

# Funding

## FUNDING FOR NONEDUCATIONAL SERVICES

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Model operating procedures created by



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## Funding for Noneducational Services

### What is Required

The state has appropriated funds for non-educational community-based support services to help families better care for their student with a disability.

### **Noneducational Community-Based Support Services**

The TEA will establish procedures and criteria for allocating funds to the District for the provision of noneducational community-based support services to certain students with disabilities and their families to enable those students to receive a FAPE in the least restrictive environment. The District may only use these funds for eligible students with disabilities who would remain or would have been placed in residential facilities primarily for educational reasons without the provision of noneducational community-based services.

Noneducational community-based support services may include in-home family support, respite care, and case management for families with a student who the District otherwise would have placed in a private residential facility. These services may not be used for a student with a disability who is currently placed in, or who needs to be placed in, a residential facility primarily for noneducational purposes.

Providing such services does not supersede or limit the responsibility of any other agency to provide or pay for costs of noneducational community-based support services necessary to enable students with disabilities to receive FAPE in the least restrictive environment.

### **Noneducational Public Agencies**

The state has clearly identified the responsibilities of each agency relating to the provision of services, or other appropriate written materials, to ensure that the agencies coordinate services to provide FAPE to students with disabilities. This includes:

- Identification of, or method for defining, the financial responsibility of each agency for providing services;
- Conditions, terms, and procedures under which the District must be reimbursed by other agencies;
- Procedures for resolving interagency disputes to secure reimbursement from other agencies or otherwise implement the provisions of the agreement; and

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- Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services to ensure the provision of FAPE for students with disabilities.

The financial responsibility of noneducational public agencies that provide services to ensure a FAPE, including the state Medicaid agency and other public insurers of students with disabilities, must precede the financial responsibility of the District. If a public agency other than an education agency must provide or pay for services that are also considered special education and related services, the agency must fulfill its obligation either directly through contract or through another arrangement. A noneducational public agency may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school context.

The Health and Human Services Commission will reimburse a provider under the school health and related services program for audiology services provided to a student who is eligible for such related services. See [SUPPLEMENTARY AIDS AND SERVICES, SPECIAL EDUCATION, RELATED SERVICES].

If a public agency other than an educational agency fails to provide or pay for special education and related services necessary to ensure a FAPE, the District must provide or pay for these services in a timely manner. The District may claim reimbursement for the services from the noneducational public agency that failed to provide or pay for these services. Further, the noneducational public agency must reimburse the District in accordance with the terms of the agreement or other mechanism developed by the state.

## **Additional Procedures**

### **Noneducational Community-Based Support Services**

Funds for noneducational community-based support services are used to provide services and supports in the home, to allow a student currently in residential placement for educational purposes to return home, or to prevent an at-risk student from placement in a residential facility for educational purposes. This legislation was passed to allow the District to provide services that are not allowable purchases from education funds and will assist families in caring for these students. These services are intended to be periodic and short-term, rather than intensive or long-term.

According to the TEA, current noneducational community-based support services include: attendant care, psychiatric and psychological consultations, management of leisure time, peer support groups, parent support groups, socialization training, individual support, family support, family dynamics training, respite care, transportation to access approved noneducational services, and generalization training.

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These services generally cannot be provided for students with autism. However, attendant care and respite care services are allowed, if appropriate. Any in-home training or viable alternatives and parent training to support the student's IEP must be paid with educational funds instead.

Any parent training that supports the student's IEP is related to the student's education and must be paid using special education funds. However, noneducational support services funds can be used for generalization training necessary to teach parent(s) effective parenting skills and how to manage the student in the home and community.

Transportation that is necessary for families to receive services approved in the LEA's application and for students to receive noneducational services, such as socialization, is allowable. However, transportation specifically for educational reasons, including transportation and per diem for staff to receive training at a residential facility, is not an allowable use of such funds.

The District will determine whether respite or attendance caregivers are qualified and may contract with agencies licensed by the Texas Department of State Health Services and Texas Department of Aging and Disability Services. Family members who are not the primary caregiver may serve as respite or attendance caregivers.

While funds may be used to pay for psychiatric services, such as family consultation and for teaching parents effective management or parenting skills, these funds may not be used to pay for a psychiatrist providing treatment for a student, writing prescriptions for medications for students, or any other medical or treatment-related services.

Additional unallowable expenditures include: direct payment to parents; equipment; sheltered workshop services; babysitting (including attendant care when no family member is available or caring for a student while the parent is at work); remodeling and construction of the student's classroom and home; food; transportation to any educational service or any service being provided by another public agency; medicine, medical prescriptions, doctor and dentist visits, medication therapy, evaluations; and all special education and related services allowable by the IDEA in implementing a student's IEP (including adaptive equipment, art therapy, corrective therapy, music therapy, orientation and mobility training, school health services, recreation therapy).

## Application Process

The District decides which noneducational support services, if any, will be provided. If a parent wishes to access services, the parent will contact Campus Special Education Administration and request a meeting to discuss the need for noneducational services.

Before providing services, Campus Special Education Administration, including those

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individuals with knowledge about the student and other agencies' responsibilities, as well as staff from local agencies and the parent and/or adult student, will have a planning meeting to discuss options for noneducational services. District Special Education Personnel with knowledge about the student or other agencies' responsibilities should also be included. This decision should not be made by a student's ARD Committee.

Once it has been determined that services are necessary and appropriate, Campus Special Education Administration will contact the regional education service center to learn how to apply. The Superintendent—or another designee—must approve the District's noneducational funds application.

As the continued use of noneducational funds is based on documented progress made by the student in the previous year on these services, it is important that Campus Special Education Personnel or Administration document the services utilized and progress towards these services throughout the year. When requesting the continued use of such funds, the District must justify and provide a detailed explanation regarding the requested services.

### **Payment and Misuse of Funds**

The District will pay service providers directly rather than paying the parents directly. The District is liable for any misuse of noneducational funds by a family. Therefore, the District must closely monitor the activities and services utilized by the family.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

### **Evidence of Implementation**

- Application
- Provision of Services
- Documentation Regarding Provision of Services
- Progress Monitoring Documentation
- [DISTRICT FORMS]

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Funding for Noneducational Services - Region 18](#)

[Non-Educational Community-Based Support Services - Texas Education Agency](#)

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[Noneducational Community-Based Support Services Frequently Asked Questions - Texas Education Agency](#)

[Community Resource Coordination Groups](#)

[ADDITIONAL DISTRICT RESOURCES]

**CITATIONS**

Board Policy EEL and GA; 34 CFR 300.154(a)–(b); Texas Education Code 29.013(a)–(d), 38.003(b)