

OFFICE OF CHILDREN'S SERVICES

ADMINISTERING THE CHILDREN'S SERVICES ACT



The Children's Services Act (CSA, §2.2-2648 et seq) was enacted in 1993 to create a collaborative system of services and funding for at-risk youth and families.

The CSA establishes local multidisciplinary teams responsible to work with families to plan services according to each child's unique strengths and needs and to administer the community's CSA activities.

The Office of Children's Services (OCS) is the administrative entity responsible for ensuring effective and efficient implementation of the CSA across the Commonwealth.

Guiding principles for OCS include:

- Child and family directed care,
- Equitable access to quality services,
- Responsible and effective use of public funds,
- Support for effective, evidence-based practices, and
- Collaborative partnerships across state, local, public, and private stakeholders.



Office of Children's Services
Empowering communities to serve youth

PRIVATE SPECIAL EDUCATION SERVICES UNDER THE CSA

Annual Report to the General Assembly, December 1, 2022

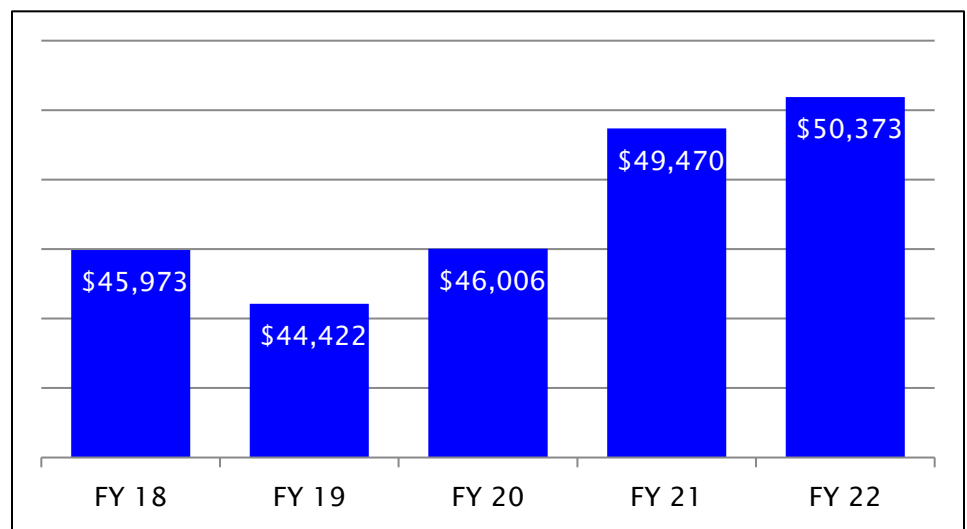
In accordance with the Appropriation Act Chapter 2, Item 284 (K)(2)

Item 284.K.2. The Office of Children's Services shall report on funding for special education day treatment and residential services, including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition.

Children and youth with educational disabilities placed due to the student's Individualized Education Programs (IEP) in approved private school educational programs are a component of the population served by the Children's Services Act (CSA). These children are eligible for CSA funded services as specified in the *Code of Virginia*, §§2.2-5211 and 2.2-5212. Services may be provided in either a private day school or private residential school, in accordance with the student's IEP.

Average Annual CSA Expenditure Per Child (FY2018 - 2022)

Private Day Special Education Services

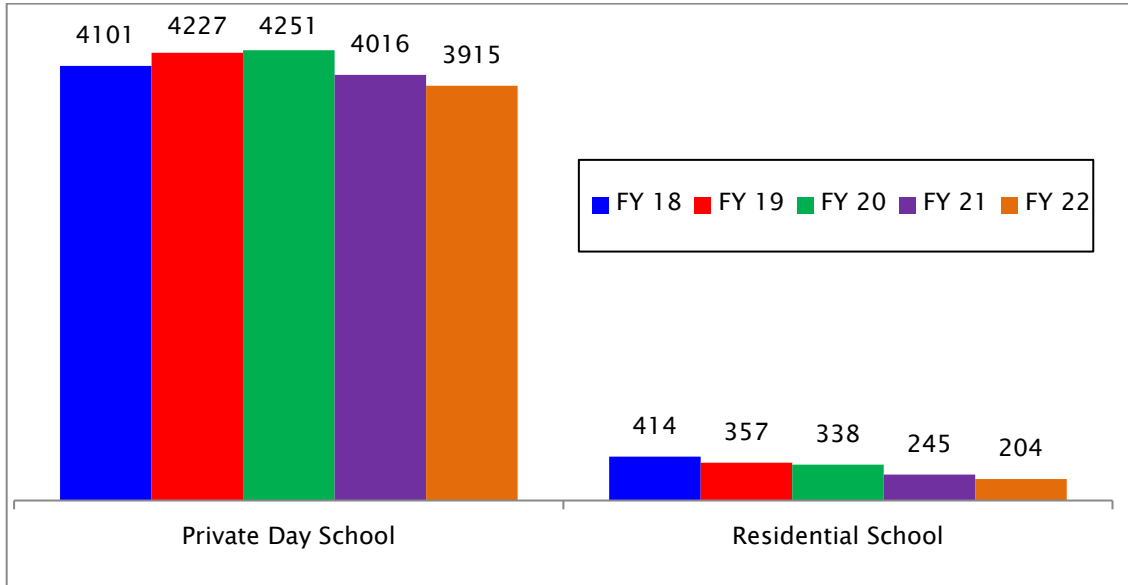


Net CSA Expenditures by Placement Type

Special Education Services

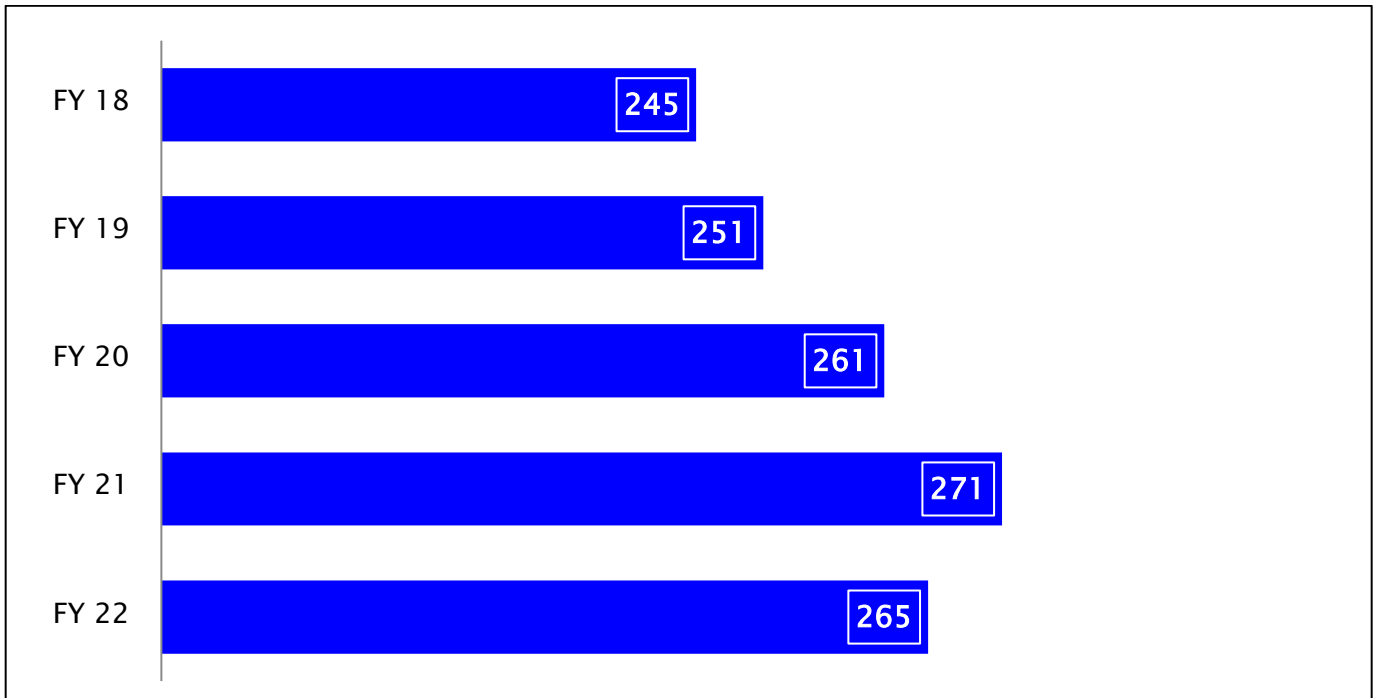
	FY2019	FY2020	FY2021
Private Day School	\$193,404,469	\$197,281,992	\$195,078,016
Private Residential School	\$12,004,699	\$9,255,269	\$9,437,088
Total	\$205,409,168	\$206,537,261	\$204,515,104

Number of Youth Served by Placement Type
Special Education Services (FY2018 - 2022)



FY2022 unduplicated count of youth who received services resulting from an Individualized Education Program (IEP) requiring private school placement = 4,060

Average Length of Stay (Number of Days per Year) for Private Day Placements (FY2018 - 2022)



Average Daily Cost per Child for Private Day Placements (FY2018 – 2022)



Discussion

The historical growth in private special education placements, especially private day schools, has received extensive attention over the years. Children’s Services Act (CSA) expenditures for private day special education placements account for the largest proportion of overall CSA growth since 2015. The number of students served in such placements required by their Individualized Education Programs (IEP), rose 24% (3,416 to 4,251 between FY2015 and FY2020). There has been a 7.1% (336 students) decrease since FY2020, most likely due to the impact of the COVID-19 pandemic. The pandemic continues to complicate understanding around utilization and expenditure patterns in FY2022. While the number of youth served has decreased, per-student daily tuition expenditures showed modest growth (3.9% from FY2021 to FY2022).

In November 2020, the Joint Legislative Audit and Review Committee (JLARC) released its report on the CSA, with a specific focus on private day special education. JLARC made numerous recommendations, including:

- Transfer administration of funding for special education private programs, required by a student’s IEP, to the Virginia Department of Education.
- Allow CSA funds to pay for special education services and supports delivered in the public school setting to prevent children from being placed in more restrictive settings or transitioning back to public school from more restrictive settings.
- Providers of private day special education programs should be required to report annually on their costs and revenues to provide transparency in the expenditure of public dollars.
- The Department of Education should annually collect and publish performance data on private day schools similar to or the same data collected and published for public schools.

- The Board of Education should develop and promulgate new regulations on seclusion and restraint in private day schools that mirror those for public schools.

The 2021 Session of the General Assembly took action on several of these recommendations by approving both SB1313 and HB2117. Through an enactment clause in those bills, a workgroup was charged with making recommendations around the JLARC findings. The final workgroup report is due to the General Assembly November, 1 2022. Additionally, the legislation added CSA funding for specified transitional services to assist with the successful return of students from private day to public school settings. These new services were made available to localities on July 1, 2021. In FY2022, 35 students received funding (\$433,254) under this new transitional funding eligibility.

The Office of Children's Services is finalizing a uniform rate-setting and fiscal impact study and developing a process for implementing these rates for private day special education programs as directed by the General Assembly. These rates will be effective FY2024.