

**West  
Virginia  
Students  
with  
Disabilities  
In  
Out-of-  
State  
Facilities  
Report  
FY11**

Office of Special Programs

September 2011

# **West Virginia Students with Disabilities in Residential Facilities Report to**

## ***Purpose***

The purpose of this report is to provide basic information regarding 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. This information is the compilation of financial reports by the Office of Special Programs (OSP) and the Office of Internal Operations (OIO).

## ***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 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 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 he reaches eighteen years of age or is discharged because he is no longer in need of care.

As the agency administering 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 in an out-of-state facility for non-educational purposes, who were eligible for special education services according to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and WV Board Policy 2419: *Regulations for the*

*Education of Exceptional Students and The West Virginia Procedures Manual for the Education of Students with Exceptionalities* prior to WVDHHR placement and who are receiving special education services under a current 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 WVDE, OSP now receives invoices for special education services, verifies the student eligibility, assures that the facility developed a new IEP or accepted a current IEP from WV and approves the invoices for payment. Finally, payment is made through the WV Auditor's Office under the authority of the contract.

The IDEA assigns to each state educational agency the general supervisory authority for ensuring educational services are provided to all eligible students with disabilities in accordance with federal and state statutes and regulations. In an effort to meet this requirement, the OSP has conducted on-site monitoring reviews of out-of-state facilities serving West Virginia special education eligible students.

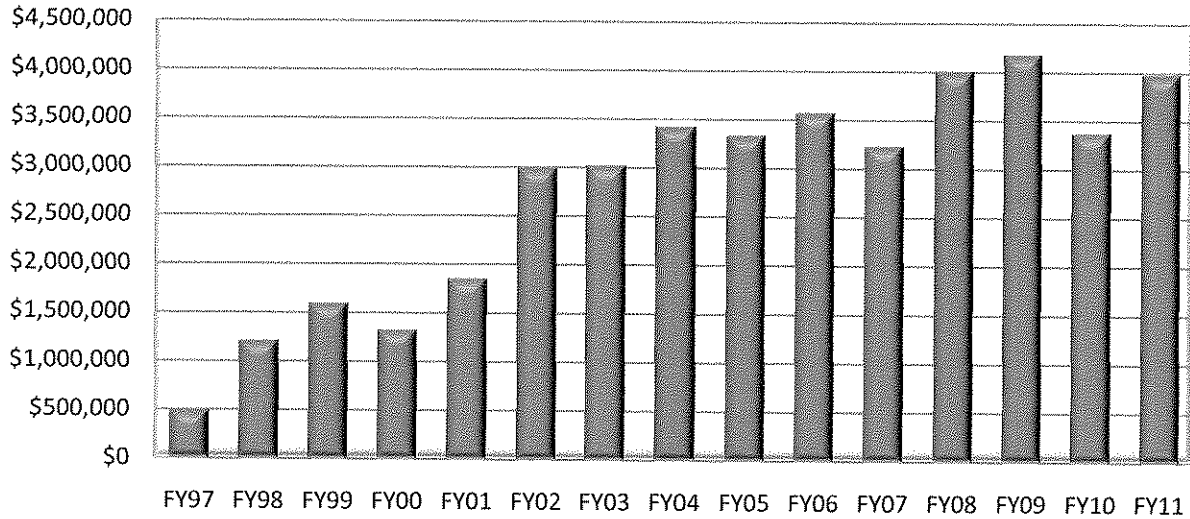
The monitoring process was initiated in April 2002 and continues through the efforts of the coordinators of monitoring in the OSP by visiting out-of-state facilities which provide educational services to special education students. A monitoring report is then issued following the on-site visit.

## West Virginia Students with Disabilities in Residential Facilities Expenditures 2011

The chart below includes information on the current out-of-state facilities which are serving WV eligible students with disabilities placed by WVDHHR. The number of 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.

Facility	Cost (as of 7-22-11)	
Adelphoi Village	\$ 60,354.62	
Barry Robinson	132,261.00	
Bellefair Jewish Children's Bureau	0.00	
Camelot	0.00	
Childhelp	213,005.00	
Cornell Abraxas	82,254.95	
Cottonwood	0.00	
Cumberland	0.00	
Devereux	365,206.70	
Necco Center	82,232.03	
Fairfield Academy	23,518.90	
Fox Run	0.00	<b>Closed</b>
George Jr. Republic	384,941.25	
Grafton	262,851.00	
Kids Peace	163,185.77	
Leary	787,409.50	
Liberty Point	29,750.00	
New Hope Carolinas	152,400.63	
North Spring	22,886.20	
Pomegranate	0.00	<b>Closed</b>
Southwood	103,390.00	
St. Elizabeth	30,082.56	
Summit Academy	7,699.50	
Transformation	20,363.20	
UHS of Delaware	153,100.00	
Laurel Heights	59,173.00	
UHS of Savannah	72,211.41	
<b>Grand Total</b>	<b>\$3,208,277.22</b>	

**WV Department of Education  
Invoices Paid for Students Placed in Out-of-State  
Fiscal Year 1997 through 2011**



**Invoices Paid by Fiscal Year**

FY97	\$491,323.08
FY98	\$1,210,837.31
FY99	\$1,593,688.64
FY00	\$1,321,605.40
FY01	\$1,854,138.50
FY02	\$2,994,093.06
FY03	\$3,021,642.61
FY04	\$3,421,851.09
FY05	\$3,338,084.36
FY06	\$3,573,157.95
FY07	\$3,232,936.53
FY08	\$4,008,369.83
FY09	\$4,176,464.00
FY10	\$3,372,000.00
FY11	\$3,977,000.00
<b>Total</b>	<b>41,587,192.36</b>

## **Out-of-State Facility Student Enrollment Table**

The following table illustrates the number of students with disabilities who have been placed by the WVDHHR over the last six (6) years. These students were receiving special education and related services prior to their placement for non-educational purposes and continued to receive special education services under an IEP in the out-of-state facility.

### **Out-of-State Student Enrollment**

Fiscal Year	Student Enrollment
FY06	432
FY07	336
FY08	313
FY09	370
FY10	276
FY11	274

Facility	State	Daily Educational Rate FY11	Daily Educational Rate FY12	Number of Students FY11	FY11 Expenditures as of 7-22-11 Cost	
Adelphoi Village	PA	74.42	*	5	60,354.62	
Barry Robinson	VA	109.00	109.00	6	132,261.00	
Bellefair Jewish Children's Bureau	OH	No Contract	*	0	0.00	
Bradley Center	PA	135.13	147.89	0	0.00	
Camelot	TN	130.00	*	0	0.00	
Childhelp	VA	145.00	145.00/160.00	11	213,005.00	ex. Therap.
Cleveland Heights University	OH	293.15	322.47	0	0.00	
Cornell Abraxas	PA	74.39	74.39/80.81	9	82,254.95	GE 55.00-59.93
Cottonwood	UT	110.00	110.00	0	0.00	
Cumberland	VA	172.66	*	0	0.00	
Devereux	PA	124.00-225.00	124.00-231.00	17	365,206.70	
Necco Center (ENA, Inc.)	OH	96.53-242.74	133.00/242.00	4	82,232.03	
Fairfield Academy	OH	47.90	50.30	3	23,518.90	
Fox Run	OH	Closed	Closed	0	0.00	<b>Closed</b>
George Jr. Republic	PA	47.00-112.00	97.50/113.25	30	384,941.25	178 day
Grafton	VA	200.00	225.00	9	262,851.00	ex.ac.eval
KidsPeace	PA	184.25/245.19	189.78/245.19	4	163,185.77	
Leary	VA	168.00	171.00	33	787,409.50	ex.SL,OT,PT
Liberty Point	VA	250.00	*	1	29,750.00	
New Hope Carolinas	SC	179.93	184.93-207.00	6	152,400.63	3 sites
North Spring	VA	210.00	215.00	1	22,886.20	
Pines RTC	VA	178.00/195.00	195.00	0	0.00	
Pomegranate	OH	Closed	Closed	0	0.00	<b>Closed</b>
Southwood	PA	135.00-140.00	*	6	103,390.00	
St. Elizabeth	MD	313.36	313.36	1	30,082.56	199 day school yr
Summit Academy	PA	52.86-132.75	50.57/98.14	6	7,699.50	F/M rates
Transformation	PA	114.40	120.00	1	20,363.20	
UHS of Delaware(Kidlink)	TN	150.00	150.00	11	153,100.00	
UHS Laurel Heights	GA	150.00	150.00	3	59,173.00	
UHS of Savannah (Coastal Harbor)	GA	157.00	165.00	3	72,211.41	
Village Network	OH	168.67	150.00	0	0.00	
Woods	PA	144.00/160.00	166.00	0	0.00	
<b>TOTAL</b>				<b>170</b>	<b>\$3,208,277.22</b>	

\*Contracts for FY12 are still in process

## **Students Placed by LEA in Out-Of-State Facilities Through the IEP**

West Virginia Board Policy 2419 provides that the 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 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 the selected private school or facility has approved status in the state in which it is located, meets the requirements of the IDEA and has 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 the education meets the standards which apply to education provided by the LEA or the private school or facility. The LEA must ensure 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 supports the LEAs through the state special education out-of-state funds. This support, however, does not cover the county's total cost for placing a student in an out-of-state facility. The following chart reflects the costs reported by the LEA and the support from WVDE.



**OFFICE OF SPECIAL PROGRAMS**  
**Out-of-State Grant Awards to Support IEP Placements**  
**FY2011**

Awards Issued: Total funds available = \$300,000  
 Funds were divided equally per semester between counties submitting applications for reimbursement, or for amounts of request, whichever was less.

	1st Semester	2nd Semester	Total
Berkeley	\$ 28,359.00	\$ 28,000.00	\$ 56,359.00
Hampshire	\$ 8,205.00	\$ 10,000.00	\$ 18,205.00
Hancock	\$ 28,359.00	\$ 28,000.00	\$ 56,359.00
Harrison	\$ 28,359.00	\$ 28,000.00	\$ 56,359.00
Jefferson	\$ 28,359.00	\$ 28,000.00	\$ 56,359.00
Nicholas	\$ 28,359.00	\$ 28,000.00	\$ 56,359.00
<b>TOTAL</b>	<b>\$ 150,000.00</b>	<b>\$ 150,000.00</b>	<b>\$ 300,000.00</b>

\$150,000.00	Available for 1st semester	\$150,000.00	Available for 2nd Semester
\$ (8,205.00)	Hampshire	\$ (10,000.00)	Hampshire
\$141,795.00	Balance/ by remaining counties (5)	\$140,000.00	Balance / by remaining counties (5)
/5		/5	
\$ 28,359.00	Each, remaining 5 counties (Berkeley, Hancock, Harrison, Jefferson & Nicholas)	\$ 28,000.00	Each, remaining 5 counties (Berkeley, Hancock, Harrison, Jefferson & Nicholas)

**Expenses Reported/Awards Granted**

County	SECT. B & C EXPENSES		Total Award Amount		Balance
	1st Semester	2nd Semester	1st Sem	2nd Sem	Remaining Unfunded
	(Expenses per student)	(Expenses per student)			
Berkeley	\$ 24,822.50	\$ 30,015.00			
Berkeley	\$ 23,873.75	\$ 29,670.00			
Berkeley	\$ -	\$ 19,487.50	\$ 28,359.00	\$ 28,000.00	\$ 71,509.75
Hampshire	\$ 8,205.00	\$ 10,000.00	\$ 8,205.00	\$ 10,000.00	\$ -
Hancock	\$ 12,170.00	\$ 10,020.00			
Hancock	\$ 21,965.00	\$ 20,040.00	\$ 28,359.00	\$ 28,000.00	\$ 7,836.00
Harrison	\$ 53,780.36	\$ 61,810.80	\$ 28,359.00	\$ 28,000.00	\$ 59,232.16
Jefferson	\$ 21,160.00	\$ 23,895.00			
Jefferson	\$ 20,297.50	\$ 22,901.25			
Jefferson	\$ 17,407.59	\$ 17,931.91			
Jefferson	\$ 20,522.00	\$ 24,098.17			
Jefferson	\$ 20,355.00	\$ 22,428.75	\$ 28,359.00	\$ 28,000.00	\$ 154,638.17
Nicholas	\$ 53,244.00	\$ 80,359.00	\$ 28,359.00	\$ 28,000.00	\$ 77,244.00
Totals	\$ 297,802.70	\$ 372,657.38	\$ 150,000.00	\$ 150,000.00	\$ 370,460.08

## **Summary**

While the number of students placed in out-of-state facilities by WVDHHR has begun to decrease, the daily rates for special education services in the contracted out-of-state facilities in FY11 were generally higher than in FY10. Invoices received for educational services for eligible students placed by WVDHHR in out-of-state facilities for non-educational purposes for FY10 totaled \$3,372,000.00\*. In addition, the WVDE provided \$300,000.00, at \$150,000.00 per 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 \$370,460.08. LEA expenditures totaled \$670,460.08. The total cost for educating students with disabilities placed by WVDHHR and LEAs in out-of-state facilities for FY 11 was \$4,042,460.08\*.

\*Subject to increase with receipt of additional invoices.