

CSA Funding for Students with Disabilities
WEBINAR SESSION 2/8/2011: 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 are children under 5 who are in a pre-school setting through the school system eligible?	Children may be identified eligible for special education from ages birth through 21. So, yes, if a child under 5 has been determined eligible for special education services, the CSA special education mandate could be used for wrap-around services.
2 Who requests the services? Can the school or does the family have to?	The process for referral to FAPT is determined by local policy. Best practice would allow referrals by the schools when they identify child/family needs that require multi-disciplinary planning. Use of the special education mandate is not dictated by the referral source.
3 Are you talking about no direct services being in the school setting? What about consultation with teachers and school admin?	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 is funding wrap-around services to a child/family, coordination and communication across settings would be considered best practice and is encouraged. It would not be appropriate, however, to use CSA funds to provide services to school staff, e.g., professional development.
4 If the school is not seeing the behavior, does the school have to make the FAPT referral? Use the five year old developmentally delayed student example? -Does this policy only apply when the school makes the referral?	The policy does not restrict the use of funds based upon who makes a referral to FAPT. The use of sped mandated funds would be appropriate for the PowerPoint example of the five year old student with a development delay regardless of who might make the referral -- the family, a CSB representative, the school, etc. The appropriate use of funds is based on this child meeting the specific language in the policy, i.e., the needs arise from the disability, the service will be provided in the home, and there is a threat to the student being maintained in the home.
5 If a youth is placed in a residential placement by another agency (such as DSS for safety reasons, no other lesser restrictive placement available) but the youth also has an IEP, how does the revised mandate affect this situation?	If a youth meets more than one mandate, it would be up to the local CSA team to determine which mandate category is most appropriate to use for reporting.

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6 When should funding for a 1:1 behavioral aide stop?

With regard to the use of CSA funds for these services, this was addressed in a memo to CPMT from Charlotte McNulty, Executive Director, Office of Comprehensive Services: "Please review your local policies and practices in this regard. If you find that you are providing services within public school settings to this population please work with your local school system to determine the most expedient process for eliminating the use of pool funds for these services. It is expected that by the end of this school year every locality will be in compliance with this policy." ***From the IDEA perspective, however, when school divisions know or suspect that the removal of the CSA service in the school setting may impact the student educationally (including academic and behavioral), then the student's FAPE may be in question. The IEP team needs to address the issue in a timely manner so that FAPE is not disrupted or interrupted for the student.***

7 Would there be a parental co-pay review needed for these types of services?

Because the services funded under this policy are wrap-around services recommended by a FAPT and written into an IFSP, they are subject to co-pay provisions of CSA.

8 We have students that have behaviors that begin or resonate from the home or community. These behaviors then extend to the school setting and threaten the school placement/setting. If we have maintained their placement with an IFSP, and the implementation of behavioral support....how do we now handle services for these children? Are we supposed to have IEPs developed for these children and have them placed in private day?

If the wrap-around services are being provided in the home or community, nothing has changed as a result of the policy clarification. If the behavioral support you describe has occurred in the school setting, the policy does not allow continued CSA funding of the service. If the use of this service in the school has proven successful in maintaining the student in his/her educational placement and the lack of CSA funding causes the service to be withdrawn, moving the student to a more restrictive placement could be determined a violation of the student's right to FAPE.

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- 9 BSS, Mentor, not allowed during school setting, school day - correct?
- CSA special education mandated funding may not be used for services in the school setting. School setting encompasses wherever and whenever school services are being provided. The school setting includes transportation to and from school as well as school activities that may occur off-site (e.g., community based instruction, vocational sites, etc).
- 10 So a home based worker can't participate in a meeting at school with teachers, parents and administration? -- if a student has a mentor outside at home can the mentor do follow through in the school
- Collaboration with all parties involved in services to a child and family is certainly considered best practice and is encouraged. Use of CSA funds to place a home-based worker in the school setting to provide services there is not permissible. There is nothing that would prohibit someone who is working with the child/family in the home from observing the child in the school setting or attending a meeting at the school for purposes of collaboration and communication, e.g., to enhance consistency across settings.
- 11 What paperwork is required to be completed before these services can be approved?
- Services funded under the sped mandate are written in an IFSP and funded in accordance with state and local policies and procedures for authorization of state pool funds.
- 12 Are the examples you went over previously "mandated" examples
- The examples used in the PowerPoint represent scenarios under which the use of the special education mandate would be appropriate. The term "mandated" applies to the category of funding. Per the policy language, the fund category "may be used" -- use of funds to provide wrap around services to any client is at the discretion of the FAPT and CPMT.
- 13 Susan, is there a recommended process to determine the other possible funding sources (i.e. Foster care prevention, Mental Health Grants, etc.) before accessing this source? I am concerned schools would now be doing "foster care prevention" work...
- CSA requires that all non-CSA fund sources be exhausted prior to use of CSA funds. If a youth meets more than one mandate, it would be up to the local CSA team to determine which mandate category is most appropriate to use for reporting. What agency provides case management for any service, regardless of the fund category used for the service, is determined by local policy/procedure.

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| 14 What boundaries are in place to prevent this from becoming a run-away funding source for families to request any number of services they think are needed for their child who has an IEP? | The FAPT and CPMT policies and procedures for authorization of services are applied no differently for use of the special education mandate than for any other IFSP service. |
| 15 What are the implications of 2.2-5211 for independent schools that work with students who have an IEP? | There has been no change to the Code of Virginia, 2.2-5211 which requires the funding of IEP placements in private day and private residential schools. The policy does now clarify that the funding of wrap-around services to students who are placed in private day and residential programs is allowable. |
| 16 Does there need to be documentation in the IEP that the student in being referred to FAPT for services in order to meet any mandate requirements? | No, and to do so would be inappropriate. The IEP describes the supports and services that a student requires to receive his/her education. The IEP does not address non-educational needs. |
| 17 If it is a funding for a non-educational service, i.e. in-home counseling, and the family refuses to pay a copayment on a recommended service, does the CSA have to pay? | Local policy and practice determine whether services are provided and funded for families who refuse to comply with co-pay requirements. |
| 18 Can services be provided after school in the way of parent training since it is considered in the IDEA regs? Can we proceed with funding if it is not in the IEP? "Related services also include...parent counseling and training." | Anything that meets the definition of a related service must be in the IEP . Services may not be left out of the IEP in order to access CSA funding - refer to Superintendent's Memo #118-10. |

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19 Hi Susan, I have a question similar to Kelly's from earlier. In the school, we have taken cases for in-home and other services to FAPT under foster care prevention funding source. What would be the difference between taking a student to FAPT for services under foster care prevention versus Sped mandate?

If a youth meets more than one mandate, it would be up to the local CSA team to determine which mandate category is most appropriate to use for reporting. There are different eligibility criteria for each fund category. For example, to be eligible for the foster care prevention fund category, a child must meet the criteria for abused, neglected or "child in need of services" (a specific legal definition). The intent of CSA is to allow communities the flexibility to consider the needs of children and families holistically rather than within "silos" related to specific agencies. Funding categories should not drive how or when children and families are referred to FAPT for multi-agency planning.

20 Can local CPMT boards require IEP progress reports for privately placed day and residential placements to be submitted to the CPMT board for review to approve funding?

It is recommended that local policies and procedures utilize IEP progress reporting to meet the utilization review requirements of CSA. The CPMT may not, however, develop or implement policies that interfere with the school division's obligation to provide FAPE services to a student. Thus, authorization of funding may not be denied based on a failure to receive progress reports.

21 School-Based Day Treatment Services are based on a student's eligibility for Medicaid services and not IDEA. If a student is not eligible for Medicaid, does it have to be part of the IEP?

The sped mandate may not be used to fund school-based day treatment services to a student with an IEP, since these services occur in the school (the question of whether it is in the IEP is not a determining factor). Requirements for use of Medicaid funds are very different from requirements for use of CSA funds. There is no prohibition against the use of Medicaid funds for services that may be in the IEP or for services in the school setting.

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22 Sped Director Concern: Is Judy Douglas involved? I have concerns that a school system will use this policy, and a parent will be asked for a co-pay and run to Legal Aid. The argument will be if the school thought the issue important enough to address, and IDEA mandates consideration for all extra-curricular activities... this is putting schools in harms way legally.

The CSA requirement for co-pay stipulates "unless prohibited by federal law or state regulation." Federal law and state regulations governing special education require that special education and related services be provided to students with disabilities at no cost to parents. This prohibition does not extend to non-special education services. Wrap-around services on an IFSP, regardless of the CSA funding category, are not special education or related services and are not exempted from co-pay policies.

23 Doesn't the fact that these services are now included in the mandated category make them sum-sufficient?

No. Nothing about the policy clarification has changed the status of services funded in accordance with the policy. Since it was established, the SEC policy has made the students funded under it a part of the mandated population. The CSA term "special education mandate" refers to the eligibility of the client because of his/her status as a student with a disability -- it does not describe anything about the nature of the service itself. The term "sum-sufficient" refers to requirements to fund special education services based upon the right of a student with a disability to the services in his/her IEP. Wrap-around services in an IFSP are not special education services, regardless of the fund category used to pay for them - these services are not guaranteed to students under the IDEA and they are not covered under "sum sufficient" requirements.