

Wyoming State Board of Education Agenda

The Wyoming State Board of Education will empower an educational system that will enable Wyoming students to have the knowledge, skills, and habits of mind to succeed.

7:00 a.m. to 7:30 a.m. November 14, 2014 Teleconference		
7:00 am to 7:05 am	State Board of Education	
	<ul style="list-style-type: none">• Call to order• Approval of agenda	Tab A
7:05 am to 7:25 am	Action Items: <ul style="list-style-type: none">• Out-of-State facility recommendation- Jo Ann Numoto	Tab B
7:30 am	Adjournment	

**ACTION SUMMARY SHEET
STATE BOARD OF EDUCATION**

DATE: November 14, 2014

ISSUE: Approval of Agenda

BACKGROUND:

SUGGESTED MOTION/RECOMMENDATION:

To approve the Agenda for the November 14, 2014 State Board of Education meeting.

SUPPORTING INFORMATION ATTACHED:

- Agenda

PREPARED BY: *Chelsie Oaks*
Chelsie Oaks, Executive Assistant

ACTION TAKEN BY STATE BOARD: _____ **DATE:** _____

COMMENTS:

Wyoming State Board of Education Agenda

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ACTION SUMMARY REVIEW
STATE BOARD of EDUCATION

November 2014

ISSUE:

Wyoming State Statute 21-13-315 requires the Wyoming Department of Education (WDE) to adopt reasonable rules prescribing minimum standards and allowable costs for educational program services in support of Court Ordered Placement of Students. Chapter 14, State Board of Education Rules and Regulations, lists these minimum standards. For new facilities, written verification of information provided to the WDE and an on-site review are required. WDE representative Jo Ann Numoto reviewed the Crossroads School & Vocational Center and the Volunteers of America (VOA)-Minnesota/Bar None Residential Treatment Center on November 5 and 6, 2014. Documentation is on file at the WDE; the State Board of Education reviews this information, and either approves or denies the applicant.

BACKGROUND & KEY FACTS:

Crossroads School & Vocational Center is located at 4111 Ambassador Blvd., NW, St. Francis, Minnesota; Volunteers of America-Minnesota/Bar None Residential Treatment Center is located at 224326 St. Francis Blvd., Anoka, Minnesota.

The “Background & Key Facts” will be different and perhaps longer than the usual. Unlike previous placements, the WDE reviewer was invited to attend the latest Court appearance concerning the Wyoming student. Extenuating circumstances were heard as to the Court MDT recommendation for this placement as the “least restrictive”. It was determined that WDE would proceed to conduct a review visit. Unlike other review visits, this one included two separate locations. VOA-MN/Bar None Residential Treatment Center (RTC) is “stabilization and evaluation programs with treatment program units on –site” and their focus is with males, age 12-18; and, located approximately fifteen minutes from the Crossroads School & Vocational Center (CSVC). Crossroads is a public school that educates students from across Minnesota, but especially from VOA-MN/Bar None; including those out of state students placed at VOA-MN/Bar None. In addition to the usual one-on-one support from an IEP that is observed in any public school, Crossroads is a “staff secure” school—students are escorted. Crossroads bills/invoices the school districts directly for the education provided. During a conversation with Crossroads’ Principal, Special Programs Director, and their Director of Business Services, the request to see or get a copy of the signed Memorandum of Understanding/Agreement (MOU/A) specifying the educational arrangement was made, and discovered, that there is none. The direct billing/invoicing is

the standard operating procedure. The request was made for a copy of the document that directs this procedure. The Minnesota Department of Education (MDE) was contacted.

The MDE informed/reminded the group that this is Minnesota law. Minnesota Statute 125A.515 Subdivision 3.

There are three attached documents for SBE perusal: (a) Wyoming Statute 21-13-3315; (b) Minnesota Statute 125A.515; and, (c) "Intent to Pay Educational Costs" form for signature.

*****Remainder of page intentionally left blank*****

SUGGESTED MOTION:

Recommend that the State Board of Education (SBE) designate VOA-MN/Bar None Residential Treatment Center as an approved facility for court ordered placement of students and subsequent educational payments procedure established with Crossroads School & Vocational Center, SBE Rules and Regulations and completion of the review.

SUPPORTING DOCUMENTATION IS FOUND ON FILE AT THE WDE, HATHAWAY BUILDING, SECOND FLOOR.

ACTION TAKEN BY STATE BOARD: _____ **DATE:** _____

COMMENTS:

21-13-315. Costs of court ordered placement of children in private residential treatment facilities, group homes, day treatment programs and juvenile detention facilities.

(a) The department of family services shall establish an account to pay residential and treatment costs excluding educational and medical costs of court ordered placements of children in private residential treatment facilities and group homes located in Wyoming. Programs providing education services including programs for children with disabilities provided by a board of cooperative educational services, shall bill the department of education directly for educational costs of court ordered placements. In addition, costs of all related services for children with disabilities and costs of education assessment for other children incurred as a result of court order prior to any placement, shall be billed directly to the department of education. The department of family services shall promulgate reasonable rules and regulations to provide procedures for implementing subsection (m) of this section. If the court rejects an in-state placement recommendation of the predisposition report or multidisciplinary team under W.S. 14-6-227, the court shall enter on the record specific findings of fact relied upon to support its decision to deviate from the recommended disposition. No court shall order an out-of-state placement unless:

(i) Evidence has been presented to the court regarding the costs of the out-of-state placement being ordered together with evidence of the comparative costs of any suitable alternative in-state treatment program or facility, as determined by the department of family services pursuant to paragraph (d)(vii) of this section, whether or not placement in the in-state program or facility is currently available;

(ii) The court makes an affirmative finding on the record that no placement can be made in a Wyoming institution or in a private residential treatment facility or group home located in Wyoming that can provide adequate treatment or services for the child; and

(iii) The court states on the record why no in-state placement is available.

(b) Except to the extent costs are covered under subsection (n) of this section, the department of education using federal or foundation funds, or both, shall pay for the allowable education costs of juvenile and district court ordered placements of children residing in private treatment facilities and group homes where a fee is charged, including court ordered placements in programs for children with disabilities provided

by a board of cooperative educational services. No district shall receive funds, either directly or indirectly, from any facility or home receiving payment under this section for providing education programs and services to children placed and residing in the facility or home, but the district may count the children among its average daily membership. The department of education shall adopt reasonable rules and regulations prescribing standards and allowable costs for educational program services funded under this section. Standards shall be subject to W.S. 21-9-101 and 21-9-102 and rules and regulations of the state board and shall be designed to fit the unique populations of residential centers, group homes, programs and services provided by boards of cooperative educational services and out of state placement facilities.

(c) Costs shall be billed monthly by the program provider to:

(i) The department of family services account for residential and treatment services; and

(ii) Except to the extent costs are covered under subsection (n) of this section, the department of education for approved educational services specified under subsection (b) of this section.

(d) If a placement of a child is to be made and funded under this section, the predisposition study required by W.S. 14-6-227 shall include:

(i) A description of efforts to provide services to the child in the home prior to placement;

(ii) Contact with other agencies involved with the child. At a minimum, those contacted shall include the child's school and the field office of the department of family services;

(iii) The presence of any preexisting and identified handicapping conditions;

(iv) A review of the financial resources of the child's parent or guardian;

(v) A certification by the department of family services that funding for the placement is available within the appropriation. The placement of the child shall not be funded under this section if the department of family services is unable to make the certification. The department of family services shall make the certification only if

unencumbered funds are available within the appropriation making allowance for the costs for children already placed. Funds shall not be certified available if an adequate, less restrictive, less expensive placement is available;

(vi) The names of persons and agencies contacted in preparing the report; and

(vii) If an out-of-state placement is under consideration, the name, address, program description and costs of each Wyoming institution and each private residential treatment facility and group home located in Wyoming that the department of family services has determined can provide adequate treatment or services for the child, and whether placement in the in-state institution, treatment facility or group home is available.

(e) If at any time the placement is found to be educationally inappropriate or not the least restrictive placement available, the placement shall be referred back to the court with a recommendation on what would be a suitable placement.

(f) Only group homes and residential treatment facilities certified by the department of family services are eligible to receive funding for residential and treatment services under this section. Costs for education services shall be paid by the department of education under this section only if the educational program of the group home or residential treatment facility or the program provided by the board of cooperative educational services meets the standards of subsection (b) of this section and has been approved by the department. The department of family services and the department of education shall provide the courts with a list of approved facilities and services. The court shall determine the parents' or the guardian's contribution to the court ordered placement for all costs excluding necessary education costs based on the parents' or guardian's ability to pay as provided by W.S. 14-6-236.

(g) Repealed by Laws 1987, ch. 221, 2.

(h) In the placement order the court shall declare the child's school district or school districts of residency in any district or districts which it deems proper in the best interests of the child. The declaration by the court shall be binding upon the school districts.

(j) In the placement order the court shall determine that adequate efforts were made to maintain the child in the child's home prior to placement.

(k) This section applies to children who are at least six (6) years of age but who are under eighteen (18) years of age.

(m) The department of family services shall regularly monitor the amount of unencumbered funds available within the appropriation making allowance for the costs for children already placed. If the projected costs exceed the amount available, the division shall terminate its contracts for services under this section after notice of thirty (30) days and reduce the rates it pays to all providers by a uniform percentage. The percentage shall be determined by the division and shall bring the costs and projected fund availability into balance. The division shall readjust rates dependent upon change in availability of funds.

(n) Prior to billing the department of education under paragraph (c)(ii) of this section, program providers shall bill the department of health for costs of approved educational services covered under the school health program under the Wyoming Medical Assistance and Services Act pursuant to W.S. 42-4-103(a)(xxx).

2014 Minnesota Statutes

Authenticate

125A.515 PLACEMENT OF STUDENTS; APPROVAL OF EDUCATION PROGRAM.

Subdivision 1. Approval of education programs. The commissioner shall approve on-site education programs for placement of children and youth in residential facilities including detention centers, before being licensed by the Department of Human Services or the Department of Corrections. Education programs in these facilities shall conform to state and federal education laws including the Individuals with Disabilities Education Act (IDEA). This section applies only to placements in facilities licensed by the Department of Human Services or the Department of Corrections. For purposes of this section, "on-site education program" means the educational services provided directly on the grounds of the care and treatment facility to children and youth placed for care and treatment.

Subd. 2. [Repealed, 2006 c 263 art 3 s 17]

Subd. 3. Responsibilities for providing education. (a) The district in which the residential facility is located must provide education services, including special education if eligible, to all students placed in a facility.

(b) For education programs operated by the Department of Corrections, the providing district shall be the Department of Corrections. For students remanded to the commissioner of corrections, the providing and resident district shall be the Department of Corrections.

Subd. 3a. Students without a disability from other states. A school district is not required to provide education services under this section to a student who:

- (1) is not a resident of Minnesota;
- (2) does not have an individualized education program; and
- (3) does not have a tuition arrangement or agreement to pay the cost of education from the placing authority.

Subd. 4. Education services required. (a) Education services must be provided to a student beginning within three business days after the student enters the care and treatment facility. The first four days of the student's placement may be used to screen the student for educational and safety issues.

(b) If the student does not meet the eligibility criteria for special education, regular education services must be provided to that student.

Subd. 5. Education programs for students placed in residential facilities. (a) When a student is placed in a facility approved under this section that has an on-site education program, the providing district, upon notice from the care and treatment facility, must contact the resident district within one business day to determine if a student has been identified as having a disability, and to request at least the student's transcript, and for students with disabilities, the most recent individualized education program (IEP) and evaluation report, and to determine if the student has been identified as a student with a disability. The resident district must send a facsimile copy to the providing district within two business days of receiving the request.

(b) If a student placed under this section has been identified as having a disability and has an individualized education program in the resident district:

- (1) the providing agency must conduct an individualized education program meeting to reach an agreement about continuing or modifying special education services in accordance with the current individualized education program goals and objectives and to determine if additional evaluations are necessary; and

(2) at least the following people shall receive written notice or documented phone call to be followed with written notice to attend the individualized education program meeting:

- (i) the person or agency placing the student;
- (ii) the resident district;
- (iii) the appropriate teachers and related services staff from the providing district;
- (iv) appropriate staff from the residential facility;
- (v) the parents or legal guardians of the student; and
- (vi) when appropriate, the student.

(c) For a student who has not been identified as a student with a disability, a screening must be conducted by the providing districts as soon as possible to determine the student's educational and behavioral needs and must include a review of the student's educational records.

Subd. 6. Exit report summarizing educational progress. If a student has been placed in a facility under this section for 15 or more business days, the providing district must prepare an exit report summarizing the regular education, special education, evaluation, educational progress, and service information and must send the report to the resident district and the next providing district if different, the parent or legal guardian, and any appropriate social service agency. For students with disabilities, this report must include the student's IEP.

Subd. 7. Minimum educational services required. When a student is placed in a facility approved under this section, at a minimum, the providing district is responsible for:

- (1) the education necessary, including summer school services, for a student who is not performing at grade level as indicated in the education record or IEP; and
- (2) a school day, of the same length as the school day of the providing district, unless the unique needs of the student, as documented through the IEP or education record in consultation with treatment providers, requires an alteration in the length of the school day.

Subd. 8. Placement, services, and due process. When a student's treatment and educational needs allow, education shall be provided in a regular educational setting. The determination of the amount and site of integrated services must be a joint decision between the student's parents or legal guardians and the treatment and education staff. When applicable, educational placement decisions must be made by the IEP team of the providing district. Educational services shall be provided in conformance with the least restrictive environment principle of the Individuals with Disabilities Education Act. The providing district and care and treatment facility shall cooperatively develop discipline and behavior management procedures to be used in emergency situations that comply with the Minnesota Pupil Fair Dismissal Act and other relevant state and federal laws and regulations.

Subd. 9. Reimbursement for education services. (a) Education services provided to students who have been placed under this section are reimbursable in accordance with special education and general education statutes.

(b) Indirect or consultative services provided in conjunction with regular education prereferral interventions and assessment provided to regular education students suspected of being disabled and who have demonstrated learning or behavioral problems in a screening are reimbursable with special education categorical aids.

(c) Regular education, including screening, provided to students with or without disabilities is not reimbursable with special education categorical aids.

Subd. 10. Students unable to attend school but not covered under this section.

Students who are absent from, or predicted to be absent from, school for 15 consecutive or intermittent days, and placed at home or in facilities not licensed by the Departments of Corrections or Human Services are entitled to regular and special education services consistent with this section or Minnesota Rules, part 3525.2325. These students include students with and without disabilities who are home due to accident or illness, in a hospital or other medical facility, or in a day treatment center.

History: 1999 c 241 art 2 s 19; 1Sp2001 c 6 art 3 s 11; 2002 c 375 art 3 s 2; 2006 c 263 art 3 s 2-8; 1Sp2011 c 11 art 3 s 9,12; 2012 c 239 art 3 s 3

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Bar-None Residential Treatment Services

22426 St. Francis Blvd.
Anoka, MN 55303-9672
763-753-2500
763-753-5999 fax

**Intent to Pay Educational Costs
(Child in Residential Treatment at Bar-None)**

Child's Name: _____ **Date of Birth:** _____

Residential Placement: Bar-None Residential Treatment Services
22426 St. Francis Blvd.
Anoka, MN 55303

Educational Provider: Independent School District #15
Crossroads School and Vocational Center
4115 Ambassador Blvd.
St. Francis, MN 55070

Responsible District: _____

Contact Person: _____ **Phone:** _____

Signature: _____ **Date:** _____