

Wyoming Administrative Rules

Education, Dept. of

General Agency, Board or Commission Rules

Chapter 14: Education Program Approval of Public & Private Institutions Receiving State Funds for the Education Costs of Students Placed by a Court Order

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**EDUCATION PROGRAM APPROVAL
OF PUBLIC AND PRIVATE INSTITUTIONS RECEIVING STATE FUNDS
FOR THE EDUCATION COSTS OF STUDENTS PLACED BY A COURT ORDER**

CHAPTER 14

Section 1. Authority.

These rules are promulgated pursuant to the Wyoming Education Code of 1969 (as amended), W.S. 21-13-315 (as amended).

Section 2. Applicability.

These rules pertain to the education program approval of all private residential treatment facilities and Board of Cooperative Educational Services (BOCES) facilities which receive state payments for education costs of students placed by the courts in these facilities.

Section 3. Promulgation, Amendment, or Repeal of Rules.

Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. 16-3-101 through W.S. 16-3-115).

Section 4. Definitions.

(a) “Allowable education costs” are those for educational services provided directly to the court placed student as part of an organized educational curriculum designed to achieve educational objectives that are specific, identifiable, measurable. Those services are to be provided by appropriately certified staff in an educational setting during regularly scheduled hours.

(b) “Approved program” means an education program that meets the standards established by the Wyoming Department of Education and accepted by the Wyoming State Board of Education.

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

(d) “Board of Cooperative Educational Services” (BOCES) means institutions established and operated pursuant to W.S. 21-20-101 through 21-20-109 and W.S. 21-20-111 that provide educational services to children with disabilities.

(e) “Child” means a school-aged student.

(f) “Children with disabilities” refers to students with one or more of the following disabilities or other disability as defined by federal regulations and Wyoming Department of Education Chapter 7 governing services for children with disabilities.

- (i) Autistic disability.
- (ii) Deaf disability.
- (iii) Deaf-blind disability.
- (iv) Developmental disability.
- (v) Emotional disability.
- (vi) Health disability.
- (vii) Hearing disability.
- (viii) Learning disability.
- (ix) Mental disability.
- (x) Orthopedic disability.
- (xi) Speech/language disability.
- (xii) Traumatic brain injury.
- (xiii) Visual disability.

(g) “Compliance” means demonstrated effort to adhere to the intent of applicable education program standards.

(h) “Court” means the juvenile and district court.

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

(j) “Education program” means the course of study and other educational opportunities provided to students court placed in care.

(k) “External education program” means an education program operated by a local public school that provides equal access to students in private residential treatment facilities, group homes or BOCES.

(l) “External educational service” means the services provided by a public school or private agency apart from private residential treatment facilities or BOCES.

(m) “Individual Education Plan” (IEP) means a written plan for a child with a disability(ies) that has been developed in accordance with federal and state laws and related rules and regulations. The IEP states the necessary special education and related services within an approved education program including, but not limited to, the frequency of service, the minutes per week of service, and the duration of service.

(n) “On-grounds education program” means an education program operated by a private residential treatment facility or BOCES.

(o) “Private residential treatment facility” means any nonpublic facility licensed or approved under appropriate state law to provide residential care for students.

(p) “Related services” means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education. (This does not include a medical device that is surgically implanted, or the replacement of such device.) Services include, but are not limited to:

- (i) Assistive technology services;
- (ii) Counseling services, including rehabilitation counseling;
- (iii) Early identification and assessment of disabling conditions in students;
- (iv) Interpreting services;
- (v) Medical services for diagnostic and evaluation purposes only;
- (vi) Orientation and mobility services;
- (vii) Parent counseling and training;
- (viii) Physical and occupational therapy;
- (ix) Psychological services;
- (x) Recreation, including therapeutic recreation;
- (xi) School nurse services as described in the student’s individual education plan;

- (xii) Social work services;
- (xiii) Speech-language pathology and audiology services; and
- (xiv) Transition services.

(q) “School district of residence” means the public school district designated as the student’s school district of residence by the court as provided for in W.S. 21-13-315(h).

(r) “School-aged” means a court placed student who is at least six (6) years of age but under eighteen (18) years of age as prescribed in W.S. 21-13-315(k) unless the student is a child with a disability(ies) and under the age of twenty-one (21) as prescribed in W.S. 21-4-301.

(s) “Structures” means buildings in which an education program is provided.

(t) “Student” means a school-aged student with a Wyoming school district of residence.

(u) “Transition services” means a coordinated set of activities for a student that:

(i) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of a student to facilitate the student’s movement from school to a residential treatment facility and back to the school or other court ordered placement;

(ii) Is based on the individual student’s needs taking into account the student’s strengths, preferences, and interests; and

(iii) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Section 5. General Requirements.

To qualify for payment by the Department for education costs of school-aged students court placed in care, private residential treatment facilities and BOCES which provide education programs shall:

(a) Be licensed or accredited as a private residential treatment facility by the appropriate state authority.

(b) Ensure that all structures used for the purposes of the education program meet all state and local requirements for health and safety.

(c) Maintain a written statement that identifies the types of educational services provided and the characteristics of the students to be served by the education program of the facility.

(d) Maintain a current written description of its pupil population, including ages and identified disabilities.

(e) Maintain a current written description of the education program including, but not limited to, a daily instructional schedule, the number of instructional hours per day and the number of instructional days per year.

(f) Maintain accurate records about each student in the education program, including, but not limited to, the following:

(i) A case record for each student to include, but not limited to: date of admission, source of referral, order of the court as provided for under W.S. 21-13-315 (as amended), date of discharge should the student leave, documentation of the current custody and legal guardianship and student's birth date, gender and social security number.

(ii) Record of the student's actual attendance at the education program.

(iii) Reports relating to a student's education program.

(iv) Records necessary to comply with the provisions of P.L. 101-476 (as amended) and applicable state laws and rules and regulations for children with disabilities.

(g) Employ a teacher or teachers who are properly certified and endorsed by the Wyoming Professional Teaching Standards Board or appropriate state authority.

(h) Ensure that each student court placed in care is provided with all required related services including, but not limited to, the transportation necessary to access the education program provided that student and the transition services necessary to facilitate the student's movement to and from the facility, the school district of residence, and other court ordered placement.

(i) Comply with the provisions of 20 U.S.C. 1400 *et seq.* and its applicable state laws and rules and regulations governing education programs for children with disabilities.

(j) Provide for equal access for children with disabilities as required by applicable federal and state laws and related rules and regulations.

(k) Guarantee equal opportunities to all education programs for students court placed in care of the facility under W.S. 21-13-315 (as amended) regardless of the student's race, color, national origin, sex, or disability.

Section 6. In-State Education Program Requirements.

To qualify for payment by the Department for education costs of school-aged students court placed in care, private residential treatment facilities and BOCES shall ensure that every school-aged student attends either an external or an on-grounds education program evaluated and accredited by the Wyoming State Board of Education pursuant to W.S. 21-2-304(a)(ii).

(a) External education programs shall, prior to placement:

(i) Determine through collaboration with the student's school district of residence the appropriateness of the placement.

(ii) Ensure that external educational service or program providers are licensed or accredited by the appropriate national, regional or state licensing or accrediting authority.

(iii) Establish a detailed written contract with an external educational service or program provider of a student in the service or program. The contract shall outline the obligation(s) of the external service or program provider relative to the needs of the student court placed in care.

(b) On-Grounds Education Program. Prior to placement of a student in an on-grounds education program, private residential treatment facilities or BOCES shall determine through collaboration with the student's school district of residence the appropriateness of the placement.

Section 7. Out-of-State Education Program Requirements.

W.S. 21-13-315 (as amended) requires the Department to approve the education program of out-of-state facilities prior to the payment for education costs. These facilities shall:

(a) Meet the health and fire regulations for purposes of occupancy in its state.

(b) Provide an education program approved by its state agency governing the education of school-aged students.

(c) Provide the Department an annual written report detailing the following information:

- (i) The needs, problems, situations or patterns best addressed by the facility's education program.
- (ii) Policies and procedures related to the admission of students.
- (iii) Criteria for discharge from the facility.
- (iv) Criteria for denial of admission to the facility.
- (v) A statement of the facility's policies and procedures for providing an education program to children with disabilities in need of special education and related services.

Section 8. Fiscal Management and Payment of Allowable Education Costs.

(a) Private residential treatment facilities and BOCES shall:

- (i) Be eligible for payment for the education cost for each school-aged student court placed in the facility under the provisions of W.S. 21-13-315 (as amended) and/or W.S. 25-5-110(c) including the specific cost of education and related services.
- (ii) Meet the minimum standards for an approved education program and hold an approved status to be eligible for payment.
- (iii) Provide the Department annually with a written schedule of fees charged for the education program provided each student including the identification of the fee for each education related service the student receives. Only those fees approved by the Department shall be paid from public funds
- (iv) Bill the Department for the allowable education costs for each school-aged student court placed in the facility under the provisions of W.S. 21-13-315 (as amended). Billing shall be submitted per student per month on a prescribed form. The billing shall identify each education or education related cost. Only those costs authorized by the Department shall be paid from public funds.

(b) A public school providing education programs and services to students residing in private residential treatment facilities, group homes and BOCES may count the students among its average daily membership.

(c) The Department shall establish audit procedures to verify the accuracy of bills submitted for payment and to ensure there are no payments of public funds made for costs not authorized by these rules.

Section 9. Annual Verification.

Each year approved private residential treatment facilities and BOCES shall:

- (a) Provide to the Department an annual report on a prescribed form as verification of compliance with these rules.
- (b) Provide to the Department a current financial statement audited by a certified public accountant to verify the facility is operating in accordance with generally accepted accounting principles.
- (c) Be available for an annual on-site visit of its education program by a representative of the Department in order to verify the approved status of the facility and information submitted for review.

Section 10. Evaluation Status.

- (a) Request for Review. Any private residential treatment facility or BOCES may request the Department review and analyze its education program for approval at any time but not to exceed one (1) review per year.
- (b) Finding of Fact. The Department must review, and document, findings of fact and make recommendations to the Board concerning the compliance by private residential treatment facilities or BOCES with these rules.
- (c) Conclusions by the Board. The Board shall draw conclusions based on the recommendations of the Department and classify private residential treatment facilities or BOCES subject to these rules into the following categories:
 - (i) Approved. Indicates the education program is in compliance with these rules.
 - (ii) Non-Approved. Indicates that a specific aspect(s) of the education program is not in compliance with these rules.
- (d) Final Reports. The final report of the Department shall be made available to:
 - (i) The private residential treatment facility or BOCES at issue.
 - (ii) Judges involved in the placement process.
 - (iii) The Wyoming Department of Family Services.
 - (iv) Other appropriate agencies as determined by the Department.

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