

West Virginia
Students with
Disabilities
in Out-of-State
Facilities

FY 07

Office of Assessment and Accountability

October 2007

West Virginia Students with Disabilities in Residential Facilities Report to the West Virginia Board of Education

Students Placed by Local Educational Agencies in Out-Of-State Facilities

West Virginia Board Policy 2419 provides that the Local Educational Agency (LEA) may place a student with a disability in a private school or facility outside of West Virginia through the IEP process after determining that a free appropriate public education (FAPE) cannot be provided within the county, within the region or within the state. The LEA must develop an IEP for the student, investigate more than one private school or facility, assure that the selected private school or facility has approved status in the state in which it is located and meets the requirements of the IDEA and have a current signed contract between the LEA and the private school or facility.

After a student with a disability is placed in a private school or facility by the LEA, the LEA must continue to assure that special education and related services are provided in conformance with an IEP and that an education that meets the standards that apply to education provided by the LEA is provided by the private school or facility. The LEA must ensure that the parents and an LEA representative remain involved in any decision about the student's IEP and agree to any proposed changes in the IEP before those changes are implemented by the private school or facility.

As the "sending agency" or placer, the LEA has the financial responsibility for support and maintenance of the student during the continuance of the placement. Funds to support the provision of these services are provided to LEAs through the state's public school support system, state special education entitlement, IDEA Part B entitlement and Medicaid reimbursement. In addition, the WVDE, Office of Special Programs supports the LEAs through the state special education out-of-state funds. This support, however, does not cover the county's cost for placing a student in an out-of-state facility. The following chart shows the costs reported by the LEA, the support from WVDE and the remaining balances incurred by the districts.

West Virginia Students with Disabilities in Residential Facilities Report to the West Virginia Board of Education

The purpose of this report is to provide basic information to the West Virginia Board of Education about students with disabilities who have been placed by the West Virginia Department of Health and Human Resources (WVDHHR) or by local education agencies (LEAs) in out-of-state residential facilities. The ensuing information was the compilation of financial reports by the Office of Assessment and Accountability (OAA).

Introduction

The information in this report is organized into two sections: **1. Students placed by WVDHHR in out-of-state facilities for non-educational purposes**, and who were eligible for special education services *prior* to their placement and are continuing to receive special education services under a current Individualized Education Program (IEP) and **2. Students who are placed by LEAs in out-of-state facilities** when a free appropriate public education (FAPE) cannot be provided within the county, the region or the state.

Report

Students Placed by WVDHHR in Out-Of-State Facilities for Non-Educational Purposes

West Virginia Code Chapter 49 Child Welfare provides a coordinated system of child welfare and juvenile justice for the children of West Virginia. It provides for removing the child from the custody of his parents and to secure custody, care and discipline for the child consistent with the child's best interests. The WVDHHR is designated as the agency that administers child welfare services in West Virginia.

The WVDHHR is authorized by West Virginia Code §49-2-16 to provide care, support and protective services for children who are in need of public service. The WVDHHR is also authorized to accept custody of children committed to its care by the courts. A child committed to the WVDHHR for custody remains in the care of the Department until the child attains the age of eighteen years or is discharged because the child is no longer in need of care.

As the agency that administers the care and custody of children, WVDHHR has the authority to place children in a suitable environment and with persons or facilities having the appropriate qualifications to provide a necessary and desirable degree and type of care. As the "sending agency" or placer, WVDHHR has the financial responsibility for support and maintenance of the child during the continuance of the placement.

Any costs, including educational costs, that are involved in this out-of-state placement are properly regarded as part of "financial support and maintenance." In 1993, the WVDHHR and the West Virginia Department of Education (WVDE) entered into an interagency agreement with the provision that the WVDE fund the special education costs of eligible students with disabilities in accordance with federal and state statutes and regulations. Eligible students are those who were placed by WVDHHR or through the court system in an out-of-state facility for non-educational purposes, who were eligible for special

education services according to the Individuals with Disabilities Improvement Education Act of 2004 (IDEA 04) and WV Board Policy 2419: Regulations for the Education of Students with Exceptionalities & The West Virginia Procedures Manual for the Education of Students with Exceptionalities and who are receiving special education services under a current Individualized Education Program (IEP).

Until 1998, in accordance with the terms of the interagency agreement, WVDHHR paid the total costs of the out-of-state placement and was reimbursed by WVDE for the special education costs. In 1998, WVDHHR notified the out-of-state agencies to invoice WVDE separately for special education costs. WVDE began contracting directly with the out-of-state facilities in agreements separate from WVDHHR. The Office of Assessment and Accountability (OAA) receives invoices for special education services, reviews for student eligibility, assures that the facility developed a new IEP or accepted a current IEP from West Virginia and approves the invoices for payment when appropriate. Finally, payment is made through the West Virginia Auditors Office under the authority of the contract approved by the West Virginia Purchasing Division.

The IDEA 04 assigns to each state educational agency the general supervisory authority for ensuring that educational services are provided to all eligible students with disabilities in accordance with federal and state statutes and regulations. To meet this requirement, the OAA has a system to conduct on-site monitoring reviews of out-of-state facilities serving West Virginia special education eligible students.

The monitoring process was initiated in April 2002 and the three coordinators of monitoring in the OAA are continuing the process of visiting all out-of-state facilities which provide educational services to special education students. As part of the monitoring process, all agencies serving IDEA 2004 eligible students must complete a Facility Self-Assessment Report. The information contained in the Facility Self-Assessment is verified by the OAA coordinator during the on-site visit to the facility. A monitoring report is then issued at the conclusion of the on-site visit.

Out of State Facilities	FY 04 Rate	FY 05 Rate	FY 06 Rate	FY 07 Rate	FY 04	FY 05	FY 06	FY 07	FY 04 Paid	FY 05 Paid	FY 06 Paid	FY 07 Paid
Woods Services, Inc.	\$219.60	\$219.60	\$219.60	\$230.28	1	3	2	2	\$22,618.80	\$123,796.02	\$92,210.08	\$109,401.80
Totals					183	244	227	230	\$3,241,930.80	\$3,305,347.87	\$3,192,246.38	3,309,314.81

Out of State Facilities	FY 04 Rate	FY 05 Rate	FY 06 Rate	FY 07 Rate	FY 04	FY 05	FY 06	FY 07	FY 04 Paid	FY 05 Paid	FY 06 Paid	FY 07 Paid
Glen Mills School	\$27.13	\$19.55	\$19.97	\$29.56	4	11	14	7	\$16,704.84	\$59,454.17	\$85,880.38	\$33,846.20
Grafton Schools, Inc.	\$165.33	\$165.33	\$173.02	\$180.00	18	17	11	11	\$576,016.16	\$492,891.86	\$248,109.55	\$274,808.00
UHS of Delaware, Inc. (Keys Group Holdings)	\$55.00	\$125.00	\$125.00	\$130.00	14	11	9	9	\$189,498.17	\$114,291.95	\$189,855.00	\$131,312.33
Kids Peace, Inc.	\$171.00	\$171.00	\$181.00	\$186.00	4	5	5	12	\$74,044.00	\$132,554.00	\$124,531.00	\$250,548.92
Leary Educational Foundation, Inc.	\$115.71	\$115.71	\$132.48	\$145.73	6	6	11	18	\$135,521.05	\$82,694.80	\$197,656.02	\$266,663.44
Mended Reeds	\$66.38	\$66.38	\$74.45	\$78.38	4	5	3	2	\$31,397.74	\$0	\$29,928.90	\$15,498.93
Mesabi Academy of Kids Peace	\$137.00	\$142.00	\$150.00		1	3	2	1	\$5,643.59	\$72,384.87	\$32,550.00	\$19,500.00
National Deaf Academy		\$105.00	\$105.00	\$150.00		1	1	1		\$21,585.00	\$22,260.00	\$5,250.00
New Hope Treatment Center, Inc.	\$98.20	\$163.33	\$193.26	\$198.04	21	26	19	21	\$513,866.20	\$612,002.32	\$538,420.03	\$605,441.68
North Springs Behavioral Healthcare, Inc.				\$200.00								
Northland Community Schools, ISD 118				\$132.93								
Oak Ridge Treatment Center Acquisition, Corp.				\$50.00				3				\$5,150.00
Piedmont Behavioral Health Center	\$150.00				2				\$90,900.00			
Pomegra-nate Health Systems of South Eastern Ohio, Inc.				\$90.78				11				\$107,090.14
Presbyterian Child Welfare Agency	\$88.47			\$94.76	4				\$59,450.91			
Pressley Ridge	\$80.00	\$83.00	\$86.00	\$88.00	2	2	2		\$32,595.00	\$18,094.00	\$7,568.00	
Pyramid Healthcare		\$87.40		\$93.42		1				\$0		
Scioto County Board of MR & DD		\$213.46	\$213.46			1	1			\$30,208.73	\$30,738.24	
Southwood Psychiatric	\$85.10	\$125.00	\$125.00	\$135.00	14	19	18	13	\$184,920.00	\$270,805.00	\$234,607.00	\$181,395.00
Specialized Treatment Services	\$101.50	\$97.22	\$121.20	\$123.35	1	2	2	3	\$12,789.00	\$21,193.00	\$35,996.20	\$36,634.80
Three Springs, Inc.	\$35.00				1				\$15,345.00			
The Bradley Center		\$96.40	\$99.43	\$109.77		12	13	8		\$158,192.02	\$143,737.99	\$113,802.30
Tri-State Behavioral Health Care, Inc.	\$59.28	\$85.00	\$85.00		9	16	11		\$131,242.45	\$141,048.94	\$79,957.00	
Whisper Ridge		\$200.00	\$200.00			2	2			\$2,200.00	\$75,647.36	

West Virginia Students with Disabilities in Residential Facilities Report

The chart below includes information on the current out-of-state facilities that have entered into a contract for WV eligible students with disabilities placed by WVDHHR. The number of facilities and eligible students served varies depending on several factors such as the availability of foster care, completion of treatment, age of student and length of court sentencing.

Out of State Facility	State	Rate	Number of Students	Current Number of Students	Amount Paid
Adelphoi Village, Inc.	PA	\$60.18	5	3	\$22,461.02
Alternative Behavioral Services: The Pines	VA	\$167.00	5	2	\$94,782.88
Barry Robinson Center	VA	\$109.00	1	0	\$15,369.00
Bellefaire Jewish Children's Bureau	OH	\$375.00	0	0	\$0.00
Boys Village Inc.	OH	\$155.32	2	2	\$52,808.80
The Bradley Center	PA	\$109.77	8	4	\$113,802.30
Camelot School LLC	TN	\$85.00	11	7	\$108,381.00
Childhelp USA East	VA	\$136.00	1	1	\$23,664.00
Children's Sanctuary, Inc.	IN	\$70.25	0	0	\$0.00
Cinnamon Hills Youth Crisis Center	UT	\$135.00	0	0	\$0.00
Coastal Harbor Treatment Center	GA	\$130.00	6	6	\$91,520.00
Cottonwood Treatment Center	UT	\$345.00	0	0	\$0.00
Cornell Abraxas Group, Inc.	PA	\$74.39	20	7	\$156,176.23
AHS Cumberland Hospital LLC	VA	\$150.00	1	1	\$16,650.00
Devereux Foundation	PA	\$209.88	11	4	\$293,591.11
Eckerd Youth Alternatives, Inc.	FL	\$27.85	1	0	\$389.90
Fairfield Academy	OH	\$41.65	3	2	\$28,740.05
Fox Run Hospital	OH	\$57.04	15	1	\$63,853.60
George Junior Republic in PA	PA	\$73.71	26	19	\$184,583.68
Glen Mills Schools	PA	\$29.56	7	4	\$33,846.20
Grafton Schools, Inc.	VA	\$180.00	11	9	\$274,808.00

Out of State Facility	State	Rate	Number of Students	Current Number of Students	Amount Paid
Kids Peace National Centers, Inc.	PA	\$186.00	12	8	\$250,548.92
Leary Educational Foundation, Inc. dba Timber Ridge School	VA	\$172.68	18	10	\$266,663.44
Mended Reeds	OH	\$78.38	2	2	\$15,498.93
Mesabi Academy of Kids Peace	MN	\$156.00	1	0	\$19,500.00
National Deaf Academy, LLC	FL	\$150.00	1	0	\$5,250.00
New Hope Treatment Center, Inc.	SC	\$198.04	21	16	\$605,441.68
North Springs Behavioral Healthcare, Inc.	VA	\$200.00	0	0	\$0.00
Northland Community Schools, ISD 118	MN	\$132.93	0	0	\$0.00
Oak Ridge Treatment Center Acquisition, Corp.	OH	\$50.00	3	0	\$5,150.00
Pomegranate Health Systems of South Easter Ohio, Inc.	OH	\$90.78	11	8	\$107,090.14
Presbyterian Child Welfare Agency, Inc.	KY	\$94.76	0	0	\$0.00
Pressley Ridge	PA	\$88.00	0	0	\$0.00
Pyramid Healthcare, Inc	PA	\$93.42	0	0	\$0.00
Southwood Psychiatric Hospital	PA	\$135.00	13	5	\$181,395.00
Specialized Treatment Services	PA	\$123.35	3	3	\$36,634.80
Three Springs, Inc	AL	\$235.00	0	0	\$0.00
Woods Services, Inc	PA	\$237.83	2	2	109,401.80
UHS of Delaware, Inc.	TN	\$130.00	9	5	\$131,312.33
Total			230	131	\$3,309,314.81

*The above chart reflects the highest rate the out of state facility charges for special education services. Data in report as of September 21, 2007. Additional invoices may be received and approved.

West Virginia Students with Disabilities in Residential Facilities 2004-2007

The chart below shows a comparison over four years of daily rates, number of students served and expenditures paid by WVDE for the listed out-of-state facilities providing education services to West Virginia students with disabilities.

Out of State Facilities	FY 04 Rate	FY 05 Rate	FY 06 Rate	FY 07 Rate	FY 04	FY 05	FY 06	FY 07	FY 04 Paid	FY 05 Paid	FY 06 Paid	FY 07 Paid
Adelphoi Village, Inc.	\$49.15	\$52.74	\$59.00	\$60.18	7	6	3	5	\$10,175.05	\$25,473.42	\$6,018.00	\$22,461.02
AHS Cumberland Hospital LLC				\$150.00				1				\$16,650.00
Alternative Behavioral Services: The Pines	\$114.30	\$133.48	\$145.00	\$167.00	6	5	7	5	\$128,587.50	\$81,594.60	\$136,427.47	\$94,782.88
Apex Mental Health Services	\$41.65				1				\$10,329.20			
Barry Robinson Center	\$99.00	\$99.00	\$109.00	\$109.00	2	1	2	1	\$35,838.00	\$10,791.00	\$19,184.00	\$15,369.00
Bellefaire Jewish Childrens Bureau				\$375.00								
Boys Village, Inc.	\$120.00	\$145.00	\$150.80	\$155.32	2	3	1	2		\$72,935.00	\$26,540.80	\$52,808.80
Camelot School		\$85.00	\$85.00	\$170.00		2	4	11		\$8,670.00	\$52,785.00	\$108,381.00
Childhelp USA East				\$136.00				1				\$23,664.00
Children's Sanctuary, Inc.	\$70.00			\$70.25	1							
Cinnamon Hills Youth Crisis Center	\$104.04	\$104.04			1	1			\$26,633.44	\$8,323.20		
Coastal Harbor Treatment Center	\$40.00	\$125.00	\$125.00	\$130.00	4	2	3	6	\$41,030.00	\$13,750.00	\$6,875.00	\$91,520.00
Cornell Abraxas Group, Inc.	\$74.39	\$74.39	\$74.39	\$74.39	15	31	29	20	\$192,455.93	\$220,575.92	\$201,269.83	\$156,176.23
Cottonwood Treatment Center				\$345.00								
Devereux Foundation	\$154.11	\$154.11	\$165.00	209.88	12	14	12	11	\$478,441.22	\$330,781.77	\$337,741.19	\$293,591.11
Eckerd Youth Alternatives, Inc.	\$26.39	\$26.39	\$27.44	\$27.85	2	5	2	1	\$1,108.38	\$17,951.59	\$12,238.44	\$389.90
Education Alternatives		\$130.00				1				\$6,110.00		
Fairfield Academy		\$41.67	\$41.65	\$41.65		4	3	3		\$22,201.05	\$28,282.55	\$28,740.05
Fox Run Hospital	\$51.70	\$53.77	\$55.92	\$57.04	9	8	13	15	\$54,475.15	\$26,905.21	\$52,190.09	\$63,853.60
George Junior Republic in PA	\$59.04	\$63.17	\$67.59	\$73.71	15	18	22	26	\$170,303.69	\$105,888.43	\$143,041.26	\$184,583.68

OFFICE OF SPECIAL PROGRAMS
Out of State Grant Awards to Support IEP Placements
FY 2007

Awards Issued (Total funds available = \$300,000)
(Divided equally per semester between
counties submitting applications for reimbursement, or for amount of request, whichever is less.)

County	1st Semester	2nd Semester	Total
Grant	\$ 4,032.00	\$ 30,239.00	\$ 34,271.00
Nicholas	\$ 47,730.27	\$ 34,394.00	\$ 82,124.27
Jefferson	\$ 47,730.27	\$ 34,394.00	\$ 82,124.27
Berkeley	\$ 44,890.40	\$ 34,394.00	\$ 79,284.40
Ohio	\$ 5,617.06	\$ 16,579.00	\$ 22,196.06
TOTAL	\$ 150,000.00	\$ 150,000.00	\$ 300,000.00

Total County Expenses Reported/Awards Granted

County	SECT. B & C EXPENSES		Total OOS Costs	Total Award Amount		Remaining Balance
	1st Semester (Expenses per student)	2nd Semester (Expenses per student)		1st Sem	2nd Sem	
Berkeley	\$ 24,950.00	\$ 38,642.00	\$ 63,592.00			
Berkeley	\$ 14,734.40	\$ 33,151.80	\$ 47,886.20			
Berkeley	\$ 5,206.00	\$ 32,508.00	\$ 37,714.00	\$ 44,890.40	\$ 34,394.00	\$ 69,907.80
Grant	\$ 4,032.00	\$ 30,239.00	\$ 34,271.00	\$ 4,032.00	\$ 30,239.00	\$ 0.00
Nicholas	\$ 49,780.00	\$ 65,164.00	\$ 114,944.00	\$ 47,730.27	\$ 34,394.00	\$ 32,819.73
Jefferson	\$ 16,337.40	\$ 19,338.90	\$ 35,676.30			
Jefferson	\$ -	\$ 19,338.90	\$ 19,338.90			
Jefferson	\$ 5,525.80	\$ 19,338.90	\$ 24,864.70			
Jefferson	\$ 11,234.98	\$ 920.90	\$ 12,155.88			
Jefferson	\$ 22,012.00	\$ 25,194.00	\$ 47,206.00			
Jefferson	\$ 6,207.50	\$ -	\$ 6,207.50	\$ 47,730.27	\$ 34,394.00	\$ 63,325.01
Ohio	\$ 5,617.06	\$ 16,578.80	\$ 22,195.86	\$ 5,617.06	\$ 16,579.00	\$ (0.20)
Totals	\$ 165,637.14	\$ 300,415.20	\$ 466,052.34	\$ 150,000.00	\$ 150,000.00	\$166,052.74

Summary

While the number of students placed in out-of-state facilities remains consistent as in past years, the daily rates for special education services in the contracted out-of-state facilities in FY 07 were generally higher than in FY 06. Payments for educational services for eligible students placed by WVDHHR in out-of-state facilities for non-educational purposes for FY 07 totaled \$3,309,314.81. In addition, the WVDE provided \$300,000.00 (\$150,000 each semester) in assistance to districts for the costs incurred for students placed in out-of-state facilities by LEAs through the IEP process. Payments by districts for the remaining balances totaled \$166,052.34. The WVDE expenditures for special education services in out-of-state placements for FY 07 totaled \$3,609,314.81. Districts' expenditures totaled \$166,052.34. The total cost for educating students with disabilities in out-of-state facilities for FY 07 was \$3,775,367.15.*

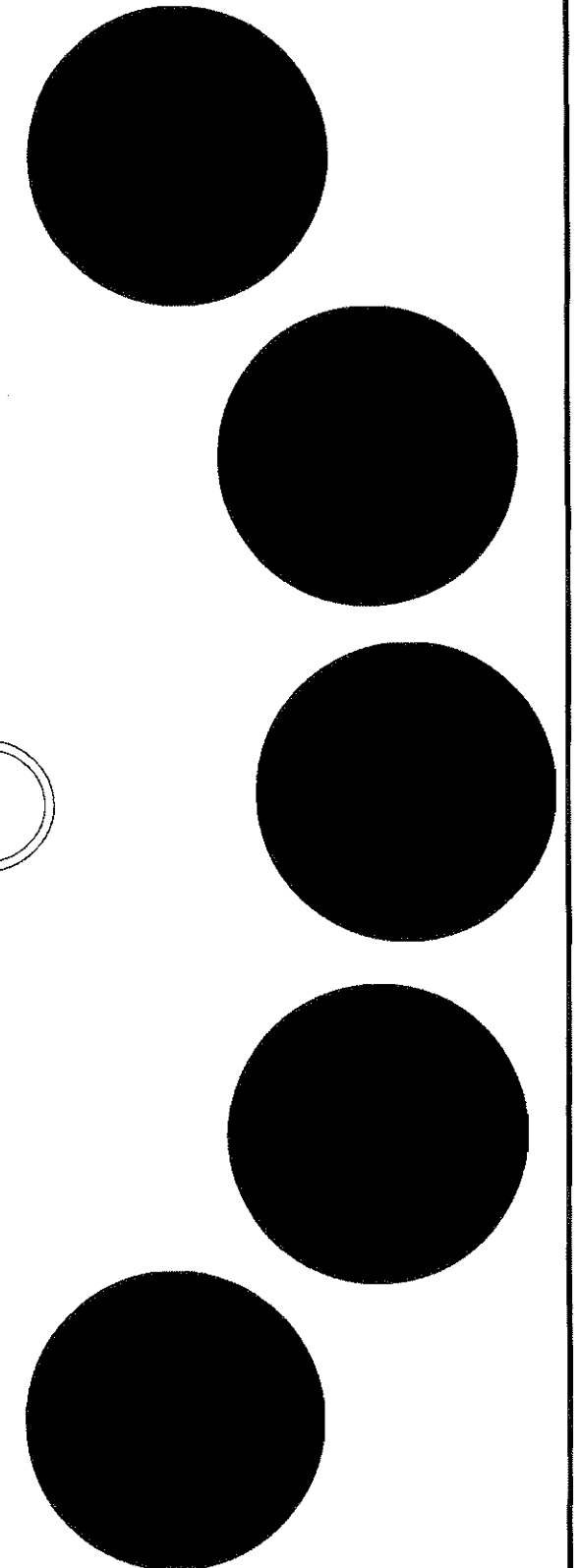
*Subject to increase with receipt of additional invoices.

West Virginia Students with Disabilities in Out-of-State Facilities

FY 07

Office of Assessment and Accountability

October 2007





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