

EXHIBIT NO. #4

DATE: 1-12-05

BILL NO. SB 101

SB 101

January 12, 2005

Hearing: 3:00 PM Room 350

Senate Committee on Public Health, Welfare and Safety

The Office of Public Instruction is in support of SB 101. Residential therapeutic schools and programs have expanded dramatically throughout the United States and in Montana during the last 15 years.

Requiring the registration of the residential therapeutic schools or programs in Montana is the first logical step to establishing an understanding of the schools or programs that are operating in the state. The required registration would provide substantial information regarding what types of programs are operating in Montana, and what services, including educational services, are provided to the youth who are residents of the programs.

Youth who are served by these programs and schools are often times in crisis prior to entering a program. Parents that are looking for help from residential therapeutic schools or programs are often struggling to address their child's behavior issues. Many times, parents are desperate to find help for their child and do not always understand the intricacies of the therapeutic schools and programs industry, sometimes placing their child in a program that has not been thoroughly researched or visited.

The OPI receives calls from parents and other interested parties requesting information about a specific program and the services that may be provided. By requiring a thorough description of the school or program as part of the registration, the OPI could refer these parents to the Department of Public Health and Human Services for information.

In addition, the registration would provide a starting point for the discussions between the DPHHS, the OPI, and representatives from residential therapeutic schools or programs regarding what kind of licensure may be required for the schools or programs, as discussed in Section 6 of the bill.

State licensing requirements for residential therapeutic schools or programs is becoming standard in the United States. Montana is one of the only western states that have no regulating requirements for residential therapeutic schools or programs. Currently, Utah, Idaho, Wyoming, Oregon, Washington, Arizona, and Nevada have regulations for some or all types of residential therapeutic schools or

programs. Utah and Nevada created legislation and rules as a result of a youth fatality and a serious injury. Oregon was looking into creating legislation when a youth fatality occurred.

We have reason to believe that some programs may have relocated to Montana because of the absence of state regulation. On the other hand, some other of Montana's residential therapeutic schools or programs have voluntarily been following national standards of practice and principles that have been established through organizations such as: National Association of Therapeutic Schools and Programs, National Association of Therapeutic Wilderness Camps, and the Joint Commission on Accreditation of Health Care Organizations and others. Most of these are organizations have developed ethics and standards of practice based on research and best-practice models.

At this time the Office of Public Instruction is aware of at least 36 programs that would be affected by this legislation. Twelve of these programs have their residents attend the local public school. The other programs provide educational services that range from fully certified teaching staff, to home-school curriculums that may be accessed through the internet.

In July 2004, all of the known residential therapeutic schools and programs were invited by the DPHHS to public meeting in Great Falls and Kalispell, the OPI also sent representation. Discussions revolved around if licensure should be required or voluntary, current requirements that the programs must meet (such as building safety, reporting suspected child-abuse, etc), and how the discussions should continue. The only recommendation that there was complete consensus on in both meetings was that the safety of youth in the programs is paramount.

Well-run residential therapeutic schools or programs, with staff who are screened, trained or certified, and who accept youth into their programs with issues that the program has experience in working with, have the ability to change a young person's life in a positive way. However, if necessary components of the program are missing, the change may not be positive and may have long-lasting negative effects for the youth and their families.

We ask for your support of this bill and ask that the bill be referred to the Senate Education and Cultural Resources Committee for their consideration of Sections 1 and 2 of the bill.