schools and private residential special education facilities, whether made by the local school division according to the student's Individualized Education Plan (IEP) (Special Education Private Tuition Fund) or made by social services or the juvenile justice system (Interagency Assistance Fund). The rules governing these funding streams were applied to the CSA funding pool and thus define the educational services funded through the CSA.

The special education target population defined in [§2.2-5211.B.1](#) of the Code of Virginia includes "children and youth placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance." This includes all children whose IEPs require placements in private day schools and residential facilities.

In 2011 State Executive Council (SEC) adopted CSA Policy 4.1.3, extending the special education mandate established under [§2.2-5211.B.1](#) as follows:

“The special education mandate 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.”

In doing so, the SEC created an opportunity for communities to address disability-related behaviors outside of the school setting, which affect a child’s ability to be maintained in the least restrictive environment. This is referred to as Special Education Wraparound. Expenditures for such services are limited by the current Appropriation Act to \$2.2 million of state general funds, with local matching funds required. Further information about Special Education Wraparound services and funding can be found in [Section 16](#) of this document.

In 2021, [§2.2-5211.B.6](#) of the Code of Virginia expanded the special education target population to include:

“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.” Section 2.2-5211.F notes that “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.”

See [Appendix A](#) for the OCS Administrative Memo #21-09 concerning transition special education services in the public school setting.

3. Primary Authority Regarding Special Education Services

The requirements associated with special education are governed by federal and state law. Specifically, [the Individuals with Disabilities Education Act](#) (Public Law 101-476), Section [22.1-215](#) of the Code of Virginia, and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (the Virginia Regulations) found at [8VAC20-81-10 et seq.](#)

Although local Community Policy and Management Teams (CPMT) are required to develop policies regarding access to CSA funding for all CSA-funded services, **the CPMT must ensure that no local policies or procedures interfere with the provisions and protections afforded to students with disabilities under federal and state laws and regulations.**

4. CSA Funding Responsibility

The sum sufficient nature of defined special education services is specified in the Children's Services Act statute ([§ 2.2-5211.C](#)). Sum sufficient funding means the state pool and the required local matching funds must cover the full cost of services to meet relevant federal mandates, regardless of the amount.

The CSA pool is responsible for funding the following special education services:

- All services delineated in an IEP identifying the least restrictive environment (LRE) as a private day special education school or a private residential facility.
- Services delivered in a public school setting that are IEP-directed and meet the definition of "transition services" as designated in [§2.2-5211.B.6](#) of the Code of Virginia.
- The special education costs associated with the non-educational placement of a student with a disability into a private residential program by a participating CSA entity or CSA team (FAPT/MDT/CPMT).
- Placement in a private school (day or residential) ordered by a hearing officer as a result of a due process hearing or which is part of a legally binding mediation agreement between a parent and school division.

Services in a residential setting required by an IEP are reported under "Educational Services - Congregate Care" (Expenditure Code = 1e). They are subject to the base match rate assigned to each local CSA program. They should be coded as Service Name 28 (Private Residential School) for CSA reporting purposes. This assures compliance with federal prohibition against fiscal incentives or disincentives for the placement of students with disabilities.

Except for transition services outlined in [§2.2-5211.B.6](#), CSA pool funds **may not** fund educational services for students with disabilities in the public school setting.

[Appendix B](#) contains a tabular summary of CSA funding responsibilities for a student with a disability.

5. Local School Division Funding Responsibility

Local school divisions are responsible for the payment of the following:

- All services specified in the IEP for students with disabilities served in public schools;
- Evaluations to determine eligibility for special education and, as required, for re-evaluation of students with disabilities;
- Homebound instruction;
- Home-based instruction;

- Public school personnel necessary to implement the Standards of Quality and staffing requirements specified in the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (including teachers and paraprofessionals), and staff necessary to provide services specified in a child’s IEP when the child is served in the public schools;
- Regional special education programs costs, unless the student is participating in transitional services (see [§2.2-5211.B.6](#)) in the regional school setting;
- Tuition payments to another school division when the student is enrolled in the other school division and in accordance with the IEP and the consent of the receiving school division; and
- Transportation costs necessary to implement IEP placements in public and private programs (i.e., private day and private residential placements).

6. Age of Eligibility for Students with Disabilities

Consistent with a student’s eligibility for special education services under IDEA, CSA is responsible for funding private school special education services specified in the IEP for a student who has not yet received a standard or advanced studies high school diploma and who has not reached their 22nd birthday on or before September 30 of the school year. For example, an eligible student whose 22nd birthday falls on October 20 remains eligible for (CSA-funded) special education through the end of the school year (including the “extended school year” if appropriate) which began on or about September 1. This eligibility also includes using CSA funds to provide transition services as defined in [§2.2-5211.B.6](#)) and/or community-based wraparound services for students with disabilities (Special Education Wraparound Funds).

7. Individualized Education Program (IEP)

A child is eligible to receive special education after an evaluation conducted per IDEA procedures, and a team, including the child’s parents, determines that the child meets specific eligibility criteria. Following the determination of eligibility, an Individualized Education Program (IEP) must be developed for the child. The IEP will address the special education and related services the child needs to benefit from the general curriculum and identify the "least restrictive environment" (LRE) in which the child’s needs can be met. The local school division develops the IEP to ensure the child receives a free and appropriate public education (FAPE) as the IDEA requires.

8. Role of the Local FAPT/CSA Program with Respect to the IEP

Federal and state requirements prohibit any entity from changing the services or placement specified on the IEP. **The Family Assessment and Planning Team (FAPT) and the Community Policy and Management Team (CPMT) are prohibited from changing the IEP, including the specified services and placement.** When the FAPT reviews an IEP for private day services or private residential services, the role of the team includes the non-discretionary recommendation for funding, collection of uniform assessment and demographic data required for CSA reporting, consideration of the child/family’s needs beyond the IEP, collecting information from IEP reviews and progress reporting for purposes of documenting utilization

review, and assuring coordination of services for those children served by multiple agencies.

The CPMT is responsible for establishing policies and procedures and authorizing CSA funds to ensure access for eligible children, i.e., students with IEPs directing placement into private education programs. However, no CSA policy or practice may delay or compromise a school division's ability to fulfill IEP and FAPE responsibilities for children with disabilities.

8.1 Selection of private education providers

A local school division is responsible for ensuring a Free Appropriate Public Education (FAPE) provision, including identification of the least restrictive environment and service providers, for children residing within its jurisdiction. The IEP team must select a provider based on the child's needs and the provider's ability to implement the child's IEP. Restricting providers to those approved by the Community Policy and Management Team (CPMT) may not infringe upon the school division's ability to fulfill these responsibilities.

When an IEP team determines that multiple providers can implement a child's IEP, the provider selection may be governed by requirements established by the CPMT. However, if a child's IEP identifies and names a specific provider of services and/or if the IEP team determines that a single provider is uniquely able to implement the child's IEP and names that provider in the IEP, that provider must be utilized regardless of its status relative to licensure, contracting, CPMT approval, etc. **It is important to note that [§2.2-5211](#) of the Code of Virginia prohibits using CSA funds for educational services provided by private special education programs not licensed by the Board of Education or an equivalent out-of-state licensing agency (see [Appendix C](#)).**

8.2 CSA Utilization Review and Special Education Services

CSA Utilization Review (UR) procedures for students placed for private special education services are completed by the IEP team. Non-school-based persons conducting CSA UR activities staff may provide information and recommendations to an IEP team, as the IEP team is solely responsible for all determinations regarding services and placement.

Special education laws and regulations determine the frequency at which an IEP must be reviewed and progress reported. These reviews fulfill CSA UR requirements. Consistent with federal and state regulations, the school division is responsible for at least an annual review of a student's IEP. The purpose of an IEP review is to evaluate, among other things, the student's progress toward the annual goals on the IEP and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

9. Parental Rights and Consent for Information Sharing for CSA Special Education Funding

Federal and state special education laws and regulations afford the parents of children with disabilities significant rights regarding their children's education. Compliance with federal laws and protections for children with disabilities require that CSA processes not impede a child's access to the services specified in their IEP, e.g., a parent may not be required to attend a FAPT meeting to gain access to funding for placement or services specified in a child's IEP. Federal and state special education laws and regulations do not apply to CSA processes for developing

a CSA Individual and Family Service Plan (IFSP) for a child with a disability. Best practice suggests that FAPT planning outside of a child's IEP (e.g., development of an IFSP) may benefit the child and family and enable the CPMT to maintain the child within the community. **A clear explanation must be given to the parent/family that the purpose of FAPT planning is not connected to the child's special education program and their right to a free appropriate public education (FAPE).**

Federal law ([The Family Educational Rights and Privacy Act or FERPA](#)) specifies the authority of parents over disclosure of their child's educational records, including to participants at meetings in which their child's education record is discussed. Schools must secure parental consent whenever any non-school employee is granted access to the child's educational record; this includes CPMT, FAPT, and private providers. Without parental consent, the schools cannot share information with others, including CSA entities.

Absent parental consent, school divisions may not disclose to the CPMT certain minimum information from the student's educational records necessary to accomplish two basic requirements: (i) to verify the student's eligibility for CSA funds (i.e., the portions of the IEP confirming placement in a private educational program), (ii) to submit the correct information about such student to contract with a private special education provider and to meet the requirements of CSA data collection (e.g., name, date of birth, Student Testing Identifier). Without the required information CSA must deny state pool funding for these placements. (Source: OCS Administrative Memo #18-01) ([See Appendix D](#)).

10. Least Restrictive Environment (LRE)

The Individuals with Disabilities Education Act (IDEA) stipulates that students with disabilities be educated in the least restrictive environment. This means that to the "maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled," and that "special classes, separate schooling or other removal of children with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily." ([34 CFR 300.114](#))

The LRE is a continuum consisting of a range of educational placements in which an IEP can be implemented to meet the individual needs of students with disabilities. These placement options vary from the least restrictive (general education classroom) to the more restrictive (residential facility, home-based, etc.). Determining the least restrictive environment in two specific situations makes a child eligible for CSA funding. As discussed earlier, students are eligible for CSA funding for educational services when their IEP dictates a least restrictive environment of private day or residential placement.

The following sections will discuss LRE in relationship to the CSA in greater depth.

11. CSA Funding for Public School Services and Tuition

As noted earlier, CSA funds can only be used to fund public school services for students transitioning back to public school from private day/residential consistent with [§ 2.2-5211.B.6](#). Outside of this, CSA funds cannot fund services occurring in the public school for a child who is eligible for special education. This applies regardless of any other eligibility the student may have for CSA-funded services. According to guidance provided by the Virginia Department of Education (VDOE) in [Superintendent's Memo #018-10](#), school divisions maintain full responsibility for the provision and funding of all services necessary to provide a Free Appropriate Public Education (FAPE) to students in public school programs. Consequently, CSA state pool funds cannot be used to fund any services in the public school setting for students with IEPs, even if those services address non-educational factors. CSA may, however, be used to support services, such as Therapeutic Day Treatment (TDT), in the school setting for **students without disabilities** as long as they meet eligibility requirements for CSA and those services are placed on an IFSP recommended by the FAPT and authorized by the CPMT.

12. CSA Funding for Special Education Private Day Schools

The following are guidelines for various categories of students with disabilities placed in special education private day schools.

12.1 IEP-directed placements (students not in foster care)

- Students with IEPs identifying a private day school as the LRE are eligible for CSA funding for the educational services included in the IEP.
- Consent to exchange information is obtained from the parent.
- The student is referred to CSA for funding.
- The case is referred to FAPT, consistent with local policy (see Section 8 on FAPT and special education).
- CPMT approves funding consistent with state and local policy.

12.2 IEP-directed placements (students in foster care)

- Students in foster care are enrolled in school divisions consistent with the decisions of the Best Interest Determination (BID) meeting ([see section 14.1 for more information on the BID process](#)).
- If the BID team determines that a student should be enrolled in the public school division where their placement is located, that school division must review the student's IEP.
- If it is determined that the student's special education needs cannot be met within the public school in the jurisdiction where the child is placed, a private day should be indicated as the student's LRE.
 - The school division from the placing CSA locality (i.e., the jurisdiction of the LDSS holding the child's custody) becomes student's LEA and that CSA program is responsible for private day tuition and related educational service costs. The LEA is responsible for the cost/provision of transportation to the private day school.

12.3 Parental placements (parent unilaterally places a student with a disability)

- CSA funds may not support educational services for students unilaterally placed by their parent/guardian in a special education private day school when not determined by the IEP (See VDOE Superintendent's Memo #019-11 for justification).

13. CSA Funding for Education in Private Residential Facilities (See [Appendix E](#))

The following are guidelines for various categories of students with disabilities placed in residential settings:

13.1 IEP-directed placements (students not in foster care)

- Students with IEPs identifying a private residential school as the LRE are eligible for CSA funding for all the costs associated with the residential placement (Medicaid may be utilized with parental consent).
- Consent to exchange information is obtained from the parent.
- The student is referred to CSA for funding.
- The case is referred to the FAPT consistent with local policy (see the section on FAPT and special education).
- CPMT approves funding consistent with state and local policy.
- Students shall typically be placed only in residential placements licensed by the VDOE and/or Department of Behavioral Health and Developmental Services (DBHDS).

13.2 CSA funding for a student with a disability placed for non-educational purposes (facilitated through the CSA/FAPT vs. the IEP process)

Students with disabilities may be placed, through the CSA, in residential treatment settings to address psychiatric/behavioral issues without that setting identified as the LRE in their IEP. The following section addresses such placements.

13.2.1 Residency

Section [8VAC20-81-30](#) of the Regulations Governing Special Education Programs for Children with Disabilities in Virginia define residency for students with disabilities placed in residential programs for non-educational reasons outside their resident jurisdictions. In short, regulations state that students not in foster care remain residents of their parents' locality. For students who are in foster care, the school division where the Virginia placing agency (local department of social services) is located has the educational responsibility for the student.

13.2.2 Local School Division and CSA Responsibilities

- Per [8VAC20-81-150](#), the school division that is part of the placing CPMT shall revise and amend the IEP to reflect the non-educational placement by noting that the student is attending a residential facility through a CSA placement.

This non-educational placement was made upon a referral by the FAPT, the referring agency, and the student's family. The educational services necessary to provide the child with FAPE, as described in the IEP, are contingent upon FAPT funding. This IEP is not "stay put" for [20 USC sec. 1415 \(j\)](#) or any other educational purpose unless so identified by a due process hearing officer or as a result of a mediated agreement. Otherwise, the least restrictive environment will revert to the "last agreed upon" IEP before the student was placed in a residential facility for non-educational reasons; unless the IEP team determines that a different replacement is warranted to ensure that the student can receive FAPE.

- The revised IEP shall reflect that the student is in a non-educational placement and shall address the student's special educational needs while in the placement. The revised IEP for a non-educational placement is not considered the "source" of the residential placement. The student's IEP should be amended to reflect the non-educational placement as the educational placement as the previous IEP is "functionally unavailable."
- If a parent requests a due process hearing to challenge a student's removal by the FAPT/CPMT from a residential placement made for non-educational purposes, the child shall remain in the previous IEP placement (LRE) agreed upon by the parent(s), and the local educational agency before the placement by the CSA team ([8VAC20-81-150.A.8](#)).
- While the student's school division may not be responsible for the actual delivery of the services outlined in the student's IEP, the school division does remain responsible for ensuring that special education and related services required to ensure FAPE is provided following the IEP while the child is in the non-educational placement. Typically, students with educational disabilities placed in licensed Virginia residential facilities are provided CSA-funded special education services by the facility as identified in the IEP.
- The school division is not responsible for the non-educational (non-FAPE) services in a residential placement made by CSA for non-educational purposes.

13.3 Residential placement of a student with a disability by the parent/ guardian for non-educational reasons without the involvement of the CSA

Students with disabilities may be placed by the parent(s)/guardians in residential treatment facilities for non-educational reasons (without an IEP for this LRE) and without the involvement of the local CSA. This is often referred to as a "**unilateral parental placement.**"

13.3.1 Residency

The school division of the parent's residence continues to be responsible for FAPE ([8VAC20-81-30 E.3 and 8VAC20-81-30 B.9](#))

13.3.2 Local School Division and CSA Responsibilities

- Although the school division maintains responsibility for FAPE, the scope of this responsibility is limited and does not mean the full array of educational services offered by the residential treatment facility. It is the sole responsibility of the IEP team to determine the accommodations and services necessary to ensure FAPE.
- Once a school division learns that a child has been unilaterally placed in a residential facility by a parent for non-educational reasons, they should promptly convene an IEP meeting to determine whether the student's needs have changed in such a way that they now require a residential placement for educational reasons.
- If the IEP team determines that a change in placement is appropriate for educational reasons, the IEP should be modified to reflect this change. If the IEP becomes a residential IEP, the child is/becomes eligible for CSA funding and should be referred to CSA for IEP-directed services.
- If the IEP team determines that the least restrictive environment is/should remain a private day school, the IEP should indicate private day placement as the LRE, the child is/becomes eligible for CSA, and it is appropriate to utilize CSA funds for the educational services (in the residential facility) necessary to ensure the student's access to FAPE (as directed by their IEP). **This does not obligate CSA to fund non-education services in the residential placement.**
- If the IEP team determines that public school placement as indicated in the current IEP remains educationally appropriate, the IEP should be amended to state that the public school placement remains appropriate; however, it is functionally unavailable because the child is currently placed in a residential facility for non-educational reasons. The IEP team must determine how to deliver FAPE (special education and related services).
- The school division may elect to provide services in various ways (through a home-based model, an itinerant teacher, contracting with the local school division where the facility is located, or purchasing the appropriate educational services from the facility). However, service provision, including how the services will be provided, must be clearly outlined in the IEP.
- If it is determined that FAPE will be provided through the purchase of educational services from the residential provider, it is the **school division**, not CSA, which **bears the financial responsibility** for these services.

14. Special Circumstances

There are a variety of non-routine circumstances that impact the intersection of special education and the CSA. These include youth in foster care, youth placed in a residential setting with an adoption assistance agreement, and cross-jurisdictional placements. These situations are discussed in the following sections.

14.1 Students with Disabilities in Foster Care

Children and youth in foster care are among the most vulnerable populations, averaging one to two yearly residential placement changes. Of the approximately 5,000 children and youth in foster care in Virginia, about 80% are school-aged (ages 4-17). Statistics show that close to 64% of youth in care experience two or more foster home placements throughout one foster care episode, indicating the vital need to provide stability for these youth wherever possible. Stability can be promoted by maintaining a predictable and familiar school environment, when in the youth's best interest, where the youth is known, cared for, and supported.

Virginia has identified a process (Best Interest Determination) to address school stability for youth in foster care. Joint guidance ([Fostering Connections and the Every Student Succeeds Act: Joint Guidance for School Stability of Children and Youth in Foster Care, October 2017](#)) from the Virginia Department of Education and the Virginia Department of Social Services addresses school stability for children in foster care.

Local school divisions must provide special education services to children in foster care who can be educated in the public schools in that locality or a regional public program ([§22.1-215](#)). The Department of Education reimburses the division.

14.2 Adoption Assistance

Local CSA programs are not automatically required to fund the educational costs for students with educational disabilities placed in residential treatment facilities using adoption assistance funds administered by the Virginia Department of Social Services.

Adoptive parents may seek assistance from the CSA program where they reside (as a parental placement for non-educational purposes), and/or if help is needed with educational costs, the adoptive parent may contact the LDSS that initiated the adoption assistance agreement to request special services payment be negotiated to assist in covering the general educational costs (See VDSS Broadcast 9091 in [Appendix F](#)).

If the student received private day special education services per their IEP before placement in a residential setting (for non-educational reasons), it is appropriate to utilize CSA funds for the educational services necessary to ensure the child's access to FAPE while in the private placement.

14.3 Cross-Jurisdictional Placements (Students not in foster care)

Unless the child is in foster care, local school divisions are not required to enroll children who are non-residents, including those residing in group homes. Each local school board can

determine whether that division will admit non-residents and, if so, if the board will charge tuition.

Before placing a child not in foster care in a group home in another jurisdiction, the CPMT must determine if the child can enroll in that locality's school division. If the school board policies do not permit enrollment, other arrangements must be made for the child's education or another placement. The CPMT should exercise caution in making placements in group homes across jurisdictional lines where the child cannot enroll in public school. CSA state pool funds may not be used to pay tuition to a local school division. Therefore, if a child not in foster care is placed for non-educational reasons in a group home in a locality that charges tuition for non-resident students, the local school division of the placing CPMT will be responsible for tuition payment. This underscores the importance of working with the local school division representatives on the FAPT/CPMT before making out-of-jurisdiction placements.

The following chart summarizes cross-jurisdictional placements of students with educational disabilities.

Cross-Jurisdictional Placements of Students with Disabilities			
	Current Least Restrictive Environment (per IEP)		
	Public School	Private Day	Residential
Youth in Foster Care	<ul style="list-style-type: none"> • The BID process is initiated • If BID determines that child is to attend a new school division: <ul style="list-style-type: none"> ○ The student is enrolled and the new school division is responsible for FAPE and develops an IEP ○ No CSA educational funding is necessary • If BID determines that child is to attend the (current) school of origin: <ul style="list-style-type: none"> ○ The student remains enrolled ○ CSA or Title IV-E funding is used for transportation 	<ul style="list-style-type: none"> • The BID process is initiated • If BID determines that child is to attend a new school division: <ul style="list-style-type: none"> ○ The student is enrolled and the new school division develops an IEP. If the IEP calls for private day, the CSA in the placing locality is responsible for payment for private day costs • If BID determines that child is to attend the (current) school of origin: <ul style="list-style-type: none"> ○ The student is remains enrolled and the CSA in the placing locality responsible for payment for private day costs • The school division in the placing locality funds the transportation regardless of the BID determination 	<ul style="list-style-type: none"> • No BID meeting is necessary • The school division of the placing CPMT is responsible for ensuring special education and related services in the IEP • IEP is revised (as needed) to support the non-educational residential placement • Placing CSA is responsible for educational funding (in addition to other placement costs)

<p>Youth Not in Foster Care</p>	<ul style="list-style-type: none"> • If the student is enrolled in the new school division: <ul style="list-style-type: none"> ○ The new school division is responsible for FAPE and develops a public school IEP ○ There is no CSA educational funding necessary (CSA funding may not be used for public school tuition) • If the student is NOT permitted to enroll pursuant to school board policy: <ul style="list-style-type: none"> ○ The school division of the placing CPMT is responsible for developing (and funding) an IEP for services while the student is in the non-educational placement (e.g., homebound instruction, online instruction) 	<ul style="list-style-type: none"> • If the student is enrolled in the new school division: <ul style="list-style-type: none"> ○ The new school division is responsible for FAPE and develops an IEP. If the IEP calls for private day, the placing local CSA locality is responsible for educational costs • If the student is NOT permitted to enroll pursuant to school board policy: <ul style="list-style-type: none"> ○ The current IEP for private day remains in place and the CSA in the placing locality is responsible for funding that placement ○ The school division in the placing locality funds the transportation 	<ul style="list-style-type: none"> • The school division of the placing CPMT is responsible for ensuring special education and related services in the IEP • IEP is revised (as needed) to support the non-educational residential placement • Placing CSA is responsible for educational funding (in addition to other placement costs)
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****Note:** All students placed residentially across state lines must complete the Interstate Compact on the Placement of Children (ICPC) process. More information on ICPC can be found at: <https://www.dss.virginia.gov/family/icpc/index.cgi>

15. Medicaid-Funded Services

15.1 IEP-based Services in Residential Placements for Students with Disabilities

When an IEP team or FAPT/CPMT team places a Medicaid-eligible student with a disability into a private day or residential treatment program, Medicaid funding may be utilized with the parent's permission, to fund Medicaid-eligible treatment and related services (speech, occupational, physical, and/or psychotherapies). However, the cost for non-Medicaid eligible educational services is the responsibility of the CSA. Various regulatory requirements must be met (through the Department of Medical Assistance Services, DMAS) to access Medicaid funding for services. It is the expectation that community partners and/or case managers will complete all requirements. **Parents of students placed in residential settings per their IEP cannot be forced to utilize Medicaid to fund any possible reimbursable services.**

CSA may require placement into the Medicaid facility when there are no meaningful distinctions between a Medicaid and a non-Medicaid facility (unless the IEP names a specific facility). If no Medicaid facility can meet the child's needs, or the parent refuses to allow the use of Medicaid for the placement, a non-Medicaid facility is appropriate and allowable.

15.2 Medicaid-Funded Therapeutic Day Treatment

Therapeutic Day Treatment (TDT) is a Medicaid-funded service that provides "medically necessary, individualized, and structured therapeutic interventions to children/adolescents with mental, emotional, or behavioral illnesses as evidenced by diagnoses that support and are consistent with the TDT service and whose symptoms are causing significant functional impairments in major life activities such that they need the structured treatment interventions offered by TDT." Therapeutic Day Treatment interventions are typically provided within the educational setting and include clinical evaluation, psychiatric medication education and management, interventions to build daily living skills or enhance social skills, and individual, group, and family counseling and contacts in a structured setting.

TDT services are available to Medicaid-eligible students with and without educational disabilities, provided they meet the medical necessity criteria assigned by the Department of Medical Assistance Services (DMAS). Therapeutic Day Treatment services may be provided in public and private school settings and the utilization of such services is separate from a child's special education and related services. While Medicaid funding may be used to access TDT services for students with disabilities, CSA state pool funds cannot be used to purchase these services unless they are included as a service in a student's IEP which calls for private educational placement (day or residential). CSA state pool funds can, however, be used to purchase TDT for students without educational disabilities provided they meet CSA eligibility criteria and are in compliance with Policy 6.3 (Community-based Behavioral Health Services) in the Children's Services Act Policy Manual. Although CSA funds can be used to fund transition services consistent with [§2.2-5211.B.6](#), they cannot be used to support TDT or any other services in the public school setting for students with IEPs, even if those services address non-educational factors.

16. Special Education Wraparound Funding

Children’s Services Act Policy 4.1.3 extends the “special education mandate” established under the Code of Virginia, Section [2.2-5211\(B\)](#) to include students whose disability extends beyond the school setting and impacts the student’s ability to be maintained in their home, community, or school. This category of funding is intended to support children with disabilities and their families by addressing disability-related, non-educational, or non-IEP-based needs through **community-based services** that are provided outside of the school day/setting. Such services aim to maintain the child in the least restrictive environment possible. Services can be delivered to support the student directly or they may assist the parent in managing the child's needs in the home. It is important to remember that special education wraparound services are part of an Individual and Family Services Plan (IFSP), NOT the IEP. Accommodations, modifications, and services required for the child to access a free and appropriate public education, or FAPE, are protected under IDEA and should be contained in the student’s IEP.

For a student to be eligible for special education wraparound funding, they must have an educational disability and an IEP, regardless of the specific disability.

Residential services and services provided in the school setting are not eligible for special education wraparound funds. Remember: “school setting” means an environment where educational services are provided. It does NOT include using a school building outside of school hours for activities beyond the scope of responsibility of the public schools.

17. 504 Plans and CSA Special Education Wraparound Funds

A 504 Plan addresses accommodations needed for a student due to a medical condition. Different federal laws govern Individualized Education Programs and 504 Plans. Section 504 of the Rehabilitation Act of 1973, which applies to 504 plans, is a federal civil rights law prohibiting discrimination against individuals with disabilities. Section 504 has a much broader definition of a disability than IDEA. Having a 504 plan does not necessarily establish that the student has a disability making them eligible for CSA funding. To qualify for special education funding, students must be identified through the eligibility process outlined in IDEA and the Virginia Special Education Regulations as a student with a disability and have an IEP.

18. Parental Financial Contributions and Co-Payments

As federal law requires that all special education services be provided at no cost to parents, no co-payment or parental contribution may be charged to a parent for any service specified on the IEP or otherwise provided as a part of the free appropriate public education requirement. Thus, CSA-funded IEP services (i.e., private day and private residential services) are exempt from parental co-payments/contributions. For a student with a disability placed into a residential program for non-educational reasons (i.e., by the parent), the educational portion of the placement is exempt from the parental co-payment; however, special education wraparound funds are subject to CSA parental contributions as specified in local CSA/CPMT policy.

19. Agency Disputes Involving Children with Disabilities

The local school division is responsible for ensuring compliance with IDEA requirements for providing a free and appropriate public education to every student per the IEP. IDEA requires that special education services be provided as soon as possible following the development of an IEP and that services may not be delayed while funding is being determined. In any interagency dispute that may interfere with providing a free appropriate public education to a student with a disability, the local school division shall provide or pay for such services and claim reimbursement from the CPMT.

For questions about Special Education and CSA, please contact:

Office of Children's Services

(804) 662-9815

OCS Help Desk

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

Virginia Department of Education

(800) 292-3820

<https://www.doe.virginia.gov/programs-services/special-education>

Resources

- Office of Children's Services <https://www.csa.virginia.gov/>
- Virginia Department of Education <http://www.doe.virginia.gov/>
- U. S. Department of Education *34 CFR Part 300 Assistance to States for the Education of Children With Disabilities* <https://www.govinfo.gov/content/pkg/FR-2013-02-14/pdf/2013-03443.pdf>
- Individuals with Disabilities Education Act <https://sites.ed.gov/idea/>
- Regulations Governing Special Education Programs for Children with Disabilities in Virginia <https://law.lis.virginia.gov/admincode/title8/agency20/chapter81/section30/>

Appendix A

OCS Administrative Memo #21-09




COMMONWEALTH of VIRGINIA

Scott Reiner, M.S.
Executive Director

OFFICE OF CHILDREN'S SERVICES
Administering the Children's Services Act

ADMINISTRATIVE MEMORANDUM #21-09

To: CPMT Chairs
CSA Coordinators
CSA Fiscal Agents

From: Scott Reiner, Executive Director 

CC: Samantha Hollins, Virginia Department of Education for distribution to
Local Educational Authorities

Date: May 14, 2021

Subject: Special Education – Transitional Services in the Public School Setting

Pursuant to changes in Section 2.2-5211 of the Code of Virginia made by the General Assembly in the 2021 Session (HB2117 and SB1313), CSA state pool fund reimbursements may be utilized for certain transitional services for students returning from a private special education program to a public school setting.

The following is the specific language from the Code (italics reflect changes effective 7/1/21):

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

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.

With regard to Section B. 6., the Office of Children's Services will consider as eligible any student who has been enrolled in an approved private educational program (as indicated in the Local Expenditure, Data, and Reimbursement System (LEDRS)) for at least six of the nine months preceding the initiation of the transitional services provided through this change in the law. The rationale is to allow students who may not have been enrolled during the summer months to be eligible if they were enrolled in the six months preceding a summer break.

Transitional services will be reimbursed for no more than 12 out of the 15 calendar months from the time they are initiated. This definition allows for the 12-month limit to be "suspended" during summer months in which the student is not attending school. The specific transitional services must be specified in the student's Individualized Educational Program (IEP). Reimbursed service providers may be the public school and/or private service providers, with the agreement of the public school. These transitional services carry sum sufficient funding under the provisions of Subsection C. of § 2.2-5211.

The specific services to be provided under the transitional services category are detailed in Subsection F. of § 2.2-5211 and these services are to be provided in the public school setting. Students may be served concurrently with transitional services in a public school setting while remaining in a private school setting. Specifically, if the student's transition plan (as specified in the IEP) is for a partial day attendance at the private day program and a partial day of transition in the public school setting.

Services needed by students with disabilities outside of the public school setting (and not included on the student's IEP) may be funded through existing Special Education Wraparound funding allocations through the Children's Services Act.

Transitional Services in the Public Schools will be coded for reimbursement as follows:

Expenditure Code: 2g (Special Education Private Day Placement). This coding carries the base local match rate.

Mandate Type: 10 (Special education services in an approved educational placement)

Service Placement Type: 6 (Special Education Private Day Placement)

Service Name: 48 (Special Education/Public School Transition). This is a new Service Name effective July 1, 2021, and its proper use is critical to tracking and accountability for this new eligibility category.

Please note that the Superintendent of Public Instruction, Dr. James Lane, has issued a Superintendent's Memo to the local educational authorities containing the same information as provided here.

Thank you for your attention to this change in state law. OCS will be holding a webinar during the month of June to discuss these changes. Please reach out to my office should you have any questions.

AT A GLANCE

Funding Under the Children's Services Act (CSA) for Students with Educational Disabilities

Service	Authority for Funding	FAPT Responsibility	CPMT Responsibility	What CSA Funds	School Division Responsibility
Private Day IEP	COV §2.2-5211 B.1	Optional per local policy. Not required by statute or state policy.	<p><u>Must</u> authorize funding. CPMT requires from schools:</p> <ol style="list-style-type: none"> 1. Consent to share information. 2. Sections of the IEP to establish student eligibility. 3. Demographic data for CSA reporting and purchase orders. 4. Progress reporting on IEP. 5. Uniform assessment instrument (e.g., CANS). 	All special education and related services on the IEP, except transportation.	<ol style="list-style-type: none"> 1. Arranging and funding transportation. 2. Obtain parental consent and supply student name, DOB, and Student Testing Identifier (STI) to CSA. 3. Monitoring student progress. 4. Responsible for annual/ triennial IEP reviews.
Residential IEP	COV §2.2-5211 B.1	Optional per local policy. Not required by statute or state policy.	<p><u>Must</u> authorize funding. CPMT requires from schools:</p> <ol style="list-style-type: none"> 1. Consent to share information. 2. Sections of the IEP to establish student eligibility. 3. Demographic data for CSA reporting and purchase orders. 4. Progress reporting on IEP. 5. Uniform assessment instrument (e.g., CANS). 	<ol style="list-style-type: none"> 1. All special education and related services on the IEP, except transportation. 2. All costs associated with the residential placement, including room and board. (Medicaid is used as the primary funding source when applicable.) 	<ol style="list-style-type: none"> 1. Arranging and funding transportation. 2. Obtain parental consent and supply student name, DOB, and Student Testing Identifier (STI) to CSA. 3. Monitoring student progress. 4. Responsible for annual/ triennial IEP reviews.
Special education services when CSA places a student with an IEP into a residential program for non-educational reasons	COV §2.2-5211 B.2 COV §2.2-5212 A.1 CSA Policy 4.1.1 (CHINS)	Residential placement is recommended by FAPT and included in the IFSP.	<ol style="list-style-type: none"> 1. Authorize funding. 2. Meeting all CSA reporting and data collection requirements 3. Apply local parental contribution policy to non-educational / non-Medicaid placement costs. 	All costs associated with the placement.	<ol style="list-style-type: none"> 1. Supply student name, DOB, and Student Testing Identifier (STI) to CSA. 2. IEP should note that the student is placed in a residential program through CSA for non-educational reasons. 3. Monitoring student progress. 4. Responsible for annual/ triennial IEP reviews.
Special Education Wraparound Services	CSA Policy 4.1.3	Determines eligibility and services and develops IFSP.	<ol style="list-style-type: none"> 1. Authorize funding. 2. Meeting all CSA reporting and data collection requirements 3. Apply local parental contribution policy 	Non-residential services to a student and/or family in the home and community.	<ol style="list-style-type: none"> 1. Obtain consent and supply student name, DOB, and Student Testing Identifier (STI) to CSA. 2. Monitoring student progress.

Appendix C

OCS Administrative Memo #21-06



COMMONWEALTH of VIRGINIA

OFFICE OF CHILDREN'S SERVICES *Administering the Children's Services Act*

Scott Reiner, M.S.
Executive Director

ADMINISTRATIVE MEMORANDUM #21-06

To: CPMT Chairs
CSA Coordinators
CSA Fiscal Agents

From: Scott Reiner, Executive Director

Date: April 30, 2021

Subject: Restriction on Use of CSA Funds – Unlicensed Private Educational Programs

Subsequent to changes in Section 2.2-5211 of the Code of Virginia made by the General Assembly in the 2021 Session (HB2117 and SB1313), CSA state pool fund reimbursements will no longer be available for private educational programs that do not hold a valid license issued by the Virginia Board of Education or an equivalent out-of-state licensing agency. This restriction will take effect with services provided on or after July 1, 2021.

The following is the specific language from the Code (italics reflect changes effective 7/1/21):

§ **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. *However, funds for private special education services shall only be expended on private educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency.*

This change in the Code does not provide for any exceptions.

Thank you for your attention to this change in state law. Please reach out to my office should you have any questions.

Appendix D

OCS Administrative Memo #18-01



COMMONWEALTH of VIRGINIA

OFFICE OF CHILDREN'S SERVICES *Administering the Children's Services Act*

SCOTT REINER, M.S.
Executive Director

Administrative Memo #18-01

To: CPMT Chairs
CSA Coordinators

From: Scott Reiner, Executive Director 

Date: January 11, 2018

Subject: Parental Consent for Information Sharing for CSA Special Education Funding

This office has received several inquiries concerning circumstances in which parents/legal guardians of students referred to local CSA programs for funding of private special education programs per their IEPs are refusing to sign a consent to share information between the school and the local CSA office.

Consultation with the Office of the Attorney General has confirmed the following:

1. Without parental consent, local school divisions cannot share student's educational records (including IEPs) with CPMTs. This includes the student's "directory information" as well as the educational record. Such disclosure without consent would constitute a violation of the Family Educational Rights and Privacy Act (FERPA).
2. Without such information, CPMTs cannot verify that the students are statutorily eligible for CSA funded services and would therefore be unable to authorize the use of CSA funds to cover the costs of private educational placements required by the student's IEP. The local school division would be responsible for the costs in order to provide a Free and Appropriate Public Education (FAPE) for these students under the federal Individuals with Disabilities Education Act (IDEA).
3. Section 2.2-5209 of the Code of Virginia contemplates this scenario and states: "In cases involving the denial of state pool funds resulting from parental refusal to consent to release of student records under federal law, where such refusal precludes the development of placement through the family assessment and planning team process or the approved collaborative, multidisciplinary team process, an appeal for good cause may be made to the [State Executive] Council." Local school divisions could thus appeal

the denial of CSA funds in these cases, however the State Executive Council would still be bound by the statutory requirements for verification of eligibility and funding under the CSA. Local school divisions would need to consult with their own legal counsel to determine what remedies, if any, may be available to them.

Therefore, without parental consent allowing the school division to disclose to the CPMT student's educational information and records that are necessary for the CPMT to (i) verify the student's eligibility for CSA funds and (ii) to submit the proper information about such student in the CSA data system (e.g., name, date of birth, Student Testing Identifier), CSA must deny funding for these placements.

This supersedes any previously issued guidance on this matter and will be applied prospectively from the date of issue of the Administrative Memorandum. Currently funded cases through CSA can be continued until the end of the current school year, at which time the provisions of this Memorandum would take effect.

Thank you for your attention to this matter.

Residential Placement of Students with Disabilities

	CSA Placement	Parental Placement
Placement for Educational Purposes	1 IEP identifies residential placement as the Least Restrictive Environment	3 Parent makes unilateral placement to meet student's educational needs
Placement for Non-Educational Purposes	2 IFSP identifies the need for residential placement	4 The parent makes unilateral placement for treatment purposes

NOTES: A placement made through a signed Parental Agreement with a public child-serving agency is a CSA placement.

A placement made through Adoption Assistance is a parental placement.

1 IEP identifies private residential placement as LRE

- §2.2-5211.B1 – “Special Education Mandate” – CSA pays for IEP services. When the child is Medicaid eligible and meets medical necessity criteria for residential treatment, Medicaid funds may (with parent/guardian consent) be used for placement. Medicaid does not fund the educational portion of services.
- The school division of child's residence remains responsible for IEP, re-evaluation, and progress reporting.

2 IFSP developed by the FAPT identifies the need for residential placement

- §63.-905 (Statutory basis for foster care and the CHINS “mandate”) – CSA pays for all services. When a child is Medicaid eligible and meets medical necessity criteria for residential treatment, Medicaid funds may be used for residential treatment services. Medicaid does not fund the educational portion of services.
- A revised IEP shall reflect that the student is in a non-educational placement and shall address the student's special educational needs while in the placement. The revised IEP for a non-educational placement is not considered the “source” of the residential placement.
- The school division of child's residence remains responsible for IEP, re-evaluation, and progress reporting.

3 The parent makes a unilateral educational placement

- The child gives up the right to FAPE, i.e., the child does not have access to public school services. The parent holds fiscal and oversight responsibilities for all services, including educational services. (8 VAC 20-81-C.7.c.)

4 The parent makes unilateral placement for treatment purposes

- The child maintains the right to FAPE – the school division of the child's residence is responsible for ensuring the student has the necessary services to benefit from the residential facility's educational program.
- School division identifies appropriate services in the IEP and how they will be delivered, e.g., may provide direct services, arrange with another school division to provide services, or negotiate with the provider to purchase appropriate services.
- If the least restrictive environment identified in the IEP is a private day school, it is appropriate to utilize CSA funds for the services necessary to ensure the child's access to FAPE if such services are purchased from a private provider.

Appendix F

VDSS Broadcast

BROADCAST 9091

DATE: April 15, 2015
TO: Local Departments of Social Services
FROM: Carl E. Ayers, Director
Traci B. Jones, Adoption Program Manager
SUBJECT: Clarification regarding Responsibility for Educational Costs for Children with Adoption Assistance placed in Residential Treatment Programs
CONTACT(S): Jennifer Cooper, Senior Adoption Policy Consultant, jennifer.cooper@dss.virginia.gov (804) 726-7953
Carol Wilson, Program Consultant, OCS, carol.wilson@csa.virginia.gov (804) 662-9817
Pat Haymes, Education Administrator, patricia.haymes@doe.virginia.gov (804) 786-0116

The purpose of this broadcast is to provide guidance to local department of social services (LDSS) staff and their partners regarding payment of educational costs when parents who receive adoption assistance place a child into residential treatment centers. Specifically, questions have arisen regarding interpretation of the Virginia Department of Education's

FAQ 014-11 entitled "Parental Placement of a Student with Disabilities in a Residential Facility." ([VDOE FAQs related to Virginia Regulations Governing Special Education Programs for Children with Disabilities in Virginia](#))

"Students with Disabilities" Placed for **Educational Reasons**

Any "student with a disability" including children who are receiving adoption assistance, whose Individualized Education Program (IEP) requires placement into a residential program for educational reasons, is eligible and "mandated" for services under the Comprehensive Services Act (CSA). The Community Policy and Management Team (CPMT) in the locality of the parents' residence is responsible for ensuring payment.

Students with Disabilities Placed for **Non-educational Reasons**

FAQ 014-11 refers primarily to children who are placed by their parents for non-educational reasons, i.e., "a student with a disability" whose IEP does not require a residential treatment setting; rather, the child is placed to address emotional/behavioral needs.* The response to this FAQ states that the child "maintains his or her FAPE (free and appropriate public education) entitlement." It is the responsibility of the school division to "determine what is necessary to meet FAPE" requirements for the child.

Because of this wording, the assumption has been made by some local departments, community policy and management teams (CPMTs) and family assessment and planning teams (FAPTs) that it is the local school division's responsibility to cover **all** educational costs associated with the placement of a "student with a disability" into a residential treatment setting.

However, the school division's responsibility lies solely in the provision of FAPE. Virginia regulation [8VAC20-81-10](#) states that FAPE "means special education and related services." "Special education" is defined as "specially designed instruction", which is provided "at no cost to the parent to meet the unique needs of a child with a disability." Lastly, "specially designed instruction" means:

“adapting as appropriate to the needs of the eligible child under this chapter, the content, methodology or delivery of instruction...to address the unique needs of the child that result from the disability and **to ensure access of the child to the general curriculum** so that the child can meet the educational standards that apply to all children within the jurisdiction of the local educational agency.”

The school division’s responsibility is thus limited to FAPE, or to ensuring the provision of accommodations or activities on the IEP which are designed to adapt the general curriculum to the child’s needs. *The provision of FAPE does not mean that the school is responsible for the general educational costs of the child.* The school may opt to ensure FAPE in one of several ways, including contracting with the educational provider to ensure the services and adaptations noted in the IEP, purchasing adapted materials, providing an itinerant teacher, etc.

Adoption assistance funds may be used to pay the **general education** costs of children receiving adoption assistance if the local FAPT has provided the required multidisciplinary review, determined that services in the community are not available or have been exhausted, and recommended placement. If assistance is needed with educational costs, the adoptive parent may contact the LDSS that initiated the adoption assistance agreement to request a special services payment be negotiated to assist in covering the general educational costs. The adoptive parent may not be assessed a co-pay on the FAPE services provided by the school division or on any costs reimbursed by Medicaid.

The VDSS policy manual, Chapter 2 Adoption Assistance, will be revised to reflect this information. This broadcast will also be shared with CSA coordinators and CPMT chairpersons.

**The FAQ addresses all parental placements of students with disabilities into residential treatment; however the purpose of this broadcast is to provide information regarding children receiving adoption assistance who are placed into residential programs.*

Appendix G

Glossary

Age of eligibility (related to special education) - all eligible children with disabilities who have not graduated with a standard or advanced studies high school diploma who, because of such disabilities, require special education and related services, and whose 22nd birthday falls on or before September 30, and who have not reached their 22nd birthday on or before September 30 (two to 21, inclusive) in accordance with the Code of Virginia. A child with a disability whose 22nd birthday is after September 30 remains eligible for the remainder of the school year. (§ 22.1-213 of the Code of Virginia; 34 CFR 300.101(a) and 34 CFR 300.102(a)(3)(ii))

Child and Adolescent Needs and Strengths (CANS) – the mandatory uniform assessment instrument which must be completed for children and youth receiving services funded through the Children’s Services Act (CSA) state pool.

Children’s Services Act (CSA) – formerly called the Comprehensive Services Act for At-Risk Youth and Families, the Children’s Services Act establishes the collaborative administration and funding system for services for certain at-risk youths and their families. (Chapter 52 (§ 2.2-5200 et seq.) of Title 2.2 of the Code of Virginia)

Community Policy and Management Team (CPMT) – a local team responsible for implementing and administering the Children’s Services Act (CSA) mandates, including authorizing state pool funds for services provided under the CSA. The CPMT’s membership and purpose are established by the Code of Virginia and local team members are appointed by the governing body of a participating locality. (Chapter 52 (§ 2.2-5204-2.2- 5206.) of Title 2.2 of the Code of Virginia)

Family Assessment Planning Team (FAPT) – a locally appointed multidisciplinary team whose membership and purpose are established by the Code of Virginia. The primary role of FAPT is service planning and review in collaboration with youth and families. In doing so, FAPT is directed by §2.2-5209 to “assess the strengths and needs of troubled youths and families who are approved for referral to the team and identify and determine the complement of services required to meet these unique needs.” (Chapter 52 (§ 2.2-5207-2.2-5208.) of Title 2.2 of the Code of Virginia)

Free and appropriate public education (FAPE) - special education and related services that:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Meet the standards of the Virginia Board of Education;
3. Include an appropriate preschool, elementary school, middle school, or secondary school education in Virginia; and
4. Are provided in conformity with an individualized education program.

Home-based instruction - services delivered in the home setting (or other agreed upon location) per the child’s individualized education program.

Homebound instruction - academic instruction provided to students confined at home or in a health care facility for periods that would prevent regular school attendance based upon certification of need by a licensed physician or clinical psychologist. For a child with a disability, the IEP team shall determine the delivery of services, including the number of hours of services. (Regulations Establishing Standards for Accrediting Public Schools in Virginia, 8VAC20-131-180)

Individual Family Service Plan (IFSP) – an individualized service plan developed by the Family Assessment and Planning Team (FAPT), which includes goals, objectives, and services recommended to the CPMT for funding authorization. The IFSP is central to service planning and shall consider the results of the mandatory uniform assessment (CANS), input from the youth and family, and other available information to inform the plan's development.

Individuals with Disabilities Education Act (IDEA) – a four-part federal law, originally enacted by Congress in 1975, which ensures services to children with disabilities by governing how states and public agencies provide early intervention, special education, and related services to individuals with disabilities. (20 U.S.C. § 1400)

Individuals with Disabilities Improvement Act of 2004 (IDEIA - otherwise called IDEA) – the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004, which included modifications to more closely align IDEA with the goals of the No Child Left Behind (NCLB) Act. (20 U.S.C. § 1400)

Individualized education program (IEP) – a written statement for a child with a disability developed, reviewed, and revised in a team meeting. The IEP specifies the child's individual educational needs and what special education and related services are necessary to meet the child's educational needs. (34 CFR 300.23)

Least restrictive environment (LRE) - to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the general educational environment occur only when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR 300.114 through 34 CFR 300.120)

Local educational agency (LEA) - a local school division governed by a local school board, a state-operated program funded and administered by the Commonwealth of Virginia or the Virginia School for the Deaf and the Blind at Staunton. (§ 22.1-346 C of the Code of Virginia; 34 CFR 300.28)

School day - any day, including a partial day, that children are in attendance at school for instructional purposes. The term has the same meaning for all children in school, including children with and without disabilities. (34 CFR 300.11)

Section 504 - that section of the Rehabilitation Act of 1973, as amended, is designed to eliminate discrimination based on disability in any program or activity receiving federal financial assistance. (29 USC § 701 et seq.)

Special Education - specially designed instruction, at no cost to the parent(s), to meet the unique needs of a child with a disability, including instruction conducted in a classroom, in the home, in hospitals, in institutions, and other settings and instruction in physical education. The term includes each of the following if it meets the requirements of the definition of special education: (§ 22.1-213 of the Code of Virginia)

1. Speech-language pathology services or any other related service if the service is considered special education rather than a related service under state standards;

2. Vocational education; and
3. Travel training

State Executive Council for Children’s Services (SEC) – a supervisory council, within the meaning of COV § 2.2- 2100, in the executive branch of state government responsible for policy-making and oversight of the Virginia Children’s Services Act. (Chapter 52 (§ 2.2-2648.) of Title 2.2 of the Code of Virginia)

Transition Services – authorized by §2.2-5211.B.6 of the Code of Virginia, transition services are available to students placed in approved private school educational programs for at least six months and are transitioning back to the public school setting. State pool funds can be used to fund “transition services” delivered in the public school setting and can include, but are not limited to, 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 a student’s transition from private day schools to public schools. State pool funds can only fund these services for 12 months, and the services must appear in a student’s IEP.

Wraparound services - individualized community-based services developed through a team planning process focusing on the child's and family's strengths and needs.