



# **SOUTH CAROLINA ASSOCIATION OF SCHOOL BUSINESS OFFICIALS**

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# **OUT OF HOME PLACEMENTS**

- **Why school districts bill**
- **Why school districts receive bills**
- **Who is required to pay**
- **What amount can one school district bill another school district**

# **PROVISO 1.8 OF THE CURRENT GENERAL APPROPRIATION ACT**

**Provides that school districts wherein a child of lawful school age resides in a group home, foster home, orphanage, state operated health care facility, or habilitation center for individuals with mental disabilities, are responsible for providing a free and appropriate public education (FAPE) for all children, including children with disabilities.**

# **This Does Not Include The Four Department Of Disabilities And Special Needs Residential Facilities**

- Florence One**
- Dorchester Two**
- Laurens Fifty-Six**
- Richland One**

# **PROVISO 1.8**

## **IN-STATE STUDENTS**

- The local school districts where the children are located are responsible for providing the children a free and appropriate public education (FAPE).**
- School districts collect all applicable state and federal funds and bill the school districts where the children resided when taken into the custody of the state for the state-wide average local base student cost (BSC).**

# **PROVISO 1.8**

## **OUT-OF-STATE STUDENTS**

**If the children are from out-of-state, the school districts bill the facility for the local support above the state-wide average base student cost multiplied by the appropriate Education Finance Act (EFA) weighting.**

# DAILY RATE CALCULATION

- You take the BSC and multiply it by the average local share of 30 percent.
- The EFA is set up to, on average have the State pay 70 percent and the local school district pay 30 percent. This varies based on a school district's Index of Taxpaying Ability, but 30 percent local is the state-wide average.

# DAILY RATE CALCULATION

- This figure is divided by 180 days.
- This number is multiplied by the number of days of service.
- Finally, this figure is multiplied by the appropriate EFA weighting.



# DAILY RATE CALCULATION

$$\text{BSC} = \$2425$$

$$\$2425 \times .30 = \$727.50 \text{ } (\$728)$$

$$\$727.50 \div 180 = \$4.04$$

# **R.61-103, RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND ADOLESCENTS**

**Amended, Effective June 24, 2016**

- **This is a South Carolina Department of Health and Environmental Control Regulation.**
- **This regulation addresses the requirements for educational programs, including the specifications for any space, used to educate students, both with and without disabilities, who are placed or referred to RTFs.**

- **An education program, including a program for students with disabilities, that meets all applicable federal and state requirements, as defined by the South Carolina Department of Education (SCDE).**
- **The education program may be provided at the facility, if appropriate space is available to provide a free appropriate public education in the least restrictive environment, or an alternate location.**

- **Spaces within or associated with the facility provided educational program, whether dedicated solely to education or shared with other activities, shall meet the requirements of the most recent edition of the South Carolina School Facilities Planning and Construction Guide.**

- **If the facility will provide space for the educational program, plans and specifications shall be submitted to the SCDE, Office of School Facilities (OSF) for approval. Submittal and other requirements listed in Section 1900 for the Department shall be required for the SCDE, OSF.**

# RTF LOCATIONS

- **Charleston**
- **Dorchester Two**
- **Florence One**
- **Greenville**
- **Horry**
- **Lexington Two**
- **Pickens**
- **Williamsburg**
- **York Three  
(Rock Hill)**

# **PINE GROVE SCHOOL**

- **Private school with public placements.**
  - **State agencies**
  - **School districts**
- **All students are identified as having a disability under the Individuals with Disabilities Education Act (IDEA).**

[RTF Proviso 1.40 \(2017\).docx](#)



# **PROVISO 1.40 - SDE: RESIDENTIAL TREATMENT FACILITIES STUDENT**

- 1. The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.**

**2. A facility school district is responsible for all child find requirements under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA).**

# **WHAT IF THE RTF DOES NOT PROVIDE APPROPRIATE SPACE?**

- 3. A facility school district must provide the necessary educational programs and services directly to the student at the RTFs facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services**

**consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility.**

- 4. Complaints filed with the SCDE regarding the educational programs in RTFs are complaints against the school district where the RTF is located.**

**5. A qualified RTF provider's general education curriculum must be aligned to the South Carolina academic standards in the core content areas.**

**6. All students with disabilities who are eligible for special education and related services under the IDEA and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services**

**a) in the least restrictive environment,  
and**

**b) by appropriately certified personnel.**

# HOW DO I GET PAID?

- 7. The facility school districts are entitled to receive the base student cost multiplied by the EFA pupil weighting for homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code and any eligible categorical and federal funds.**

**8. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student.**



- 9. However, the reimbursement rate may not exceed \$45 per student per day.**
- 10. Facility school district providing the educational services shall notify the resident district, in writing, within 45 calendar days that a student from the resident district is receiving educational services pursuant to the provisions of the proviso.**

**11. Reimbursements shall be paid within 60 days of billing, provided the qualified facility has provided a copy of the invoice to both the district superintendent and the finance office of the resident district being invoiced.**

# FUNDING DISPUTES

**“Should the facility school district be unable to reach agreement with the resident school district regarding reasonable cost differences, the facility school district shall notify the Department of Education’s Office of General Counsel.”**

- No specific form to request assistance.**
- Include an explanation of steps taken thus far to resolve the dispute.**

# DISPUTE RESOLUTION



**“The Department of Education shall facilitate a resolution of the dispute between the facility school district and the resident school district within forty-five days of the notice of dispute. If the issue of reasonable cost differences should remain unresolved, a facility school district shall have the right to file a complaint in a Circuit Court.”**

# **WHAT IF THE RESIDENT DISTRICT STILL DOES NOT PAY?**

**“Should a resident school district fail to distribute the entitled funding to the facility school district by the 135 day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district.”**

- **Yes**, the resident school district has a right to request information and documentation of the services provided to the student while in the RTF before paying a bill.
- **Yes**, the resident school district has a right to request information and documentation of the certification of the teachers who provided the student's instruction while at the RTF.
- **Put any dispute in writing.**

# **OUT-OF-STATE RTF PLACEMENTS**

**(New Provision – July 1, 2016)**

- 1. Residential treatment facilities on the State Qualified Provider List not located within the boundaries of the state shall be reimbursed at a rate that may not exceed \$45 per student per day for education services and school districts shall be eligible to receive a**

**BSC weighted funding of 2.10 provided that the student remains enrolled in the school district.**

- 2. The resident school district and the RTF should develop a memorandum of understanding to outline the responsibilities of the RTF in providing the educational services and responsibilities, if any, of the resident school district while the student is housed in the RTF.**



# **OUT-OF-STATE RTF PLACEMENTS**

- 3. Facilities providing the educational services shall notify the resident district in writing within 45 calendar days of the student's enrollment that a student from the resident district is receiving educational services pursuant to the provisions of the proviso.**

- 4. A qualified RTF provider's general education curriculum must be aligned to the South Carolina academic standards in the core content areas.**
  
- 5. All students with disabilities who are eligible for special education and related services under the IDEA and SBE regulations, as amended, shall receive special education and related services**
  - a) in the least restrictive environment, and**
  - b) by appropriately certified personnel.**

- 6. Students in a qualified RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.**
- 7. If the issue of reasonable cost differences should remain unresolved, a facility shall have the right to file a complaint in a Circuit Court.**

# **STUDENTS FROM OUT-OF-STATE**

- If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services.**
- Out-of-state students provided educational services by a facility school district shall not be eligible for funding through the EFA.**

# **STUDENTS FROM OUT-OF-STATE**

**The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child.**

# **WHAT IF THE PARENT OR PHYSICIAN PLACED THE STUDENT IN THE RTF?**

**If a child is placed in a RTF by the child's parent or guardian and the child is not referred, authorized, or placed by the State, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures.**