

August 12, 2010

MEMO TO: Directors of Special Education

FROM: Robert Rутten
Director of Special Education

SUBJECT: Application/Contract (School Placed), District or Special Education Unit Placement of Students in an Out-of-State Public/Private or In-State Private, SFN 9452

The enclosed application/contract is to be used for state special education approval whenever a student is placed in an in-state private school or an out-of-state public or private school by a school district or special education unit.

Before contracting with the school, the administrator of the school district of residence must notify the State Director of Special Education by letter or telephone of intent to enroll the student in an in-state private educational facility or an out-of-state educational facility. This form can then be sent to the school district superintendent or his designee.

- 1) The administrator of the school district of residence must prepare three copies of the application and contract (completing the appropriate parts of the contract section); along with copies of the required IEP information; sign the form; and send three signed copies to the administrator of the (receiving) school.

By completing the form and signing it, the school district of residence is indicating its wish to enroll a student and accepting the responsibility for timely payment of all costs as indicated in the contract. The school district of residence through their special education unit will then be reimbursed by the Department of Public Instruction for education and related services costs for an amount for the school year in excess of four times the state average per pupil elementary or high school costs or the prorated amount if the student attends less than a full school year. The school district of residence through their special education unit will also be reimbursed by the Department of Public Instruction for 80 percent of boarding care costs as identified in the contract.

- 2) The administrator of the receiving school will complete Section 2 of the contract portion; sign the form; and send three completed, signed copies to the Fiscal Management, Department of Public Instruction, 600 East Boulevard, Dept. 201, Bismarck ND 58505-0440 for review.
- 3) The Superintendent of the Department of Public Instruction will approve the contract and one copy will be sent to resident special education unit and receiving resident facility/unit.

The contract indicates the following:

- 1) School district of residence cost liability (4 times the state average per pupil cost elementary or secondary as computed by the Department of Public Instruction or the computed prorated amount if the student attends less than a full school year) for the 2010-2011 school year is listed on the contract and is the actual figure to be used for the 2010-2011 school year.
- 2) Gifts, payments from SSI, or other agency funds collected for the education and related services of the student will be itemized.
- 3) The school district of residence will make all payments to the receiving school, including special education and related services payments and boarding care payments, according to the timeline indicated in the contract.
- 4) Reimbursement will be made to the school district of residence through their special education unit by the Department of Public Instruction for 80 percent of boarding care costs according to the timeline indicated in the contract. Reimbursement for the excess educational costs will be made by the Department of Public Instruction at the conclusion of the school year.

Enclosure



PRIVATE SCHOOL/OUT OF STATE APPLICATION/CONTRACT* (SCHOOL PLACED)

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
 OFFICE OF SPECIAL EDUCATION
 SFN 9452 (Rev. 08-10) *(NDCC Section 15.1-32-15)

RETAIN ONE COPY FOR YOUR FILES

This application/contract should be used when sending a student to an in-state private school or to an out-of-state public or private school.

| | | | |
|--|--|----------------------------------|-------------------|
| 1. Applying School District of Residence | | 2. Administrator | |
| Address | | Administrator's Telephone Number | |
| 3. Special Education Unit of which Applying School District of Residence is Member | | 4. Student Name | Student ID Number |
| Address | | Birthdate (M/D/Y) | |
| 5. Period of Service _____ to _____ and indicate <input type="checkbox"/> ESY or <input type="checkbox"/> Regular | | 6. Amendment Date | |
| 7. Receiving School | | 8. Administrator | |
| Address | | Administrator's Telephone Number | |
| 9. Receiving Residential Facility/Receiving Special Education Unit | | 10. Administrator | |
| Address | | Administrator's Telephone Number | |
| If receiving school district personnel <u>did not</u> attend IEP planning meeting, describe how they were involved in the development of the IEP. | | | |
| | | | |
| A. A copy of the IEP on file in the school district of residence? Do the parents have a copy of the IEP? <input type="checkbox"/> Yes <input type="checkbox"/> No If "NO", were they offered a copy of the IEP? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| 11. Transportation of a student is the responsibility of the school district of residence. | | | |
| 12. Payment of boarding care costs is the responsibility of the school district of residence and reimbursement for boarding care costs shall be made to the school district of residence through their special education unit by the Department of Public Instruction. Reimbursement will be made according to the rules and regulations of the Department of Public Instruction to the school district of residence, through their special education unit, from state special education funds at a rate established by the Department of Public Instruction. (Application for boarding care should be made on Boarding Care Application. SFN 10301, and reimbursement for boarding care on Boarding Care Reimbursement Request, SFN 10302, both forms are available from the Department of Public Instruction.) | | | |

| | | |
|---|----------------|---------------|
| Payment by the School District of Residence shall be made to the boarding care facility in installments as follows: | | |
| | | |
| The school district of residence, through their special education unit, shall be reimbursed for boarding care from the Department of Public Instruction in installments as follows: | | |
| | | |
| Name of facility or foster care/boarding care parents | | |
| Address | Cost per month | No. of months |

Section 1

THIS CONTRACT is effective as of this (first day of attendance) _____ day of _____, 20____, by and between the SCHOOL BOARD OF _____, PUBLIC SCHOOL DISTRICT, NO, _____ OF _____ COUNTY, STATE OF NORTH DAKOTA, hereinafter referred to as party of the first part and the SCHOOL BOARD OF _____, Address _____ hereinafter referred to as party of the second part.

WHEREAS, the second party is a nonsectarian, nonprofit corporation, or public school district out of state, operating as a fully accredited, elementary and high school facility for the education of students with disabilities; and

WHEREAS, first party has within its district a student with disabilities by the name _____ who is disabled and qualifies under Section 15.1-32 of North Dakota Century Code to attend a private school or public school out of state.

THEREFORE, in consideration of the mutual covenants and agreements herein contained, it is agreed by and between parties hereto as follows:

The first party shall contract with the second party for the education of a student qualified under the section and to pay, therefore, an amount for the school year equal to the total cost of this contract. The first party, through their special education unit, will be reimbursed by the Department of Public Instruction for education and related services costs for an amount for the school year in excess of four and one-half times the state average per pupil elementary or high school cost, provided that amount does not exceed the cost of education of the student. The first party, through their special education unit, will also be partially reimbursed by the Department of Public Instruction for boarding care costs identified in this contract.

The first party is responsible to cause an IEP to be developed for the student.

The second party shall educate (student's name) _____ appropriately under the individualized education program plan developed cooperatively by a team representing staff of second party and first party, as well as the parent or guardian of the student.

Signatures on this contract attest specifically to the completion of an IEP for the disabled, which has been approved by the parents and the contracting schools. The IEP is available to both parties and to the parents.

That first party will be responsible for arranging for participation of first party personnel in IEP planning meetings and for maintaining contact with second party and parents during the year.

| | Column 1 | Column 2 | | | | | | |
|---|----------|----------|---------|---------|---------|---------|-------|--|
| B. Subtotal school year costs for special education and related services →→→→→ | \$ | \$ | | | | | | |
| Subtotal B + C | | | | | | | | |
| 1. Third party payments (such as insurance payment for PT, OT, etc.) | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Service</td> <td style="width: 33%;">Service</td> <td style="width: 33%;">Service</td> </tr> <tr> <td>Payment</td> <td>Payment</td> <td>Payment</td> </tr> </table> | Service | Service | Service | Payment | Payment | Payment | →→→→→ | |
| Service | Service | Service | | | | | | |
| Payment | Payment | Payment | | | | | | |
| | \$ | \$ | | | | | | |
| (a) The amount used to calculate district and state allowable costs is equal to subtotal B + C minus the sum of third party payments. →→→→→ | \$ | \$ | | | | | | |
| Subtotal 1 | | | | | | | | |
| 2. (a) School district liability for education and related services. (Based on 4.0 times State Wide Average Cost) | | | | | | | | |
| Elementary (K-8) = (Days of membership ____ @ by 180) X \$35,845 | | \$ | | | | | | |
| Secondary (9-12)= (Days of membership ____ @ by 180) X \$37,115 | | | | | | | | |
| 3. Reimbursement from State Special Education funds to School District of Residence for exceeding school district liability costs. Subtract school district liability, B2a, from Column 2, State Allowable Costs, Subtotal 1a →→→→→ | | \$ | | | | | | |
| 5. School District of Residence obligation covered by State Sources (Amount from 3). | \$ | | | | | | | |
| C. Total School District of Residence costs for special education and related services costs not covered by State Sources (Subtract B.5 from Column 1, Subtotal 1). →→→→→ | \$ | | | | | | | |
| D. Total district of residence obligation for special education, related services and boarding care add III.A.2 and III.C →→ | | \$ | | | | | | |

Section 3

The second party shall keep and provide first party with attendance records for (student's name) _____ and in the event that this student attends the school operated by the second party for a period less than a school year, then and in that event, first party will be liable only for the period of time this student was in attendance to the end of the month in which attendance ceases.

IN WITNESS THEREOF, the parties hereto have caused this agreement to be executed the day and year first above written.

SCHOOL BOARD APPROVAL:

| | | |
|------------------------|-----------------------|------|
| School Board Of | Public School No. | |
| County | State NORTH DAKOTA | Date |
| Signature of President | Signature of Clerk | |

RECEIVING SCHOOL APPROVAL:

| | | |
|----------------------------|--------|------|
| Signature of Administrator | School | Date |
|----------------------------|--------|------|

SUPERINTENDENT OF PUBLIC INSTRUCTION APPROVAL:

Approval of the curriculum and foregoing contract is hereby given, effective as of the _____ day of _____, 20_____, under authority of Section 15.1-32-15 of the North Dakota Century Code.

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|---|
| Signature of State Superintendent of Public Instruction |
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**INFORMATION RELATIVE TO APPLICATION FOR STUDENT ATTENDANCE IN
OUT-OF-STATE PUBLIC OR PRIVATE SCHOOL FOR SPECIAL EDUCATION**

Under Section 15.1-32-15 NDCC it is possible for the school district to provide special education for a student with disabilities by contracting with a nonpublic school or a public school out of state.

15.1-32-15. STUDENTS WITH DISABILITIES – ATTENDANCE AT PRIVATE INSTITUTION OR OUT-OF-STATE PUBLIC SCHOOL.

1. If in the opinion of an individualized education program team or an education services team a student is unable to attend a public school in the student's school district of residence because of a physical disability, a mental disability, or a learning disability, and if no public school in the state will accept the student and provide the necessary services, the student's school district of residence shall contract with:
 - a. A private, accredited, nonsectarian, nonprofit institution that is located within or outside of this state and which has the proper facilities for the education of the student; or
 - b. A public school located outside of this state that has proper facilities for the education of the student.
2. The superintendent of public instruction shall approve in advance the terms of the contract and the services to be provided by the admitting institution or school.
3. The contract must provide that the student's school district of residence shall pay to the institution or school, as part of the cost of educating the student, an amount for the school year equal to four times the state average per student elementary or high school costs, depending upon the student's level of enrollment.
4. The amount paid may not exceed the actual per student cost incurred by the institution or school.
5. The school district of residence is entitled to the per student payment for a student who receives services under this section.

These conditions must exist before the contract is considered:

1. The student is unable to attend public schools in the district because of physical or mental handicap or learning disability.
2. No other public school within the special education unit has the necessary facilities or program or will accept the student.
3. The private or out-of-state public school is accredited, nonprofit, nonsectarian, and has proper facilities for the education of the student.
4. The curriculum provided by the private school or out-of-state public school is approved by the Superintendent of the North Dakota Department of Public Instruction.

Application for approval of contract must be submitted to the Department of Public Instruction on Public/Private School Application/Contract, SFN 9452, with attached contract. The contract must be approved by the Superintendent, Department of Public Instruction.

Responsibility of School District of Residence:

1. The School District of Residence must assure that alternative public school placement in North Dakota was investigated.
2. The School District of Residence must submit information about the student for consideration by each in-state public school which could have an appropriate program for consideration.
3. The School District of Residence is responsible for and will participate in development of the individualized education program planning for the student.
4. The School District of Residence will evaluate the program annually and establish an appropriate program for the student within the resident school district system whenever feasible.
5. The School District of Residence shall maintain a case file including progress and periodic evaluations of the student.
6. The School District of Residence shall provide transportation and boarding care for the student as prescribed in regulations of the Department of Public Instruction.

Responsibility of the private school or out-of-state public school:

1. It is the responsibility of the private school or out-of-state public school to provide the educational program as prescribed in the mutually developed IEP.