



## MONTANA STATE HOSPITAL POLICY AND PROCEDURE

### SPECIAL EDUCATION SERVICES

**Effective Date:** August 5, 2015

**Policy:** SS-02

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- I. PURPOSE:** To ensure that patients up to the age of 19 at Montana State Hospital (MSH) have been assessed for special education services and provided these services.
- II. POLICY:** MSH identifies patients who meet the Office of Public Instruction (OPI) Criteria for special education services. Patients at MSH who are under 19 years of age by September 10 of the current school year and desire special education services will be served by special education teachers for the duration of their stay at MSH according to a Memorandum of Understanding (MOU) with the Anaconda School District.
- III. DEFINITIONS:**
- A. ***Child with a Disability*** – A child evaluated in accordance with the regulations of the Individuals With Disabilities Education Act as having a disability and who because of the disability needs special education and related services.
  - B. ***Special Education*** – Specially designed instruction, given at no cost to the parents or guardians, to meet the unique needs of a child with a disability, including but not limited to instruction conducted in a classroom, home, hospital, institution, or other setting and instruction in physical education.
  - C. ***IDEA*** – Individuals with Disabilities Education Act, a federal law.
  - D. ***FAPE “Free Appropriate Public Education”*** – special education and related services that:
    - 1. Are provided at public expense under public supervision and direction and without charge;
    - 2. Meet the accreditation standards of the board of public education, the special education requirements of the superintendent of public instruction, and the requirements of the Individuals With Disabilities Education Act;
    - 3. Include preschool, elementary school, and high school education in Montana; and
    - 4. Are provided in conformity with an individualized education program that meets the requirements of the Individuals With Disabilities Education Act.
  - E. ***Patient or Guardian*** – If the patient is an adult without a guardian, the term “patient or guardian” refers to the patient. If the patient is a minor or has a guardian, the term “patient or guardian” refers to the guardian.

- F. *IEP* – Individual Educational Program designed to deliver FAPE to a student.
- G. *IEP Team* – An interdisciplinary team which includes the patient, the patient’s guardian, a special education teacher and other members including key members of the patient’s MSH Treatment Team, as appropriate to determine the services necessary to provide FAPE under an IEP to a child with a disability while admitted to MSH.

**IV. RESPONSIBILITIES:**

- A. Social Work Manager – Train social workers to immediately identify patients who may be eligible for special education services at MSH and make appropriate referrals.
- B. Rehabilitation Services Program Manager – Serve as a liaison between MSH and the Anaconda School District; provide support, accommodations, and arrangements for special education teachers and their services; keep the MOU up to date; and forward invoices for approval and payment.
- C. Social Workers- Immediately identify patients who may be eligible for special education services at MSH and make appropriate referrals to the Anaconda School District.
- D. Rehabilitation Services Administrative Assistant – Assist with identifying patients who may be eligible for special education; and assist social workers in maintaining a database of student information.

**V. PROCEDURE:**

- A. When a patient is admitted to MSH, the Rehabilitation Services Administrative Assistant will:
  - 1. Assist with the identification process of patients up to 19 years of age by September 10 of the current school year. Monitor the information in the Special Education Spreadsheet in the electronic health record. The spreadsheet will include the hospital unit, name, date of birth, age, admission date and assigned social worker.
  - 2. Inform the assigned social worker, Social Work Manager and Rehabilitation Services Program Manager that the patient may meet the criteria for special education services.
  - 3. Monitor the Special Education Spreadsheet on a monthly basis to ensure all information is current and accurate. If information is not correct, the Rehabilitation Services Administrative Assistant will notify the Social Work Manager. The assigned social worker will update the spreadsheet at least monthly to reflect the patient’s special education status.

- B. The patient's social worker will complete the Initial Social Assessment within 7 days of admission per policy. As part of the Social Assessment, the social worker will discuss education history, educational interests, and potential need for special education services. If the patient does not have a High School Diploma and is 19 years of age or younger, the social worker will inform the patient or guardian that the patient has an opportunity to receive special education services while at MSH.
- C. If the patient or guardian indicates an interest in special education, and the patient meets the eligibility criteria, the social worker will obtain consent using the Request for Transfer of Student Records and Informed Consent for Evaluation for Special Education (see attachments). The social worker will contact the Anaconda School District to request special education services. The date of consent and contact with the School District will be entered into the Special Education Spreadsheet by the social worker.
- D. The patient or guardian has the right to refuse special education services. If the patient or guardian refuses to sign the consent form, the refusal will be noted by the patient's social worker in the Initial Social Assessment or progress notes. The patient's or guardian's interest in special education services will be considered during the periodic treatment plan reviews, noted in the social work progress notes, and documented in the Special Education Spreadsheet.
- E. The social worker will contact OPI, or use the OPI AIM (Achievement in Montana) data system after access and training has been provided by OPI, to obtain school records. If records cannot be accessed through the AIM system, the social worker will send the Informed Consent for Release of Education Records and Request for Transfer of Student Records directly to the school identified by the patient or guardian as last attended. Documentation will be provided within the Special Education Spreadsheet.
- F. When records are received, the social worker will forward the records to the Anaconda School District for review of the patient's eligibility for FAPE. If education records are not received within 30 days from admission, or if the patient's education records are received but do not indicate special education eligibility, the social worker will contact Anaconda School District and request an evaluation to determine the patient's eligibility for FAPE under IDEA. During the evaluation process, MSH staff will cooperate with Anaconda School District staff to provide records and staffing for interdisciplinary input to complete the evaluation.
- G. If, after review of records and/or evaluation by the Anaconda School District, the patient is found eligible for FAPE, the social worker and the Anaconda School District will facilitate the convening of an IEP Team including appropriate MSH staff.

- H. If, after review of records and/or evaluation by the Anaconda School District, the patient is found not eligible for FAPE, the social worker will provide written notice of ineligibility to the patient and guardian and enter the notice in the patient's chart and on the Special Education Spreadsheet.
  - I. The patient's IEP will be prepared by the Anaconda School District's assigned Special Education Teacher with the input of the IEP Team, and will cross-reference and be coordinated with the patient's treatment plan. The patient's treatment plan will be prepared by the treatment team and will cross-reference IEP services as part of the patient's long term goals, short term goals, and interventions. The treatment team will coordinate the treatment plan with the IEP to include overlapping issues of behavior, secondary transition, discharge planning, and other treatment activities or interventions.
  - J. The patient's medical record will reflect the patient's eligibility for FAPE, the patient and guardian's consent, as well as the patient's ability and willingness to participate in special education services.
  - K. Special Education services will be implemented with considerations regarding the safety, stability and ability of the patient to participate, as determined by the treating Licensed Independent Practitioner and treatment team.
  - L. The Social Work Manager, in collaboration with the Director of Quality Improvement, will audit all records for this patient population at MSH to assure that procedures have been followed. The Special Education Spreadsheet will be reviewed monthly during the social work staff meeting, to confirm that it includes each patient's current status, services, and/or achievement of goals. For any patient, who for any reason, is not participating in special education (e.g. discharge, lack of consent, decision to terminate, aged out, completes IEP and qualifies for diploma) the spreadsheet will be updated for that month and the patient dropped from the next month's spreadsheet.
  - M. The Social Work Manager, in collaboration with the Director of Quality Improvement, will monitor this process through a Utilization Review report and provide feedback and training to the social workers to ensure that all patients who meet criteria described above are receiving special education services. The Social Work Manager will also keep on file a copy of the monthly reviewed spreadsheet.
- VI. REFERENCES:** 20 U.S.C. § 1400 et seq., 34 CFR Part 300 et seq.; Title 20, Chapters 1-10, M.C.A., A.R.M. 10.16.101 et seq. Memorandum of Understanding Between Montana State Hospital & School District 10 – Special Education Services.
- VII. COLLABORATED WITH:** Director of Clinical Services, Social Work Manager, Office of Legal Affairs Attorney, Rehabilitation Services Program Manager, OPI.

- VIII. RESCISSIONS:** SS-02, *Special Education Services* dated August 1, 2011
- IX. DISTRIBUTION:** All hospital policy manuals.
- X. ANNUAL REVIEW AND AUTHORIZATION:** This policy is subject to annual review and authorization for use by either the Administrator or the Medical Director with written documentation of the review per ARM § 37-106-330.
- XI. FOLLOW-UP RESPONSIBILITY:** Director of Clinical Services
- XII. ATTACHMENTS:** For internal use only.  
Attachment A – Informed Consent for Release of Education Records;  
Attachment B – Request for Transfer of Student Records;  
Attachment C – Special Education Revocation Consent;  
Attachment D – Special Education Prior Written Notice Revoke Consent;

Signatures:

John W. Glueckert  
Hospital Administrator

Drew Schoening, Ph.D.  
Director of Clinical Services