

AGENCY NAME:	John De La Howe School	
AGENCY CODE:	L120	SECTION:



Fiscal Year 2014-15 Agency Budget Plan

FORM A – SUMMARY

RECURRING FUNDS (FORM B DECISION PACKAGES)	My agency is submitting the following recurring decision packages (Form B):	
	For FY 2014-15, my agency is (mark "X"):	
	<input type="checkbox"/>	Requesting a net increase in recurring General Fund appropriations.
	<input checked="" type="checkbox"/>	Not requesting a net increase in recurring General Fund Appropriations.

CAPITAL & NON-RECURRING FUNDS (FORM C DECISION PACKAGES)	My agency is submitting the following one-time decision packages (Form C):	
	For FY 2014-15, my agency is (mark "X"):	
	<input type="checkbox"/>	Requesting capital and/or non-recurring funds.
	<input checked="" type="checkbox"/>	Not requesting capital and/or non-recurring funds.

PROVISOS	For FY 2014-15, my agency is (mark "X"):	
	<input checked="" type="checkbox"/>	Requesting a new proviso and/or substantive changes to existing provisos.
	<input type="checkbox"/>	Only requesting technical proviso changes (such as date references).
	<input type="checkbox"/>	Not requesting any proviso changes.

Please identify your agency's preferred contacts for this year's budget process.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Viola Robinson Faust	864-391-0418	Viola.Faust@delahowe.k12.sc.us
SECONDARY CONTACT:	Thomas W. Mayer	864-391-0413	Thomas.Mayer@delahowe.k12.sc.us

I have reviewed and approved the enclosed FY 2014-15 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN/DATE):	10/8/13	
AGENCY DIRECTOR (TYPE/PRINT NAME):	Thomas W. Mayer	10/08/2013

This form must be signed by the department head – not a delegate.

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AGENCY CODE:	L12	SECTION:	

FORM D – PROVISO REVISION REQUEST

NUMBER	1.8
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Cite the proviso according to the State Budget Division’s renumbered list for FY 2014-15 (or mark “NEW”).

TITLE	SDE: Educational Responsibility/Foster Care
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Provide the title from the FY 2013-14 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	
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Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	
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Is this request associated with a decision package you have submitted for FY 2014-15? If so, cite it here.

REQUESTED ACTION	Amend
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Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	Department of Education. Would require possible administrative burden of creating awareness of revised proviso among school districts across the state.
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Which other agencies would be affected by the recommended action? How?

SUMMARY	The existing proviso effectively allows home school districts of students placed at John De La Howe School to avoid the intent of the original proviso which intended to ensure that the John De La Howe School would be reimbursed the home school districts local support per weighted pupil above the statewide average base student cost. Current language, in effect, allows districts to avoid reimbursing John De La Howe School by indicating the district did not “refer” the student to the John De La Howe School.
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

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EXPLANATION	<p>Given the human services nature of the agency mission, approximately seventy percent (70%) of funds appropriated to the John De La Howe School are for personal services. The additional funds that would flow to the agency through the home district reimbursements would be leveraged to support agency direct and indirect costs associated with delivery of educational services.</p>
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Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>None.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

**PROPOSED
PROVISO TEXT**

1.8. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who **shall be reimbursed** in any situation **when a student is placed at the school with a status of having been expelled from their home school district. Such reimbursement shall be pro-rated based on attendance.** ~~that the school district has participation in the placement of the student.~~ John de la Howe School shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, **student record**, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the

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child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within sixty days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within sixty days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school.

School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received on a child.

Paste FY 2013-14 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

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FORM D – PROVISO REVISION REQUEST

NUMBER	NEW
	<i>Cite the proviso according to the State Budget Division’s renumbered list for FY 2014-15 (or mark “NEW”).</i>
TITLE	Leveraging Agency Mission and Resources
	<i>Provide the title from the FY 2013-14 Appropriations Act or suggest a short title for any new request.</i>
BUDGET PROGRAM	
	<i>Identify the associated budget program(s) by name and budget section.</i>
DECISION PACKAGE	
	<i>Is this request associated with a decision package you have submitted for FY 2014-15? If so, cite it here.</i>
REQUESTED ACTION	ADD
	<i>Choose from: Add, Delete, Amend, or Codify.</i>
OTHER AGENCIES AFFECTED	Department of Social Services (DSS). Proviso would mandate that DSS work cooperatively with and demonstrate its efforts to place eligible children in their care at the John De La Howe School.
	<i>Which other agencies would be affected by the recommended action? How?</i>
SUMMARY	The John De La Howe School is under a legislative mandate (See Proviso) to operate at full capacity enrollment. Presently, the John De La Howe School is positioned to accommodate a segment of eligible children in the care of the Department of Social Services currently being placed in foster care or other congregate care settings. John De La Howe School believes it is resourced to provide the services required by DSS at a cost significantly below the average per child daily rate currently paid by DSS under its current Fixed Price Bid rates.

Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

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EXPLANATION	<p>This action would more effectively leverage the existing state resources of the John De La Howe School and likely result in a cost savings for the Department of Social Services.</p>
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Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Twenty (20) children placed in Foster Care/Congregate Care setting (exclusive of direct education services delivery) over the course of a year is estimated to cost DSS approximately \$1,022,000. Placement of twenty (20) children at John De La Howe School (inclusive of direct education services delivery) over the course of a year is approximately \$569,000.</p> <p>Calculation Method:</p> <p>20 Children @\$78¹/Day * 365 Days = \$569,400</p> <p>20 Children @\$140²/Day * 36 Days = \$1,022,000</p> <p>¹Includes costs associated with delivery of education services and services associated with DSS Level 3 service requirements.</p> <p>²Excludes costs associated with delivery of education services and is based on DSS current Fixed Price Bid rates for Level 3 services.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

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The Department of Social Services (DSS) shall work cooperatively with the John De La Howe School to place eligible children in the care of DSS at the John De La Howe School. The John De La Howe School (JDLHS) shall work cooperatively with DSS to deliver, consistent with applicable DSS rules, regulations, policy, and law, the level of services required by children placed by DSS into the care of John De La Howe School. The DSS and JDLHS shall report to the House Ways and Means and Senate Finance committees, by December 30, the results of their cooperative arrangement including number of children provided services at John De La Howe School and the actual cost savings realized.

**PROPOSED
PROVISO TEXT**

Paste FY 2013-14 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

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FORM D – PROVISO REVISION REQUEST

NUMBER	NEW
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Cite the proviso according to the State Budget Division’s renumbered list for FY 2014-15 (or mark “NEW”).

TITLE	John De La Howe School Campus Police
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Provide the title from the FY 2013-14 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	
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Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	
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Is this request associated with a decision package you have submitted for FY 2014-15? If so, cite it here.

REQUESTED ACTION	ADD
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Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	
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Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>The John De La Howe School, which operates 24/7, is currently an “open” campus. Visitors to campus are required to check-in at the Administration Building as per posted signage. However, even with limited ability to fully enforce compliance with this visitor requirement during the work week, weekends and evenings pose a particular liability risk for the safety and security for students, staff and facilities.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

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EXPLANATION	<p>The absence of a police presence on this 1200 acre campus operating on a 24/7 basis poses liability risks for students served, staff and facilities.</p>
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Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>None. If approved, the John De La Howe School plans to utilize existing FTEs within current budget constraints and will evaluate fiscal impact after first fiscal year implementation.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

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The Board of Trustees of the John De La Howe School is hereby empowered to employ campus police to police the buildings and grounds of the school. Such campus police shall work under the supervision of the South Carolina Law Enforcement Division, and shall not enter into such employment unless and until they have been appointed Governor’s constables with general authority as police officers. All traffic laws of the State shall be in full force and effect on the streets and roads of the school, whether such streets and roads are deemed public or private. The Board is hereby empowered to promulgate reasonable additional rules and regulations relating to vehicular traffic within the grounds of the school including, but not limited to, parking of vehicles and reduced vehicular speeds, notwithstanding any other provision of law; and to provide penalties for the violation thereof, not to exceed a fine of one hundred dollars; and such rules and regulations, when duly promulgated, shall the full force and effect of law and violations thereof shall be triable in magistrate’s court.

**PROPOSED
PROVISO TEXT**

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