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 education costs of children placed in private treatment facilities and group homes as specified; requiring certification from the department of education as specified; requiring notification by private treatment facilities and school districts; providing requirements for maintaining educational records; allowing districts that continue providing educational services to a student to retain the student in their ADM; requiring individualized learning plans; providing definitions; granting rulemaking authority; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:
Section 1. W.S. 21-13-336 is created to read:

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

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

(b) Upon placement or admittance of a child in a group home or private treatment facility, the facility or home shall notify the department of education and the student's resident school district in writing within seventy-two (72) hours of placement. Within seven (7) days
of receiving notice, the resident school district shall notify the facility or home of the manner in which educational services shall be provided to the child. The district shall either:

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

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

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

(c) If a private treatment facility does not receive notification from the school district regarding educational services for the student as required by subsection (b) of this section, the facility may provide educational services to the student provided the facility has an education program certified by the department of education pursuant to department rules and regulations.
(d) A district that provides educational services directly to the student, or contracts with another district to provide the educational services, shall continue to count the student among its ADM. A district shall eliminate students from its ADM if the treatment facility provides the educational services.

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

(f) If at any time the department of education determines the placement is no longer medically necessary, the department of education shall discontinue payment for educational services provided by a private treatment facility or group home.
(g) Prior to billing the department of education 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).

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

(j) A school district or private treatment facility providing educational services to a student placed in a treatment facility shall create an individualized learning plan for the student, which:
(i) Is appropriate for the learning capabilities of the student and complies with all state and federal education requirements;

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

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

(iv) Maintains the student's records within the district's permanent student data system including his individualized learning plan, equivalent attendance as specified by the plan, assessment and other performance evaluation data, immunization and other information required by the district; and
(v) Verifies the individualized learning plan complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and rules and regulations of the state board and that the plan otherwise meets district program standards.

(k) The department of education shall adopt reasonable rules and regulations necessary for carrying out its duties under this section, including prescribing standards for educational programs of private treatment facilities and group homes, a certification and approval process for educational programs of facilities and homes and allowable educational expenses for educational services provided 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 students placed in private treatment facilities under this section. The department shall require a letter from a licensed psychologist or psychiatrist recommending the student's placement in a private residential treatment facility as a requisite for a determination of "medical necessity" under this act.
(m) For purposes of this section "resident school district" means the district in which the child's custodial parent or guardian resides at the time of the child's placement in the facility or home.

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

21-4-402. Instruction for hospitalized or homebound pupils.

(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 subsection does not apply to pupils who:
(i) Are hospitalized or placed due to a mental, physical or psychological handicap and who are receiving educational services under W.S. 21-2-501; or

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

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