7201 Educable Child Program

I. Educable Child

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. It is the policy of the MDE to ensure that Local Education Agencies (LEAs) meet the private school requirements in Mississippi Code Annotated, Sections 37-23-61 through 37-23-75 and IDEA 34 CFR §§300.130 through 300.148.

a) State Statute

The MDE shall have the authority to promulgate and enforce reasonable rules and regulations establishing standards for administration of the program contemplated by Mississippi Code Annotated, Sections 37-23-61 through 37-23-75, consistent with the maintenance of high quality programs for the benefit of the exceptional children served.

The MDE shall require that the programs for which children are eligible for financial assistance under Mississippi Code Annotated, Sections 37-23-61 through 37-23-75 be designed to provide individualized appropriate special education and related services that enable a child to reach his or her appropriate and uniquely designed goals for success. State funds will not be used for the payment of medical services or for room and board charges.

b) Individuals with Disabilities Education Act (IDEA)

The MDE has adopted State Policies Regarding Children with Disabilities under IDEA Amendments of 2004. A Free Appropriate Public Education (FAPE), as outlined in IDEA 34 CFR §300.101, ensures that each student ruled eligible by a public agency is protected under IDEA. Each eligible student under IDEA shall have available a FAPE that uniquely emphasizes their special education and related services needs.

The MDE shall require that each private facility/school adhere to the IDEA mandated requirements, which include the provision that IDEA funds may only be used for the excess cost to educate students with disabilities placed by a school district or DHS in a private facility/school. IDEA funds may not be used for the payment of medical services or for room and board charges. 34 CFR §300.704

II. Private Schools/Facilities

A private facility must gain approval from the MDE, OSE 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 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. The private facility must also hold a current license from the Department of Health designating approval as an Intermediate Care

Facilities for Intellectual Disabilities (ICF-ID) or Psychiatric Residential Treatment Facilities (PRTF) facility.

a) All private schools/facilities, parochial schools/facilities, speech, hearing and/or language clinics (hereinafter 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.
b) All Private ICF-ID or PRTF (hereinafter referred to as private facilities) shall be certified/licensed by the designated state authority for such facilities.
c) 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.

III. Fiscal

a) Appropriations
State appropriated funds will be used to pay the educational cost as defined by the State Legislature and as State Funds are available for 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 utilizing the prescribed formula. Federal funds will be added to the appropriated State funds as available and/or needed to fund school district and DHS applicants. If state monies are not sufficient to fund school district and DHS applicants, there will be ratable reduction for all applicants (including parentally placed applicants) receiving state funds under the Educable Child Program.

b) Formula
Will be defined annually by MDE utilizing an approved formula methodology.

c) Transportation
If transportation costs (i.e. defined as travel to and from school) are incurred by a private facility for an Educable Child Applicant placed by a public school district and placed by the DHS, the transportation rate will be determined annually by the MDE, OSE.

d) Payments
Payments will be scheduled and published annually by MDE.

IV. Applications

a) School District Placed Students
The school district will pay an amount to be established annually in the OSE Ed Child Procedures for any Educable Child Application made by the district. The remainder of the total amount will be paid by the Educable Child Program, providing funds are

available from State or federal sources (as allowed by IDEA) and the State Level Review Board has approved the Educable Child Applicant for financial assistance. The State Level Review Board's Decision does not change the Individual Educational Program (IEP) placement decision or continuum of services; rather it determines the Educable Child Program's financial involvement regarding the placement.

b) Department of Human Services (DHS) Placed Students
The Educable Child Program will pay the educational costs of an Educable Child Applicant placed by and in the custody of the DHS provided funds are available from State or federal sources (as allowed by IDEA) and the State Level Review Board has approved the placement for financial assistance. The State Level Review Board's Decision does not change the IEP placement decision or continuum of services; rather it determines the Educable Child Program's financial involvement regarding the placement.

c) Parentally Placed Students
Parentally-placed private school children with disabilities means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school or secondary school. State Educable Child Funds may be used only. IDEA funds are not allowed as parentally placed students are not covered under IDEA. 34 CFR §300.130

(1) With Medicaid Available Funding: The Educable Child Program will provide financial assistance for the educational costs to an Educable Child Applicant placed in an approved private facility when the student is determined to be eligible for Medicaid services. Funding will be based on the entitlement authorized by the State Legislature, through the annual appropriations bill, providing funds are available from State sources and the State Level Review Board has approved the Educable Child Applicant for financial assistance.

(2) Without Medicaid Available Funding: The Educable Child Program will provide funds as outlined in Mississippi Code Annotated, Section 37-23-69(a) for the educational costs for an Educable Child Applicant who is placed in an approved private school and the State Level Review Board has approved the Educable Child Applicant for financial assistance.

V. Hearing Procedures

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.