

**Noneducational Community-Based Support Services
Questions and Answers
2009-2010**

1. What kind of services can be purchased with these funds?

These funds are used for noneducational support services in the home and allow a student currently in a residential placement for educational purposes to return home or prevent a student at risk for residential placement for educational purposes from being placed residentially. The intent of state legislation is for local education agencies (LEAs) to provide services that are not allowable purchases from education funds, to help families of this population care for the student, and to enable families to better cope with having an individual with a disability at home. These services are not intended to be intensive or long-term but rather, periodic and short-term.

Some allowable noneducational services and their definitions are listed as follows:

- ◆ Respite Care – Providing relief to parents and/or family with intermittent, short-term care (e.g. weekends, during school holidays). Regularly scheduled periods of respite care over an extended period of time is not allowable, however. This service should be periodic and short-term.
- ◆ Attendant Care – Providing occasional outside assistance to parents and families. These services should be provided to normalize routine family activities, including hours when families must sleep. Attendant care is not allowable for baby-sitting or to replace day/night care services.
- ◆ Psychiatric/Psychological Consultation – Consulting with the student, family, and all persons involved in providing noneducational services, or in causing them to be provided. The focus of consultation should be to develop a functional family unit. This service excludes medical or treatment related services.
- ◆ Management of Leisure Time – Working with the student to develop skills that enable the student to entertain him or herself appropriately without adult supervision. This service is closely related to socialization training.
- ◆ Socialization Training – Working with the family to help the student develop appropriate skills and behavior in public. This training is closely related to leisure time management.
- ◆ Individual Support – Preparing the student to be healthy and productive by developing self-esteem.
- ◆ Family Support – Working with the family to develop a functional family unit.
- ◆ Family Dynamics Training – Providing training for the family to determine family values, goals, and expectations (more intensive than family support).
- ◆ Generalization Training – Training the student and family to use a behavior management plan outside the structured, educational environment. This training may include modeling parenting skills.
- ◆ Peer Support Group – Working with a group of students to develop appropriate interaction skills.
- ◆ Parent Support Group – Working with a group of parents to develop coping and behavior management skills.

2. What if the student is at risk for residential placement for reasons other than educational purposes?

Students who are at risk for noneducational reasons CANNOT be served with these funds.

3. Are students who are not enrolled in public schools eligible for noneducational funds?

No. Students who are not enrolled in public schools are not eligible to receive non-ed funds.

4. Can the services listed in question 1 be provided for students with autism?

Generally, no. However, services for attendant care and respite care are allowed, if appropriate. In-home training or viable alternatives and parent training that support the student's individualized educational program (IEP) must be paid with educational funds as required by 19 TAC §89.1055(e).

5. Is parent training an allowable use of funds?

It depends on the nature and purpose of the parent training. If training supports the student's IEP, it is considered an educationally related service and must be paid with special education funds. If generalization training is necessary to teach parent(s) effective parenting skills and how to manage the student in the home and community away from an educational structure, noneducational support services funds can be used. In this instance, the district provides an educational program for the student while parents acquire necessary management skills. Additionally, parents may receive training in the areas of socialization and family dynamics as offered through family support groups.

6. Can these funds be used to purchase services from a psychiatrist?

Yes. The funds can pay for such services as family consultation and for teaching parents effective management or parenting skills. 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 service.

7. Can these funds be used to purchase additional educationally related services or to pay for a student to receive vocational training in a sheltered workshop?

No. The law states that services provided with these funds must be noneducational in nature.

8. Can these funds be used to purchase equipment for a student to use at home?

No. The legislative intent of these funds is for LEAs to purchase approved services, rather than equipment.

9. Would a request for these funds to remodel or build an addition to the family home or to provide medical treatment, medication therapy, or medicine be approved?

No. Although these are noneducational services, such requests are far removed from the intent of the legislation and purpose of these funds, and would not be approved.

10. What transportation services may be provided with these funds?

Transportation that is necessary for families to receive services approved in the district's application is allowable. Transportation for students to receive noneducational services, such as socialization, is also allowable. Transportation for educational reasons, as well as transportation and per diem for staff to receive training at a residential facility must come from education funds and therefore, is not allowable with noneducational funds.

11. Is it allowable to request reimbursement for daily services from these funds?

No. Noneducational community-based services funds are not intended to maintain services over an extended period of time. Services should be periodic and short-term.

12. What qualifies a person to provide respite or attendant care?

LEAs determine the qualifications for respite/attendant care givers. LEAs can contract with agencies that are licensed by the Texas Department of State Health Services (DSHS) and Texas Department of Aging and Disability Services (DADS). This may include family members who are not the primary care giver.

- 13. If an LEA is paying para-professionals (non-exempt) to provide respite care, does the LEA have to pay overtime? How should they be paid?**

The LEA should consult with their Human Resources department.

- 14. Does the ESC determine the funding amounts awarded?**

The ESCs make a determination on the amount of funds awarded based upon various criteria, including the amount of requested funds from LEAs, the availability of funds, and other regional criteria.

- 15. Can an ESC not approve an application submitted by an LEA?**

Yes.

- 16. What agency, the LEA or the ESC, is liable for the misuse of noneducational funds by a family?**

The LEA is liable for misuse of these funds. It is important that the LEA closely monitor the activities and services utilized.

- 17. Whose responsibility is it to decide what noneducational support services are going to be provided?**

The LEA, involving other appropriate persons, has the responsibility. The LEA should have a planning meeting to discuss options for noneducational services. Persons attending the planning meeting should be district staff knowledgeable about the student and other agencies' responsibilities, staff from the local MRA/MHA/CRCG or other potential service providers, and the parent(s) and/or adult student. The student's Admission, Review and Dismissal (ARD) committee SHOULD NOT make the decision.

- 18. (a) What if the MRA or MHA does not have or is unwilling to provide needed noneducational support services?**

If the MRA or MHA is unwilling to provide services with additional funds, or does not provide them as part of routine service delivery, the LEA should consider contracting with other service providers.

- (b) What if the MRA or MHA is willing to develop and provide noneducational services, but disagrees with the LEA about who to hire for this purpose?**

The LEA makes the final decision because the LEA is ultimately responsible for providing services, or assuring they are provided, and for managing funds.

- 19. Are LEAs required to use these funds?**

No.

- 20. Is there a cap or ceiling on the amount of noneducational funds for which an LEA may apply?**

No. Continued use of these funds is based on documented progress made by the student during the previous year, when services supported by these funds were used. LEAs are reminded to justify and provide a detailed explanation of requested services.

- 21. Who is liable when contracting services from private contractors?**

The LEA is liable.

- 22. If an LEA applies for noneducational funds, does the district have to contribute an amount equal to 25% of its IDEA-B Formula funds?**

No.

23. Can these funds be used to pay parents directly?

No. All expenditures must be paid by the LEA to service providers by the district.

24. What if a noneducational contract terminates before the end of the approved period?

A cost revision to the Application for Approval of Funding for Noneducational Community-Based Support Services should be submitted to the ESC when the total amount of these funds requires changes from the amount first approved.

25. Can non-ed funds follow a student if he or she leaves the LEA and enrolls in another LEA?

It depends. If a student withdraws from an LEA and enrolls in another LEA within the same region, the funds may follow the student. However, the decision to apply for the non-ed funds is up to the receiving district. If a student withdraws from an LEA and enrolls in an LEA in a different region, the funds do not follow the student.

26. Who may sign off on the LEA's noneducational funds application?

The superintendent or designee.

27. Could an electronic signature function be added to the application?

This feature is not available on the state application at this time. Additionally, many ESCs prefer to use their own application and may not have this feature as part of their application. However, should an ESC application offer this feature, it is permissible as a local option.

28. Does the CRCG approve the application or only make recommendations?

While the LEA has the primary responsibility of determining what non-ed support services are going to be provided, the role of the CRCG is to assist planning by reviewing and signing off on the non-ed funds application that is submitted by the LEA.