

CHAPTER 10-000

EDUCATIONAL FUNDS FOR WARDS PROGRAM

The authorized costs associated with the education of wards of any court or department of the State of Nebraska will be paid under specific circumstances.

This chapter contains the policy of the Department regarding eligibility for payment and types of services paid for by the Department. This information is available as a reference for workers and support staff.

Worker Responsibility

This program is administered centrally to pay for education services for state wards. The worker will assist Finance and Accounting by completing a verification form for bills received by Central Office for education services for designated wards. (See Education Funds Guidebook for verification form.)

10-001 **LEGAL BASIS**

The basis for these policies is Neb. Rev. Stat. 79-215, 83-108.04, and 43-2. Statutes, 1943.

10-002 **ELIGIBILITY**

Children and youth between the ages of five and 18 who are wards of any court or department of the State of Nebraska are eligible for state ward education funds in the following settings:

SETTING:	ELIGIBLE IF:	PAYMENT FOR:
Public School	<p>A. Ward resides in a licensed group home Center for Developmental Delays or Licensed child care agency, AND,</p> <p>B. The facility isn't in the school district where:</p> <ol style="list-style-type: none">1. The ward resided at the time of wardship; and2. The ward's parent(s) reside. <p>Note: Wards in foster family homes aren't eligible for State Ward Education Funds.</p>	Regular or special education based on formula; transportation. (See 390 NAC 10-004 and Education Funds Guidebook.)

Residential Treatment Program with a School

- A. The facility is eligible as an institution as defined in 390 NAC 10-003 AND,
- B. The agency responsible for the child's residential program makes the placement (not a school district decision), AND,
- C. The ward is verified for and receives special education services in this school.

Note: The decision about what education program the child receives and where it is provided is made by the school district where the facility is located.

Special education based on Approved rate from NDE. (See 390 NAC 10-004 and Education Funds Guidebook.)

Inpatient Psychiatric Hospital Setting

- A. The hospital meets the definition of institution found in 390 NAC 10-003 AND,
- B. The ward enters the hospital for a psychiatric, mental health or substance abuse evaluation, AND,
- C. The agency responsible for the child's residential program makes the placement, (not a school district decision), AND,
- D. The primary purpose of the hospitalization remains evaluation. If the purpose becomes treatment, refer to 390 NAC 10-004.

Education costs as determined in 390 NAC 10-004. (See Education Funds Guidebook.)

County Detention Centers

- A. The center is eligible as defined in 390 NAC 10-003.01

Costs of Education based on a formula. (See Education Funds Guidebook.)

10-003

DEFINITIONS

10-003.01

DEFINITION OF INSTITUTION

An institution is a public or private facility, not owned or operated by the public school district, that operates a residential and special education program with an approved special education rate established by the Nebraska Department of Education.

This definition of institution includes school programs with an approved rate run by psychiatric hospitals and group homes and child care agencies. It doesn't include parochial schools or Youth Rehabilitation Treatment Centers.

Statutory Reference: Neb. Rev. Stat. 79-445.

10-003.02

DEFINITION OF COUNTY DETENTION CENTERS

To be eligible for payment, county detention homes or centers must meet the following criteria:

1. Be selected by the county board with jurisdiction over a detention home,
2. Have agreed or contracted with the county board to provide educational services, and
3. Have been approved by the State Department of Education.

Statutory Reference: Neb. Rev. Stat. 43-2,110.

10-004

PAYMENTS FROM THE DEPARTMENT FOR EDUCATION FOR WARDS

1. Payments for Education Services Provided by Public Schools

Wards in their own homes and in foster family homes are not eligible for state ward education funds.

When the eligibility criteria for public schools are met, the school district will receive payment as follows:

- a. Non-Disabled Students

- (1) Regular Education

If an eligible ward isn't disabled and doesn't receive a special education program or special services, payment for regular education will be based on a formula. (See Education Funds Guidebook for Formula.)

(2) Regular Program with Special Services

If an eligible ward is in a full-time regular program, but does receive other services such as speech therapy or physical therapy, those services will be paid based on the approved rate established by the Department of Education. Payment will be based on the percentage of time the youth receives these services. (See Education Fund Guidebook for process.)

b. Disabled Students

If an eligible ward is disabled and requires educational programming or other special services, payment will be authorized for costs relating to the youth's special educational programming.

Special services such as speech therapy or physical therapy will be paid based on the approved rate established by the Department of Education. Payment will be based on the percentage of time the youth receives these services. (See Education Fund Guidebook for process and formula.)

c. Transportation

Transportation costs will be reimbursed when necessary and according to guidelines established by the Department of Education.

2. Payments to Class I School Districts

When a ward from a Class I school district is placed outside of that district but continues to or will attend the school she/he would have attended if she/he had remained in the resident school district, the ward isn't eligible for state ward education funds.

3. Payments to County Detention Homes or Centers

Payment for wards placed in a county detention home or center as defined in statute will be authorized based on all actual costs related to the ward's educational programming, regardless of the ward's county of residence.

Statutory reference: Neb. Rev. Stat. 43-2,110.

4. Payments to Institutions

a. Inpatient Psychiatric Hospital Settings

(1) Evaluation or Assessment

If an eligible ward enters a psychiatric hospital for an assessment or evaluation, payment of the ward's educational program will be based on the approved rate from the Department of Education if the ward is eligible for special education. If the ward isn't eligible for special education, the regular education rate will be paid.

(2) Treatment

If the primary purpose of the hospitalization becomes treatment or, in any case, if the hospitalization extends beyond 30 days, the ward will be referred to the school district where the ward lived prior to hospitalization for verification of the ward's disability and eligibility for special education. If the ward is eligible for special education, the approved rate from the Department of Education will be paid by the Department. If the ward isn't eligible for special education, within three months of placement the facility will be reimbursed for those days the ward attended until the verification was made plus the three-month period after the placement. The ward will then be moved into an appropriate education program. (See Education Funds Guidebook.)

b. Residential Treatment Program with a School

If the criteria for residential psychiatric facilities described in 390 NAC 10-002 are met, and the child is eligible for special education, the approved rate from the Department of Education will be paid to the facility.

If the criteria described in 390 NAC 10-002 are met and the child isn't eligible for special education, a re-evaluation will be done to determine if the child is eligible for special education. A determination of the child's eligibility for special education will be made within three months of placement in the residential facility in order for the program to be eligible for state ward education funds. If the child is determined to be ineligible for special education, state ward education funds will be paid for those days the child attended until the verification decision was made not to exceed three calendar months. The Department will continue to pay up to one month while the ward is moved into an appropriate education program.

Children in an emergency shelter facility, attending the facility operated school, must be eligible for special education in order to receive this funding. The short-term nature of the placement does not allow time for a special education verification. The child should attend public school if s/he is not verified for special education.