



COMMONWEALTH OF VIRGINIA

Commission on Youth

The Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities Year 2

September 8, 2015

Leah Mills

Presentation Outline



- Study Mandate
- Study Activities
- Federal Requirements
- Special Education in Virginia
- CSA and Special Education
- Key Findings
- Draft Recommendations

Study Mandate



- HJR 196 (Adams) directs the Commission on Youth (COY) to:
 - examine the use of Comprehensive Services Act for At-Risk Youth and Families* (CSA) and Medicaid funds for private day and private residential special education placements;
 - gather local and statewide data when youth are placed in these placements;
 - determine the feasibility and cost-effectiveness of more integrated alternatives to provide special education services to students including students with intellectual and developmental disabilities currently in segregated settings; and
 - consider any other matters appropriate to meet the objectives of this study.
- COY is to complete its meetings by 11/14 the first year and by 11/15 the second year and report recommendations prior to the 2016 General Assembly Session.

*The 2015 General Assembly enacted legislation (SB 850, Favola) to change the name of the Comprehensive Services Act for At-Risk Youth and Families to the Children's Services Act (CSA) to better reflect the goals of CSA.

Study Activities – Year 1 & 2



- Conduct literature reviews on other states' initiatives/policies
- Review federal statues and regulations
 - Individuals with Disabilities in Education Act of 2004 (IDEA)
 - IDEA federal regulations
- Review Virginia laws and regulations
 - The Children's Services Act (CSA)
 - Virginia's Special Education Regulations
 - Utilization of Medicaid for special education services
- Review CSA Policies
 - Local match rate allocations
 - CSA reimbursement for wraparound educational services
- Collect data to review the use of special education placements
 - Number of children who are placed
 - Disability/placement types

Study Activities – Year 1 & 2



- Met with state and local officials, as well as key stakeholders
 - State and local education officials
 - State and local CSA administrators
 - Parents/family members
 - Private school representatives
 - Advocacy Organizations
- Site visits
 - Public day schools
 - Private day schools
 - IEP meeting
- Convene Advisory Group
 - June 15 Meeting
 - September 8 Meeting

Study Activities (cont.)



Advisory Group Membership

Office of Children's Services

Virginia Department of Education

Virginia Department of Behavioral Health and
Developmental Services

State Executive Council

Virginia Board for People with Disabilities

Virginia Department of Social Services

Virginia Commission on Youth Members

Special Advisor on Families, Children and Poverty

Virginia Council of Administrators of Special
Education

Virginia Association of Independent Specialized
Education Facilities

Virginia Association of Secondary School Principals

Virginia Association of Elementary School Principals

Virginia School Board Association

Parent Educational Advocacy Training Center

Virginia Association of School Superintendents

Parent Educational Advocacy Parent Training

Special Education/General Education Educators

Virginia Education Association

Local Education Agencies

Regional School Representative

Private School Representatives

Children's Services Act Coordinators

Community Policy and Management Teams

Family Assessment and Planning Teams

Partnership for People with Disabilities

Commonwealth Autism

Local Government Officials

Virginia Association of Counties

Virginia Municipal League

Advocacy Organizations

Family Members

Federal Requirements



- Special education, pursuant to the IDEA is specially designed instruction provided at no cost to the parents in order to meet the unique needs of a child with a disability.
 - Part B addresses special education
 - Part C addresses early intervention
- IDEA guarantees a free appropriate public education (FAPE) to all eligible children with disabilities including:
 - identification and referral,
 - evaluation,
 - determination of eligibility,
 - development of an individualized education program (IEP),
 - determination of services, and
 - reevaluation.
- IDEA requires that students with a disability be provided special education services in the least restrictive environment (LRE) and that students not be unnecessarily segregated from nondisabled students.

Federal Requirements (cont.)



- Child with a disability – a child’s educational performance must be adversely affected due to the disability.
 - Intellectual Disability
 - Hearing impairment
 - Speech or language impairment
 - Visual impairment
 - Emotional disability
 - Orthopedic impairment
 - Autism
 - Traumatic brain injury
 - Other health impairment
 - Specific learning disability
 - Deaf-blindness
 - Multiple disabilities
 - Developmental Delay

Sources: Center for Parent Information and Resources. (2012); Virginia Department of Education. (September 16, 2014). *Fundamentals of Special Education*. Presentation to the Virginia Commission on Youth.

Federal Requirements (cont.)



Free and Appropriate Education (FAPE)

- FAPE is an individualized educational program designed to meet the child's unique needs and from which the child receives educational benefit, and prepares them for further education, employment, and independent living.
- The school is responsible for providing FAPE.
- The child's IEP is the roadmap which describes how the school will provide FAPE.

Federal Requirements (cont.)



FAPE

- Follows U.S. Supreme Court's Rowley standard.
 - *While children are not entitled to a Cadillac program, they are entitled to a serviceable Chevrolet that runs.*
- In order to provide FAPE, the law does require schools to provide services that are individualized to meet the unique needs of each child.

Source: *Wrightslaw FAPE – What Does It Mean? Caselaw; Board of Educ. v. Rowley (1982) 458 U.S. 176 [102 S. Ct. 3034, 73 L.Ed.2d 690] (Rowley).*

Federal Requirements (cont.)



Least Restrictive Environment (LRE)

1. To the maximum extent appropriate children with disabilities are to be educated with children who are not disabled.
2. Removal may only occur when education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Federal Requirements (cont.)



Examples of services and supplementary aids

- School health/nurse services
- Social work services
- Crisis Intervention
- Assistive technology
- Non-academic services
- Extra curricular activities
- Orientation/mobility training
- Rehabilitation counseling
- Psychological services
- Parent counseling and training
- Occupational therapy
- Physical therapy
- Transportation
- Counseling
- Speech and language therapy
- Audiology services
- Interpreting services
- Early identification
- Diagnostic services

Federal Requirements (cont.)



Continuum of Alternative Placements

- School divisions shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services
- The continuum required. . . must:
 - Include the alternative placements. . . (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.
- All placement decisions are made by the IEP team with parent input, are based on the IEP, and are reviewed at least annually.

Source: 34 C.F.R. § 300.115.; 34 C.F.R § 300.116(a).



Continuum of Alternative Placements

Least Restrictive

Most Restrictive

Regular Classes

Special Classes

Special Schools

Hospital or Institution

Student's Home

Federal Requirements (cont.)



Provision of Nonacademic and Extracurricular Activities

- Each public agency must ensure that the child has supplementary aids and services determined appropriate and necessary by the child's IEP Team to participate in nonacademic and extracurricular services and activities.
 - Examples: meals, recess, assemblies, clubs, athletics

Federal Requirements (cont.)



IEP Components

- Present levels of academic achievement and functional performance
- Measurable annual goals
- Plans for measuring progress
- Participation in state and division-wide assessments
- Special education, modifications and related services to be provided including dates and locations
- Participation with children without disabilities
- Secondary transition services including rights at age of majority

Source: Parent Educational Advocacy Training Center. (n.d.). Welcome to the Special Education Tour.

Federal Requirements (cont.)



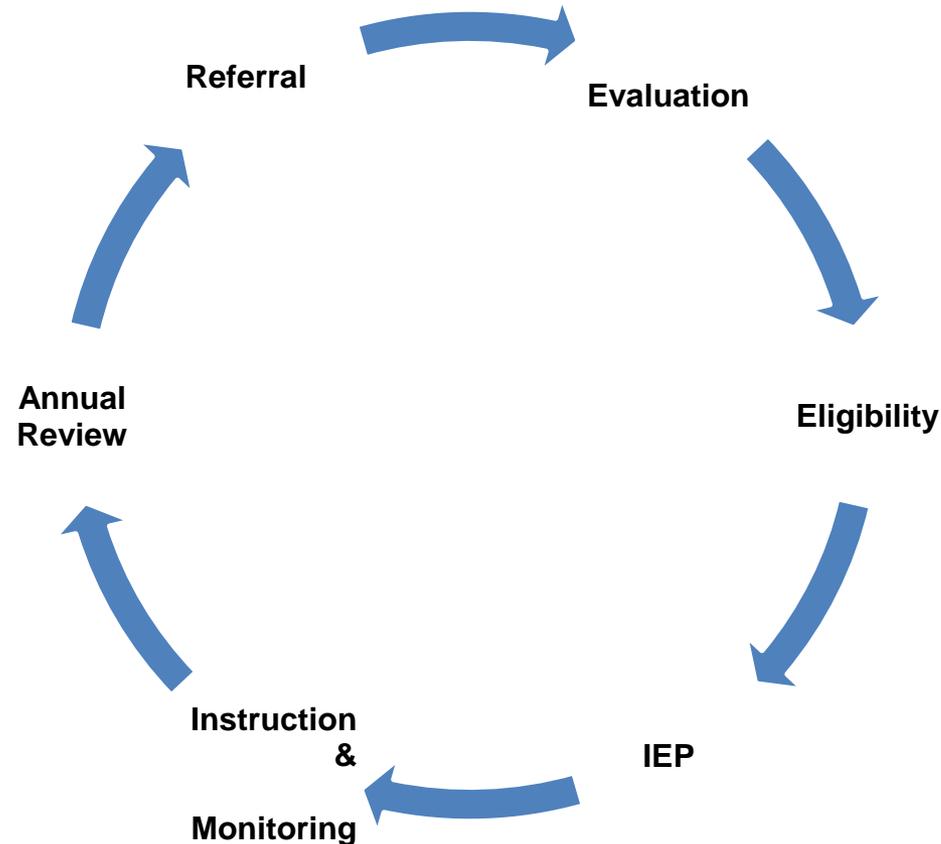
IEP Components

- Present levels of academic achievement and functional performance
- Measurable annual goals
- Plans for measuring progress
- Participation in state and division-wide assessments
- Special education, modifications and related services to be provided including dates and locations
- Participation with children without disabilities
- Secondary transition services including rights at age of majority

Source: Parent Educational Advocacy Training Center. (n.d.). Welcome to the Special Education Tour.



The Special Education Cycle



Federal Requirements (cont.)



Funding – Excess Cost Requirements & Maintenance of Effort

- State general funds support special education services in public school settings.
- Federal special education funds can only be used to pay the excess costs of providing special education and must be used to supplement, not supplant, state and local funds.
- IDEA requires school divisions to generally spend the same amount of money, or more, on special education from year to year. This is called "maintenance of effort."
 - There are a few exceptions—for example, if a highly paid staff member leaves and is replaced with someone who does not earn as much, or if a student who needed a lot of expensive services is no longer enrolled. Other than in those few circumstances, special education spending should only stay the same or go up compared to the previous year.

Source: 34 C.F.R. § 300.203; Virginia Council of Special Education Administrators. (2013). Presentation at VCASE October 9, 2013 Conference – Annual Plans, Maintenance of Effort (MOE) and Coordinated Early Intervening Services (CEIS).

Special Education in Virginia



2013-2014 School Year Enrollment

- 1.273 Million Students
- 1,860 Public Schools
 - 34 Preschools
 - 1,156 Elementary Schools (K-5)
 - 311 Middle Schools (6-8)
 - 312 High Schools (9-12)
 - 47 Combined Schools
 - 7 Public Charter Schools
- 156,910 students with disabilities (SWD)
 - Many SWD categories decreasing
 - Represents 12.3% of the overall school population

Special Education in Virginia (cont.)



- State general funds support special education services in public school settings.
- Medicaid funds may be utilized to support private residential placements, but only for those youth with mental health treatment needs that qualify for residential services.
- CSA funds are used to provide services for at-risk youth and their families, including private day school and residential placements for the purposes of special education.

Special Education in Virginia (cont.)



School Division's Responsibilities

- Conducts evaluations for eligibility
- Ensures IEPs are implemented (public & private)
- Pays for:
 - IEP services and supports (public school);
 - Homebound services;
 - Regional special education programs;
 - Tuition to another public school; and
 - Transportation to implement IEP (private setting).

Special Education in Virginia (cont.)



State General Funds

- State funds are made available to school divisions to assist in the cost of implementing Virginia's special education program standards.
- For each child counted in the school division's average daily membership (ADM), an amount is paid to the school division for this purpose. This per-child amount is referred to as the special education add-on.
- The per-child special education add-on amount is determined by calculating the theoretical number of teachers and aides necessary to meet the special education program standards in each school (based on information supplied on the Dec. 1 Count of Children Receiving Special Education and Related Services), and then determining the state's share of the theoretical cost of those teachers and aides.
- The state's share of this cost is determined according to the locality's composite index of local ability to pay.

Special Education in Virginia (cont.)



State General Funds (cont.)

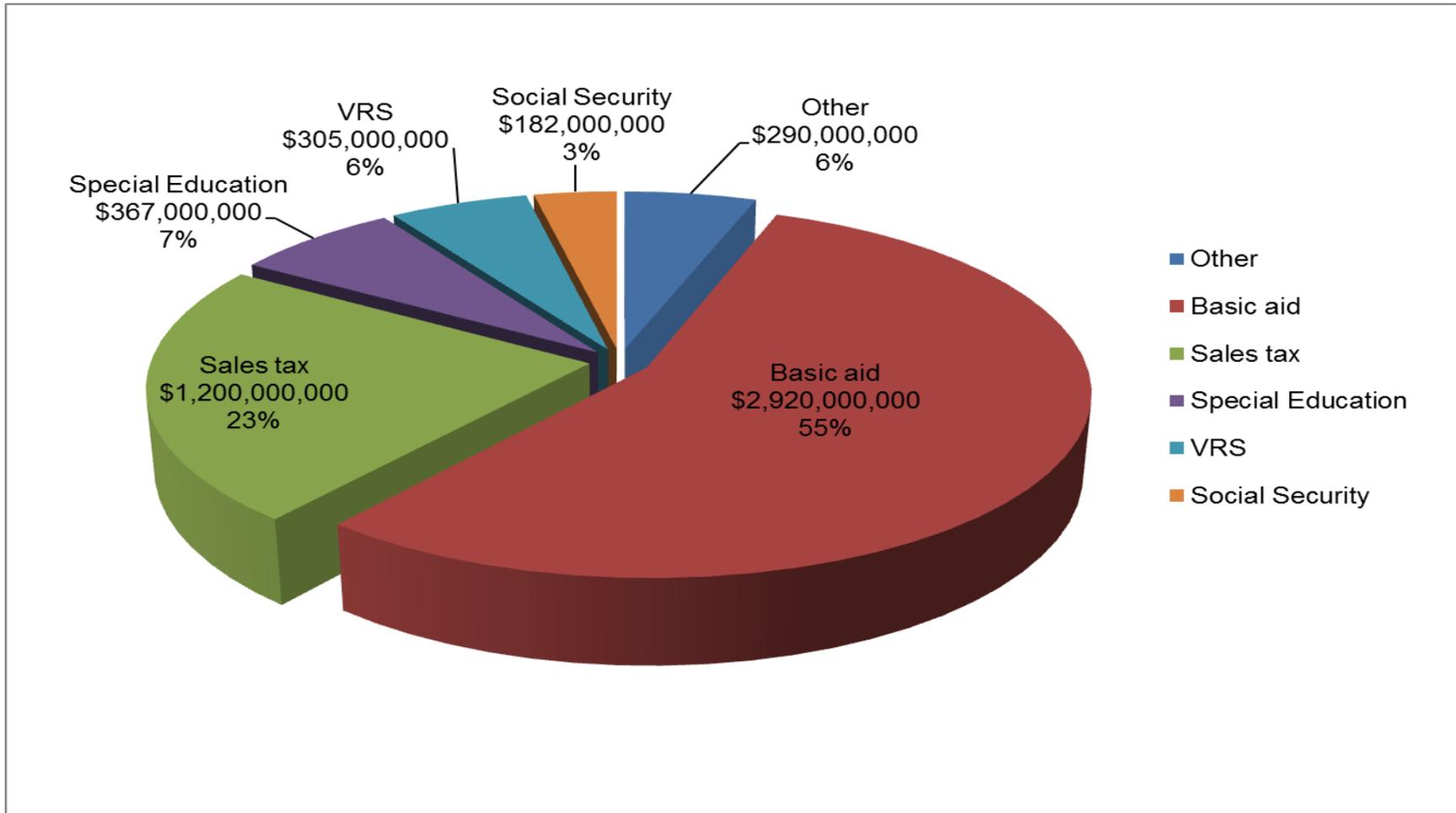
- All local school divisions are expected to meet the division and school student-teacher ratios specified in the Standards of Quality (SOQ).
- The special education staffing requirements are prescribed in Virginia's *Regulations Governing Special Education Programs for Children with Disabilities*.
- The service level, Level I or II, is based on the amount of time the student receives special education.
 - Level I – Students receiving less than 50 percent of their instruction from a special educator
 - Level II – Students receiving 50 percent or more of their instruction from a special educator.
- No more than 14 children are to be assigned to a single class period if there are similar achievement levels and one subject area and level are taught.
- No more than 10 students are to be assigned to a single class period when there are varying achievement levels.

Source: Virginia Department of Education. (2010). *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*. (8 VAC 20-81-340).

Special Education in Virginia (cont.)



SOQ Payments by Virginia Department of Education to School Divisions FY 2014



Special Education in Virginia (cont.)



Regional Special Education Tuition Reimbursement

- Different state funds are available to certain school divisions who claim regional tuition reimbursement for students served in regional special education programs.
- Virginia Department of Education (VDOE) sets the tuition rates that these locally operated programs may charge to the participating school divisions.
- At the end of each semester, school divisions may claim reimbursement for the state share of the tuition paid to the fiscal agent of the regional program.
- The composite index is applied to the tuition paid (not to exceed the approved rate) to determine the state share.
- School divisions are not allowed to count these students in ADM.
- The Commonwealth's direct aid to public education includes funding designated for these programs.

Special Education in Virginia (cont.)



Virginia Children's Services Act (CSA)

- Children placed in private special education schools are funded through an interagency pool under CSA to pay the state's share of services for at-risk youth and their families, including private day school and residential placements for the purposes of special education.
- Local interagency teams are responsible for managing CSA funds and also plan and oversee services to youth.
- CSA operates within the laws, regulations, and policies of child serving agencies and policies and procedures may not interfere/impece the delivery of services in accordance with IDEA.
- CSA cannot charge parental co-pay for IEP services (FAPE).

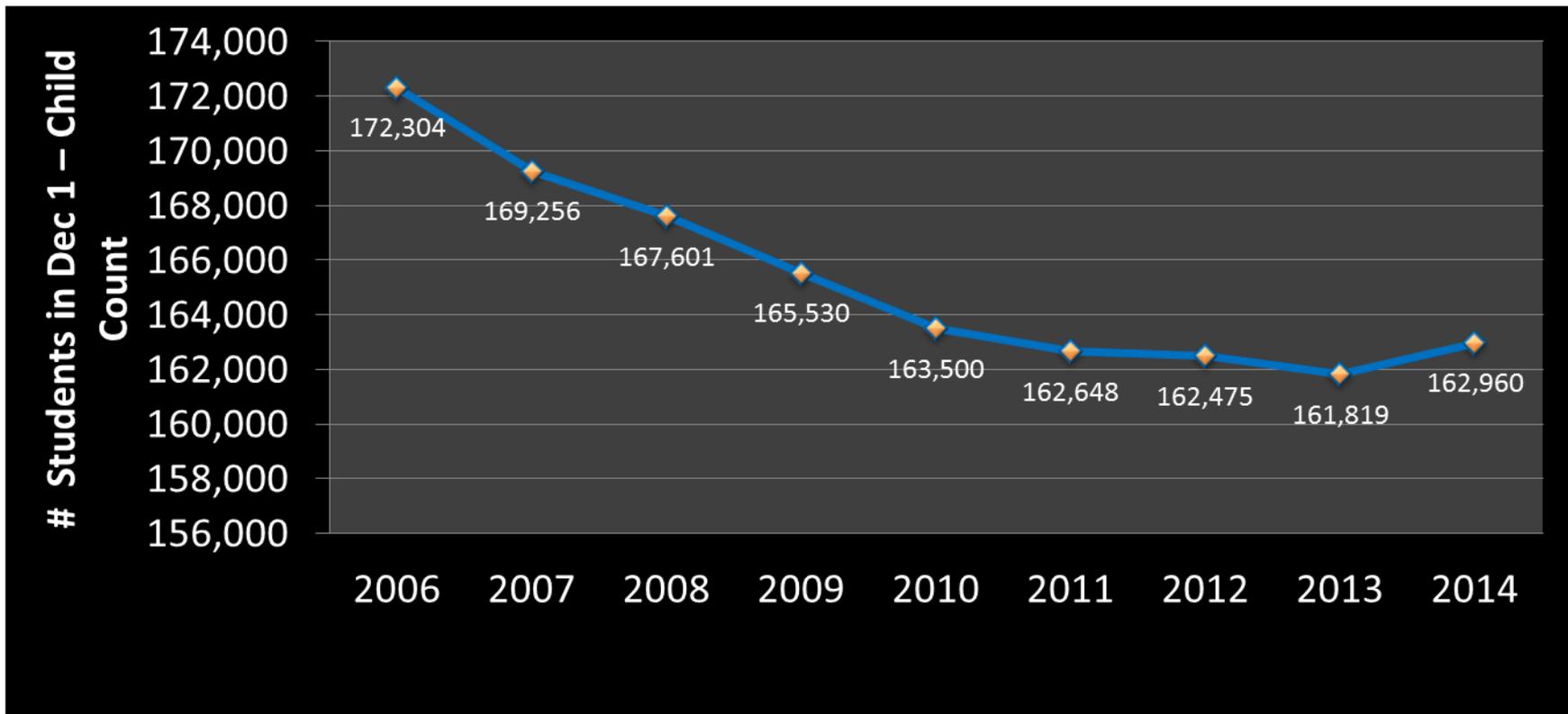
Medicaid

- School divisions may also seek federal Medicaid reimbursement for certain students and services.
- School divisions are financially responsible for educational services, in the case of a Medicaid-eligible student, Medicaid may cover allowable medical services delivered at school and reimburse part of the costs of the services identified in the student's IEP if they are covered under Virginia's State Medicaid Plan.

Special Education in Virginia (cont.)



- 162,960 students with disabilities (SWD)
 - Many SWD categories decreasing
 - Represents 12.3% of the overall school population



Special Education in Virginia (cont.)



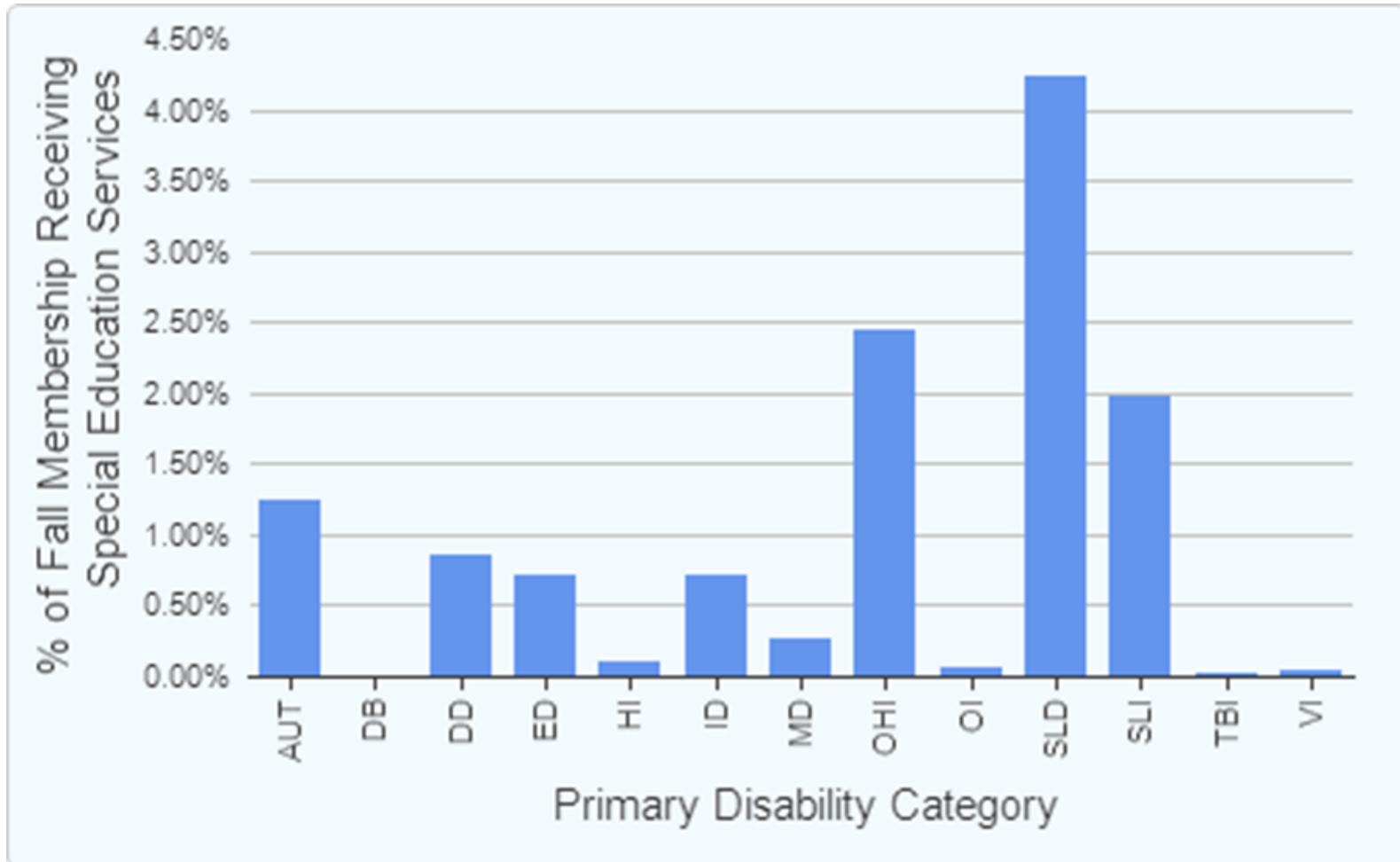
Special Education Child Count for Commonwealth of Virginia for 2014-2015

Disability Code	Grade PK	Grade KG	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Total
<i>Autism</i>	891	879	1169	1352	1320	1509	1451	1407	1323	1270	1188	1020	924	1327	17030
<i>Deaf- Blindness</i>															32
<i>Developmental Delay</i>	6700	3036	1418												11155
<i>Emotionally Disturbed</i>		50	208	316	435	606	665	778	853	944	1309	1094	959	990	9209
<i>Hearing Impairment</i>	166	82	103	123	109	98	118	100	100	88	111	92	88	97	1475
<i>Intellectual Disabilities</i>	26	198	355	520	504	612	655	670	760	817	870	847	810	1435	9079
<i>Multiple Disabilities</i>	123	128	164	178	212	233	258	232	215	266	282	269	280	516	3356
<i>Other Health Impairments</i>	189	352	1038	1822	2327	2748	3020	3002	3018	2959	3382	2862	2375	2452	31546
<i>Orthopedic Impairment</i>	73	60	54	61	58	60	38	44	57	40	53	47	57	69	771
<i>Specific Learning Disability</i>	11	124	818	2159	3354	4422	5254	5610	5689	5596	6462	5234	4462	4339	53534
<i>Speech/Language Impairment</i>	3503	3386	4471	3890	3041	2232	1659	928	589	401	251	143	128	113	24735
<i>Traumatic Brain Injury</i>			21	19	16	18	28	27	31	32	52	39	32	61	392
<i>Visual Impairment</i>	45	19	34	55	46	51	46	62	52	48	56	44	44	44	646
															162960

Special Education in Virginia (cont.)



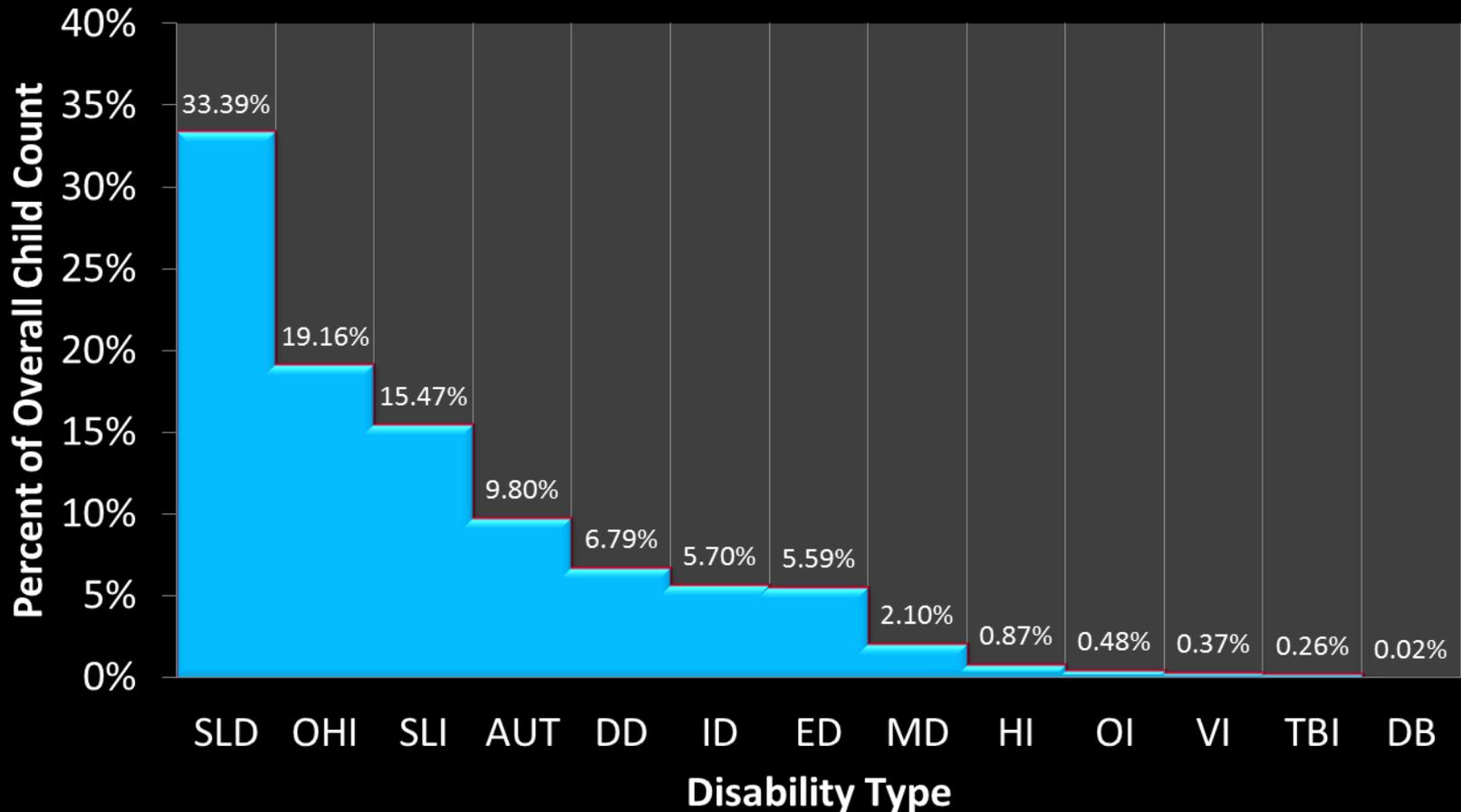
Percent of Fall Membership Receiving Special Education Services
2013-2014



Special Education in Virginia (cont.)



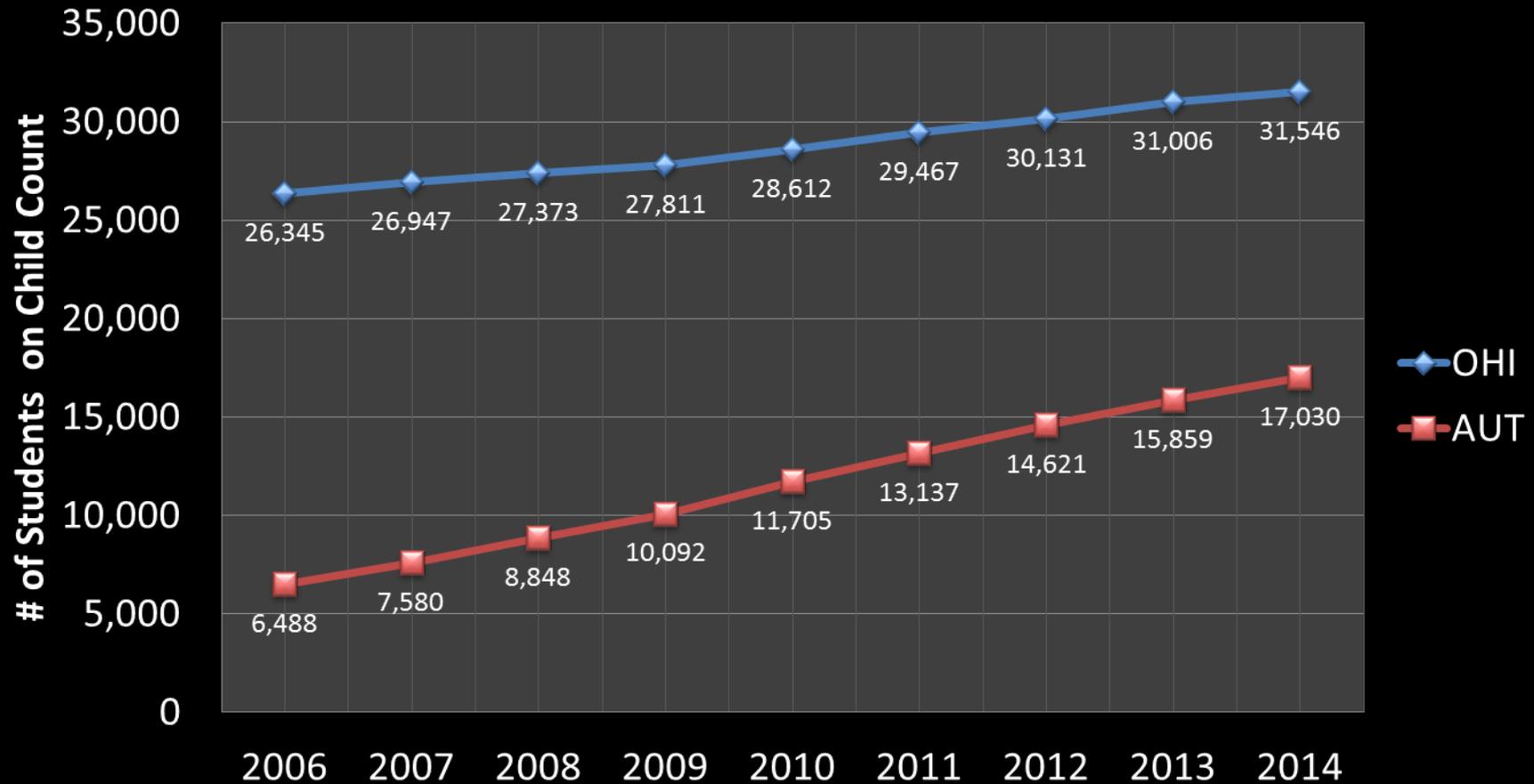
2013-2014 Child Count by Disability %



Special Education in Virginia (cont.)



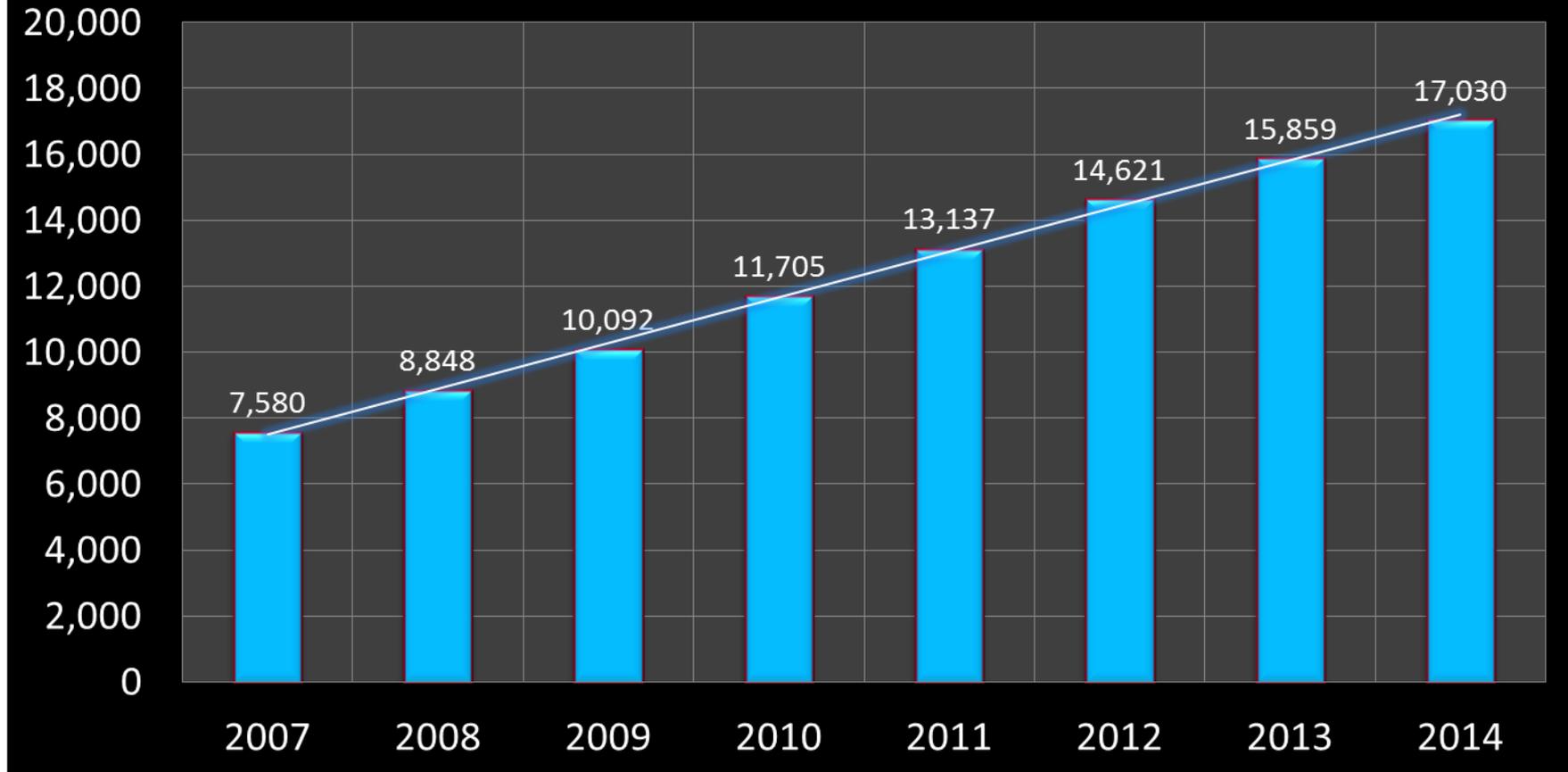
Fastest Rising Disability Populations



Special Education in Virginia (cont.)



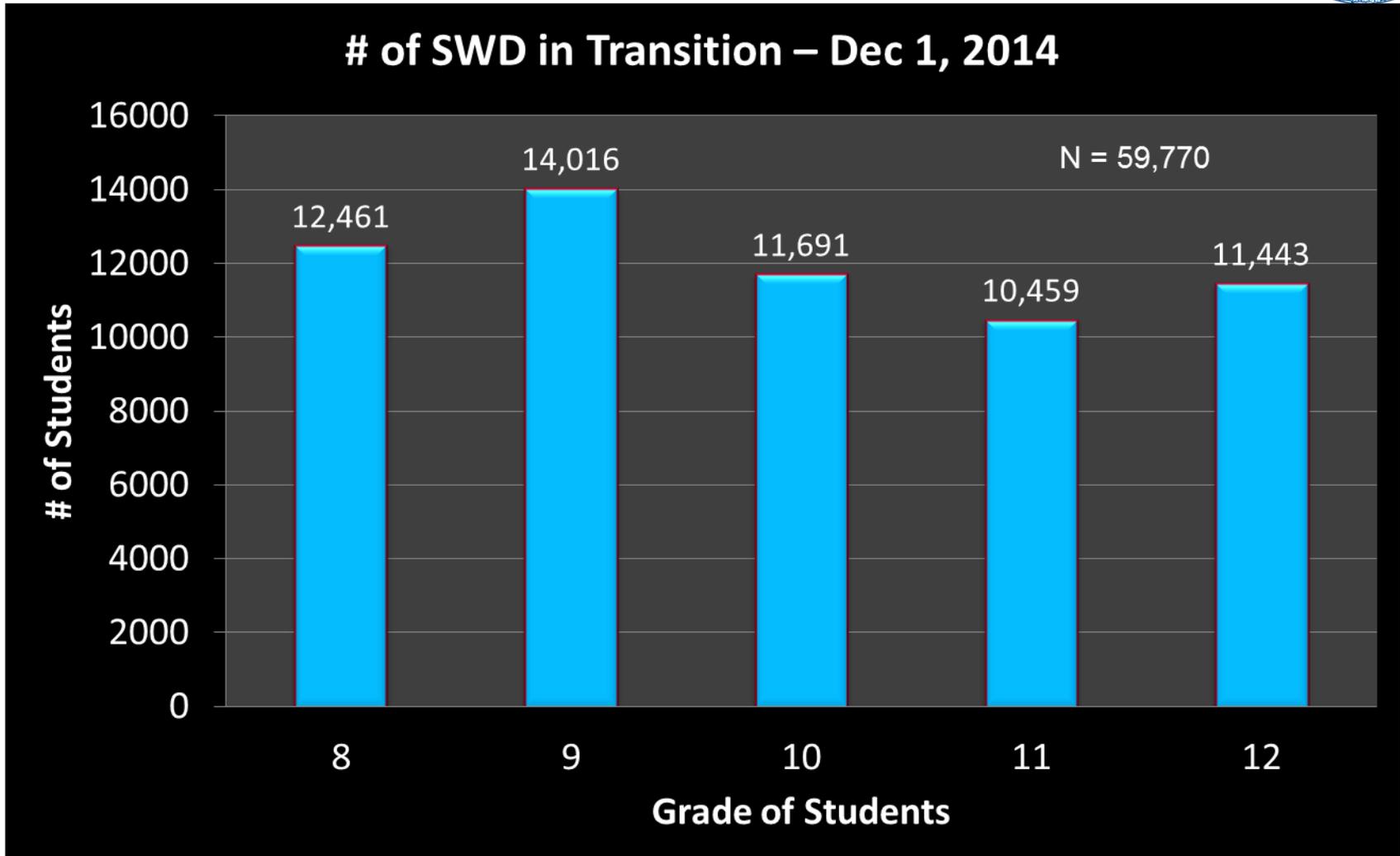
Primary Disability Label of Autism Spectrum Disorder



Special Education in Virginia (cont.)



of SWD in Transition – Dec 1, 2014



Special Education in Virginia (cont.)



Continuum of Options

- Regular class – 80% or more
- Regular class – greater than 40% and less than 80%
- Regular class less than 40%
- Public Separate School
- Private Day School
- Public Residential School
- Private Residential School
- Home-based
- Hospital
- Correctional Facility

Special Education in Virginia (cont.)



Virginia's LRE Targets for School Age Students for 2012 to 2013

	State Performance	State Target	Performance Met?
Students included in regular classroom 80% or more of the day	62.2%	≥68%	No
Students included in regular classroom less than 40% of the day	12.6%	≤8%	No
Students served in separate public or private school, residential, home-based or hospital facility	3.6%	≤1%	No

Special Education in Virginia (cont.)



Virginia's LRE Targets for School Age Students for 2013 to 2014

	State Performance	State Target	Performance Met?
Students included in regular classroom 80% or more of the day	62.69%	≥68%	No
Students included in regular classroom less than 40% of the day	11.36%	≤12%	Yes
Students served in separate public or private school, residential, home-based or hospital facility	3.96%	≤3.5%	No

Special Education in Virginia (cont.)



- In Virginia, students with disabilities may participate in the following assessments:
 - Standards of Learning with no accommodations;
 - Standards of Learning with accommodations;
 - Virginia Substitute Evaluation Program (VSEP);
 - Virginia Modified Achievement Standards Test (VMAST);
 - or
 - Virginia Alternate Assessment Program (VAAP).

Special Education in Virginia (cont.)



Transition Planning

- IDEA requires the IEP process include transition planning by age 16.
- In Virginia, all students with disabilities are required to develop a transition plan as a part of their IEP at the age of 14.
- Primary responsibility for planning and implementing transition services rests with the local public school divisions.

Special Education in Virginia (cont.)



Regional Tuition Reimbursement Programs

- Created in the 1970's
- Original purpose was to create regional classrooms for low-incidence disabilities where there were not enough children in one division to justify the cost of a teacher
 - Focus on research-based practices

Special Education in Virginia (cont.)



Regional Tuition Reimbursement Programs

- Separate state funding to support the educational cost of certain students (a local match is required)
 - Students with disabilities being served in approved regional programs are not eligible for ADM or other state aid.
 - Emotional Disabilities (ED), Deaf-Blindness (DB), Autism (AUT), Traumatic Brain Injury (TBI) - Only
- There are 11 approved regional tuition reimbursement programs.
- Regional programs are not considered out-of-school placements, as regional programs are public schools.

Special Education in Virginia (cont.)



Regional Tuition Reimbursement Programs

1. If it becomes necessary for local school divisions to develop regional programs to serve children with disabilities residing within their jurisdiction, such regional programs shall be provided in accordance with the least restrictive environment requirements specified in 8VAC20-81-130.
2. If local school divisions elect to participate in an approved regional program for the provision of special education and related services for certain children with disabilities, a joint board shall be established to manage and control the jointly owned or operated program, center, or school. Establishment of the joint board and administration of the jointly owned and operated program shall be conducted in accordance with the Virginia Board of Education regulations governing such programs.
3. Each joint board shall appoint a qualified director who shall be the administrative head of the regional program. The director shall be responsible for the administration of programs and services that are approved by the joint board.

Special Education in Virginia (cont.)



State, Local and Federal Special Education Expenditures (Minus Regional Tuition)

FY	Total	Total Child Count Minus Regional Tuition Students	Avg. Per Pupil Cost
FY 2013	\$2,092,221,649	158,262	\$ 13,219
FY 2014	\$2,128,858,916	157,723	\$ 13,497

Special Education in Virginia (cont.)



Regional Tuition Reimbursement Programs

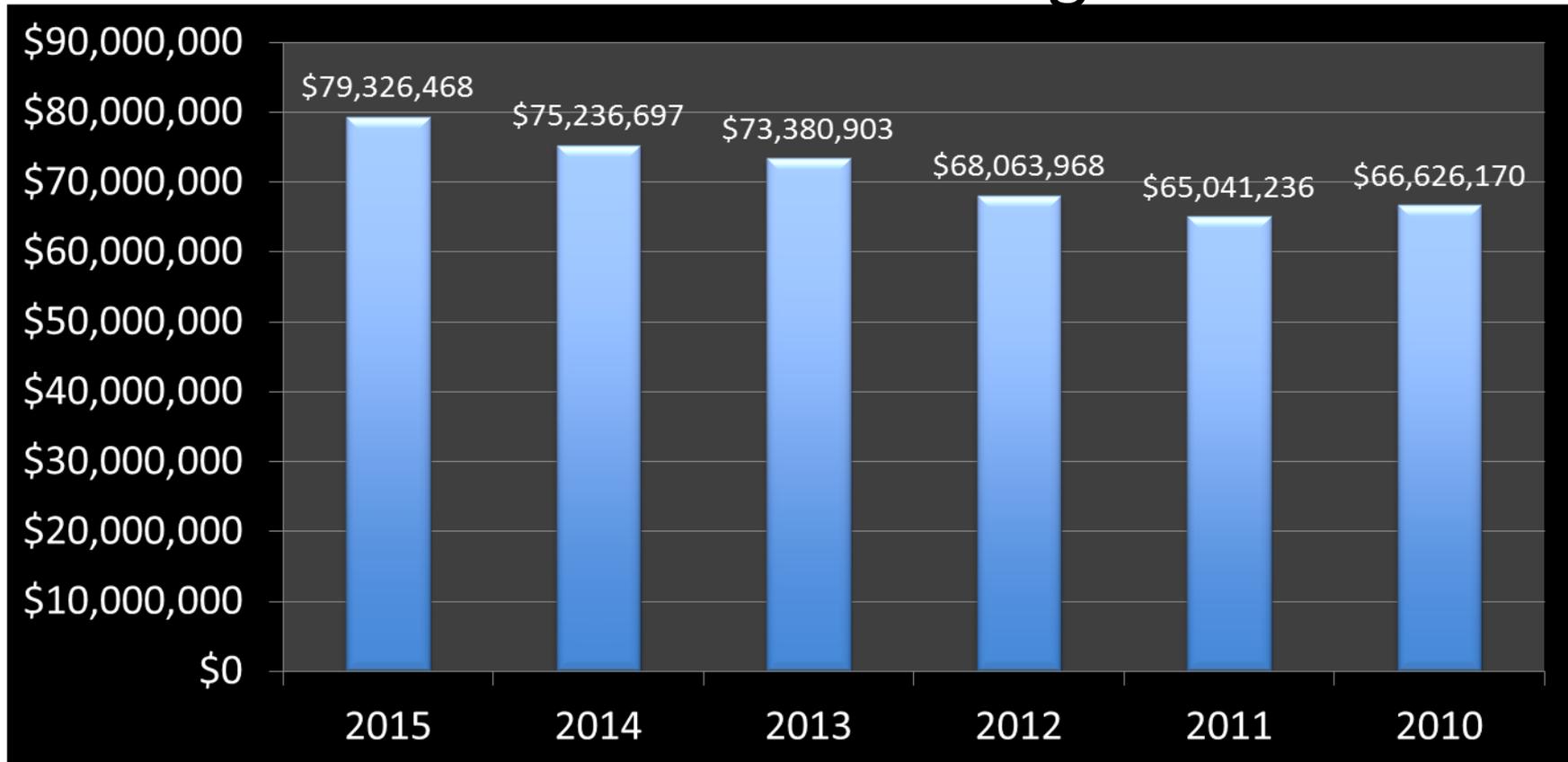
FY	State Share	Local Share	Total
FY 2013	\$73,380,903	\$53,442,028	\$126,822,931
FY 2014	\$75,711,068	\$54,182,350	\$129,893,418

FY	Total	Total Regional Tuition Child Count	Avg. Per Pupil Cost
FY 2013	\$126,822,931	4,355	\$29,121
FY 2014	\$129,893,418	4,464	\$29,097

Special Education in Virginia (cont.)



State Funds Spent on Regional Tuition Reimbursement Programs



Source: Virginia Department of Education. (June 15, 2015). *Special Education in Virginia*. Presentation to the Virginia Commission on Youth Advisory Committee on the Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities.

Special Education in Virginia (cont.)



VDOE Study of Regional Programs

1. Developing a review process and procedures to examine current practices in the existing state regional programs;
2. Developing surveys of existing regional programs and local school divisions to explore how they are serving students with disabilities who have intensive support needs;
3. Analyzing results of surveys for regional programs and local school divisions;
4. Conducting onsite visits of regional programs;
5. Developing a proposed protocol for identifying which students should be claimed for regional tuition reimbursement under a new proposed regional tuition reimbursement model;
6. Developing draft policies and procedures for the oversight of regional programs that will be presented to the State Superintendent of Public Instruction;
7. Conducting an internal equity analysis among Regional Programs;
8. Searching for other funding models nationally that might assist the Virginia Board of Education and the General Assembly in reforming the Regional Tuition Reimbursement Model in Virginia;
9. Conducting a cost analysis of existing Regional Program Rate Packages; and
10. Preparing a summary report of all findings and recommendations on how to improve, change, or reform the Regional Tuition Reimbursement model in Virginia.

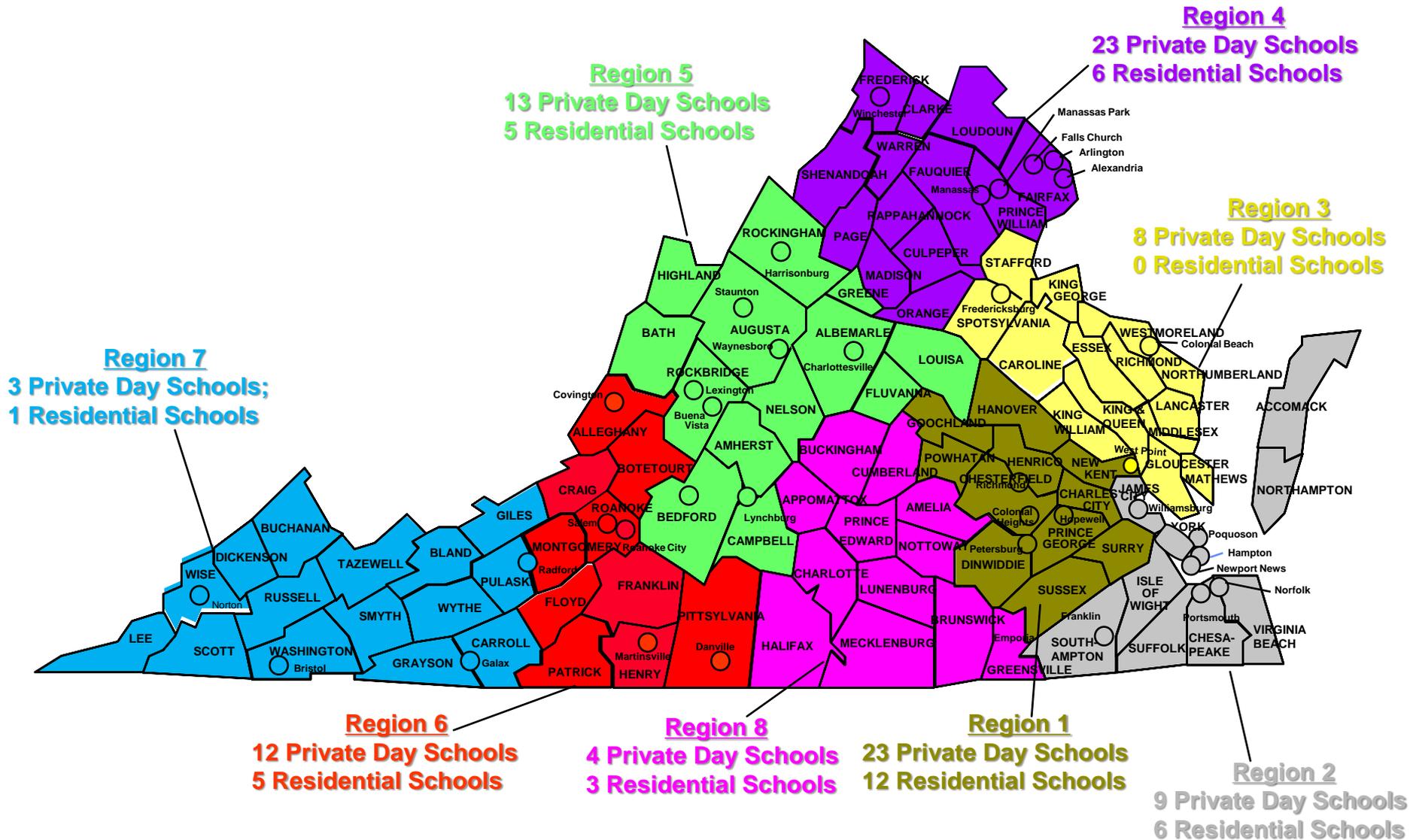
Special Education in Virginia (cont.)



Private Special Education Placements

- For students with significant disabilities, or those requiring specialized services and/or supports, alternative settings may be necessary to meet the individualized need of the child.
- LEAs may place these students in private schools in order to meet their educational needs.
 - For some children, a private day or residential placement may be the least restrictive environment.
 - All placement decisions are to be based upon the individual needs of the child.
- An IEP team may decide to place a child with an IEP in a private school or facility for educational reasons that is licensed or has a certificate to operate from the VDOE.

VDOE Licensed Private Day Schools by Region



Source: Virginia Department of Education Licensed Private Schools for Students with Disabilities 2014-2015.

Special Education in Virginia (cont.)



Private Placements

VDOE monitors compliance for children with disabilities who have been publicly-placed in private residential and private day schools in three ways:

- (1) each school division must review compliance for such children as part of its self-assessment;
- (2) VDOE reviews the files for these children when it conducts its on-site visit to the school division that placed them in a private setting; and
- (3) VDOE monitors to ensure the provision of FAPE by visiting the private schools during a three-year licensure cycle.

Special Education in Virginia (cont.)



2015 IDEA Report Card

- IDEA requires states to establish targets in their annual performance plans.
- Virginia is 1 of 9 states and territories that earned a “Meets Requirements” designation, the highest overall designation.
- Virginia earned the maximum number of possible points on 13 of the 14 indicators.
- Virginia scored the second highest rating at 95.38 out of 100 points.
- Virginia fell short on an indicator that rates states on the percentage of students with disabilities who graduate with a “regular” diploma.
 - In Virginia, this includes the Standard Diploma and the Advanced Studies Diploma.
- The 2015 IDEA report card is based on data from the 2012-2013 school year.

Special Education Services Under CSA



- CSA is a law enacted in 1993 that was created to meet the needs of families with children and youth who have, or who are at risk of having, serious emotional or behavioral difficulties.
- CSA establishes a single state pool of funds to purchase services for at risk youth and their families. The state funds, combined with local community funds, are managed by local interagency teams who plan and oversee services provided to youth.
- Youth for whom services are mandated by law fall into 2 groups :
 - Youth in foster care and those deemed to be imminently at-risk for placement into foster care.
 - Youth who are special education eligible and have an IEP requiring they receive education in a private day or residential school setting.

Special Education Services Under CSA

(cont.)



- The special education target population includes those "children placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance."
- This includes all children with IEP's requiring placements in private day school or private residential facilities.

Special Education Services Under CSA

(cont.)



LRE on IEP is
public school
placement



Local school
division funds all
IEP services

LRE on IEP is
private school
placement



CSA funds all IEP
services
(except transportation)

Special Education Services Under CSA

(cont.)



CSA Responsibilities

- When an IEP calls for private day or residential placement, CPMT/FAPT/MDT will:
 - authorize funding/payment;
 - collect required data for reporting;
 - consider needs of child/family beyond IEP;
 - assures coordination of services; and
 - not request/suggest modifications to IEP.

Special Education Services Under CSA

(cont.)



- CSA policies and procedures may not interfere/impede the delivery of services in accordance with IDEA.
- Local policies/procedures vary.
- CPMTs cannot deny funding of a private day or residential placement included in a student's IEP.
 - When an IEP team determines that there are multiple providers that can implement a child's IEP, the selection of provider may be governed by requirements established by the CPMT.
 - However, if a child's IEP names a specific provider of services and/or if the IEP team determines that a single provider is uniquely able to implement the child's IEP, that provider must be utilized regardless of its status relative to licensure, contracting, CPMT approval, etc.



CSA Responsibilities

- Multidisciplinary planning to access funds
- Mandatory uniform assessment instrument required for children and youth served through CSA
- The Child and Adolescent Needs and Strengths (CANS) assessment tool
 - The CANS allows for the monitoring of service outcomes.
 - The CANS collects information on three educational elements, school achievement, school behavior, and school attendance.
 - CANS assessments are completed online as required by § 2.2-5210 of the *Code of Virginia*.
 - The online version of CANS is known as CANVaS.

Special Education Services Under CSA

(cont.)



CSA State Pool Funds

- All special education services are funded at the locality's base match rate.
- The state's match rate currently averages 65%; local match rate 35%.
- For non-educational services, localities pay
 - 25% above base match rate for residential services.
 - 50% below base match rate for community-based services.

Special Education Services Under CSA

(cont.)



Example (actual case)

- 10 year old Autistic Special Education Student
- \$80,000/yr. placement
 - Diagnosed with Gastroparesis, Cyclic Vomiting, Autism Spectrum Disorder, an Acquired Brain Injury, Attention Deficit Hyperactivity Disorder, Cerebral Palsy, Hypoplasia of Corpus Collosum. Special Ed Student has an IEP with a Primary disability of Autism, Secondary disability of Other Health Impairment, and Tertiary disability of Speech or Language Impairment

Special Education Services Under CSA

(cont.)



Wrap-around Services for SWD

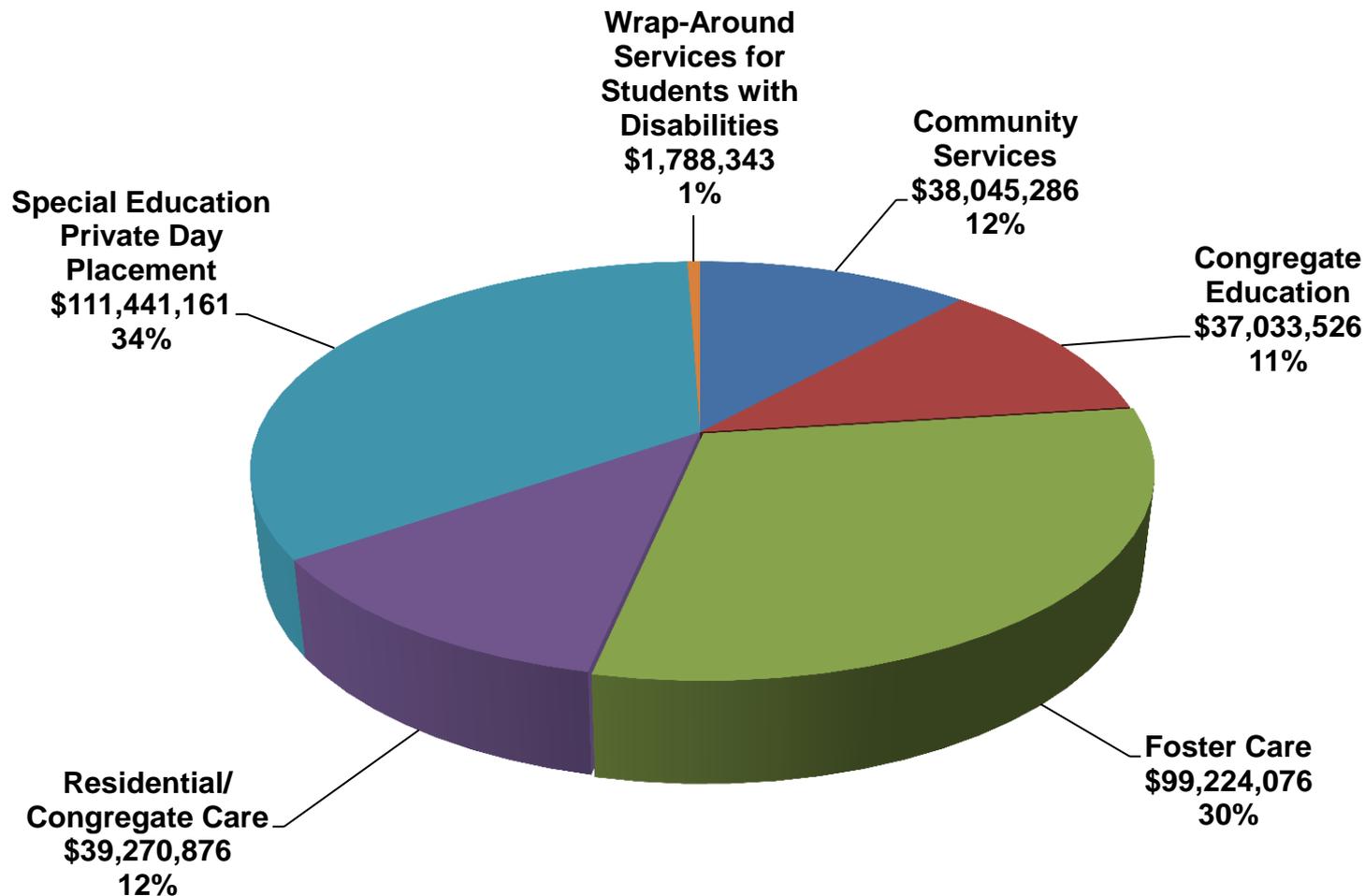
- These services are used to prevent a more restrictive placement
- Recommended by FAPT and specified in an Individual Family Services Plan (IFSP)
- Fall outside the area of responsibility of the schools
- \$2.2 million is earmarked for services.
 - Funding is allocated based on formula to requesting localities.
 - Allocations are reviewed mid-year and funds may be redistributed based on usage and need.
 - While these funds are considered mandated, localities do not have to utilize these funds and many chose not to do so.

Special Education Services Under CSA

(cont.)



FY14 Expenditures by Service Placement Type

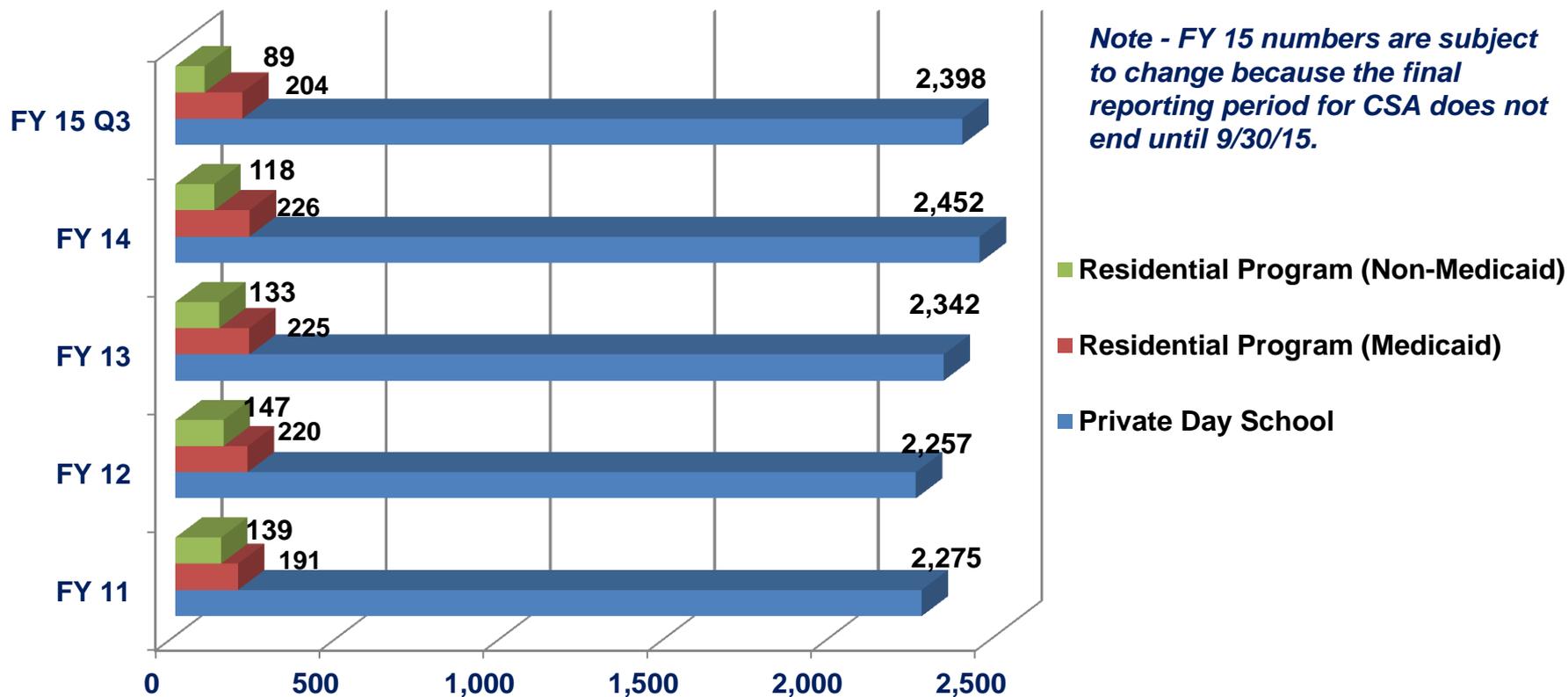


Special Education Services Under CSA

(cont.)



Number of Youth Served by Placement Type – Special Education Services by Fiscal Year

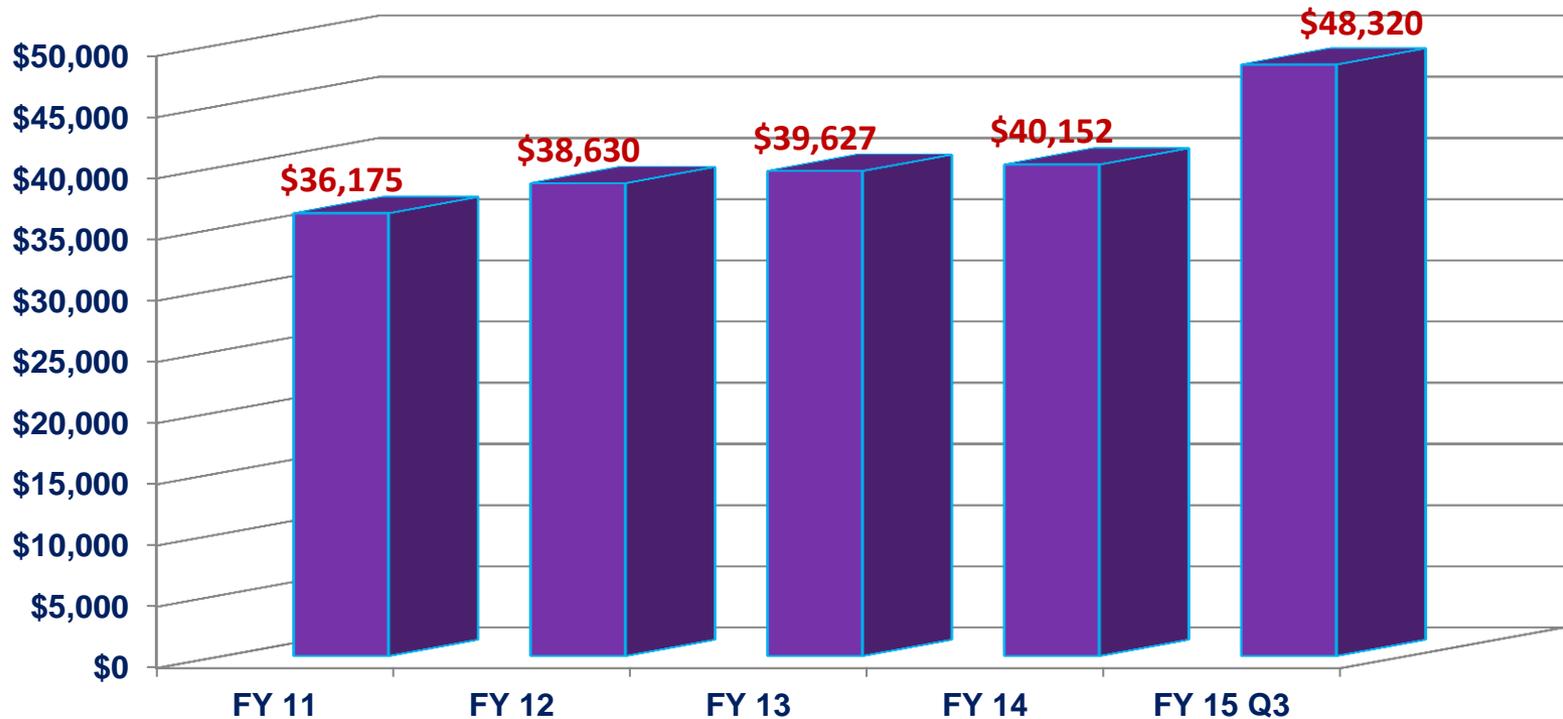


Special Education Services Under CSA

(cont.)



Annual Average Expenditure Per Child – Special Education Services By Fiscal Year (all service types)



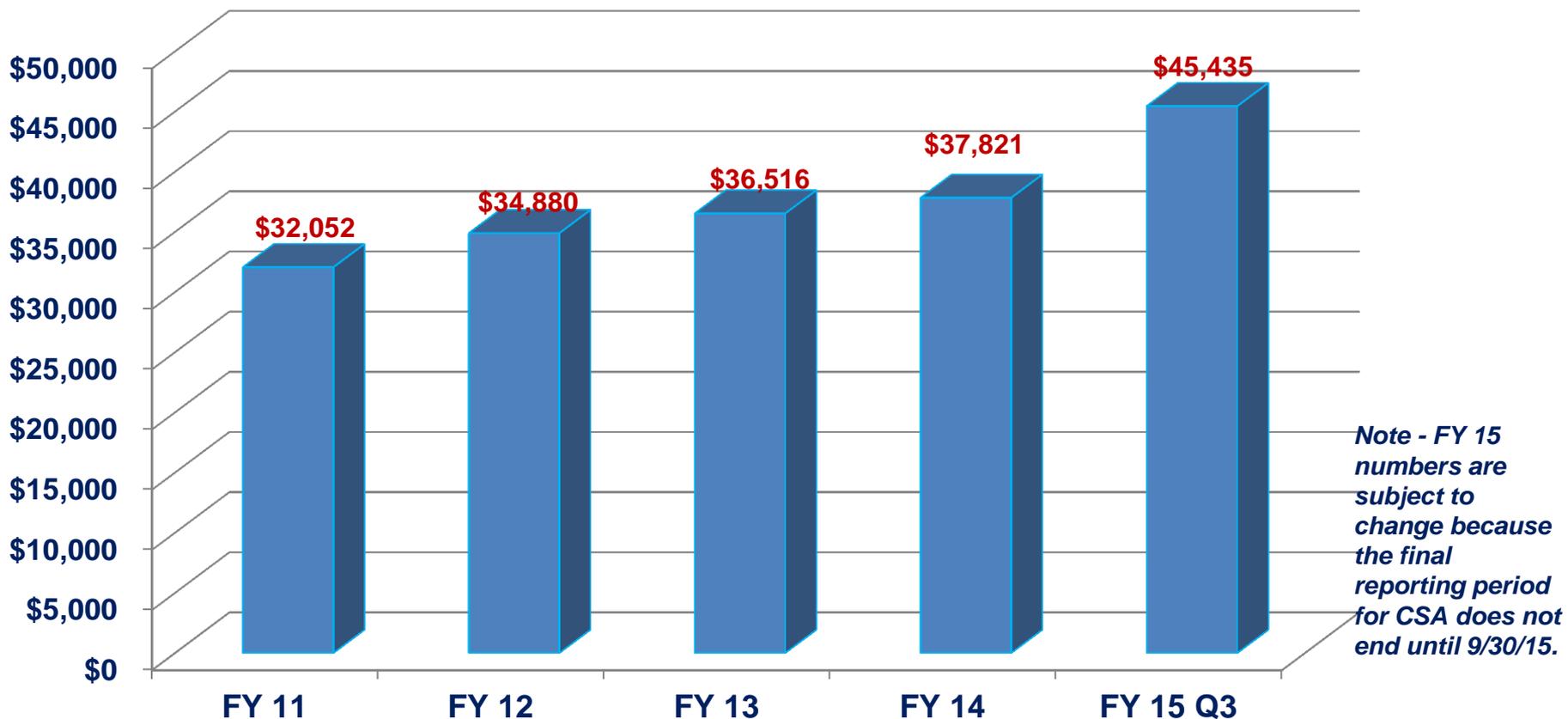
Note - FY 15 numbers are subject to change because the final reporting period for CSA does not end until 9/30/15.

Special Education Services Under CSA

(cont.)

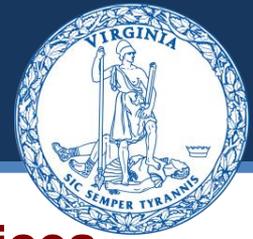


Annual Average Expenditure Per Child – Private Day Placement By Fiscal Year

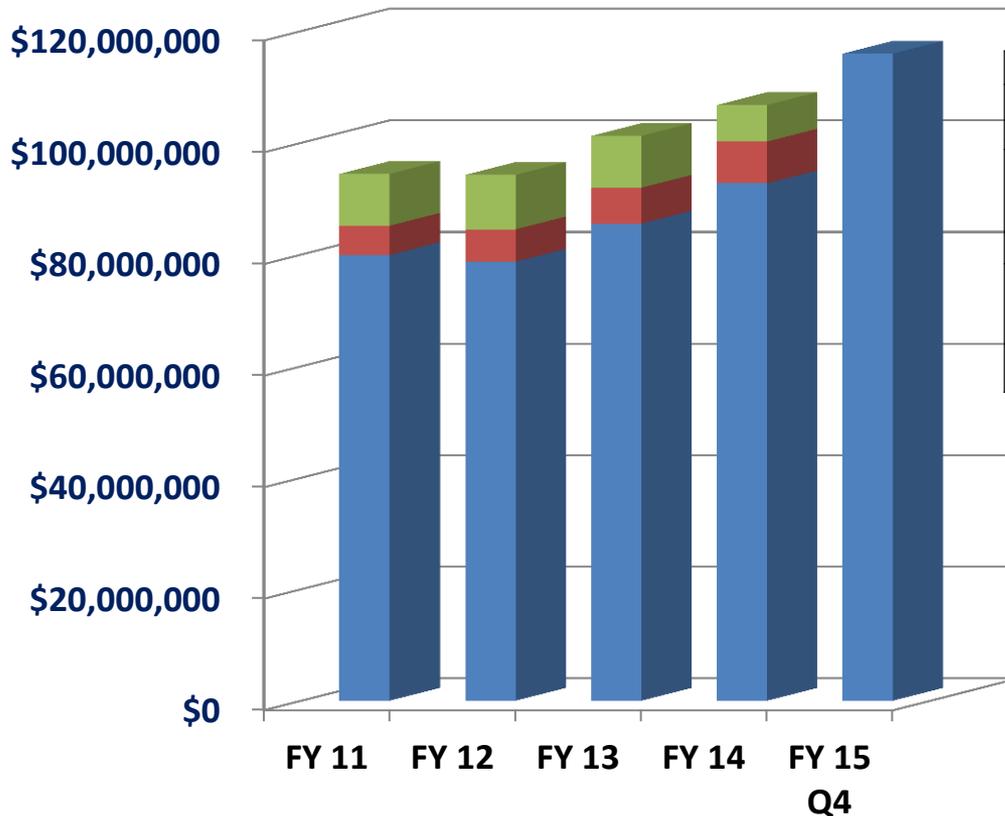


Special Education Services Under CSA

(cont.)



Net Expenditures by Placement Type – Special Education Services by FY



	FY 11	FY 12	FY 13	FY 14	FY 15 Q4
Private Day School	\$79,919,258	\$78,724,431	\$85,521,889	\$92,737,763	\$115,949,025
Residential Program (Medicaid)	\$5,238,511	\$5,783,148	\$6,439,138	\$7,487,249	
Residential Program (Non-Medicaid)	\$9,266,474	\$9,746,140	\$9,263,610	\$6,538,126	

- Residential Program (Non-Medicaid)
- Residential Program (Medicaid)
- Private Day School

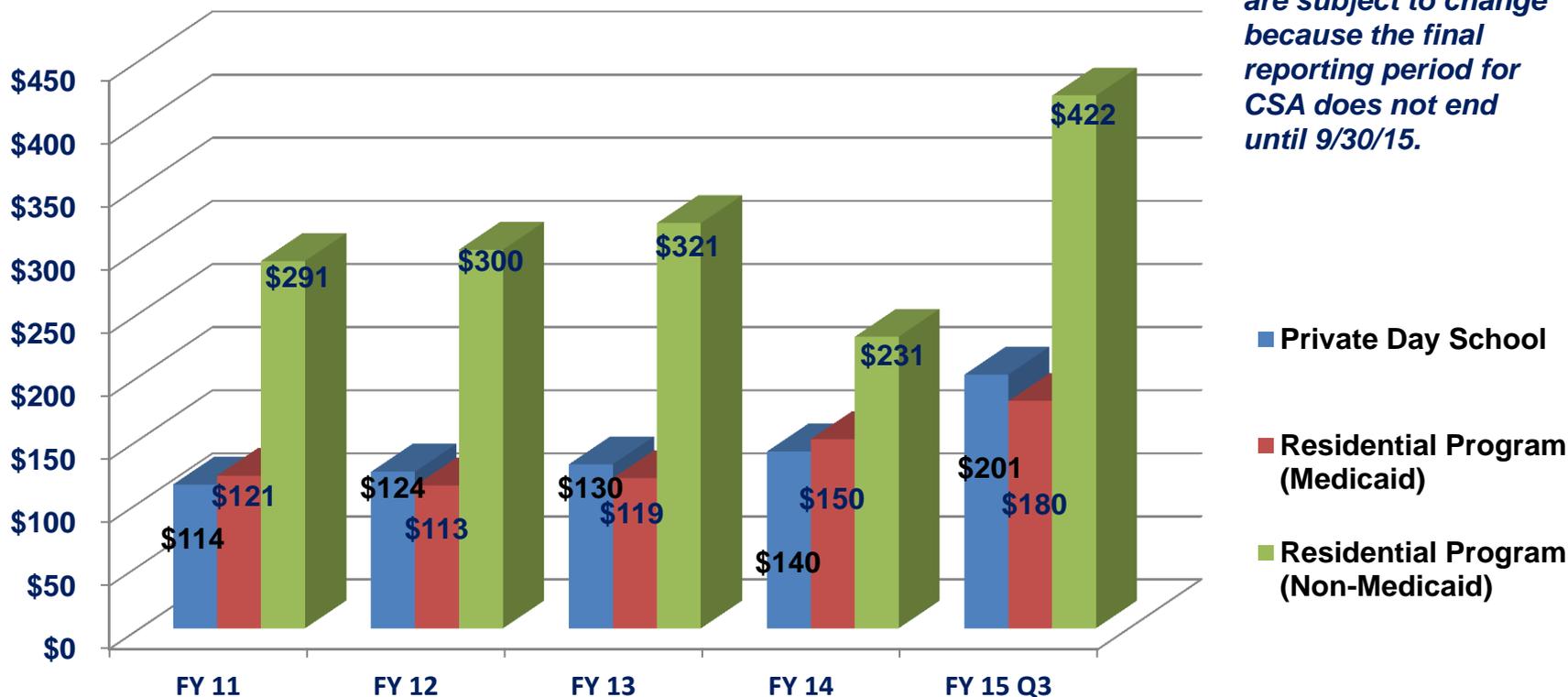
Note - FY 15 numbers are subject to change because the final reporting period for CSA does not end until 9/30/15. This is based on data collected on 8/28/15.

Special Education Services Under CSA

(cont.)



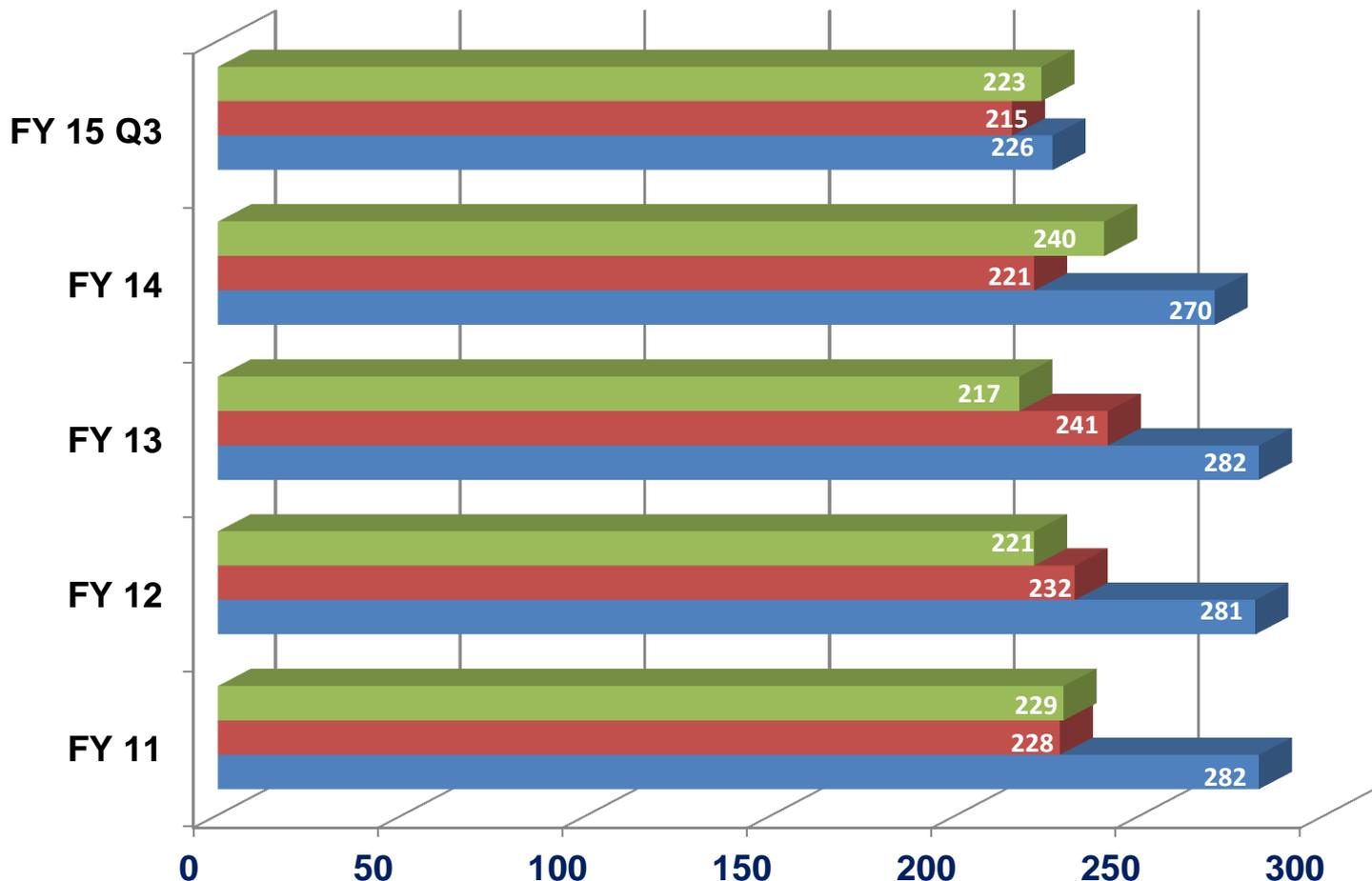
Average Cost Per Child by Placement Type By Fiscal Year



Special Education Services Under CSA



Average Length of Stay (# of Days) by Placement Type by FY



Note - FY 15 numbers are subject to change because the final reporting period for CSA does not end until 9/30/15.

- Residential Program (Non-Medicaid)
- Residential Program (Medicaid)
- Private Day School

Key Findings



Investigation – U. S. Department of Justice (DOJ) and the Georgia Network for Educational and Therapeutic Support (GNETS)

- GNETS is a state network of 24 centers that serves about 5,000 students with behavior-related disabilities.
- DOJ sent a letter dated 7/15/15 stating:
 - There was systemic unnecessary reliance on the segregated GNETS Program across the State of Georgia.
 - Georgia's practices of segregating students with behavior-related disabilities violates the Americans with Disabilities Act by unnecessarily segregating students with disabilities from their peers.
 - GNETS provides opportunities that are unequal to those provided to students who are not in the program.
 - the GNET program uses repurposed "poor-quality buildings" that formerly served as segregated schools during the Jim Crow era.
 - The level of education also needed reform, the DOJ's letter noted, as some of the instruction was online-only and students often had no access to electives or extracurricular activities.

Key Findings (cont.)



Investigation – U.S. DOJ and GNETS

■ Recommendations

1. The State must develop and implement a comprehensive plan to remedy the State's violation of students' ADA Title II rights by delivering mental health and behavior-related educational services in ways that do not discriminate on the basis of disability.
2. The State must identify and provide services, systems, and supports that students in the GNETS Program will need for successful integration into general education schools.
3. The State must conduct ongoing outreach to families and general education schools of GNETS Program students to inform them of the services and supports that will be available to these students in general education schools.
4. The State is not obligated to operate a segregated program such as GNETS under any circumstances, but if the State continues to do so, the State must ensure that the GNETS , facilities, and extracurricular activities.

Key Findings (cont.)



Study – Special Education Expenditure Project (SEEP)

- SEEP reviewed special education expenditure data from the 1999-2000 school year.
- Data show it costs 1.9 times more to educate special education students.
- The average expenditure for a general education student was \$6,556 compared to \$12,474 for students with disabilities — a difference of \$5,918 (90.3%).
- Students with the most complex medical and educational needs may actually cost school divisions between 8.8 and 13.6 times more to educate than general education students.
 - These students are classified as high-need, low incidence.

Source: Jay G. Chambers, Thomas B. Parrish and Jennifer J. Harr, (2004). What Are We Spending on Special Education Services in the United States, 1999-2000, Special Education Expenditure Project, Center for Special Education Finance.

Key Findings (cont.)



Study – Special Education Placements and Costs in Massachusetts

- 60% of students placed in out-of-district special education programs attended private schools; 40% attended public programs.
- The average placement cost for private day programs was almost \$51,000 per year and for public program collaboratives were \$32,000 per year.
- Private residential programs averaged \$105,000 per year.
- An additional \$9,600 per pupil per year was spent to transport students to private day schools.
- Influencing factors in placing students in private placements included:
 - legal requirements to place the student in the least restrictive environment;
 - available resources in the school district;
 - parental preference;
 - teacher preference; and
 - limited budgets.

Key Findings (cont.)



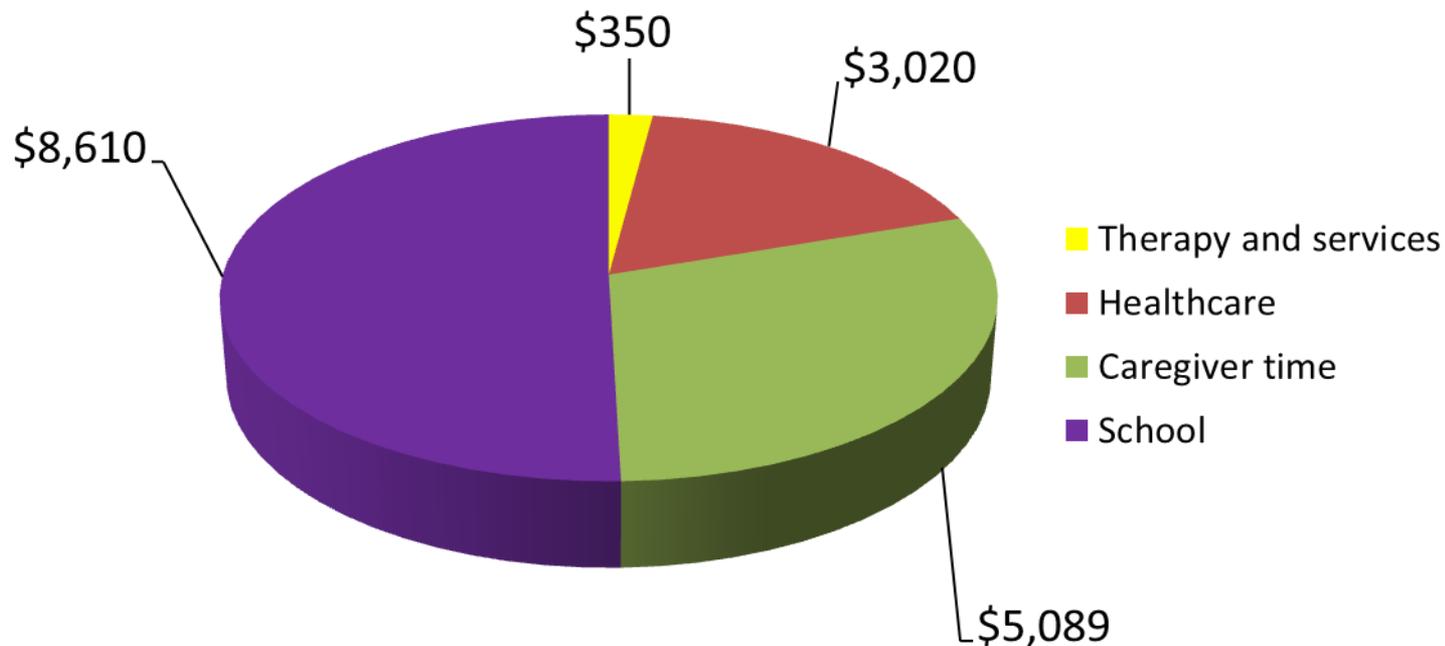
Added annual costs of autism spectrum disorder (ASD) study

- Sample – 246 children and 19,000 controls ranging in age from 3 to 17
- Conclusions
 - The economic burden associated with ASD is substantial and can be measured across multiple sectors.
 - Previous studies have underestimated the economic burden upon schools.
 - Children with ASD had higher levels of health care office visits and prescription drug use, educational costs, and caregiver demands.
- Results
 - Increased utilization of special educational services (76% vs 7% in the control group).
 - Averaged \$14,061 in higher non-health care costs including \$8,610 in higher school costs.
 - Averaged \$3,020 in higher health care costs.

Key Findings (cont.)



Added annual costs of ASD study



Source: Lavelle et al., (2014). Economic Burden of Childhood Autism Spectrum Disorders. *Pediatrics* 133(3), e520-e529.

Key Findings (cont.)



CSA Wrap-around Services for Students with Disabilities

- In 2013, OCS review the utilization of wrap-around services.
- 62 localities opted not to utilize these funds. If all localities opted to utilize these funds, the average state allocation per locality would have been approximately \$16,800.
- Localities that utilized wrap-around services for students with disabilities had decreased the number of youth served in private day and congregate education programs over a 2-year period, while those not providing such services have seen an increase the number of youth served in these more restrictive placements.
- These data suggest that the provision of wrap-around services to youth positively influences the community's ability to serve youth in the least restrictive placement.

Key Findings (cont.)



- In 2014, the Behavioral Health Care Subcommittee of the Joint Commission on Health Care released its study report: *Needs of Individuals with Autism Spectrum Disorder Transitioning from Secondary Schools*.
- The study found that:
 - students with autism had poorer postsecondary outcomes than students with other disabilities.
 - inadequate interagency coordination (state and local) and inadequate participation by community partners (listed above) in the transition planning process;
 - inadequate preparation for going from an entitlement (IDEA) system to an eligibility system (e.g., for Medicaid waivers, vocational rehabilitation services, etc.);
 - family and student difficulty in understanding and navigating the adult system;
 - waiting lists for many adult services;
 - lack of case management for individuals not receiving waiver or DARS services; and
 - inadequate recognition of student abilities and strengths, leading to academic tracking and, therefore, limited higher education and competitive employment opportunities.

Key Findings (cont.)



Virginia Education Expenditures Average Per Pupil Cost by Placement Setting FY 2014

Placement Setting	Total Child Count	Avg. Per Pupil Cost
Public School	158,262	\$13,497
Regional Program	4,464	\$29,097
Private Day Placement	2,452*	\$37,821**
Residential Non-Medicaid	118*	\$33,129
Residential Medicaid	226*	\$55,408

Source: Virginia Department of Education. (June 15, 2015). *Special Education in Virginia*. Presentation to the Virginia Commission on Youth Advisory Committee on the Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities; Office of Comprehensive Services. (2014). *Special Education Services under the CSA, Annual Report to the General Assembly*.

*These numbers are also included in VDOE's Child Count numbers.

**This does not include transportation costs for the child.

Key Findings (cont.)



What We Know – Assets

- Private day schools/residential schools are valuable partners in the continuum of alternative placements required by IDEA.
 - These providers ensure that many of Virginia’s students with disabilities receive their education in the least restrictive environment.
 - Best practices
 - Data reporting requirements by accrediting bodies (Virginia Association of Independents Specialized Education Facilities)
- There are existing programs/funding streams which serve students in the LRE.
 - LEA public day programs (i.e. Stafford County Public Schools)
 - CSA Wrap-around Services
 - Other locally created programs (e.g., local day treatment programs)
 - Medicaid for allowable medical services delivered at school

Key Findings (cont.)



What We Know – Assets

- VDOE has or is working on a variety of programs/policies to help LEAs serve youth with high levels of need
 - Regional special education programs
 - Response to Intervention (RTI)
 - Positive Behavior Interventions & Supports (PBIS)
 - Virginia Tiered System of Supports (VTSS)
 - Model IEP
- CSA employs multidisciplinary planning to access funds
 - Uniform assessment of child and family (CANS)
- Virginia is one of only 9 states to pass the U.S. Department of Education's first-ever "IDEA State Report Cards"
- There has been improved awareness/diagnostic strategies which have helped identify children with disabilities.

Key Findings (cont.)



What We Know – Challenges

- Additional information is needed on Virginia's Regional Special Education Programs.
 - Outcome data
 - Gaps in regions and benefits of expansion
- There is a lack of unified data on needs and outcomes for students placed in private day placements.
 - Assessment data for students placed in private placements are not linked to the child's home school.
 - CSA has data by locality and placement type but not by disability type, school, or grade level due to the Family Educational Rights and Privacy Act (FERPA).
- Involvement by two different agencies (LEA and CSA) can be a barrier.
 - Federal requirements (IDEA & the Family Educational Rights and Privacy Act [FERPA])
 - Challenges with using CSA wrap-around services to maintain LRE – *SEC 2011 Policy Clarification on Use of CSA Funds Under the Special Education Mandate.*

Key Findings (cont.)



What We Know - Challenges

- The existing special education state funding structure does not appear adequately meet the needs and increasing numbers of hard-to-serve, special education students.
 - Federal requirements (e.g., Maintenance of Effort and Excess Cost Requirements)
 - Ever increasing costs to educate the growing population of students with ASD and high-need, low incidence disabilities
 - Challenges serving the medical needs of students with disabilities who require multiple services such as speech-language pathology, assistive technologies, and specialized transportation.
- The utilization and costs of private placements for special education students in Virginia has increased significantly.
 - The net total expenditures for private day placements under CSA have increased by \$12,284,009 (11.6%) between FY14 and FY15. Net expenditures have increased by 30% since 2012.*
 - Net total expenditures for residential services for special education have increased 5% since 2012 and 7.6% since 2014.*

*The CSA Dataset for FY15 is incomplete because the final reporting period does not end until 9/30/15.

Key Findings (cont.)



What We Know - Challenges

- Once the child is placed in a private day or residential program, the cost of meeting the needs of the child “shifts” from the LEA to the CSA portion of the locality’s budget.
 - In most localities, school budgets do not cover or oversee the costs of the private day placement, other than transportation costs, because the local CSA match typically comes from the general fund portion of the locality’s budget.
- Many parents want their children served in private placements and may resist transitioning them back to the public school setting
- While transitioning the child back to the LRE is an expectation pursuant to IDEA, the process can be challenging.
 - A child removed from his/her home school may experience varying degrees of difficulty in adjusting to a return to those environments.
 - In addition, stringent parental consent provisions make it even more difficult to transition the child from a private placement to the public school setting, even if assessments and other documentation indicates that the student can be adequately served in their home school.

Draft Recommendations



Finding #1 – There Are Challenges With Using CSA Wrap-around Services To Maintain Students In The Least Restrictive Environment (LRE).

- 1. Request the State Executive Council (SEC) revisit existing policy restrictions and budgetary constraints with Children's Services Act (CSA) state pool funds for wrap around services for students with disabilities, including the prohibition on using funds for non-educational services provided by school employees, and make recommendations to improve both utilization and access to these funds.*
- 2. Request the SEC establish a policy ensuring active case management for all families and youth, including students with disabilities as well as those students whose needs threaten their ability to be maintained in the public school setting, such as requiring families/school officials meet with the CSA family assessment and planning team (FAPT) at least annually.*
- 3. Take no action.*
- 4. Other options discussed by the Advisory Group.*

Draft Recommendations



Finding #2 – Virginia's existing special education state funding structure does not adequately meet the needs and increasing numbers of hard-to-serve, special education students.

1. *Request the Virginia Department of Education (VDOE) review Virginia's special education funding formula and make recommendations which address both capacity building and funding for students with disabilities, including those students with disabilities who are high-need and hard-to-serve, which encourage school divisions to creatively educate students with disabilities in the LRE. Other states' funding formulas and policies will be assessed to determine whether these approaches could be employed in the Commonwealth. VDOE shall also assess the efficacy of Virginia's regional special education programs and assess whether these programs should be expanded to other regions of the Commonwealth or provisions are needed to revise these programs.*
2. *Take no action.*
3. *Other options discussed by the Advisory Group.*

Draft Recommendations



Finding #3 – The utilization and costs of private placements for special education students in Virginia has increased significantly.

1. *Introduce a language-only budget amendment stating that localities may require the local share of the Special Education Private Day Home Placements come from the localities' school boards' budget, rather than the localities' general government budget.*
2. *Introduce a budget amendment convening an interagency workgroup to assess the barriers to serving students with disabilities in the least restrictive environment. The workgroup shall assess existing policies and funding formulas including school division's program requirements, localities' composite indices, local CSA match rate allocations, local CSA rate setting practices, the impact of caps on support positions, policies for transitioning students back to the public school, and other barriers to LRE. Membership shall include all impacted state agencies, local education agency (LEA) representatives, local CSA representatives, local government officials, local special education administrators, stakeholder organizations, and members of the Virginia General Assembly. The workgroup shall make recommendations to the Virginia Commission on Youth prior to the 2017 General Assembly Session.*
3. *Request the Office of Children's Services (OCS) collaborate with VDOE and include a track in their annual conference on best practices and effective strategies for serving children with disabilities in the least restrictive environments and increase knowledge and understanding on working with students with disabilities, as well as improving coordination between schools and CSA.*
4. *Request the OCS include in its annual training plan strategies best practices and effective strategies for serving children with disabilities in the least restrictive environment and increase knowledge and understanding on working with students with disabilities, as well as improving coordination between schools and CSA.*
5. *Take no action.*
6. *Other options discussed by the Advisory Group.*

Draft Recommendations



Finding #4 – Virginia’s Regional Special Education Programs allow select school divisions to serve students in a less restrictive environment but the existing structure needs to be re-evaluated.

- 1. Request the VDOE to conduct a study on Virginia’s regional special education programs and report findings and recommendations to the Commission on Youth prior to the 2016 General Assembly Session.*
- 2. Introduce legislation/language-only budget amendment requiring Virginia’s regional programs to annually report to the Virginia Department of Education information about student achievement, accountability ratings, attendance, disciplinary practices, program completion, and transition to LRE.*
- 3. Take no action.*
- 4. Other options discussed by the Advisory Group.*

Draft Recommendations



Finding #5 – There is no available data about the effectiveness of CSA-funded private day and residential programs.

1. *Direct/Request that VDOE include identified outcome measures in its web-based directory of private day and residential providers including information on student achievement, assessment scores, attendance, disciplinary practices, program completion, and transition to LRE.*
2. *Require private special education facilities be included on the VDOE school report card system and that programs report information on student achievement, assessment scores, attendance, disciplinary practices, program completion, and transition to LRE.*
3. *Amend the Code of Virginia 22.1-332 to require VDOE to collect information on private day schools for students with disabilities to reflect student achievement, attendance, assessment scores, and transition.*
4. *Direct/Request VDOE establish a procedure requiring all assessment scores for private day students tagged as ‘Special Situation’ be included in the student’s “home” school scores.*
5. *Direct/Request OCS to report annually CANS and CANVaS scores that measure educational outcomes by service placement name and type for all students being served in CSA-funded educational placements.*
6. *Take no action.*
7. *Other options discussed by the Advisory Group.*

Draft Recommendations



Finding #6 – Virginia's parent consent provisions exceed federal regulations and may hinder serving students with disabilities in the least restrictive environment.

1. *Amend Virginia's Regulations Governing Special Education Programs for Children with Disabilities based upon Kansas' policy which allows school divisions to modify a child's IEP requiring parental consent only when making a change of 25% or more of a special education service or before making a change to a more restrictive or less restrictive educational environment for more than 25% of the school day.*
2. *Take no action.*
3. *Other options discussed by the Advisory Group.*

Draft Recommendations



ARC Submitted Recommendations to be Discussed by Advisory Group

- Request that VDOE undertake a comprehensive evaluation of placement practices in school divisions with very high placement rates in private schools and regional programs to determine whether some students are unnecessarily placed in segregated placements and report findings to the COY. The evaluation should:
 - Determine which disability labels put students most at risk for long term placement in private and regional programs?
 - Examine CSA and regional placement funding streams incentivize segregated placements in some school divisions and suggest statutory and policy changes that would allow for those funding streams to be used to develop capacity in public schools.
 - Clarify why public school capacity (availability of appropriate services and limitations of LEA staff in serving complex students) is so different among VA school divisions.
 - Identify the factors besides capacity, parent preference, and proximity that may influence school divisions to make long term segregated placements?
 - Clarify how CSA and regional placement funding streams incentivize segregated placements in some school divisions and suggest statutory and policy changes that would allow for those funding streams to be used to develop capacity in public schools.
 - Thoroughly review the research comparing outcomes for students with disabilities in inclusive settings versus outcomes for students in segregated settings.
 - Find evidence-based strategies for helping high-placement school systems develop capacity for educating students with complex needs in public school inclusive settings. SWIFT Schools developed by the University of Kansas is one such evidence based system for developing inclusive practices at the school division and state level.

Draft Recommendations



ARC Submitted Recommendations to be Discussed by Advisory Group

- Develop a protocol similar to the proposed VDOE Study of Regional Programs to review current practice in private special education schools licensed by the VDOE and report findings to the Commission on Youth.
- VDOE conduct a yearly analysis comparing school report card outcome data for students in private schools and regional programs with outcomes for students in public school programs and report comparative data as part of VDOE annual reporting to the public. Based on this comparative data, report to the COY on the whether funds for private school placements and regional programs are an efficient use of public funds.
- Conduct a review of research on outcomes for students with disabilities in inclusive settings compared to students in segregated settings.
- The Commission on Youth request that the time frame for completing this study be extended so that this outcome data can be examined in light of the request in Resolution 196 that funding streams be evaluated for efficiency.



Questions/Comments?