



STATE OF NEW MEXICO
DEPARTMENT OF EDUCATION - EDUCATION BUILDING
SANTA FE, NEW MEXICO 87501-2786

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MEMORANDUM

TO: Special Education, Directors
FROM: Sam Howarth
State Director of Special Education
RE: Students in Hospital or Residential Treatment Settings outside the Home District

Under NMSA 22-12-4, 1978, "any school age person shall have the right to attend public school within the school district in which he resides or is present..."

Placements under an IEP

In situations where students with IEPs are placed in hospital or residential treatment settings in another district by an IEP team, joint powers agreements must be in place regarding the funding and counting of those students.

Placements outside of the IEP process

In situations where students with IEPs are removed to hospital or residential treatment settings in another district outside of the IEP team process, **and the hospital or treatment stay is anticipated to be 10 school days or less...**

- the home district should continue to show that student as enrolled
- the home district should report the student on ADS if a count date occurs during the hospital stay
- the district where the hospital is located is **not** expected to provide educational services

In situations where students with IEPs are removed to hospital or residential treatment settings in another district outside of the IEP team process, **and the hospital or treatment stay is anticipated to be more than 10 school days...**

- the home district should show that student as withdrawn
- the district where the hospital or residential treatment facility is located should show the student as enrolled
- the district where the hospital or residential treatment facility is located should report the

- student on ADS if a count date occurs during the hospital stay
- the district where the hospital or residential treatment facility is located should provide educational services under the current IEP, as possible in the hospital or residential treatment setting, or under a new IEP

In situations where out-of-state students are placed in hospitals or residential treatment facilities out of the IEP process, please see the attached memorandum.

In order for students in hospitals or residential treatment facilities to be served appropriately, it is important that IEP records be transmitted within a few days. When the district where the hospital or residential treatment facility is located receives the IEP, the district will need to hold an IEP meeting to consider how the current services may need to be adjusted for the hospital or residential treatment setting.

If you have questions or concerns about this memo, please contact me at 827-6541 or showarth@sde.state.nm.us.