



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.  
State Superintendent of Education

December 1, 2021

Alabama  
State Board  
of Education

**MEMORANDUM**

Governor Kay Ivey  
President

**TO:** City and County Superintendents of Education

Jackie Zeigler  
District I

**FROM:** Eric G. Mackey *EGM*  
State Superintendent of Education

Tracie West  
District II

**RE:** Specialized Treatment Centers (STCs)

Stephanie Bell  
District III

As we emerge from a worldwide pandemic, support services for our students are a critical component of their academic progress. Steps were taken to provide support beginning November 10, 2021, when the Alabama State Board of Education approved an amendment to the *Alabama Administrative Code* §§ 290-8-8, for Specialized Treatment Centers (STCs). The amendment clarifies the placement of students in STCs and define responsible persons in the school of record for educational services. The amended code and a list of the STC four-digit site numbers with the corresponding local education agency (LEA) of record are attached.

Yvette M. Richardson, Ed.D.  
District IV  
Vice President

Tonya S. Chestnut, Ed.D.  
District V

There are 67 STCs currently registered with the Alabama State Department of Education (ALSDE). All STCs must be hosted by the LEA based on the physical address of the STC. The LEA superintendents, technology directors, or points of contact listed in the Education Directory (EdDir) who handle PowerSchool correspondence from the ALSDE should expect communication from PowerSchool about setting up the STC entity.

Cynthia McCarty, Ph.D.  
District VI

Belinda McRae  
District VII

The ALSDE and PowerSchool are collaborating to produce professional development (PD) for the STCs. A document has been forwarded to them for information gathering to facilitate Schoology, enrollment, grade book, attendance, discipline, special programs, and the components of the medical record of PowerSchool. Once completed, their online PD will be scheduled by PowerSchool. The ALSDE is supporting the initial round of PD for the STCs.

Wayne Reynolds, Ed.D.  
District VIII  
President Pro Tem

Eric G. Mackey, Ed.D.  
Secretary and  
Executive Officer

City and County Superintendents of Education  
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December 1, 2021

Before the PowerSchool training is scheduled, all STC staff will need an ALSDE ID to register for PowerSchool Professional Learning (PL). The LEAs will need this information to establish the staff as educators for the STC. You will have to create your own account if you do not have one. Please visit the AIM Portal at <https://aim.alsde.edu> or click [here](#) for the setup site. If additional support is needed, please contact Mr. Rhett Cutts, PowerSchool Professional Learning, at [rcutts@alsde.edu](mailto:rcutts@alsde.edu).

The new arrangements for STCs and LEAs will require flexibility and patience as all parties become familiarized with the new business rules. Please review the attachments and forward any questions to Mr. Terry Roller, Assistant State Superintendent of Support Services, at [troller@alsde.edu](mailto:troller@alsde.edu) or 334-694-4868.

EGM/TR/RH

#### Attachments

cc: Mrs. Angela Martin  
Mr. Andy Craig  
Mr. Chuck Marcum  
Mr. Terry Roller  
Dr. Elisabeth Davis  
Mrs. Shanthia Washington  
Mr. Joe Goble  
Mr. Rhett Cutts  
Mrs. Jean Scott

**FY22-2016**

**Updated STC listing with System and Site Codes**

<u>System Code</u>	<u>LEA Fiscal Agent</u>	<u>Site Code</u>	<u>STC name</u>
105	Anniston City	8000	Coosa Valley Youth Services
107	Athens City	8000	The Pinnacle Schools
109	Attalla City	8000	The Bridge, Inc Gadsden
002	Baldwin County	8000	Pathway at Baldwin
002	Baldwin County	8001	Baldwin County Regional Juvenile Detention Center
004	Bibb County	8000	The Boyd School
004	Bibb County	8001	Tri-Wil, Inc.
114	Birmingham City	8000	Higdon Hill School
114	Birmingham City	8002	Learning Tree Inc - Birmingham
114	Birmingham City	8003	United Ability
114	Birmingham City	8004	Alabama Clinical Schools
114	Birmingham City	8005	Jefferson County Youth Detention Center
016	Coffee County	8000	Pathway, Inc.
017	Colbert County	8000	Tennessee Valley Juvenile Detention Center
023	Dale County	8000	Vivian B Adams School
024	Dallas County	8000	Perry Varner Educational and Treatment Facility
024	Dallas County	8001	SafetyNet Academy Minter
024	Dallas County	8002	Dallas County Juvenile Detention Center
127	Decatur City	8000	Morgan County System of Services, Inc.
127	Decatur City	8001	Decatur Morgan Hospital
130	Dothan City	8000	Southeast Alabama Youth Sevices, Inc.
130	Dothan City	8001	Laurel Oaks Behavioral Health Center
026	Elmore County	8000	J.F Ingram State Technical College
027	Escambia County	8000	Compass School
144	Gadsden City	8000	MountainView Hospital (Southeastern Psychiatric Management, Inc.)
034	Henry County	8000	Southeast Alabama Human Development Council, Inc.
159	Huntsville City	8000	Neaves-Davis Detention Center for Children
037	Jefferson County	8000	Glenwood, Inc.
040	Lawrence County	8000	Sequel TSI Courtland, LLC
044	Macon County	8000	Sequel TSI Tuskegee, LLC
045	Madison County	8000	Sequel TSI New Beginnings, LLC
049	Mobile County	8000	P.O.I.N.T.E. Academy, LLC
049	Mobile County	8001	Learning Tree Inc Semmes
049	Mobile County	8002	USA Children's Ward and Women's Hospital
049	Mobile County	8003	BayPointe Residential-AltaPointe Health Systems
051	Montgomery County	8000	Sequel TSI Montgomery, LLC
051	Montgomery County	8001	Montgomery County Youth Facility
051	Montgomery County	8002	Mac Sim Butler Montgomery County Detention Facility
051	Montgomery County	8003	Safety Net Academy Montgomery
051	Montgomery County	8004	J. Walter Wood Jr DYS Residential Treatment Center
051	Montgomery County	8005	Brantwood Children's Home
051	Montgomery County	8006	Lee Co Youth Detention Ctr
051	Montgomery County	8007	Father Purcell Memorial Exceptional Children's Center
051	Montgomery County	8008	Second Chance
051	Montgomery County	8009	Montgomery Public Schools (MPS) Classroom McInnis
051	Montgomery County	8010	East Alabama Medical Center
051	Montgomery County	8011	Montgomery Children's Specialty Center
184	Phenix City	8000	New Life Center For Change
185	Piedmont City	8000	Learning Tree Inc Piedmont
059	Shelby County	8000	Developing Alabama Youth Prog
059	Shelby County	8001	Shelby County Regional Juvenile Detention Facility
059	Shelby County	8002	Kings Home, Inc.
194	Talladega City	8000	Presbyterian Home for Children
195	Tallassee City	8000	Learning Tree Inc Tallassee
200	Tuscaloosa City	8000	Brewer-Porch Children's Center
063	Tuscaloosa County	8000	Tuscaloosa Regional Detention
063	Tuscaloosa County	8001	Evergreen School
064	Walker County	8000	Turnaround, Inc.
029	Fayette County	8000	Northwest Alabama Mental Health Center - START

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached are correct copies of rules as promulgated and adopted on the 10th day of November 2021 and filed with the agency secretary on the 10<sup>th</sup> day of November 2021.

AGENCY NAME: Department of Education

  x   Amendment        New        Repeal (Mark appropriate space)

Rule No. 290-8-8

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Specialized Treatment Centers in Alabama

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

The rule was adopted with changes which are minor in nature. The changes extend the time for enrolling a student in a local education agency when the student is placed by a state agency in a specialized treatment center, and when the student is placed by a parent in a specialized treatment center.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIX,  
ISSUE NO.12 AAM, Dated September 30, 2021.

Statutory Rulemaking Authority: Sections 16-3-11 through 16-3-14 Ala. Code (1975)

(Date Filed)  
(For LRS Use Only)

REC'D & FILED

NOV 10 2021

LEGISLATIVE SVC AGENCY



Dr. Eric G. Mackey  
State Superintendent of Education

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

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 on 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 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 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 20<sup>th</sup> 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

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

ALABAMA DEPARTMENT OF EDUCATION  
DIVISION OF SPECIAL EDUCATION SERVICES  
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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. A group of organized programs. 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 necessary to receive allocations from the EducationTrust Fund.

(4) LEA. A local board of education agency serving as the fiscal agent for all specialized treatment centers located within their jurisdiction.

(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 disturbance, 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 A center which receives appropriations from the Education Trust Fund and to provides treatment educational services to students in grades Pk-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 \_\_\_\_\_; effective \_\_\_\_\_;

**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, appropriations of IDEA STCs can receive additional fundings support shall be made 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 identified approved by the Department and upon such a determination, the STC director 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 \_\_\_; effective \_\_\_;

**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 enrolled or admitted placed in the center STC for more than 10 consecutive calendar days shall be are offered provided a curriculum consistent in quality and content approved by the department with and similar specialized treatment center programs and standards established for specific programs by the Department and approved by the appropriate accrediting agency.

(e) Use state-approved student information software and the Special Education Tracking System (SETS) 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 fiscal agent to ensure that all students with disabilities 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 domiciled-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 and shall be accompanied by the items required in Alabama Administrative Code Chapter 290-3-5. In addition, a copy of the Memorandum of Agreement between the center and the LEA fiscal agent 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 information or materials specified by Alabama Administrative Code Chapter 290-3-5 are not provided or 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 290-3-5 290-8-8. 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 operations.

**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 by mail 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 with similar specialized treatment center programs and 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 any credit, a diploma, unless prior permission has been granted in writing by the State Superintendent of Education.

(3) Student information.

(a) Each student enrolled in state supported specialized treatment centers shall be withdrawn from their home school and enrolled in the center.

(b) Each student's attendance, grades and other pertinent demographic and academic data shall be maintained while the student is enrolled in the center on forms utilizing the state-approved student information software. prescribed by the State Superintendent of Education.

(c) 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\_\_\_; effective\_\_\_\_\_;

290-8-8-.08 Monitoring. Each specialized treatment center domiciled 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\_\_\_\_; effective\_\_\_\_;

**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 ~~three~~ 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 ~~three~~ 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 ~~non-~~public/~~private~~-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 ~~three~~ 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~~ seven 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.

For children with disabilities who have been determined to be wards of the State or who reside in group homes, detention facilities, nursing homes, and private facilities, it is the responsibility of the LEA where the facility is located to ensure that a free and appropriate education (FAPE) is made available.

(a) The responsible LEA where the facility is located will ensure FAPE is available and will notify the Department of any concerns regarding lack of compliance related to FAPE for each student served in the applicable group home, detention facility, nursing home, or private facility.

(2) 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 \_\_\_\_; effective \_\_\_\_;

**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 20<sup>th</sup> 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 \_\_\_\_\_; effective\_\_\_\_\_;

**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

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