



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

Report • FY13

Office of Special Programs
West Virginia Department of Education



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2013-2014**

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WEST VIRGINIA STUDENTS WITH DISABILITIES IN OUT-OF-STATE RESIDENTIAL FACILITIES ANNUAL REPORT • FY13

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 West Virginia Department of Education (WVDE), 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 with disabilities placed by WVDHHR in out-of-state facilities for non-educational purposes, 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 placing agency, WVDHHR has the financial responsibility for the 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 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. A new agreement signed September 9, 2012, addresses eligible students who were placed by WVDHHR in an out-of-state facility for non-educational purposes, and 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 placements 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 develops a new IEP with collaboration from the LEA 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 (SEA) 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. The educational monitoring of out-of-state facilities began April 2002 by the WVDE. In 2012, an interagency team, WVDE and WVDHHR developed the Interagency Consolidated Monitoring Manual, which describes the procedures to thoroughly and consistently monitor out-of-state facilities serving WV students to ensure appropriate treatment and educational services are being provided in a safe environment.

The team representing the WVDE and WVDHHR conducts on-site reviews of facilities out-of-state that are providing services for WV students. The goal is to identify facilities having demonstrated success in promoting positive growth and expected outcomes for students as defined within the West Virginia Out-of-State Facilities Standards. If the WVDE or the WVDHHR identifies deficiencies that would cause sanctions to be imposed, either agency will honor those sanctions. An interagency monitoring report is issued within 30 days from the on-site visit.

The interagency team (WVDE and WVDHHR) developed a Remote Assessment Process to review up to an additional five (5) facilities through a Desk Audit for the 2013-2014 school year. The Remote Assessment Procedures are included in Appendix B of the West Virginia Interagency Consolidated Monitoring Manual of Out-of-State Residential Facilities.

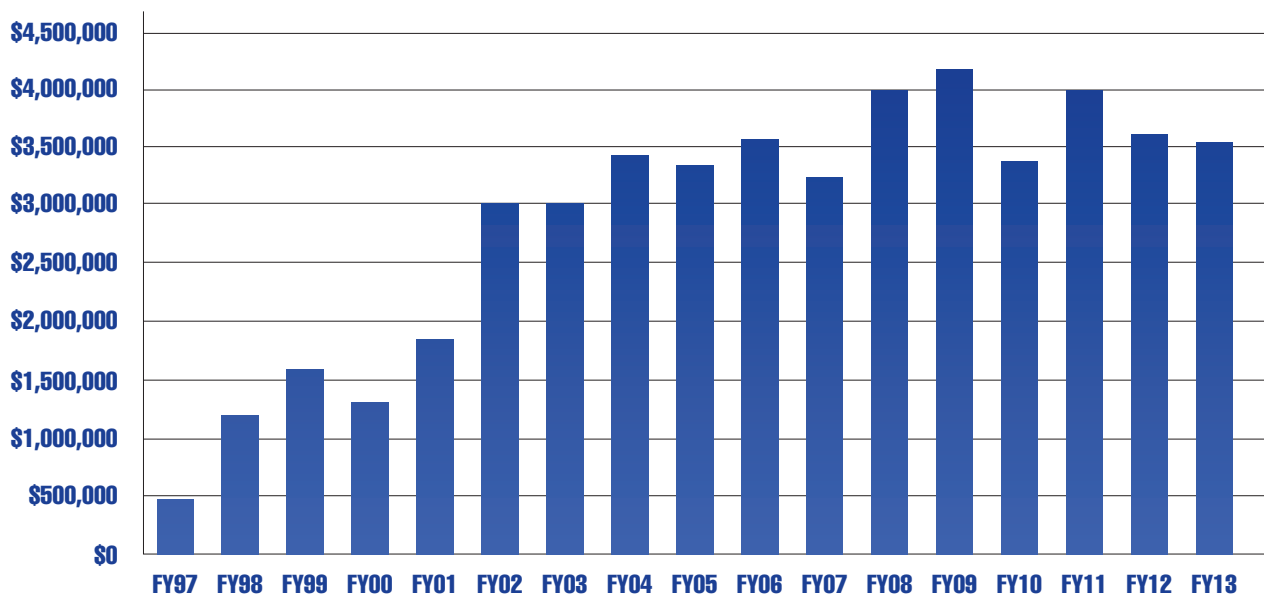
WEST VIRGINIA STUDENTS WITH DISABILITIES IN RESIDENTIAL FACILITIES EXPENDITURES • 2013

The chart below includes information on the current out-of-state facilities serving WV eligible students with disabilities placed by the 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, length of court sentencing and the number of times a student is transferred from one facility to another. The total number of students in each facility will not be reflected in the total number of students placed. Some students are moved from one facility to another whereby they are counted more than once. Other students may be in a facility temporarily or for a short term placement for evaluation where they may not be receiving special education services.

Out-of-State Facility	Cost (as of 9-9-13)	Number of Students
Adelphoi Village	\$34,933.05	12
UHS of Delaware, Inc. Alabama Clinical Schools	\$25,050.00	2
Barry Robinson Center	0	1
Bellefaire Jewish Children's Bureau	0	2
Childhelp USA	\$96,425.00	6
Cornell Abraxas Group, Inc.	\$116,958.24	21
UHS of Delaware, Inc. Cottonwood	\$18,480.00	2
Cumberland Hospital	0	3
Devereux Foundation	\$417,852.77	19
ENA, Inc. dba Neco Center	\$11,039.00	1
Fairfield Academy, LTD	\$43,835.50	3
George Junior Republic in PA	\$521,352.25	55
Grafton Schools	\$408,225.00	13
UHS of Delaware, Inc. Gulf Coast Preparatory School	0	2
UHS of Delaware, Inc. Hopewell Area School District	\$7,525.00	2
UHS of Delaware, Inc. Keystone Continuum dba Cedar Grove	\$109,050.00	4
UHS of Delaware, Inc. Keystone Richland Center, LLC dba Foundations For Living	\$67,800.00	4
Kids Peace National Centers, Inc.	\$58,897.47	8

Out-of-State Facility	Cost (as of 9-9-13)	Number of Students
Leary Educational Foundation dba TimberRidge School	\$520,883.57	26
Liberty Point Healthcare	\$192,250.00	7
UHS of Delaware, Inc. Mountain Youth Academy	\$76,350.00	4
UHS of Delaware, Inc. Natchez Trace Youth Academy	\$7,500.00	3
National Deaf Academy	\$96,975.00	3
New Hope Carolinas, Inc.	\$37,501.10	2
UHS of Delaware, Inc. Newport News Behavioral Health Center	0	4
North Spring Behavioral Healthcare, Inc.	\$26,445.00	7
Southwood Psychiatric Hospital	\$21,465.00	5
Summit Schools, Inc.	0	7
UHS of Delaware, Inc. Tennessee Clinical Schools, LLC. dba Hermitage Hall	\$197,950.00	11
The Bradley Center	\$257,453.64	22
The Glen Mills Schools, Inc.	0	1
UHS of Savannah dba Coastal Harbor Treatment Center	\$144,540.00	12
Woodward Academy	\$27,500.00	2
Youth Educational Services of PA, LLC	0	3
Other Facilities (WVDE does not have a contract/does not offer special education services)	0	1
Total	\$3,544,236.59	280

WV DEPARTMENT OF EDUCATION INVOICES PAID FOR STUDENTS PLACED IN OUT-OF-STATE, FISCAL YEARS 1997 THROUGH 2013



Note: Represent invoices paid in a year not the services provided in a year.

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
FY12	\$3,609,048.45
FY13	\$3,544,236.59
Total	\$48,740,477.40

OUT-OF-STATE FACILITY STUDENT ENROLLMENT TABLE

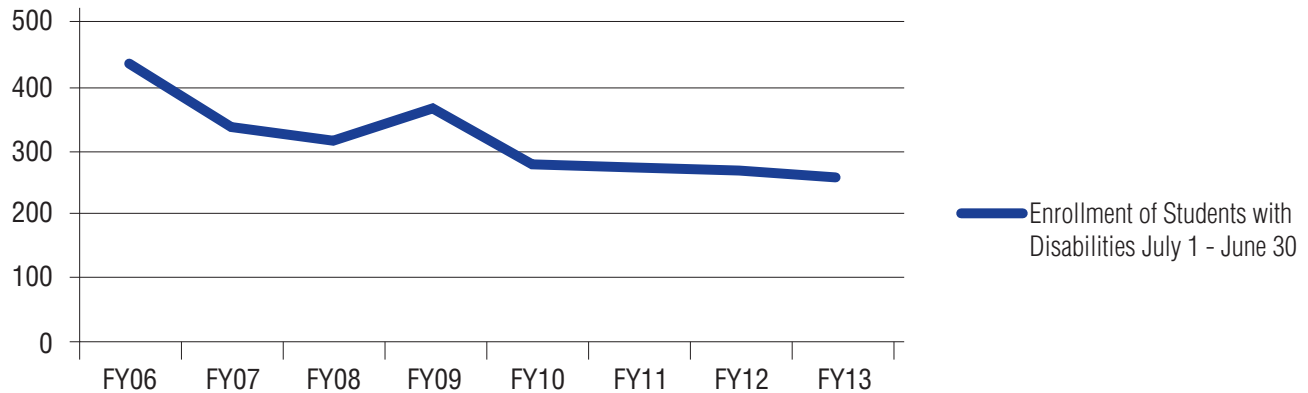
The following table illustrates the number of students with disabilities who have been placed by the WVDHHR over the last eight (8) years. These students were receiving special education and related services in LEAs prior to their placement for non-educational purposes and continued to receive special education services under an IEP in the out-of-state facility. Several students were placed in facilities in which the WVDE does not have a contract or in facilities that did not provide special education services. Two (2) students were placed in an out-of-state facility, returned to WV and placed OOS again in the same school year.

Fiscal Year	Student Enrollment
FY06	432
FY07	336
FY08	313
FY09	370
FY10	276
FY11	274
FY12	271
FY13	280

Facility	State	Daily Educational Rate FY13	Daily Educational Rate FY14	Additional Expenditures
Adelphoi Village	PA	\$78.15	\$80.10	
Barry Robinson Center	VA	\$109.00	\$129.00	
The Bradley Center	PA	\$155.28	\$155.28	
Childhelp USA	VA	\$145.00/\$160.00	\$145.00	Therapies billed separate.
Bellefaire Jewish Children's Bureau	OH	\$425.00	\$425.00	
Cornell Abraxas Group, Inc.	PA	\$79.24	\$79.24	
USH of Delaware, Inc. (Cottonwood)	UT	\$120.00	*	
Devereux Foundation	PA	\$155.00/\$236.00	\$155.00/\$242.00	
ENA, Inc. dba Necco Center	OH	\$133.00/\$242.00	*	
Fairfield Academy, LTD	OH	\$63.00	\$63.00	
George Jr. Republic in PA	PA	\$98.50/\$114.25	\$86.30/\$105.00	
The Glen Mills Schools, Inc.	PA	\$34.65/\$114.74	\$36.05/\$116.45	
Grafton Schools	VA	\$225.00	\$236.25	Therapies billed separate.
USH of Delaware, Inc. (Hopewell Area School District)	PA	\$175.00	\$175.00	
Kids Peace National Centers, Inc.	PA	\$245.19	*	
Leary Educational Foundation dba TimberRidge School	VA	\$173.57	\$176.17	Therapies billed separate.
Liberty Point Healthcare	VA	\$250.00	\$250.00	
National Deaf Academy	FL	\$225.00	\$225.00	
New Hope Carolinas, Inc.	SC	\$184.93/206.05/\$207.00	\$184.93/206.05/207.00	
North Spring Behavioral Healthcare, Inc.	VA	\$215.00	\$215.00	
Ramey-Estep Homes, Inc.	KY	\$100.00	\$100.00	
Southwood Psychiatric Hospital	PA	\$135.00/\$140.00	*	
Summit Schools, Inc.	PA	\$101.67	\$101.67	
UHS of Delaware, Inc. (Alabama Clinical Schools)	TN	\$150.00	*	
Cumberland Hospital	VA		\$195.00	
UHS of Delaware, Inc. (Gulf Coast Preparatory School)	FL	\$150.00	*	
UHS of Delaware, Inc. Keystone Coninum dba Cedar Grove	TN		\$150.00	
UHS of Delaware, Inc. Keystone Richland Center, LLC dba Foundations for Living	OH		\$150.00	
UHS of Delaware, Inc. (Mountain Youth Academy)	TN		*	
UHS of Delaware, Inc. (Natchez Trace Youth Academy)	TN		\$150.00	
UHS of Delaware, Inc. (Newport News Behavioral Health Center)	VA		\$175.00/\$325.00	
UHS of Delaware, Inc. (Rock River)	IL	*	*	
UHS of Delaware, Inc. Tennessee Clinical Schools, LLC. dba Hermitage Hall	TN		\$150.00	
UHS of Savannah dba Coastal Harbor Treatment Center	GA	\$165.00	\$165.00	
Woodward Academy	IA	\$100.00	\$100.00	
Youth Educational Services of PA, LLC	PA	\$115.99	\$270.81/\$271.45	
Other Facilities				

*Contract not submitted as of 9-9-2013 for WVDE approval.

OUT-OF-STATE STUDENT ENROLLMENT OF STUDENTS WITH DISABILITIES



An out-of-state facility is any residential child care facility not within the borders of WV. The districts within the northern and eastern panhandles of WV have out-of-state facilities within 50 miles of the WV border. The chart below represents the number of students with disabilities from the Northern and Eastern panhandle placed in out-of-state facilities at the point-in-time child count.

Northern Panhandle				
Point in Time Child Count	Brooke	Hancock	Marshall	Ohio
2012-2013	4	3	4	10
2011-2012	2	5	2	11
2010-2011	3	3	2	10
2009-2010	2	2	3	9

Eastern Panhandle					
Point in Time Child Count	Berkeley	Hampshire	Jefferson	Mineral	Morgan
2012-2013	18	5	5	6	6
2011-2012	21	6	6	4	8
2010-2011	22	9	5	2	8
2009-2010	19	7	11	3	3

Percentage of Out-of-State Placements from the Northern and Eastern Panhandles

- 2012-2013: $61/131=47\%$
- 2011-2012: $65/125=52\%$
- 2010-2011: $64/126=51\%$
- 2009-2010: $59/163=36\%$

AVAILABLE FUNDING SOURCES FOR STUDENTS PLACED IN OUT-OF-STATE FACILITIES BY WVDHHR

LEAs have been paying a significant portion of the expense to educate students who are placed by WVDHHR in out-of-state facilities for non-educational reasons. Beginning with FY12, LEAs were instructed to enroll the students with disabilities placed out of state in WVEIS in order to access the state aid per pupil funds. LEAs could access additional funds for these students through the High Cost and High Acuity Reimbursement Application process.

Costs assessed to LEAs were based on the number of students in out-of-state placements who were listed on the August 2012 Facts Report from WVDHHR. This provided a point-in-time child count. The following is a summary of the final cost to LEAs, provided they enrolled students and applied for reimbursement:

LEA assessed cost per OOS student affecting FY12 special education state aid.	\$18,800.00
State aid received per enrolled student.	\$4,200.00
High Cost/High Acuity Reimbursement received per application.	(approximately) \$7,750.00
Actual cost to LEAs per OOS student	\$ 6,850.00

The out-of-state child count affecting FY13 state aid was 118 as reported on the October 1, 2012 point-in-time Child Count. Funds totaling \$2,218,400.00 were subtracted from the LEA special education state aid. Four LEAs lost their entire special education state aid funding, which did not cover the total amount owed and paid an additional \$293,236.00 from other state and local funds.

Cost for OOS Students with Disabilities		Reimbursement Available	
LEA special education state aid funds (based on OOS enrollment 10-1-12 118 X \$18,800.00 =\$2,218,400.00	\$1,925,164.00 (available)	State aid (based on OOS students enrolled at 2nd month on 10-1-12, 118 X \$4200.00)	\$550,200.00
Other LEA state/local funds paid by 5 LEAs to cover cost of OOS	\$293,236.00 (LEAs added)		
WVDE federal/state funds	\$1,325,836.59	High Cost/High Acuity Reimbursement Grant (federal/state funds)	\$632,284.00 Requested reimbursement
Total expenses paid in FY13 (as of 9-10-13)	\$3,544,236.59	Total reimbursement available to LEAs	\$1,170,200.00

The second month point-in-time (October 1, 2012) child count has been used to assess cost to LEAs for the next fiscal year. The second month child count reduces the following year's special education state aid.

PROJECTED COST - FY14

Individual Child Placed:

Amount charged to districts per child based on FY13 expenditures	\$16,811.00 (FY14)
Average amount received per child from 2nd month report	\$4,200.00 (FY13)
Projected amount to be received from High Cost-High Acuity Grant (approximately)	\$7,750.00 (FY14)
Net amount available to districts	\$11,950.00
Net difference paid by district per child	\$4,711.00

District	Students placed out-of-state FY13	State Allocation Reduction FY14	*Second Month Child Count for State Funds FY14	**High Cost/High Acuity FY14 (approx)	Total Recouped	Total Paid by Districts
Barbour	1	16,811	0	-	0	16,811
Berkeley	18	302,598	76,500	162,750	239,250	63,348
Boone	3	50,433	4,200	15,500	19,700	30,733
Braxton	1	16,811	0	-	0	16,811
Brooke	4	67,244	0	0	0	67,244
Cabell	6	100,866	4,250	23,250	27,500	73,366
Calhoun	1	16,811	0	7,750	7,750	9,061
Fayette	2	33,622	0	0	0	33,622
Hampshire	5	84,055	21,250	31,000	52,250	31,805
Hancock	3	50,433	12,750	0	12,750	37,683
Harrison	7	117,677	8,500	38,750	47,250	70,427
Jefferson	5	84,055	21,250	0	21,250	62,805
Kanawha	7	117,677	12,750	7,750	20,500	97,177
Lincoln	2	33,622	0	-	0	33,622
Logan	1	16,811	0	-	0	16,811
Marion	2	33,622	8,500	-	8,500	25,122
Marshall	4	67,244	12,750	15,500	28,250	38,994
Mercer	6	100,866	21,250	31,000	52,250	48,616
Mineral	6	100,866	8,500	0	8,500	92,366
Mingo	1	16,811	4,200	7,750	11,950	4,861
Monongalia	5	84,055	17,000	0	17,000	67,055
Monroe	1	16,811	0	7,750	7,750	9,061
Morgan	6	100,866	25,500	62,000	87,500	13,366
McDowell	1	16,811	0	7,750	7,750	9,061
Nicholas	2	33,622	8,500	23,250	31,750	1,872
Ohio	10	168,110	38,250	62,000	100,250	67,860
Preston	3	50,433	0	0	0	50,433
Putnam	1	16,811	4,200	15,500	19,700	***2,889
Raleigh	3	50,433	12,750	54,250	67,000	***16,567
Randolph	3	50,433	12,750	-	12,750	37,683
Roane	2	33,622	8,500	7,750	16,250	17,372
Tyler	1	16,811	0	-	0	16,811
Upshur	3	50,433	8,500	0	8,500	41,933
Wayne	1	16,811	4,200	7,750	11,950	4,861
Wirt	1	16,811	4,200	-	4,200	12,611
Wood	1	16,811	0	15,500	15,500	1,311
Wyoming	1	16,811	4,200	-	4,200	12,611
OIEP	1	16,811	0	-	0	16,811

*A zero indicates the district did not enroll OOS the assigned students there were students, therefore, the district was unable to recoup any state funds for the 2nd Month Child Count.

**High Cost/High Acuity Grants are based on the number of students placed out-of-state from the previous year (FY12) and districts apply for reimbursement. A zero indicates a district was eligible to apply for reimbursement, however, an application was not submitted or the application did not include the required documentation. A dash indicates a district did not had students placed out-of-state the previous year at the point-in-time child count; therefore, they will not be eligible for reimbursement until the next year.

***For the specific calculation, the appearance is the district recouped more funds than were paid out in the given year. When taking into consideration funds were withheld one year and reimbursed in two separate years, in actuality a district did not recoup more funds than were paid out.

STATES SERVING WEST VIRGINIA STUDENTS IN TREATMENT FACILITIES

State	Number of Students
Alabama	2
Florida	23
Georgia	11
Illinois	1
Iowa	2
Ohio	10
Pennsylvania	152
South Carolina	2
Tennessee	21
Virginia	66
Utah	2
Other (No facility listed)	1

These numbers represent the number of students who attended each facility. Many students have been transferred to more than one facility within the same school year.

HIGHEST OUT-OF-STATE PLACEMENTS

Out-of-State Facility	Number of Students	State
George Junior Republic of PA	53	PA
Leary Educational Foundation dba TimberRidge School	26	VA
The Bradley Center	22	PA
Cornell Abraxas Group, Inc.	21	PA
Devereux Foundation	20	FL/GA/PA

STUDENTS PLACED BY LEA IN OUT-OF-STATE FACILITIES BY THE IEP TEAM

West Virginia Board Policy 2419: Regulations for the Education of Students with Exceptionalities 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 placing agency, 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, may 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 FY13

Awards Issued: Total funds available = \$300,000.00

Funds were divided equally per semester between counties submitting applications for reimbursement, or for amounts of request, whichever was less.

County	1st Semester	2nd Semester	Total
Berkeley	\$ 42,014.00	\$ 27,087.50	\$ 69,101.00
Grant	\$ 19,777.00	\$ -	\$ 19,777.00
Hancock	\$ 21,175.00	\$ 19,375.00	\$ 40,550.00
Hampshire	\$ 25,020.00	\$ 22,275.00	\$ 47,295.00
Harrison	\$ 42,014.00	\$ 27,087.50	\$ 69,101.00
Jefferson	\$ -	\$ 27,087.50	\$ 27,087.50
Ohio	\$ -	\$ 27,087.50	\$ 27,087.50
TOTAL	\$ 150,000.00	\$ 150,000.00	\$ 300,000.00

EXPENSES REPORTED/AWARDS GRANTED

2013 Out of State Expenses Submitted & Reimbursed					
County	1st Semester (Expenses per student)	2nd Semester (Expenses per student)	Total Award Amount		Balance Remaining Unfunded
			1st Sem	2nd Sem	
Berkeley	\$28,470.00	\$26,730.00			
Berkeley	\$27,240.00	\$23,070.00			
Berkeley	\$138,539.84	\$152,467.20			
Berkeley	\$28,050.00	\$26,010.00			
Berkeley	\$29,790.00	\$28,140.00	\$42,014.00	\$27,087.50	\$439,405.54
Grant	\$19,776.95		\$19,777.00		
Hancock	\$21,175.00	\$19,375.00	\$21,175.00	\$19,375.00	
Hampshire	\$25,020.00	\$22,275.00	\$25,020.00	\$22,275.00	
Harrison	\$56,128.49	\$52,662.54	\$42,014.00	\$27,087.50	\$39,689.53
Jefferson		\$45,072.00			
Jefferson		\$26,610.00		\$27,087.50	\$44,594.50
Ohio		\$27,586.00		\$27,087.50	\$498.50
Totals	\$374,190.28	\$449,997.74	\$150,000.00	\$150,000.00	\$550,798.02

SUMMARY

The number of students with disabilities placed in out-of-state facilities by WVDHHR has decreased slightly, however, the daily rates for special education services in the contracted out-of-state facilities in FY13 were generally higher than in FY12. Invoices received for educational services for eligible students placed by WVDHHR in out-of-state facilities for non-educational purposes for FY13 totaled \$3,544,236.59*. 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 \$524,188.02. LEA expenditures totaled \$824,188.02. The total cost for educating students with disabilities placed by WVDHHR and LEAs in out-of-state facilities for FY13 was \$4,368,424.61*.

**Subject to increase with receipt of additional invoices.*



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