



Office of Children's Services
Empowering communities to serve youth

Alphabet Soup

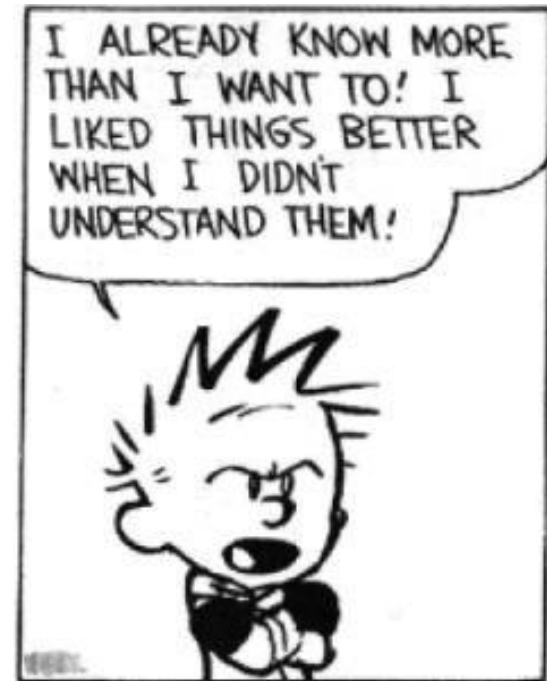
What CSA Personnel Need to Know About
Special Education and the Children's Services Act

New CSA Coordinator Academy

Kristi Schabo, Ed. S., Senior Policy and Planning Specialist, OCS

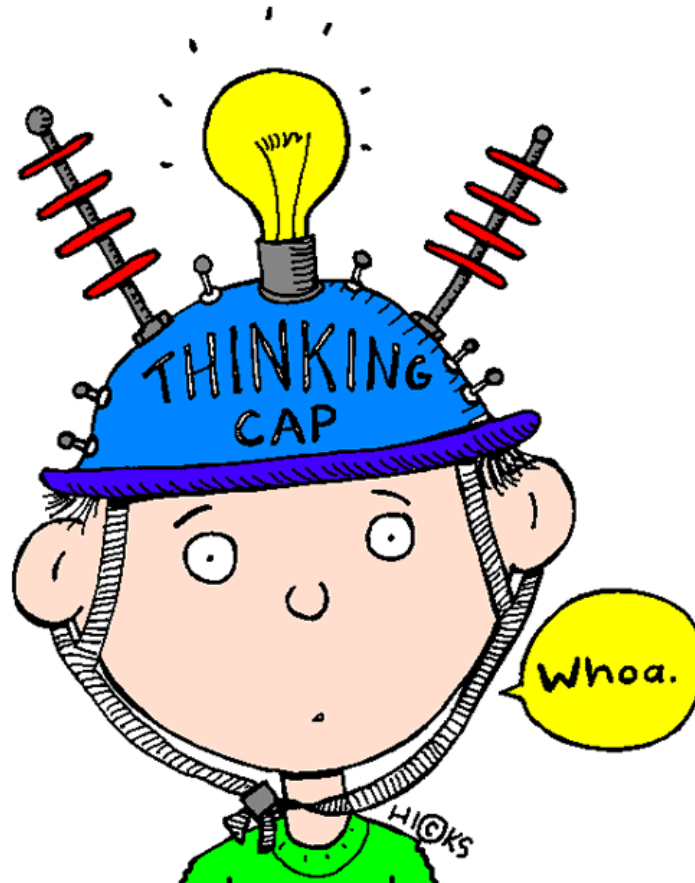
Objective

- Provide CSA coordinators 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

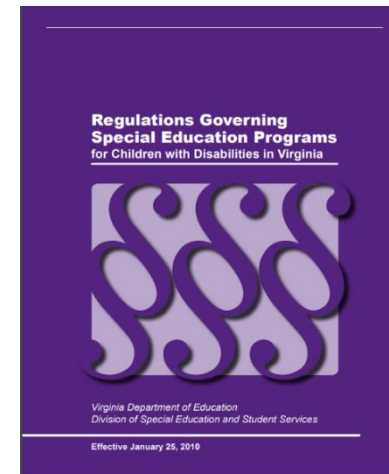
Federal Law

- 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


Individualized Education Program (IEP)

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

Targeted Population for CSA

- § 2.2-5212.3. Eligibility for state pool of funds.
 - “The child or youth requires placement for purposes of special education in approved private school educational programs or for transitional services....”

****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 #23-10
 - CSA requires parental consent to share information (the IEP)
 - Without consent, CSA cannot verify eligibility



Responsibility of the School Division

- Conducts evaluations for eligibility
- Ensures IEPs are implemented (public & private)
- Reports student data to VDOE
- Pays for:
 - IEP services and supports (public school)
 - Homebound/Home-based services
 - Regional special education programs
 - Tuition to another public school
 - Transportation to implement IEP (public and private settings)



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 (IFSP-directed services)
 - 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 Non-Transition Services in Public Schools?



- 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 in 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 with IEPs

Group Home/Treatment Foster Care

- The receiving school division IEP team determines if they can implement IEP as written; **OR** makes appropriate changes to implement IEP.
- If the receiving division determines child's needs cannot be met in their division (and writes a private day IEP)
 - The school division where the LDSS that holds custody becomes the responsible LEA
 - The CSA in the locality holding custody is financially responsible for education services.
 - The LEA is responsible (not CSA) for transportation.

The Best Interest Determination process applies

Out of Jurisdiction

Non-Educational Placements Through CSA

Youth in Foster Care with IEPs

Residential Treatment Facility (RTC)

- The school division where the LDSS that holds custody is the LEA and is responsible for:
 - Ensuring IEP Compliance
 - Eligibility/Evaluation
 - State Testing Requirements
- CSA is responsible for educational costs

The Best Interest Determination process does not apply

Out of Jurisdiction

Non-Educational Placements Through CSA

Youth NOT in Foster Care

Group Home/Treatment Foster Care

School divisions are not required to enroll children who are non-residents (this is determined by school board policy)

- If the student is enrolled, tuition may be charged
 - **CSA CANNOT pay for public school tuition**
- If the student is enrolled and has an IEP
 - The school division IEP team determines if they can implement IEP as written; **OR** makes appropriate changes to implement IEP.
 - If the receiving division determines child's needs cannot be met in their division (and writes a private day IEP)
 - The school division on the CPMT that placed the youth becomes the responsible LEA
 - The placing CSA is financially responsible for education services.
 - The LEA is responsible (not CSA) for transportation.

Out of Jurisdiction

Non-Educational Placements Through CSA

Youth NOT in Foster Care

Residential Facility (RTC)

- The school division on the CPMT that places the youth is the LEA and is responsible for:
 - Ensuring IEP Compliance
 - Eligibility/Evaluation
 - State Testing Requirements
- The placing CSA is responsible for educational costs



Non-Educational Residential Placements by Parents (Outside of FAPT/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

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...

CSA and Special Education Resources



[https://www.csa.virginia.gov/content/doc/Special Education and CSA-Guidance for CPMTs FAPTs CSACoordinators Local School Divisions.pdf](https://www.csa.virginia.gov/content/doc/Special_Education_and_CSA-Guidance_for_CPMTs_FAPTs_CSACoordinators_Local_School_Divisions.pdf)

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

Questions?

