

# HOUSE RESEARCH

## Bill Summary

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### Overview

Proposes changes in how children placed in care and treatment programs are educated.

#### Section

- 1 Eligible pupils.** Makes pupils admitted to a care and treatment program eligible to participate in the graduation incentives program.  
Makes this section effective for fiscal year 2014 and later.
- 2 Nonresident transportation.** Makes the resident district responsible for transporting a student placed in a day treatment program outside the resident district. Makes the providing district responsible for transporting a student placed in a residential program outside the resident district.  
Makes this section effective for fiscal year 2014 and later.
- 3 Transportation aid agreements.** Allows the resident and providing districts to enter into an agreement making the providing district responsible for transporting a student to a day treatment program.  
Makes this section effective for fiscal year 2014 and later.
- 4 Placement of children without disabilities; education and transportation.** Strikes language establishing responsibilities for providing instruction and transportation to a child without a disability who is temporarily placed for care and treatment in a day or residential program.

## Section

Makes this section effective for fiscal year 2014 and later.

- 5 Approval of education programs.** Directs the education commissioner, at the request of agency staff or a program provider, to approve or disapprove on-site education programs in residential programs, secure programs, and residential treatment programs that provide integrated education and treatment activities throughout the day, are licensed by the department of human services or the department of corrections, and conform to state and federal education laws.

Makes this section effective for fiscal year 2014 and later.

- 6 Full state payment.** Requires the state to pay each district the actual cost the district incurs in providing instruction and services for a homeless child who is temporarily placed in a care and treatment facility.

- 7 Children in care and treatment.** Cites sections 8 to 14 as the “Education in Care and Treatment Settings Act.”

- 8 Definitions.** (a) Declares that terms defined in this section have the meanings given them.

(b) Defines “care and treatment program” to mean a day treatment or residential program for a short period of up to 30 days or long period of more than 30 days.

(c) Defines “chemical dependency treatment services” to mean therapeutic and treatment services.

(d) Defines “correctional program services” to mean a program or activity using treatment services, consequences, and discipline to control or modify a child’s behavior.

(e) Defines “flexible school calendar” to mean an education program aligned with a care and treatment setting schedule and available throughout a 12-month period.

(f) Defines “mental health day treatment program” to mean a structured care and treatment program.

(g) Defines “mental health treatment services” to mean therapeutic services and activities to care for and treat a child’s mental illness.

(h) Defines “partial hospitalization” to mean a time-limited structures program of therapeutic services.

(i) Defines “providing district” to mean the school district or charter school in which the child’s care and treatment program is located.

(j) Defines “residential program” to mean a 24-hour per day program of care outside the child’s home.

(k) Defines “secure detention facility” to mean a physically restrictive facility used for the temporary care of a child pending court action.

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(l) Defines “shelter” to mean a licensed facility providing temporary safe placement for a child who cannot stay at home.

(m) Defines “subacute psychiatric care for persons under age 21” to mean short-term psychiatric services available to a child.

Makes this section effective for fiscal year 2014 and later.

## **9 Educating children in care and treatment programs.**

**Subd. 1. Education services required.** (a) Makes education services available to a child in a care and treatment program. Makes the providing district responsible for the education services.

(b) Requires a providing district to make education services available within three days. Gives the providing district four days to assess the child’s needs.

(c) Requires a district to provide regular education services to a child who does not receive special education services.

(d) Allows the school board of the providing district to enter into an agreement with the care and treatment program or facility for the providing of education services.

**Subd. 2. Commissioner approval.** Directs the commissioner, at the request of agency staff or a program provider, to approve or disapprove the education portion of an integrated education and residential treatment program provided in a facility licensed by the department of human services or the department of corrections.

**Subd. 3. Notice to resident district.** Requires the providing district to notify the resident district of a child’s placement within three days.

**Subd. 4. Coordinating a child’s transition to another district.** When discharging a child, requires the providing district to coordinate the discharge of that child with the district enrolling the child.

**Subd. 5. Educating children in care and treatment programs.** (a) Requires a providing district to contact a child’s resident district within one day after notice of the child’s placement to determine if the child is a child with a disability and, if so, to request the child’s transcript and most recent individualized education program and evaluation report. Requires the resident district to transmit the information within two days.

(b) Requires the providing district to involve teachers, staff, the parent of a child with a disability and, where appropriate, the child in an individualized education program meeting to reach an agreement about the child’s services.

(c) Requires the providing district to screen a child who has not been identified as a child with a disability.

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**Subd. 6. Placement, services, and due process.** (a) Requires a providing district to educate a child in a regular education setting to the extent appropriate. Requires the child's parent and treatment and education staff to determine the extent and location of the child's integrated services. Directs the individualized education program team in the providing district to make the educational placement decisions where applicable. Directs the providing district and program staff to develop emergency discipline and behavior management procedures.

(b) Requires a providing district to ensure that a child receives necessary and appropriate education services and instruction during the school day equal in time to the instructional day in the providing district unless the child's individualized education program provides for altering the school day, which in no case may be less than one-half the amount of instructional time in a school day in the providing district.

**Subd. 7. Exit report summarizing educational progress.** Requires a providing district to prepare an exit report for a child placed for 31 or more days in a care and treatment program. Requires the providing district to make the report available to the resident district, the next providing district if applicable, the child's parent, and appropriate social services agencies. Makes the department of corrections the providing district for the programs it operates and the providing and resident district for children remanded to the commissioner of corrections.

Makes this section effective for fiscal year 2014 and later.

- 10 Placement in a care and treatment program.** Allows a child to be placed in a care and treatment program. Allows a district not paying for a child's care and treatment program to recommend a program but prohibits the district from requiring a child to attend the program.

Makes this section effective for fiscal year 2014 and later.

- 11 Flexible school calendar.** Makes a child in a care and treatment program eligible for a flexible school calendar, which must be available throughout a 12-month period and at least equal the amount of instructional time available to students in the providing district.

Makes this section effective for fiscal year 2014 and later.

- 12 Education services fund.**

**Subd. 1. Care and treatment education fund.** Establishes a fund to pay for the costs of educating children in care and treatment programs for 31 or more days. Directs the education department to use a reimbursement formula based on actual education costs. Prohibits a district providing education at a care and treatment program site from receiving general or special education aid; a district providing education at a site other than the care and treatment program site remains eligible for the aid. Makes the resident district responsible for educating children placed in a care and treatment program for up to 30 days.

**Subd. 2. Billing system.** Directs the education commissioner, in cooperation with

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the commissioners of human services and corrections, and with advice from billing system users, to develop and implement a uniform billing system that: allows billing with minimum district administration; allows ready billing of the state; provides flexibility for day treatment and other services; allows tracking of service type, cost, and quality; conforms with existing billing procedures; provides a uniform per diem standard; and determines allowable expenses and maximum reimbursement rates.

Makes this section effective for fiscal year 2014 and later.

- 13 Homeless shelters.** Directs an enrolling district to provide transportation to a child in a homeless shelter unless the enrolling and providing districts agree that the providing district is responsible for the transportation.

Makes this section effective for fiscal year 2014 and later.

- 14 Care and treatment; special transportation aid.**

**Subd. 1. Special transportation state aid.** Makes a school district or charter school required to provide transportation services to a child in a care and treatment program eligible for state aid equal to the actual amount the district or charter school incurs for: contract transportation services and transportation services it provides; round-trip reimbursement for parents for trips between the child's residence and the treatment facility; transporting up to three children to a facility outside district boundaries; transporting children under a flexible school calendar; care and treatment program costs for transportation; transition from a residential facility to a regular education program; and prorated program costs.

**Subd. 2. Nonresident transportation.** Consistent with existing law on nonresident transportation, requires the district responsible for providing the transportation to pay the transportation costs and directs the state to pay transportation aid to that district.

**Subd. 3. Transportation aid agreements.** Makes agreements for a providing district to pay transportation costs for an eligible student in a treatment program outside the resident district subject to current law on transportation aid agreements, which precludes the nonresident district from obtaining payment from the resident district for those categories covered by the agreement.

Makes this section effective for fiscal year 2014 and later.

- 15 Pupil unit.** (i) Makes a pupil in a mental health day treatment program or a residential treatment facility eligible for up to 300 additional hours of service and is counted as 1.3 pupil units times the lesser of one or the number of hours served in a mental health day treatment program divided by 300.

Makes this section effective for fiscal year 2014 and later.

- 16 Mental health day treatment program.** Defines "mental health day treatment program" in the context of acute care hospital inpatient treatment.

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Makes this section effective for fiscal year 2014 and later.

- 17**      **Appropriations.** Appropriates unspecified amounts from the general fund to the education commissioner in fiscal years 2014 and 2015 for the education services fund and the special transportation state aid.
- 18**      **Revisor's instruction.** Directs the revisor to make any needed cross-reference changes.
- 19**      **Repealer.** Repeals sections 125A.11 (special instruction for nonresident children), 125A.15 (responsibility for a child with a disability temporarily placed in another district), 125A.515, subdivisions 3, 3a, 4, 5, 6, 7, 8, 9, and 10 (governing on-site education programs for children and youth placed in residential facilities), and 125A.52 (directing the departments of human services and corrections to conduct education screenings of juveniles placed in a facility for at least 72 hours).