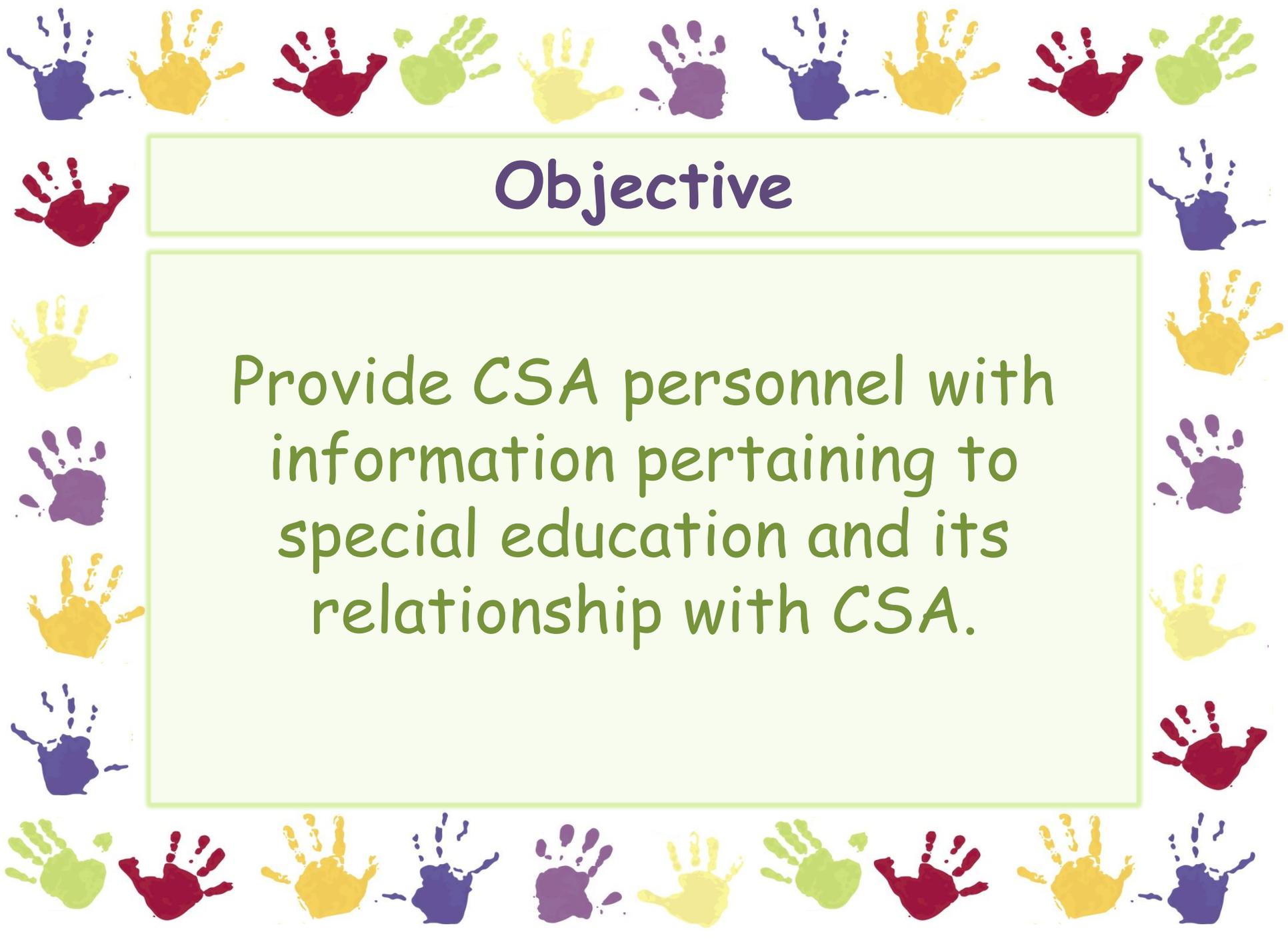




# What CSA Personnel Need to Know About Special Education

March 29, 2018

Sabrina Gross, J.D., VDOE

A decorative border of colorful handprints in various colors (blue, yellow, red, green, purple) surrounds the central text. The handprints are arranged in a roughly rectangular pattern, with some overlapping.

## Objective

Provide *CSA* personnel with information pertaining to special education and its relationship with *CSA*.

# Pretest

Let's see what you already know  
about Special Education...





# Federal and State Regulations

- Individuals with Disabilities Education Improvement Act (IDEA)
- 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.)

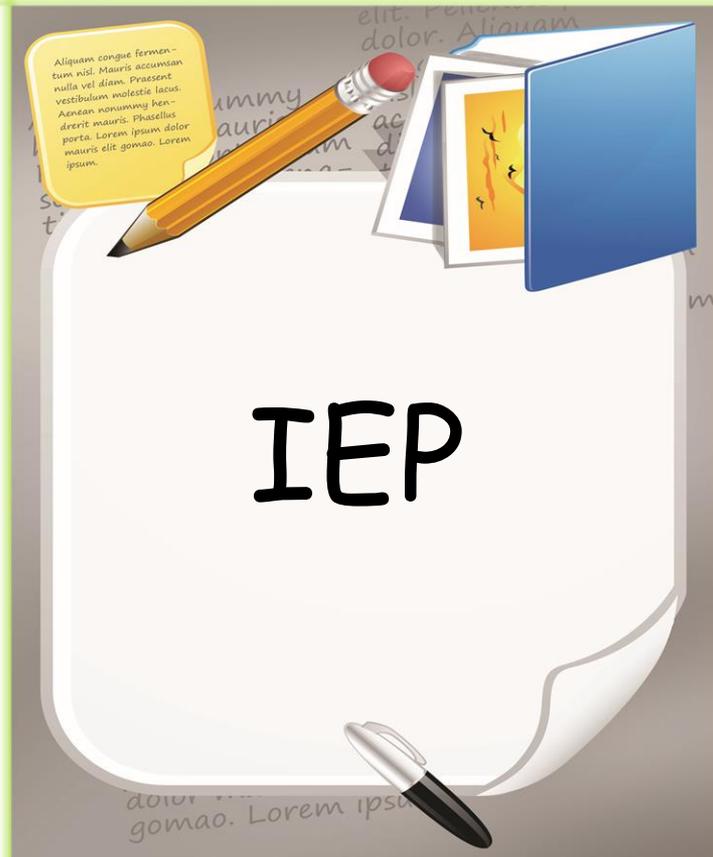
A decorative border of colorful handprints in various colors (blue, yellow, red, green, purple) surrounds the text. The handprints are arranged in a roughly rectangular frame around the central text.

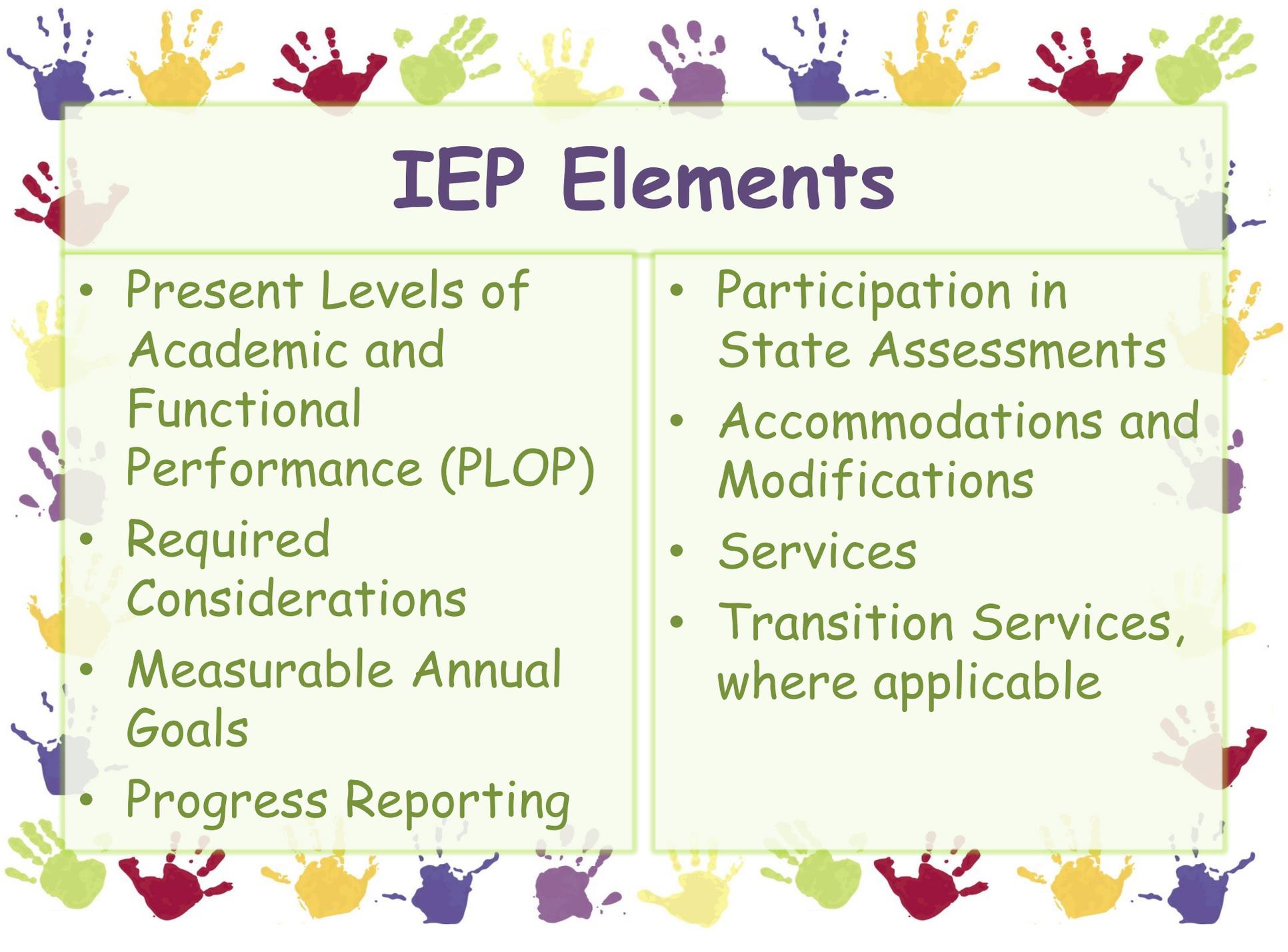
# Key Components of Special Education

- IEP - Individualized Education Program
- LRE - Least Restrictive Environment
- FAPE - Free Appropriate Public Education

# IEP

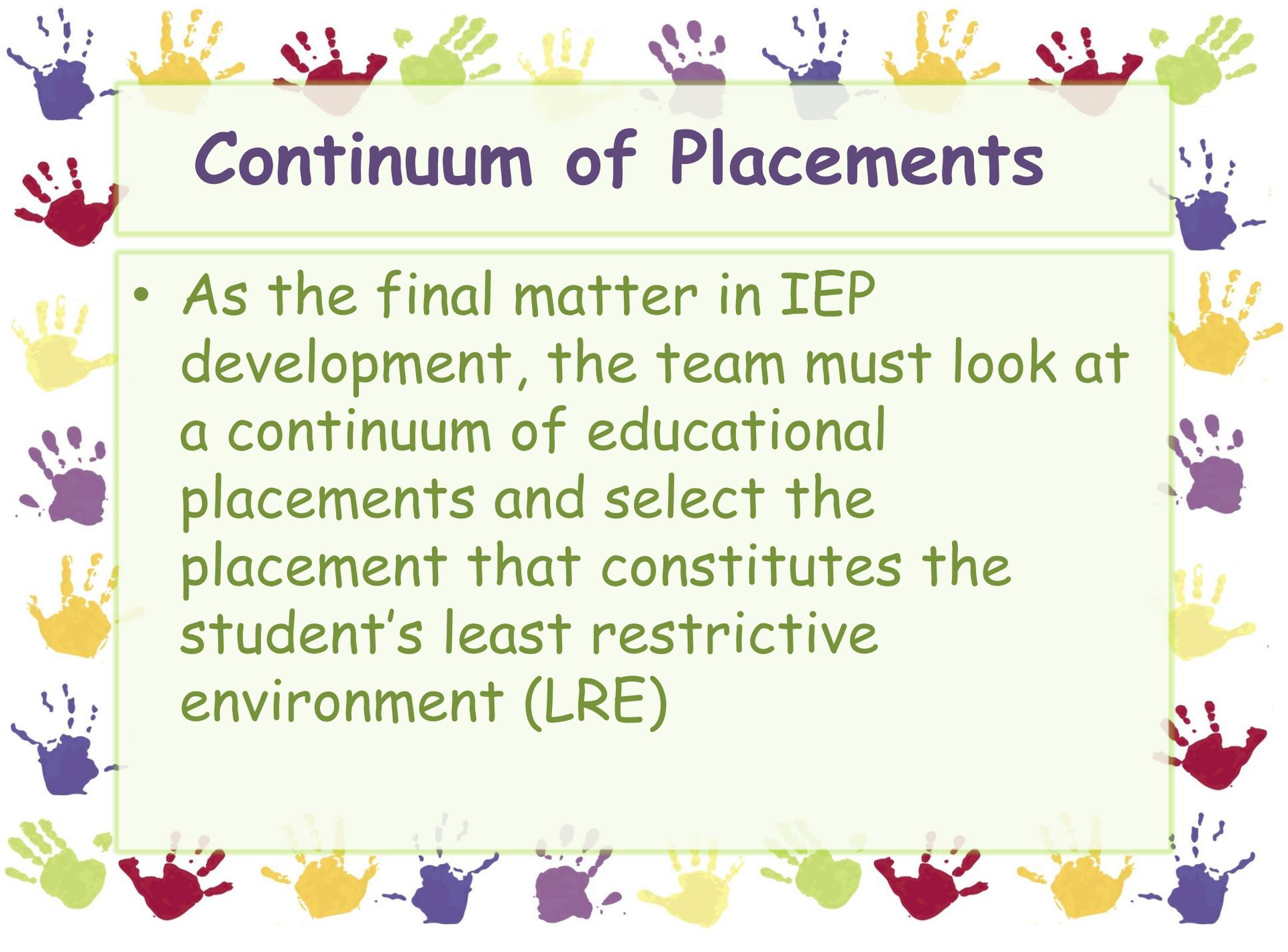
- Written statement for a child with a disability
- Developed, reviewed, revised in a team meeting
- Specifies needs
- Specifies special ed and related services
- Requires parent consent





# 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

A decorative border of colorful handprints in various colors (blue, yellow, red, green, purple) surrounds the text. The handprints are arranged in a roughly rectangular pattern, with some overlapping.

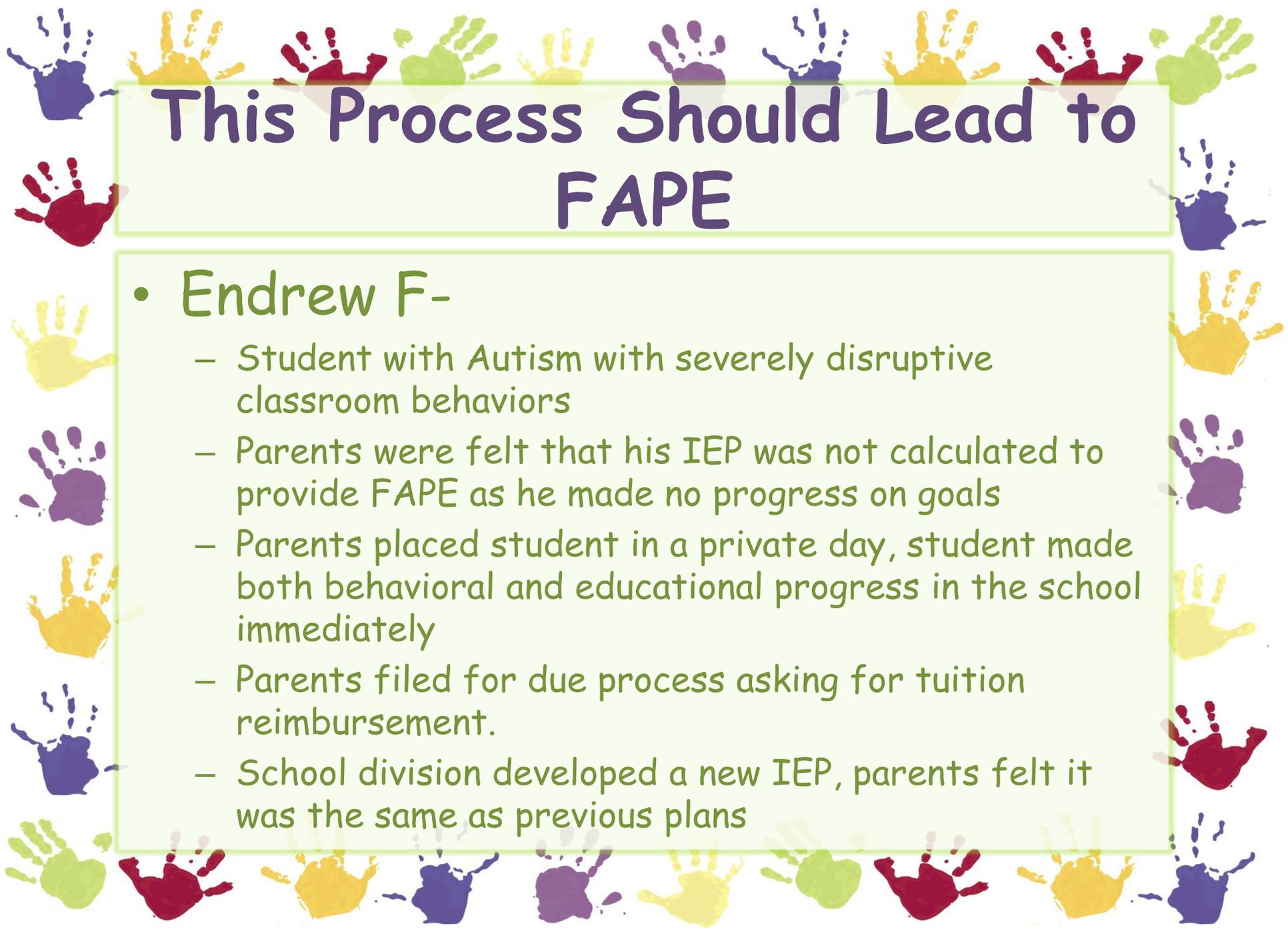
# Continuum of Placements

- 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)

# LRE

- Removed only from public school when nature or severity of disability cannot be achieved satisfactorily in public school.

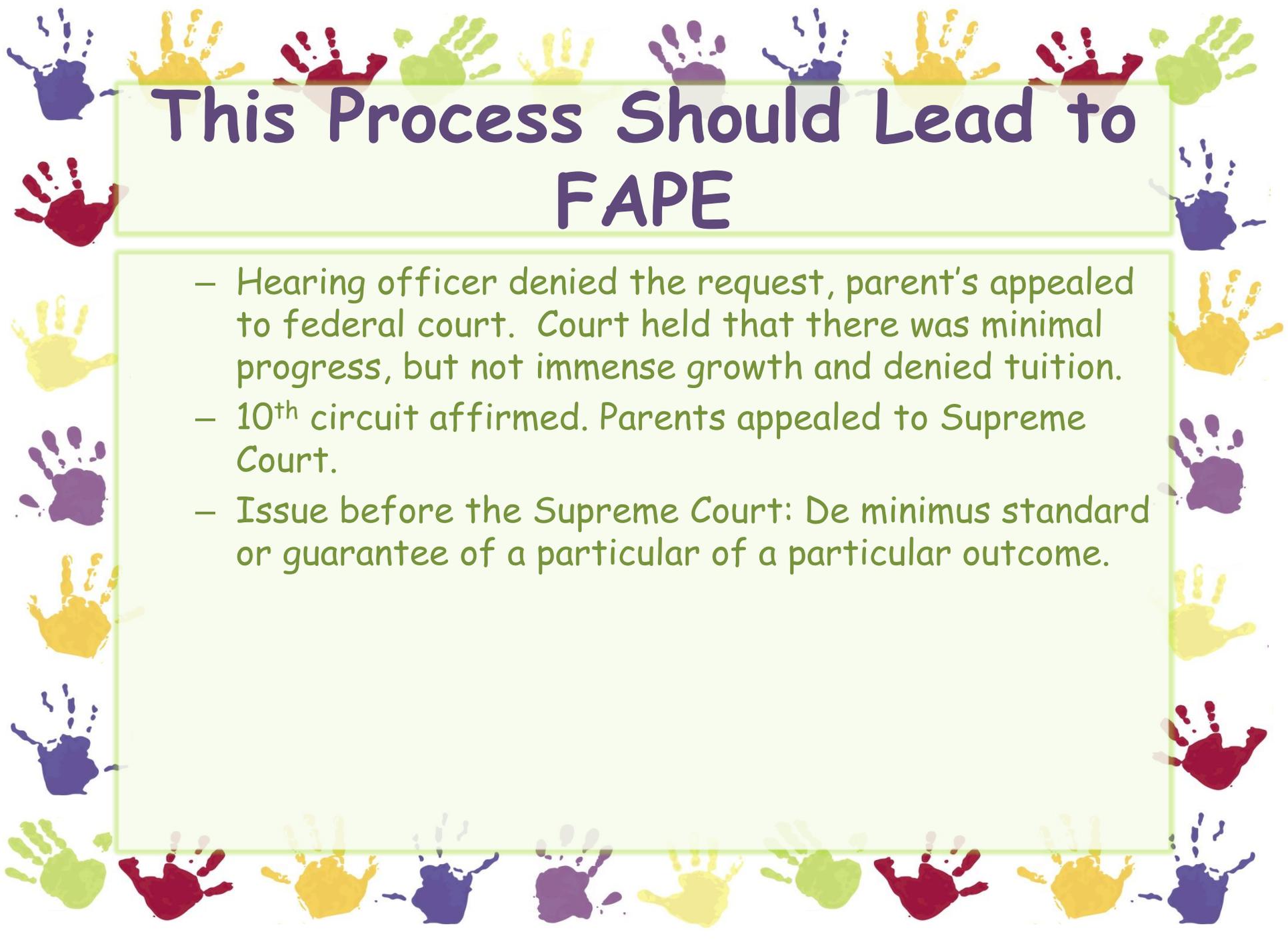




# This Process Should Lead to FAPE

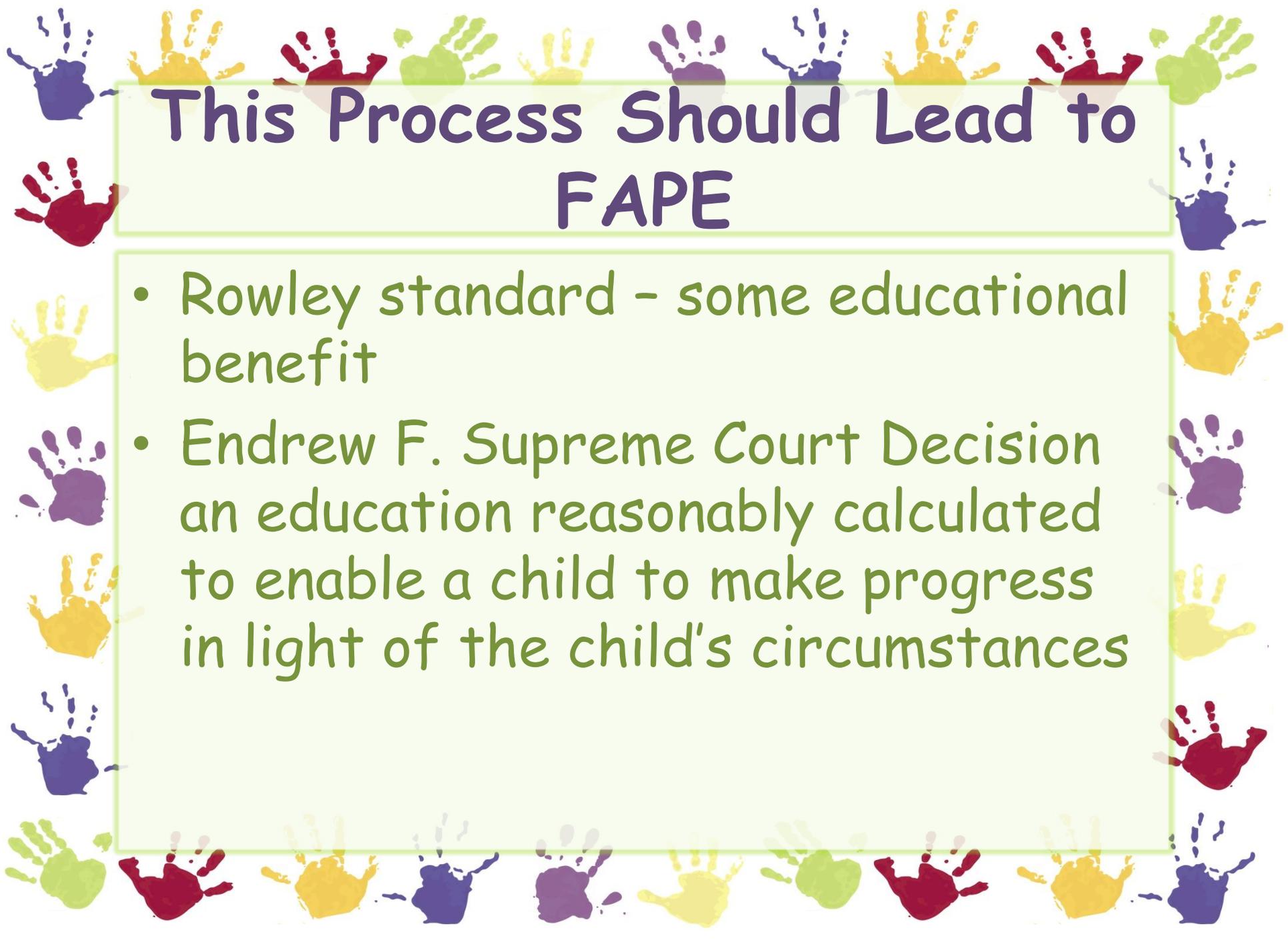
- Endrew F-

- Student with Autism with severely disruptive classroom behaviors
- Parents were felt that his IEP was not calculated to provide FAPE as he made no progress on goals
- Parents placed student in a private day, student made both behavioral and educational progress in the school immediately
- Parents filed for due process asking for tuition reimbursement.
- School division developed a new IEP, parents felt it was the same as previous plans



# This Process Should Lead to FAPE

- Hearing officer denied the request, parent's appealed to federal court. Court held that there was minimal progress, but not immense growth and denied tuition.
- 10<sup>th</sup> circuit affirmed. Parents appealed to Supreme Court.
- Issue before the Supreme Court: De minimus standard or guarantee of a particular of a particular outcome.

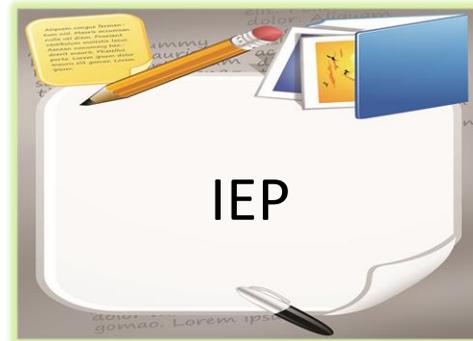


# This Process Should Lead to FAPE

- 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

# FAPE

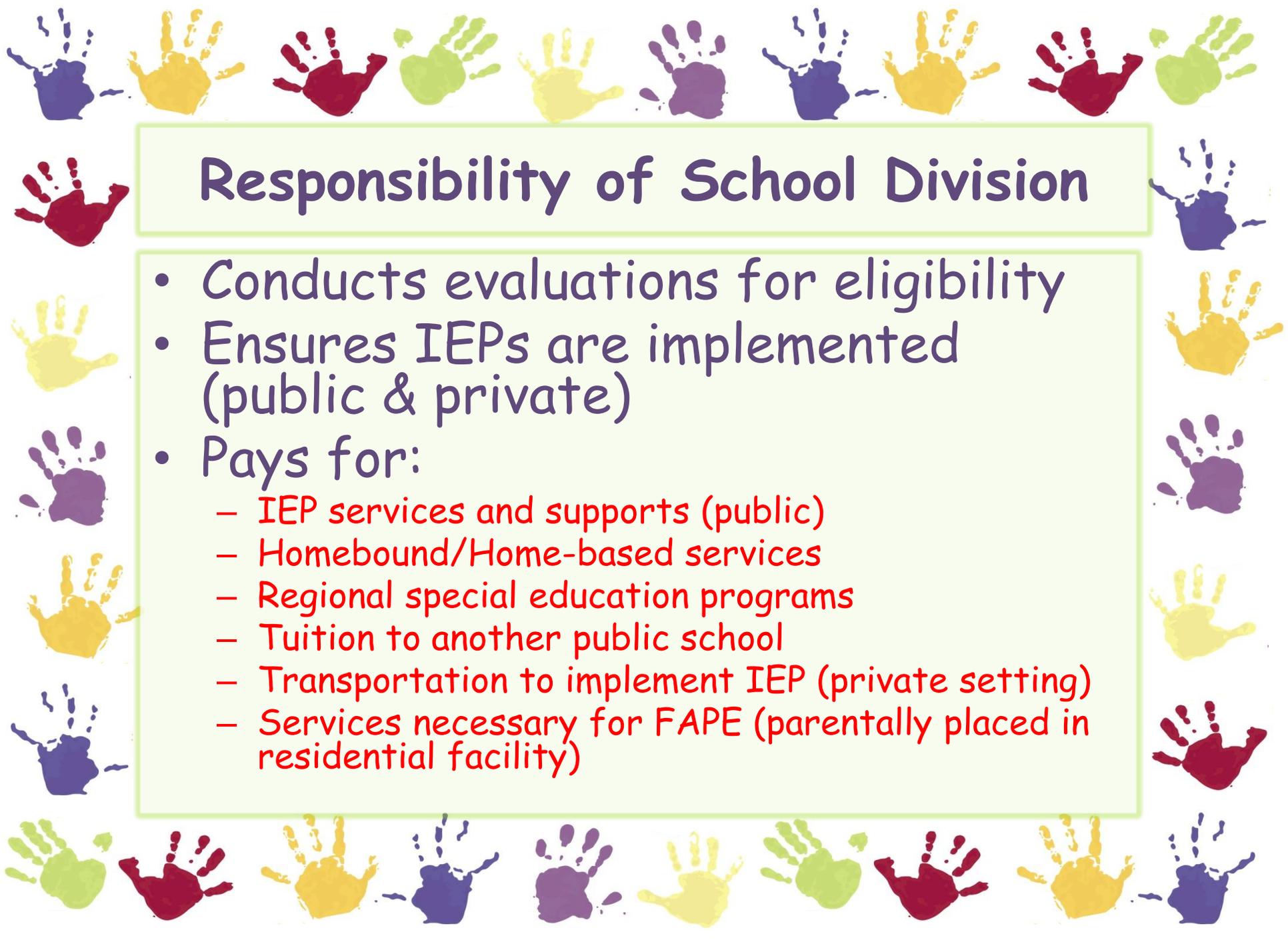
- Provided at public expense, public supervision and direction, without cost to parent;
- Meets the standards of the Virginia Board of Education;
- Appropriate preschool, elementary, middle or secondary school
- Provided in conformity with an IEP





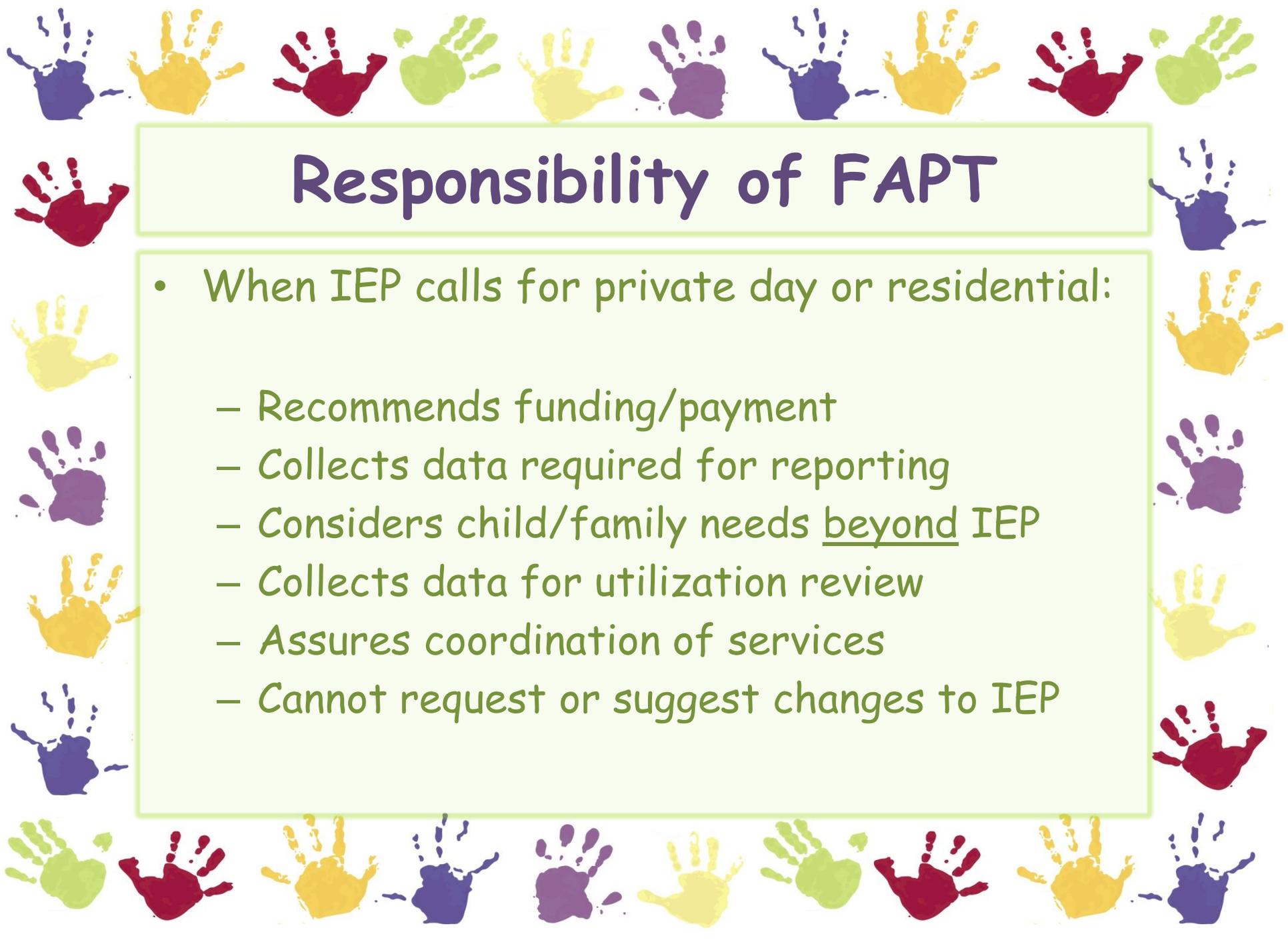
# Targeted Population - Children Services Act

- "children placed for purposes of special education in approved private school educational programs, previously funded by the DOE through private tuition assistance."
- Includes all children whose IEPs include placement in private day school or private residential facilities.



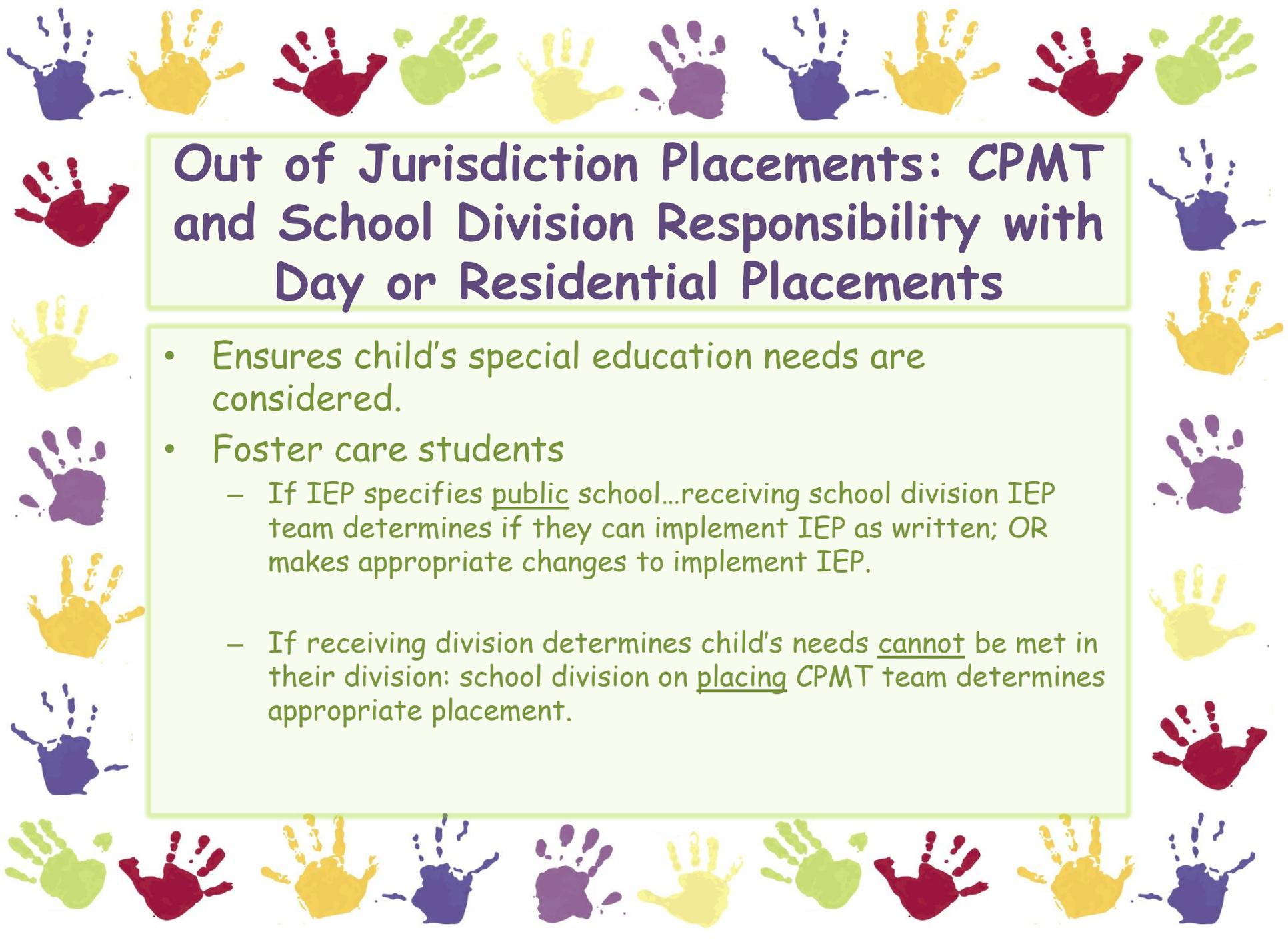
# Responsibility of School Division

- 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)



# Responsibility of FAPT

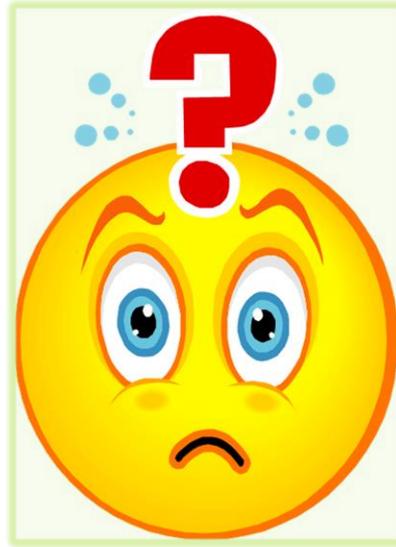
- When IEP calls for private day or residential:
  - Recommends funding/payment
  - Collects data required for reporting
  - Considers child/family needs beyond IEP
  - Collects data for utilization review
  - Assures coordination of services
  - Cannot request or suggest changes to IEP



## Out of Jurisdiction Placements: CPMT and School Division Responsibility with Day or Residential Placements

- Ensures child's special education needs are considered.
- Foster care students
  - If 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: school division on placing CPMT team determines appropriate placement.

# QUESTIONS





# Office of Dispute Resolution and Administrative Services Virginia Department of Education

**Patricia V. Haymes, J.D., Director**

*Ron Geiersbach, J.D., Coordinator of Due Process Services*

*Art Stewart, Coordinator of Mediation Services*

*Sabrina Gross, J.D., Complaints Specialist*

*Scottie Alley, J.D., Complaints Specialist*

*Kathleen G. Harris, J.D., Complaints Specialist*

*Sheila T. Gray, Administrative Coordinator*

*Michele Orr, Administrative Assistant*

*Benjamin Nesheim, Administrative Assistant*

(804) 225-2013 Toll free: (800) 292-3820

Toll Free TDD: (800) 422-1098 Fax (804) 786-8520

<http://www.doe.virginia.gov/VDOE/dueproc/>



**Office of Specialized Education Facilities and  
Family Engagement (SEFEE)  
Virginia Department of Education**

*Hank Millward , Director*

*Christina Owens, Monitoring Specialist - Private Schools*

*Danielle Basham, Monitoring Specialist- Private Schools*

*Karen Schonauer, Monitoring Specialist - Private Schools*

*Renee Gray- Epps, Administrative Assistant*