

**Virginia Association of Independent Specialized Education Facilities
Virginia Coalition of Private Provider Associations**

**Public Comment Regarding Private Day Educational Placements Study
CSA State Executive Council Meeting
September 21, 2017**

Secretary Hazel and members of the State Executive Council, I'm here today representing the Virginia Association of Independent Specialized Education Facilities (VAISEF) and the Virginia Coalition of Private Provider Associations (VCOPPA).

Last year at this time, I was here sharing our concerns about an option you all were considering as part of a report of the SEC work group studying the utilization of private special education day placements, a work group on which I served. The option in question was to carve out special education funding from the CSA and transfer it to the Department of Education, which as you remember was not a popular option with the work group and generated quite a lot of discussion before the SEC agreed to move it forward, in a very close and divided vote, in their final report to the General Assembly.

We and many others opposed this concept then, as we do now, for several reasons:

- Potential loss of “sum-sufficiency” of these special education funds once they would be transferred to VDOE.
- Carving out specific services from the CSA continuum could eventually lead to the dissolution of the CSA program itself, in the process losing a unique and collaborative multi-disciplinary process that is seen as a visionary model around the country.
- Many local school divisions do not want this responsibility, nor do they have the personnel, programmatic or physical infrastructure in place to effectively carry out this significantly increased state mandate, even with a shift in special education funds from CSA to VDOE.

During the 2017 Session, this once again became the topic of intense discussion and generated several budget amendments that pushed this concept further and initially would have created an implementation work group to determine “how” to accomplish this option, presupposing that this was the preferred action to take. The final version of the budget contained language directing the staff of the House Appropriations and Senate Finance Committees, under the jurisdiction of the Joint Subcommittee for Health and Human Resources Oversight, to facilitate a work group to “examine the options and determine the actions necessary to better manage the quality and costs of private day educational programs currently funded through the Children’s Services Act.” As part of this study, the work group is charged with considering several options, including once again:

- *Amending the CSA to transfer the state pool funding for students with disabilities in private day educational programs to the VDOE.*

In response to this new work group’s ongoing study, VAISEF created a Special Education Advisory Group to conduct its own analysis of the issue and make recommendations. Their study has been completed and VAISEF has produced a white paper, which was publicly presented last week at a private special education symposium held at Charterhouse School on the campus of United Methodist Family Services.

I am here today to present this white paper for your information and review, especially since many of you, your agencies and your constituencies are participating in this new study. The full document is in the package in front of you, along with an executive summary. It was met with positive reviews at our symposium last week, including by several public school officials who were in attendance and said they felt it presented a fair analysis of the issue at stake.

I'm not going to read that 13 page document to you, but I wanted to quickly summarize a few of the findings and recommendations made:

- Much time is spent expressing frustration concerning the costs of special education services, but there is not enough being done to show the positive outcomes resulting from that investment.
- Virginia's Regulations Governing Special Education Programs already provide tools necessary to manage the quality and costs of private day placements.
- Private special education schools save Virginia money because they are staffed with trained professionals who are able to educate students who might otherwise ultimately be expelled from public school. The public system would be hard pressed fiscally to replicate this.
- Private non-profit special education schools offset costs with private philanthropy funding.
- Virginia must carefully consider state and federal legal mandates in the provision of an appropriate education to children with disabilities, especially as a result of the United States Supreme Court's decision in *Endrew F. v. Douglas County*.
- Decreasing available funding for private educational placements will result in increased litigation.
- More study and analysis must be given to understanding what is driving costs and placements in private special education day schools. You have data in front of you today that shows continued increases in utilization and costs of this service.
- Efforts to bring cost and decision-making into "alignment" at the local level must be considered carefully to avoid placement decisions being made solely for financial reasons.
- More thorough understanding must be gained by decision-makers on the true nature and scope of private special education services.
- The future of the CSA should be determined through a comprehensive study conducted by JLARC.

The money committee staffers facilitating the current study will be visiting St. Joseph's Villa on September 26th and we will be meeting them there to present our findings and recommendations. We look forward to working with them, and many of you, in the coming months as we try to resolve this very important issue. Thank you for the opportunity to present this information to you today.

William P. Elwood, Executive Director
VCOPPA / VAISEF