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Steven L. Paine, Ed.D., State Superintendent of Schools  
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## MEMORANDUM

TO: County Special Education Directors

FROM: Pat Homberg  
Executive Director  
Office of Special Education

SUBJ: FY–2018 Funds for Out-of-State Instruction of Students with Disabilities  
Under State Account 0314-159

DATE: November 29, 2017

This memorandum sets forth the administrative procedures and stipulations for the receipt of state funds under state account 0314-159 for students placed in out-of-state instruction programs for FY-2018 for educational reasons by their Individualized Education Program (IEP) Teams.

Districts requesting reimbursement for the out-of-state placement of students with disabilities must submit the form Request for Out-of-State Instruction Funds, Sections A, B and C with the required documentation, when appropriate, in accordance with the timelines specified in the attached application. Timely receipt of this information is essential for budgeting purposes and efficient dissemination of grant awards to districts applying for reimbursement. **Requests for reimbursement received after the specified dates will not be honored.** The Office of Special Education will not assume responsibility for providing the districts prior notice of the impending due dates. **Please note the additional timeline for those districts seeking only reimbursement for the second semester.**

### **District Eligibility for Support Through State Account 0314-159:**

The following criteria must be met to receive financial support through the out-of-state placement fund.

1. The placement of a student with a disability in an out-of-state program must be in accordance with all applicable federal and state laws and regulations, including the procedures for the out-of-state placement of exceptional students in Policy 2419: *Regulations for the Education of Students with Exceptionalities, Chapter 8, Section 3.*

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2. Free appropriate education cannot be provided within the state.
3. The county school district must provide evidence that more than one out-of-state facility has been investigated.
4. The county school district must place the student in a private school or facility that has approved status in the state in which it is located, must provide assurances the school or facility meets the requirements of the Individuals with Disabilities Education Improvement Act of 2004 and must have a signed contract between the district and the approved out-of-state facility.
5. A complete and current IEP has been developed.

#### **Reimbursement Rate**

The reimbursement for the educational costs for students placed out-of-state by an Individualized Education Program (IEP) team will be based upon the following:

1. The state funds (\$300,000) will be divided equally between the two (2) semesters. The first semester is defined as July 1, 2017, through December 31, 2017. The second semester is defined as January 1, 2018, through June 30, 2018.
2. Funds will be equally divided and disbursed based on the number of districts requesting reimbursement per semester but in no case will exceed the total request for reimbursement made by a district.
3. Funds under the account shall be used to reimburse the county school district. The county district must initially pay the costs of educating the student.

#### **Funding Level for FY-2017**

1. The Legislature appropriated state funds, of which \$300,000 was budgeted for out-of-state instruction during the period of July 1, 2017, to June 30, 2018.
2. \$150,000 will be utilized for reimbursement for each of the two semesters.
3. Due to funding availability, reimbursement will be limited to state funds for FY-2018.

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In the attached application, please find:

- The checklist that must be submitted for **each** out-of-state student for whom you request reimbursement; and
- Forms for requesting out-of-state instruction funds.
- *NOTE: This form is **not** to be used for requesting reimbursement for **court-ordered** OOS students. The application for these students is submitted with the High Cost/High Acuity application and will be due in July or August, 2018.*

For your convenience, the application is also available on the Office of Special Education Internet homepage under Finances: go to <http://wvde.state.wv.us/osp/>.

Questions regarding students who are placed out-of-state should be directed to Janice Hay, Coordinator, Office of Internal Operations at (304) 558-2686, ext. 53423, or to Shana Clay, Coordinator, Office of Special Education at (304) 558-2696 (V/TDD).

PH/JH

c: Janice Hay  
Shana Clay  
Sheila Paitsel  
Amy Willard