



#134-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #134-21**

DATE: May 14, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Use of CSA Funds - Transitional Services in the Public School Setting**

On March 11, 2021, Governor Northam signed [SB1313](#) and [HB2117](#) as passed during the 2021 General Assembly session which changes Section [2.2-5211](#) of the *Code of Virginia* to state that the *Comprehensive Services Act* (CSA) state pool fund reimbursements may be utilized for certain transitional services for students returning from a private special education program to a public school setting. The specific language as changed in the *Code* now reads as follows, with the italicized language becoming effective with transition services to be provided to eligible students on or after July 1, 2021:

Effective on July 1, 2021, the language in the *Code*, at § [22.1-323](#). Licenses generally, will be changed to read as follows:

§ [2.2-5211](#). State pool of funds for community policy and management teams.
B. 6. Children and youth previously placed pursuant to subdivision 1 in approved private school educational programs for at least six months who will receive transitional services in a public school setting. State pool funds shall be allocated for no longer than 12 months for transitional services. Local agencies may contract with a private school education program provider to provide transition services in the public school.

F. As used in this Section, "transitional services" includes services delivered in a public school setting directly to students with significant disabilities or intensive support needs to facilitate their transition back to public school after having been served in a private special education day school or residential facility for at least six months. "Transitional services" includes one-on-one aides, speech therapy, occupational therapy, behavioral health services, counseling, applied behavior analysis, specially designed instruction delivered directly to the student, or other services needed to facilitate such transition that are delivered directly to the student in their public school over the 12-month period as identified in the child's individualized education program.

This change in the Code provides that CSA funding may be used for students whose Individualized Educational Program (IEP) Team has determined that they will be transitioning from placement in an appropriately licensed private special education day school or residential facility back to the public school setting and has been enrolled in the private special education day school or residential facility for at least six months preceding the initiation of the transition services. The specific services to be provided through this legislation are detailed in Subsection F of § [2.2-5211](#) above. To be eligible for reimbursement, the specific transition services the student will receive must be determined by the student's IEP Team and clearly specified in the student's IEP. These identified transition services must be provided in the public school setting and will be eligible for reimbursement for no more than a total of 12 months from the date that they are initiated.

With regard to Section B.6 above, the Office of Children's Services (OCS) has noted that it will consider as eligible any student who has been enrolled in an approved private educational program for at least six of the nine months preceding the initiation of the transitional services provided through this change in the law. This will allow students who may not have been enrolled during the summer months to be eligible if they were enrolled in the six months preceding a summer break. Additionally, OCS has indicated that the transitional services will be reimbursed for up to a total of 12 out of the 15 calendar months from the time they are initiated. This will allow the 12-month limit to be suspended during summer months in which the student is not attending school.

Additionally, Subsection B.6 of § [2.2-5211](#) above states that local educational agencies may contract with a private school education program provider to provide transition services in the public school. As such, reimbursed service providers may be public school and/or private school education program providers, with the agreement of the public school administration. These transition services carry sum sufficient funding under the provisions of Subsection C of § [2.2-5211](#). The Office of Children’s Services has established the following code for reimbursement of these transition services: **Service Name: 48** (Special Education/Public School Transition).

This legislation does not affect the use of CSA funds for services needed by students with disabilities outside of the public school setting (and not included on the student’s IEP). Such services will continue to be funded through existing Special Education Wraparound funding allocations through the *Children’s Services Act*.

For more information

If you have questions, please contact Hank Millward, Director of Facilities and Family Engagement, via email, at Hank.Millward@doe.virginia.gov or by telephone, at (804) 371-0525.

JFL/HJM/lc