



#107-21

Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #107-21

DATE: April 30, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Restriction on Use of CSA Funds - Unlicensed Private Educational Programs**

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 state pool fund reimbursements allocated to community policy and management teams will no longer be available for private educational programs that do not hold a valid license issued by the Virginia Board of Education or an equivalent out-of-state licensing agency. The specific language as changed in the *Code* now reads as follows, with the italicized language becoming effective with services provided on or after July 1, 2021:

§ [2.2-5211](#). State pool of funds for community policy and management teams.

A. There is established a state pool of funds to be allocated to community policy and management teams in accordance with the appropriation act and appropriate state regulations. These funds, as made available by the General Assembly, shall be expended for public or private nonresidential or residential services for troubled youths and families. *However, funds for private special education services shall only be expended on private educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency.*

This change in the *Code* does not provide for any exceptions to the requirement that funds shall only be expended on private educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. School divisions within the Commonwealth that have students enrolled in unlicensed private educational programs will need to use alternative funding sources to pay the student's tuition at the private educational program beginning with services to be provided on or after July 1, 2021. This change in the *Code* does not prohibit a school division from using unlicensed private educational programs when it is deemed appropriate. Rather, the legislation only removes the use of *Comprehensive Services Act* (CSA) funding for such programs.

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