

Chapter 74: Special Education

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

1. Procedures for Enrollment in a University-Based Program (UBP)
 - a. Students with disabilities may be enrolled in a UBP in the following two situations:
 - i. the student is not enrolled in a Local Educational Agency (LEA) and is parentally placed by their parent(s) in the UBP
 - OR**
 - ii. the LEA Individualized Education Program (IEP) committee initiates placement in a UBP because the IEP committee in that district has determined that the UBP is that student's Least Restrictive Environment (LRE) for the purposes of providing that student with a Free Appropriate Public Education (FAPE), the IEP committee shall include UBP personnel. Yearly placement decisions relative to whether a student with disabilities is to be placed in a UBP by an LEA continues to be the responsibility of LEA's IEP committee.
 - b. When the UBP staff is requested by a parent to parentally place a student, the UBP will provide clear notice to the parent that the participating student has no individual entitlement to a FAPE from their home school district, including special education and related services for as long as the student is privately enrolled.
 - c. When a student with disabilities is placed by the IEP Committee in a UBP, the UBP 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 special education and related services at the UBP to ensure that the student receives a FAPE. UBP students enrolled in a local school district will generate Mississippi Adequate Education Program (MAEP) base student cost funds in the same manner as all other students in accordance with Miss. Code Ann. §37-151-5(n). State funds provided through the MAEP Special Education Teacher Units, Extended School Year (ESY) programs, and MAEP transportation funding shall not be included in the collaborative agreement. MAEP Special Education Teacher Units, ESY programs, and MAEP transportation funding shall flow through to the UBP directly. Additionally, the collaborative agreement will delineate individualized services, responsibilities, and other costs related to placement of students in the UBP. 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 UBP and their responsibility for IEP implementation.
 - d. The LEA shall remain the district of enrollment for students placed in the UBP 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. The UBP will count all students enrolled in their program on the UBP December 1 child count for the purposes of funding the MAEP Special Education Teacher Units.

- e. The LEA shall be responsible for ensuring that the IEP of each student placed at a UBP includes transportation as a related service. MAEP transportation funds for each student enrolled in a UBP will flow through directly to the UBP regardless of how the student was placed.
- f. The LEA and the UBP 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 UBP

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 from birth through twenty-one (21) years,
- 2. Documentation confirming residency in the State of Mississippi,
- 3. Documentation of current eligibility by Early Intervention and/or LEA,
- 4. Documentation of current IEP or Individualized Family Service Plan (IFSP),
- 5. Documentation of placement by a local school district IEP committee OR documentation of private parental placement, and
- 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 MDE.

The UBP shall submit annual child count data in accordance with the procedures of the Office of Special Education. An assurance from the UBP 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 UBP 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 fourteen (14) children and maintaining a teacher schedule of 330 instructional minutes daily. Any request for a teacher to serve less than fourteen (14) shall be made in writing to the Office of Special Education and shall include the reason for the request. Request for teachers to serve less than fourteen (14) shall be approved based on the schedule of the teacher and instructional needs of the children. All exemptions of the minimum number of children served by a teacher shall be reviewed and approved by the Deputy State Superintendent, Chief Academic Officer. If a UBP teacher is

providing instructional services on a part-time basis (165 instructional minutes daily) based on the complex needs of individual students, then the UBP may request and be awarded one half of a special education teacher unit.

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, 37-19-9, and 37-19-10.

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), 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.

3. Application Steps for UBP Proposal

The outline for the proposal which is to be submitted to the Office of Special Education is as follows:

- a. Title of the Program
 - b. General Information
 - i. Number, age, and IDEA or Early Intervention 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) or educational environment
 - 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 students with disabilities. 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, 37-23-31, 37-23-33, 37-23-35, and 37-151-85
(Revised 8/2021).