March 16, 2016

MEMORANDUM

TO: City and County Superintendents of Education
Directors of Specialized Treatment Centers

FROM: Thomas R. Bice
State Superintendent of Education

RE: Fiscal Management and Monitoring of IDEA Students in Specialized Treatment Centers

Regarding the funding of Specialized Treatment Centers (STCs) with Child Count/IDEA, Part B, and Education Trust Fund (ETF) appropriations, this memorandum delineates the responsibilities by each STC upon receipt of these funds and the Alabama State Department of Education’s assurances to conduct monitoring efforts and activities regarding special education and related services, including access to and progress in the general curriculum provided by the STCs to these respective students.

1. Pursuant to federal and state laws and regulations, a child’s special education and related services received from and provided by a STC must be in agreement with the child’s Individualized Education Program (IEP) derived from the child’s respective Local Education Agency (LEA).
   A. This includes all mandatory reviews and implementation of necessary revisions and services as determined to ensure a free appropriate public education (FAPE).
   B. Other non-SEA (State Education Agency) placement classifications regarding FAPE responsibilities will be determined by the specific factual circumstances for each child, i.e., a unilateral parental placement of a child at a STC in which case FAPE is not entitled, but potential eligibility for equitable services from the LEA of STC location.
   C. All non-educational placements at a STC by any state or local agency (i.e., Department of Human Resources, Department of Mental Health) will be the responsibility of the Local Education Agency (LEA) where the custodial parent with educational authority and decision making rights resides and, thus, all IDEA and related issues will be directly addressed, coordinated, and administered with the respective LEA in conjunction with the STC.
   D. The Alabama Department of Youth Services (DYS) will retain, serve, and remain responsible for all educational components, including the identification, evaluation, educational placement, and FAPE, for children that are enrolled in DYS School District 210. Specialized Treatment Centers (STCs) licensed by DYS will provide assurance of compliance with all general and special education requirements for students placed in their licensed centers pursuant to and in accordance with all applicable federal and state law and regulations, including the rules of the Alabama State Board of Education and Alabama State Department of Education as administered under the Alabama Administrative Code.
ETF and Child Count/IDEA, Part B, appropriations, currently provided to the LEAs of STC location, will now be distributed to and administered by DYS to the eligible STCs.

2. It is imperative that LEAs and STCs remain aware of applicable federal and state laws and regulations regarding their respective FAPE responsibilities, including the development, implementation, and enforcement measures to ensure that receipt of Child Count and ETF funding is appropriately and efficiently utilized.

3. Every STC shall implement effective measures to ascertain and monitor the type of educational placement at its facility in order to provide FAPE to students, oversee appropriate expenditures, and support the continuation of future educational funding requests.

   *For example:* Appropriate and necessary fiscal monitoring, responsibility, and accounting by the STC include whether a child was educationally placed via an LEA IEP Team Decision, other state or local agency referral and placement, or an unilateral parental placement.

Fiscal compliance and responsibility in conjunction with comprehensive monitoring and accounting measures will ensure that a child’s referral and placement at the STC provides the appropriate and necessary expenditures by the responsible entity to ensure that a FAPE and related educational services are delivered as well as future funding to STCs with Child Count and ETF allocations.

This policy is effective immediately with an implementation date of FY 2017.

All non-special education issues should be directed to Ms. Sabrina May at (334) 353-0732, and special education matters should be directed to Ms. Billie Thompson and Ms. Erika Richburg at (334) 242-8114.

**TRB:MEM:TMT**

**cc:** City and County Coordinators of Special Education
Special Education Coordinators of Specialized Treatment Centers
Selected ALSDE Employees

**FY16-1007**