

School Services in Coordination with CLTS Waiver Services

A child may participate in services funded through the Children's Long-Term Support Medicaid Home and Community-Based Services Waivers (CLTS Waivers) at the same time that s/he is receiving school-based services authorized under the Individuals with Disabilities Education Act (IDEA).

Services provided by a public school entity (including early childhood programs, which provide services in many Wisconsin school districts for children ages three to five) are designed to address a child's educational needs as per the child's Individual Education Plan (IEP) authorized under IDEA. When both school and CLTS Waiver services are being provided, the following applies to children ages three to twenty-two:

1. Federal Medicaid Home and Community-Based Services Waiver Regulations prohibit the payment of services that are authorized under the IDEA.
2. Services provided through the CLTS Waivers may not supplant or supplement school services.
3. The provider of Waiver services (e.g., Intensive In-Home Treatment Services) is expected to work jointly with the child's family, CLTS Waiver Service Coordinator, and school staff in coordinating outcomes for the CLTS Waiver Individual Service Plan (ISP) and the IEP. Efforts to do so should be documented.
4. The provider of Waiver Services may conduct brief, intermittent consultation to school staff to ensure consistency in service delivery approach. Routine provision of Waiver services anytime during the school day or school program is not allowed.
5. The provision of Waiver services may not interfere with a child's right to a free, appropriate public education. Waiver services, such as Intensive In-Home Treatment Services, are therapy services and are not considered educational services.
6. A family choosing to home school their child who is receiving CLTS Waiver services is solely responsible for meeting the Department of Public Instruction's home schooling educational requirements. Providers of Waiver services may not provide home schooling services. When a home-schooled child is receiving Intensive In-Home Treatment Services, the family is required to provide their Service Coordinator with a written schedule of the Intensive Services to show that educational requirements are not being supplanted.

Appendix: Policy Examples

The example situations presented here delineate what is meant by “brief and intermittent consultation” as described in # 4 of the main policy, in order that CLTS Waiver Services in a school setting are appropriately and consistently implemented statewide. Examples that are not presented below (or are not closely related) must be approved by the county agency administering services; counties must follow federal guidelines when granting exceptions.¹

Note: When implementing the policy *School Services in Coordination with CLTS Waiver Services*, the treatment and support needs of each child must be considered individually. The child's service plan must note how coordination will occur if brief, intermittent Waiver Services are delivered in a school setting. If a child's service plan needs to be changed to reflect this policy or the specific setting of services, the child's current services should stay in effect until the county Service Coordinator can facilitate discussions with the family, the provider, and school staff. The goals for providing brief or intermittent CLTS Waiver Services in a school setting must be articulated; allowable goals include transition-related support, generalization of skills, observation of the child, coordination of services and training of school staff. The child's service plan must include the start date of services provided in the school setting as well as the duration and intensity of those services.

Examples noted here are also applicable for private schools.

Example 1*: A child will be experiencing a significant transition (including but not limited to: changing to a new school, the start of a school year, a significant change in school services, or transitioning out of Intensive In-Home Treatment Services). The family's service coordinator would facilitate transition planning with the family and the CLTS Waiver Services provider and school staff prior to the transition. If the change is made on the service plan, up to 100% of a child's authorized hours may be used in the school setting (classroom or non-classroom) for 60 days from the noted start date to work on transition related activities. After the initial 60 days, the CLTS Waiver Services provider may visit the child to consult with school staff and work with the child as needed to ensure consistency, however no more than 25% of a child's authorized hours may be used in the school setting after the initial 60 days.

Example 2*: The child and their CLTS Waiver Services provider have been working on a specific skill. Treatment goals call for generalizing the skill. The family's service coordinator would facilitate a meeting to discuss changing the child's service plan to incorporate the goal of generalization in a school setting (classroom or non-classroom). If the change is made on the service plan, within 60 days of the noted start date, up to 100% of a child's hours may be used in the school setting to work on generalization. After the initial 60 days, the CLTS Waiver Services provider may visit the child to consult with school staff and work with the child as needed, however no more than 25% of a child's authorized hours may be used in the school setting after the initial 60 days.

¹ [2003] 42 Code of Federal Regulations 440.180(c)(3)(i)

Example 3*: The child has experienced difficulty across all treatment settings; the provider wishes to observe in the school setting to develop appropriate treatment goals in the home. The family's service coordinator would facilitate a meeting to discuss changing the child's service plan to include this activity. If the change is made on the service plan, the provider could then visit the child as often as necessary for 60 days (for this initial 60 days, up to 100% of the child's authorized treatment hours may be used in the school setting, classroom or non-classroom). After the initial 60 days, the CLTS Waiver Services provider visits the child to consult with school staff and work with the child as needed; however no more than 25% of a child's authorized hours may be used in the school setting after the initial 60 days.

Example 4: The CLTS Waiver Services provider may attend Individual Education Plan (IEP) meetings as frequently as they are held.

Example 5*: The CLTS Waiver Services provider, having developed an effective methodology of providing services to a child, identifies the need to train school staff on working with the child. The family's service coordinator would facilitate a meeting to discuss changing the child's service plan to incorporate this goal. If this change is made on the service plan, within the initial 60 days of the noted start date, up to 100% of a child's hours may be used in the school setting to train school staff. After the initial 60 days, the CLTS Waiver Services provider visits the child to consult with school staff and work with the child as needed; however no more than 25% of a child's authorized hours may be used in the school setting after the initial 60 days.

*Examples 1,2,3, and 5 may not be implemented sequentially, as this would result in de facto ongoing services in a school setting.