

TO: Indiana State Board of Education Staff  
FROM: Indiana Department of Education  
RE: Educational Services at Residential Treatment Facilities  
DATE: February 27, 2019

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This memorandum identifies the unique accountability needs of private residential treatment facilities per IC 31-9-2-115 servicing at-risk youth, and proposes a solution to address them.

### **Background**

Secure Residential Treatment Facilities (RTFs), per IC 31-9-2-115, provide a variety of services to youth with potentially severe intellectual, behavioral, or developmental disabilities in a 24-hour secure facility setting. Child and adolescent residents at these facilities receive different types of treatment for their disabilities, as well as individualized education services. It should be noted however that while many residents have disabilities, RTFs also accept residents without established disabilities. For quality assurance purposes, RTFs can also obtain national accreditation through one of three third-party accrediting bodies:

- The Council on Accreditation (COA)
- The Commission on Accreditation of Rehabilitation Facilities (CARF)
- The Joint Commission (TJC)

Accreditation through one of these providers not only allows RTFs to distinguish themselves as quality care providers, but also ensures access to Federal Title IV funds, which require accreditation for RTFs with residents placed for longer than 30 days.

Typically, RTFs receive new residents on a year-round basis, either through a juvenile court order per IC 31-32-12-1, a written order from a physician per 511 IAC 1-6.1, placement by the Department of Child Services per IC 20-26-11-8, or from parents voluntarily admitting them as defined under IC 20-43-1-18.5.

A school corporation may also partner with an RTF to help service its students, as most residents at an RTF qualify for special education services. The duration of a stay at an RTF may vary greatly depending on the unique care needs of the resident; some residents only stay for a few weeks, and some may stay for 12-18 months.

### **Accountability: School vs. Program**

Because the amount of time a resident stays at a facility can vary, ensuring accountability for educational services can be tricky. As such, Indiana RTFs fall within one of two categories:

- Those that contract with a school corporation as a program; or
- Those that obtain separate accreditation as a standalone school.

For RTFs that register as a program within a school corporation, the facility provides the bulk of the educational services, while the school corporation provides either licensed teachers or tuition support to the facility. In terms of accountability, this arrangement means that the school corporation is ultimately accountable for the residents' education, and the "program facility" is able to better service its residents' unique needs with the school corporations' resources. Additionally, since the majority of residents at RTFs have Individualized Education Plans, or IEPs, registering as a program with a school corporation allows the facility to have access to the IEP and establishing a legitimate educational interest for the program to prevent privacy concerns.

In contrast, RTFs that become accredited as schools face added challenges to accountability. Many of these facilities sought accreditation in the past as a means to legitimize their educational services, as school corporations would sometimes refuse credits students earned while staying at an RTF. These facilities continued to receive residents through the same channels as "program facilities", but since they do not contract with a school corporation, they do not receive the added tuition or educational support services, including access to IEPs, from the students' corporation of legal settlement.

As such, RTFs in this category obtain freeway accreditation, and are then designated as "schools", despite not meeting the legal definition of a school under IC 20-18-2. This designation is important, as being classified as a freeway accredited school comes with steep performance requirements for attendance, proficiency, and graduation rate.

Per IC 20-26-15, a freeway school that fails to achieve the minimum educational benefit requirements under the freeway statute must have their accreditation revoked. In effect, this creates inconsistency by punishing RTFs accredited as schools, since "program facilities" do not need to meet the same performance requirements, while still receiving added tuition support.

### **Department Recommendations**

Given the challenges outlined above pertaining to Residential Treatment Facilities (RTFs), the Department has concerns with continuing to view some RTFs as programs and others as "schools", since neither meets the statutory definition of a school under IC 20-18-2. In addition, many RTFs already maintain separate national accreditation for their services.

Therefore, the Department recommends the State Board of Education expand its list of recognized third-party accrediting bodies to include The Council on Accreditation (COA), The Commission on Accreditation of Rehabilitation Facilities (CARF), and The Joint Commission (TJC).

Further, the Department recommends that Residential Treatment Facilities should no longer be considered "schools"; instead the Department recommends they be designated as "recognized programs" for accountability purposes.

This would mean if a student is sent to an RTF, the student's corporation of legal settlement would receive the accountability data of the student, and be responsible for providing tuition support to the RTF while the student is in attendance, in accordance with statutory requirements outlined in IC 20-26-11-8 and IC 20-26-11-11.5.

These recommendations would allow RTFs to continue to be eligible for federal grants, alleviate performance concerns by moving accountability away from the programs to the student's corporation of legal settlement, and provide consistency across the state in how these facilities with on-campus education programs are treated.

Finally, the Department recommends that any future RTFs petition the State Board of Education for program approval in order to receive the designation as a "recognized program".

### **Impacted Facilities**

The Department's recommendation would impact any future RTFs, as well as the following current freeway-accredited RTFs:

- C257 Damar Academy
- A352 Gateway Woods School
- D058 Midwest Academy MCYF
- B167 Paddock View Residential Center
- B557 Pierceton Woods Academy
- D056 Shults-Lewis Child & Family Srvs
- B562 Southwest IN Regional Youth Vlg
- D451 TC Harris School
- B233 Transitions Academy