

SENATE FILE NO. SF0080

Educational services-juvenile placements.

Sponsored by: Senator(s) Devin, Hanes, Job, Schiffer and
Sessions and Representative(s) Hinckley and
Wasserburger

A BILL

for

1 AN ACT relating to education programs for court ordered
2 placements of children; specifying responsibility of the
3 department of education for education programs and services
4 available to children detained and placed by court;
5 accordingly clarifying role of school districts; requiring
6 use of Medicaid funds to the extent available; imposing
7 reporting duties upon the department; authorizing school
8 health programs under state medical assistance; providing
9 appropriations and authorizing positions; and providing for
10 an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 21-13-315(a) (intro), (b), (c) (ii),
15 (f) and by creating new subsections (n) and (o) and

1 42-4-103(a) by creating a new paragraph (xxix) are amended
2 to read:

3

4 **21-13-315. Costs of court ordered placement of**
5 **children in private residential treatment facilities, group**
6 **homes, day treatment programs and juvenile detention**
7 **facilities.**

8

9 (a) The department of family services shall establish
10 an account to pay residential and treatment costs excluding
11 educational and medical costs of court ordered placements
12 of children in private residential treatment facilities and
13 group homes located in Wyoming. Programs providing
14 education services including programs for children placed
15 in juvenile detention facilities and programs for children
16 with disabilities provided by a board of cooperative
17 educational services, shall except as provided under
18 subsection (n) of this section, bill the department of
19 education directly for educational costs of ~~court-ordered~~
20 these placements. In addition and except as provided under
21 subsection (n) of this section, costs of all educational
22 related services for children with disabilities, ~~and~~ costs
23 of education assessment for other children incurred as a
24 result of court order prior to any placement and the costs

1 of all educational services for children from the time of
2 detention through court disposition and placement including
3 any period of detention ordered by the court at the
4 disposition hearing, shall be billed directly to the
5 department of education. The department of family services
6 shall promulgate reasonable rules and regulations to
7 provide procedures for implementing subsection (m) of this
8 section. If the court rejects an in-state placement
9 recommendation of the predisposition report or
10 multidisciplinary team under W.S. 14-6-227, the court shall
11 enter on the record specific findings of fact relied upon
12 to support its decision to deviate from the recommended
13 disposition. No court shall order an out-of-state placement
14 unless:

15
16 (b) Except to the extent costs are covered under
17 subsection (n) of this section, the department of education
18 using federal or foundation funds, or both, shall pay for
19 the allowable education costs of municipal, circuit,
20 juvenile and district court ordered ~~placements~~ placement
21 and pretrial detention of children ~~residing~~ in private
22 treatment facilities and group homes where a fee is
23 charged, including court ordered placements in programs for
24 children with disabilities provided by a board of

1 cooperative educational services and the costs of all
2 educational services for children from the time of
3 detention through court disposition and placement. The
4 court shall immediately notify the department of education
5 of all placements and periods of detention ordered under
6 this section. No district shall be responsible for
7 educational programs and services of any child placed under
8 this section nor shall any district receive funds, either
9 directly or indirectly, from any facility or home receiving
10 payment under this section for providing education programs
11 and services to children placed and residing in the
12 facility or home. ~~but the~~ In addition, no district ~~may~~
13 shall count ~~the children~~ among its average daily membership
14 any child receiving educational programs and services under
15 this section. The department of education may contract with
16 school districts for the provision of educational programs
17 and services under this section. In addition, the juvenile
18 detention facility shall, in cooperation with the child's
19 school district of residency, develop and facilitate the
20 implementation of an educational plan designed to maintain
21 the child's education placement and to provide for the
22 transition of the child from the detention facility to the
23 district at the end of the detention period. The department
24 shall adopt reasonable rules and regulations prescribing

1 standards and setting forth allowable costs and
2 establishing a rate schedule for educational program
3 services funded under this section. Standards shall be
4 subject to W.S. 21-9-101 and 21-9-102 and rules and
5 regulations of the state board and shall be designed to fit
6 the unique populations of residential centers, group homes,
7 juvenile detention facilities, programs and services
8 provided by boards of cooperative educational services and
9 out of state placement facilities.

10

11 (c) Costs shall be billed monthly by the program
12 provider to:

13

14 (ii) Except to the extent costs are covered
15 under subsection (n) of this section, the department of
16 education for approved educational services specified under
17 subsection (b) of this section.

18

19 (f) Only group homes and residential treatment
20 facilities certified by the department of family services
21 are eligible to receive funding for residential and
22 treatment services under this section. Costs for education
23 services shall be paid by the department of education under
24 this section only if the educational program of the group

1 home, ~~or~~ residential treatment or juvenile detention
2 facility or the program provided by the board of
3 cooperative educational services meets the standards of
4 subsection (b) of this section and has been approved by the
5 department and the costs are not otherwise covered under
6 subsection (n) of this section. The department of family
7 services and the department of education shall provide the
8 courts with a list of approved facilities and services.
9 The court shall determine the parents' or the guardian's
10 contribution to the court ordered placement for all costs
11 excluding necessary education costs based on the parents'
12 or guardian's ability to pay as provided by W.S. 14-6-236.

13

14 (n) Prior to billing the department of education
15 under paragraph (c)(ii) of this section, program providers
16 shall bill the department of health for costs of approved
17 educational services covered under the school health
18 program under the Wyoming Medical Assistance and Services
19 Act pursuant to W.S. 42-4-103(a)(xxix).

20

21 (o) The department of education shall implement an
22 administrative reporting mechanism which accounts for and
23 tracks children placed under this section and receiving
24 educational services. The reporting shall provide the

1 length of time children are receiving services, the types
2 of educational services received and expenditures per child
3 including amounts expended under the school health program
4 under W.S. 42-4-103(a)(xxix). The reported information
5 shall be annually compiled and reported to the legislature
6 on or before December 31.

7
8 **42-4-103. Authorized services and supplies.**

9
10 (a) Services and supplies authorized for medical
11 assistance under this chapter include:

12
13 (xxix) Programs and services provided under the
14 school health program.

15
16 **Section 2.** W.S. 21-13-315(h) is repealed.

17
18 **Section 3.**

19
20 (a) In addition to W.S. 21-13-315(o) as amended under
21 section 1 of this act, the department of education, in
22 consultation with the legislative service office, shall
23 combine the information reported and collected under W.S.
24 21-13-305(o) with comprehensive information on the number

1 of children placed in residential treatment facilities,
2 group homes, day treatment and juvenile detention
3 facilities, programs for children with disabilities
4 provided by boards of cooperative educational services and
5 other facilities in which children are placed from the time
6 of detention through court disposition. In addition, the
7 report shall provide detailed information on the length of
8 time a child is placed in a facility or program, the
9 expenditures by the state on behalf of the child for
10 placement in the program or facility, the child's state of
11 residence, expenditures on behalf of the child for any
12 medical costs, and shall include placement and expenditures
13 for each child placed out of state. The department of
14 family services and the department of health shall provide
15 the department of education necessary information to
16 compile the reports required under this section and W.S.
17 21-13-315(o) as amended under section 1 of this act. The
18 compilation of information shall be compared to previous
19 expenditures for programs and services of children placed
20 under W.S. 21-13-315 and shall provide estimates of future
21 expenditures for these programs and services.

22

23 (b) The information collected and compiled under
24 subsection (a) of this section shall be assembled and

1 reported to the joint appropriations interim committee and
2 the joint education interim committee by December 1, 2005.

3

4 (c) Fifty thousand dollars (\$50,000.00) is
5 appropriated from the general fund to the department of
6 education to collect and assemble the information required
7 under this section.

8

9 **Section 4.**

10

11 (a) In addition to any other appropriation to
12 implement the medical assistance and services program,
13 there is appropriated to the department of health for
14 fiscal year 2004-2005 one hundred ninety thousand dollars
15 (\$190,000.00) from the school foundation program account
16 and two hundred sixty thousand dollars (\$260,000.00) from
17 federal funds to implement the Medicaid school health
18 program for children placed or detained by the court under
19 W.S. 21-13-315 for school year 2004-2005 as authorized
20 under section 1 of this act. The department of health
21 shall provide monthly reports to the state department of
22 education itemizing the total amount expended during the
23 previous month for programs and services under the school
24 health program.

1

2 (b) Three million two hundred fifty-two thousand
3 dollars (\$3,252,000.00) is appropriated from the school
4 foundation program account to the department of education
5 to supplement amounts available to the department for the
6 provision of educational programs and services to court-
7 placed children to the extent required under W.S.
8 21-13-315, as amended under section 1 of this act. For
9 purposes of this appropriation, juvenile detention
10 facilities shall be reimbursed at a daily rate not to
11 exceed seventy-five dollars (\$75.00) per child per day.
12 The appropriation under this subsection shall be for the
13 period commencing July 1, 2004, and ending June 30, 2006.

14

15 (c) Two hundred sixty-eight thousand dollars
16 (\$268,000.00) is appropriated from the general fund to the
17 department of education to fund two (2) additional full-
18 time positions necessary to carry out this act and to
19 monitor the quality and costs of education programs
20 provided to court placements.

21

22 **Section 5.** This act is effective July 1, 2004.

23

24

(END)