

**Office of Comprehensive Services
Report to the General Assembly**

***Plan for Non-Educational Supportive Services
Funded Through the Comprehensive Services Act***

December 2011

Report Mandate

During the 2011 legislative session, language was added to Comprehensive Services for At-Risk Youth and Families (CSA), Item 274 O, requiring:

“The State Executive Council (SEC) shall develop a plan to serve children and youth eligible for CSA in the least restrictive environment through the appropriate use of non-educational supportive services. Strategies shall include but not be limited to: establishing clear guidelines for the provision of non-academic, home- and community-based services to children; providing training to localities on the use of CSA pool funds for supportive services for children outside of school to maintain them in their homes and current school placements; and providing training to localities on the provision of supportive services in the public school setting. The plan shall be developed with input from key stakeholders, including but not limited to the State and Local Advisory Team, children’s advocacy groups and special education experts. The SEC shall report its findings and recommendations to the Chairmen of the House Appropriations and Senate Finance Committees on October 1, 2011.”

The Office of Comprehensive Services requested and was granted approval to delay submission of this report until December 15, 2011.

Background

The Code of Virginia, §2.2-5211 identifies youth who require funding under the Comprehensive Services Act (CSA) funding and includes in Section B.1:

“Children placed for purposes of special education in approved private school education programs, previously funded by the Department of Education through private tuition assistance;”

The State Executive Council (SEC) approved policy in 1996 which extended the above mandate to allow the provision of non-educational support services to students with disabilities when their needs extended beyond the school setting. Expenditures for such services are categorized as “Wrap-around Services to Students with Disabilities.” This policy was clarified in 2011 to state:

“The special education mandate cited in §2.2-5211 B1 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.”

Training to Localities

Two Webinar trainings were sponsored jointly by the Virginia Department of Education (VDOE) and the Office of Comprehensive Services (OCS) in February 2011. Each Webinar was an interactive session consisting of a Power-Point presentation and a two-way question and answer period. All questions were recorded and captured in formal “Question-Answer” documents which were published on the VDOE and OCS Web sites.

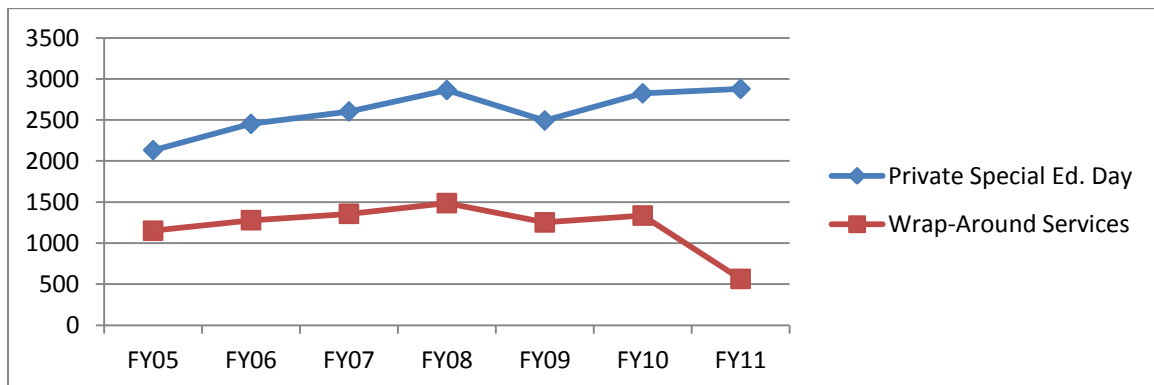
Guidelines for Non-Educational Support Services

Guidelines for the use of CSA funds for non-educational support services were presented to communities through the Webinar trainings discussed above and are included in the Appendix B “Toolkit” of the CSA Manual (see Attachment A). Also included in the Appendix B “Toolkit” are the Question-Answer documents described above (see Attachment B and Attachment C). The State and Local Advisory Team (SLAT) provided review of the guidelines and recommended continued training, particularly regarding the responsibility of public schools for IEP services and the match rate for non-educational support services.

Findings

Based on clarification issued in January 2011 regarding the SEC policy on use of CSA funds for non-educational support services to students with disabilities, there was a significant decrease in expenditures for “Wrap-Around Services for Students with Disabilities.”

Whereas the intent of the policy extending the mandate was to prevent more restrictive placements, data fail to indicate that the use of funds under the extended mandate has had the intended impact. The graph below illustrates the number of students provided “wrap-around services” under the extended mandate compared to the number of students served in “private day school” placements.



Despite the significant decrease in the number of students receiving wrap-around services funded under CSA in FY11 (-772 students), there was only a minimal increase in the number of students placed in private day schools (+54). This provides evidence that students continued to receive those services necessary to enable them to benefit from their

special education programs and to remain in the less restrictive placements of the public schools despite the decline of CSA funding for wrap-around services.

The Virginia Department of Medical Assistance Services (DMAS) and VDOE provided training for local directors of special education regarding the use of Medicaid funds for school-based services. The state contract for school-based services allows claims for “personal care assistants” in the school setting for students with significant adaptive skill deficits, including significant behavioral challenges. This topic will continue to be emphasized in future trainings conducted by DMAS and VDOE.

Recommendations

Continued training on the use of non-educational supportive services (i.e., wrap-around services) is necessary to ensure appropriate use of funds and to encourage use of such community-based services to prevent more restrictive placements. Further training may result in increased utilization of supportive services and increased expenditures in this fund category. Effective FY12, however, the match rate for these services increased from the 50% reduced rate for community-based services to the neutral/base match rate which will result in greater cost to localities for these services. With both local governments and the state facing ever-increasing fiscal constraints, the provision of services that are not statutorily required will become a greater and greater challenge.

ATTACHMENT A

Use of CSA Funds

Special Education Mandate

Discussion of SEC Policy Statement Adopted January 10, 2011

WEBINAR HOSTS

- VIRGINIA DEPARTMENT OF EDUCATION
 - Susan Cumbia Clare

- OFFICE OF COMPREHENSIVE SERVICES
 - David Nichols

PURPOSES OF WEBINAR

- Examine policy language
- Discuss use of special education mandated funds for students with IEPs
 - Allowable use of funds
 - Best practice for students & families
- Respond to questions regarding policy, best practice, etc.

ELIGIBILITY FOR SPED MANDATE

Students with IEPs become eligible for CSA funding under the special education mandate one of two ways:

1. Code of Virginia, §2.2-5211, which defines the target population
2. SEC policy which extends the special education mandate cited in §2.2-5211 B1

CODE OF VIRGINIA, §2.2-5211

B. The state pool shall consist of funds that serve the target populations... The target population shall be the following:

1. Students placed in private school programs through the IEP
2. Students with disabilities placed into residential programs by CSA/CSA participating agencies for non-educational reasons

3, 4, 5

SEC POLICY

The special education mandate cited in §2.2-5211 B1 may be utilized to fund non-residential services in the home and community for a student with an educational 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.

POLICY ADOPTED 1/10/2011

New policy language replaces
all prior policy language and
guidance on the special
education mandate

NO LONGER APPLICABLE

- Determination of whether service is non-educational or educational (i.e., FAPE related)
- Requirement that service will prevent more restrictive **educational** placement

NEED FOR CLARIFICATION

“...the SEC policy adopted in 1996 does not make clear that the extension of the education mandate is intended to support children and families in their homes and communities in order keep a child in the most non-restrictive settings possible.”

POLICY STATEMENT

The special education mandate cited in §2.2-5211 B1 may be utilized to fund non-residential services in the home and community for a student with an educational 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.

POLICY STATEMENT

The special education mandate cited in §2.2-5211 B1 may be utilized to fund non-residential services in the home and community for a student with an educational 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.

§2.2-5211

B. The state pool shall consist of funds that serve the target populations... The target population shall be the following:

- 1. Children placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance*

POLICY STATEMENT

*The special education mandate cited in §2.2-5211 B1 **may be utilized** to fund non-residential services in the home and community for a student with an educational 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.*

Services are at the discretion of the FAPT and CPMT.

POLICY STATEMENT

*The special education mandate cited in §2.2-5211 B1 may be utilized to fund **non-residential services** in the home and community for a student with an educational 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.*



Residential Services

- Group home
- Residential assessment
- Residential treatment
- Emergency shelter
- Respite care
- Etc.

POLICY STATEMENT

*The special education mandate cited in §2.2-5211 B1 may be utilized to fund non-residential services **in the home and community** for a student with an educational 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.*



Services in school setting

- Behavioral aide
- Therapeutic day treatment
- Mentor
- Behavior intervention (ABA)
- Etc.

POLICY STATEMENT

*The special education mandate cited in §2.2-5211 B1 may be utilized to fund non-residential services in the home and community for a **student with an educational 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.*

Student has been determined eligible for special education and has an IEP

POLICY STATEMENT

*The special education mandate cited in §2.2-5211 B1 may be utilized to fund non-residential services in the home and community for a student with an educational 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.*

Examples:

- *Challenging behaviors*
- *Emotional instability*
- *Cognitive impairments*
- *Social skill deficits*
- *Need for supervision*

POLICY STATEMENT

*The special education mandate cited in §2.2-5211 B1 may be utilized to fund non-residential services in the home and community for a student with an educational 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.*

Examples:

- *Interfere with family routines*
 - *Create safety concerns in community*
- *Compromise student adjustment across settings*

NOTE: The term "school setting" means an environment in which school services are being provided. It does not include use of a school building outside of school hours for activities beyond the scope of responsibility of the public schools.

POLICY STATEMENT

*The special education mandate cited in §2.2-5211 B1 may be utilized to fund non-residential services in the home and community for a student with an educational 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.***

Examples:

- *At risk of dismissal from after-school program*
 - *At risk of hospitalization*
- *Potential for more restrictive IEP*
 - *Family needs help developing structure to enable child to return home from residential placement*

POLICY ALLOWS

- Services may be provided regardless of where student receives his/her education:
 - Public school placement
 - Private day placement
 - Residential placement

POLICY ALLOWS

- Services may be provided:
 - to the student and/or to the student's family
 - to transition a student into a less restrictive setting (home, community or school)
 - to prevent movement to a more restrictive setting (home, community or school)

USING THE POLICY

A twelve year old student with “other health impairment” and diagnosed with ADHD is becoming increasingly defiant at home and in school. He is violating curfew and his family frequently doesn’t know his whereabouts. He is absent or late to school 1-2 days a week as he refuses to get up in the morning.

FAPT recommends in-home counseling and mentor services.

USING THE POLICY

A sixteen year old student with an “emotional disability” is severely depressed but refusing to take prescribed medications. She has been cutting herself and spending hours locked in her bedroom refusing to respond. Her parents are unable to persuade her to see her counselor, do not know how to talk with her, and are fearful for her wellbeing.

FAPT recommends in-home counseling services.

USING THE POLICY

A five year old child with a “developmental disability” has limited verbal skills and lacks an effective means of communication . When he becomes frustrated he has severe temper tantrums and his parents do not know how to control him. They fear for the safety of his newborn sister as he throws things, hits, screams, and scratches during his tantrums.

FAPT recommends services of a specialist trained in ABA strategies to complete a behavioral assessment and develop a behavior intervention program in the home.

RELATED NOTES

- Requirements for use of other categories of CSA funding (e.g., non-mandated, foster care prevention) differ from requirements for the use of funds under the special education mandate.

RELATED NOTES

- Requirements for Medicaid funding differ from requirements for use of funds under the special education mandate.

QUESTIONS



ATTACHMENT B
CSA Funding for Students with Disabilities
WEBINAR SESSION 2/8/2011: Questions and Answers
The responses in this document reflect the positions of both OCS AND VDOE

| QUESTION | RESPONSE |
|--|--|
| 1 are children under 5 who are in a pre-school setting through the school system eligible? | Children may be identified eligible for special education from ages birth through 21. So, yes, if a child under 5 has been determined eligible for special education services, the CSA special education mandate could be used for wrap-around services. |
| 2 Who requests the services? Can the school or does the family have to? | The process for referral to FAPT is determined by local policy. Best practice would allow referrals by the schools when they identify child/family needs that require multi-disciplinary planning. Use of the special education mandate is not dictated by the referral source. |
| 3 Are you talking about no direct services being in the school setting? What about consultation with teachers and school admin? | The exclusion of services in the school setting assures that CSA funds are not utilized for services that are the financial responsibility of the schools. When CSA is funding wrap-around services to a child/family, coordination and communication across settings would be considered best practice and is encouraged. It would not be appropriate, however, to use CSA funds to provide services to school staff, e.g., professional development. |
| 4 If the school is not seeing the behavior, does the school have to make the FAPT referral? Use the five year old developmentally delayed student example? -Does this policy only apply when the school makes the referral? | The policy does not restrict the use of funds based upon who makes a referral to FAPT. The use of sped mandated funds would be appropriate for the PowerPoint example of the five year old student with a development delay regardless of who might make the referral -- the family, a CSB representative, the school, etc. The appropriate use of funds is based on this child meeting the specific language in the policy, i.e., the needs arise from the disability, the service will be provided in the home, and there is a threat to the student being maintained in the home. |
| 5 If a youth is placed in a residential placement by another agency (such as DSS for safety reasons, no other lesser restrictive placement available) but the youth also has an IEP, how does the revised mandate affect this situation? | If a youth meets more than one mandate, it would be up to the local CSA team to determine which mandate category is most appropriate to use for reporting. |

ATTACHMENT B

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/8/2011: Questions and Answers

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6 When should funding for a 1:1 behavioral aide stop?

With regard to the use of CSA funds for these services, this was addressed in a memo to CPMT from Charlotte McNulty, Executive Director, Office of Comprehensive Services: "Please review your local policies and practices in this regard. If you find that you are providing services within public school settings to this population please work with your local school system to determine the most expedient process for eliminating the use of pool funds for these services. It is expected that by the end of this school year every locality will be in compliance with this policy." ***From the IDEA perspective, however, when school divisions know or suspect that the removal of the CSA service in the school setting may impact the student educationally (including academic and behavioral), then the student's FAPE may be in question. The IEP team needs to address the issue in a timely manner so that FAPE is not disrupted or interrupted for the student.***

7 Would there be a parental co-pay review needed for these types of services?

Because the services funded under this policy are wrap-around services recommended by a FAPT and written into an IFSP, they are subject to co-pay provisions of CSA.

8 We have students that have behaviors that begin or resonate from the home or community. These behaviors then extend to the school setting and threaten the school placement/setting. If we have maintained their placement with an IFSP, and the implementation of behavioral support....how do we now handle services for these children? Are we supposed to have IEPs developed for these children and have them placed in private day?

If the wrap-around services are being provided in the home or community, nothing has changed as a result of the policy clarification. If the behavioral support you describe has occurred in the school setting, the policy does not allow continued CSA funding of the service. If the use of this service in the school has proven successful in maintaining the student in his/her educational placement and the lack of CSA funding causes the service to be withdrawn, moving the student to a more restrictive placement could be determined a violation of the student's right to FAPE.

ATTACHMENT B

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/8/2011: Questions and Answers

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- 9 BSS, Mentor, not allowed during school setting, school day - correct?
- CSA special education mandated funding may not be used for services in the school setting. School setting encompasses wherever and whenever school services are being provided. The school setting includes transportation to and from school as well as school activities that may occur off-site (e.g., community based instruction, vocational sites, etc).
- 10 So a home based worker can't participate in a meeting at school with teachers, parents and administration? -- if a student has a mentor outside at home can the mentor do follow through in the school
- Collaboration with all parties involved in services to a child and family is certainly considered best practice and is encouraged. Use of CSA funds to place a home-based worker in the school setting to provide services there is not permissible. There is nothing that would prohibit someone who is working with the child/family in the home from observing the child in the school setting or attending a meeting at the school for purposes of collaboration and communication, e.g., to enhance consistency across settings.
- 11 What paperwork is required to be completed before these services can be approved?
- Services funded under the sped mandate are written in an IFSP and funded in accordance with state and local policies and procedures for authorization of state pool funds.
- 12 Are the examples you went over previously "mandated" examples
- The examples used in the PowerPoint represent scenarios under which the use of the special education mandate would be appropriate. The term "mandated" applies to the category of funding. Per the policy language, the fund category "may be used" -- use of funds to provide wrap around services to any client is at the discretion of the FAPT and CPMT.
- 13 Susan, is there a recommended process to determine the other possible funding sources (i.e. Foster care prevention, Mental Health Grants, etc.) before accessing this source? I am concerned schools would now be doing "foster care prevention" work...
- CSA requires that all non-CSA fund sources be exhausted prior to use of CSA funds. If a youth meets more than one mandate, it would be up to the local CSA team to determine which mandate category is most appropriate to use for reporting. What agency provides case management for any service, regardless of the fund category used for the service, is determined by local policy/procedure.

ATTACHMENT B

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/8/2011: Questions and Answers

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- 14 What boundaries are in place to prevent this from becoming a run-away funding source for families to request any number of services they think are needed for their child who has an IEP?
- The FAPT and CPMT policies and procedures for authorization of services are applied no differently for use of the special education mandate than for any other IFSP service.
- 15 What are the implications of 2.2-5211 for independent schools that work with students who have an IEP?
- There has been no change to the Code of Virginia, 2.2-5211 which requires the funding of IEP placements in private day and private residential schools. The policy does now clarify that the funding of wrap-around services to students who are placed in private day and residential programs is allowable.
- 16 Does there need to be documentation in the IEP that the student in being referred to FAPT for services in order to meet any mandate requirements?
- No, and to do so would be inappropriate. The IEP describes the supports and services that a student requires to receive his/her education. The IEP does not address non-educational needs.
- 17 If it is a funding for a non-educational service, i.e. in-home counseling, and the family refuses to pay a copayment on a recommended service, does the CSA have to pay?
- Local policy and practice determine whether services are provided and funded for families who refuse to comply with co-pay requirements.
- 18 Can services be provided after school in the way of parent training since it is considered in the IDEA regs? Can we proceed with funding if it is not in the IEP? "Related services also include...parent counseling and training."
- Anything that meets the definition of a related service must be in the IEP . Services may not be left out of the IEP in order to access CSA funding - refer to Superintendent's Memo #118-10.

ATTACHMENT B

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/8/2011: Questions and Answers

The responses in this document reflect the positions of both OCS AND VDOE

19 Hi Susan, I have a question similar to Kelly's from earlier. In the school, we have taken cases for in-home and other services to FAPT under foster care prevention funding source. What would be the difference between taking a student to FAPT for services under foster care prevention versus Sped mandate?

If a youth meets more than one mandate, it would be up to the local CSA team to determine which mandate category is most appropriate to use for reporting. There are different eligibility criteria for each fund category. For example, to be eligible for the foster care prevention fund category, a child must meet the criteria for abused, neglected or "child in need of services" (a specific legal definition). The intent of CSA is to allow communities the flexibility to consider the needs of children and families holistically rather than within "silos" related to specific agencies. Funding categories should not drive how or when children and families are referred to FAPT for multi-agency planning.

20 Can local CPMT boards require IEP progress reports for privately placed day and residential placements to be submitted to the CPMT board for review to approve funding?

It is recommended that local policies and procedures utilize IEP progress reporting to meet the utilization review requirements of CSA. The CPMT may not, however, develop or implement policies that interfere with the school division's obligation to provide FAPE services to a student. Thus, authorization of funding may not be denied based on a failure to receive progress reports.

21 School-Based Day Treatment Services are based on a student's eligibility for Medicaid services and not IDEA. If a student is not eligible for Medicaid, does it have to be part of the IEP?

The sped mandate may not be used to fund school-based day treatment services to a student with an IEP, since these services occur in the school (the question of whether it is in the IEP is not a determining factor). Requirements for use of Medicaid funds are very different from requirements for use of CSA funds. There is no prohibition against the use of Medicaid funds for services that may be in the IEP or for services in the school setting.

ATTACHMENT B

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/8/2011: Questions and Answers

The responses in this document reflect the positions of both OCS AND VDOE

22 Sped Director Concern: Is Judy Douglas involved? I have concerns that a school system will use this policy, and a parent will be asked for a co-pay and run to Legal Aid. The argument will be if the school thought the issue important enough to address, and IDEA mandates consideration for all extra-curricular activities... this is putting schools in harms way legally.

The CSA requirement for co-pay stipulates "unless prohibited by federal law or state regulation." Federal law and state regulations governing special education require that special education and related services be provided to students with disabilities at no cost to parents. This prohibition does not extend to non-special education services. Wrap-around services on an IFSP, regardless of the CSA funding category, are not special education or related services and are not exempted from co-pay policies.

23 Doesn't the fact that these services are now included in the mandated category make them sum-sufficient?

No. Nothing about the policy clarification has changed the status of services funded in accordance with the policy. Since it was established, the SEC policy has made the students funded under it a part of the mandated population. The CSA term "special education mandate" refers to the eligibility of the client because of his/her status as a student with a disability -- it does not describe anything about the nature of the service itself. The term "sum-sufficient" refers to requirements to fund special education services based upon the right of a student with a disability to the services in his/her IEP. Wrap-around services in an IFSP are not special education services, regardless of the fund category used to pay for them - these services are not guaranteed to students under the IDEA and they are not covered under "sum sufficient" requirements.

ATTACHMENT C
CSA Funding for Students with Disabilities
WEBINAR SESSION 2/10/2011: Questions and Answers
The responses in this document reflect the positions of both OCS and VDOE

| QUESTION | RESPONSE |
|---|--|
| 1 why was the term "school" removed? | The policy language adopted on 1-10-2011 clarifies the SEC's continuing intent to allow communities to provide wrap around services to youth beyond the school setting and to remind us that school divisions remain responsible for the educational services in the school setting. The policy also clarifies the prohibition regarding supplanting of funds. |
| 2 Special Education regs state children can go to school through age 21. Are there age restrictions to CSA mandated funds under the new policy? | Use of CSA funds under the special education mandate is dictated by the eligibility of the student for services. As long as a student remains eligible for special education services he/she remains eligible for extension of the mandate. |
| 3 What about a student who falls under both the Foster Care Prevention Mandate and the special Education mandate? Would this student be able to access services at the school if the reasons are non-special ed related? | No. If child has an IEP, CSA funds are not to be used for services in the school setting. |
| 4 Can services be provided to assist a child in getting out of their home, to the bus, and into his/her seat on the bus? Normally the school would not necessarily assist the child from his/her actual home to the bus. Is this considered the community....or is this considered the school responsibility because the child is "on the way to school"? | The extension of the special education mandate may not be used for wrap-around services in the school setting. "School setting" or "school environment" includes settings adjunct to the classroom; for example, cafeteria, bus or alternate transport, playground, vocational sites, field trips or other off-school grounds activities associated with the student's educational program. The extension of the special education mandate cannot be used to fund services that are necessary for the student to benefit from or gain access to his/her educational program. The IEP team is responsible to determine the specific services that are necessary for a student's educational program and delineates these services in the IEP. |

ATTACHMENT C

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/10/2011: Questions and Answers

The responses in this document reflect the positions of both OCS and VDOE

- 5 Are there restrictions on the use of CSA funds for services provided as part of a student's specialized private school program... behavior support aide in the private school setting, community based instruction provided by the private school program? *Is there a limitation to use of CSA funds for private school services ... must they be provided in a "school" building or can they extend to off campus settings?*
- All special education and related services in an IEP for private school placement are funded by CSA in accordance with the Code of Virginia §2.2-5211. The SEC policy clarification of January 10, 2011 in no way changes the funding of private educational placements. Thus, if a behavioral support aide or community based instruction are included as components of the private school IEP, these services are funded by CSA.
- 6 What about a sped student who previously received family counseling services under court services and is no longer mandated for such services, requests these services. Is such a request to be funded by FAPT-outside of the IEP?
- If the circumstances of a student with a disability meet the criteria established by the January 10, 2011 policy statement, CSA funds under the special education mandate may be used for wrap around services such as family counseling. These services would not be in the IEP, but delineated in an IFSP.
- 7 Could you clarify how CSA services could be used to support a student who is transitioning from a private school to public school setting? I have a private school pushing for a behavior specialist to attend public school with a student to "support his transition" back to public school. *If a child is transitioning to public school from a private day placement, will CSA fund a behavioral aide since the student is transitioning to a less restrictive environment?*
- The SEC policy allows funding of wrap around services to transition a student from a more restrictive placement. However, since the policy prohibits use of funds for services that occur in the school setting, the wrap around services described here could not be funded by CSA. If the student and/or family need services in the home, e.g., to implement a consistent behavior plan, those services could be provided under the special education mandate.

ATTACHMENT C

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/10/2011: Questions and Answers

The responses in this document reflect the positions of both OCS and VDOE

- 8 A child with an IEP is currently is placed by a parent in a private school and private residential for non-educational reasons. Child was unable to be maintained in home due to severe nature of behaviors. This, after a behavioral consultant was tried prior to placement. This was done so through coordination of FAPT. CSA funding used currently to pay for education and ID waiver and Medicaid paying residential. Parent is also paying co-pay. Child is coming up on 18th birthday. Does CSA funding stop or can they continue since child is currently placed.
- CSA funding as described in this scenario is in accordance with the Code of Virginia, §2.2-5211 (not with the SEC policy extension of the mandate). CSA is responsible to fund the educational services to a student with a disability when the student is **placed by CSA/CSA participating agency into a residential program for non-educational reasons** . Given the information in this scenario that both the residential placement and school placement were coordinated through FAPT, these placements are not considered "parent placements" - they are both CSA placements. A student's eligibility for use of mandated special education funds is based upon the student's eligibility for special education, i.e., through his/her 21st birthday unless he/she has earned a standard or advanced diploma. In this scenario, the student's eligibility for use of mandated special education funds for the school program is dependent upon his/her continued placement in the residential placement for non-educational reasons.
- 9 If a student who is sped eligiible under the Speech-Language Impairment category for an articulation disorder needs behavioral support in the school but does not qualify for another sped category, would this student be able to access behavioral support funded by CSA?
- In accordance with the 1-10-2011 policy statement, CSA special education mandated funding may not be used for wrap-around services in the school setting. If the student's behavior impedes the student's learning or that of others, the IEP team must consider the use of positive behavioral interventions, strategies and supports to address the behavior.
- 10 So if the child has an IEP and is in public school CSA can not fund the 1:1 services even if the 1:1 is to provide wrap around services...Right?
- The policy statement of 1-10-2011 prohibits the use of funds under the special education mandate for services in the school setting, thus these funds could not fund 1:1 services in the school setting. If the 1:1 services are needed in the home or community, mandated special education funds could be used under this policy as long as the circumstances meet all the criteria of the policy.

ATTACHMENT C

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/10/2011: Questions and Answers

The responses in this document reflect the positions of both OCS and VDOE

- 11 what would be the rationale for a contracting agency to require a 1 to 1 aide be treated as a child specific service even though it is a CSA line item service?
- All CSA funded services must be child-specific services.
- 12 Using your example of the student with ADHD, who misses curfew at home, do you have to somehow show that staying out past curfew is related to his ADHD designation? If his missing curfew has nothing to do with the ADHD, would he still be eligible under the mandate?
- The policy requires that the needs arise from the student's disability. If the team does not believe that the student's disability gives rise to the need for service, use of funds would not be appropriate.
- 13 Where in the IEP would it be appropriate to place services like a behavioral aide?
- Provision for a behavioral aide for a student with a disability generally would appear as a related service in the IEP's "Services" section. The provision may also appear in the IEP's "Accommodations/Modifications" section. Additional specific reference to the student's educational need for a behavioral aide may also appear in the the IEP sections of "Present Level of Performance" and/or "Measurable Annual Goals."
- 14 Is there a circumstance where a special ed. student could receive a service funded by CSA during the public school day? If yes, please give an example of the service.
- The policy of 1-10-2011 that allows extension of special education mandated funds for wrap-around services prohibits the use of those funds for services in the school setting.
- 15 You did say that the mentor or whomever, for example can go into the school to check on the student and his/her progress, correct? How often? Smile
- The exclusion of services in the school setting assures that CSA funds are not utilized for services that are the financial responsibility of the schools. When CSA funding under the special education mandate is being used to provide wrap-around services to a child/family, coordination and communication across settings would be considered best practice and is encouraged. It is not appropriate, however, to use CSA funds to provide services to school staff, e.g., professional development, or to provide direct services to the student.

ATTACHMENT C

CSA Funding for Students with Disabilities

WEBINAR SESSION 2/10/2011: Questions and Answers

The responses in this document reflect the positions of both OCS and VDOE

- 16 So in general CSA funds can not support services that are in IEP in the public school setting but can fund the services on the IEP in the private schools.
- Funding the services in a private school IEP is required by the Code of Virginia, §2.2-5211. This is based on the fact that private school tuition was one of the fund sources that created the state pool of funds under the CSA. Services on IEPs that place students in public schools have always been the financial responsibility of the local public school division. CSA prohibits the use of pool funds where they would supplant another source of funds for services - thus, CSA cannot pay for services on the IEP for a student in the public school setting. The SEC policy allows communities to fund services for which there exists no other fund source.
- 17 Are there any services, besides residential, that cannot be paid for by CSA for children with IEP's in the community setting?
- The policy on use of special education mandated funds does not provide other restrictions. All broad CSA requirements for use of funds apply to this category of funding, e.g., licensure, UM&UR, etc.
- 18 So the case management for services such as respite- outside of the school day would now be on school staff, in addition to current services monitored by school staff.
- The assignment of case management is a local determination.
- 19 Can CSA funds be utilized to contract with public school employees who have the knowledge and experience to work with children with special education outside of the school setting to support the child and family?
- Provider selection is based on local policy and procedures.
- 20 If the IEP indicates a residential setting as the appropriate placement but the student is not eligible for Medicaid, can CSA funds be used for that residential setting?
- In accordance with the Code of Virginia §2.2-5211, CSA is responsible to fund all services in an IEP that requires private placement. This includes all costs (including room and board, treatment, etc.) associated with a residential placement when the IEP requires such placement.

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- 21 If a child is not in the CSA mandated population, what level of service is a resident school district supposed to provide for a child in a residential treatment facility with an IEP parentally placed but not placed due to a parent's rejection of FAPE. It is a non educational placement due to a mental health condition that warrants a residential treatment level of service admitted under a physician's order?
- The school division of the parent's residence is responsible for the provision of FAPE to a student with a disability who is placed by his/her parent into a residential program for non-educational reasons.
- 22 May the foster care, foster care prevention, and or the non-mandated mandate types be used to purchase services delivered in public school setting during the school day to a student with an IEP? I.e. day treatment or other counseling service
- No, if the child has an IEP, CSA funds cannot be used in the school setting.