

SENATE FILE NO. SF0094

Payment for educational services.

Sponsored by: Senator(s) Meier, Craft, Dockstader, Landen,
Pappas and Peterson and Representative(s)
Byrd, Hunt, Northrup, Petroff, Piiparinen
and Steinmetz

A BILL

for

1 AN ACT relating to payments for educational services;
2 requiring the department of education to pay for the
3 education costs of children placed in private treatment
4 facilities and group homes as specified; requiring
5 certification from the department of education as
6 specified; requiring notification by private treatment
7 facilities and school districts; providing requirements for
8 maintaining educational records; allowing districts that
9 continue providing educational services to a student to
10 retain the student in their ADM; requiring individualized
11 learning plans; providing definitions; granting rulemaking
12 authority; and providing for an effective date.

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14 *Be It Enacted by the Legislature of the State of Wyoming:*

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2 **Section 1.** W.S. 21-13-336 is created to read:

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4 **21-13-336. Education costs of children certified by**
5 **the department of health for treatment in private**
6 **residential treatment facilities.**

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8 (a) The department of education using federal or
9 school foundation program account funds, or both, shall pay
10 for the allowable education costs of children placed in
11 private treatment facilities and group homes where a fee is
12 charged when the department of education has determined the
13 placement is medically necessary. No district shall receive
14 funds, either directly or indirectly, from any facility or
15 home receiving payment under this section for providing
16 educational programs and services to children placed and
17 residing in the facility or home.

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19 (b) Upon placement or admittance of a child in a
20 group home or private treatment facility, the facility or
21 home shall notify the department of education and the
22 student's resident school district in writing within
23 seventy-two (72) hours of placement. Within seven (7) days

1 of receiving notice, the resident school district shall
2 notify the facility or home of the manner in which
3 educational services shall be provided to the child. The
4 district shall either:

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6 (i) Request the facility provide the educational
7 services to the student;

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9 (ii) Deliver the educational services directly
10 to the student; or

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12 (iii) Contract with the school district in which
13 the private treatment facility is located to provide
14 educational services to the student.

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16 (c) If a private treatment facility does not receive
17 notification from the school district regarding educational
18 services for the student as required by subsection (b) of
19 this section, the facility may provide educational services
20 to the student provided the facility has an education
21 program certified by the department of education pursuant
22 to department rules and regulations.

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1 (d) A district that provides educational services
2 directly to the student, or contracts with another district
3 to provide the educational services, shall continue to
4 count the student among its ADM. A district shall eliminate
5 students from its ADM if the treatment facility provides
6 the educational services.

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8 (e) Educational programs provided by private
9 treatment facilities or group homes shall be certified and
10 approved by the department of education prior to the
11 facility or home billing the department for any educational
12 services provided under this section. A facility or home
13 providing educational services under this section shall
14 bill the department of education monthly for allowable
15 education expenses.

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17 (f) If at any time the department of education
18 determines the placement is no longer medically necessary,
19 the department of education shall discontinue payment for
20 educational services provided by a private treatment
21 facility or group home.

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1 (g) Prior to billing the department of education
2 program providers shall bill the department of health for
3 costs of approved educational services covered under the
4 school health program under the Wyoming Medical Assistance
5 and Services Act pursuant to W.S. 42-4-103(a) (xxx).

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7 (h) All educational records and personally
8 identifiable student information shall remain the property
9 of the resident school district and all private treatment
10 facilities providing educational services shall comply with
11 the provisions of the federal Family Education Rights and
12 Privacy Act. Not later than ten (10) days after release of
13 the student from the private treatment facility, all
14 educational records shall be transferred via a secure
15 method to the resident school district or the district in
16 which the student enrolls upon release.

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18 (j) A school district or private treatment facility
19 providing educational services to a student placed in a
20 treatment facility shall create an individualized learning
21 plan for the student, which:

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1 (i) Is appropriate for the learning capabilities
2 of the student and complies with all state and federal
3 education requirements;

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5 (ii) Monitors and measures the student's
6 progress towards meeting defined educational benchmarks and
7 accounts for any applicable district assessment
8 requirements;

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10 (iii) Facilitates necessary instructional
11 support for the student and notifies and assists the
12 student if he is not performing satisfactorily or failing
13 to achieve performance benchmarks established within the
14 individualized education plan;

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16 (iv) Maintains the student's records within the
17 district's permanent student data system including his
18 individualized learning plan, equivalent attendance as
19 specified by the plan, assessment and other performance
20 evaluation data, immunization and other information
21 required by the district; and

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1 (v) Verifies the individualized learning plan
2 complies with and fulfills the state education program
3 established by W.S. 21-9-101 and 21-9-102 and rules and
4 regulations of the state board and that the plan otherwise
5 meets district program standards.

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7 (k) The department of education shall adopt
8 reasonable rules and regulations necessary for carrying out
9 its duties under this section, including prescribing
10 standards for educational programs of private treatment
11 facilities and group homes, a certification and approval
12 process for educational programs of facilities and homes
13 and allowable educational expenses for educational services
14 provided under this section. Standards shall be subject to
15 W.S. 21-9-101 and 21-9-102 and rules and regulations of the
16 state board and shall be designed to fit the unique
17 populations of students placed in private treatment
18 facilities under this section. The department shall require
19 a letter from a licensed psychologist or psychiatrist
20 recommending the student's placement in a private
21 residential treatment facility as a requisite for a
22 determination of "medical necessity" under this act.

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1 (m) For purposes of this section "resident school
2 district" means the district in which the child's custodial
3 parent or guardian resides at the time of the child's
4 placement in the facility or home.

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6 **Section 2.** W.S. 21-4-402(b) is amended to read:

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8 **21-4-402. Instruction for hospitalized or homebound**
9 **pupils.**

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11 (b) The board shall also offer homebound instruction
12 for each pupil in the district who is hospitalized or
13 placed in a state accredited or state certified treatment
14 facility for more than one (1) week in a hospital or
15 facility located in another Wyoming school district because
16 of injury or illness. The board shall either provide
17 instruction directly or contract with the school district
18 in which the pupil is hospitalized or placed in a facility
19 to provide this instruction. This subsection does not
20 apply to pupils who:

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1 (i) Are hospitalized or placed due to a mental,
2 physical or psychological handicap and who are receiving
3 educational services under W.S. 21-2-501; ~~or~~ or

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5 (ii) Have been placed in a private residential
6 treatment facility who are receiving educational services
7 pursuant to W.S. 21-13-315 or 21-13-336.

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9 **Section 3.** This act is effective July 1, 2016.

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(END)