| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: Y

## Date: January 28, 2021

### Title: Written Report: JLARC Report: Review of the Children’s Services Act and Private Special Ed Day Schools

#### Presenter: Dr. James Lane, Superintendent of Public Instruction

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## Purpose of Presentation:

For information only. No action required.

Executive Summary:  
In 2019, the Joint Legislative Audit and Review Commission approved a resolution directing JLARC staff to conduct a review of the Children’s Services Act (CSA) Program. The study resolution required staff to examine drivers of spending growth in the CSA program, the cost effectiveness of services, especially private special education day schools, and state and local administration and oversight of the CSA. The report was released at the November 16, 2020, JLARC meeting. A copy of the report can be found online at <http://jlarc.virginia.gov/pdfs/reports/Rpt541-1.pdf>. Additionally, a summary of the recommendations is also available online at <http://jlarc.virginia.gov/pdfs/summary/Rpt541Sum.pdf>.

**Action Requested:**

No action requested.

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends that the Virginia Board of Education accept this report.

## Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:   
In 2019, the Joint Legislative Audit and Review Commission (JLARC) asked staff to conduct a review of the Children’s Services Act (CSA) program. The study resolution required staff to examine drivers of spending growth in the CSA program, the cost effectiveness of services, especially private special education day school, and state and local oversight and administration of CSA.

The CSA program was created in 1992 to more efficiently and effectively serve Virginia children who require services from multiple different programs. Services include community-based behavioral health services (e.g. outpatient counseling) for children in foster care or at risk of foster care placement and services delivered to students with disabilities who are placed in private special education day schools instead of public school. In FY19, 15,656 children received services funded by CSA, the majority of whom were in foster care or private special education day school placements.

As a result of this review many of the recommendations identify the Board of Education, the Virginia Department of Education and have the potential to impact VDOE and local school divisions.

* Allow funds reserved for private special education day school services to be used to pay for special education services and supports delivered in the public school setting, either to prevent children from being placed in more restrictive settings like private day school, or to transition them back to public school from more restrictive settings.
* Transfer funding for private special education day school services from the CSA program to VDOE.
* Direct VDOE to annually collect and publish performance data on private day schools that is similar to or the same as data collected and published for public schools.
* Direct the Board of Education to develop and promulgate new regulations for private day schools on restraint and seclusion that mirror those for public schools.
* Require all local CSA programs to serve all children identified as eligible for CSA funds, including those categorized as “non-mandated.”
* Direct OCS to more actively monitor and work with local CSA programs that need technical assistance or are underperforming.

Timetable for Further Review/Action:  
At this time, no further Board action is required.

## Impact on Fiscal and Human Resources:

There will be an impact on both the fiscal and human resources of the agency to implement the recommendations of the report.