

ENROLLED ACT NO. 52, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

AN ACT relating to court ordered placements of children; requiring use of Medicaid funds to the extent available; imposing reporting duties upon the department of education; authorizing school health programs under state medical assistance; funding education programs for children placed in detention facilities; providing appropriations and authorizing positions; and providing for an effective date.

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

**Section 1.** W.S. 21-13-315(b), (c)(ii) and by creating a new subsection (n) and 42-4-103(a) by creating a new paragraph (xxix) are amended to read:

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

(b) Except to the extent costs are covered under subsection (n) of this section, the department of education using federal or foundation funds, or both, shall pay for the allowable education costs of juvenile and district court ordered placements of children residing in private treatment facilities and group homes where a fee is charged, including court ordered placements in programs for children with disabilities provided by a board of cooperative educational services. No district shall receive funds, either directly or indirectly, from any facility or home receiving payment under this section for providing education programs and services to children placed and residing in the facility or home, but the district may count the children among its average daily membership. The department of education shall adopt reasonable rules and regulations prescribing standards and allowable costs for

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educational program services funded under this section. Standards shall be subject to W.S. 21-9-101 and 21-9-102 and rules and regulations of the state board and shall be designed to fit the unique populations of residential centers, group homes, programs and services provided by boards of cooperative educational services and out of state placement facilities.

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

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

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

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

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

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

**Section 2.**

(a) The department of education shall account for and track children placed under W.S. 21-13-315 and receiving educational services. The reporting shall provide for the

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length of time children are receiving services, the types of educational services received and expenditures per child. The department of education, in consultation with the legislative service office, shall combine the information reported and collected under subsection (a) of this section with comprehensive information on the number of children placed in residential treatment facilities, group homes, programs for children with disabilities provided by boards of cooperative educational services and other facilities in which children are placed from the time of detention through court disposition, and shall examine cost efficient alternatives to residential and group home placements including day treatment and juvenile detention facilities. In addition, the report shall provide detailed information on the length of time a child is placed in a facility or program, the expenditures by the state on behalf of the child for placement in the program or facility, the child's state of residence, expenditures on behalf of the child for any medical costs, and shall include placement and expenditures for each child placed out of state. The court, the department of family services and the department of health shall provide the department of education necessary information to compile the reports required under this section and shall cooperate with and assist the department with data collection and study efforts. The compilation of information shall be compared to previous expenditures for programs and services of children placed under W.S. 21-13-315 and shall provide estimates of future expenditures for these programs and services.

(b) The information collected and compiled under subsections (a) and (b) of this section shall be assembled and reported to the joint appropriations interim committee and the joint education interim committee by December 1, 2004.

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

**Section 3.**

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

(b) For the fiscal year commencing July 1, 2004, and ending June 30, 2005 only, one million dollars (\$1,000,000.00) is appropriated from the school foundation program account to the department of education for the provision of educational programs and services to children placed in juvenile detention facilities commencing the day following the detention hearing. Programs shall be provided to those children medically capable of receiving educational programs. If the department determines funds appropriated are insufficient to fund all programs in accordance [with] this subsection, the department shall give priority to those children placed on an extended basis. Funds appropriated under this section shall not be

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expended for educational programs provided to those children placed under W.S. 21-13-315. The department shall collect information on children placed in detention facilities, educational services provided to these children and the costs of services provided to these children, which shall be included in the information and analysis contained within the information collected, compiled and reported under section 2 of this act.

(c) Two hundred sixty-eight thousand dollars (\$268,000.00) is appropriated from the general fund to the department of education to fund two (2) additional full-time positions necessary to carry out this act and to monitor the quality and costs of education programs provided to court placements. As required under section 2 of this act, the department of family services and the department of health shall cooperate with, assist and report to the positions authorized under this subsection as necessary to collect information and conduct the study required by this act.

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**Section 4.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk