**MEMORANDUM**

TO: LEA Special Education Directors

FROM: Sheila Paitsel

Director, Special Education

Office of Federal Programs & Support

SUBJECT: FY 2024 Funds for Out-of-State Instruction of Students with Disabilities

Under State Account 0314-159 (**LIMITED TO 1st SEMESTER ONLY**)

DATE: February 26, 2024

This memorandum sets forth the administrative procedures and stipulations for the receipt of state funds under state account 0314-159 for students placed in out-of-state instruction programs for FY 2024 for educational reasons by their Individualized Education Program (IEP) Teams.

Districts requesting reimbursement for the out-of-state placement of students with disabilities must submit the form, Request for Out-of-State Instruction Funds, Sections A and B with the required documentation, when appropriate, in accordance with the timelines specified in the attached application. Timely receipt of this information is essential for budgeting purposes and efficient dissemination of grant awards to districts applying for reimbursement. **Requests for reimbursement received after the specified dates will not be honored**. The Office of Special Education will not assume responsibility for providing the districts prior notice of the impending due dates.

**District Eligibility for Support Through State Account 0314-159:**

The following criteria must be met to receive financial support through the out-of-state placement fund.

1. The placement of a student with a disability in an out-of-state program must be in accordance with all applicable federal and state laws and regulations, including the procedures for the out-of-state placement of exceptional students in Policy 2419: *Regulations for the Education of Students with Exceptionalities, Chapter 8, Section 3.*

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1. Free appropriate public education cannot be provided within the state.
2. The county school district must provide evidence that more than one out-of-state facility has been investigated.
3. The county school district must place the student in a private school or facility that has approved status in the state in which it is located, must provide assurances the school or facility meets the requirements of the Individuals with Disabilities Education Act of 2004 and must have a signed contract between the district and the approved out-of-state facility.
4. A complete and current WV IEP has been developed. The responsibility for renewing and revising subsequent IEPs remains with the WV LEA.

**Reimbursement Rate**

The reimbursement for the educational costs for students placed out-of-state by an Individualized Education Program (IEP) team will be based upon the following:

1. The state funds ($300,000) will only be available for the first semester. The first semester is defined as July 1, 2023, through December 31, 2023.
2. Funds will be equally divided and disbursed based on the number of districts requesting reimbursement for the first semester, but in no case will exceed the total request for reimbursement made by a district.
3. Funds under the account shall be used to **reimburse** the county school district. The county district must initially pay the costs of educating the student.

**Funding Level for FY 2024**

1. The Legislature appropriated state funds, of which $300,000 was budgeted for out-of-state instruction during the period of July 1, 2023, to June 30, 2024.
2. The funding available for this application for FY 2025 may be reduced and/or eliminated, dependent upon the costs required for court ordered out of state placements.

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**Funding Level for FY 2024 (Continued)**

In the attached application, please find:

* The checklist that must be submitted for **each** out-of-state student for whom you request reimbursement; and
* Forms for requesting out-of-state instruction funds with the due dates indicated for each semester.

NOTE: This form is **not** to be used for requesting reimbursement for **court-ordered** out-of-state students. Requests for reimbursement for these students is submitted with the High Cost/High Acuity application and will be due in July or August, 2024. This application is only for students who were placed out-of-state by a district IEP decision.

For your convenience, this memo and the application is also available on the WVDE Office of Special Education homepage at <https://wvde.us/special-education/finance/funding-opportunities/>.

Questions regarding this process should be directed to David Parkins, Finance Coordinator, Special Education at [dparkins@k12.wv.us](mailto:dparkins@k12.wv.us) (304) 558-2696.