

## Residential Placement of Students with Disabilities

|                                | <b>CSA Placement</b>                                                              | <b>Parental Placement</b>                                                         |
|--------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>Educational Purpose</b>     | <b>1</b><br>IEP identifies residential placement as Least Restrictive Environment | <b>3</b><br>Parent makes unilateral placement to meet student's educational needs |
| <b>Non-Educational Purpose</b> | <b>2</b><br>IFSP identifies need for residential placement                        | <b>4</b><br>Parent makes placement for treatment purposes                         |

**NOTES:** A placement made through a signed Parental Agreement with a public child-serving agency is a CSA placement. A placement made through Adoption Assistance is a parental placement.

### **1 IEP identifies private residential placement as LRE**

- §2.2-5211.B1 – “Special Education Mandate” - CSA pays for IEP services. When child is Medicaid eligible and meets medical necessity criteria for residential treatment, Medicaid funds may be used for placement. (Medicaid does not fund the educational portion of services.)
- School division remains responsible for FAPE (IEP, re-evaluation, progress reporting).

### **2 IFSP developed by the FAPT identifies need for residential placement**

- §2.2-5211.B2 – “Special Education Mandate” - CSA pays for all services. When child is Medicaid eligible and meets medical necessity criteria for residential treatment, Medicaid funds may be used for residential treatment services. (Medicaid does not fund the educational portion of services.)
- School division of child's residence remains responsible for FAPE (IEP, re-evaluation, progress reporting).

### **3 Parent makes unilateral educational placement**

- Child gives up right to FAPE, i.e., child does not have access to public school services. Parent holds fiscal and oversight responsibilities for all services including educational services. (8 VAC 20-81-150.C.7.c.)

### **4 Parent makes placement for treatment purposes**

- Child maintains right to FAPE – school division of child's residence is responsible to ensure student has services necessary to benefit from the residential facility's educational program.
- School division identifies appropriate services in the IEP and how they will be delivered, e.g., may provide direct services, arrange with another school division to provide services, or negotiate with provider for purchase of appropriate services. See VDOE: SESS FAQ 014-11 for more information. Link: [http://www.doe.virginia.gov/special\\_ed/regulations/state/faq\\_implementing\\_regulations/2011/014-11\\_parent\\_placement\\_of\\_student\\_residential.shtml](http://www.doe.virginia.gov/special_ed/regulations/state/faq_implementing_regulations/2011/014-11_parent_placement_of_student_residential.shtml).
- If the least restrictive environment identified in the IEP is private day school, it is appropriate to utilize CSA funds for the services necessary to ensure the child's access to FAPE if such services are to be purchased from a private provider.