



State of Florida
Department of Children and Families

Charlie Crist
Governor

George H. Sheldon
Secretary

DATE: December 8, 2008

TO: George H. Sheldon
Secretary

FROM: Sheryl G. Steckler *MS*
Inspector General

SUBJECT: Six-Month Status Report for OPPAGA Report No. 08-27

In accordance with Section 20.055(5)(g), Florida Statutes, enclosed is our six-month status report on OPPAGA Report No. 08-27, *"Responsibility for the Education of Exceptional Students in Residential Treatment Facilities Needs Clarification."* The report shows OPPAGA's policy options recommended to the Legislature and the Department's status and comments, taken from representations made by management.

If I may be of further assistance, please let me know.

Enclosures

cc: Terry Shoffstall, Staff Director, Joint Legislative Auditing Committee ✓

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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

*JLAC
Rec'd 12/10/08*

**SIX-MONTH STATUS REPORT:
OFFICE OF PROGRAM POLICY ANALYSIS &
GOVERNMENT ACCOUNTABILITY
REPORT #08-27**

***"Responsibility for the Education of
Exceptional Students in Residential
Treatment Facilities Needs Clarification"***



Sheryl G. Steckler, Inspector General
Jerry Chesnutt, Director of Auditing

Enhancing Public Trust in Government

Report #E-02-0708-074

December 8, 2008

PURPOSE

This report provides a written response to the Secretary on the status of corrective actions taken six months after the Office of Program Policy Analysis & Government Accountability published Report #08-27, "Responsibility for the Education of Exceptional Students in Residential Treatment Facilities Needs Clarification."

**REPORT FINDINGS, COMMENTS &
STATUS**

Presented below are the up-to-date corrective action comments and status for the two policy options directed to the Legislature that were taken from representations made by Mental Health Program office (PDMH) staff. The Department regulates and/or operates residential facilities where exceptional students are placed for substance abuse treatment or mental illness.

OPTION NO. 1: *Set a deadline for the Department of Education to develop interagency agreements. The Legislature could use proviso language to set a deadline for the Department of Education to establish interagency agreements with the Department of Children and Families, and the Agency for Persons with Disabilities and to adopt applicable rules. The interagency agreements should address the notification of school districts of impending student placements, the timing of students discharged from these facilities, and what activities should be included within the education portion of the costs for students assigned to residential care facilities....*

Status (per Mental Health staff): Ongoing

No deadline appears to have been set. It is possible, however, that the newly signed interagency agreement could facilitate the development of any procedures needed to ensure timely notification. With that in mind, Children's Mental Health scheduled a meeting for December 18, 2008 with the key agencies to discuss.

OPTION NO. 2: *The Legislature could amend Florida law to clarify responsibility for the delivery of educational services to exceptional students in residential treatment facilities. Alternately, the Legislature could amend s. 1003.58, Florida Statutes (F.S.), to require ...The Department of Education, in consultation with Department of Children and Families, the Agency for Persons with Disabilities, and the Agency for Health Care Administration, and school districts, develop procedures for the timely notification of school districts regarding the placement of exceptional students in residential treatment facilities....*

Status (per Mental Health staff): Ongoing

HB359 and Committee Substitute (CS) for CS for SB 318 were introduced during the last session. Each would have amended s. 1003.57, F.S., to require interagency agreements and require 10-day notification of placement. Both died in committee. The Legislature (Florida Senate - 2009) has reintroduced legislation in SB122.

This follow-up audit was conducted as required by 20.055(3)(g), Florida Statutes and section 2500.A1 of the International Standards for the Professional Practice of Internal Auditing as published by the Institute of Internal Auditors. Elton Jones compiled this follow-up audit from representations provided by program management. Please address inquiries regarding this report to Jerry Chesnutt, Director of Auditing, at (850) 488-8722.

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