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# Educational Placement v. Episode of Treatment Technical Assistance

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## **Educational Placements v. Episodes of Treatment** **DHHS System of Care**

In 2016, New Hampshire passed Senate Bill 534 creating the System of Care for Children’s Mental Health which includes the Department of Education (NHDOE) and the Department of Health and Human Services (DHHS). In 2019, Senate Bill 14 amended RSA 135-F by substantially expanding the foundation to transform New Hampshire’s child and family serving system using the System of Care Framework (RSA 135-F) (collectively the “System of Care” or “New Hampshire’s System of Care”). These laws required DHHS to develop and maintain an integrated and comprehensive service delivery system for children with behavioral health needs.

The FAST Forward Program is an in-home service provided within New Hampshire’s System of Care which is designed to serve New Hampshire children, youth, and families who are experiencing difficulties in day-to-day life due to a severe emotional disturbance (SED) and who are at risk for acute psychiatric hospitalization. The Care Management Entities (CMEs) also offer a Transitional Residential and Psychiatric Enhanced Care Coordination (TR-ECC) service, which provides transitional support for children discharging from psychiatric hospitals or experiencing a residential treatment episode at a residential treatment program. The NH Wraparound Model is a youth and family-driven care planning and coordination process, delivered by highly trained FAST Forward Coordinators (FFCs). Through NH Wraparound, a plan of care focuses on developing and utilizing youth/family strengths and building natural supports. Plan of Care strategies and services are established, endorsed, monitored, and improved to meet the identified needs and benchmarks of each youth and their family.

In many cases, the children served by the CMEs within the FAST Forward Program are also children with disabilities and are thus being provided special education services within their local district public school. While services through FAST Forward are community-based and intended to keep youth and families in their communities, the level of care required may include an “episode of treatment.” An “episode of treatment” occurs when a child needs to be placed by DHHS in a DHHS-contracted and/or certified program to receive more intensive treatment and supports and has the objective of helping children in crisis avoid or reduce the use of psychiatric hospitals or emergency rooms. Such an “episode of treatment” provides a level of acute care previously only accessible through DHHS’s Division for Children, Youth and Families (DCYF).

Recently, some public school districts have been contacted by DHHS, a CME contracted by DHHS, or the parent to cover the educational portion of the costs for an “episode of treatment.” These children may include children who are not identified as a child with a disability. The placements of children with disabilities are typically in programs that have been approved by the Bureau of Special Education Support (BSES), however, there are some programs that are not approved through the BSES. This document is intended to address those situations.

If a public school district is serving a child with a disability who is receiving residential treatment through a DHHS placement for an “episode of treatment”, the IEP team must consider the following questions:

- Is this an appropriate educational placement for this student? Does it meet the needs outlined in the student's IEP?
- Is this the least restrictive environment for the student?
- Is the student still able to attend their school of residence while receiving treatment?

Based on this information, an IEP team then determines if a change in placement should be made for the child with a disability.

- If it is determined that such a change in placement is needed (because the child is not able to attend his/her school of residence and the placement is in the least restrictive environment) for the child with a disability to receive a Free and Appropriate Public Education and related special education services and supports, a change in placement through the special education process must be initiated and thus, ***the public school district is responsible for the educational portion of the placement.***
  - If it is determined that such a change in placement is needed, but DHHS's placement is not an approved private provider of special education services by the Bureau of Special Education Support, the local school district must reach out to the Bureau of Special Education to determine its options.
- If it is determined that such a change in placement is not needed (this could be because the placement is too restrictive, does not meet the students' unique academic needs, or there is no education program where the student is receiving treatment), the public school district will work with DHHS and the facility to determine the best way to provide educational services to this student while receiving treatment. Solutions may include: transportation to the school of residence, tutoring while in this placement, and other options that a district determines with the IEP team, DHHS, and the facility. In this scenario, the IEP team does not determine the child with a disability's placement and, thus, ***the public school district is not responsible for the educational portion of the "episode of treatment."***

In all cases, public school districts are encouraged to work with DHHS or the designated outside agency to ensure the child with a disability's educational needs outlined in the IEP continue to be met in the least restrictive environment. This includes the potential to cover related services that may be offered by the placement.

If you have questions, please reach out to Elizabeth Graichen, Administrator for the Office of Special Education Training and Monitoring in the Bureau of Special Education Support, at 603-271-4982 or

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