

# Out-of-District Manual

## Introduction

This manual is intended to be a practical guide to the process and procedures for out-of-district placements in approved facility schools. It combines the collective expertise of numerous individuals who have worked in this area for many years – both from the perspective of an administrative unit and from that of a facility.

The goal is to help provide consistency and clarity for facilities and school districts in order to provide the best possible services for students in out-of-district placement. Cooperation between facilities, school districts, parents, advocates and other agencies involved with the child is encouraged. Sharing information and using a common language can facilitate that process and this manual is intended to inform and support that work.

As much as possible, the information provided is based on legal requirements found in the state and federal regulations. Citations are given for legal references and links to relevant web sites are contained in each section. However, there are often issues for which there are no direct legal references. For this reason, the manual also contains information which has been developed over time as reasonable solutions or common practices for situations not addressed in statute or rule. This information is provided as a means to facilitate consistency and to support those individuals who may be new in their work with students placed out-of district.

The terms Eligible Facility and Facility School are both used in Colorado Statute. The term Eligible Facility means a day treatment center, residential child care facility or a hospital licensed by either the Department of Human Services or the Department of Public Health and Environment. The term Approved Facility School refers to an educational program that is operated by a licensed agency and that has been approved to receive reimbursement for education services for students placed in the program. In the spring of 2008, legislation was passed that addressed approved facility schools in a number of ways. Commonly referred to as H.B. 1204 (22-2-401 C.R.S.), it established a board with rule making authority to set graduation requirements and the approval process for facility schools. It also charged the Facility Schools Board with adopting curriculum and establishing an accountability process. It established a unit within CDE with specific responsibilities related to the board and to approved facility schools and it specified the purchase of a data system to maintain the educational records of students in placement. This legislation specifically uses the term approved facility school and the language in other statutes is gradually being updated to be consistent with this terminology.

Often, there is confusion about the different types of agencies and programs in which students may be placed other than a school district. Eligible Facilities and Facility Schools are distinguished from private schools, district or BOCES programs, State Operated Programs and detention centers through the administrative structure and funding streams applicable to each.

Private schools are generally not licensed by a state agency and placements are generally a matter of parent choice. Private schools are not eligible to be approved or to receive public education funding.

Eligible Facilities may be private agencies, but they are not private schools. The facility must be licensed by the appropriate state agency prior to receiving approval for the school program and funding is only available for placements made by a public agency rather than by parent choice. In the case of hospitals, the student must be a patient of the hospital. The school approval process allows the facility to be reimbursed for education costs.

School districts or administrative units may develop programs for their own students and those of neighboring districts which may be similar to those of a Facility School. If the education staff of the program is employed by the district or BOCES, the mechanism for receipt of public education funds is already in place and there is no need for approval.

State Operated Programs are public agencies defined in statute. They are, the Colorado School for the Deaf and the Blind, the Division of Youth Corrections, the Department of Adult Corrections and the Colorado Mental Health Institute at Pueblo.

Detention Centers are also specified in statute. Students are most generally placed in a detention center when they have been arrested and are awaiting trial. The school district where the detention center is located is responsible for providing education services to detained students and districts in the surrounding catchment area contribute to the costs on a prorated basis. While some students may move between State Operated Programs, Detention Centers and Facility Schools, the authority, responsibilities and funding streams for each type of agency are distinct.

The primary focus of this manual is on placements in Eligible Facilities or Facility Schools. References to the other types of agencies will be made as needed for clarification.

The following people have contributed their expertise and time in the development of this manual.

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We would also like to thank Lynne Tucker whose considerable work on revising the original Out of District Manual served as the basis for the current version.

We hope you will find this manual useful and welcome your comments and suggestions. The manual has been revised several times over the years and will continue to be updated as needed. If you have questions about facility schools, the approval process or other matters related to students in placement, the Facility Schools Unit at CDE is available for assistance.

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