

SENATE FILE NO. SF0040

Court ordered placements-BOCES reimbursements.

Sponsored by: Senator(s) Anderson, J. and
Representative(s) Hammons

A BILL

for

1 AN ACT relating to court ordered placements; requiring
2 programs for children with disabilities provided by a board
3 of cooperative educational services to bill resident school
4 districts for costs of education programs as specified; and
5 providing for an effective date.

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

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9 **Section 1.** W.S. 21-13-315(a)(intro), (b), (c)(i),
10 (ii), by creating a new paragraph (iii), (f) and (n) is
11 amended to read:

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

1

2 (a) The department of family services shall establish

3 an account to pay residential and treatment costs excluding

4 educational and medical costs of court ordered placements

5 of children in private residential treatment facilities and

6 group homes located in Wyoming. Programs providing

7 education services ~~including programs for children with~~8 ~~disabilities provided by a board of cooperative educational~~9 ~~services,~~ shall bill the department of education directly10 for educational costs of court ordered placements. ~~In~~11 ~~addition,~~ Programs for children with disabilities provided12 by a board of cooperative educational services shall13 directly bill the school district in which the pupil14 resides for educational costs of court ordered placements.15 Costs of all related services for children with

16 disabilities and costs of education assessment for other

17 children incurred as a result of court order prior to any

18 placement, shall be billed directly to the department of

19 education. The department of family services shall

20 promulgate reasonable rules and regulations to provide

21 procedures for implementing subsection (m) of this section.

22 If the court rejects an in-state placement recommendation

23 of the predisposition report or multidisciplinary team

24 under W.S. 14-6-227, the court shall enter on the record

1 specific findings of fact relied upon to support its
2 decision to deviate from the recommended disposition. No
3 court shall order an out-of-state placement unless:

4
5 (b) Except to the extent costs are covered under
6 subsection (n) of this section and except for court ordered
7 placements in programs provided by a board of cooperative
8 educational services for children with disabilities, the
9 department of education using federal or foundation funds,
10 or both, shall pay for the allowable education costs of
11 juvenile and district court ordered placements of children
12 residing in private treatment facilities and group homes
13 where a fee is charged. ~~.7, including court ordered placements~~
14 ~~in programs for children with disabilities provided by a~~
15 ~~board of cooperative educational services~~ A school district
16 shall pay the educational costs of court ordered placements
17 in programs provided by a board of cooperative educational
18 services for children with disabilities only to the extent
19 the costs are not covered under subsection (n) of this
20 section. No district shall receive funds, either directly
21 or indirectly, from any facility or home receiving payment
22 under this section for providing education programs and
23 services to children placed and residing in the facility or
24 home, but the district may count the children among its

1 average daily membership. The department of education shall
2 adopt reasonable rules and regulations prescribing
3 standards and allowable costs for educational program
4 services funded under this section including those costs
5 for services billed directly to school districts. Standards
6 shall be subject to W.S. 21-9-101 and 21-9-102 and rules
7 and regulations of the state board and shall be designed to
8 fit the unique populations of residential centers, group
9 homes, programs and services provided by boards of
10 cooperative educational services and out of state placement
11 facilities.

12

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

15

16 (i) The department of family services account
17 for residential and treatment services; ~~and~~

18

19 (ii) Except to the extent costs are covered
20 under subsection (n) of this section, the department of
21 education for approved educational services specified under
22 subsection (b) of this section; ~~and~~

23

1 (iii) For a board of cooperative educational
2 services, except to the extent costs are covered under
3 subsection (n) of this section, the school district in
4 which the child with disabilities resides.

5
6 (f) Only group homes and residential treatment
7 facilities certified by the department of family services
8 are eligible to receive funding for residential and
9 treatment services under this section. Costs for education
10 services shall be paid by the department of education or a
11 school district under this section only if the educational
12 program of the group home or residential treatment facility
13 or the program provided by the board of cooperative
14 educational services meets the standards of subsection (b)
15 of this section and has been approved by the department.
16 The department of family services and the department of
17 education shall provide the courts with a list of approved
18 facilities and services. The court shall determine the
19 parents' or the guardian's contribution to the court
20 ordered placement for all costs excluding necessary
21 education costs based on the parents' or guardian's ability
22 to pay as provided by W.S. 14-6-236.

23

1 (n) Prior to billing the department of education
2 under paragraph (c)(ii) of this section or a school
3 district for a board of cooperative educational services
4 billing for court placements in programs for children with
5 disabilities under paragraph (c)(iii) of this section,
6 program providers shall bill the department of health for
7 costs of approved educational services covered under the
8 school health program under the Wyoming Medical Assistance
9 and Services Act pursuant to W.S. 42-4-103(a)(xxx).

10

11 **Section 2.** This act is effective July 1, 2009.

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(END)