



Options for Increasing the Integration of Children Receiving Special Education in Private Day Settings into their Home School Districts

Chapter 780, Item 285. M. (i)

State Executive Council for Children's Services

September 15, 2016



Authority

2016 Appropriation Act – Chapter 780, Item 285 M.

M. The State Executive Council (SEC) for Children's Services shall continue to review and develop a robust set of options for (i) increasing the integration of children receiving special education private day treatment services into their home school districts, including mechanisms to involve local school districts in tracking, monitoring and obtaining outcome data to assist in making decisions on the appropriate utilization of these services, . . . The SEC shall present a robust set of options and recommendations that include possible changes to policies, procedures, regulations and statutes, including any fiscal impact for consideration by the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2016.



Work Group Membership

- Virginia Association of School Superintendents (VASS)
- Virginia School Board Association (VSBA)
- Virginia Association of Counties (VACo)
- Virginia Municipal League (VML)
- Virginia Council of Administrators of Special Education (VCASE)
- Virginia Association of Independent Specialized Education Facilities (VAISEF)
- Virginia Board for People With Disabilities (VBPD)
- Parents of Students with Disabilities



Statutory Framework

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

B. . . . The target population shall be the following:

1. 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;

2. Children and youth with disabilities placed by local social services agencies or the Department of Juvenile Justice in private residential facilities or across jurisdictional lines in private, special education day schools, if the individualized education program indicates such school is the appropriate placement while living in foster homes or child-caring facilities, previously funded by the Department of Education through the Interagency Assistance Fund for Noneducational Placements of Handicapped Children;



Statutory Framework

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

C. The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient to (i) provide special education services . . . for children and youth identified in subdivisions B 1, B 2, and B 3 and (ii) meet relevant federal mandates for the provision of these services. . . .



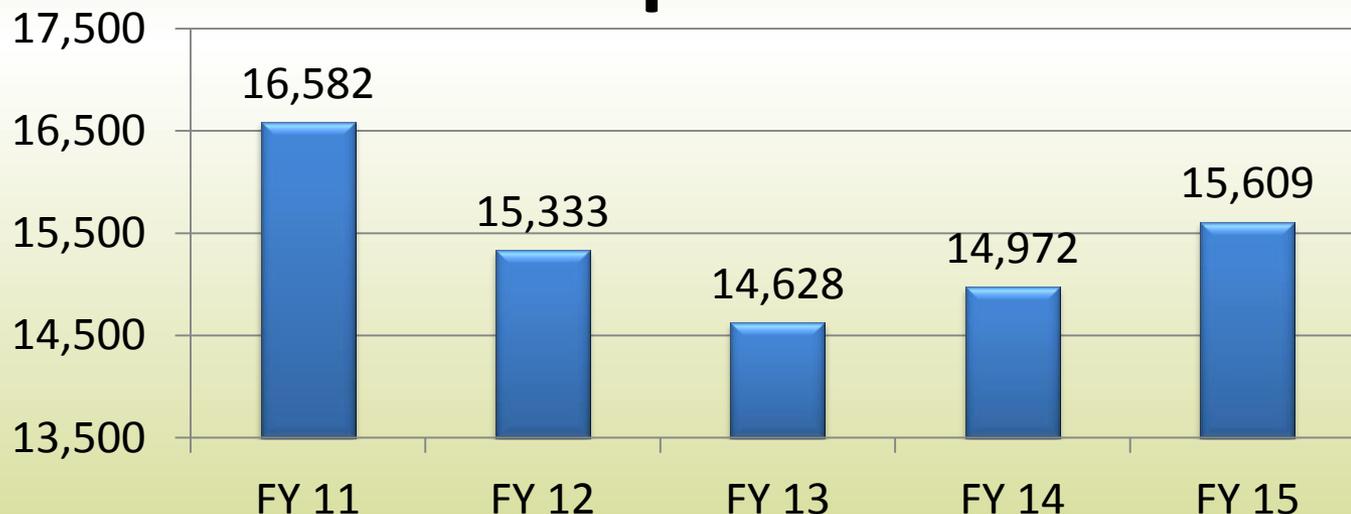
Statutory Framework

§ 2.2-5212. Eligibility for state pool of funds.

A.3. The child or youth requires placement for purposes of special education in approved private school educational programs.



CSA Unduplicated Census

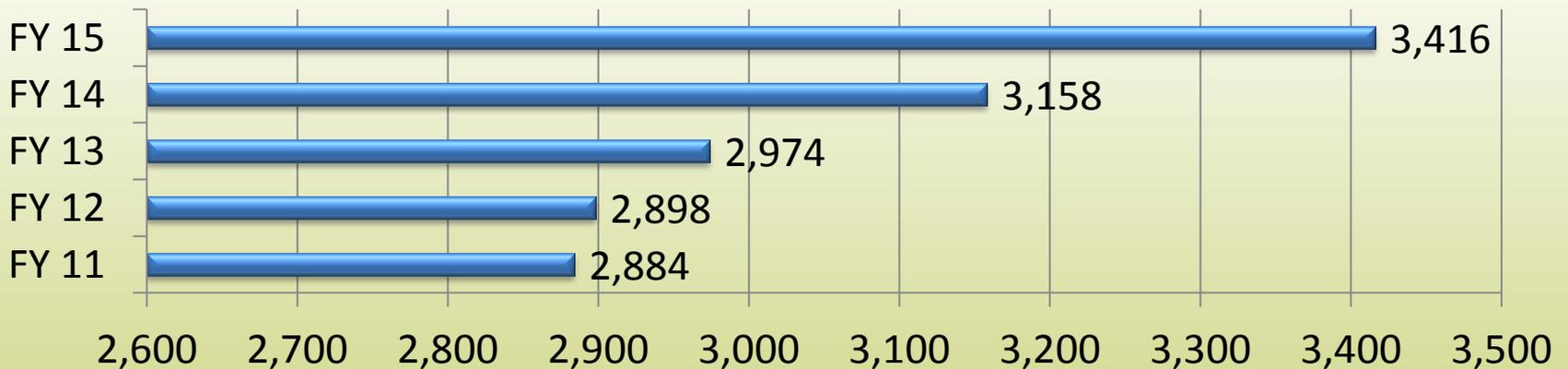


- The CSA census grew by 2.4% in FY 2014 and 4.8% in FY 2015
- The largest single population accounting for this growth was the increasing number of children placed in private day school settings through federally mandated Individualized Education Program (IEP) plans
 - Of the 637 additional children served by CSA in FY15, 41% (258) were placed in IEP directed private day school settings

Source: CSA Data Set Reports <https://www.ocs.csa.virginia.gov/OCSReports/Reports/DatasetReports.aspx>



Number of Youth Served in Private Day School Placements



FY 13-FY 14 – ↑ 6.19% (184 students)

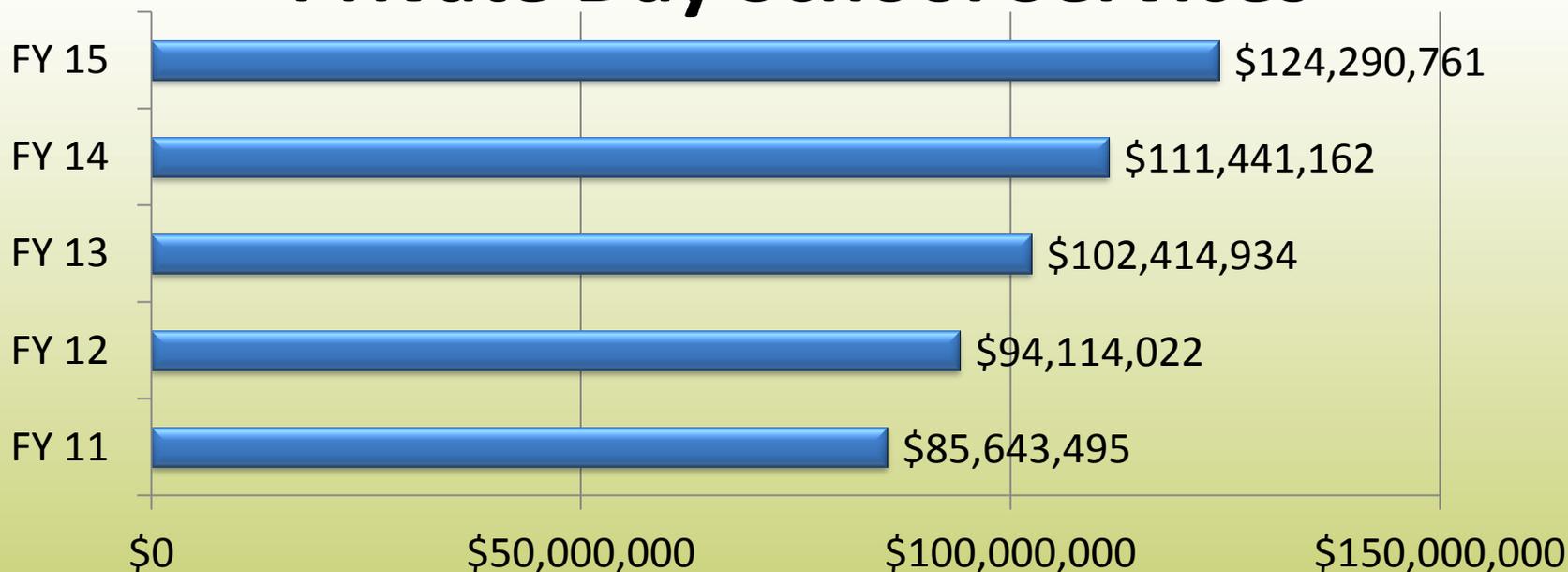
FY 14-FY 15 – ↑ 8.17% (258 students)

FY 13-FY 15 – ↑ 14.86% (442 students)

Source: CSA Data Set Reports <https://www.ocs.csa.virginia.gov/OCSReports/Reports/DatasetReports.aspx>



CSA Expenditures Private Day School Services



FY 13-FY 14 – ↑ 8.81% (\$ 9,026,228)

FY 14-FY 15 – ↑ 11.53% (\$12,849,599)

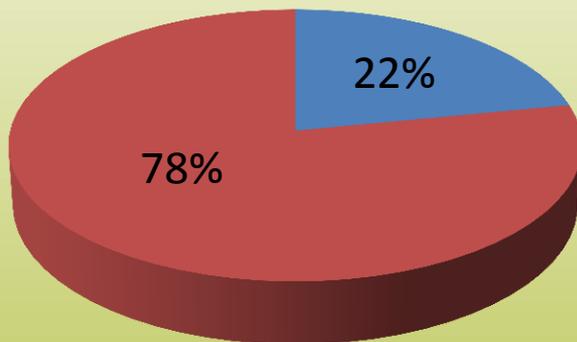
FY 13-FY 15 – ↑ 21.36% (\$21,875,827)

Source: CSA Data Set Reports <https://www.ocs.csa.virginia.gov/OCSReports/Reports/DatasetReports.aspx>

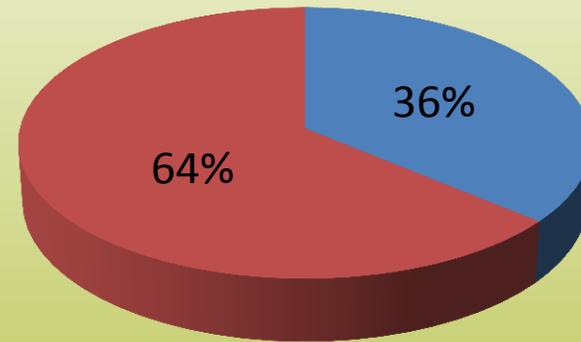


Less than one fourth of CSA funded youth account for over one third of expenses

Census



Cost



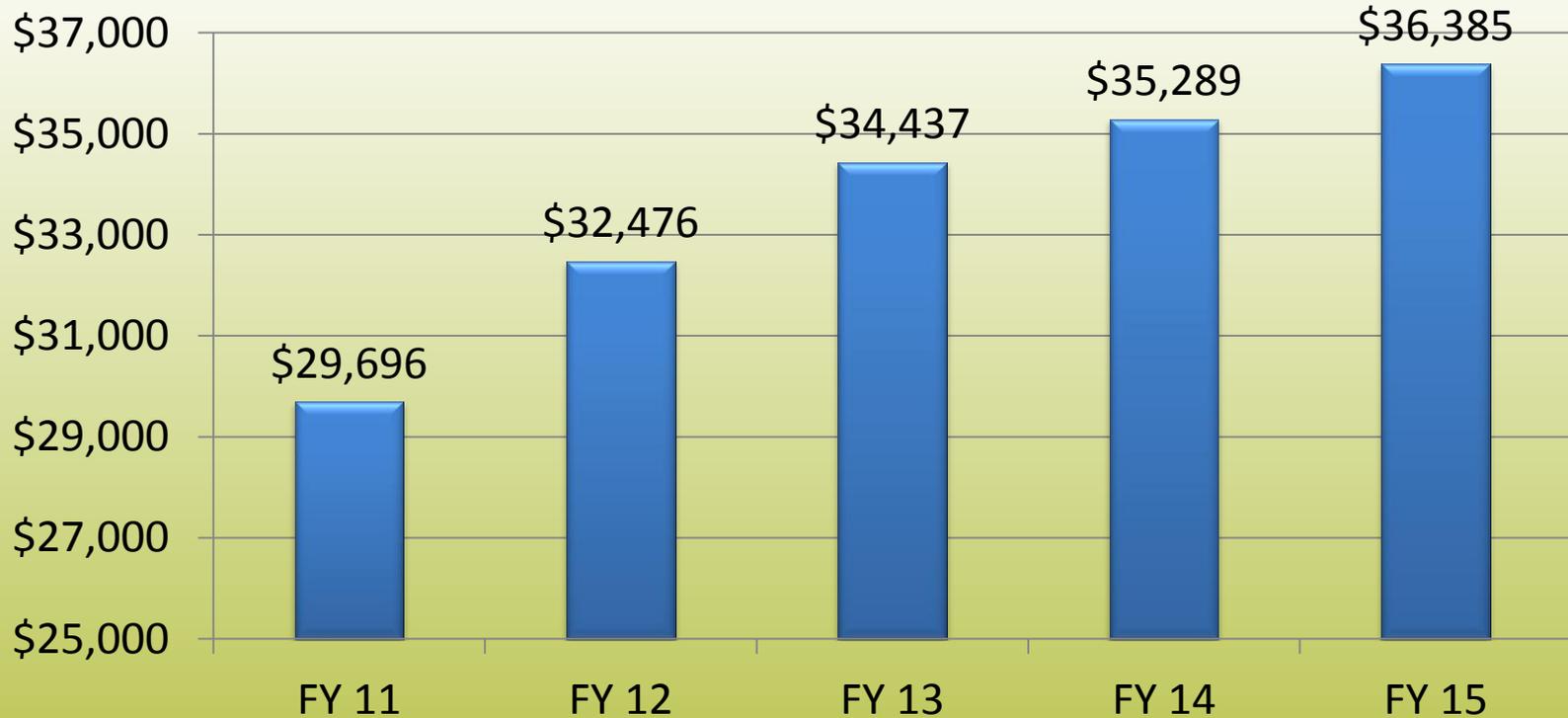
■ Private Day

■ All Other

Source: CSA Data Set Reports <https://www.ocs.csa.virginia.gov/OCSReports/Reports/DatasetReports.aspx>



Average Annual CSA Expenditure Per Child Private Day School Services



Source: CSA Data Set Reports <https://www.ocs.csa.virginia.gov/OCSReports/Reports/DatasetReports.aspx>



FY 2016 Shows Consistent Trend

- CSA expenditures for private day education placements were up 11.6% over FY 2015 to \$138,777,659
- Number of students served was up 4.8%, to 3,585
- Expenditures per student in private day education placements were up 6.3%, to \$38,711.

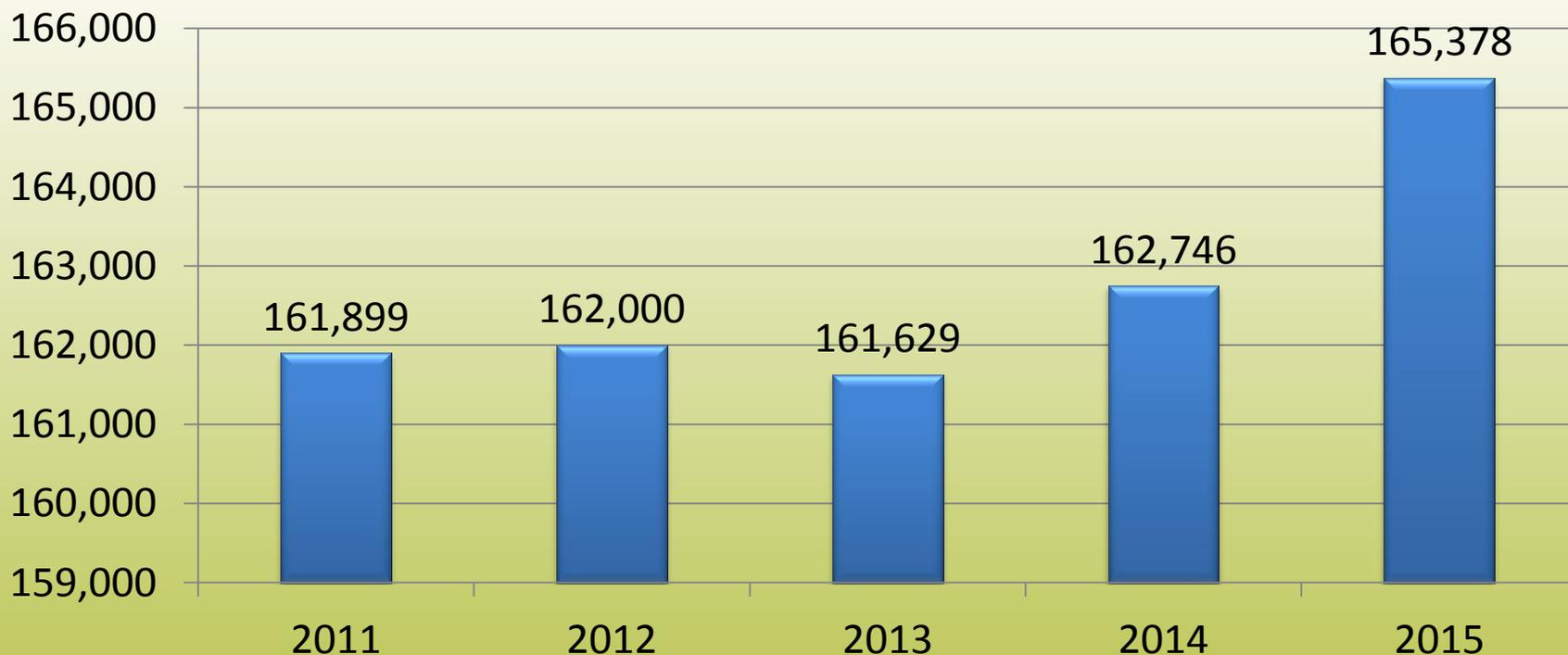
(Updated since the September 15, 2016 SEC report)

Source: CSA Data Set Reports <https://www.ocs.csa.virginia.gov/OCSReports/Reports/DatasetReports.aspx>



Special Education Child Count

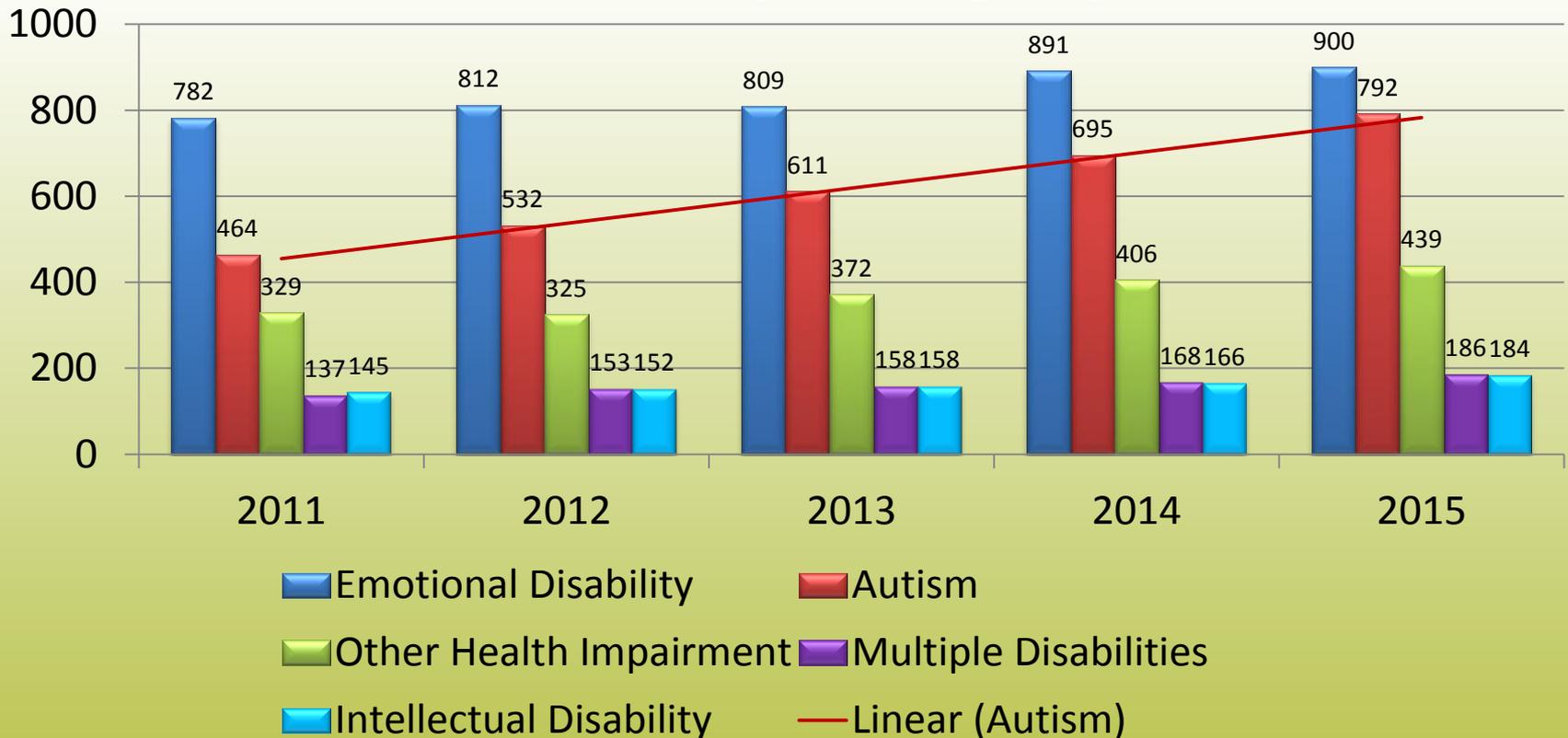
Total Number of Special Education Students



Source: VDOE December 1 Special Education Child Count



Autism is the most rapidly growing disability category



Source: VDOE December 1 Special Education Child Count



Summary: What Does the Data Show?

- **Private Day Special Education Services (CSA Data, FY 11 – FY 15)**
 - 18.5% increase in census (532 students)
 - 45.1% increase in total expenditures (\$38,647,266)
 - 22.5% increase in expenditure per child (\$6,689)
- **Dec. 1 Special Education Child Count (VDOE Data, 2011 – 2015)**
 - 70.7% increase in private day for students with Autism (328 students)
 - 35.8% increase in private day for students with Multiple Disabilities (49 students)
 - 33.4% increase in private day for students with Other Health Impairments (110 students)
 - 26.9% increase in private day for students with Intellectual Disabilities (39 students)
 - 15.1% increase in private day for students with Emotional Disabilities (118 students)



Options for Consideration

- **Restructuring the Children's Services Act (CSA)**
 - A. Amend the Children's Services Act to allow funding for services to students with disabilities in the public school setting
(This option was endorsed by consensus of the work group)
 - B. Amend the Children's Services Act to “carve out” and transfer state pool funding for students with disabilities to VDOE
(This option was not endorsed by consensus of the work group)
 - C. Request funding for several pilot programs to “implement and test” strategies for increasing the education of students with disabilities in the least restrictive, public school setting
(This option was endorsed by consensus of the work group)



- **Increase attention to the successful transition/ reintegration of students with disabilities from private settings to public school settings**
 - Identify the resources which will be necessary in order to transition students in private day school settings to a lesser restrictive environment. Multiple strategies suggested.
(All options included in this area were endorsed by a consensus of the work group)
- **Support and enhance the ability of public schools to serve students with disabilities in the least restrictive environment**
 - VDOE should continue to provide guidance to LEAs regarding the continuum of services which are necessary to appropriately meet the mandate that students are required to be educated in the least restrictive environment (LRE). Multiple strategies suggested.
(All options included in this area were endorsed by a consensus of the work group)



- **Identify and collect data on an array of measures to assess the efficacy of private special education day school placements**
 - VDOE, local school divisions, and VAISEF should work together to identify mutually agreed upon, evidence-based definitions of outcome measures applicable and appropriate for the population of children served in private special education day school placements. Outcomes for children served in private residential special education programs should also be included in this process. Multiple strategies suggested.

(All options included in this area were endorsed by consensus of the work group)



Additional Issues and Considerations

- Support current DOE plans to restructure the Regional Tuition Reimbursement Program to distribute these resources in a more geographically equitable manner and with greater accountabilities.
- Policy makers should be educated as to the significant nature of the challenges presented by students with disabilities, the need for many of them to be educated in more restrictive environments, and the high cost of providing effective educational services to these children.
- Education providers are obligated to demonstrate effectiveness, including long-term cost avoidance (e.g., preventing youth from negative long-term outcomes including criminal justice involvement, un/underemployment that are likely sequelae to school failure).



Additional Issues and Considerations

- Encourage local governments and school divisions to discuss how the local matching funds for students in private educational settings can be best configured to encourage maintaining students in the least restrictive environment. Preliminary data suggests that localities where school divisions are responsible for the matching funds, as opposed to the general local government budget, have lower rates of private educational placements.
- Current law and practice allows Medicaid-eligible students with disabilities to receive services such as therapeutic day treatment in the public school setting while non-Medicaid eligible students with disabilities cannot access similar publicly funded services in that setting.
- Current law and practice allows CSA funding to be used for services in the public school setting if the child is not identified with a disability.