



STUDENT SUPPORT SERVICES

March 16, 2016

Testimony re: CS for HB 102

Thank you for the opportunity to submit testimony. My name is Lucy Hope. I am director of the Mat-Su Borough School District Student Support Services department. I am speaking today representing the school district. I am not testifying in support nor opposition of this bill, but to seek clarification of three areas addressed in the bill. Specifically, in review of the current proposed legislation for this pilot program, we seek some clarification regarding where the student will be enrolled, how fees will be determined and how those fees will be transmitted, and who retains legal authority regarding the Implementation of Individual Education Programs.

Regarding enrollment: Will the students be enrolled in the district where their guardian resides, or in the district where the RPTC is located? For example, if a student from Mat-Su enters a North Star facility in Anchorage, would that student remain enrolled in Mat-Su, or in Anchorage? Conversely, if a student from Northwest Arctic is residing at the Palmer Residential Treatment Center, would that student be enrolled in Northwest Arctic Borough School District or in the Mat-Su Borough School District?

Regarding contracting for fees to be determined and transmitted: The system being proposed to transfer funds is not as simple as it sounds in this proposed legislation. Although there are only 30 residents at a time at the Palmer Residential Treatment Center, over the first three school years we had a total of 137 students enrolled for a period of time who have resided at the Residential Treatment Center. Their length of stay has varied, and we estimate that about 1/3 are from the Mat-Su Borough, about 1/3 are from Anchorage, and 1/3 are from around Alaska. Some of these students were not enrolled anywhere during our "20 day count period" in October of that given school year. According to the process outlined in CS for 102, the Residential Psychiatric Treatment Center would submit to the school district a detailed contract outlining, among other things, a reimbursement rate to be provided by the school district to the facility. This contract would be submitted 60 days before the beginning of the school year, and School Boards would respond in writing within 30 days. This timeline would indicate the process begin about the middle of May for the following school year, prior to any student being enrolled for that year. During testimony, we heard that there is an intent that these contracts will include the fees be pro-rated for the time a student is receiving educational services.

We are seeking clarification regarding this transfer of funds. Currently there is not a mechanism to transfer ADM funds to a private school facility, nor a day-to-day accounting process for determining pro-rated fees. There will be a cost to the school district to set up this prorated system, and we are very concerned about any additional costs for processes such as this.

What kind of system is envisioned to accomplish this determination of pro-rated fees? Where would the fees for Residential Psychiatric Treatment Centers come from if the student had not been enrolled during the 20 day count period in October?


Legal responsibility: About half of the residents of the Palmer Residential Treatment Center have IEPs. Under federal law, IDEA, it is the responsibility of the school district where a private school is located to provide special education services to students enrolled. This bill states that all funds are transferred to the Residential Psychiatric Treatment Center, and all education responsibilities would be that facility's to provide. While there is a regulation that allows a district to contract with another entity to provide educational services, those are services individually determined by an IEP team. The process described here does not reference the IEP team, nor parents, who are important members of the team.

I do not believe that a district can give away its responsibilities under this federal law to a private entity without the recommendation of an IEP team. Our School Board is concerned with being responsible for adherence to federal and state special education laws, while contracting with Residential Psychiatric Treatment Centers to implement such programs, on a whole-facility basis, prior to students even enrolling. This responsibility includes liability for any legal challenges regarding implementation of special education services.

Therefore, to seek clarification, is it the intent of the Bill that the Residential Psychiatric Treatment Center receiving these funds will be responsible, both educationally and legally, to provide all educational services to students who are residing at the facility?

Thank you for your time and consideration of these comments made on behalf of the Mat-Su Borough School District.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucy Hope".

Lucy Hope
Director of Student Support Services