



Office of Comprehensive Services

Empowering communities to serve youth

CSA 101: The Process Explained, OCS Resources, and Q&A

VAISEF Conference
April 10, 2014



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SPECIAL EDUCATION POPULATION

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

- B. ...The target population shall be the following:
1. Children and youth placed for purposes of special education in approved private school educational programs, previously funded by the Department of Education through private tuition assistance;



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“MANDATED” – “SUM SUFFICIENT”

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

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



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CSA PROCESSES AND SPED



Office of Comprehensive Services

AT A GLANCE

Funding Under the Comprehensive Services Act (CSA) for Students with Disabilities

Service	Authority for Funding	FAPT Role	CPMT Role	What CSA Funds	Additional Requirements for School Divisions
Private Day IEP	COV §2.2-5211 B.1	Not required by statute or state policy.	Must authorize funding. CPMT requires from schools: 1. IEP as evidence of student's eligibility. 2. Demographic data for CSA reporting and purchase order. 3. Progress reporting on IEP. 4. Uniform assessment instrument (e.g., CANS).	All special education and related services on the IEP except transportation.	1. Responsible for transportation. 2. Supply Student Testing Identifier (STI) to CSA. 3. Report tuition code "07" and placement code "03" on VDOE data collections.
Residential IEP	COV §2.2-5211 B.1	Not required by statute or state policy.	Must authorize funding. CPMT requires from schools: 1. IEP as evidence of student's eligibility. 2. Demographic data for CSA reporting and purchase order. 3. Progress reporting on IEP. 4. Uniform assessment instrument (e.g., CANS).	1. All special education and related services on the IEP except transportation. 2. All costs associated with the residential placement including room and board. (Medicaid used as primary funding source when applicable.)	1. Responsible for transportation. 2. Supply STI to CSA. 3. Report tuition code "07" and placement code "05" on VDOE data collections.
Special education services when a student with an IEP is placed by CSA into a residential program for non-educational reasons	COV §2.2-5211 B.2	Residential placement is recommended by FAPT and included in the IFSP.	Authorizes funding.	All costs associated with the placement.	1. Supply STI to CSA. 2. IEP should note that student is placed in a residential program for non-educational reasons. (Do not change educational placement.) 3. Report tuition code "07" and placement code "05" on VDOE data collections. 4. Responsible for annual IEP review, triennial, etc.
Wrap around services	Policy of the State Executive Council	Determines services and develops IFSP.	Authorizes funding.	Non-residential services to the client and/or family in the home and community.	None

FAPT – Family Assessment and Planning Team

CPMT – Community Policy and Management Team

FAPT Role

- Local CPMT determines through local policy if IEP cases are required to come to FAPT.
- Best practice suggests that students with IEP's may benefit from multidisciplinary planning to address needs of the child and/or family that extend beyond the IEP.
- The FAPT and the CPMT are prohibited from changing the IEP, including services and placement specified.
- An IFSP may be developed by the FAPT to address non education needs of the child and/or the child's family.
 - The services would be designed to increase the child's ability to be successful in the home, community, or school setting.

CSA Pays

- All services delineated in an IEP which specifies placement into a private day special education facility or a private residential facility (except transportation),
- The special education costs associated with the non-educational placement by a CSA team (FAPT/MDT/CPMT) of a student with a disability into a private residential program.

School Division Pays

- All services specified in the IEP for students who are served in the public schools.
- Evaluations to determine eligibility for special education.
- Homebound instruction.
- Transportation costs necessary to implement IEP placements in private programs .

Student Transfers

- When a student in a private special education placement moves from one locality to another, e.g., parent moves, responsibility for the IEP and funding of services transfers to the receiving school division.
- Receiving locality is responsible to re-assess services needed and assumes responsibility for funding of CSA services 30 days after notice by the sending locality.

SWD in Foster Care

If sped needs cannot be met within the public schools in the jurisdiction in which the foster child is placed,

- Responsibility for the IEP rests with the school division of the **placing** jurisdiction (i.e., the jurisdiction with custody of the child).
- Fiscal responsibility for private education placements is the responsibility of the **placing** CPMT.



Parental Placements

Residential Placement of Students with Disabilities

	CSA Placement	Parental Placement
Educational Purpose	1 IEP identifies residential placement as Least Restrictive Environment	3 Parent makes unilateral placement to meet student's educational needs
Non-Educational Purpose	2 IFSP identifies need for residential placement	4 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).



Parental Placements

VD OE :: FAQs related to Virginia Regulations Governing Special Education Programs for Children - Windows Internet Explorer pro

http://www.doe.virginia.gov/special_ed/regulations/state/fag_implementing_regulations/2011/014-11_parent_placement_of_student_residential.shtml

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VIRGINIA DEPARTMENT OF EDUCATION

Home » Special Education » Regulations, Laws & Policies » State » FAQs related to Virginia Regulations Governing Special Education Programs for Children with Disabilities in Virginia » 014-11 Parental Placement of a Student with a Disability in a Residential Facility

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FREQUENTLY ASKED QUESTIONS

014-11 PARENTAL PLACEMENT OF A STUDENT WITH A DISABILITY IN A RESIDENTIAL FACILITY

Q. When a parent unilaterally places a student with a disability in a residential facility, what is the school division's responsibility?

A. The school division's responsibilities differ depending on the reason for the placement. If the parent places for educational reasons, then the student is treated as any other parentally placed private school student, and the parent is deemed to have waived the student's right to a free appropriate public education (FAPE). In such cases, the school division where the residential facility is located would be responsible for child find activities and for the provision of any available appropriate equitable services under an Individualized Services Plan. (8 VAC 20-81-150 C)

If the parent places for non-educational reasons, then the school division of the parent's residence continues to have FAPE responsibility. This conclusion is based on several rulings involving Virginia school divisions and the VD OE, including a due process decision and an Office for Civil Rights decision. The decision makers in these cases reasoned that in contrast to the parental educational placement, when students are placed in a residential facility due to non-educational and often emergency factors, such as extreme behavioral, mental health, medical or substance abuse crises, the parents have not made a decision to waive FAPE, as they do when they place for educational reasons. Therefore, when placed for non-educational reasons, the student maintains his or her FAPE entitlement. This mandate was memorialized in Virginia's 2002 special education regulations and incorporated in the current regulations at 8 VAC 20-81-30 E.3. (see also 8 VAC 20-81-30 B.9)

While it is important for a school division to understand that it maintains responsibility in these cases, it is equally important that it understand the scope of this responsibility. In short, the school division's responsibility is limited to providing the child's educational services, and because it retains this responsibility, the IEP team, not the residential facility, determines what is necessary to provide FAPE.

Practice Tip: To ensure that school divisions consider all relevant factors and appropriately document the situation, we recommend that a school division take the following steps:

1. When the school division learns that a student has been placed in a residential facility by a parent for non-educational reasons, it should promptly convene an IEP team meeting. The team's first inquiry should be whether the student's needs have changed such that he or she now requires a residential placement for educational reasons.
 - a. If the IEP team determines that a change in placement is appropriate for educational reasons, then the IEP team amends the child's IEP to reflect that change. In cases where private placement is determined appropriate, school divisions should secure funding through CSA (Comprehensive Services Act) for the private educational services in the IEP.
 - b. If the IEP team determines that its placement remains educationally appropriate, the IEP should be amended to state that the placement remains appropriate; however, it is functionally unavailable because the child is currently at a residential facility for non-educational reasons. The IEP team then proceeds to determine how it will deliver the student's FAPE (special education and related services).¹
 - c. While some facilities provide "scholarships" to students who have been placed for non-educational reasons, the facility's provision of a "scholarship" does not diminish or eliminate the school division's FAPE-responsibility for the child.
 - d. The school division may elect to provide the services through an itinerant teacher, by contracting with the school division where the facility is located, by purchasing the appropriate educational services from the facility, or by some other means.
2. The IEP should also be amended to reflect:
 - a. The school division is providing educational services in the new setting as a result of the functional unavailability of the previous placement, and that, when the child returns to the LEA, he or she will return to the previous placement unless the IEP team determines otherwise.
 - b. The school division is sharing the student's present levels of performance information, goals and other pertinent IEP information to assist the private facility in understanding the child's educational needs.²
 - c. The IEP team's decision about the level and nature of services, as well as the determination of how these services are to be provided through an itinerant teacher, by contracting with the locality where the facility is located, or by purchasing the appropriate educational services from the facility, or by some other means.

SPECIAL EDUCATION

Information for Parents

Specific Disabilities

Early Childhood Special Education

Grants & Funding

Secondary Transition

Technical Assistance & Professional Development

IEP & Instruction

Monitoring Part B of IDEA

Resolving Disputes

Regulations, Laws & Policies

Reports, Plans & Statistics

Private Day & Residential Schools

Resources:

Guidelines for School Division Policy and Procedures Regarding Service Animals in Virginia's Public Schools - revised 2011 (PDF)

Regulations Governing Special Education Programs for Children with Disabilities in Virginia (PDF)

Guidelines for Instruction-Based Assessments (PDF)

School Division Directors Contact List (PDF)

You May Also Be Interested In:

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WRAP-AROUND SERVICES FOR SWD

Wrap-around for SWD

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 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."

Wrap-around for SWD

- \$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.



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“ASK OCS”



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Virginia Comprehensive Services Act For At Risk Youth and Families (CSA) - Windows Internet Explorer provided by VA IT Infrastr

http://www.csa.virginia.gov/html/training_technical/Technical_Assistance.cfm

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Technical Assistance

The Office of Comprehensive Services (OCS) is committed to providing the highest quality technical assistance to maximize the ability of every locality to effectively implement the Comprehensive Services Act while ensuring that each at-risk youth receives the right services, at the right time, and in the right setting. We recognize our responsibility to provide every locality the necessary "rules and tools" to comply with the statutory and policy requirements of the CSA while enabling local flexibility and creativity in meeting the unique needs of youth and families. To these ends, the OCS has built a robust, multi-pronged program for technical assistance that includes measures of quality assurance and internal accountability. Our technical assistance program includes the components described below.

On-site Technical Assistance

On-site technical assistance is available to meet the specific needs of a community or region. [Technical Assistance Requests](#) may be submitted on-line. Each technical assistance request will be carefully reviewed by OCS staff and a preliminary proposal for assistance will be designed and presented to the requesting entity. Final plans for technical assistance are developed in collaboration with the requesting entity and include specific goals for the on-site assistance and a follow-up evaluation to assess progress toward attainment of those goals.

Ask OCS

"Ask OCS" allows anyone to [submit a question](#) to seek guidance from OCS regarding statute, policy, procedure, funding, reporting, etc. The "Ask OCS" program allows the comfort of anonymity to the inquirer and ensures consistency, reliability, and validity to responses provided. Once a question is submitted on-line, OCS conducts necessary research, develops a comprehensive response, and vets the response across OCS staff and relevant external partners as appropriate. Questions and their responses will be posted at least weekly to the website. ["Ask OCS" Questions-Answers](#) The "Ask OCS" feature is not intended to discourage direct contact with locality liaisons when assistance is needed.

OCS-Localty Liaisons

The OCS staff is readily available to assist localities with questions about CSA. Staff members are available by [phone and e-mail](#) to receive questions, facilitate resolution to concerns, and provide technical assistance to address locality specific challenges.

[Program Consultants](#) typically serve as the front-line liaisons between OCS and localities. They have particular expertise in the interpretation and

Administrative Memos

- CSA Manual
- Local Government Reporting
- CANS
- Program Audits
- Technical Assistance
- Resource Library
- CSA Service Fee Directory
- Training Calendar
- Denial of Funds

Quick Links:

- Dept of Education
- Dept of Social Services
- Dept of Juvenile Justice
- Dept of Behavioral Health and Developmental Services
- Dept of Medical Assistance Services
- CSA Knowledge Center

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“Co-pays”

Question:

Can you assess a co-pay for SPED/wraparound services? Example: In-home services

Answer:

Wrap-Around Services for Students with Disabilities are non-educational services in the IFSP and are not part of the IEP, therefore the services are eligible for assessment for a parental co-payment.

“Bank Days”

Question:

As a private education day school, we mirror the start and stop time of the school division in which we reside so that we have “banked” days as they do ... I am seeking recommendations to help convey this message to the FAPT and CPMT, or the best procedure to bill for the instructional time that is banked if we need to use it.

Answer:

In accordance with the Virginia Administrative Code, private education day schools are responsible for providing the same number of instructional days as the public school systems. Like the public school systems, it is reasonable that a private education day school may elect to “bank” instructional days ...



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CURRENT ISSUES



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PARENT CONTRIBUTIONS

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

C. ...Nothing in this section prohibits local governments from requiring parental or legal financial contributions, where not specifically prohibited by federal or state law or regulation, utilizing a standard sliding fee scale based upon ability to pay, as provided in the appropriation act.

§ 2.2-5206. Community policy and management teams; powers and duties.

3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard sliding fee scale based upon ability to pay;



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PARENTAL PLACEMENT INTO RTF FOR NON-EDUCATIONAL REASONS



**Statement on Inadequate Comparable Education Services for Children
Admitted to Residential Facilities for Non-Educational Reasons**

**State Executive Council
Comprehensive Services Act for At Risk Youth and Families**

March 24, 2014

Mr. Chair and members of the State Executive Council, I am here today on behalf of both the Virginia Coalition of Private Provider Associations (VCOPPA) and the Virginia Association of Independent Specialized Education Facilities (VAISEF) to discuss and ask for your assistance on an issue that has risen to critical importance within our system of care for children who have been admitted to residential treatment facilities for non-educational or mental health reasons.

There currently exists a gap in our system that does not provide funding for appropriate comparable educational services for children with a diagnosed mental illness and who are admitted into a licensed residential treatment facility under a physician's order for non-educational reasons. While their mental health treatment services can be funded through Medicaid, there is no consistent funding source to pay for their educational services while they are in a facility for mental health reasons.



Office of Comprehensive Services

Residential Treatment (Level C)

Access to Medicaid Funding Requires Completion of a Certificate of Need

The Certificate of Need may be completed three ways:

1

FAPT (*Family Assessment & Planning Team*)

- Funding Available

- Medicaid
- Federal Share
- State Share
- Local Share (*not with Adoption Assistance*)
- CSA State Pool
- Adoption Assistance (when applicable)

- Supports/Services

- Education services funded
- Utilization review
- Case management
- Discharge and transition planning
- Transition services for child & family
 - *Intensive Care Coordination*
- Step-down supports for child & family
 - *Community-based services*

2

Community Services Board

- Funding Available

- Medicaid
- Federal Share
- State Share

- Supports/Services

- School division ensures access to education (FAPE) for students eligible for special education
- Magellan care coordination
- Medicaid funded transition services
- Medicaid funded step-down services
 - *Medicaid funded community-based services*

3

Acute Care Team

- Funding Available

- Medicaid
- Federal Share
- State Share

- Supports/Services

- School division ensures access to education (FAPE) for students eligible for special education
- Magellan care coordination
- Medicaid funded transition services
- Medicaid funded step-down services
 - *Medicaid funded community-based services*



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MAGELLAN

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Magellan

- Beginning Dec. 1, 2013, serving as Behavioral Health Administrator for community-based behavioral health services for DMAS (non-traditional services).
 - Includes Therapeutic Day Treatment and Residential Treatment
- Care coordination is component of contract – not so with prior contractor, KePRO.
- Coordination across systems and funding (e.g., Medicaid & CSA) is critical.



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Questions?



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