



**Office of Children's Services**  
Empowering communities to serve youth



# Recommendations for Progress Monitoring of Students in Private Special Education Placements Under the Children's Services Act

Report Pursuant to Chapter 2, Item 282 (O)  
of the 2018 Appropriation Act

Joint Subcommittee for Health and Human Resources Oversight  
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# Trends in Students with Disabilities and Private Placements

# DOE Data on Private Placements by Disability

## December 1 Placement Codes by Disability Category

### DOE Private Day Placement Code 3

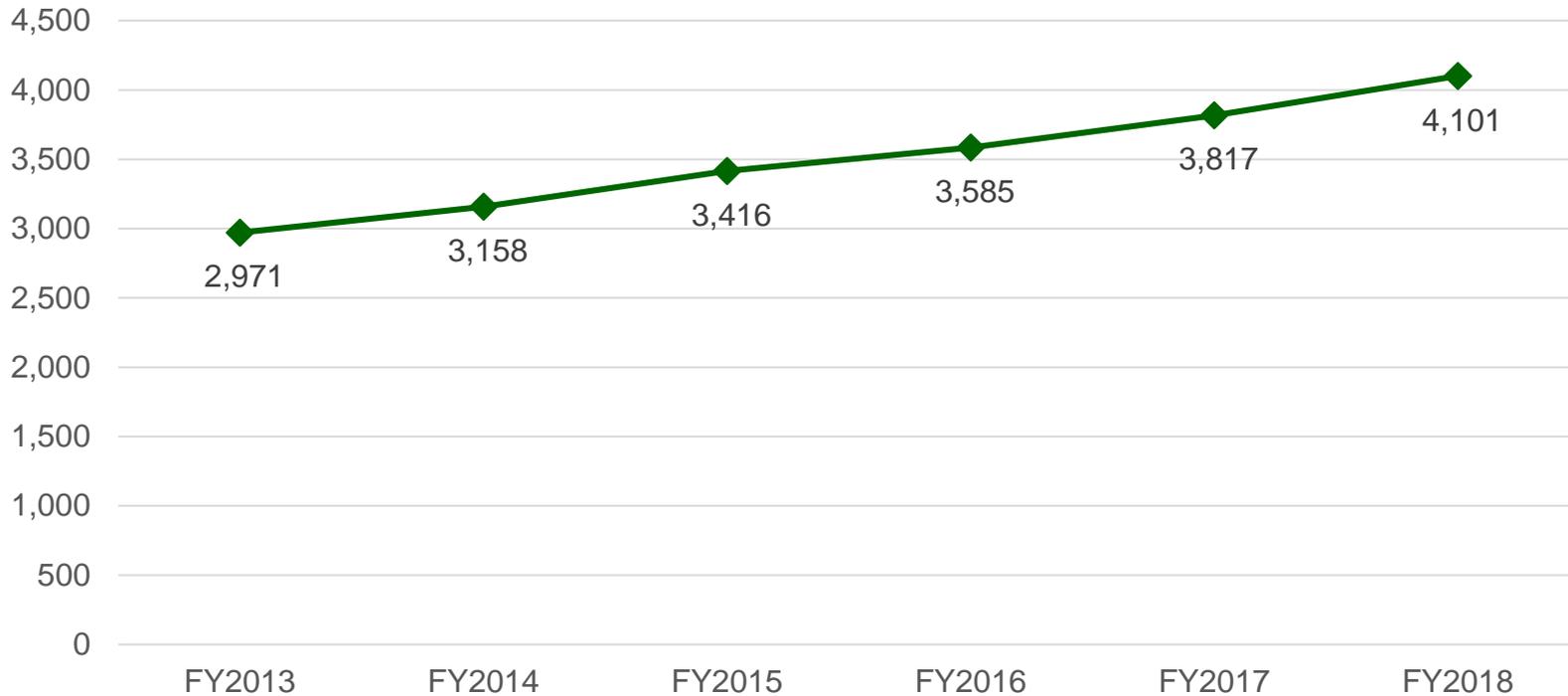
	2013	2014	2015	2016	2017	% of 2017 Total	Change Since 2013
Autism	610	695	792	911	1000	33%	+63.9%
Emotional Disturbance	809	891	900	913	969	32%	+19.8%
Intellectual Disability	159	166	184	193	198	7%	+24.5%
Multiple Disabilities	158	168	186	193	185	6%	+17.0%
Other Health Impairment	372	407	438	458	503	17%	+35.2%
Specific Learning Disability	127	129	131	111	125	4%	-1.5%
State Totals	2235	2482	2655	2802	3004	100%	+34.4%

Source: DOE December 1 Special Education Child Count

**Note:** Totals reflect other disability categories with counts which are suppressed due to being <10.

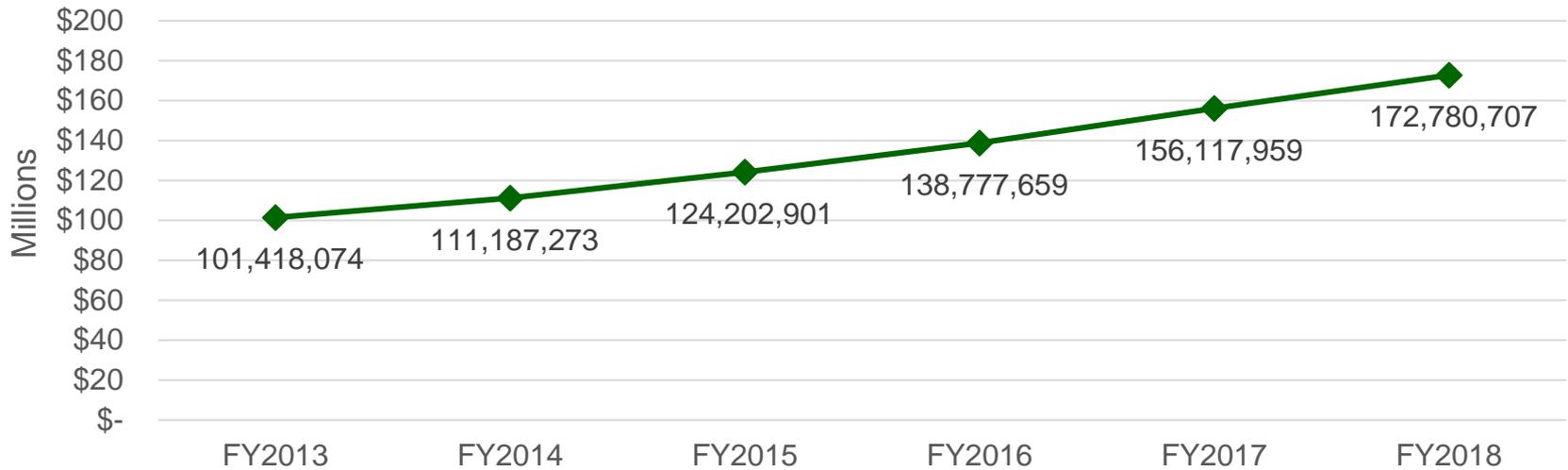
# Youth Served

## CSA Private Day Special Education Services



**Source:** CSA Data Set (pre-2017) and Local Expenditure and Data Reimbursement System (LEDRS)

# Net CSA Expenditures Private Day Special Education



**Source:** CSA Data Set (pre-2017) and Local Expenditure and Data Reimbursement System (LEDRS)

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# Recommended Outcomes for Private Day Special Education Students

## Chapter 2, Item 282 (O)

- The Office of Children's Services (OCS) shall coordinate with the Virginia Department of Education (VDOE) to facilitate a work group . . . to identify and define outcome measures to assess students' progress in private day placements that may include assessment scores, attendance, graduation rates, transition statistics, and return to the students' home schools.

# Process

- A large and diverse workgroup (30+ participants)
  - OCS, VDOE, LEAs, private providers, parents, local government and CSA, other relevant stakeholder groups
- Presentations from VDOE on existing measurements (Special Education Performance Report)
- Presentations from VAISEF on existing data collection efforts
- Discussion and consensus building

# Current VDOE Monitoring Activities

- Results Driven Accountability (RDA) reviews of local educational agencies (LEA) – *Every Student Succeeds Act (ESSA)*
  - Prior to ESSA was based on compliance with *Regulations Governing Special education Programs for Children with Disabilities in Virginia*.
  - Not all LEAs reviewed on yearly basis.
  - Based on rating received on local determination reports to the public.
- Licensure monitoring of private schools for students with disabilities – *Regulations Governing the Operation of Private Schools for Students with Disabilities*
  - Void of language regarding “progress monitoring.”
  - Regulations currently speak only to monitoring reviews as part of license renewal.
  - Current practice is that all private schools for students with disabilities are visited as least once per year regardless of licensure status.

# Recommended Measures

1. Graduation Rates
2. Attendance
3. Individual Student Progress
4. Standardized Test Scores
5. Return to Public School Setting
6. Post-Secondary Transition
7. Suspension and Expulsion
8. Restraint and Seclusion
9. Parent Satisfaction
10. Student Perspectives

## Additional Issues to Consider

- Progress monitoring of individual students should be seen as a shared responsibility between the LEA and private school.
- Student placements in a private school are made by through the IEP team process following the “full” development of the students individualized education program (IEP).
  - Least restrictive environment (LRE) is last decision made by the IEP team.
- Return to public school is also an IEP team decision.
  - Need parental consent or for the LEA to prevail in a due process hearing to change the LRE.
- Sending LEA still responsible for student’s access to a free appropriate public education (FAPE).
  - Current regulations require at minimum an annual review of a students IEP or when there is a demonstrated lack of progress being made by the student.

## Additional Issues to Consider - Continued

- Sensitivity to characteristics of private day students and differing perspectives on how their progress should be measured
- The only student data required to be provided by the *Regulations Governing the Operation of Private Schools for Students with Disabilities* is restraint and seclusion.
  - Beyond that, the only collection and reporting of student progress data by private schools that was identified was that which the Virginia Association of Independent Specialized Education Facilities (VAISEF) demonstrated they collect as part of their accreditation process.
- Nothing in law or regulation which requires a private school to be accredited.
  - Approximately, only half of the VDOE licensed schools are accredited.
- Private schools that are not accredited were not included in workgroup.

# Additional Issues to Consider - Continued

- VDOE agrees to serve as the lead agency in moving forward:
  - Development/refinement of outcome measuring protocols. Tried to utilize existing measures or those “easily” adaptable from existing measures but additional work needed to finalize measurement protocols.
  - Responsibility for the collection of the data.
- To whom and how will the collection of data be reported?
  - LEAs
  - Private Schools
  - Private School Accrediting Agencies
  - OCS
  - VDOE
  - Joint Subcommittee for Health and Human Resources Oversight
  - Public (As done with an LEA s regarding the VDOE Indicators)

# Additional Issues to Consider - Continued

The following items were not discussed during the workgroup discussions. However, they will need to be discussed and evaluated going forward:

- Use of the data
  - Impact on private schools
  - Impact on LEAs
- Fiscal impact
- Staffing impact
- Need to bifurcate, where possible, the data that is being collected by LEAs to measure their performance on the VDOE indicators to reflect students in private schools separate from the total student population.

## Additional Issues to Consider - Continued

- As of yet, there has been no discussion on the need to measure progress of students placed “publicly” or for “non-educational reasons” in residential facilities.
- Explore any necessary statutory or regulatory changes. May need to amend current regulations:
  - *Regulations Governing the Operation of Private Schools for Students with Disabilities*
  - *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*
- Current recommendation is that the collection of data should begin with the 2019-2020 school year. However, given need to further develop/refine outcome measuring protocols; this may need to be delayed.

# Recommendations

- Adopt the identified outcome measures.
- Convene a workgroup, with VDOE as lead agency, to develop/refine outcome measurement protocols.
- Workgroup to be small and include only:
  - Representatives from VDOE
  - Representative from OCS
  - Representative from private school accrediting agencies
  - Representative from private schools that are not accredited
  - Representative of Virginia Council of Administrators of Special Education (VCASE)
  - Representative from Parent Educational Advocacy Training Center (PEATC)

## Recommendations - Continued

- Representative from State Special Education Advisory Committee (SSEAC)
- Representative from the Virginia Board for People with Disabilities (VBPD)
- Representative from Joint Subcommittee for Health and Human Resources Oversight
- Use the regulatory process to move this initiative forward.

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# Cost and Rate Setting Study for Private Day Special Education Programs

## Chapter 2, Item 282 (M)

- OCS to contract for a study on the current rates paid by localities to special education private day programs licensed by VDOE.
  - Examine adequacy of current rates
  - Recommendations for implementing a rate-setting structure
  - Consider the impacts on local school districts, local government, and public and private educational service providers.
- Final report due by July 1, 2019.

## Cost Study

- Contracted with Public Consulting Group (PCG)
- Phase 1 includes a national scan on how states fund private special education and rate setting models
  - Preliminary report due December 1
  - Conducted initial stakeholders sessions on October 29 – 30 to include public schools, local governments, and private providers
- Phase 2 includes collection of costs, analysis and recommendations on a methodology for possible rate setting