



OKLAHOMA STATE
DEPARTMENT OF EDUCATION

Memorandum

TO: Superintendents and Special Education Directors/Contacts

FROM: Dr. Rene Axtell, Assistant State Superintendent of Special Education

DATE: February 15, 2013

SUBJECT: **Oklahoma State Department of Education (OSDE) Policy Statement Concerning Out-of-State Residential Placements**

The OSDE is committed to ensuring that every Oklahoma child with a disability receives a free appropriate public education (FAPE), as mandated by the Individuals with Disabilities Education Act (IDEA).

The Federal regulation at 34 CFR § 300.13, states that special education and related services are to be provided at public expense, under public supervision and direction, and without charge to parents. In addition, the IDEA requires that a continuum of alternative placements be made available to meet the needs of children aged birth through twenty-one with disabilities. The federal regulation, at 34 CFR § 300.551, specifies that the required continuum include special education instruction in regular classes, special classes, special schools, in the home, hospitals, institutions, or other settings, as determined by the child's Individualized Education Program (IEP) team.

The educational placement of a child with a disability should always be in the least restrictive environment (LRE), and as close as possible to the child's home, as determined by the IEP team. However, it must be recognized that the nature or severity of a child's disability may be such that the child cannot receive FAPE in a regular classroom or special classroom in a neighborhood school. IDEA contemplates that for some children, placement in a residential educational program (private or public) may be required. In case of such an event, the Federal regulation at 34 CFR § 300.302, specifies the program, including nonmedical care and room and board, must be at no cost to the parents of a child.

Out-of-state (OOS) residential placements should be necessary only for those children who, because of the nature and severity of their disability, cannot receive FAPE in a LRE with appropriate accommodations and related services. However, when such a placement is necessary, it must be provided by the responsible local educational agency (LEA).

The OSDE has implemented the following procedure regarding funding of such placements:

The LEA continues to be responsible for the special education and related services determined necessary for all children with disabilities. In regard to OOS residential placements, the LEA will be financially responsible to contract with the residential facility for the entire amount of special education and related services and reimbursement to parent(s)/guardian(s) for reasonable and necessary travel related expenses associated with the OOS placement, per contract year. In order to facilitate the OOS residential placement recommended by a local IEP team, the OSDE will reimburse LEAs for the portion of the State's cost for the OOS facility, as determined by a sliding scale and made available through a separate project code when funding is available.

Attached, you will find an application with guidelines designed to assist IEP teams in answering questions needed to determine whether an OOS residential placement is necessary and appropriate in order to provide FAPE to a particular child with a disability. The completed application and supporting documentation must be received by the OSDE no later than the **second Friday of June** before the applicable year of requested financial reimbursement. The LEA must submit the completed application **annually** by the due date required in order to be considered continued assistance.

Should you have any questions or need assistance with the high needs application process regarding OOS residential placement reimbursement funding, please contact Ms. Anita Eccard, (405) 531-4865.

RA/ae

cc: Mr. Art Schofield, Executive Director of Accreditation Standards
Ms. Kimberly Richey, General Counsel