

§ 2958. RESIDENTIAL PLACEMENT REVIEW TEAM; RESIDENTIAL
PLACEMENTS

(a) A school district shall notify the parents and the Secretary when it believes residential placement is a possible option for inclusion in a child's individualized education program.

(b) The Secretary may establish from within the Agency a Residential Placement Review Team. At the discretion of the Secretary, other persons not employed by the Agency may be appointed to serve on the Team. The Team shall make every effort to assist ~~school districts~~ supervisory unions and parents in understanding the range of educational options available as early as possible in the planning process for the child. The Team shall:

- (1) advise ~~school districts~~ supervisory unions on alternatives to residential placement;
- (2) review each individualized education program calling for residential placement of a student to consider whether the student can be educated in a less restrictive environment;
- (3) assist ~~school districts~~ supervisory unions in locating cost-effective and appropriate residential facilities where necessary;
- (4) request a new individualized education program where it believes that appropriate alternatives to residential placement are available; and
- (5) offer mediation as a means of resolving disputes relating to the need for residential placement or the particular residential facility recommended for a child with a disability.

(c) The State Board shall by rule establish policies and procedures for the operations of the Residential Placement Review Team. The rules shall be consistent with federal law and, at minimum, shall include the following:

(1) provision for the Secretary to initiate a due process proceeding to challenge the need for residential placement where the team believes that a less restrictive educational placement is both available and appropriate for the child with a disability, and to reimburse the ~~school district~~ supervisory union and the parents or guardian of the child for reasonable costs and attorney's fees in the event the Secretary does not prevail;

(2) provision for technical assistance, a plan for correction, or withholding of funds under this section where a ~~school district~~ supervisory union places a child in a residential facility more expensive than an available and appropriate alternative residential facility; however, such withholding of funds shall not exceed the difference between the cost of the two facilities and the rule shall provide an opportunity for appeal of the withholding; and

(3) procedures and timelines to ensure that residential placement of a child with disabilities is not delayed or disrupted so as to adversely affect the child.

(d) Whenever a residential placement is determined to be necessary and appropriate for a child with a disability, the Residential Placement Review Team shall include in the child's individualized education program goals and objectives designed to reintegrate the child into a local school district.

(e) Costs for residential placement shall be reimbursed under subchapter 2 of this chapter only if the residential facility is approved by the State Board for the purposes of providing special education and related services to children with disabilities.

(f) When a residential placement is determined to be necessary and appropriate for a child with a disability, it is the policy of the State to place the child in an appropriate residential facility in Vermont, in the least restrictive environment possible, including a professionally supported home-based setting, when requested by a parent or guardian of the child. The Agency of Education, Agency of Human Services, and Department of Disabilities, Aging and Independent Living, together with other relevant State bodies, shall work collaboratively together and with supervisory unions, school districts and the child's parents and guardians, to identify and provide funding for the child's placement with an appropriate residential facility in Vermont. Where such a placement is constricted by laws or rules relating to funding, the use of funds or other factors, the Agency of Education, Agency of Human Services, and Department of Disabilities, Aging and Independent Living, together with other relevant State bodies, shall work in a flexible and creative manner to find solutions to meeting the State's goal of placing the child in an appropriate residential facility in Vermont.