

# Education, Dept. of

## General Agency, Board or Commission Rules

### Chapter 14: Education Program Approval of Public and Private Institutions Receiving State Funds for the Education Costs of Students

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## CHAPTER 14

### EDUCATION PROGRAM APPROVAL OF PUBLIC AND PRIVATE INSTITUTIONS RECEIVING STATE FUNDS FOR THE EDUCATION COSTS OF STUDENTS

**Section 1. Authority.** These rules are promulgated pursuant to Wyoming Statute 21-13-315 and W.S. 21-13-336.

**Section 2. Definitions.**

(a) “Approved program” means an education program that has been approved by the Wyoming Department of Education and the Wyoming State Board of Education.

(b) “Board” means the Wyoming State Board of Education.

(c) “Board of Cooperative Educational Services” (BOCES) means entities defined in W.S. 21-20-101 through 111.

(d) “Department” means the Wyoming Department of Education.

(e) “Education program” means education services including, but not limited to, the course of study, curriculum, certified personnel, professional development policies, general supervision, compliance with law, and any other education-related practices.

(f) “Facility” means any Psychiatric Residential Treatment Facility (PRTF), Residential Treatment Center (RTC), group home, or BOCES providing educational services to Wyoming youth.

(g) “Group home” means facilities defined and licensed as a group home by the Wyoming Department of Family Services (DFS), Chapter 7, Administrative Rules for Certification of Providers of Substitute Care for Children.

(h) “Psychiatric Residential Treatment Facility” (PRTF) means a facility defined as a PRTF by the Wyoming Department of Health (WDH), Chapter 1, Wyoming Medicaid Rules.

(i) “Resident School District” means, in order of priority, the school district designated as the student’s school district of residence by a court, the school district in which the student’s custodial parent or guardian resides at the time of the student’s placement in the facility, or the school district in which the student’s DFS caseworker’s field office is located if the student is in the state’s legal custody but not in foster care at the time of student’s placement.

(j) “Residential Treatment Center” (RTC) means a facility defined and licensed as a RTC by DFS, Chapter 10, Administrative Rules for Certification of Providers of Substitute Care Services for Children.

**Section 3. Initial Education Program Approval Requirements.** To obtain initial Department approval for education programs, facilities shall comply with the following requirements:

- (a) Be licensed by authorities as necessary to operate as a PRTF, RTC, BOCES, or group home in the jurisdiction in which the facility is located;
- (b) Obtain educational accreditation through the education accreditation process for facility schools in the jurisdiction where the facility is located;
- (c) Be available to schedule and discuss details for an on-site initial or continuing review by the Department;
- (d) Provide the following documents or materials to the Department:
  - (i) Current copies of licenses and accreditations granted by national and state organizations or agencies responsible for health, safety, and education oversight;
  - (ii) Wyoming Medicaid enrollment number;
  - (iii) Verification that all structures used for the education program meet all state and local requirements for health and safety; and,
  - (iv) Any further materials requested by the Department to support its recommendation for approval.
- (e) Make facility and education personnel available for an interview to determine logistical details during the on-site review.

**Section 4. Ongoing Education Program Approval Requirements.**

- (a) Facilities shall provide the Department the following by September 1 of each school year:
  - (i) The next school year's calendar;
  - (ii) Documents or policies that have been revised since the previous school year regarding the facility's procedures on admission or discharge of youth;
  - (iii) Current licenses and accreditations granted by national and state organizations or agencies responsible for health, safety, and education oversight;

(iv) Current safety and health inspection reports by the local or state offices where the facility is located; and

(v) A current financial statement audited by a certified public accountant.

(b) The facility shall send compliance documentation electronically unless it does not have equipment to transmit electronic files. If this is the case, the facility shall mail physical copies to the Department.

#### **Section 5. Fiscal Management and Payment of Education Costs.**

(a) When appropriate under law, the Department shall pay a daily tuition rate to each provider facility to reimburse allowable education costs as determined by the Department. The education daily tuition rates are calculated based in part on the audited and reported annual financial statement and cost report survey from each facility.

(b) To receive the approved daily rate from the Department, the facility shall submit to the Department:

(i) A completed “Monthly Billing for Actual Cost of Educational Services” form that serves as the monthly invoice the Department uses to pay for education costs; and

(ii) A signed court order for each court ordered student.

(c) All claims must be submitted for payment within one year of services provided.

#### **Section 6. Rate Setting Process.**

(a) When appropriate, the Department shall pay a daily tuition rate to each provider facility to reimburse allowable education costs as determined by the Department. The education daily tuition rates are calculated in part on the audited and reported annual financial statement and cost report survey from each facility.

(b) The Department shall calculate in-state education daily tuition rate of existing facilities using the following components:

(i) Each facility submits annual audited financial statement and cost report survey;

(ii) The data is normalized for each facility’s cost report survey to adjust for differences in fiscal year vs. calendar year reporting;

- (iii) Administrative costs are analyzed and a median allowable value is determined for each facility peer group;
  - (iv) Administrative costs exceeding the median are excluded;
  - (v) Allowable education costs will be divided by the actual reported educational days for each facility;
  - (vi) The base tuition rate is adjusted for inflation to determine allowable daily tuition rate for each facility;
  - (vii) The Department, after reviewing and accepting the calculated allowable daily tuition rates, will notify facilities of their approved rates on or before July 1 of each school year.
- (c) New in-state facilities commencing operations after the annual rate setting period ends will have a temporary rate set that is equal to the average of the respective Wyoming in-state peer group. This rate shall be recalculated after the facility participates for the first time in the annual rate setting process outlined in Section 6(a) of these rules.
- (d) Out-of-state education daily tuition rates for both new and existing out-of-state facilities are determined as follows:
- (i) If the state's governing education body sets a provider rate, the Department will pay that rate. It is the provider's responsibility to notify the Department of its state's rate and any changes to it; or
  - (ii) The facility rate will be the average of its Wyoming peer group rate. It will follow the procedure for determining in-state rates set forth in Section 6(a) of these rules.
- (e) Related and supplemental services rates are paid at the current Medicaid rates or at rates determined by the Department using the Bureau of Labor Statistics market data.
- (f) The mileage rate for transportation reimbursement is that authorized by the Wyoming Governor.
- (g) All claims must be submitted for payment within one (1) year of services provided.

**Section 7. Failure to Comply.**

- (a) The Department may withhold payment under the following circumstances:

- (i) Failure to comply with this chapter;
  - (ii) Failure to provide documented communication and correspondence between the PRTF and placed student's resident school district within 72 hours of the student's admission; or
  - (iii) Failure to provide annual compliance documentation from the facility for two (2) consecutive years;
- (b) The Department may resume withheld payments after receiving proof of compliance within ten (10) business days.
- (c) The Department may deny payment under the following circumstances:
- (i) The facility loses its approval status from the DFS;
  - (ii) The facility loses its approval status from the WDH-Medicaid; or
  - (iii) The facility loses its approval status from the local or state authorities where the facility is located.
- (d) If the Department denies payment, the facility may request a review of the denial, including a corrective action plan, within twenty (20) business days of denial;
- (e) The Department shall review the facility's request and corrective action plan and:
- (i) Approve the facility's request and action plan;
  - (ii) Conditionally approve the facility's request pending submission of a revised corrective action plan and any other documents the Department deems necessary; or
  - (iii) Disapprove the facility's request and corrective action plan.
- (f) As part of its review, the Department may conduct an on-site visit of the facility.
- (g) Department payments shall retroactively resume once the facility's request and its corrective action plan have been approved.
- (h) Removal of approved facility status shall occur under the following circumstances:
- (i) Following the Department's facility review finding concerns or deficiencies associated with the educational services provided to Wyoming placed students;

- (ii) Loss of approved status from DFS and WDH-Medicaid;
  - (iii) Collected evidence of misconduct;
  - (iv) As a result of Section 7(a) or 7(c), the Department recommends revoking approved facility status; or
  - (v) The Department approves the program manager's recommendation.
  - (vi) The Department shall send written notice of revocation to the facility within fifteen (15) business days of issuing the decision.
  - (vii) Within thirty (30) business days of the Department's revocation, the facility shall submit to the Department a written plan for terminating its program and transferring its residents to other approved facilities.
- (i) Removing approved status or denying any payments shall constitute final agency action subject to judicial review.