**School Approval Process for Eligible Facilities**



Office of Approved Facility Schools

1560 Broadway Suite 1100

Denver, CO 80202

4/11/18

## Table of Contents

**Introduction……………………………………………………………………….2**

**Approval Process………………………………..……………………………….2**

**Letter of Intent………………….…………………………………………………3**

**Application Process………………………….………………………………….4**

**Guidance and Resources…………………………………………………….9**

For further assistance, contact:

**The Colorado Department of Education**

**Office of Approved Facility Schools**

**1560 Broadway, Suite 1100**

**Denver, Colorado 80202**

Facility Schools (facility\_schools@cde.state.co.us)

## Introduction

The Office of Facility Schools and Colorado Facility Schools Board were established in 2008 with the passing of House Bill 08-1204. In section 22-2-407 C.R.S. the criteria for approving facility schools is outlined. Further details of the approval process used by the Colorado Facility Schools Board is outlined in the Code of Colorado Regulations (CCR) 304-1, Section 222-R-3.01.

An “eligible facility” means a day treatment center, residential child care facility, or other facility licensed by the Department of Human Services or hospital licensed by the Department of Public Health and Environment.

The purpose of this process is for eligible facilities to apply to the Colorado Facility Schools Board to provide educational services to students placed in a facility, be placed on the CDE approved facility list, and receive reimbursement for providing educational services to those students.

## Approval Process

The approval process for a facility school takes a minimum of three months and includes a Letter of Intent, a preliminary approval by the Office of Approved Facility Schools, and a final approval by the Colorado Facility Schools Board.

Applications are accepted year round, however, only those submitted on or before May 31st

are eligible for tuition costs for the upcoming school year. Programs that receive approval after September will not have a tuition rate set or be eligible to bill tuition costs until the following school year.

It is recommended that a facility seeking school approval **allow at least 90 days to complete the process.** Factors such as hiring appropriately licensed teachers and service providers, and obtaining licensing from the CDHS or the CDPHE should be taken into consideration when deciding when to apply.

Once all components of the application have been received and reviewed, a time will be scheduled for the facility to present its program to the Facility Schools Board at one of the board’s monthly meetings. If the board has questions or recommendations, the facility must respond to those and complete any of the outstanding requirements. Once all application elements are complete, the Office of Approved Facility Schools will forward the completed application to the board for review. The program will be considered approved only after the Facility Schools Board has met and granted the probationary approval.

Upon approval, the Office of Approved Facility Schools will send written notification.

Probationary Approval will be in place for a minimum of one calendar year from the date the Colorado Approved Facility Schools Board formally grants approval. During that initial year, there will be a minimum of four technical support and assistance visits to the school.

For agencies which already have an approved facility school and are adding an additional location, the probationary status may be waived depending on prior monitoring visits, administrative structure and staffing patterns.

Full Approval will be granted, by the board, after the first year if the school demonstrates implementation of educational requirements and has no significant outstanding compliance issues.

The approval of a facility school is maintained provided the program demonstrates that it meets requirements during regular monitoring activities.

\*\*The approval process will be considered void and the file closed if there has been no communication with CDE within sixty days of the date the agency is informed of eligibility for approval. Should the agency choose to renew the application process at a later time, the initial application information will need to be updated or resubmitted.

## Letter of Intent

If a facility decides to pursue approval from the CDE, Office of Approved Facility Schools, the first task is to submit a *Letter of Intent.*

The letter must include:

* The history/background of the corporation that will own/operate the facility, including names of owner(s) and/or executive director.
* A description of the administrative structure of the facility, the type of board (Advisory, Governing), including a list of the members of the Board of Directors, as well as executive leadership positions.
* The mission of the facility, including any specialty focus of the program.
* Demographic data, including: age ranges, population totals, genders, program type (residential vs. day treatment)
* A brief description of the educational program.
* The status of the Colorado Department of Human Services (CDHS) or Colorado Department of Public Health and Environment (CDPHE) license, including the contact from the agency.
* The name and contact information of the person completing the initial application packet.

The Office of Approved Facility Schools will review the *Letter of Intent* and contact the applicant if there are questions or if further information is needed.

If applicable, additional documentation may be requested by the Office of Approved Facility Schools and/or the Colorado Facility Schools Board.

The agency will be notified by e-mail regarding whether the program is eligible to pursue approval.

The *Letter of Intent* should be sent to:

**The Colorado Department of Education**

**Office of Approved Facility Schools**

**1560 Broadway, Suite 1100**

**Denver, Colorado 80202**

**or**

Facility Schools (facility\_schools@cde.state.co.us)

## Application Process

Once the Letter of Intent has been reviewed, applicants will be notified by the Office of Approved Facility Schools that work may begin on the *Application for School Approval*.

The required application components and/or documentation are:

1. CDHS or CDPHE License
2. School District Acknowledgement
3. Support of Board of Directors
4. Budget Projection
5. Schedule and Calendar for the Educational Program
6. Educational Personnel Information
7. Special Education Director Information
8. Academic Curriculum
9. Verification of Technology Systems
10. Educational Policies and Procedures

### A. **CDHS or CDPHE License**

Submit a copy of the license (or the first page of the application) from either the CDHS or the CDPHE.

It is appropriate to begin the school approval process with the CDE while working on obtaining the public agency license.

The Office of Approved Facility Schools and Facility Schools Board will consider prior monitoring evidence, if the applicant was previously an Approved Facility School. Any CDHS or CDPHE monitoring, licensing, and investigation history will also be considered in the approval process.

In no case will a facility school approval be granted until and unless the licensing process with either the Colorado Department of Human Services or the Colorado Department of Public Health and Environment is approved. If at any time CDHS or CDPHE licensure is revoked/suspended, the school approval is also considered to be immediately revoked/suspended.

### B. **School District Acknowledgement**

Submit a letter from the public school district and, if applicable, the BOCES in which the facility is physically located. This letter must be signed by **BOTH** the Director of Special Education/Designee and the Superintendent/Designee. The letter should clearly state that the school district/BOCES is aware of the location of the facility and acknowledges their responsibilities as the school district of attendance for the facility.

### C. **Support of Board of Directors**

Submit a letter of approval from the facility’s governing body, which includes the Chair’s signature.

### D. **Budget Projection**

Submit a budget that details anticipated revenue sources and operating and non-operating expenses.

### E. **Schedule and Calendar for the Educational Program**

Submit a copy of the daily/weekly schedule that indicates the hours of school each day and subjects taught.

Submit a copy of the annual school calendar that shows the days students will be in school. This calendar will also be used in the tuition cost rate setting process and the PPR billing process.

To be approved, a facility school must provide educational services with a daily/weekly schedule and annual calendar that is comparable to that of a public school setting. During the regular school year (generally from mid-August to the end of May), the program must provide at least 1080 hours of educational services for secondary aged students, 990 hours for elementary. Up to twenty four hours may be used for teacher training, parent teacher conferences or school cancellations due to inclement weather or other conditions which would impact the health or safety of the students. Twelve of those hours (2 days) must be designated for CDE professional development.

\*\*Lunch, group, and individual treatment services or other non-educational, non-instructional services **CANNOT** be included in the calculation of required education hours.

Special education students are entitled to the full amount of services identified on their IEP. They may not be pulled from instructional time for treatment services if that would result in the student receiving less special education services than is specified on their IEP. General Education students may not be pulled for treatment services if that would result in the student receiving less instructional time, than is required by law, as stated above.

Individual students may participate in less than a full day of instruction only if the need for a shortened day is documented in the IEP and is based on the individual needs of the student. Transportation issues and therapy schedules are not appropriate justification for a shortened day.

If the facility supports any religious activities, such activities must be conducted outside school hours. The school day must be non-sectarian and religion free. If the school uses a building such as a church for its educational services, no religious symbols can be displayed in the school area or classrooms.

Any time scheduled for service learning, community experiences, field trips, outdoor education, etc., must be fully described as to how those activities meet instructional learning time requirements. Many students in out-of-district placements have not been successful in traditional school settings; therefore, alternative approaches are supported and encouraged. It is important, however, that even in non-traditional settings, appropriate curriculum is used that is designed to assist students in achieving the content standards.

### F. **Educational Personnel Information**

Submit the names of the teachers, their role, as well as copies of their current licenses so they may be verified. Verification of licenses is required before the approval request can be submitted to the Colorado Facility Schools Board of Education.

For each teacher, submit a list of grade levels and content areas in which they are highly qualified.

Address how the school will provide CDE licensed substitute teachers for those times when teachers are absent due to either illness or professional development. Substitute teachers are meant to be utilized on a short-term basis **ONLY**.

Also identify, by name, who will be an on-site educational administrator.

Educational staff employed by the facility must hold a current CDE license, appropriate to their job assignment. The facility is required to employ sufficient numbers of teachers to appropriately serve the number of students placed in the program and to employ sufficient numbers of special education teachers to provide the services required on IEPs. For many facilities, there are not enough students who require related services (speech/language; physical therapy, etc.) to justify employment of staff with those credentials. If the facility does employ related services staff and such staff is included in the facility’s tuition cost rate, the facility is expected to provide the services on the student’s IEP. If the facility does not employ related services staff, then the district of residence is responsible to ensure that the student receives the related services. The district may send its own staff to provide the services directly, it may contract with a local or neighboring district or it might pay an additional amount to allow the facility to provide the services. Arrangements for such supplemental services should be clearly delineated in the tuition cost agreement. For hospital programs where there is no tuition cost reimbursement, the district and the hospital need to reach an agreement through the IEP process regarding which agency will provide which services.

A facility is not required to have all of its teachers endorsed in special education in order to be approved. A special education generalist may teach all special education students except those who are deaf/hard of hearing and/or visually impaired. If the facility has more than one teacher, a mixture of general and special education teachers is allowed. Refer to your Department of Human Services contact for specific student to staff ratios. Any teacher who is found to be out of compliance with state and/or federal regulations in regards to highly qualified requirements must be working toward meeting the requirements through an approved plan. The Office of Approved Facility Schools can provide more information and assist in developing an appropriate staffing pattern.

### G. **Special Education Director Information**

Submit the name and a copy of the license for the Special Education Director. This individual must hold a **CURRENT** and **VALID** CDE license.

Please also include the job description for the Special Education Director. At a minimum, this person will be responsible to oversee the implementation of special education requirements. In some instances, this person will also serve as the building administrator, instructional leader – including curriculum implementation and oversight, state assessment facilitator, overseer of data and reporting, and/or teacher mentor. Depending on the size of the program, a Special Education Director may be contracted on a part-time basis. If this option is selected, indicate how many hours per month the Special Education Director will be working.

### H. **Academic Curriculum**

All approved facility schools shall follow/implement the curriculum adopted by the Office of Approved Facility Schools for Reading, Writing, and Communicating (English Language Arts), Mathematics, and Science.

Submit information on the curriculum that will be used in the facility school for the subject areas not yet adopted by the board (EX: Social Studies, PE, Art). In content areas for which the Office of Approved Facility Schools has not adopted curriculum, the facility schools may use the state’s sample curriculum or alternate curriculum that aligns to the Colorado Academic Standards.

### I. **Verification of Technology Systems**

The Office of Approved Facility Schools staff will work with the facility to provide information on technology requirements and test access to the required systems during the approval process.

Approved facility schools are required to use the following web-based systems:

Facility School Student Information System - the data from the system is used on an on-going basis and it is critical that the data is accurate and up to date at all times.

Enrich - system for IEP development, special education procedures and data reporting.

iReady – a diagnostic and progress monitoring assessment tool

The Office of Approved Facility Schools offers training on accessing and navigating all of these systems.

Approved facility schools are also required to participate in all state assessments. The Office of Approved Facility Schools provides training for assessment software and site readiness procedures.

### J. **Educational Policies and Procedures**

Prior to approval, facilities seeking school approval must submit a set of educational policies and procedures approved by its board of directors. A sample of required policies and procedures are available through the Office of Approved Facility Schools to assist with the development. The facility may add such policies and procedures as it wishes, but the minimum requirements must be addressed prior to approval. The minimum requirements address general operating procedures, special education procedures, confidentiality requirements and the other requirements for maintenance of facility school approval. The educational policies and procedures should be reviewed annually and updated as needed. The Office of Approved Facility Schools may require updates as statutes and regulations change.

**Send all completed application documents to:**

**The Colorado Department of Education**

**Office of Approved Facility Schools**

**1560 Broadway, Suite 1100**

**Denver, Colorado 80202**

Please note that the approval requirements represent minimum standards and are not a part of the accreditation process.

A companion document, *Quality Standards for Approved Facility Schools* provides additional guidance regarding development of program quality. For a copy of this document please contact The Office of Approved Facility Schools.

Please also keep in mind that placing agencies or other funding sources may have additional educational requirements that the agency will need to follow in order to be eligible for funds from those sources.

## Guidance and Resources

### General Information

When a student is placed into a residential or day treatment program by a public agency (County Department of Human Services, Division of Youth Correction, the courts, behavioral health agencies, or school districts) or is admitted to a hospital and is temporarily unable to attend their neighborhood public school due to their mental health, behavioral or medical needs, the student is still entitled to a publicly funded education. Obtaining approval through the Office of Approved Facility Schools provides access to public education funds, allocated by the Colorado Department of Education through Per Pupil Revenue (PPR).

Agencies which are eligible to apply for school approval are limited to residential, day treatment and hospital programs that are licensed by the Colorado Department of Human Services (CDHS) or the Colorado Department of Public Health and Environment (CDPHE). The students placed in such programs must be in need of mental health treatment, or have been removed from their home due to child protection issues, or must be patients of the hospital.

Funding is only available for students who are considered Colorado residents and who are placed by a public agency of Colorado or who are patients of a hospital. A facility that does not accept students who are publically placed (EX: a facility that only takes private placements or those initiated by parents or private agencies) are not eligible for approval. Furthermore, facilities accepting only out-of-state students are also not eligible for approval.

### Legal Considerations

In order to be eligible to receive funding, the facility is required to meet all State and Federal mandates and adhere to those mandates in practice. The responsibility of implementing these specific regulations should be considered in deciding whether to pursue a facility school approval.

* The agency maintains appropriate licensing through the Colorado Department of Human Services and/or the Department of Public Health and Environment.

[ECEA Rules 3.02(1)(a)(i)]

* The Facility School employs or contracts with a qualified Director of Special Education on at least a part time basis.  [ECEA Rules 3.02(1)(a)(vii)] – See Rules for the Administration of Facility Schools. 222-R-3.00 3.01(2)(e)
* The Facility School implements IEP planning in collaboration with the responsible administrative unit and delivers services in accordance with student IEPs. [ECEA Rules 8.01(2)(e)]
* The Facility School provides staff development in accordance with [ECEA Rules 8.01(2)(6) and 3.05]
* The Facility School conducts an annual self-assessment and develops a school improvement plan based on established guidelines.  [ECEA Rules 3.02 (1)(c)(i)]

Additional information can be found in both the Individuals with Disabilities Education Act (IDEA) and the Exceptional Children’s Education Act (ECEA).

#### Monitoring

The facility must agree to cooperate with any on-site monitoring visits or audits, whether they are planned or unannounced. These are to verify compliance with and implementation of policies and procedures as well as delivery of educational services.

A typical CDE on-site monitoring visit/audit could include any/all of the following:

* Classroom observations – including monitoring of Curriculum use and effective instructional practices
* Review of student educational files – including all necessary documentation of special education procedures
* Interviews with staff and students
* Feedback from school districts/placing agencies
* Verification of data submitted as part of December Count
* Verification of data submitted as part of the Tuition Costs application
* Verification of PPR payments
* Review of the *Quality Standards* notebook/portfolio

#### Personal Learning Plans for General Education Students

The Rules for the Administration of the Public School Finance Act, requires general education students in approved facility schools to have individual educational goals and objectives developed for them and reviewed annually.

#### Special Education and Least Restrictive Environment

All students receiving special education, who are placed into a facility by a public agency, have the right to a Free Appropriate Public Education (FAPE), comparable to what they would receive in a school district.

The concept of Least Restrictive Environment (LRE) is a key component of both state and federal special education regulations. In the context of special education, LRE means that a student must be educated in the general education classroom unless the nature or severity of the child’s disability is such that even with supports and accommodations, the child cannot receive an appropriate education in that setting, or that the nature and severity of the disability is so disruptive that the education of other children would be significantly impaired.

A student must be educated in the public school general education classroom unless the student’s needs make that not feasible. Any removal to a more restrictive setting (e.g., self-contained class in a public school, approved facility school) must be justified by the individual student’s needs and/or disability, via the Individual Education Program (IEP). A facility is not eligible to be approved if the majority of students placed into the program can appropriately be served in a public school setting.

It is inappropriate to assume that all children placed into the facility will be educated in the approved school. For students placed into a residential setting, the educational placement decision may be made separate from the facility placement decision. It is possible that a student placed in a residential facility for mental health/child protection issues could have his/her educational needs met by attending a public school. The educational placement decision for special education students should be made by the IEP team based on the student’s individual needs and must be documented on the IEP.

#### Day Treatment Criteria

The student must be placed by a public agency. Day treatment means that there must be a mental health component to the program in addition to required educational services. Mental health treatment must be funded by a public agency. For day treatment programs, approval can only be granted if students served are at risk for out-of-home placement and in need of mental health treatment in addition to what a public school setting can typically provide.

Self-contained programs or cooperative day treatment programs which are primarily a district or Board of Cooperative Educational Services (BOCES) program—meaning the district/BOCES is setting up the program to serve the needs of its own students—are the responsibility of the district/BOCES and are not eligible for the approval process.

An alternative school program which provides non-traditional forms of instruction but not mental health treatment is not eligible for approval; it is the responsibility of the sponsoring district/BOCES.

### Professional Development Considerations

#### Induction

The Office of Approved Facility Schools has approved induction programs for both Teachers/Special Services Providers and Administrators/Principals. Special Education Directors are included in the Administrators program.

* Teacher/Special Services Provider Induction – Each facility school is required to provide their own program.
* Administrators/Principals Induction – The Office of Approved Facility Schools oversees and administers this program. Information regarding the program such as meeting schedule, mentor application, and growth plan template will be shared with each school annually, or following final approval of the school.

General information about the program may also be found on the Facility Schools website. [Facility Schools Educator Licensing Information](http://www.cde.state.co.us/facilityschools/license) (http://www.cde.state.co.us/facilityschools/license)

#### Staff Training

Training for educational staff of approved facility schools is available on a wide variety of topics through the staff of the Office of Approved Facility Schools and other CDE staff. Training may be provided in person or through electronic options. Approved facility schools are expected to make education staff available for and support their participation in training designed to improve their knowledge and skills; to improve the quality of the educational services that are provided and to ultimately improve the educational outcomes of the students in placement. Each facility school shall schedule twelve hours/two days each calendar year for CDE professional development.

### Funding Considerations

For facilities that are licensed through the CDHS and that are accepting placements from public agencies, once the licensing process is completed and the school is approved, the agency is entitled to at least two funding sources for education. These two funding sources are Per Pupil Revenue (PPR) which is available for all students in the approved school program and Tuition Costs which is available for special education students. The interagency agreement between the CDHS and the CDE addresses requirements of notification and payment of Tuition Costs for students placed by a public agency.

Students who are admitted by a physician to an approved school program in a hospital are not governed by the interagency agreement with the CDHS, and therefore not generally able to collect Tuition Costs from school districts.

Many facilities, find that the public funding available through these sources is not sufficient to cover the entire cost of the education program. The facility should be prepared to conduct additional fundraising activities or to seek outside grants in order to offset the costs of the education program.

#### PPR

The Per Pupil Revenue (PPR) is funding provided through school finance regulations. Daily rates for PPR may be found at: [Facility Schools Tuition Costs](http://www.cde.state.co.us/facilityschools/tuitioncosts)

(http://www.cde.state.co.us/facilityschools/tuitioncosts)

Approved schools are eligible to bill the CDE each month for the number of students served during that month, including summer months (up to 59 days), if an academic summer school program is provided. Students eligible to be included in the billing are only those students who have been placed by a Colorado public agency and who have received education through the approved program, with two exceptions:

1. Hospitals can only bill for students who are patients of the hospital.
2. Residential facilities can only bill for a privately placed student if the district of residence for the student agrees that the facility placement is the most appropriate placement and agrees to pay tuition costs. In this case, parents and/or insurance would be responsible for the therapeutic and room/board costs. Documentation of the school district approval must be maintained for audit purposes.

Payments are made monthly, based on daily student attendance totals and the daily PPR rate.  90% of the full amount is paid out during the school year – 10% is held in reserve. At the end of the fiscal year, any money remaining in the facility schools fund is distributed to the approved programs proportionally. If the total student days billed during a particular year is more than the funds set aside, it is possible that facilities will receive less than the full 100% of the PPR funding for that fiscal year. In recent years, the full 100% of funding has been forwarded to the facility schools.

The CDE will audit teams the facility school’s financial and attendance records to verify that billing was appropriate. It is imperative for each individual facility to maintain original attendance records for the PPR audit. If discrepancies are found, adjustments will be required – either the CDE will forward additional funds or the facility will be required to repay funds, depending on the nature of the discrepancy.

#### Tuition Costs

Tuition costs, previously referred to as Excess Costs, in the *ECEA* *Rules,* are essentially special education funding. Each approved facility school (excluding hospitals) is eligible to have a tuition cost rate determined. It is a unique rate that is set by the CDE for each Facility School program based on the actual costs of providing special education services. Tuition rates are only approved for the traditional school year based on the required minimum of 176 days of direct student contact. Year-round program rates are not approved.

Tuition rates are set once a year in the fall. The approved facility then sets up an individual contract for each special education student with that student’s school district of residence for the payment of tuition costs. There are specific procedures regarding billing notification (contact your district to determine frequency), approval of the placement by the district of residence, contracts, and provision of special education services which must be followed if the facility is to receive payment from districts.

While facility schools are allowed to bill PPR for summer school programs – up to a maximum of 59 days, districts are not required to pay tuition costs beyond a traditional school year calendar. If a special education student is eligible for Extended School Year (ESY) services, the district of residence may choose to have those services provided by the approved facility school. If so, the district and facility will need to negotiate a separate rate for each student who is to receive ESY services. The nature of ESY services are highly individualized and generally are not full day, five days a week. The CDE does not approve ESY rates for individual students.

School districts and eligible facilities are encouraged to create contracts that include (but are not limited to) the following points:

* Identify the parties involved in the contract
* Specify the authority of the parties to enter into the contract
* Specify the purpose of the contract
* Stipulate the effective dates of the contract (it is strongly recommended that separate contract be established for summer services if a district agrees to pay for those services)
* Provide an overall description of the program
* Delineate the specific scope of the services to be provided
* Define the responsibilities of both the eligible facility and the school district
* Specify funding information
	+ What the CDE approved tuition cost rate is
	+ What the CDE approved tuition cost rate includes
	+ Description of individual services per the IEP that are above and beyond the services included in the tuition cost rate (supplementary services)
	+ What the supplementary services required by the IEP will cost or how they will be provided by the district
	+ How frequently the eligible facility will bill the school district
* Specify that any modifications to the contract must be in writing
* Specify provisions for the termination of the contract for services
* Dated signatures from a person at the eligible facility able to legally bind the facility and from the school district’s special education director/designee.
* Clearly defined expectations for out-of-state placing agencies, including educational costs, assessment requirements, and IEP procedures when appropriate

Contracts for tuition are private contracts between the school district and the facility. The CDE does not approve these contracts. Facilities and school districts are encouraged to have the content of tuition cost contracts reviewed by the agency’s respective legal counsel.

### Title I

Approved facility schools with residential programs may also qualify for federal funds through Title I. To initiate this process, please contact the Title I coordinator for the administrative unit where the facility is located.

[Federal Funds Title I](http://www.cde.state.co.us/fedprograms/ti/index) (http://www.cde.state.co.us/fedprograms/ti/index)

### EARSS Grant

The EARSS program is authorized by Colorado Revised Statute 22-33-205 to fund competitive grant proposals for which the purposes are to provide education services and support services to expelled students, students at risk of being expelled, or students at risk of being declared, or already are, habitually truant.

[Dropout Prevention - EARSS](http://www.cde.state.co.us/dropoutprevention/p_earss) (http://www.cde.state.co.us/dropoutprevention/p\_earss)