

Alphabet Soup

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

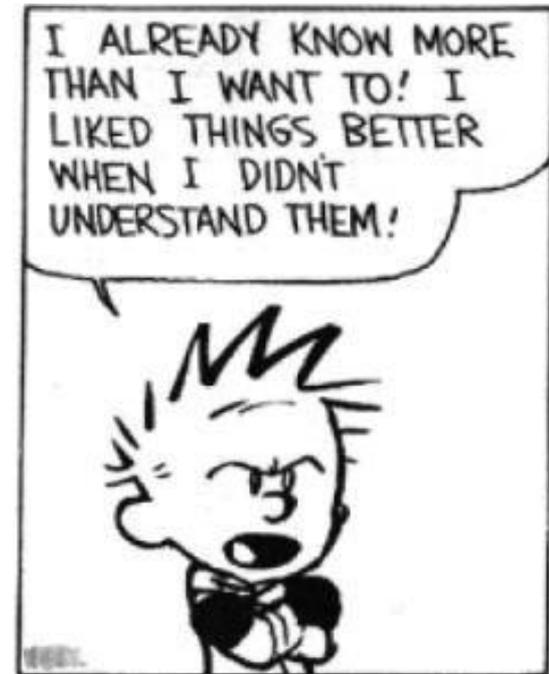
Commonwealth of Virginia's CSA Conference
May 1, 2019

Kristi Schabo, M.Ed., Program Consultant, Office of Children's Services

Angela Neely, M.Ed., President, Virginia Council of Administrators of Special Education
Executive Director of Special Education, Culpeper County Public Schools

Objective

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



Pretest

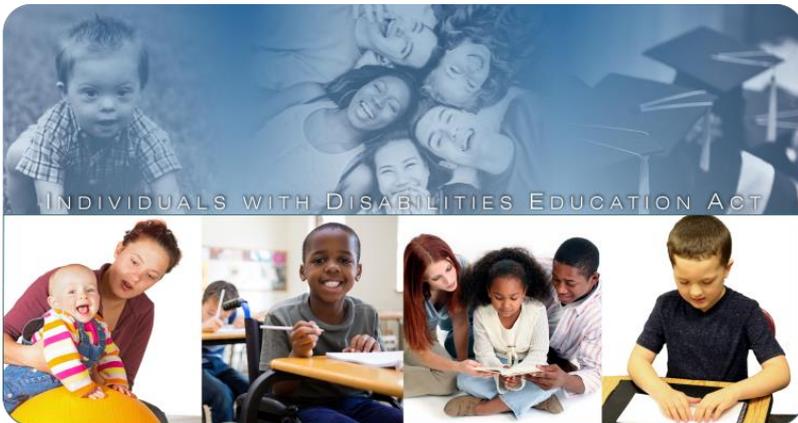
What do you already know about Special Education?



Federal and State Regulations

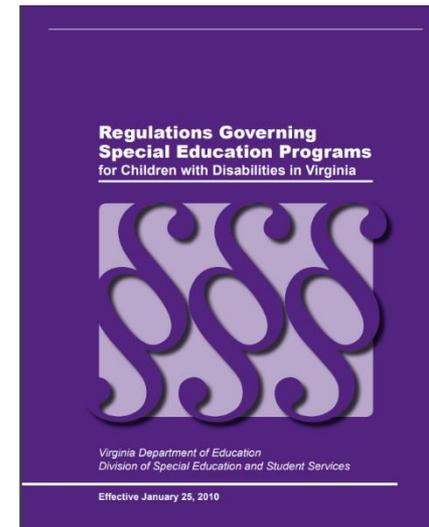
Federal Law

- Individuals with Disabilities Education Improvement Act (IDEA)



State Administrative Code

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

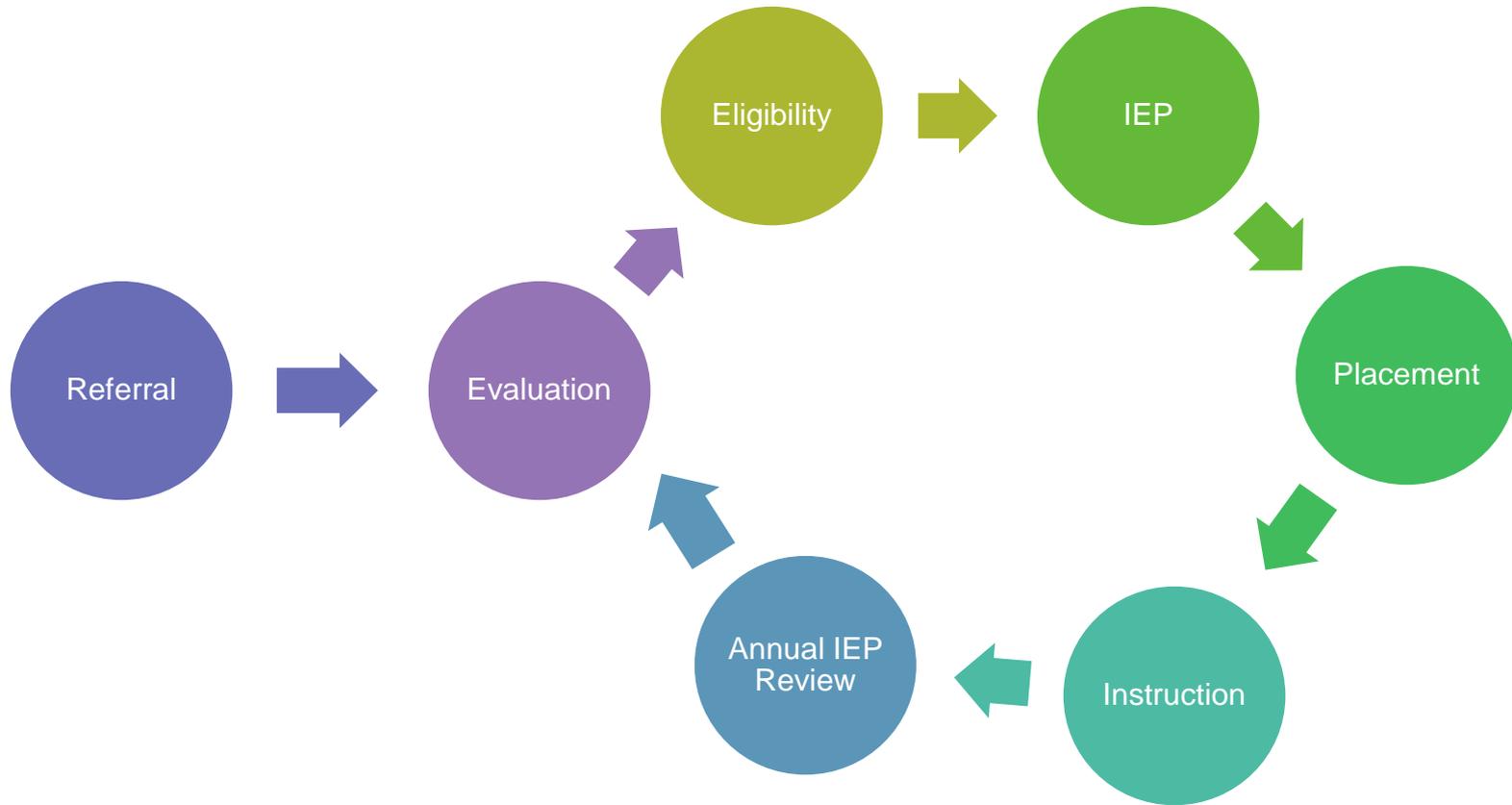


What is Special Education?

- 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 (special education and CSA)



Special Education is a Process



Key Components of Special Education in VA



IEP

Individualized
Education Program



LRE

Least Restrictive
Environment



FAPE

Free Appropriate
Public Education



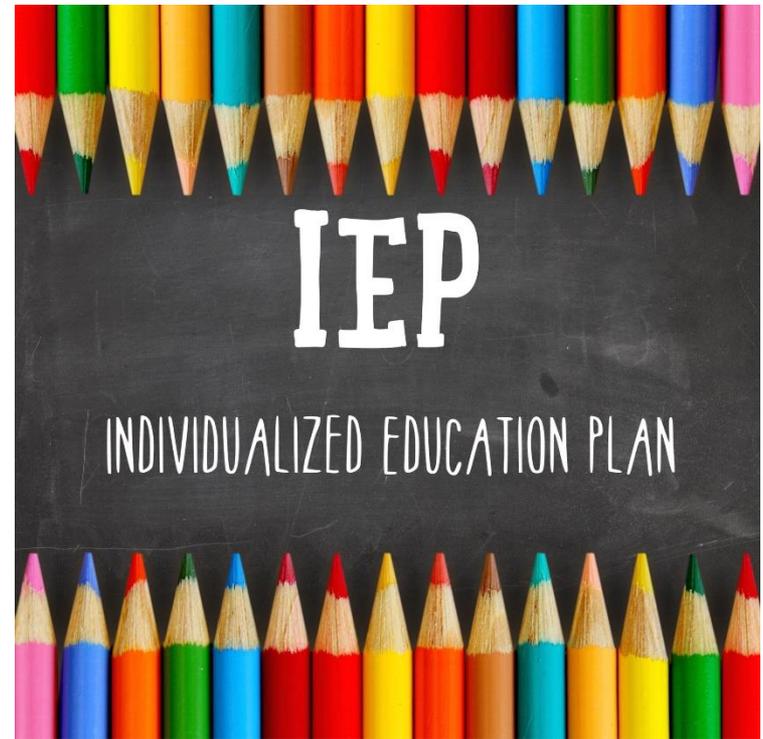
Procedural Due Process



Parental Involvement and Consent

IEP

- Written educational plan for a child with a disability
- Developed, reviewed, revised in a team meeting
- Identifies needs
- Develops goals
- Includes accommodations
- Specifies special education and related services
- Requires parent consent



IEP Elements

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

Continuum of Placements/LRE

- As the final matter in IEP development, the team must look at a continuum of educational placements and select the placement that constitutes the student's least restrictive environment (LRE)
- Removed only from public school when nature or severity of disability cannot be achieved satisfactorily in public school.



LRE

Continuum of Educational Placements

Level	Setting
 <p data-bbox="556 682 799 778">Least Restrictive</p> <p data-bbox="556 1063 799 1159">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

This Process Should Lead 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 not a privilege, it's a right



FAPE

- Rowley standard – some educational benefit
- Endrew F. Supreme Court Decision an education reasonably calculated to enable a child to make progress in light of the child's circumstances



Inclusive Practices in Special Education

- IEP teams must first consider placement & services in the general education setting with supports and accommodations.
- Localities must justify every decision to provide services and placement options outside general education.
- **Accountability Challenge:** Educating children with intensive behavioral problems in an inclusive general education setting where the overriding pressure is for all children to succeed academically.

Factors Influencing IEP Team Decisions Regarding Placements

- IDEA requirement that special education services must provide opportunity for student to progress.
- Parent involvement, preference, and requirement for consent to implement and change placement.
- Parent advocates and/or attorneys.
- Dangerous and disruptive students that interfere with the learning of other students in general education and special education.
- Dysfunctional home environments, trauma, and other environmental factors that spill into school.
- Students who transfer into our school division with an existing IEP for a placement outside of the public setting.

The Bottom Line....

Primary reason IEP Teams
make private school
placements.....

- Aggression,
- Dangerous behaviors, and
- Injuries



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*



What is Needed to Determine Eligibility

- IEP (can be 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
 - Without consent CSA cannot open case or verify eligibility



Responsibility of 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 (parentally placed in residential facility)



Responsibilities of CSA/FAPT

- When IEP calls for private day or residential:
 - Recommends funding/payment for IEP services (not transportation)
 - Collects data required for reporting
 - Considers child/family needs beyond IEP
 - Assures 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, dated January 29, 2010
 - Responsibility for FAPE rests with this 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?



Out of Jurisdiction Educational IEP Placements Through CSA

- Placing school division maintains its role as LEA (activity and cost)
 - 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 (activity and associated costs):
 - Ensure IEP Compliance
 - Eligibility/Evaluation
 - State Testing Requirements
 - Transportation

JURISDICTION



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

Local School Division convenes IEP*

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

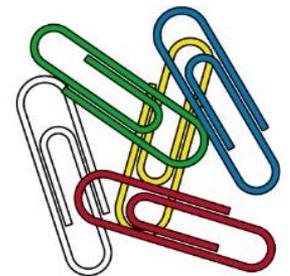
This is NOT a residential IEP

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)
- CSA pays for education if youth has a private day IEP
- Process similar to non-educational placement by parents
- CSA can pay for education if youth is CHINS eligible
- Adoption Assistance can pay general education costs
- Schools monitor 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."*
- 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

IEP vs 504



IEP

- Individuals with Disabilities Education Improvement Act (IDEA)
- Eligibility-a child who has one of the 13 specific disabilities listed in IDEA
- Provides specially designed instruction and related services to meet the unique needs of a child.

504

- Section 504 of the Rehabilitation Act of 1973
- Eligibility-any child with a disability (broader definition) that substantially limits one or more major life activities
- Provides mainly accommodations in and modifications to the learning environment to meet the needs of the child as adequately as other students.

Eligibility for a 504 Plan IS NOT the same as eligibility for special education services

Soup's On!!!

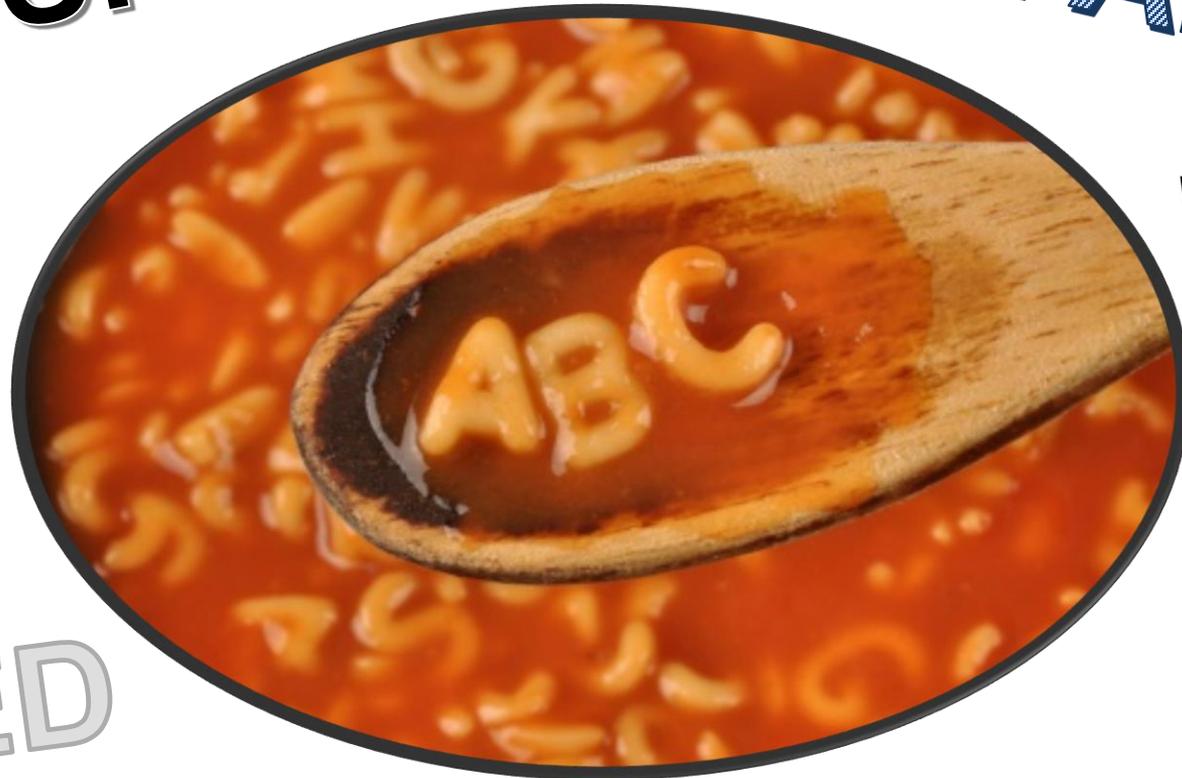
IFSP

LRE

IEP

SPED

WRAP



FAPE

FAPT

CSA

CPMT

IDEA

Questions



Contacts

Angela Neely, M.Ed.

President, Virginia Council of Administrators of Special Education (VCASE)
Executive Director of Special Education, Culpeper County Public Schools

aneely@culpeperschools.org

(540) 825-3677, Ext. 3131

Kristi Schabo, M.Ed.

Program Consultant, Office of Children's Services

kristi.schabo@csa.virginia.gov

(804) 662-9819