

## HOUSE JOINT RESOLUTION NO. 196

*Directing the Commission on Youth to study the use of federal, state, and local funds for the public and private educational placements of students with disabilities. Report.*

Agreed to by the House of Delegates, February 5, 2014

Agreed to by the Senate, February 25, 2014

WHEREAS, the Individuals with Disabilities Education Act (IDEA) guarantees a free appropriate public education to all eligible children with disabilities, including identification and referral, evaluation, determination of eligibility, development of an individualized education program (IEP) and determination of services, and reevaluation; and

WHEREAS, "special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in a classroom, in the home, in hospitals, in institutions, and in other settings and instruction in physical education; and

WHEREAS, IDEA requires that students be provided special education services in the least restrictive environment; and

WHEREAS, the Comprehensive Services Act for At-Risk Youth and Families (CSA), enacted in 1993, establishes a single state pool of funds to purchase services for at-risk youth and their families; these state funds, combined with local community funds, are managed by local interagency teams who plan and oversee services to youth; and

WHEREAS, CSA-established funds may be used to provide services for at-risk youth and their families, including private day school and residential placements for the purposes of special education; and

WHEREAS, Medicaid funds may support private residential placements made for the purposes of special education; and

WHEREAS, state general funds support special education services in public school settings; and

WHEREAS, the mission of the office of CSA is to create a collaborative system of services and funding that is child-centered, family-focused, and community-based when addressing the strengths and needs of troubled and at-risk youth and their families in the Commonwealth; and

WHEREAS, the State Executive Council for CSA should maintain high standards for sound fiscal accountability and the responsible use of taxpayer funds; and

WHEREAS, the General Assembly seeks to ensure that students in the Commonwealth are not unnecessarily segregated from nondisabled students, including those receiving educational services in private day and private residential schools or facilities; and

WHEREAS, it is important that students in the Commonwealth be provided the opportunity to receive integrated, supported services that enable them to interact with nondisabled students to the fullest extent possible; and

WHEREAS, a comprehensive review of the use of state funds for the aforementioned purposes may help to ensure that the Commonwealth's funds are being used efficiently and ensure the provision of special education services to students in the most integrated settings possible; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Youth be directed to study the use of federal, state, and local funds for the public and private educational placements of students with disabilities.

In conducting its study, the Commission on Youth shall (i) examine the use of CSA and Medicaid funds for private day and private residential special education placements; (ii) gather local and statewide data on the extent to which youth are placed in settings that are segregated from nondisabled students; (iii) determine the feasibility and cost-effectiveness of more integrated alternatives to provide special education services to students including, but not limited to, those students with intellectual and developmental disabilities currently in segregated settings in the Commonwealth; and (iv) consider any other matters as it deems appropriate to meet the objectives of this study.

All agencies of the Commonwealth shall provide assistance to the Commission on Youth for this study, upon request.

The Commission on Youth shall complete its meetings for the first year by November 30, 2014, and for the second year by November 30, 2015, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission on Youth intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of

Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.