

**OFFICE OF INSTRUCTIONAL ENHANCEMENT AND INTERNAL OPERATIONS**  
**Summary of State Board of Education Items**  
**Consent Agenda**  
**March 20-21, 2014**

**OFFICE OF SPECIAL EDUCATION**

- C. Approval to remove State Board Policy 7211 – Exemptions, Maximum Enrollment and State Board Policy 7213– Medicaid Placements  
(Has cleared the Administrative Procedures Act process with no public comment)

**Executive Summary**

These Educable Child policies and all their requirements for public agency placements will be included in the revisions to State Board Education Policy 7201 for Educable Child.

The Educable Child Program in Mississippi is designed to provide financial assistance to:

- Children with disabilities, under 21 years of age
  - Who attend private schools,
  - Who require inpatient care in an intermediate care facility for children with intellectual disabilities, or
  - Who require inpatient care in a psychiatric residential treatment facility.

The private schools/facilities, parochial schools/facilities, speech, hearing and/or language clinics (referred to as private facilities) that participate in the Educable Child Program must be accredited by a State or regional accrediting agency or approved/licensed by the State Department of Education to meet educational standards in the State.

Recommendation: Approval

Back-up material attached

# State Board Policy

DESCRIPTOR TERM: Exemptions, Maximum Enrollment

CODE: 7211

ADOPTION DATE: August 19, 1994

REVISION:

~~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.

# State Board Policy

DESCRIPTOR TERM: Medicaid Placements

CODE: 7213

ADOPTION DATE: January 15, 1993

REVISION:

~~Procedures for Financial Assistance When a Child With a Disability is Certified By Designated State Authority (Department of Health and Division of Medicaid) As Requiring Inpatient Care In An Intermediate Care Facility for the Mentally Retarded (ICF-MR) or in a Psychiatric Residential Treatment Facility with Medicaid Reimbursement:~~

~~1. A private facility must gain approval by the State Department of Education, Bureau of Special Services, to provide appropriate special education and related services under the Educable Child Program. The school within the private facility must obtain an approval status from the SDE, Bureau of Special Services, and be operated as an integral part of the facility which provides twenty four (24) hours a day monitoring, treatment, and education. The private facility must also hold a current license from the department of health designating approval as an ICF MR facility or psychiatric residential treatment facility.~~

~~2. The Division of Medicaid must certify a child with a disability as requiring inpatient care in an ICF MR facility with Medicaid reimbursement or in a psychiatric residential treatment facility with Medicaid reimbursement.~~

~~3. An appropriate Individualized Educational Program (IEP) must be developed in accordance with regulations and must specify the name of the approved private facility in which the child is placed for services. No financial assistance will be provided until the child has a current eligibility ruling by an approved Mississippi Screening Team, a current IEP developed according to regulations, and is receiving the services outlined on the IEP by appropriately certified personnel as defined in regulations. Also, prior to financial assistance being provided, the approved private facility must hold a (Department of Health) current license by the designated state authority (Department of Health) as an ICF MR facility or as a Psychiatric Residential Treatment Facility. Also, each child participating in this program must have a current determination by the designated state authority (Division of Medicaid) as requiring inpatient care in an ICF MR facility with Medicaid reimbursement or Psychiatric Residential Treatment Facility with Medicaid reimbursement. A current copy of all items listed above must be on file in the office of the consultant for the Educable Child Program at all times for each child per school year for financial assistance to be received.~~

~~4. The private facility official or duly authorized designee will complete/obtain and submit the~~

following:

- ~~–(a) The School Approval Application Packet,~~
- ~~–(b) A copy of the child's current certification by Division of Medicaid which specifies the requirement of inpatient care in an ICF-MR facility or Psychiatric Residential Treatment Facility,~~
- ~~–(c) A current Mississippi eligibility ruling for a disability by a Screening Team and a current IEP developed in accordance with regulations,~~
- ~~–(d) The Application Form for Financial Assistance, SDE BSS F11, and,~~
- ~~–(e) A copy of the child's current Pupil Personal Data Form, and a copy of the current Assessment Team Report.~~

~~5. Following a full review of the date listed in number 4 above, the facility official will be notified in writing by the Mississippi State Department of Education as to the approval/disapproval of the child for tuition and fees reimbursement in accordance with statutes and regulations.~~

~~6. Deadline dates for applying for financial assistance are as follows:~~

- ~~–(a) FIRST QUARTER (Beginning of School through November): Due the first working day in November; This deadline will be extended to January 30, 1993, for the 1992-93 school year only due to development of regulations.~~
- ~~–(b) SECOND QUARTER (December through February): Due the first working day in February~~
- ~~–(c) THIRD QUARTER (March through the remainder of the School Year): Due the first working day in May~~

~~If required data is not received by the Mississippi State Department of Education by these due dates, funding will not be approved for that quarter.~~

~~7. If a child approved for financial assistance is removed from the facility, no longer determined certified as requiring inpatient care in an ICF-MR facility or psychiatric residential treatment facility with Medicaid reimbursement, no longer eligible as having a disability, no longer receiving special education or related services in accordance with a current IEP, OR the private facility is no longer licensed as an ICF-MR facility or psychiatric residential treatment facility~~

with Medicaid reimbursement, the private facility director must notify the Mississippi State Department of Education, Bureau of Special Services in writing of these changes immediately.

~~8. Educable Child funds are appropriated and are to be utilized for tuition and fees necessary to provide special education and related services by appropriately certified personnel during the school year in accordance with regulations.~~

~~The school year is defined according to the calendar dates indicated by the facility director for the regular school session in the School Approval Application. No financial assistance shall exceed the obligation actually incurred by the applicant for tuition and fees. No duplication of requests for financial assistance or payments regarding tuition and fees shall be made by the facility.~~

~~9. State funds will be used to pay up to \$3,000 of the total cost of the required placement per child per school year if an approved private school operates as an integral part of the facility which provides twenty four (24) hours a day monitoring, treatment, and education. If state moneys are not sufficient to fund all applicants, there will be ratable reduction for all recipients receiving state funds under the Educable Child Program.~~