

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter E. Special Education

Part 130. Procedural Requirements and Program Standards

Subpart 22. Special Education High-Cost Occurrences

6 CAR § 130-2201. Purpose.

(a) It is the purpose of this subpart to set forth the criteria for determining local school district eligibility for seeking reimbursement for special education high-cost occurrences as defined under Arkansas Code § 6-20-2303(22).

(b) This subpart defines the process for local school district access to funds for special education high-cost occurrences.

6 CAR § 130-2202. Definitions.

For the purpose of this subpart:

- (1) "IDEA" means the Individuals with Disabilities Education Act;
- (2) "IEP" means the individualized education program for a student with disabilities under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and
- (3) "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.

6 CAR § 130-2203. Administration.

(a) The Special Education High-Cost Occurrences Fund will be administered by the Department of Education.

(b) In the event that requests for reimbursement exceed the amount of funds available in the Special Education High-Cost Occurrences Fund, reimbursements will be prorated.

6 CAR § 130-2204. Eligibility criteria for high-cost occurrence.

(a) A district is deemed eligible to apply for reimbursement under this part for a high-cost occurrence when the costs associated with an individual student, after offsets from other available revenue sources, equal or exceed fifteen thousand dollars (\$15,000).

(b) 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.

(c) 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.

(d)(1) Eligible costs include any other costs not excluded in subsection (c) of this section that the district is incurring solely as a result of the provision of special education and related services to this student.

(2) Examples include:

- (A) Private duty nursing services;
- (B) Special transportation aide;
- (C) Specialized equipment;
- (D) Specific staff development;
- (E) Occupational therapy;
- (F) Physical therapy;
- (G) Speech language pathology;
- (H) Personal care assistance;
- (I) Extended school year services;

(J) The pro rata share of the costs of a teacher whose primary assignment is the student; and

(K) Medicaid match.

(e) 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.

(f) 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 Special Education High-Cost Occurrence Fund.

6 CAR § 130-2206. Reimbursement for high-cost occurrence based on individual student.

(a) The Special Education Unit of the Division of Elementary and Secondary Education 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.

(b) Reimbursement requests will be reviewed to determine whether the district has incurred a high-cost occurrence as defined in this part.

(c) After offsets from other revenue sources as specified in subsection (e) of this section, the maximum amount of reimbursement for each high-cost occurrence will be the sum of the following:

(1) One hundred percent (100%) of the amount above the fifteen thousand-dollar threshold up to sixty-five thousand dollars (\$65,000); and

(2) Eighty percent (80%) of the amount above sixty-five thousand dollars (\$65,000).

6 CAR § 130-2207. Limitation on reimbursement.

No individual high-cost occurrence shall be eligible for reimbursement of more than one hundred thousand dollars (\$100,000) from this fund per year.