

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
May 20, 2021

OFFICE OF SPECIAL EDUCATION

- F. Approval to begin the Administrative Procedures Act process: To revise Miss. Admin. Code 7-3: 74.8, State Board Policy 74, Chapter 74, Rule 74.8 – University Based Program

Background Information: The University-Based Program (UBP) provides an opportunity for parents of children with disabilities or Local Education Agencies to place students with disabilities in a UBP to receive special education and related services. UBPs shall receive MAEP university-based teacher units based on the number of students enrolled in the UBP.

The purpose of this policy is to establish regulations that govern the overall application, approval, reimbursement, and teacher unit allocation process for the UBP.

Recommendation: Approval

Back-up material attached

Chapter 74: Special Education

Rule 74.8 University Based Programs. The University-Based Program is authorized in Sections 37-23-31 through 37-23-35 of the Mississippi Code. Any state supported university or college may apply for minimum program funds under these regulations.

1. Procedures for Enrollment in a University-Based Program

- a. ~~When there is an organized program in a local school district for students with a particular exceptionality, then the university-based program will not enroll a student with that exceptionality from that district in the university-based program except~~ **Students may be enrolled in a university-based program** in the following two situations:
- i. the student is enrolled on a private tuition basis **by their parent(s)**

OR

- ii. a.) ~~if the local district~~ **a Local Educational Agency (LEA) initiates a placement because an Individualized Education Program (IEP) committee in that district has determined that the organized university-based program in that student's Least Restrictive Environment (LRE) for the purpose of providing that student with a Free and Appropriate Public Education (FAPE) and the IEP committee places the student in the university-based program. Yearly placement decisions relative to whether a student with disabilities is to be placed in a university-based program by an LEA continues to be the responsibility of LEA's IEP committee. district is not appropriate for that student,**
- b.) ~~that university-based program is an appropriate placement for that student, and~~
- c.) ~~the IEP committee places that student in the university-based program.~~

~~Yearly placement decisions relative to whether a handicapped student is to be placed in a university-based program by a local district continue to be the responsibility of that local district.~~

- b. ~~No later than April 15 each year, the State Department of Education (SDE) staff will notify the university-based program staff relative to which local school districts in the area served by the university-based program have organized programs for the exceptionalities currently being served in that university-based program. If a parent requests a university-based program to serve an exceptional child from a local school district that has an organized program, the university-based program staff will notify the parent that they are prohibited by state law from duplicating the program available in the local school district and will inform the local district of that child's need for educational service.~~
- e. When the university-based program staff is requested by a parent to **enroll a student on a private tuition basis, the university-based program will provide clear notice to the parent that the participating student has no individual entitlement to a free and**

appropriate education (FAPE) from their home school district, including special education and related services for as long as the student is privately enrolled. ~~serve an exceptional child from a local school district that does not have an organized program for that exceptionality, the child may be enrolled in that university-based program following SDE guidelines that apply to other state agencies. In that case, the university-based program is totally responsible for the education of that child including development of the IEP. It is suggested that school district special education staff be kept abreast of the progress of this child and it is permissible for university-based program staff to invite district staff to IEP meetings.~~

- ~~d. In the event there is a question as to whether the local district has an organized program for a particular exceptionality, the university-based program staff may contact the SDE responsible for the university-based program for a decision.~~
- ~~e. An organized program is a program approved by the SDE serving a particular age range and exceptionality or exceptionalities. When the local school district has such a program and a child in that age range and with that exceptionality is identified an IEP committee in that district makes the decision as to whether that organized program is appropriate for that child. No other entity can make that decision.~~
- b. When a student with disabilities is placed by the IEP Committee in a university-based program, the university-based program shall enter into a collaborative agreement with the LEA that will require state and federal funds already designated for the student placed to be utilized to cover the costs of tuition at the university-based program along with special education and related services to ensure that the student receives a FAPE. Additionally, the collaborative agreement will delineate services, responsibilities, and other costs related to placement of students in the university-based program. The collaborative agreement will be a template provided by the Mississippi Department of Education (MDE) and shall reference the IEP developed by the LEA in collaboration with the university-based program and their responsibility for IEP implementation.
- c. The LEA shall remain the district of enrollment for students placed in the university-based program by the IEP Committee, or through due process, state complaint process or binding mediation. The student shall be included in the LEA's December 1 Child Count, and the LEA shall be responsible for ensuring the student receives a FAPE.
- d. The LEA shall convene an IEP Committee meeting that would include representatives and staff from the university-based program who would be responsible for providing the services in order to change the student's LRE to the university-based program, develop a transition plan for the student to the university-based program, as well as modify the student's services accordingly based on the new placement. Once the student is transitioned to the university-based program, the IEP Committee must include an Agency Representative from the LEA that will be involved in committee meetings to ensure that the student receives a FAPE at the new placement. The IEP developed for the student shall be reasonably calculated to enable the student to make progress appropriate in light of the student's circumstances.

- e. The LEA shall continue to be responsible for providing transportation for a student placed in all university-based program through the use of transportation funds from the Mississippi Adequate Education Program (MAEP). Additionally, university-based programs will be eligible to receive MAEP transportation funds for a student that is parentally-placed on a private tuition basis.
- f. The LEA and the university-based program must ensure that there is no delay in implementing the student's IEP, including any case in which the payment source for providing or paying for special education and related services to the student is being determined.

2. Teacher Units Approved for University-Based Program ~~Application Steps~~

Children counted for the allocation and approval of a university-based teacher unit(s) shall meet the following criteria:

- 1. Documentation verifying birth date and age of three (3) through twenty-one (21) years,
- 2. Documentation confirming residency in the State of Mississippi,
- 3. Documentation of current eligibility,
- 4. Documentation of current IEP,
- 5. Documentation of placement by a local school district IEP committee OR documentation of private parental placement,
- 6. Have not finished or graduated from high school,

Documentation of numbers 1-6 above shall be maintained on file for each child served by an approved state funded teacher and be available upon request by the Mississippi Department of Education (MDE).

The university-based program shall submit annual child count data in accordance with the procedures of the Office of Special Education. An assurance from the university-based program that data for each child served has been verified and is maintained on file shall be forwarded to the MDE when the teacher unit is requested for approval.

The administrator of the university-based program shall submit Teacher Allocation data in accordance with the teacher unit reimbursement request process required by the Office of Special Education. Teacher units shall be allocated based on the teacher certificate requirements of special schools under the Office of Accreditation and each teacher being responsible for the educational instruction of a minimum of ten (10) children. The Maximum number of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children shall be made in writing to the Office of Special Education and shall include the reason for the request. Approval shall be based on the schedule of the teacher and instructional needs of the children. All exemptions of the minimum and maximum number of children served by a teacher shall be reviewed and approved by the Deputy State Superintendent, Chief Academic Officer.

The administrative head of the facility is responsible for ensuring a teacher approved for a teacher unit shall be paid based on the salary scale, years of teaching experience, and salary schedule requirements found in Miss. Code Ann. §§ 37-19-7 and 37-19-17.

Teacher units shall be allocated and approved for the regular school session. The number of days the facility will provide a regular school session shall be in accordance with the MDE's regulations and Miss. Code Ann. § 37-151- 7(3)(c), Miss. Code Ann. § 37-3-49, §§ 37-13-61 through 69, § 37-151-5(j), and § 37-151-7(3)(c). The calendar dates of the beginning and ending of the regular school session shall be submitted to the Office of Special Education when requesting an allocation for a teacher unit.

- ~~a. Identify a teacher for this class(es) certified in accord with State Department of Education regulations.~~
- ~~b. Identify a classroom facility in which to locate the class. It should be approximately the same size as a regular classroom in a public school district.~~
- ~~c. Submit a proposal to the Bureau of Special Services describing the program according to regulations.~~
- ~~3. Upon receipt of this proposal, Bureau of Special Services personnel will review it and either approve it or work with university/college personnel to get it in an approvable form. The Bureau Director will write a letter indicating approval of acceptable proposals and indicating that university/college personnel may proceed with implementation. In the event that teacher certification and number of eligible children is not available when the proposal is submitted, tentative approval will be given until such time as this information is received.~~

~~During the implementation of a program, following proposal approval, it will be necessary for the university/college to submit a Class Data Sheet. This submission will occur each year. Any time the program changes, the proposal must be amended.~~

3. Application Steps for University-Based Program Proposal

The ~~Outline~~ **outline** for the proposal which is to be submitted to the ~~Bureau of Special Services Office of Special Education~~ is as follows:

- a. Title of the Program
- b. General Information
 - i. Number, age and ~~exceptionality~~ **IDEA eligibility** of students
 - ii. Length of School Day (must be full day program to receive full funding)
 - iii. Number of teachers requested, teacher's name (if available) and certification (if available)
 - iv. Location and description of the classroom(s)
- c. A List of program objectives
- d. An outline of program evaluation criteria
- e. A copy of the university/college approved policies and procedures as required

- f. An assurance that the university/college will comply with all applicable State Department of Education regulations relating to programs for ~~handicapped children~~ **students with disabilities**. (~~It~~ **It** is the responsibility of personnel who operate this program to be familiar with all regulations).
4. Upon receipt of this proposal, Office of Special Education personnel shall review it and either approve it or provide feedback to university/college personnel and allow for re-submission. The Bureau Director shall provide written notification indicating approval of acceptable proposals and indicating that university/college personnel may proceed with implementation. If teacher certification and number of eligible children is not available when the proposal is submitted, the MDE shall give tentative approval until such time as this information is received. Proposals shall be submitted for renewal every 3 years or any time there are substantial changes to the program.

Source: ~~Miss. Code Ann. § 37-1-3 (Revised 8/1991)~~

Source: Miss. Code Ann. § 37-1-3, Miss. Code Ann. § 37-23-31, Miss. Code Ann. § 37-23-33, Miss. Code Ann. § 37-23-25, and Miss. Code Ann. § 37-151-85 (Revised 8/1991; 5/2021).

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 - c. When a student with disabilities is placed by the IEP Committee in a university-based program, the university-based program shall enter into a collaborative agreement with the LEA that will require state and federal funds already designated for the student placed to be utilized to cover the costs of tuition at the university-based program along with special education and related services to ensure that the student receives a FAPE. Additionally, the collaborative agreement will delineate services, responsibilities, and other costs related to placement of students in the university-based program. The collaborative agreement will be a template provided by the Mississippi Department of Education (MDE) and shall reference the IEP developed by the LEA in collaboration with the university-based program and their responsibility for IEP implementation.
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- e. The LEA shall convene an IEP Committee meeting that would include representatives and staff from the university-based program who would be responsible for providing the services in order to change the student's LRE to the university-based program, develop a transition plan for the student to the university-based program, as well as modify the student's services accordingly based on the new placement. Once the student is transitioned to the university-based program, the IEP Committee must include an Agency Representative from the LEA that will be involved in committee meetings to ensure that the student receives a FAPE at the new placement. The IEP developed for the student shall be reasonably calculated to enable the student to make progress appropriate in light of the student's circumstances.
- f. The LEA shall continue to be responsible for providing transportation for a student placed in a university-based program through the use of transportation funds from the Mississippi Adequate Education Program (MAEP). Additionally, university-based programs will be eligible to receive MAEP transportation funds for a student that is parentally-placed on a private tuition basis.
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