



**Private School Special Education Placements  
Funded by Children's Services Act (CSA)  
Joint Subcommittee for Health and Human Resources Oversight  
Virginia Council of Administrators of Special Education (VCASE)  
Dr. Michael Asip, Past President  
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Good morning. I am Dr. Mike Asip, Past President of the Virginia Council of Administrators of Special Education (VCASE). I am here with Dr. Sheila Bailey, VCASE Executive Director, and Dr. Sheila Carr, VCASE Policy & Legislative Committee Member. Unfortunately, our President, Angela Neely, is unable to join the meeting today.

VCASE represents over 350 school division administrators across the Commonwealth who supervise the provision of special education services for the more than 168,900 students with disabilities in Virginia. VCASE appreciates the Joint Committee's work to address the rising number and costs of IEP-driven private school placements funded through Children's Services Act (CSA) procedures, and we appreciate your invitation to speak with you today!

I want to address with you: 1. the requirements of special education procedures that special educators and leaders must take into consideration; 2. the unique needs of the students whom localities are serving in these placements; 3. efforts localities are making to serve students in public settings; and 4. recommendations for your consideration.

**Requirements of the Individuals with Disabilities Education Act (IDEA):**

- Students with disabilities must be educated in the least restrictive environment (LRE), meaning that attempts to serve students in the general education curriculum in their home public school with non-disabled peers must be made with needed supports and services.
- Federal and state measurements of each division's provision of least restrictive environment holds localities accountable (Indicator 5) to do all they can to support students in public schools, keeping private placements at a minimum. Virginia has established the benchmark of 3% of each division's annual child count for this indicator.
- Private Schools are a placement option on the IDEA continuum of placement options for students with disabilities.
- The Individualized Education Program (IEP) team has the responsibility and the authority to determine the IEP placement and services required for a student with a disability to receive FAPE within the least restrictive environment.
- Virginia regulations exceed IDEA regulations, requiring parental consent for any change to IEP placements, including private school settings, and parental consent to return a student back to public school settings from private schools.

**Critical factors pertaining to special education student placement:**

- It's all about behavior. The chief reason students are placed in private school settings through the IEP process are attributed to significant, sometimes

dangerous patterns of behavior. In many cases the serious behavior problems have included assault of staff or other students resulting in injury. Therefore, there are the students with disabilities who require this very restrictive private school placement option.

- Public schools are experiencing an increase in the number of younger students experiencing significant mental health issues, as well as “trauma” and negative environmental situations. We expect that children exposed to opioid addiction within their families will be an additional factor in such future placement considerations. These factors contribute to the increase in private school placements as well as the length of these placements.
- Placement in a private school should be a temporary placement option for the purpose of achieving a specific goal or goals that make it possible for the student to return to the public school setting.
- Placement in a private school setting is a serious IEP team decision with significant financial obligations. Private school placement decisions must be made only after rigorous systematic efforts to serve students in public school settings have been attempted, and after other resources and supports have been exhausted.
- The Virginia requirement for parental consent is a factor contributing to the increase in private school placements and the length of those placements.
- Not all private schools are equal, with some provide higher quality services than others. Private schools differ with some disability-specific specialization. Private schools are not as accountable as public schools (For example, private schools are not required to hire Highly Qualified Teachers). Within this context, localities have limited choices that they can consider.
- The academic outcomes for students placed in private schools are not as strong as students receiving services in the public school settings. Standards of Learning (SOL) and Virginia Alternate Assessment Program (VAAP) pass rates are much lower for students privately placed.
- There is concern for the most vulnerable and needy students experiencing very long bus rides to and from private schools.
- Private schools must adhere to the IDEA LRE requirement by placing a high priority on working collaboratively with public schools to return students to the public school setting as soon as possible.

**Program and procedural initiatives that schools and school divisions undertake in attempts to continue to serve students with significant behavior challenges in public school settings:**

- Student IEP teams meet to consider additional special education services if a student’s behavior is interfering with learning. This may include more time in special education settings, a change in related services, or even extra personnel support (aide) in the public school settings.
- IEP teams can complete a Functional Behavioral Assessment (FBA) to understand the root causes of the behaviors. This should lead to the development of an individualized Behavior Intervention Plan (BIP), which formalizes additional services and supports for the student in the public school setting.
- Division central office staff should be participants in the IEP process early on when a student is experiencing significant behavioral challenges and when there is consideration of private school services. Such staff can help the team explore a variety of additional supports in efforts to maintain public school services.
- IEP teams are required to consider additional services appropriate to address student behavior. This can include a variety of more restrictive, pull-out settings, separate public day services or regional program services.
- School divisions must continually address program improvements that enhance services to better meet the needs of students with disabilities within the public school setting. This should include evidence-based practices that

are designed to serve students with behavior challenges unique to students with autism and emotional disabilities.

#### **VCASE Recommendations:**

- VCASE believes that IEP private school placements should remain within the CSA system due to the following reasons:
  - Students who require a private school placement often experience significant challenges at home and in the community in addition to school problems.
  - The significant behavioral and mental health needs of students with disabilities should be addressed within the context of the community and community agencies.
  - The purpose of CSA is to ensure that community agencies collaborate to serve at-risk youth. The return to compartmentalized youth services would be a step backwards from the coordinated systems of care needed for our youth.
- VCASE supports VDOE plans to reform the funding and administration of Regional Programs that could provide more localities with resources to develop more intensive, local, evidence-based public services that may reduce needs for private school placements.
- VCASE believes that contract approval of private schools by local CSAs should include the establishment of guidelines regarding benchmark goals agreed in individual IEPs that would trigger consideration of return via an agreed-upon transition plan for each student's return to local public school placement. Such statements could be included in specific sections of the IEP.
- VCASE supports the development of consistent statewide accountability outcome measures for private special education schools that would include academic performance outcomes and each private school's performance in returning students to public school settings.
- VCASE recommends that VDOE and CSA explore the potential of developing statewide or regional rate-setting procedures to assist with containing costs of private school placements. Presently, local CSAs, who may have limited resources and influence, must attempt to negotiate rates that are market-driven.
- VCASE recommends that the VDOE develop guidelines and additional training for localities regarding evidence-based practices for behavioral interventions with challenging students. In addition, VDOE should assist funding of school division pilots of effective programs that provide these critical behavioral interventions that enhance services in public versus private placements.
- VCASE recommends not changing *sum sufficient* funding of such placements because mandatory IEP-driven special education placement decisions cannot be driven by availability of budgeted funds.
- VCASE recommends a review of *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* to consider permitting school divisions to return students from private school placements to public school programs via the IEP consensus process, based upon student progress on agreed-upon growth measures, without requiring signed parent consent.

I will be glad to answer any questions you may have. VCASE appreciates the work of the Joint Committee and looks forward to continued involvement as this study of private special education placements funded through CSA ensues. Thank you.