

ALABAMA DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION SERVICES
ADMINISTRATIVE CODE

CHAPTER 290-8-8
SPECIALIZED TREATMENT CENTERS IN ALABAMA

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290-8-8-.01 Specialized Treatment Center Endorsement.

Effective August 1, 2014, all specialized treatment centers that are licensed or certified by other state or federal agencies serving Alabama students in grades P-12 shall, before receiving any appropriation from the Education Trust Fund, be required to obtain an Educational Endorsement of Operation from the Alabama State Department of Education. The rules and regulations in this chapter are not designated for facilities regulated under Code of Ala. 1975, Title 14, Chapter 12.

Author: Dennis Coe

Statutory Authority: Code of Ala. 1975, §§16-46-7, 16-4-13.

History: New Rule: Filed January 17, 2014; effective February 21, 2014.

290-8-8-.02 Definitions.

(1) CURRICULUM. The planned interaction of pupils with instructional content, materials, resources, and processes for evaluating the attainment of educational objectives.

(2) DEPARTMENT. The Alabama State Department of Education.

(3) EDUCATIONAL ENDORSEMENT OF OPERATION. A confirmation by the Alabama State Department of Education that an entity operating in the State of Alabama and licensed or certified by another state or federal agency has met requirements.

(4) LEA. A local board of education agency.

(5) TREATMENT. Treatment means a planned, individualized program of educational, medical, psychological or rehabilitative procedures, experiences and activities designed to relieve or minimize mental, emotional, physical or other symptoms or social, educational or vocational disabilities resulting from or related to the mental or emotional disability, physical disability or alcohol or drug problem or designed to reduce delinquency and rehabilitate delinquent youth with the expectation of establishing a more favorable environment for students.

(6) SPECIALIZED TREATMENT CENTER. A Specialized Treatment Center (STC) provides various levels of specialized services to students who demonstrate needs not typically addressed in a regular educational setting. These state-endorsed centers receive appropriations from the Education Trust Fund to provide educational services to students in grades P-12.

Author: Dennis Coe and Dr. Daniel Boyd

Statutory Authority: Code of Ala. 1975, §16-4-13.

History: New Rule: Filed January 17, 2014; effective February 21, 2014. Amended November 10, 2021; effective January 15, 2022.

290-8-8-.03 Funding.

(1) An endorsed Specialized Treatment Center may be funded based upon a method developed by the State Superintendent of Education. This method may be modified as needed with appropriate notification to centers receiving allocations. In addition to the allocation from the Education Trust Fund, STCs can receive additional funding support based upon the number of eligible students enrolled through the LEA.

(2) The funds for the educational programs shall be appropriated by the Department through the LEA fiscal agent from the Education Trust Fund and shall be used only for educational purposes, except when an emergency situation exists as approved by the Department and upon such a determination, the STC may transfer funds between items of educational and non-educational sources of funding.

Author: Dennis Coe and Dr. Daniel Boyd

Statutory Authority: Code of Ala. 1975, §16-4-13.

History: New Rule: Filed January 17, 2014; effective February 21, 2014; Amended November 10, 2021; effective January 15, 2022.

290-8-8-.04 Assurances.

(1) Effective August 1, 2014, before receiving any state allocations from the Education Trust fund, all eligible specialized treatment centers operating in the state of Alabama must annually assure their compliance with the following:

(a) Comply with all State and Federal laws and regulations as they pertain to special education students.

(b) Comply with procedural due process relating to applicable notices, timelines, and safeguards in accordance with State and Federal laws and regulations.

(c) Comply with the Department's requirements regarding the qualifications of teachers and paraprofessionals.

(d) Ensure that all students placed in the STC are provided a curriculum consistent in quality and content approved by the department and specialized treatment approved by the appropriate accrediting agency.

(e) Use state-approved student information software for all children in order to complete required forms and pertinent educational information.

(f) Complete requested or required reports in a timely manner.

(g) Maintain all appropriate records and provide them to the Department as requested.

(h) Submit an annual fiscal audit to ensure that federal or state-appropriated funds are expended in an appropriate manner and in accordance with applicable state and federal laws and regulations.

(i) Work with the LEA to ensure that all students participate in the State Assessment Program.

(j) Maintain and safeguard the confidentiality of personally-identifiable data and records pursuant to the Family Educational Rights and Privacy Act (FERPA).

(k) Ensure students are not discriminated against on the basis of race, color, religion, national origin, sex, age, or disability.

(2) Upon submitting an assurance of compliance in each of these areas, an Educational Endorsement of Operation will be awarded to the specialized treatment center from the Department. The endorsement will be valid for 3 years and can be revoked at any time for failure to comply with the assurances listed above.

(3) Each endorsed Specialized Treatment Center in the State of Alabama may be subject to a visit with or without prior notification by an official of the Department to determine compliance with Alabama Administrative Code Chapter 290-8-8.

Author: Dennis Coe and Dr. Daniel Boyd

Statutory Authority: Code of Ala. 1975, §16-4-13.

History: New Rule: Filed January 17, 2014; effective February 21, 2014. **Amended:**

290-8-8-.05 Initial Endorsement Procedure.

(1) Application for a specialized treatment center educational endorsement of operation shall be made on forms supplied by the Department. In addition, a copy of the Memorandum of Agreement between the center and the LEA where the center is physically located shall be provided to the Department.

(2) Any educational endorsement of operation applied for shall be granted, deferred, or denied within twenty eight (28) days of the receipt by the Department of all materials required for consideration of application. The center shall be notified by the Department of an incomplete application.

(3) Each specialized treatment center endorsement of operation shall be valid for three years from the date of issue and shall be publicly displayed on the premises where the center operates in the State of Alabama.

(4) Any educational endorsement of operation shall be denied, deferred, suspended, or revoked if the center fails to maintain assurances set forth in Alabama Administrative Code Rule 290-8-8-.04.

(5) Each center that undergoes a transfer of ownership shall notify the Department in order that a review by the Department may be conducted to determine compliance with Alabama Administrative Code Chapter 290-8-8. An educational endorsement of operation shall not be transferred to new ownership.

(a) The new owner is required to apply to the Department for a new specialized treatment center endorsement of operation.

Author: Dennis Coe and Dr. Daniel Boyd

Statutory Authority: Code of Ala. 1975, §16-46-7.

History: New Rule: Filed January 17, 2014; effective February 21, 2014. **Amended:**

290-8-8-.06 **Endorsement Renewal**. Each specialized treatment center will be notified by the Department of the requirement for renewal and will supply the necessary forms for renewal action not less than sixty (60) days prior to the educational endorsement of operation expiration date. A review of each specialized treatment center endorsed may be made at the time of educational endorsement renewal to determine whether operating conditions are equal to or exceed the center's rules for continued operation.

Author: Dennis Coe

Statutory Authority: Code of Ala. 1975, §16-46-7.

History: New Rule: Filed January 17, 2014; effective February 21, 2014.

290-8-8-.07 Minimum Center Rules.

(1) Center Purpose and Objectives. Each specialized treatment center's purpose and objectives shall be stated in the catalog, bulletin, or brochure of the center. A clear description of the educational program and target population will be identified.

(2) The Educational Program.

(a) Each course, the curriculum, and instruction provided by each specialized treatment center shall be consistent in quality and content based on standards established for specific programs by the Department and appropriate licensing or certifying agency.

(b) No specialized treatment center shall sell, award, grant, or confer a diploma, unless prior permission has been granted in writing by the State Superintendent of Education.

(3) Student information. Each student's attendance, grades and other pertinent demographic and academic data shall be maintained while the student is enrolled in the center utilizing the state-approved student information software.

(a) Student Records. Each student's record shall be safeguarded to protect the student records from damage, loss, or compromise by unauthorized persons as mandated by federal and state statutes.

Author: Dennis Coe and Dr. Daniel Boyd

Statutory Authority: Code of Ala. 1975, §16-4-13.

History: New Rule: Filed January 17, 2014; effective February 21, 2014. Amended November 10, 2021; effective January 15, 2022.

290-8-8-.08 Monitoring. Each specialized treatment center in the State of Alabama may be subject to a visit withor without prior notification by an official of the Department to determine compliance with Alabama Administrative Code Chapter 290-8-8.

Author: Dennis Coe and Dr. Daniel Boyd

Statutory Authority: Code of Ala. 1975, §16-4-13.

History: New Rule: Filed January 17, 2014; effective February 21, 2014. Amended November 10, 2021; effective January 15, 2022.

290-8-8-.09 LEA Responsibilities.

Student Placements

(a) Placed by a Local Education Agency (LEA)

A student placed by an LEA at an approved STC will remain enrolled at the LEA of origin.

A student placed in an approved STC by an LEA and meets the requirements for receiving a high school diploma will receive the diploma from the LEA placing the student in the facility.

For children with disabilities who have been placed by an LEA, it is the responsibility of the LEA who placed the student to ensure that a free and appropriate public education is provided.

(b) Placed by State Agency

A student placed by a state agency at an approved STC shall be enrolled in the LEA where the facility is located within seven business days.

A student placed in an approved STC by a state agency and meets the requirements for receiving a high school diploma should receive a high school diploma from the LEA in which the facility is located.

For children with disabilities who have been placed by a state agency or determined to be wards of the state, it is the responsibility of the LEA where the facility is located to ensure that a free and appropriate education is provided.

(c) Parentally Placed Students in a public STC

A student placed by parents at an approved public STC shall be enrolled in the LEA where the facility is located within seven business days.

A student placed in an approved public STC by parents and meets the requirements for receiving a high school diploma should receive a high school diploma from the LEA in which the facility is located.

The LEA where the approved public STC is located is responsible for implementing the *Individuals with Disabilities Education Act* (IDEA) requirements for parentally placed children with disabilities in the public STC.

(d) Public school students parentally placed in a public STC

A public school student placed by parents at an approved public STC shall be enrolled in the LEA where the facility is located within seven business days.

A public school student placed in an approved public STC by parents and meets the requirements for receiving a high school diploma should receive a high school diploma from the LEA in which the facility is located.

The LEA where the approved public STC is located is responsible for implementing the *Individuals with Disabilities Education Act* (IDEA) requirements for parentally placed public-school children with disabilities.

(e) Private school students parentally placed in a non-public/private STC

A private school student placed by parents at an approved non-public/private STC shall be enrolled at the facility in the student management system within three business days.

Private-school students placed in a non-public/private STC by parents are not the financial responsibility of the LEA in which the students would have resided since the parent chose to enroll his or her child in the STC. In addition, the LEA does not have the authority to issue an Alabama high school diploma to a student that did not complete the high school graduation requirements under its authority. Accordingly, parentally-placed students in an approved STC would not be entitled to be issued an Alabama high school diploma.

Private school children enrolled in non-public/private STCs by their parents do not have an individual entitlement to the special education and related services they would receive if they were enrolled in a traditional public school. The LEA where the STC is located is responsible for implementing the *Individuals with Disabilities Education Act* (IDEA)

requirements for parentally placed children with disabilities in the non-public/private STC. This includes requirements related to child find and equitable services.

(1) The LEA will name a representative that shall collaborate with a representative named by the center to develop a Memorandum of Agreement which shall include, but not be limited to, specific processes for shared services, implementation of Individualized Education Program (IEP) and FAPE, testing schedules for state assessments, the oversight of educational offerings, assistance with compliance with Alabama Administrative Code Chapter 290-8-9, and distribution of funds.

Author: Dennis Coe and Dr. Daniel Boyd

Statutory Authority: Code of Ala. 1975, §16-4-13.

History: New Rule: Filed January 17, 2014; effective February 21, 2014. Amended November 10, 2021; effective January 15, 2022.

290-8-8-.10 Specialized Treatment Center Closing, Loss, Or Change Of Licensure. A specialized treatment center that closes shall comply with the requirements for repository of records in accordance with Code of Ala. 1975, §16-46-3(e). Specialized Treatment Centers that have licenses suspended, revoked, or deferred shall immediately notify the Department and the LEA fiscal agent. Any center which has a license suspended, revoked, or deferred shall not receive allocations from the Education Trust Fund until such license has been restored in full. Specialized Treatment Centers that change capacity by either increasing or decreasing the licensed bed count shall provide the appropriate documentation from the licensing agency to the Department. Notifications of any adjustments to the licensed bed count must be made to the Department no later than the 20th day after Labor Day each calendar year.

Author: Dennis Coe and Dr. Daniel Boyd

Statutory Authority: Code of Ala. 1975, §16-46-3.

History: New Rule: Filed January 17, 2014; effective February 21, 2014. Amended November 10, 2021; effective January 15, 2022.

290-8-8-.11 **Operational Fees.** There will be a \$500 fee assessed for issuing an Educational Endorsement of Operation. An Educational Endorsement of Operation shall be valid for a period of three years.

Author: Dennis Coe

Statutory Authority: Code of Ala. 1975, §§16-46-7, 16-4-13.

History: New Rule: Filed January 17, 2014; effective February 21, 2014.

290-8-8-.12 **Appeals Proceedings.** A person or center aggrieved by the actions of the Department with respect to issuance, denial, deferral, probation, suspension, or revocation of an endorsement provided for in Alabama Administrative Code Chapter 290-8-8 may file a petition for review with the Alabama State Board of Education. The petition shall be filed with the State Superintendent of Education within thirty (30) calendar days after the person or center has been served a notice of proposed action.

Author: Dennis Coe

Statutory Authority: Code of Ala. 1975, §§16-46-9

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