



JOY HOFMEISTER

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT OF EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education

FROM: Joy Hofmeister

DATE: July 28, 2016

SUBJECT: Deregulation for an Educational Plan for Residential Treatment

Presented is a deregulation application for consideration of an educational plan for a residential treatment center, OAC 210:10-1-13, for the 2016-2017 school year. Approval is recommended.

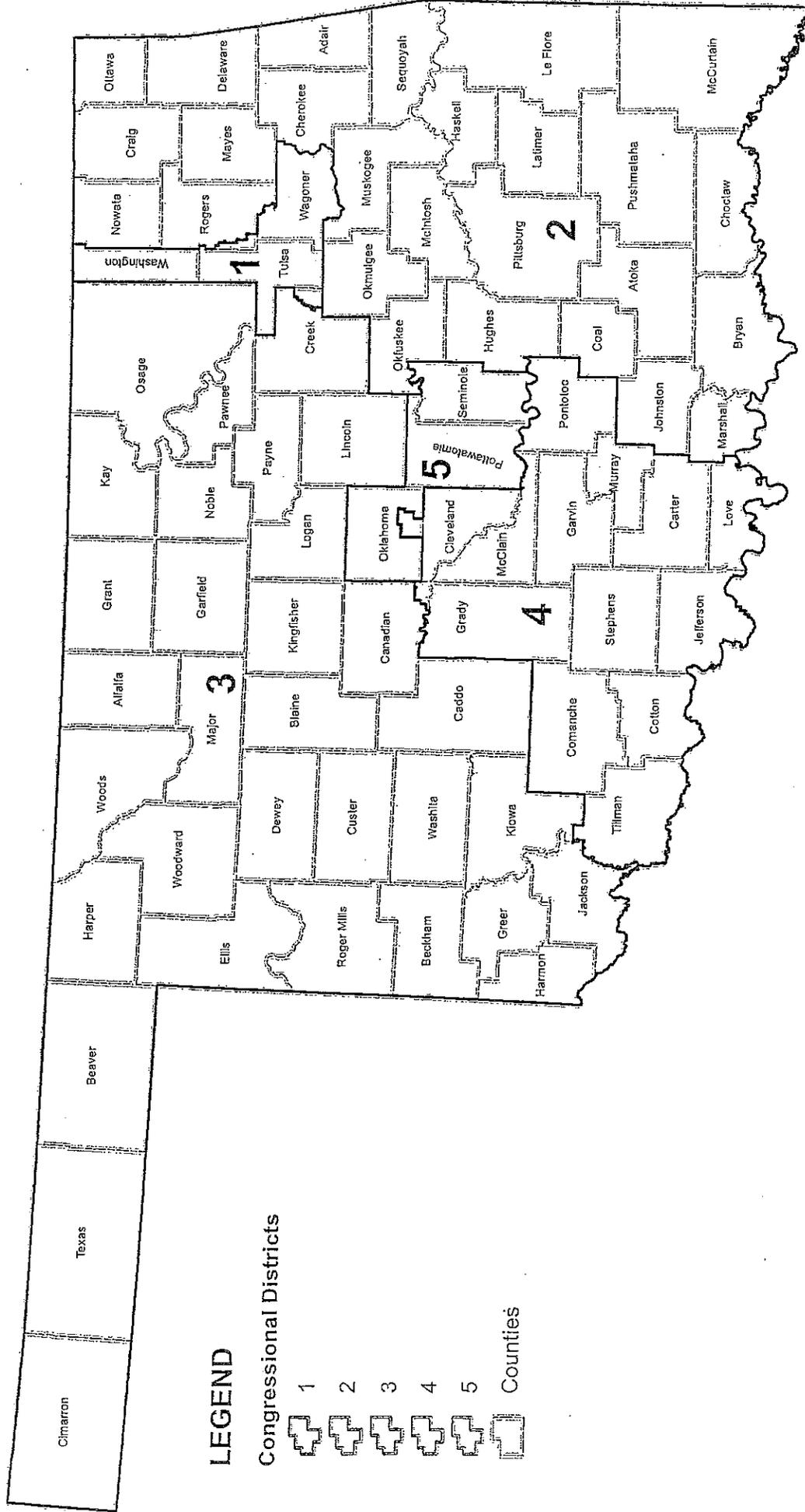
District	County	Alternative Means	Request Years
Byng	Pontotoc* (4)	Instructional time will be three hours a day with psychiatric therapy, individual and group the other half.	1

* The number in the County category represents the Congressional District.
See the attached map.

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Attachment

Oklahoma Congressional Districts 2012 - 2020 Elections



LEGEND

Congressional Districts

- 1
- 2
- 3
- 4
- 5
- Counties



N 0 25 50 100 Miles

OAC 210:35-31-7. Educational plans

- (a) As outlined by the Association for Ambulatory Behavioral Healthcare (AABH) in the STANDARDS AND GUIDELINES FOR PARTIAL HOSPITALIZATION: CHILD AND ADOLESCENT, 2ND EDITION and standards in the MEDICAL PROVIDERS-HOSPITAL SPECIFIC MANUAL, the day treatment program is responsible for formulating an individualized treatment plan which is to be reviewed on a routine basis and revised as needed. The treatment plan must include specific service strategies to deal with the manifest problems; it must have detailed plans to fully integrate the child in the home and community; and it must demonstrate collaboration with the educational system to reintegrate the child into the home school. These efforts should include communication and coordination with the various programs, agencies, parents/ guardians and school districts.
- (b) The educational plan shall be under the direction of the educational staff of the school and the treatment team. A procedure should be in place whereby the teacher(s) and/or other designated representatives of the school are provided the opportunity to communicate recommendations, participate in the planning and decisions for coordination between the educational plan and the treatment plan. The school shall have authority and responsibility for the educational plan.
- (c) The educational plan shall describe the appropriate curriculum, instructional time, and educational setting based on the individual needs of the child.
- (d) The educational plan shall be in effect no later than ten (10) days from enrollment.
- (e) The educational plan for eligible children with disabilities shall be in accordance with the IEP, as required by Federal regulations and State standards.
- (f) Students who are enrolled in the on-site educational services of the local school district shall have the same opportunities to receive schoolwide progress reports or grade cards and transcripts as other enrolled students in the district. Similarly, enrolled students shall have the same opportunities for admission, promotion, retention, graduation, proficiency based promotion, and high school equivalency certificates. (99)

EDUCATIONAL SERVICES IN RESIDENTIAL TREATMENT PROGRAMS

OAC 210:10-1-13. Educational services for children in residential care, treatment, or emergency shelter facilities

- (a) **Purpose**
These policies are for the purpose of establishing standards for the educational services for children placed in facilities which exist for the purpose of providing residential care, treatment (24-hour residential) or emergency shelter care.
- (b) **Facilities licensing/approval**
The facilities should be licensed or approved by the appropriate oversight state agency (i.e., Department of Human Services, Office of Juvenile Affairs, Department of Health, and Department of Mental Health and Substance Abuse Services). Such residential care or treatment facilities as juvenile detention centers, group homes, and emergency youth shelters will be included for these programs.
- (c) **Residency**
 - (1) Children placed in facilities such as an orphanage, eleemosynary (charitable) child care facility, in which a child is placed by the parent or guardian for full time residential care and attend a district school by joint agreement of the district or

- facility and are not placed in a facility through a state contract, are residents for school purposes of the school district where the facility is located. [70 O.S. § 1-113]
- (2) Children placed in facilities which are state operated institutions or who are temporarily in state-licensed or operated emergency shelters are residents for school purposes of the school district where the facility is located. [70 O.S. § 1-113]
 - (3) Children placed in a foster home, as defined at 10 O.S. § 402, except a therapeutic foster home or a specialized foster home voluntary placement, by the person or agency having legal custody pursuant to court order or by a state agency having legal custody are residents for school purposes of the school district where the foster home is located. [70 O.S. § 1-113]
 - (4) For youth who are placed in juvenile detention facilities, the district of residence for school purposes shall be the school district in which the parents, guardians, or person having legal custody holds legal residence. [70 O.S. § 1-113]
 - (5) When a child does not meet the criteria for residency provided in 70 O.S. § 1-113, subsection A, and is placed in a residential care facility or treatment program or center, including J.D. McCarty Center [63 O.S. 485.1], which is out of the child's home and not in the school district in which the child legally resides, the facility or program shall, if the child contends he or she resides in a district other than the district where the facility or program is located, within seven (7) days of admittance, notify the district in which the out-of-home placement or treatment is located of the admittance.

(d) **Contractual agreement for educational services**

A contractual agreement for the provision of educational services will be developed and signed by the chief executive officer of each agency or organization, or by the chairman of the governing board or board of directors of each licensed public or private agency, operating or supervision of residential care, treatment, or emergency shelter facilities.

- (1) Each individual or entity operating a residential facility or treatment program which requires provision of educational services from the school district, shall notify the local board of education of its anticipated educational needs, prior to location in a school district. No school district shall be required to provide educational services for residents of the facility or participants in the program until at least sixty (60) calendar days have elapsed from the time in which the local board of education was initially notified of the need unless the school district so agrees to provide the educational services sooner. [70 O.S. § 1-113]
- (2) Any state agency, letting grants or contracts for residential care or treatment facilities for children shall require as a condition of grants or contracts, documented assurance of appropriate provision of educational services. [10 O.S. § 2-7-305(C)]
- (3) The contractual agreement for educational services shall include the following as a minimum:
 - (A) Teacher certification requirements: Teachers shall be appropriately certified by the Oklahoma State Department of Education. For teacher certification purposes, a certified teacher who is qualified to teach in an accredited school district's educational services for a residential care or treatment facility may teach subjects in which the teacher does not hold certification. This shall only be valid upon application of a school district, offering on-site educational services in a residential or treatment facility, and approved by the State Department of Education, only for those purposes. [70 O.S. § 1210.567] The application for Accreditation or amended application shall serve as the district's application for these purposes. Original copies of the application and teacher certificates shall be

on file at the school district administration office and copies maintained at the building site level.

(B) Number of hours taught: The State Department of Education shall authorize, upon application by a school district, an abbreviated day schedule for the education provided for students in a residential care or treatment facility located within the district. [70 O.S. § 1210.567] The Application for Accreditation or amended application shall serve as the district's application for these purposes. Education services available shall be provided to children/youth no later than the tenth school day of admittance. Exception will be for cause in the interest of the child and documentation by recommendations of the attending licensed psychologists, psychiatrists, or physicians on the residential care or treatment staff.

(C) Adequacy of facilities: The residential care, treatment, or emergency shelter facilities shall provide and maintain areas appropriate for the school district to conduct the educational program pursuant to contractual agreement and shall be responsible for all services and costs associated with such services which are not directly related to education. Relevant safety and health standards shall be followed. Such facilities shall meet the accreditation standards of the State Board of Education for educational services and shall meet other existing standards which apply to facilities of residential care, treatment, or emergency shelter programs.

(D) Educational plans, including plans for transition in to regular school setting: Education plans for students shall describe the appropriate curriculum, instructional time, and setting for each child. The child should receive instruction in an appropriate setting based on the individual educational needs of the child and should progress toward a full school day (six hours) program.

(4) The State Department of Education shall provide a sample contract with standard or uniform provisions for use by school districts which provide education to students in such facilities or programs. Provision in the contract shall be designed to ensure an appropriate education to which a student is entitled in the most cost-efficient manner to the responsible school district and shall allow for local flexibility in funding and education arrangements. The cost for related services, therapies, treatments, or support services for eligible students shall be the responsibility of the facility unless otherwise agreed by the contractual parties or as otherwise specified in the IEP. Otherwise valid obligations to provide or pay for such services, such as Medicaid, shall remain in effect for children who are eligible from sources other than the school district. [70 O.S. § 1-113]

(e) Educational plans for residential care, treatment facilities, or emergency shelter facilities

(1) Each child/youth shall have his/her educational needs reviewed within five school days by a team of professionals to determine the educational needs of the student and to develop an educational plan which is consistent with state and federal laws and regulations. The education plan shall work toward integration of the student into the receiving school district.

(2) The professional team for the educational plan shall include a teacher or an appropriately qualified educator representative and be under the direction of personnel of the school district. A procedure must exist to permit team members to communicate their recommendations and other relevant information to the facility staff on a regular basis.

- (3) The educational plan shall be periodically reviewed and adjustments by the professional team made to ensure that the child is receiving appropriate educational opportunities at all times.
- (4) The educational plan shall describe the appropriate curriculum, instructional time, and setting for the child/youth. The child should receive instruction in an appropriate educational setting based on individual educational needs and should progress toward a full school day (six hours) program. The student's current grade level and/or ability should be considered.
- (5) The educational plan shall be implemented within ten days of enrollment.
- (6) The educational plans and educational services shall be provided under the supervision of a school district administrator.
- (7) The educational plan and individual student records for the educational services shall be maintained by the school district with proper protections for disclosure, including a procedure for expeditious exchange of education records to properly authorized persons, in accordance with the Family Education Rights and Privacy Act, and other relevant state and federal laws.
- (8) The educational plan shall be implemented in accordance with any procedural safeguards for eligible children with disabilities who require Individualized Education Programs (IEPs) under the Individuals with Disabilities Education Act (IDEA). The eligible student's school district of residence shall be notified immediately by the providing district upon finding that the eligible student requires special education and related services and notified as to the time, date and location of meetings for the purpose of planning the student's IEP and subsequent reviews. The facility may have a representative present at the IEP conference to advise the IEP team of any concerns or information the facility has to offer regarding the eligible student's educational needs and eligibility for related services. The facility and the providing district shall coordinate with the eligible student's school district of residence as necessary for the development of the IEP. [70 O.S. § 1-113]
- (9) Teachers shall be assigned for provision of educational services in accordance with the appropriate class size and teacher/student ratio.
- (10) The facility shall provide assistance in severe, disruptive situations and will provide supervision of out-of-classroom suspension, time-out, and detention during school and, when requested by the assigned education personnel, will intervene in matters of discipline, unless otherwise agreed to in the contract.

(f) State licensed or operated emergency shelters

The local school district is not required to enter into a contract with a residential care, treatment, or emergency shelter unless it is state licensed or state operated.

(g) Education to Students in Jail

- (1) Each school district in the state with a city, county, or state jail within the district's boundaries shall designate an employee or employees of the school district who will be responsible for overseeing the educational services to eligible juveniles identified by the facility. While incarcerated in a jail, the student shall be considered a resident of the school district where the jail is located.
- (2) Once an employee is designated by the school district that person shall immediately contact the individual in charge of the operation of the jail or jails within the boundaries of the school district and provide them with information regarding the requirements of this rule.
- (3) When a school district receives notification of the need for educational services from a facility incarcerating a juvenile, the school district shall provide the juvenile with an

SCHOOL SITE STATUTORY WAIVER/DEREGULATION APPLICATION

for 20 16 – 20 17 school year

Pontotoc County I016, Byng Public Schools
COUNTY SCHOOL DISTRICT

RECEIVED

JUN 16 2016

500 S. New Bethel, Ada, OK 74820
SCHOOL DISTRICT MAILING ADDRESS

ACCREDITATION
STATE DEPT OF EDUCATION

Byng Elementary, Junior High, High School/Anchor Residential Treatment Facility
NAME OF SITE

PRINCIPAL SIGNATURE* DATE

PRINCIPAL SIGNATURE* DATE

PRINCIPAL SIGNATURE* DATE

Todd Crabtree 580 310 6751
SUPERINTENDENT NAME (PLEASE PRINT)

todd.crabtree@byngschools.com
SUPERINTENDENT E-MAIL ADDRESS

[Signature] 6/15/2016
SUPERINTENDENT SIGNATURE* DATE

I hereby certify that this waiver/deregulation application was approved by our local board of education at the meeting on _____, 20____

BOARD PRESIDENT SIGNATURE*

NOTARY SEAL →

NOTARY DATE

COMMISSION EXPIRATION DATE

Statute/Oklahoma Administrative Code to be Waived:
(specify statute or OAC (deregulation) number: (see instructions))

*Original signatures are required. The attached questionnaire must be answered to process.**

** need to look over this*

SDE USE ONLY

PROJECT YEARS
 _____ of _____

ENROLLMENT

_____ High School
 _____ Jr./Middle High
 _____ Elementary
 _____ **District Total**

DATE RECEIVED

70 O.S. _____
 OAC 210:10-1-13
Educational plan for Residential Treatment