




COMMONWEALTH of VIRGINIA

Scott Reiner, M.S.
Executive Director

OFFICE OF CHILDREN'S SERVICES *Administering the Children's Services Act*

ADMINISTRATIVE MEMORANDUM #21-09

To: CPMT Chairs
CSA Coordinators
CSA Fiscal Agents

From: Scott Reiner, Executive Director 

CC: Samantha Hollins, Virginia Department of Education for distribution to
Local Educational Authorities

Date: May 14, 2021

Subject: Special Education – Transitional Services in the Public School Setting

Pursuant to changes in Section 2.2-5211 of the Code of Virginia made by the General Assembly in the 2021 Session (HB2117 and SB1313), CSA state pool fund reimbursements may be utilized for certain transitional services for students returning from a private special education program to a public school setting.

The following is the specific language from the Code (*italics reflect changes effective 7/1/21*):

§ 2.2-5211. State pool of funds for community policy and management teams.

B. 6. Children and youth previously placed pursuant to subdivision 1 in approved private school educational programs for at least six months who will receive transitional services in a public school setting. State pool funds shall be allocated for no longer than 12 months for transitional services. Local agencies may contract with a private school education program provider to provide transition services in the public school.

F. As used in this Section, "transitional services" includes services delivered in a public school setting directly to students with significant disabilities or intensive support needs to facilitate their transition back to public school after having been served in a private special education day school or residential facility for at least six months. "Transitional services" includes one-on-one aides, speech therapy, occupational therapy, behavioral health services, counseling, applied behavior analysis, specially designed instruction delivered directly to the student, or other services needed to facilitate such transition that are delivered directly to the student in their public school over the 12-month period as identified in the child's individualized education program.

With regard to Section B. 6., the Office of Children's Services will consider as eligible any student who has been enrolled in an approved private educational program (as indicated in the Local Expenditure, Data, and Reimbursement System (LEDRS)) for at least six of the nine months preceding the initiation of the transitional services provided through this change in the law. The rationale is to allow students who may not have been enrolled during the summer months to be eligible if they were enrolled in the six months preceding a summer break.

Transitional services will be reimbursed for no more than 12 out of the 15 calendar months from the time they are initiated. This definition allows for the 12-month limit to be "suspended" during summer months in which the student is not attending school. The specific transitional services must be specified in the student's Individualized Educational Program (IEP). Reimbursed service providers may be the public school and/or private service providers, with the agreement of the public school. These transitional services carry sum sufficient funding under the provisions of Subsection C. of § 2.2-5211.

The specific services to be provided under the transitional services category are detailed in Subsection F. of § 2.2-5211 and these services are to be provided in the public school setting. Students may be served concurrently with transitional services in a public school setting while remaining in a private school setting. Specifically, if the student's transition plan (as specified in the IEP) is for a partial day attendance at the private day program and a partial day of transition in the public school setting.

Services needed by students with disabilities outside of the public school setting (and not included on the student's IEP) may be funded through existing Special Education Wraparound funding allocations through the Children's Services Act.

Transitional Services in the Public Schools will be coded for reimbursement as follows:

Expenditure Code: 2g (Special Education Private Day Placement). This coding carries the base local match rate.

Mandate Type: 10 (Special education services in an approved educational placement)

Service Placement Type: 6 (Special Education Private Day Placement)

Service Name: 48 (Special Education/Public School Transition). This is a new Service Name effective July 1, 2021, and its proper use is critical to tracking and accountability for this new eligibility category.

Please note that the Superintendent of Public Instruction, Dr. James Lane, has issued a Superintendent's Memo to the local educational authorities containing the same information as provided here.

Thank you for your attention to this change in state law. OCS will be holding a webinar during the month of June to discuss these changes. Please reach out to my office should you have any questions.