

Chapter 74: Special Education

Rule 74.14 Pooling State Funds. Designated state Educable Child Program funds from the Mississippi Department of Education (MDE) may be utilized to assist in providing a local or regional system of care in order to return a child with a serious emotionally disturbed disability to a community setting. Designated funds are the state moneys available to pay for the placement of a child who 1) has a disability and is diagnosed as seriously emotionally disturbed in accordance with regulations, and 2) has been placed in a private facility by a school district or the Department of Human Services (DHS), in accordance with regulations.

The designated state funds which would be used for a child's placement in a facility by a school district or DHS may be paid into a pool of funds from other state agencies. Such funds must be used for the implementation of a child's individualized plan of care. The individualized plan of care provided must be designed and provided in a manner which enables the child to successfully return to a community with the appropriate support for the child and family. The child's individualized plan of care must include the provision of a free appropriate public education in accordance with regulations. If there are sufficient funds to serve other children, due to cost savings as a result of serving more than one child at home and/or matching the pooled funds with federal dollars, the funds may be used to implement individualized plans of care for other children.

To ensure state funds from MDE are expended in a manner which will provide appropriate educational services, the information listed below must be submitted by the lead agency responsible for coordinating the system of care. The following information must be submitted to the Office of Special Education for approval prior to funds being paid:

1. A description of the local or regional system of care to be implemented including the responsibilities of each state agency and the school district(s) involved in the system,
2. The amount of funding to be provided by each state agency for the system of care and an assurance that the funds necessary to implement the system will be available,
3. The timeline for implementing the system of care,
4. The individualized plan of care for the child including the specific plan for support to ensure a free appropriate public education is provided, and
5. An assurance from the school district involved in the provision of the educational program for the child that an Individualized Education Program has been developed and services can and will be implemented in accordance with regulations.

If the school district responsible for providing a free appropriate education does not agree that an educational program can be provided for the child through a system of care, funds from the MDE for that particular child will not be utilized to support the system.

If, for any reason, during the implementation of the individualized plan of care, the district cannot meet the child's educational needs, the MDE, Office of Special Education must be notified by the district prior to an alternate out-of-district placement being made.

The Office of Special Education will then determine the reason(s) for the child's plan not being effective and notify the lead agency responsible for coordinating the system of care that the educational needs of the child can no longer be met by the district. If the district originally placed the child in a facility outside of the district, it will be responsible for determining the appropriate placement for the child. Such placements must be made in accordance with regulations. The district will be responsible for paying \$6,000 or 10%, whichever is greater, of the total cost of such a placement as required by regulations. Federal funds will be utilized to pay the remaining cost of such a placement in accordance with regulations.

If DHS originally placed the child in a facility, it will be responsible for the placement of the child in an alternate setting based on the recommendation of the child's IEP committee. The MDE, Office of Special Education will coordinate such a necessary placement with DHS. The MDE will be responsible for the educational costs and DHS will be responsible for the room and board cost as specified in state law and regulations.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 9/1994)*