

**MISSISSIPPI DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION
DIVISION OF EDUCABLE CHILD
Educable Child Procedures**

Per State Board Policy Rule 74.1, the Mississippi Department of Education (MDE), Office of Special Education (OSE) is directed to provide oversight through the Individuals with Disabilities Education Act (IDEA) and State Statute in the placement and funding of students with disabilities in private school/facilities.

I. PRIVATE SCHOOLS FACILITY

1. All private schools/facilities, parochial schools/facilities, speech, hearing and/or language clinics (herein referred to as private facilities) that participate in the Educable Child Program will be accredited by a State or regional accrediting agency or approved/licensed by the MDE to meet educational standards in the State.
2. The school within a private facility must obtain an approval status from MDE, OSE, and must be operated as an integral part of the facility, which provides twenty-four (24) hours a day monitoring, treatment, and education.
3. The private facility must also hold a current license from the Department of Health designating approval as an Intermediate Care Facility for Intellectual Disabilities (ICF-ID) or Psychiatric Residential Treatment Facility (PRTF).
4. Out-of-state private facilities must hold an approval status from their state educational agency or a current accreditation status from a nationally recognized educational accrediting entity such as the AdvanceED.

II. GENERAL INFORMATION

1. All applications must be uploaded to SharePoint.
2. All applications must be submitted on the new 2023-2024 application, <http://www.mdek12.org/special-education/special-education-grants-and-funding/special-education-educable-child>.
3. Applications should be on the appropriate color paper:
 - a. Department of Human Services (DHS) – Pink
 - b. Parent (P) – Green
 - c. Parent Medicaid (PM) – Blue
 - d. School District (SD) - Yellow
4. Complete all data requested on the application.
5. All data (spelling of child's legal name, date of birth, MSIS number, etc.) must be consistent throughout the packet of information.

6. LEA and school/facility are responsible to ensure all documents are current with the OSE (Individualized Education Programs (IEPs), Eligibilities, Court Orders, Educable Child Parentally-Placed Forms, and Medicaid Certifications).
7. Applications are to be submitted to the OSE **within fifteen (15) days from the student's date of enrollment**. Applications submitted after fifteen days of enrollment/admission may result in delay of payment.
8. Applications **will be accepted until 12:00 (noon)** on the dates indicated below:
 - a. September 15, 2023
 - b. November 10, 2023
 - c. January 17, 2024
 - d. March 18, 2024
 - e. May 17, 2024
9. Applications hand delivered must include a checklist of the names of the students whose applications are included in the package.
10. A new application must be submitted for student transfers.
11. A new application must be submitted when the child returns to a facility after a break in services.
12. **All** districts and facilities must submit a reimbursement form regardless of the number of actual reimbursement requests.
13. Teachers must be certified in the area of the eligibility ruling at the private school/facility.

III. INDIVIDUALIZED EDUCATION PROGRAM

1. All IEPs must be submitted on the **new IEP form (revised 7/2/14)**.
2. A revised IEP must be submitted for DHS and School District-Placed students.
3. IEPs are not allowed for Parent and Parent Medicaid placements.
4. Adopted IEPs will not be accepted. IEPs should reflect the services and goals that will be provided as part of the placement.
5. An individual transition plan must be completed for students 14 years old or older.
6. Goals/objectives for related services, if needed, must be included on the IEP.
7. Use the school the student should attend for School District and DHS applicants.
8. The district of residency personnel is encouraged to participate in the IEP meeting for DHS applicant.
9. All eligibilities (initial and re-evaluations) must be completed by the school district and submitted on the forms of the school district of residency.

IV. DETERMINATION OF ELIGIBILITY

1. The school district where the facility is located is responsible for Determination of Eligibility (initial and re-evaluations) for both Parent and DHS placed students.

2. The determination of eligibility must be on a local school district's form. A private facility may not determine the eligibility and may not conduct the eligibility team meeting.
3. List all members of the IEP team, including a school district staff member. The names and titles must be legible.
4. School district personnel are part of the IEP team for DHS placed students. The name and title of the school district personnel must be legible.
5. Students whose current eligibility is inconsistent with the recommended placement will need to be re-evaluated unless additional information is provided and accepted to explain the inconsistencies in the data. A re-evaluation or an acceptable explanation is required.

V. DROP FORM

1. A drop form must be completed within five (5) days at the end of services.
2. An Official Drop Form must be on file before another Educable Child Application can be approved for funding.
3. The facility/school must complete a drop form for all DHS, Parent Medicaid, and parentally placed students.
4. The school district must complete a drop form for all school district-placed students.

VI. EDUCABLE CHILD PARENTALLY-PLACED FORM

1. All information on the Educable Child Form must be completed.
2. A current Determination of Eligibility is required.
3. Names and titles of the placement team members must be written legibly.
4. Public school district personnel **are not** part of the placement team.

VII. COURT ORDER

1. All court orders must be current within one year.
2. If a student is no longer in DHS custody, the facility must notify the OSE within ten (10) working days of the change of custody.
3. See Department of Human Services Memorandum and flow chart for guidance in obtaining a current court order.

VIII. MEDICAID FORM

1. The Division of Medicaid must certify a child with a disability as requiring inpatient care in an Intermediate Care Facility for students with Intellectual Disabilities (ICF-ID) or in a Psychiatric Residential Treatment Facility (PRTF) with Medicaid reimbursement.
2. All Medicaid forms must be current.

3. Private schools/facilities must ensure that all students have current Medicaid Certification each pay period.

IX. ATTENDANCE: (DAY TREATMENT STUDENTS)

1. The School Attendance Officer will make a weekly onsite visit to the private facility where the school district has placed the student.
2. The private facility will be required to email the Special Education Director a daily attendance report on each student that the school district has placed at the approved facility.
3. The school district will make an onsite visit to the private schools/facilities once per semester to ensure the student is receiving a FAPE according to the IEP. LEAs will complete the Educable Child Review form. The Educable Child Review form is due December 5, 2023 and April 19, 2024
4. A student who is absent ten (10) consecutive school days or longer will be considered dropped. **Exception:** A drop form is not required for placement in Acute Care or in Detention. Acute Care and/or Detention should be reflected on the attendance report. MDE and school district should not be charged for days in Acute Care and/or Detention.

X. TRANSPORTATION

1. Transportation costs (i.e. defined as travel to and from school) may be incurred by a private facility for an Educable Child Applicant placed by a public school district and placed by the Department of Human Services.
2. MDE should not be charged for transportation if travel points are located within the facility's primary parcel.
3. The transportation rate will be determined annually by the MDE, OSE.

XI. PAYMENT PROCEDURE

1. Reimbursement form package must include the following required forms:
 - a. A completed Request for Reimbursement Form (**one reimbursement form per pay period**)
 - b. Copy of the roll book or attendance report
 - c. Invoices for each approved student
 - d. Approved student names must match the approval list provided by MDE
 - e. Student names listed in alphabetical order
 - f. Date of enrollment must be within the current school year
2. Number of days on the invoice must equal days on the Request for Reimbursement.
3. Any discrepancies in invoices/reimbursement form will result in payment of the lesser number of days.
4. The Daily rate will be determined annually by the MDE, OSE.

5. Request for Reimbursement Forms due dates:

- a. September 22, 2023
- b. November 17, 2023
- c. January 24, 2024
- d. March 25, 2024
- e. May 30, 2024

XII. PAY PERIOD

1. It is the responsibility of the private facility or school district to submit prior pay period reimbursement requests for any students that have not been approved. Do not combine pay periods on the request for Reimbursement Form.
2. School districts are to submit a reimbursement form each pay period even though the approved student has not met the 5,846.33 paid by the school district.
3. Reimbursements will not be made for inclement weather days.
4. Original Request for Reimbursement forms must be submitted. No faxed or duplicated copies will be accepted.
5. Reimbursements will be made for make-up inclement weather days. It is the facility/school responsibility to notify OSE within five (5) days of the change in the private school/facility's calendar.
6. Educable Child is based on 180 regular days.
7. A detailed report listing the names of the approved students and the amounts paid will be provided to the school district/facility after the Electronic Payment Transfer has been submitted.

XIII. HEARING PROCEDURES

1. In the event of disapproval by the State Level Review Board of an application for financial assistance under the Educable Child Program, the MDE will give notice to the Educable Child Applicant and notify the applicant of the right to request a hearing.
2. The applicant may apply in writing to the Mississippi State Board of Education for a hearing before a hearing officer designated by the Mississippi State Board of Education.
3. The hearing officer shall notify the applicant of the time, place, and date of the hearing.
4. It shall be the responsibility of each party to secure the attendance of its witnesses, if any, and any expenses attendant thereto shall be borne by the party calling that witness.
5. The Mississippi State Board of Education shall make a record of the proceedings to include all documents introduced into evidence which shall be available for cost upon the written request of the applicant.
6. At the conclusion of the hearing, the hearing officer shall make a recommendation and forward a copy to the Mississippi State Board of Education.

7. The completed record along with the hearing officer's recommendation shall be certified to the Mississippi State Board of Education at its next regularly scheduled meeting.

8. The Mississippi State Board of Education shall determine the course of action regarding financial assistance and shall notice the applicant by certified mail of its findings. The decision of the Mississippi State board of Education is final.

9. The applicant aggrieved may file a petition in Chancery Court of the county in which the applicant resides.