

Guidance Regarding Scheduling of Mental Health Treatment Services During the School Day

For students in facility placement, education and mental health treatment are services which are critical to the success of the child. Coordination of education and mental health services helps both elements to be most effective. However, scheduling the time of students and staff in an efficient manner is challenging.

Over the years, there has been confusion and differing interpretations regarding pulling students out of the educational program for mental health treatment services. There are legal requirements that relate to this issue as well as philosophical and quality of programming issues which must be addressed. This memo is offered as clarification of the expectations and requirements for approved Facility Schools.

First, planning a schedule in which students miss education services in order to receive mental health treatment services is never a recommended practice. Disruptions to the education program as students go in and out of classes and having students missing instructional services will always result in a negative impact on the quality of the educational program. The Facility Schools Unit encourages facility school programs to strive to improve the quality of the education services provided to students and to set their schedules so that all students have the opportunity to benefit from a full day of educational services.

In addressing legal requirements, two sets of regulations guide the amount of educational services that a student is legally entitled to receive.

The Rules for the Administration of the School Finance Act require that secondary schools provide 1080 hours of educational services over the course of a regular school year. 24 of those hours can be used for professional development for teachers, leaving 1056 hours. This translates to 6 hours per day, for 176 days that educational programming must be provided directly to students. For elementary programs, 990 hours are required and after adjusting for allowable professional development days, 5.5 hours of instruction are required for 176 days. The School Finance regulations focus on what the program must offer. Individual students may participate in all or a portion of that program depending on student needs, but the program must make available the full requirement of services.

The PPR rate is a daily rate. It is not calculated per hour. If a student is present for part of a scheduled day, then the student is considered to be present for that day. If the student's schedule is set to participate in less than a full day of educational services then the daily PPR rate for that student for that day will be adjusted. Or, if the student is not scheduled to attend school at all on a particular day (for example if the student is transitioning to a public school and is scheduled to attend the district program rather than the facility school on a particular day), then the facility does not receive PPR funding for that day. But if a student is absent from his/her scheduled services for whatever reason, the PPR rate remains the same within the provisions laid out in the School Finance regulations – a facility is able to bill for up to 5 consecutive unexcused absences or 10 consecutive excused absences as long as the student returns to the program within the applicable time frame.

Special Education requirements are quite different. For a special education student, the special education services listed on the IEP must legally be provided to the student. If the IEP says that the student will receive 30 hours per week of special education services, then 30 hours must be offered.

If the student is ill, absent due to factors beyond the control of the program or has to be removed from class due to behavior that is dangerous, the program is not required to make up the special education services that are missed. But if the program pulls the student out of special education services due to scheduling, then the special education services must be made up. In other words, if a student who has 30 hours of special education services listed on his/her IEP is pulled out for mental health treatment services which are not part of the IEP and not provided by an appropriately licensed special education service provider, then the services must be made up. So, if special education students who have 30 hours of special education services on their IEPs are to be routinely pulled out of class for treatment services, the school day must be extended by a corresponding amount of time to ensure that the 30 hour IEP requirement is met.

Not all students require 30 hours of special education services. For example, if the student's IEP states that 25 hours of special education are required and the student has 5 hours per week of general education services, then the student could be pulled out of the general education classes for treatment services. However, in that situation, the facility has to have identified one or more teachers as general education teachers or must have prorated one or more teacher's time and salaries between general and special education services. When setting excess cost rates, the salary of general education teachers or the general education portion of a prorated teacher's salary is included in the total cost of the educational program, but not in the special education portion.

While pulling a student out of the educational program for treatment services may be legally permissible in certain circumstances, it may not be advisable. Disruptions to the educational program are always discouraged and should be kept to a minimum. Pulling a student out of class for treatment services is disruptive not only to that student's education but to the education of the other students in the class. Any pull out for non-educational services is seen as having a negative impact of the quality of the educational program. Of particular concern would be a schedule which causes a student to miss time in core academic classes.

Every effort should be made to schedule treatment services in a manner that does not disrupt scheduled classes. There are a number of ways this might be done. Treatment groups could be offered during the day allowing teachers to have planning time while the groups are being conducted as long as the school day is extended so that the 6 hours of educational contact time is provided (5.5 for elementary programs). Treatment can be scheduled in the evenings as well, especially for residential programs.

Another option is to have treatment and education services infused throughout the school day with the clinician and the teacher in the classroom together so that pull out is not necessary.

If a student is pulled from a general education class for treatment services there should be a re-entry process. A specific schedule should be set and students should be pulled and returned on time. As much as possible, a student should be pulled and returned during natural breaks in the school schedule so as to minimize disruptions to the class. A student should never just be dropped off at class. There should be communication between the person bringing the student back to class and the educational staff regarding the student's emotional state and any issues to be aware of. Dropping a student off at class when the student is emotionally charged with no sharing of information is disruptive to the entire educational environment, disrespectful to the education staff and negatively impacts the educational services not only to that student, but to the entire class.

Facilities should also be aware that while it may be legally permissible under education regulations to pull students out of class, it may not be allowed in the contract with the placing agency. It is the prerogative of the placing agency to set a higher standard if desired and the facility is then bound to honor that contract.