

CSA Funding for Students with Disabilities
WEBINAR SESSION 2/10/2011: Questions and Answers
*The responses in this document reflect the positions of both the
Office of Comprehensive Services and the Virginia Department of Education*

QUESTION	RESPONSE
1 why was the term "school" removed?	The policy language adopted on 1-10-2011 clarifies the SEC's continuing intent to allow communities to provide wrap around services to youth beyond the school setting and to remind us that school divisions remain responsible for the educational services in the school setting. The policy also clarifies the prohibition regarding supplanting of funds.
2 Special Education regs state children can go to school through age 21. Are there age restrictions to CSA mandated funds under the new policy?	Use of CSA funds under the special education mandate is dictated by the eligibility of the student for services. As long as a student remains eligible for special education services he/she remains eligible for extension of the mandate.
3 What about a student who falls under both the Foster Care Prevention Mandate and the special Education mandate? Would this student be able to access services at the school if the reasons are non-special ed related?	No. If child has an IEP, CSA funds are not to be used for services in the school setting.
4 Can services be provided to assist a child in getting out of their home, to the bus, and into his/her seat on the bus? Normally the school would not necessarily assist the child from his/her actual home to the bus. Is this considered the community....or is this considered the school responsibility because the child is "on the way to school"?	The extension of the special education mandate may not be used for wrap-around services in the school setting. "School setting" or "school environment" includes settings adjunct to the classroom; for example, cafeteria, bus or alternate transport, playground, vocational sites, field trips or other off-school grounds activities associated with the student's educational program. The extension of the special education mandate cannot be used to fund services that are necessary for the student to benefit from or gain access to his/her educational program. The IEP team is responsible to determine the specific services that are necessary for a student's educational program and delineates these services in the IEP.

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- 5 Are there restrictions on the use of CSA funds for services provided as part of a student's specialized private school program... behavior support aide in the private school setting, community based instruction provided by the private school program? *Is there a limitation to use of CSA funds for private school services ... must they be provided in a "school" building or can they extend to off campus settings?*
- All special education and related services in an IEP for private school placement are funded by CSA in accordance with the Code of Virginia §2.2-5211. The SEC policy clarification of January 10, 2011 in no way changes the funding of private educational placements. Thus, if a behavioral support aide or community based instruction are included as components of the private school IEP, these services are funded by CSA.
- 6 What about a sped student who previously received family counseling services under court services and is no longer mandated for such services, requests these services. Is such a request to be funded by FAPT-outside of the IEP?
- If the circumstances of a student with a disability meet the criteria established by the January 10, 2011 policy statement, CSA funds under the special education mandate may be used for wrap around services such as family counseling. These services would not be in the IEP, but delineated in an IFSP.
- 7 Could you clarify how CSA services could be used to support a student who is transitioning from a private school to public school setting? I have a private school pushing for a behavior specialist to attend public school with a student to "support his transition" back to public school. *If a child is transitioning to public school from a private day placement, will CSA fund a behavioral aide since the student is transitioning to a less restrictive environment?*
- The SEC policy allows funding of wrap around services to transition a student from a more restrictive placement. However, since the policy prohibits use of funds for services that occur in the school setting, the wrap around services described here could not be funded by CSA. If the student and/or family need services in the home, e.g., to implement a consistent behavior plan, those services could be provided under the special education mandate.

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8 A child with an IEP is currently is placed by a parent in a private school and private residential for non-educational reasons. Child was unable to be maintained in home due to severe nature of behaviors. This, after a behavioral consultant was tried prior to placement. This was done so through coordination of FAPT. CSA funding used currently to pay for education and ID waiver and Medicaid paying residential. Parent is also paying co-pay. Child is coming up on 18th birthday. Does CSA funding stop or can they continue since child is currently placed.

CSA funding as described in this scenario is in accordance with the Code of Virginia, §2.2-5211 (not with the SEC policy extension of the mandate). CSA is responsible to fund the educational services to a student with a disability when the student is **placed by CSA/CSA participating agency into a residential program for non-educational reasons**. Given the information in this scenario that both the residential placement and school placement were coordinated through FAPT, these placements are not considered "parent placements" - they are both CSA placements. A student's eligibility for use of mandated special education funds is based upon the student's eligibility for special education, i.e., through his/her 21st birthday unless he/she has earned a standard or advanced diploma. In this scenario, the student's eligibility for use of mandated special education funds for the school program is dependent upon his/her continued placement in the residential placement for non-educational reasons.

9 If a student who is sped eligiible under the Speech-Language Impairment category for an articulation disorder needs behavioral support in the school but does not qualify for another sped category, would this student be able to access behavioral support funded by CSA?

In accordance with the 1-10-2011 policy statement, CSA special education mandated funding may not be used for wrap-around services in the school setting. If the student's behavior impedes the student's learning or that of others, the IEP team must consider the use of positive behavioral interventions, strategies and supports to address the behavior.

10 So if the child has an IEP and is in public school CSA can not fund the 1:1 services even if the 1:1 is to provide wrap around services...Right?

The policy statement of 1-10-2011 prohibits the use of funds under the special education mandate for services in the school setting, thus these funds could not fund 1:1 services in the school setting. If the 1:1 services are needed in the home or community, mandated special education funds could be used under this policy as long as the circumstances meet all the criteria of the policy.

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- 11 what would be the rationale for a contracting agency to require a 1 to 1 aide be treated as a child specific service even though it is a CSA line item service?
- All CSA funded services must be child-specific services.
- 12 Using your example of the student with ADHD, who misses curfew at home, do you have to somehow show that staying out past curfew is related to his ADHD designation? If his missing curfew has nothing to do with the ADHD, would he still be eligible under the mandate?
- The policy requires that the needs arise from the student's disability. If the team does not believe that the student's disability gives rise to the need for service, use of funds would not be appropriate.
- 13 Where in the IEP would it be appropriate to place services like a behavioral aide?
- Provision for a behavioral aide for a student with a disability generally would appear as a related service in the IEP's "Services" section. The provision may also appear in the IEP's "Accommodations/Modifications" section. Additional specific reference to the student's educational need for a behavioral aide may also appear in the the IEP sections of "Present Level of Performance" and/or "Measurable Annual Goals."
- 14 Is there a circumstance where a special ed. student could receive a service funded by CSA during the public school day? If yes, please give an example of the service.
- The policy of 1-10-2011 that allows extension of special education mandated funds for wrap-around services prohibits the use of those funds for services in the school setting.
- 15 You did say that the mentor or whomever, for example can go into the school to check on the student and his/her progress, correct? How often? Smile
- The exclusion of services in the school setting assures that CSA funds are not utilized for services that are the financial responsibility of the schools. When CSA funding under the special education mandate is being used to provide wrap-around services to a child/family, coordination and communication across settings would be considered best practice and is encouraged. It is not appropriate, however, to use CSA funds to provide services to school staff, e.g., professional development, or to provide direct services to the student.

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- 16 So in general CSA funds can not support services that are in IEP in the public school setting but can fund the services on the IEP in the private schools.
- Funding the services in a private school IEP is required by the Code of Virginia, §2.2-5211. This is based on the fact that private school tuition was one of the fund sources that created the state pool of funds under the CSA. Services on IEPs that place students in public schools have always been the financial responsibility of the local public school division. CSA prohibits the use of pool funds where they would supplant another source of funds for services - thus, CSA cannot pay for services on the IEP for a student in the public school setting. The SEC policy allows communities to fund services for which there exists no other fund source.
- 17 Are there any services, besides residential, that cannot be paid for by CSA for children with IEP's in the community setting?
- The policy on use of special education mandated funds does not provide other restrictions. All broad CSA requirements for use of funds apply to this category of funding, e.g., licensure, UM&UR, etc.
- 18 So the case management for services such as respite- outside of the school day would now be on school staff, in addition to current services monitored by school staff.
- The assignment of case management is a local determination.
- 19 Can CSA funds be utilized to contract with public school employees who have the knowledge and experience to work with children with special education outside of the school setting to support the child and family?
- Provider selection is based on local policy and procedures.
- 20 If the IEP indicates a residential setting as the appropriate placement but the student is not eligible for Medicaid, can CSA funds be used for that residential setting?
- In accordance with the Code of Virginia §2.2-5211, CSA is responsible to fund all services in an IEP that requires private placement. This includes all costs (including room and board, treatment, etc.) associated with a residential placement when the IEP requires such placement.

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21 If a child is not in the CSA mandated population, what level of service is a resident school district supposed to provide for a child in a residential treatment facility with an IEP parentally placed but not placed due to a parent's rejection of FAPE. It is a non educational placement due to a mental health condition that warrants a residential treatment level of service admitted under a physician's order?

The school division of the parent's residence is responsible for the provision of FAPE to a student with a disability who is placed by his/her parent into a residential program for non-educational reasons.

22 May the foster care, foster care prevention, and or the non-mandated mandate types be used to purchase services delivered in public school setting during the school day to a student with an IEP? I.e. day treatment or other counseling service

No, if the child has an IEP, CSA funds cannot be used in the school setting.