

West Virginia

Students with Disabilities in Out-of-State Facilities

## Report • FY22

***Office of Special Education***

**West Virginia Board of Education**

**2024-2025**

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West Virginia Department of Education

# WEST VIRGINIA STUDENTS WITH DISABILITIES IN OUT-OF-STATE RESIDENTIAL FACILITIES

## ANNUAL REPORT • FY22

**Purpose**

The purpose of this report is to provide basic information regarding students with disabilities who have been placed by the West Virginia Department of Health and Human Resources (WVDHHR) or by local education agencies (LEAs) in out-of-state residential facilities. This information is a compilation of financial reports by the West Virginia Department of Education (WVDE), Office of Federal Programs and Support (OFPS) and the Office of Internal Operations (OIO).

**Introduction**

The information in this report is organized into two sections:

1. students with disabilities placed via court order by WVDHHR in out-of-state facilities for non- educational purposes, who are continuing to receive special education services under a current Individualized Education Program (IEP), and
2. students placed by LEAs in out-of-state facilities when a free appropriate public education (FAPE) cannot be provided within the county, the region or the state.

# STUDENTS PLACED BY WVDHHR IN OUT-OF-STATE FACILITIES FOR NON-EDUCATIONAL PURPOSES

West Virginia (WV) Code, Chapter 49 Child Welfare provides a coordinated system of child welfare and juvenile justice for the children of West Virginia. It provides for removing a child from the custody of the parents and to secure custody, care and discipline for the child consistent with the child’s best interests. The WVDHHR is designated as the agency that administers child welfare services in West Virginia.

The WVDHHR is authorized by West Virginia Code §49-2-16 to provide care, support and protective services for children who need public service. The WVDHHR is also authorized to accept custody of children committed to its care by the courts. A child committed to the WVDHHR for custody remains in the care of the Department until the student reaches eighteen years of age or is discharged.

As the agency administering the care and custody of children, WVDHHR has the authority to place children in suitable environments and with persons or facilities having the appropriate qualifications to provide a necessary and desirable degree and type of care. As the placing agency, WVDHHR has the financial responsibility for the support and maintenance of the child during the continuance of the placement.

Any costs, including educational costs, that are involved in this out-of-state placement are properly regarded as part of “financial support and maintenance.” In 1993, the WVDHHR and the WVDE entered into an interagency agreement with the provision that the WVDE fund the special education costs of eligible students with disabilities in accordance with federal and state statutes and regulations. A new agreement signed September 9, 2012, addresses eligible students placed by WVDHHR in out-of-state facilities for non-educational purposes, who are eligible for special education services according to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and WV Board Policy 2419: Regulations for the Education of Students with Exceptionalities prior to WVDHHR placement and who are receiving special education services within West Virginia under a current IEP at the time of placement.

Until 1998, in accordance with the terms of the previous interagency agreement, WVDHHR paid the total costs of the out-of-state placements and was reimbursed by WVDE for the special education costs. In 1998, WVDHHR notified the out-of-state agencies to invoice WVDE separately for special education costs. WVDE began contracting directly with the out-of-state facilities through contracts separate from WVDHHR. The WVDE, OFPS receives invoices for special education services, verifies student eligibility and home LEA, assures that the facility develops a new IEP with collaboration from the WV LEA to reflect the change in placement and approves the invoices for payment. Finally, payment is made through the WV Auditor’s Office under the authority of the contract.

The IDEA assigns to each state educational agency (SEA) the general supervisory authority for ensuring educational services is provided to all eligible students with disabilities in accordance with federal and state statutes and regulations. The educational monitoring of out-of-state facilities began in April 2002 by the WVDE. In 2012, an interagency team, consisting of WVDE and WVDHHR developed the Interagency Consolidated Monitoring Manual, which describes the procedures to thoroughly and consistently monitor out-of-state facilities serving WV students to ensure appropriate treatment and educational services are being provided in a safe environment.

A monitoring team representing the WVDE and WVDHHR conducts on-site reviews of facilities out-of- state that are providing services for WV students. The goal is to identify facilities having demonstrated success in promoting growth and expected outcomes for students as defined within the West Virginia Out-of-State Facilities Standards. If the WVDE or the WVDHHR identifies deficiencies that would cause sanctions to be imposed, either agency agrees to honor those sanctions. An interagency monitoring report is issued following the on-site visit.

The interagency team (WVDE and WVDHHR) reviews five (5) facilities per year. Facilities are selected for review based on the number of WV students enrolled, and the amount of time elapsed since the last review of the facility or reports of concerns regarding the care or education of students residing at the facility.

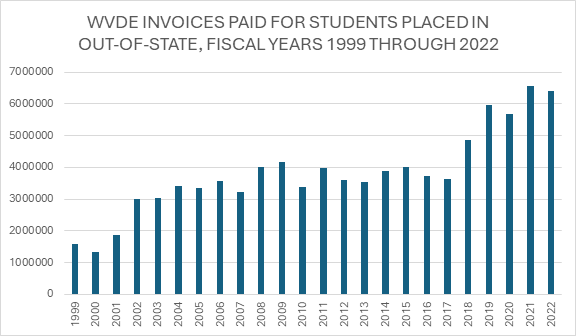
# WV STUDENTS WITH DISABILITIES IN RESIDENTIAL FACILITIES EXPENDITURES • FY 2022

The chart below includes expenditures for educational services provided in out-of-state facilities serving WV eligible students with disabilities placed by WVDHHR from July 1, 2021, through June 30, 2022, and paid through February 8, 2023. The number of eligible students served from year to year in each facility varies depending on factors such as the availability of foster care, availability of treatment, age of student, length of court ordered placement and the number of times a student is transferred from one facility to another. The total number of students placed in each facility during FY22 is not equal to the total number of students in out-of-state facilities at a given point in time.

Students may move from one facility to another, whereby they are counted more than once, some may be in a facility temporarily, and some have been placed in the previous fiscal year. Facilities with no cost reflected in the chart below have either not submitted invoices for services provided or have not submitted the required documentation to secure payment.

|  |  |  |
| --- | --- | --- |
| **Out-of-State Facility** | **Cost (as of 2/8/23)** | **Students Served** |
| Alabama Clinical Schools | 258,405.00 | 13 |
| Bellefaire Jewish Children’s Bureau | 15,491.29 | 1 |
| Bradley Center Inc. | 78,329.07 | 0 |
| BHC Belmont Pines Hospital, Inc. dba Belmont Pines Hospital |  | 3 |
| Chestnut Hill/Springbrook | 111,060.00 | 12 |
| Childhelp, Inc. | 58,324.28 | 3 |
| Community Specialist Corporation dba New Outlook Academy |  | 3 |
| Conway Behavioral Health, LLC dba Conway Behavioral Health |  | 1 |
| Cornell Abraxas Group, Inc. | 453,131.86 | 51 |
| Cumberland Hospital |  | 1 |
| Devereux Foundation, Inc. | 469,669.56 | 14 |
| Detroit Behavioral Institute LLC dba Capstone Academy |  | 1 |
| Dimensional Phases |  | 1 |
| Echoing Hills |  | 1 |
| George Junior Republic in PA | 270,945.00 | 19 |
| Grafton Schools, Inc. | 679,887.46 | 12 |
| Gulf Coast Treatment Center, Inc. | 239,565.00 | 12 |
| Habilitation Center, LLC dba Little Creek Behavioral Health |  | 1 |
| Habilitation Center LLC dba Millcreek |  | 14 |
| Harbor Point Behavioral Health Center Inc. | 57,055.00 | 16 |
| HHC Augusta Inc. Dba Lighthouse Care Center of Augusta |  | 3 |
| HHC, Poplar Springs LLC |  | 1 |
| Hughes Center, LLC | 1,071,565.00 | 22 |
| Keystone Continuum, LLC dba Cedar Grove Residential Treatment Center | 42,130.90 | 1 |
| Keystone Continuum, LLC dba Mountain Youth Academy | 11,400.00 | 3 |
| Keystone Continuum, LLC dba Natchez Trace Youth Academy | 85,674.63 | 4 |
| Keystone Newport News Behavior | 137,564.00 | 7 |
| Keystone Richard Center LLC dba Foundations for Living | 31,110.00 | 3 |
| Kidspeace National Centers, Inc. | 158,436.02 | 12 |
| Lakeland Behavioral Health System Inc. |  | 8 |
| Laurel Oaks Behavioral Health Center, Inc. | 443,200.00 | 13 |
| Leary Educational Foundation, Inc. dba Timber Ridge School | 215,876.80 | 20 |
| Liberty Point Behavioral Healthcare, LLC | 652,897.50 | 16 |
| New Hope Carolinas, Inc. | 105,004.48 | 12 |
| Options Treatment Center Acquisition Corporation dba Option Behavioral Health |  | 1 |
| Pediatric Specialty Care at Hopewell Area School District | 38,325.00 | 2 |
| Piney Ridge Treatment Center, LLC |  | 4 |
| Rehabilitation Centers, LLC dba Millcreek of Pontotoc |  | 3 |
| Rite of Passage, Inc dba Norris Academy  Sorenson Holdings LLC | 9,587.50 | 1 |
| Southwood Psychiatric Hospital |  | 1 |
| SP/Behavioral LLC dba Sandy Pines | 73,260.00 | 10 |
| Summit School Inc. | 77,107.35 | 5 |
| Texas Neuro Rehab Center |  | 1 |
| The Village Network Level 3, Boys Village Campus |  | 1 |
| Tennessee Clinical Schools, LLC dba Hermitage Hall | 471,042.00 | 13 |
| UHS of Doylestown dba Foundations Behavioral Health | 98,500.00 | 1 |
| Woodridge of Forrest City, LLC dba Perimeter Behavioral Health |  | 1 |
| Woods Services, Inc. |  | 5 |
| Woodward Academy |  | 2 |
| Youth Health Associates, Inc. |  | 1 |
| Youth Opportunity Investments, LLC |  | 2 |
| Youth Villages, Inc. | 4,780.78 | 2 |
| **Total** | **$6,419,325.48** | **360** |

# WV DEPARTMENT OF EDUCATION INVOICES PAID FOR STUDENTS PLACED IN OUT-OF-STATE, FISCAL YEARS 1999 THROUGH 2022



*Note: Subject to increase with receipt of additional invoices.*

**Invoices Paid for Services by Fiscal Year**

|  |  |
| --- | --- |
| FY99 | $1,593,688.64 |
| FY00 | $1,321,605.40 |
| FY01 | $1,854,138.50 |
| FY02 | $2,994,093.06 |
| FY03 | $3,021,642.61 |
| FY04 | $3,421,851.09 |
| FY05 | $3,338,084.36 |
| FY06 | $3,573,157.95 |
| FY07 | $3,232,936.53 |
| FY08 | $4,008,369.83 |
| FY09 | $4,176,464.00 |
| FY10 | $3,372,000.00 |
| FY11 | $3,977,000.00 |
| FY12 | $3,609,048.45 |
| FY13 | $3,544,236.59 |
| FY14 | $3,881,336.94 |
| FY15 | $4,016,404.43 |
| FY16 | $3,716,884.53 |
| FY17 | $3,637,838.98 |
| FY18 | $4,862,788.02 |
| FY19 | $5,951,313.87 |
| FY20 | $5,691,364.16 |
| FY21 | $6,580,236.34 |
| FY22 | $6,419,325.48 |

**West Virginia LEAs with Most DHHR Placements Out of State FY22**

|  |  |
| --- | --- |
| Kanawha | 46 |
| Cabell | 28 |
| Harrison | 28 |
| Berkeley | 27 |
| Wood | 19 |
| Monongalia | 17 |
| Ohio | 16 |
| Mercer | 13 |
| Raleigh | 11 |
| Hancock | 10 |
| Randolph | 7 |
| Barbour | 6 |
| Mineral | 6 |

**Facility Rates:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Facility** | **State** | **Daily Educational Rate**  **FY20** | **Daily Educational Rate**  **FY21** | **Daily Educational Rate**  **FY22** | **Daily Educational Rate**  **FY23** | **Additional Expenditures** |
| Adelphoi | PA | $135.09 | $141.84 | No contract | No contract |  |
| Alabama Clinical Schools | AL | $160.00 | $160.00 | $175.00 | $175.00 |  |
| Bellefaire Jewish Children’s Bureau | OH | $454.92 | $454.92 | $235.24 | No contract |  |
| The Bradley Center, Inc. | PA | $360.79 | No contract | No contract | $175.00 | Therapies billed separately |
| Care Youth/Red Rock | UT | No contract | No contract | No contract | No contract |  |
| Chestnut Hill Mental Health dba Springbrook Behavioral Health System | SC | $240.00 | $245.00 | $175.00 | $175.00 |  |
| Childhelp USA | VA | $168.00 | $171.36 | $175.00 | No contract |  |
| Clarinda Youth Corp. | IA | $100.00 | $100.00 | No contract | No contract |  |
| Cornell Abraxas Group, Inc. | PA | $99.84 | $107.83 | $113.22 | $117.75 |  |
| Cumberland Hospital | VA | $220.00 | No contract | No contract | No contract |  |
| Devereux Foundation, Inc. | PA | $300.00 | $300.00  (GA center) | $232.40 | $244.02 |  |
| Gallia County Local School District | OH | $119.86 | No contract | No contract | No contract |  |
| George Jr. Republic in PA | PA | $363.77 | $371.05 | $175.00 | $183.75 |  |
| Grafton Schools, Inc. | VA | $386.25 | $393.98 | $350.00 | $275.75 | Therapies billed separately |
| Gulf Coast Youth Services | FL | $150.00 | $150.00 | $165.00 | $175.00 |  |
| Habilitation Center, LLC Inc. (UHS Facility) | AR/TN | No contract | No contract | No contract | $175.00 |  |
| Harbor Point | VA | $215.00 | $300.00 | $225.00 | $231.00 |  |
| H.C. Partnership Hill Crest Behavioral Health | AL | No contract | No contract | No contract | $175.00 |  |
| HHC Augusta, Inc. dba Lighthouse Care Center of Augusta | GA |  | $230.00 | No contract | $240.00 |  |
| HHC Poplar Springs LLC | VA | No contract | No contract | No contract | $175.00 |  |
| Hughes Center | VA | $355.00 | $360.00 | $350.00 | $357.50 | Therapies included in rate. |
| Keystone Continuum, LLC dba Cedar Grove Residential Treatment Center | TN | $165.00 | $169.95 | $175.00 | $183.75 |  |
| Keystone Continuum, LC dba Mountain Youth Academy | TN | $200.00 | $200.00 | $200.00 | $210.00 |  |
| Keystone Continuum, LLC dba Natchez Trace Youth Academy | TN | $159.14 | $163.91 | $175.00 | 183.75 |  |
| Keystone Newport News, LLC | VA | $200.00 | $205.00 | $215.25 | $226.01 |  |
| Keystone Richland Center, LLC Foundations for Living | OH | $160.00 | $170.00 | $175.00 | $183.75 |  |
| Kids Behavioral Health of Utah Inc. | UT | No contract | No contract | No contract | $175.00 |  |
| Kids Peace National Centers, Inc. | PA | $245.19 | $245.19 | $220.89 | $220.89 |  |
| Laurel Oaks Behavioral Health Center | AL | No contract | $200.00 | $200.00 | $200.00 |  |
| Leary Educational Foundation (dba TR), Timber Ridge School | VA | $218.64 | $225.20 | $225.20 | $236.46 |  |
| Liberty Point Healthcare, LLC | VA | $273.00 | $273.00 | $370.00 | $250.00 |  |
| Millcreek Schools LLC | MS | No contract | $164.00 | $164.00 | $180.00 |  |
| New Hope Carolinas, Inc. | SC | $216.51 | $216.51 | $175.00 | $175.00 |  |
| Pediatric Specialty Care | PA | $500.00 | $500.00 | $175.00 | $175.00 |  |
| Sequel Schools (Kingston&Norris) | TN | No contract | No contract | No contract | No contract |  |
| Summit Schools, Inc. (Include. NA) | PA | $162.87 | $166.43 | $170.59 | $178.74 |  |
| SP Behavioral LLC | FL | $175.00 | $185.00 | $185.00 | $195.00 |  |
| Tennessee Clinical | TN | $160.00 | $164.80 | $175.00 | $200.00 |  |
| The Village Network | OH | $155.00 | No contract | No contract | No contract |  |
| UHS of Doylestown | PA | No contract | $500.00 | $232.17 | $232.17 |  |
| UHS of Laurel Heights | GA | No contract | $190.00 | $190.00 | No contract |  |
| Woods Services, Inc. | PA | $568.96 | $363.35 | $373.26 | $391.43 |  |
| Woodward Academy | IA | $100.00 | $100.00 | $110.00 | $115.50 |  |
| Youth Health Associates Inc. | UT | No contract | No contract | No contract | $121.91 |  |
| Youth Villages | TN | No contract | $125.81 | $169.27 | $177.73 |  |

*\*Educational rates for some students may be less than the daily rate documented.*

# OUT-OF-STATE STUDENT ENROLLMENT OF STUDENTS WITH DISABILITIES

OUT-OF-STATE STUDENT ENROLLMENT TABLE

The following table illustrates the number of placements of students with disabilities served in out- of-state facilities initiated by the WVDHHR and the WV courts for the previous fifteen (15) years. These students were receiving special education and related services in WV LEAs prior to their non-educational placement out-of-state and continued to receive special education services under an IEP in the out-of- state facility.

|  |  |
| --- | --- |
| **Fiscal Year** | **Student Enrollment** |
| FY08 | 313 |
| FY09 | 370 |
| FY10 | 276 |
| FY11 | 274 |
| FY12 | 271 |
| FY13 | 280 |
| FY14 | 244 |
| FY15 | 237 |
| FY16 | 211 |
| FY17 | 203 |
| FY18 | 270 |
| FY19 | 342 |
| FY20 | 353 |
| FY21 | 360 |
| FY22 | 319 |

An out-of-state facility is any residential childcare facility not within the borders of WV. The districts within the northern and eastern panhandles of WV, comprising 16% of West Virginia’s counties, have out-of-state facilities located within 50 miles of the WV border. The chart below represents the number of students with disabilities from the Northern and Eastern panhandle placed in out-of-state facilities at the point-in-time child count that occurs in conjunction with the 2nd month report each school year.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Northern Panhandle** | | | | |
| **Point in Time Child Count** | **Brooke** | **Hancock** | **Marshall** | **Ohio** |
| 2021-2022 | 4 | 10 | 2 | 16 |
| 2020-2021 | 1 | 11 | 2 | 11 |
| 2019-2020 | 0 | 12 | 3 | 6 |
| 2018-2019 | 6 | 8 | 1 | 11 |
| 2017-2018 | 2 | 6 | 2 | 8 |
| 2016-2017 | 3 | 2 | 2 | 2 |
| 2015-2016 | 1 | 5 | 1 | 5 |
| 2014-2015 | 2 | 4 | 1 | 5 |
| 2013-2014 | 1 | 5 | 0 | 8 |
| 2012-2013 | 4 | 3 | 4 | 10 |
| 2011-2012 | 2 | 5 | 2 | 11 |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Eastern Panhandle** | | | | | |
| **Point in Time Child Count** | **Berkeley** | **Hampshire** | **Jefferson** | **Mineral** | **Morgan** |
| 2021-2022 | 27 | 3 | 5 | 6 | 5 |
| 2020-2021 | 20 | 8 | 4 | 3 | 1 |
| 2019-2020 | 21 | 8 | 14 | 4 | 0 |
| 2018-2019 | 19 | 8 | 6 | 1 | 3 |
| 2017-2018 | 4 | 8 | 7 | 0 | 2 |
| 2016-2017 | 7 | 8 | 5 | 1 | 1 |
| 2015-2016 | 8 | 5 | 5 | 0 | 4 |
| 2014-2015 | 11 | 6 | 8 | 2 | 1 |
| 2013-2014 | 16 | 6 | 7 | 1 | 0 |
| 2012-2013 | 18 | 5 | 5 | 6 | 6 |
| 2011-2012 | 21 | 6 | 6 | 4 | 8 |

Percentage of Out-of-State Placements from the Northern and Eastern Panhandles based on point in time child count reported in October’s 2nd month report:

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| * 2021-2022 | 78/164=47.5% |  |  |
| * 2020-2021 * 2019-2020 | 61/184=33%  68/185= 37% | * 2013-2014: | 44/130 =34% |
| * 2018-2019: | 63/174= 36% | * 2012-2013: | 61/131=47% |
| * 2017-2018: | 39/120= 33% | * 2011-2012: | 65/125=52% |
| * 2015-2016: | 34/90 = 38% |  |  |
| * 2014-2015: | 40/119 =34% |  |  |

# AVAILABLE FUNDING SOURCES FOR STUDENTS PLACED IN OUT-OF-STATE FACILITIES BY WVDHHR

LEAs pay 60% of the expense to educate students who are placed by WVDHHR in out-of-state facilities for non-educational reasons. Beginning with FY12, LEAs were instructed to enroll the students with disabilities placed out-of-state in WVEIS to access the state aid per pupil funds. LEAs could access additional funds for these students through the High Cost and High Acuity Reimbursement Application process.

Costs assessed to LEAs in FY22 were based on the number of students in out-of-state placements who were listed on the August 2020 Facts Report from WVDHHR (August 2020 is the most recent data available from WVDHHR for use for October 2020 point-in-time Child Count). The following is a summary of the final cost to LEAs, provided districts enrolled students and applied for reimbursement:

|  |  |
| --- | --- |
| LEA assessed cost per OOS student affecting FY22 special education state aid. | $ 18,660.00 |
| State aid received per enrolled student. | $ 4,525.84 |
| **Remaining (actual) cost to LEAs per OOS student** | **$ 14,134.16** |

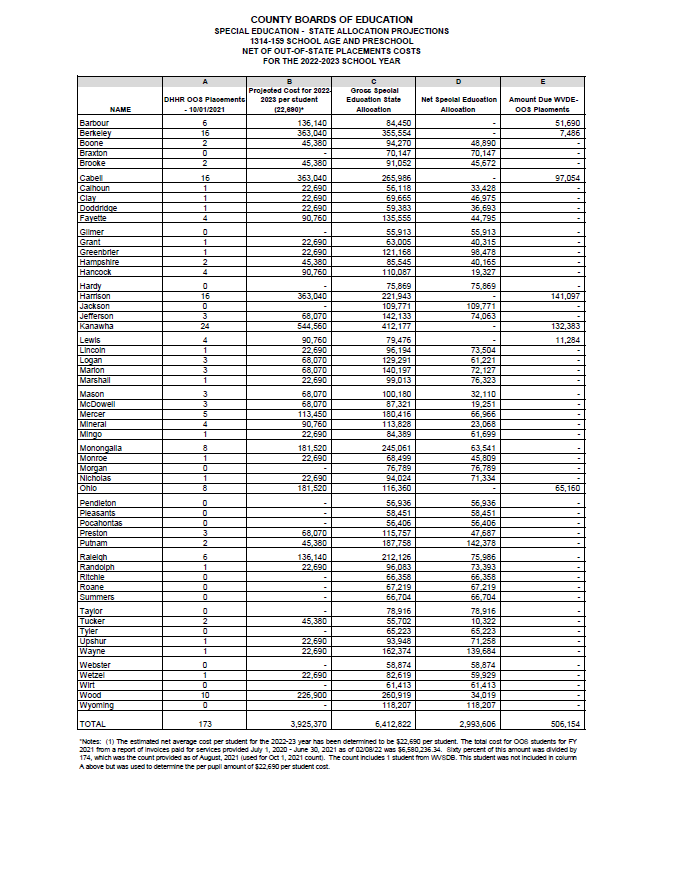
The out-of-state child count affecting FY22 state aid was \*182 as reported on the October 2020 point- in-time Child Count. Funds totaling $3,396,120 were subtracted from the LEA special education state aid. Additional remittances totaling $341,858 were required from seven LEAs whose allocations were insufficient to cover the cost. (\*Does not include 1 student from WVSDT.)

|  |  |  |  |
| --- | --- | --- | --- |
| **Cost for OOS Students with Disabilities** | | **Reimbursement Requests** | **Funding Received** |
| LEA special education state aid funds (based on OOS enrollment 10-2019)  182 X $18,660=$3,396,120 | $3,396,120  (available) |  | State aid available based on OOS students enrolled at 2nd month  in October 2020:  182 X $4,525.84=  $823,702.88 |
| WVDE Portion: Federal/ State Funds | $3,023,205.48 | 129 High Cost/High Acuity Reimbursement Requested for OOS students 124 requests approved X  $14,134.16=$1,752,635.84 | Total Reimbursement Issued to LEAs for OOS students =  $490738.04 |
| Total expenses paid in FY22 (as of 2/8/23) | $6,419,325.48 |  |  |

*1Includes remittances of $341,858 from counties whose allocations were insufficient to cover tuition costs.*

*2Reimbursements were made at approximately 28% of amount requested. Calculation for prorated reimbursement was made after the exclusion of the state aid per enrolled student amount.*

Projections for the cost to LEAs for the fiscal year 2023 were assessed using the second month point- in-time (October 2021) child count. The calculated amount will be withheld from the Special Education State Aid allocation. Projections for FY 2023 costs to LEAs and reimbursement are in the following table.



*\*Projected cost per LEA based on total cost for FY22 and total number of students at point in time count.*

# STATES SERVING WEST VIRGINIA STUDENTS IN TREATMENT FACILITIES

|  |  |
| --- | --- |
| **State** | **Number of Students** |
| Pennsylvania | 113 |
| Virginia | 98 |
| Florida | 22 |
| South Carolina | 24 |
| Tennessee | 27 |
| Alabama | 26 |
| Georgia | 3 |
| Ohio | 8 |
| Arkansas | 19 |
| Iowa | 2 |
| Indiana | 1 |
| Michigan | 1 |
| Mississippi | 3 |
| Missouri | 8 |
| Texas | 1 |
| Utah | 1 |

These numbers represent the number of students who attended each facility at some point within FY22. Thirty-two students were transferred to more than one facility within this school year.

# HIGHEST OUT-OF-STATE PLACEMENTS 2021-2022

|  |  |  |
| --- | --- | --- |
| **Out-of-State Facility** | **Number of Students** | **State** |
| Cornell Abraxas Group, Inc. | 51 | PA |
| Hughes Center | 22 | VA |
| Leary/Timber Ridge | 20 | VA |
| George Junior Republic | 19 | PA |
| Harbor Point | 16 | VA |
| Liberty Point | 16 | VA |

STUDENTS PLACED BY LEA IN OUT-OF-STATE FACILITIES BY THE IEP TEAM

West Virginia Board Policy 2419: Regulations for the Education of Students with Exceptionalities provides that the LEA may place a student with a disability in a private school or facility outside of West Virginia through the IEP process after determining that FAPE cannot be provided within the county, within the region or within the state. The LEA must develop an IEP for the student, investigate more than one private school or facility, assure the selected private school or facility has approved status in the state in which it is located, meets the requirements of the IDEA and has a current signed contract between the LEA and the private school or facility.

After a student with a disability is placed in a private school or facility by the LEA, the LEA must continue to assure that special education and related services are provided in conformance with an IEP, and the education meets the standards which apply to education provided by the LEA or the

private school or facility. The LEA must ensure the parents and an LEA representative remain involved in any decision about the student’s IEP and agree to any proposed changes in the IEP before those changes are implemented by the private school or facility.

As the placing agency, the LEA has the financial responsibility for support and maintenance of the student during the continuance of the placement. Funds to support the provision of these services are provided to LEAs through the state’s public school support system, state special education entitlement, IDEA Part B entitlement and Medicaid reimbursement. In addition, the WVDE supports the LEAs through the state special education out-of-state funds. This support, however, may not cover the county’s total cost for placing a student in an out-of-state facility. The following chart reflects the costs reported by the LEA and the support from WVDE.

# OFFICE OF SPECIAL PROGRAMS

## Out-of-State Grant Awards to Support IEP Placements FY22

Awards Issued: 4 Total funds available: $300,000.00

Funds were divided equally between counties submitting applications for reimbursement, or for amounts of request, whichever was less. Only 1st semester costs were reimbursed. The remaining $150,000 of funding was used to pay WVDE invoices for court-ordered out-of-state placements.

|  |  |  |  |
| --- | --- | --- | --- |
| **County** | **1st Semester** | **2nd Semester** | **Total** |
|  | N/A |  |
| Berkeley | $ 41,955.30 |  | $ 41,955.30 |
| Hancock | $ 24,134.10 |  | $ 24,134.10 |
| Jefferson | $ 41,955.30 |  | $ 41,955.30 |
| Mineral | $ 41,955.30 |  | $ 41,955.30 |
|  |  |  |  |
| **TOTAL** | **$ 150,000.00** | **$ -** | **$ 150,000.00** |

# EXPENSES REPORTED/AWARDS GRANTED

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **County** | **1st Semester (Expenses reported per student)** | **2nd Semester (Expenses reported per student)** | **Total Amount Requested** | | **Total Reimburse-ment Received in Grant Awards** | **Balance Remaining Unfunded** |
|  |  |
| **1st Sem** | **2nd Sem** |
| Berkeley | $ 34,374.37 |  |  |  |  |  |
| Berkeley | $ 27,113.40 |  |  |  |  |  |
| Berkeley | $ 34,273.57 |  |  |  |  |  |
| Berkeley | $ 32,513.00 |  |  |  |  |  |
| Berkeley | $ 29,637.00 |  |  |  |  |  |
| Berkeley | $ 149,199.50 |  |  |  |  |  |
| Berkeley | $ 149,089.00 |  |  |  |  |  |
| Berkeley | $ 74,659.64 |  |  |  |  |  |
| Berkeley | $ 10,725.00 |  |  |  |  |  |
| Berkeley | $ 15,750.00 |  |  |  |  |  |
| Berkeley | $ 284,721.00 |  |  |  |  |  |
| Berkeley | $ 33,423.00 |  | $ 875,478.48 | $ - | $ 41,955.30 | $ 833,523.18 |
| Hancock | $ 24,134.10 |  | $ 24,134.10 | $ - | $ 24,134.10 | $ - |
| Jefferson | $ 43,044.50 |  |  |  |  |  |
| Jefferson | $ 43,597.00 |  |  |  |  |  |
| Jefferson | $ 42,557.00 |  |  |  |  |  |
| Jefferson | $ 42,882.00 |  |  |  |  |  |
| Jefferson | $ 42,817.00 |  |  |  |  |  |
| Jefferson | $ 41,257.00 |  |  |  |  |  |
| Jefferson | $ 43,012.00 |  |  |  |  |  |
| Jefferson | $ 41,452.00 |  |  |  |  |  |
| Jefferson | $ 40,412.00 |  |  |  |  |  |
| Jefferson |  |  | $ 381,030.50 | $ - | $ 41,955.30 | $ 339,075.20 |
| Mineral | $ 31,450.72 |  |  |  |  | $ - |
| Mineral | $ 31,450.72 |  |  |  |  |  |
| Mineral | $ 31,450.72 |  |  |  |  |  |
| Mineral |  |  | $ 94,352.16 | $ - | $ 41,955.30 | $ 52,396.86 |
| **Totals** | **$ 1,374,995.24** | **$ -** | **$ 1,374,995.24** | **$ -** | **$ 150,000.00** | **$ 1,224,995.24** |

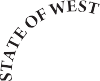
SUMMARY

Prior to FY22, the number of West Virginia students with disabilities placed in out-of-state facilities by WVDHHR and the subsequent cost of services for those students had continued to rise each year. FY22 saw a decrease in total cost year-to-year as the FY22 total was $160,910.86 lower than the total cost in FY21. This 2.45% decrease is due in part to an effort by the WVDE to limit unsustainable educational cost increases incurred by non-educational placements initiated by the WVDHHR and the West Virginia court system.

The burden of the costs of WVDHHR/court ordered placements of students in out-of-state facilities is not only felt by the SEA, but also by the LEAs. Based on out-of-state cost projections that are completed each year, LEAs must set aside a portion of that fiscal year’s state aid for special education for this purpose. The cost of seven LEAs in FY22 and seven LEAs projected for FY23 based on the projected costs table on page 19 of this report was higher than their total state aid for special education allocation, and thus the LEAs had to use local funding to make up the difference. For many LEAs, this situation has occurred in more than one reporting year, through no fault of their own. Without additional funding sources, the costs of non-educational placements will continue to result in the SEA and LEAs continuing to struggle to meet the needs of its students with disabilities with its remaining limited resources.

In addition to out-of-state non-educational placements by WVDHHR, some LEAs place students in out-of-state facilities through their IEP process. In this type of case, the WV IEP team has determined that the student cannot be educated within the LEA and has made a more restrictive placement in an out-of-state facility. The WVDE typically makes available $300,000 of state funding for this purpose through a reimbursement application process. However, due to the rising cost of court-ordered placements, only $150,000 was available for LEA reimbursement in FY22 and was limited to 1st semester expenses only. The remaining $150,000 was used to help cover WVDE’s cost for court-ordered non-educational placements in out-of-state facilities.

# Notes



Michele L. Blatt

West Virginia Superintendent of Schools