



Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction

Hathaway Building, 2nd Floor, 2300 Capitol Avenue

Cheyenne, WY 82002-0050

Phone 307-777-7673 Fax 307-777-6234 Website www.k12.wy.us

MEMORANDUM NO. 2010-002

TO: School District Superintendents
Special Education Directors
Business Managers

FROM: Joe Simpson, Deputy State Superintendent 

DATE: January 8, 2010

SUBJECT: Clarification of Hospitalized or Homebound Instruction

IMPORTANT INFORMATION

The Wyoming Department of Education ("Department") recently became aware of correspondence from the Wyoming Behavioral Institute ("WBI") which seems to indicate that W.S. § 21-2-402 provides private treatment facilities with unilateral authority to determine the educational services to be provided to students placed in such facilities and then it turn to invoice Wyoming school districts for the costs associated with providing those educational services.

In light of this correspondence from WBI, which is attached hereto, several Wyoming school districts have requested clarification of W.S. § 21-2402 and the responsibilities of the Wyoming school districts in instances of instruction of hospitalized or homebound pupils. This memo is intended to serve that purpose.

Wyoming Statute § 21-4-402 requires *school districts* to serve students that are hospitalized or homebound. Specifically, it provides:

- (a) The *board of trustees of each school district* shall offer homebound instruction for each pupil in the district who is hospitalized or homebound for more than one (1) week because of injury or illness.
- (b) The *board* shall also offer homebound instruction for each pupil in the district who is hospitalized or placed in a state accredited or state certified treatment facility for more than one (1) week in a hospital or facility located in another Wyoming school district because of injury or illness. The *board* shall either provide instruction directly or contract with the school district in which the pupil is hospitalized or

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placed in a facility to provide this instruction. This subsection does not apply to pupils who are hospitalized or placed due to a mental, physical, or psychological handicap and who are receiving educational services under W.S. 21-2-501.

(Emphasis supplied).

This statute clearly indicates that is the *board of trustees of each school district* that is responsible for ensuring that the students hospitalized or homebound continue to receive appropriate educational services. Thus, in the instance where a student is placed in WBI or is otherwise hospitalized or homebound, it would be the responsibility of the school district to ensure the student is receiving the appropriate educational services.

It would certainly be within the authority of a Wyoming school district to request that WBI or another private facility assist in providing such educational services and then enter into an agreement to do so. However, the noted statute does not provide private treatment facilities, hospitals, etc. with the ability to unilaterally determine the educational services that will be provided to a child placed in such a facility and then bill the school district for such services. The school district would need to agree that the services are appropriate and also confirm that such an arrangement is intended to meet its requirements under W.S. § 21-4-402.

The Department has discussed the issue with representatives from WBI and WBI is working towards a means of increased communication to ensure the involvement of the affected school district prior to an invoice for services being received by a Wyoming school district. The Department encourages Wyoming school districts to engage in increased communication when these instances arise also.

An additional point of consideration involves students with disabilities who are unilaterally placed by their parents in a facility such as WBI. The Department encourages districts to contact the Special Programs Unit to discuss the responsibilities related to providing a FAPE (Free Appropriate Public Education) for these students on a case-by-case basis. If you have questions or concerns regarding this matter, please do not hesitate to contact Peg Brown-Clark, Director of Special Programs, by phone at (307)777-2555 or via email at pclark@educ.state.wy.us.

Attachment



TO: Superintendents, Business Managers, and Special Program Directors
FROM: Minda Smith
RE: Monthly Educational Billing

Wyoming Behavioral Institute has adopted a funding formula for tuition rates established by the Wyoming State Department of Education. Daily tuition rates have been established to be not more than \$75.00 per day.

Students that are not court ordered are placed on homebound status due to hospitalization. Article 21-4-402 of the Wyoming State Statutes states " a) The board of trustees of each school district shall offer homebound instruction for each pupil in the district who is hospitalized or homebound for more than one (1) week because of injury or illness. b) The board shall also offer homebound instruction for each pupil in the district who is hospitalized or placed in a state accredited or state certified treatment facility for more than one (1) week in a hospital or facility located in another Wyoming school district because of injury or illness. The board shall either provide instruction directly or contract with the school district in which the pupil is hospitalized or placed in a facility to provide this instruction. This sub-section does not apply to pupils who are hospitalized or placed due to mental, physical or psychological handicap and who are receiving educational services under W.S.21-2-501."

We will send monthly billings, for both long and short-term care, to school districts that have non-court ordered students. Below is an explanation of our program codes.

AAP-ACUTE ADOLESCENT PROGRAM

For non-court placed adolescents in the 7th through 12th grades admitted for short-term care. The student is in school 1 hour per day with tutorial help and will be billed at \$20.00 per hour.

RTP - RESIDENTIAL TREATMENT PROGRAM

For adolescents in the 7th through 12th grades admitted to long-term care. The students attend school 4 hours per day with certified institutional teacher covering core curriculum (language arts, math, science, social studies, health) designed to meet state standards. The tuition is \$75.00 per day.

CSP - CHILDREN'S SCHOOL PROGRAM

For students in grades K -6 in both acute and long term programs. Students attend school 2 hours per day with a certified elementary teacher. The tuition is \$20.00 per hour.

Educational billings will always be billed separately from clinical hospital billings. If you have questions please contact Eileen Eickert the Business Manager.