

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
24.00 SPECIAL EDUCATION HIGH-COST OCCURRENCES
Effective October 2019**

24.01 REGULATORY AUTHORITY

24.01.1 These rules shall be known as the Division of Elementary and Secondary Education Rules Governing Special Education High-Cost Occurrences.

24.01.2 These rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-20-2303, 6-20-2304, 6-41-207 and 6-11-105, and Act 757 of 2019.

24.02 PURPOSE

24.02.1 It is the purpose of these rules to set forth the criteria for determining local school district eligibility for seeking reimbursement for Special Education High-Cost Occurrences as defined under Ark. Code Ann. § 6-20-2303(21).

24.02.2 These rules define the process for local school district access to funds for Special Education High-Cost Occurrences.

24.03 DEFINITIONS

24.03.1 For the purpose of these rules, Special Education High-Cost Occurrences means those individual cases where special education and related services required by the individualized education program (IEP) of a particular child with disabilities are unduly expensive, extraordinary and/or beyond the routine and normal costs associated with special education and related services provided by the local education agency.

24.03.2 IDEA refers to the Individuals with Disabilities Education Act.

24.03.3 IEP means the individualized education program for a student with disabilities under the IDEA.

24.04 ADMINISTRATION

24.04.1 The Special Education High-Cost Occurrences fund will be administered by the Arkansas Department of Education.

24.04.2 In the event that requests for reimbursement exceed the amount of funds available in the High-Cost Occurrences fund, reimbursements will be pro-rated.

24.05 ELIGIBILITY CRITERIA FOR HIGH-COST OCCURRENCE

24.05.1 A district is deemed eligible to apply for reimbursement under these rules for a high-cost occurrence when the costs associated with an individual student, after offsets from other available revenue sources, equal or exceed \$15,000.

24.05.2 In calculating costs associated with an individual student, the costs must be incurred solely as a result of the provision of special education and related services to the individual student.

24.05.3 Ineligible costs include, but may not be limited to, the basic costs of the classroom, such as the maintenance and operation of the classroom, basic materials and supplies, basic transportation and other routine and normal costs associated with the provision of special education and related services to children with disabilities.

24.05.4 Eligible costs include any other costs not excluded in 24.05.3 that the district is incurring solely as a result of the provision of special education and related services to this student. Examples include private duty nursing services, special transportation aide, specialized equipment, specific staff development, occupational therapy, physical therapy, speech language pathology, personal care assistance, extended school year services, the pro-rata share of the costs of a teacher whose primary assignment is the student, and Medicaid match.

24.05.6 The district must demonstrate and document that it has fully accessed, to the maximum extent possible, other available revenue sources, including Medicaid and Title VI-B, or provide documentation as to why these other revenue sources were unavailable to the district for this high-cost occurrence.

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- 24.05.7 Other available revenue sources, including Medicaid and Title VI- B, are to be applied by the district as offsets to reimbursable costs for each high-cost occurrence reimbursed through the High-Cost Occurrence fund.

24.06 REIMBURSEMENT FOR HIGH-COST OCCURRENCE BASED ON INDIVIDUAL STUDENT

- 24.06.1 The Arkansas Division of Elementary and Secondary Education, Special Education Unit, will provide local education agencies with a format for requesting high-cost occurrence reimbursement to be completed and submitted to the Special Education Unit no later than April 1 of each school year.
- 24.06.2 Reimbursement requests will be reviewed to determine whether the district has incurred a “high-cost occurrence” as defined in these rules.
- 24.06.3 After offsets from other revenue sources as specified in 24.05.6, the maximum amount of reimbursement for each high-cost occurrence will be the sum of the following -
- 24.06.3.1 One hundred percent (100%) of the amount above the \$15,000 threshold up to \$65,000, and
 - 24.06.3.2 Eighty percent (80%) of the amount above \$65,000.

24.07 LIMITATION ON REIMBURSEMENT

- 24.07.1 No individual high-cost occurrence shall be eligible for reimbursement of more than \$100,000 from this fund per year.