

OFFICE OF CHILDREN'S SERVICES

ADMINISTERING THE CHILDREN'S SERVICES ACT



The Children's Services Act (CSA, §2.2-2648 et seq) was enacted in 1993 to create a collaborative system of services and funding for at-risk youth and families.

The CSA establishes local multidisciplinary teams responsible to work with families to plan services according to each child's unique strengths and needs and to administer the community's CSA activities.

The Office of Children's Services (OCS) is the administrative entity responsible for ensuring effective and efficient implementation of the CSA across the Commonwealth.

Guiding principles for OCS include:

- Child and family directed care,
- Equitable access to quality services,
- Responsible and effective use of public funds,
- Support for effective, evidence-based practices, and
- Collaborative partnerships across state, local, public, and private stakeholders.



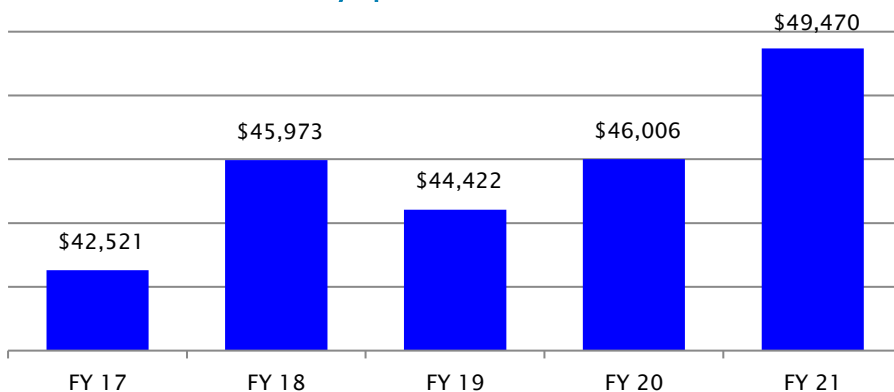
PRIVATE SPECIAL EDUCATION SERVICES UNDER THE CSA

Annual Report to the General Assembly, December 2021

In accordance with the Appropriation Act Chapter 552, Item 292 (K)(2)

Children and youth with educational disabilities placed due to the student's Individualized Education Programs (IEP) in approved private school educational programs are in the CSA target population. They are eligible for funding as specified in the *Code of Virginia*, §§2.2-5211- 2.2-5212).

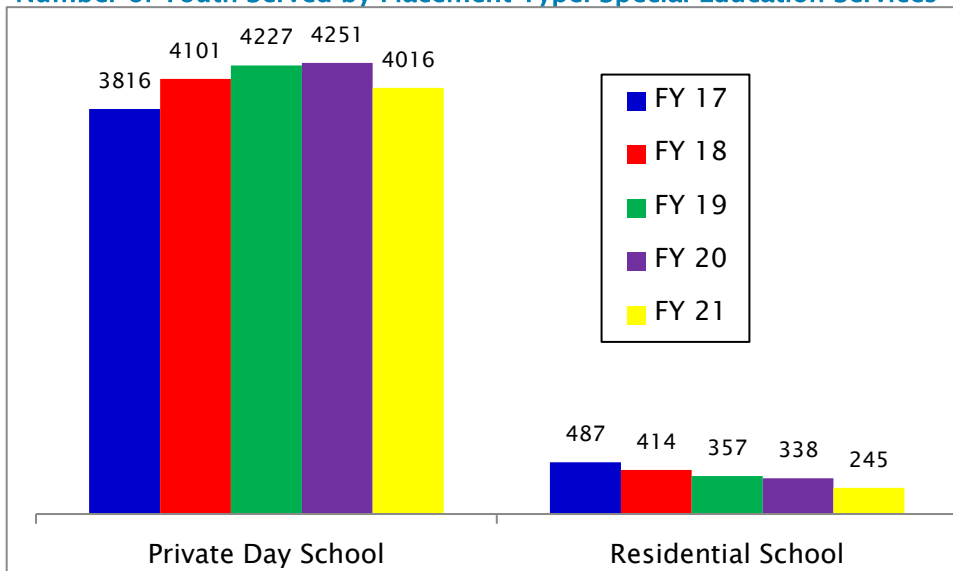
Average Annual CSA Expenditure Per Child (FY2017 - 2021)
Private Day Special Education Services



Net CSA Expenditures by Placement Type - Special Education Services

| | FY2019 | FY2020 | FY2021 |
|----------------------------|----------------|----------------|----------------|
| Private Day School | \$ 185,866,635 | \$ 193,404,469 | \$ 197,281,992 |
| Private Residential School | \$ 11,720,397 | \$ 12,004,699 | \$9,255,269 |
| Total | \$ 197,154,732 | \$ 205,409,168 | \$ 206,537,261 |

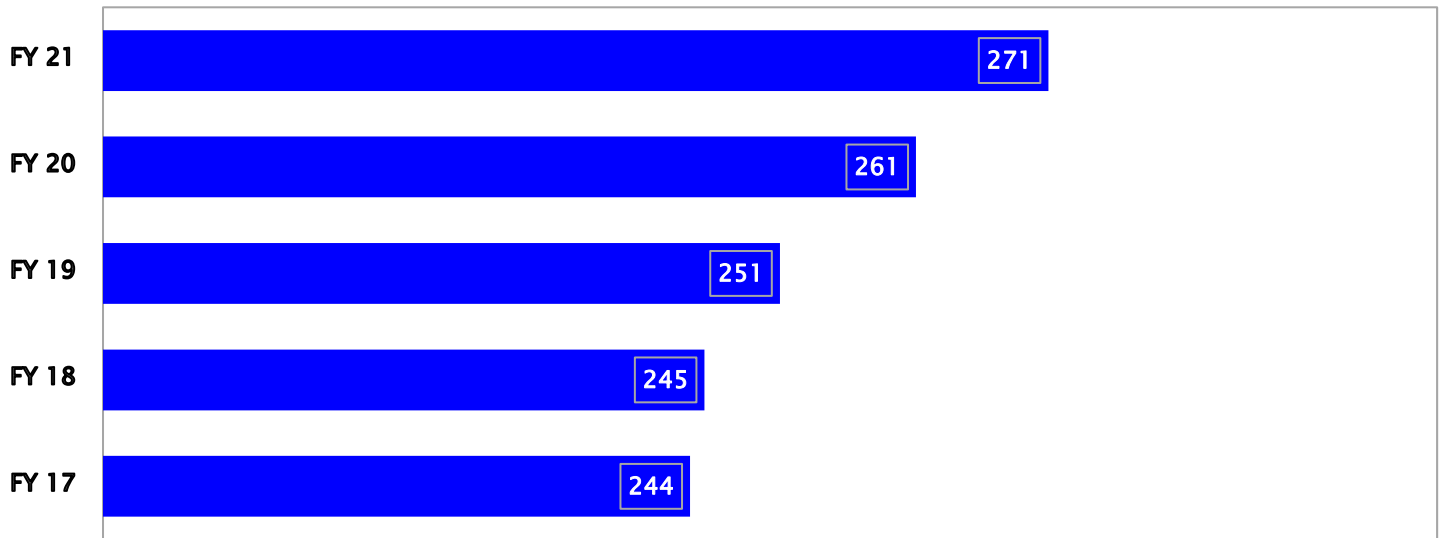
Number of Youth Served by Placement Type: Special Education Services



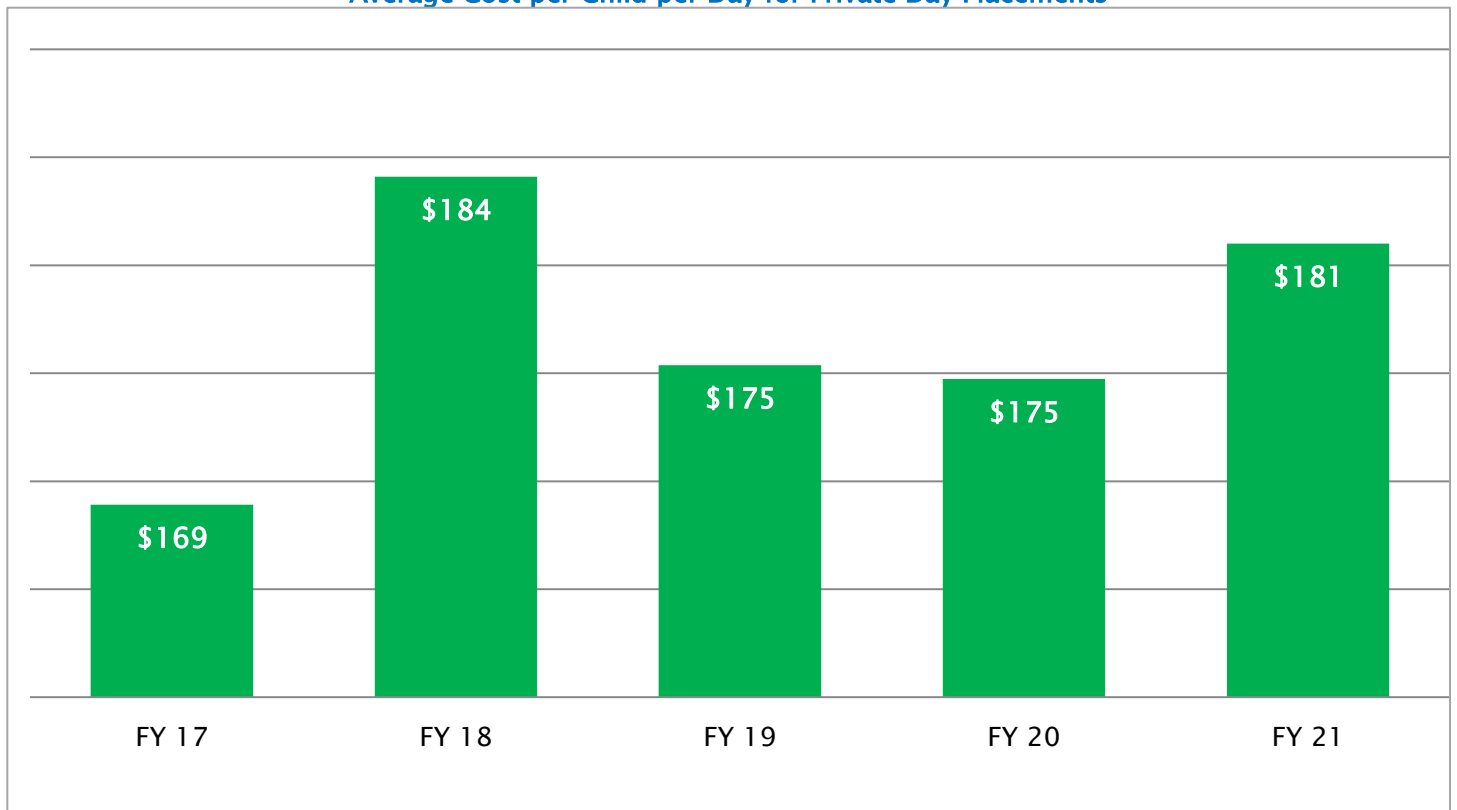
FY2021 unduplicated count of youth who received services resulting from an Individualized Education Program (IEP) requiring private school placement = 4,175

Private Special Education Services
Funded under the Children's Services Act

Average Length of Stay (Number of Days per Year) for Private Day Placements



Average Cost per Child per Day for Private Day Placements



Discussion

The growth in private special education placements, especially private day schools, has received extensive attention over the past several years. Children's Services Act (CSA) expenditures for private day special education placements account for 77% of overall CSA growth (combined state and local expenditures) from FY2015 – FY2021. The number of students served in such placements over this period, required by their Individualized Education Programs (IEP), rose 24% (3,416 to 4,251 in FY2020). There was a slight decrease in FY2021 (4,016 or –5.5%), most likely due to the impact of the COVID-19 pandemic. The pandemic complicates understanding utilization and expenditure patterns in FY2021. While the number of youth served has decreased, overall and per-student expenditures showed modest growth. The increased annual cost per student is likely due to expanded extended school year (ESY) services and/or ancillary services (e.g., speech/language/occupational therapies) provided in compensation for lost educational time due to the pandemic.

In November 2020, the Joint Legislative Audit and Review Committee (JLARC) released its report on the CSA, with a specific focus on private day special education. JLARC made numerous recommendations, including:

- Allow CSA funds to pay for special education services and supports delivered in the public school setting to prevent children from being placed in more restrictive settings or to transition back to public school from more restrictive settings.
- Transfer administration of funding for special education private day programs, required by a student's IEP, to the Virginia Department of Education.
- Providers of private day special education programs should be required to annually report on their costs and revenues to provide transparency in the expenditure of public dollars.
- The Department of Education should annually collect and publish performance data on private day schools similar to or the same data collected and published for public schools.
- The Board of Education should develop and promulgate new regulations on seclusion and restraint in private day schools that mirror those for public schools.

The 2021 Session of the General Assembly took action on several of these recommendations in SB1313 and HB2117. A workgroup established by the enactment clause of those bills has been meeting to address many of these recommendations. A preliminary report was issued on November 1, 2021, and the final report is due in November 2022. The legislation added CSA funding for specified transitional services to assist with the successful return of students from private day to public school settings. These new services were made available to localities on July 1, 2021. Data is being collected to determine the number of students served and whether they can successfully transition back to the public school.

The Office of Children's Services is finalizing a uniform rate setting study and process for private day special education programs as directed by the General Assembly. These rates will be implemented effective FY2023.