

SELS and SELS2

SELS

In February 2000, the Office of Special Education created the Special Education Listserve (SELS). It has been and continues to be a limited e-mail group (with listserv being a misnomer since it really isn't a listserv) available to only one contact person per school district/responsible public agency. It is used by the Office of Special Education to disseminate important special education information concerning funding, compliance, data collection, professional development, etc. Messages are also kept in an archive located at:

http://dese.mo.gov/divspeced/Listserv_Archives.html.

SELS2

The Office of Special Education has now created a second e-mail group called SELS2. This e-mail group is open to anyone wanting to subscribe (principals, teachers, parents, etc.). It will allow subscribers to receive the EXACT same messages as subscribers to SELS. By creating this second e-mail group, all constituents interested in special education will have the opportunity to receive the e-mail messages, not just one contact per school district/responsible public agency. It also allows the Department to maintain the ability to make sure that every district has at least one contact person per district receiving these messages. Messages are from the Department only and may only be posted by the manager (Lina Browner, Office of Special Education). Members may not post messages to either SELS or SELS2.

Those interested in subscribing to SELS2 can do so by going to the following website http://dese.mo.gov/divspeced/sels2_subscribe.html or by emailing Lina.Browner@dese.mo.gov.

Questions

If you have questions about either SELS or SELS2, contact Lina Browner, Executive Assistant at Lina.Browner@dese.mo.gov or 573-751-5739.

Handout #5

IDEA ARRA **ONE-STOP-SHOP** **GUIDANCE DOCUMENT**



January 2010

Funds Management
Division of Special Education
DESE

IDEA ARRA One-Stop-Shop Guidance Document

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I. General Overview of IDEA ARRA Funds

The American Recovery and Reinvestment Act of 2009 (ARRA) provided Missouri \$227,175,274 in new funding for programs under Part B of the Individuals with Disabilities Education Act (IDEA). Part B of IDEA provides funds to state educational agencies (SEAs) to flow through to local education agencies (LEAs) to help ensure that children with disabilities have access to a free and appropriate public education to meet each child's unique needs and prepare each child for further education, employment, and independent living. All IDEA ARRA stimulus funds will be sent to Districts/LEAs. DESE will not use ARRA funds for administrative or state-level activities.

As a requirement of receiving stimulus funds, Districts/LEAs must register and/or validate a Data Universal Numbering System (DUNS) and Central Contractor Registration (CCR) number. These numbers must be reported in Core Data Screen 2. See memo to school Districts/LEAs and instructions for applying at:

http://www.dese.mo.gov/divimprove/sia/documents/ARRACCRDUNSMEMOandINSTRUCTIONS5-19-09_002.pdf

Early Childhood Special Education (ECSE) has a separate ARRA stimulus appropriation of \$6,397,033. Both the Part B ARRA and ECSE ARRA are allocated by formula. ECSE will be discussed more in depth under section IVX.

The Division has issued a large number of SELS messages (e-mail messages sent out to the field) related to ARRA funds. Below is a list of all SELS messages and their title for reference. All SELS messages are included as an Appendix at the end of this document.

http://www.dese.mo.gov/divspeced/Listserv_Archives.html

<u>Date</u>	<u>Title</u>	<u>Source</u>
01/04/10	ARRA/Reminder – Resubmission of ARRA Report	General Spec Ed
12/10/09	ARRA Report Due December 15, 2009	General Spec Ed
11/05/09	ARRA/IDEA Monies Capital Outlay Purchase Approval	General Spec Ed
11/05/09	ARRA/IDEA Expenditures – Update to One-Stop-Shop	Funds Management
11/02/09	ARRA/Invoicing and Payments for ECSE ARRA	Funds Management
10/22/09	ECSE ARRA Allocations	Funds Management
08/26/09	Districts Operating ECSE Programs in FY10/ECSE ARRA	Funds Management
07/17/09	ARRA Briefing/July 14 Posted on DESE ARRA Webpage	Funds Management
07/13/09	ARRA/Clarification on IDEA Expenditures/Bus Purchases	Funds Management
07/10/09	ARRA Briefing/ July 14	General Spec Ed
07/02/09	FY09 Part B FER and Application Training Guide	Funds Management
06/28/09	Early Childhood Special Education ECSE	Funds Management
06/24/09	ARRA/IDEA Construction/Equip/Capital Outlay Form	Funds Management
06/22/09	ARRA/Save the Date/July 14	General Spec Ed
06/11/09	ARRA/MOE Presentation at MoASBO	Funds Management
05/28/09	Maintenance of Effort Adjustment Amounts	Funds Management
05/21/09	Revised Allocations Posted for IDEA Part B and ARRA	Funds Management
05/18/09	IMPORTANT/June 15/ Changes to Reporting MOE	Funds Management

04/27/09	Expending IDEA and ARRA for Construction/Bus/Equip	Funds Management
04/16/09	ARRA/Additional IDEA Guidance	General Spec Ed
04/15/09	URGENT/Adjustment Window for Data Used in Calc	Funds Management
04/10/09	American Recovery & Reinvestment Act 2009	General Spec Ed
04/09/09	ARRA/Webinar on Stimulus Monies/More Guidance	General Spec Ed
04/09/09	IDEA Monies/Allowable Expenditures	General Spec Ed
04/09/09	ARRA/Stimulus Monies	General Spec Ed
04/06/09	ARRA/Update on Stimulus Monies	General Spec Ed
04/01/09	Maintenance of Effort/Adjustment Calculation	General Spec Ed
04/01/09	Stimulus/Guidance Posted on ARRA	General Spec Ed
03/18/09	American Recovery & Reinvestment Projections	Funds Management
03/17/09	American Recovery & Reinvestment Act Update	Funds Management
03/10/09	American Recovery & Reinvestment Act Update	General Spec Ed
02/27/09	American Recovery & Reinvestment Act	General Spec Ed
02/25/09	American Recovery & Reinvestment Act	General Spec Ed

II. IDEA ARRA Allocations

ARRA allocations are FY10 (2009-10) funds, meaning these are one-time allocations, even though Districts/LEAs have two years to spend the ARRA funds. Again, funding is a one-time amount; Districts/LEAs will NOT receive an ARRA allocation for both FY10 and FY11. See chart below for example.

TOTAL ARRA ALLOCATION = \$560,000

ARRA Allocation	Year 1 (FY10) Amount Expended	Year 2 (FY11) Amount Expended
Example I:	\$560,000	\$0
Example II:	\$300,000	\$260,000
Example III:	\$0	\$560,000

ARRA allocations are calculated and allocated similar to regular IDEA allocations. Regular IDEA allocations are calculated using three factors: Base Amount, Population (85% of new money), and Poverty (15% of new money).

Base Amount: established for federal fiscal year (FFY) 1999 and will not change.

Districts/LEAs are guaranteed to receive at least this amount every year in federal special education funding.

Population: based on three student counts: total enrollment, Non-public enrollment, and Home School count.

Poverty Count: the free and reduced lunch count.

ARRA allocations are calculated using two of these factors: Population and Poverty. To determine district allocations, the following steps must occur:

- Step 1: **Determine the amount of New Money in allocation.**
Current Year Allocation Amount – Base Amount = New Money Amount
- Step 2: **Determine the amount allocated for population and poverty.**
New Money Amount * .85 = Population Amount
New Money Amount * .15 = Poverty Amount
- Step 3: **Determine statewide count for population and poverty.**
Sum of population counts for all districts to get Statewide Count
Sum of poverty counts for all districts to get Statewide Count
- Step 4: **Determine amount per child rate.**
Total Population Amount / Statewide Population Count = Per Child Rate
Total Poverty Amount / Statewide Poverty Count = Per Child Rate
- Step 5: **Determine each district amount for Population and Poverty.**
Per Child Population * District Population = Population Allocation
Per Child Poverty * District Poverty = Poverty Allocation
- Step 6: **Determine each district ARRA allocation amount.**
Population Allocation + Poverty Allocation

As mentioned above, ARRA funds only use the Population and Poverty pieces in the calculation for determining District/LEA allocation.

The data used in allocations and the allocation amounts are posted at:

<http://www.dese.mo.gov/divspeced/Finance/partbentitlement.html>. Allocation amounts may also be found in appendix C.

III. Obligation/Availability of IDEA ARRA Funds

Districts/LEAs may NOT obligate funds prior to July 1, 2009. To obligate means to reserve, commit, or set-aside funds for a specific activity or project. Districts/LEAs may begin to obligate as of July 1, 2009 only if they have submitted their Part B IDEA Entitlement application. If the application has not been submitted, funds may not be obligated until the submission of the

application. If the cost of the expenditure is not included in the submitted budget, Districts/LEAs may not obligate Part B funds for that expenditure until the budget is amended and the cost included. To determine when an obligation date begins, see the table below.

Date Obligations Begin...

IF THE OBLIGATION IS FOR--	THEN THE OBLIGATION IS MADE--
Acquisition of mobile units	On the date the school district makes a binding written commitment to acquire the property
Rental of real or personal property	When the school district uses the property
Personal services by an employee of the school district	When the services are performed
Personal services by a contractor who is not an employee of the school district	On the date the school district makes a binding written commitment to obtain the services
Performance of work other than personal services	On the date the school district makes a binding written commitment to obtain the work
Public utility services	When the school district receives the services
Travel	When the travel is taken

The District/LEA will have until September 30, 2011 to expend all ARRA funds.

IV. IDEA ARRA Budget Application

The budget application indicates the amount of federal funds the District/LEA plans to expend from their allocation amount. Districts/LEAs will request ARRA funds as they do regular Part B IDEA allocation through the Part B Entitlement budget application using the ePeGS system. ePeGS is the Electronic Planning and Electronic Grants System that is used for reporting grant expenditures.

In addition to regular special education function codes, the budget grid contains ARRA function codes which are the same but designated with “ARRA” following the code (1220-ARRA). The Division has prepared a step-by-step manual for completing the Part B Entitlement application located at:

http://www.dese.mo.gov/divspeced/Finance/documents/FY10ePeGStrainingguide_000.pdf.

Function codes used for reporting Special Education ARRA expenditures include:

1220 ARRA - Special Education: Includes codes 1220-1240, 1260-1270, and 1290. These are all codes specifically related to special education.

1291 ARRA - Special Education Summer School: Summer school programs provided for pupils with exceptionalities.

1910 ARRA - Tuition to Other Districts: Payments from one school district to another school district and may also cover those instances in which pupils are legally assigned to another district. The district of residency must pay tuition to the receiving district to claim Average Daily Attendance (ADA) for State Foundation Aid. This amount should be prorated based on the number of students with disabilities served.

1930 ARRA - Area Vocational School Fees: Amounts paid to support teachers' salaries, supplies, capital outlay items, and other expenses incurred in offering a vocational program. It is suggested that Area Vocational Schools cost out their programs by Fund and bill the sending districts accordingly. This amount should be prorated based on the number of students with disabilities served.

1940 ARRA - Contracted Educational Services: Amounts paid to other school districts for certain cooperative services that are shown as gross expenditures in the receiving district's financial statements.

2130 ARRA - Health Services: Physical and mental health services which are not direct instruction. Included are activities that provide pupils with appropriate medical, dental, and nursing and related services. This amount should be prorated based on the number of students with disabilities served.

2212 ARRA - Instruction and Curriculum Development Services: Those activities designed to aid teachers in developing the curriculum, preparing and utilizing special curriculum materials, and understanding and appreciating the various techniques which stimulate and motivate pupils. This amount should be prorated based on the number of students with disabilities served.

2210 ARRA - Professional Development: Those activities designed to contribute to the professional development of staff members during the time of their service to the school system.

2225 ARRA - Computer-Assisted Instruction Services: Those activities concerned with planning, programming, writing, and presenting educational projects which have been especially programmed for a computer to be used as the principal medium of instruction.

2530 ARRA - This code was added in error and is the same as 2553.

2553 ARRA - Contracted Handicapped Transportation Services: The allowable expense incurred transporting students with disabilities on separate routes on contracted vehicles. This expense may reflect transportation services provided during the regular or summer school term. Includes three and four year old students with disabilities transportation costs as appropriate.

2554 ARRA - District Operated Handicapped Transportation Services: The allowable expense incurred transporting students with disabilities on separate routes on district operated vehicles. This expense may reflect transportation services provided during the regular or summer school term. Includes three and four year old students with disabilities transportation costs as appropriate. (Excludes school buses.)

2556 ARRA - Payments To Other Districts for Handicapped Transportation: The allowable expense incurred transporting students with disabilities on separate routes operated by other districts.

2558 ARRA - Non-allowable Transportation Expense: Transportation expenses that are not specifically defined as allowable in the Allowable Cost Rule. This is for buses purchased with IDEA Part B or ARRA funds so they are not entered on the depreciation schedule. The costs associated with nonroute miles should not be coded in this function.

4000 ARRA - Facilities Acquisition and Construction Services: Those activities concerned with the acquisition of land and buildings; remodeling buildings; the construction of buildings and additions to buildings; initial installation and extensions of service systems and other built-in equipment; and improvements to sites.

The Part B Budget Application is NOT matched to the Annual Secretary of the Board Report (ASBR); therefore, it is okay if expenditures reported on the application do not align perfectly with how they are reported in the ASBR.

Excerpt of the budget application grid with ARRA function codes:

Funds Available: [\\$114,574.00](#)

Administration Costs Rate: 0.00 %

Restricted Indirect Costs Rate: 0.00 %

	6100 Certificated Salaries	6150 Noncertificated Salaries	6200 Employee Benefits	6300 Purchased Services	6400 Materials & Supplies	6500 Capital Outlay	6600 Other	Total
1220 Special Education	51009.00	0.00	0.00	0.00	0.00	0.00	0.00	51009.00
1220-ARRA Special Education	63565.00	0.00	0.00	0.00	0.00	0.00	0.00	63565.00
1291 SPED Summer School (ESY)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1291-ARRA SPED Summer School (ESY)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1910 Tuition to Other Districts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1910-ARRA Tuition to Other Districts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1920 Area Career Center Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1920-ARRA Area Career Center Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1930 Tuition, Severely Handicapped Program	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1930-ARRA								

V. Use of IDEA ARRA Funds

IDEA ARRA funds must be expended under the same rules/requirements as regular IDEA funds. This may include new or existing activities, but the expenditure must be related to students with disabilities. Districts/LEAs should ask two questions before obligating/expending IDEA funds:

- How will the purchase/expenditure benefit students with disabilities?
- Is the purchase/expenditure necessary and reasonable for the special education program?

Permissive use of IDEA funds are:

Services and aids that also benefit nondisabled children: For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

Early intervening services: To develop and implement coordinated, early intervening educational services for non-disabled students in accordance with § 300.226.

High cost special education and related services: To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

Administrative Case Management: An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities.

Part B ARRA funds must be used for expenditures related to the EXCESS COSTS of Special Education in the same manner as regular Part B funds. Excess costs are explained in Section IX of this manual

Construction, renovation, real estate and vehicles are allowed purchases with ARRA funds, but require prior approval. See Section VI: Construction, Renovation, Real Estate and Vehicles.

Specific examples of expenditures are listed on the Funds Management webpage at: <http://www.dese.mo.gov/divspeced/Finance/documents/ExamplesARRA.pdf> and in Appendix D

VI. Prorating Expenditures

IDEA requires all expenditures with IDEA funds be directed 100% toward Special Education; otherwise the cost should be prorated, unless the benefit to non-special education students is incidental and justifiable. Below are examples of incidental and non incidental expenditures.

Justifiable incidental benefit to non-special education students:

A District/LEA bought a 12 passenger small bus for 9 students with disabilities. The bus picks up two additional non-disabled students on the same route that are siblings of the students with disabilities. This is a justifiable incidental benefit because that bus had to make those stops anyway for the students with disabilities, and no additional stops were needed. This would be a purchase that could be paid 100% with IDEA funds.

Unjustifiable incidental benefit to non-special education students:

A District/LEA bought a 54 passenger bus with wheel chair capabilities for 3 students with disabilities in wheelchairs. There are 50 non-disabled students on the same route. While this purchase may benefit the disabled students, the bus had to make multiple extra stops that weren't necessary for the students with disabilities. The benefit to non-disabled students is

more than incidental, and therefore the cost must be prorated based on the number/percentage of students with disabilities.

There are various methods the district may use to prorate costs; however, the method must be rational, reasonable and consistent. Here are some methods for prorating costs:

of Special Education Students / Total Population * Cost
of Special Education Teachers / Total Teachers * Cost
of Spec Ed Caseload Minutes / Total Caseload Minutes * Cost
of Special Ed Classrooms / Total Classrooms * Cost
of Spec Ed Square Feet / Total Square Feet * Cost
Attributing cost of item to the Special Education Student

Below are examples utilizing these methods or proration:

Example I - # of Students

54 Passenger Bus for both regular and special education students.

Regular Education Students on Route: 36
Special Education Students on Route: 15
Total Students on Route: 51
Total Cost: \$95,000

$15 \text{ spec ed students} / 51 \text{ total students} = .29$
 $.29 * \$95,000 = \$27,550 \text{ IDEA ARRA Portion}$

Example II - # of Teachers

Professional Development Opportunity for Teachers on Communicating with Parents.

Regular Education Staff attending PD: 46
Special Education Staff attending PD: 12
Total Staff attending PD: 58
Total Cost of PD: \$5,500

$12 \text{ Spec Ed Staff} / 58 \text{ Total Staff} = .21$
 $.21 * \$5,500 = \$1,155 \text{ IDEA ARRA Portion}$

Example III - # of Classrooms

District is replacing all lights in elementary building.

Regular Education Classrooms: 24
Special Education Classrooms: 6
Total Classrooms: 30
Total Cost: \$13,000

$6 \text{ Spec Ed Classrooms} / 30 \text{ Total Classrooms} = .20$

.20 * \$13,000 = \$2,600 IDEA ARRA Portion

Example IV - # of Caseload Minutes

A district hired a school psychologist for both regular and special education students that are having emotional problems.

Special Education Caseload Minutes: 800 per week
Total Caseload Minutes: 1200 per week
Total Salary and Benefits: \$70,000

800 Spec Ed Minutes / 1200 Total Minutes = .67
.67 * \$70,000 = \$46,900 IDEA ARRA Portion

Example V – Attributing the Cost

A bus lift to be added to a bus for special education student.

Total Cost: \$11,000
\$11,000 IDEA ARRA Portion

OSEP does not allow IDEA funds to be used for ADA compliance issues unless they are tied to a specific **special education** student in a wheelchair or utilizing a walker, and even then may need to be prorated.

Capital Outlay requests will be approved/disapproved based on proration methods. Districts/LEAs must prorate expenditures when non-disabled students benefit more than incidentally as described above. Please include the proration methodology used for all capital outlay requests on the application form.

VII. Capital Outlay

Districts/LEAs are allowed to expend IDEA and IDEA ARRA funds for construction on special education facilities and to purchase special education buses. However, federal law and regulations require PRIOR approval from DESE. Districts/LEAs must complete and submit the Construction Approval located at:

http://www.dese.mo.gov/divspeced/Finance/documents/CapitalOutlayPrior_007.pdf and fax to DESE at (573) 526-5946. This applies to both IDEA ARRA and ECSE ARRA. There is a sample form attached as Appendix A on this document. Districts/LEAs do not have to complete a form if using freed-up state and local funds for construction, renovation, real estate and vehicles.

Furthermore, the federal law and regulations provide that the purpose of the construction and/or equipment MUST be to improve the services the District/LEA is providing to students with disabilities. The construction and/or equipment must be necessary and reasonable for the proper

and efficient performance of the IDEA/Part B program. It must also be authorized and not prohibited under state and local regulations. The construction and/or equipment must be adequately documented.

Construction and/or bus purchases must meet the requirements outlined below, in addition to the purposes identified above. Other equipment valued over \$1,000 also requires pre-approval, but the Division has determined that this approval process can be accomplished through the ePeGS Part B Budget Application as part of the normal practice for requesting Part B funds.

Construction for Special Education Facilities with Regular IDEA Funds:

- Must be pre-approved by DESE (2 CFR 225, Appendix B, 15.b)
- Must comply with the American with Disabilities Accessibility Guidelines (28 CFR 36, Appendix A)
- Must comply with the Uniform Federal Accessibility Standards (34 CFR 300.718)
- Must comply with the requirements in the Education Department of General Administrative Regulations (EDGAR) (34 CFR 75.600-75.617)

Construction for Special Education Facilities with ARRA IDEA Funds

- Same requirements as above
- Must comply with the requirements relating to the use of American iron, steel, and manufactured goods (ARRA, section 1605)
- Must comply with wage rate provisions (ARRA, section 1606)

Purchasing Special Education Buses

- Must be pre-approved by DESE (2 CFR 225, Appendix B, 15.b)
- Must meet 2007 MO Minimum Standards for school buses (RSMo 304.060)

Further explanation of these requirements may be found on the Funds Management webpage: <http://www.dese.mo.gov/divspeced/Finance/RecoveryReinvestmentActARRA.htm>.

These items should be coded as follows in the Part B Budget Application and FER

Construction/Renovation/Real Estate	4000-6500
Vehicles	2558-6500

However, buses should be coded under 6553 in the ASBR to prevent double-dipping into Transportation State Aid.

When the property/building has reached its useful life, the district/LEA shall contact OSEP for disposal instructions. The options for disposal are:

- May be asked to pay OSEP fair market value for property and retain at no further obligation.
- May be asked to sell property and pay proceeds to OSEP.
- May be asked to transfer title to another federal program.

VIII. Equipment

Equipment is defined as an article of nonexpendable, tangible property having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit (not land or buildings). Equipment also requires pre-approval when purchasing with ARRA funds, but the Division has determined that this approval process will be completed through the ePeGS Part B Budget Application as part of the normal practice for requesting Part B funds. Equipment should be coded under 1220-6500 or 2225-6500.

Districts/LEAs do not have to submit a capital outlay request for equipment, but must complete an assurance statement on the FY10 FER indicating equipment was necessary and reasonable for the Special Education Program.

Equipment should be coded as follows in the Part B Budget Application and FER

Equipment	1220-6500 or 2225-6500
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Equipment should be disposed of in the following manner:

- If current market value is more than \$1,000 per unit:
May be retained for other purposes or sold, however, district may need to pay fair market value or proceeds from sale for item to OSEP
- If current market value is less than \$1,000 per unit:
Item may be retained for other purposes, sold, or otherwise disposed of with no further obligation.

IX. Vendor Reporting

Under ARRA requirements, districts must report certain information per quarter for transparency purposes. Reporting for ALL grants will be done through DESE Web Applications ARRA reporting. Districts will be sent instructions to assist with completing the reporting form. Securities from current programs will be transferred automatically to this new system; therefore, no action is needed from the district to obtain access.

REQUIRED INFORMATION:

- District FTE of Jobs Created/Retained and Description

For the purposes of this reporting, a job created/retained is the FTE or portion of FTE funded by ARRA dollars. To calculate FTE, divide the hours worked in the reporting quarter by the hours in a full time schedule in that quarter.

- Vendor Payments

A vendor is a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a Federal program. These goods or services may be for an organization's own use or for the use of beneficiaries of the Federal program.

Name of Vendor

Vendor EIN

Vendor DUNS or Vendor Headquarters Zip + 4

Number of Payments \$25,000 or more

Number of Payments under \$25,000

Total Payment Amount for Payments \$25,000 or more

Total Payment Amount for Payments under \$25,000

Product Description

Vendor FTE of Jobs Created/Retained

Vendor Jobs Created/Retained Description

- Infrastructure Expenditures

‘An infrastructure investment is financial support for a physical asset or structure needed for the operation of a larger enterprise. Therefore, infrastructure investments include support for tangible assets or structures such as roads, public buildings (including schools), mass transit systems, water and sewage systems, communication and utility systems and other assets or structures that provide a reliable flow of products and services essential to the defense and economic security of the United States, the smooth functioning of government at all levels, and society as a whole.’

Information collected regarding infrastructure includes:

Payment Amount

Description of Infrastructure

Rationale of Infrastructure

Programs with allowable infrastructure expenditures are:

IDEA ARRA

ECSE ARRA

State Fiscal Stabilization Funds

Infrastructure Certifications

The Department has posted the Certifications required under Section 1511 on the ARRA webpage.

REPORTING FORM:

The district will see five basic components on the Special Education ARRA reporting form. Each component is shown in a screen print below. Instructions for completing the form may be viewed at:

<http://www.dese.mo.gov/divimprove/sia/documents/ARRAWebReportingFormInstructions1209.pdf>

PRIOR REPORTING TABLE: Click arrow to expand or hide the table. This **view only** table shows data submitted by the LEA for each grant for the prior quarter.

Special Education Part B IDEA - ARRA

Select a Grant: [Number] [Name]

Prior Reporting Period: 30 September 2009

Grant	LEA Number of Jobs Created/Retained	LEA Job Description	Vendor Number of Jobs Created/Retained	Monies Disbursed To Date
Special Education Part B IDEA - ARRA	1.40	Teachers		\$0.00
Title II.D - ARRA	0.00	NONE		\$0.00
Title II.D Other - ARRA	0.00			\$0.00
Title I - ARRA	2.00	Teachers		\$0.00
Basic Formula - Stabilization Funds	29.82	classroom teachers		\$497,197.00

CURRENT REPORTING TABLE: Click arrow to expand or hide the table. This is a view only table. DESE has copied the data from the prior quarter. The LEA may change the data for the current quarter by selecting a grant from the Grant dropdown menu and completing the applicable information below this table.

Current Reporting Period: 31 December 2009

Grant	LEA Number of Jobs Created/Retained	LEA Job Description	Vendor Number of Jobs Created/Retained	Monies Disbursed To Date	LEA assures data review
Special Education Part B IDEA - ARRA	1.40	Teachers		\$0.00	NO
Title II.D - ARRA	0.00	NONE		\$0.00	NO
Title II.D Other - ARRA	0.00			\$0.00	NO
Title I - ARRA	2.00	Teachers		\$0.00	NO
Basic Formula - Stabilization Funds	29.82	classroom teachers		\$0.00	NO

Save

DISTRICT JOBS CREATED/RETAINED: Reported by grant and expressed as estimated FTE of number of jobs created or retained with ARRA funds.

Number of jobs created/retained: FTEs-employees and contract staff who have been retained or added with ARRA funds.

Number of Jobs:

Description of Jobs:

VENDOR INFORMATION: See instruction sheet for completing these fields.

For payments to Vendors enter the following information.

Vendor Tax ID Number (required)	Vendor Name	Vendor Headquarter Zip Code +4	Vendor DUNS Number	Number of payments greater than or equal to \$25,000.00	Number of payments less than \$25,000.00	Total Amount of payments greater than or equal to \$25,000.00	Total Amount of payments less than \$25,000.00	Number of Jobs Created / Retained by Vendor due to ARRA payments	Product & Service Description	Description of Jobs Created / Retained by Vendor due to ARRA payments	Del
											X
											X
											X

Add More Lines

INFRASTRUCTURE EXPENDITURES: See instruction sheet for completing these fields.

Infrastructure Expenditures

Expenditure Amount:

Purpose and Rationale: (Please describe the project and how the investment will contribute to one or more purposes of ARRA.)

LEA assures data have been reviewed and are correct.

Save

X. IDEA ARRA Requirements

As previously mentioned, the same rules/requirements apply to ARRA as regular IDEA funds, with a few additions. The general rules and requirements of IDEA are:

Assurance Statement: Districts/LEAs providing services to students with disabilities must submit annual assurances to DESE regarding their compliance with applicable federal and state statutes and regulations. Assurances are agreed to in DESE’s electronic Planning electronic Grants System (ePeGS) under the “Core Assurances.” It is critical that LEA administrators read and understand all assurances as failure to not comply with an assurance could result in the loss of Part B/ECSE funds. Districts/LEAs may also be required to complete grant specific assurances.

Budget Application: The District/LEA may only obligate and access IDEA funds after an application has been submitted.

Permissive Use of Funds: Costs of Special Education and Related Services, Supplementary Aids and Services, Administrative Case Management and Early Intervening Services (EIS).

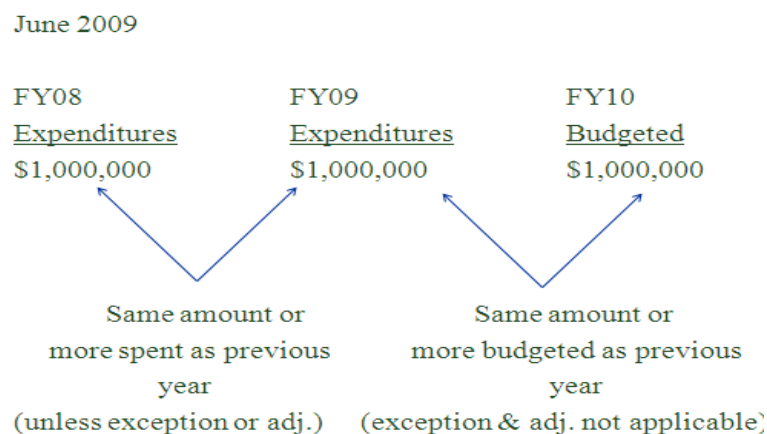
Verification of Excess Cost: Federal funds may only be used to pay excess cost of providing special education and related services to children with disabilities. District/LEA must spend at least the minimum average amount for the education of its children with disabilities as it does on students without disabilities before Part B funds are used.

The Division will calculate Excess Cost for all Districts/LEAs; therefore Districts/LEAs should leave the Excess Cost section on the Part B Budget Application blank.

Maintenance of Effort/Non-Supplant: Districts/LEAs must spend the same amount or more from state and/or local sources that they spent the previous year on students with disabilities unless an allowable exception or adjustment applies; and the District/LEA must budget the same amount or more from state and/or local sources for the following year.

For example, if the District/LEA spends \$1,000,000 in 2007-08, they must spend that amount or more in 2008-09, unless an allowable exception or adjustment applies, and budget that amount or more for 2009-10. During the budgeting process, exceptions and adjustments can't be applied until the end of the year. See diagram below.

EXAMPLE OF MOE MET



If a District/LEA meets MOE, they are considered to meet the Non-Supplant requirement. Federal guidance indicates the following:

Prior to 1992, the Part B regulations also included a “particular cost test” for determining whether supplanting occurred. This requirement meant, for example, that if an LEA spent Part B funds to pay for a teacher’s salary that was previously paid for with state or local funds, a supplanting violation would occur, even though the total amount of state and local funds spent on special education is greater than the amount spent the previous year. At that time, an LEA could maintain effort but still violate the supplement/not supplant provision. The “particular cost test” was removed from the regulations by an amendment published in the Federal Register on August 19, 1992 (37 FR 37652) and that became effective on October 3, 1992. Therefore, no requirement currently exists related to supplanting “particular costs” and if an LEA maintains local, or state and local, effort, it will not violate the supplement/not supplant requirements of the IDEA.

Proportionate Share: IDEA requires a District/LEA to spend a minimum amount of its allocation on children with disabilities parentally-placed in private and parochial schools. Districts/LEAs will use the total FY10 Allocation (regular IDEA + ARRA) to calculate the proportionate share amount.

Early Intervening Services (EIS): Districts/LEAs may set aside up to 15% of their Part B Allocation for coordinated Early Intervening Services (EIS) for non-disabled students at risk. A District/LEA identified with significant disproportionality will be required by the state agency to spend the entire 15%. In either situation, the calculation will be based on the total FY10 Allocation (regular IDEA + ARRA) to calculate the EIS amount.

Final Expenditure Report (FER): Districts/LEAs must submit a report detailing all final expenditures of IDEA funds.

All other federal requirements under the Office of Management and Budget (OMB), Education Department of General Administrative Regulations (EDGAR), and the Cash Management and Improvement Act (CMIA) apply to ARRA as well.

XI. IDEA Maintenance of Effort (MOE)

Since the ARRA stimulus funds can have such a big impact on MOE, this section specifically addresses issues related to MOE and ARRA funds. As described in the previous section, MOE means the District/LEA must maintain the same level of state and/or local expenditures on the special education program as it spent in the prior year unless an allowable exception or adjustment applies.

Exceptions

A District/LEA may reduce their MOE threshold/level by one of the following exceptions:

- Voluntary Departure of Special Education Staff
- Decrease in Enrollment of Children with Disabilities
- Termination of a Costly Obligation for a Specific Child
- Termination of a Costly Long-Term Purchase
- Assumption of the Cost by the High Need Fund

Adjustments

A District/LEA may reduce their MOE threshold by taking advantage of an adjustment. IDEA allows the District/LEA to reduce their MOE by 50% of the increase in total allocations from the prior to current year Part B Allocation.

First, the District/LEA should look at the prior year allocation (FY09) compared to the current year allocation (FY10). The current year allocation must include both regular IDEA and ARRA funds.

2008-09 (FY09) Prior Year Part B Allocation	\$400,000
2009-10 (FY10) Current Year Part B Allocation	\$760,000

Second, determine the amount of increase from the previous to current year, if any.

$$\$760,000 - \$400,000 = \$360,000$$

IDEA allows the District/LEA to reduce by 50% of the increase; even though the District/LEA is using the federal Part B funds to determine the adjustment amount, there is no affect on the Part B amount. The adjustment only affects the state and local dollars.

$$\$360,000 * .50 = \$180,000$$

The District/LEA may now reduce the MOE for the FY10 school year by \$180,000. If the FY09 MOE was \$1,000,000, the new threshold for FY10 would be \$820,000.

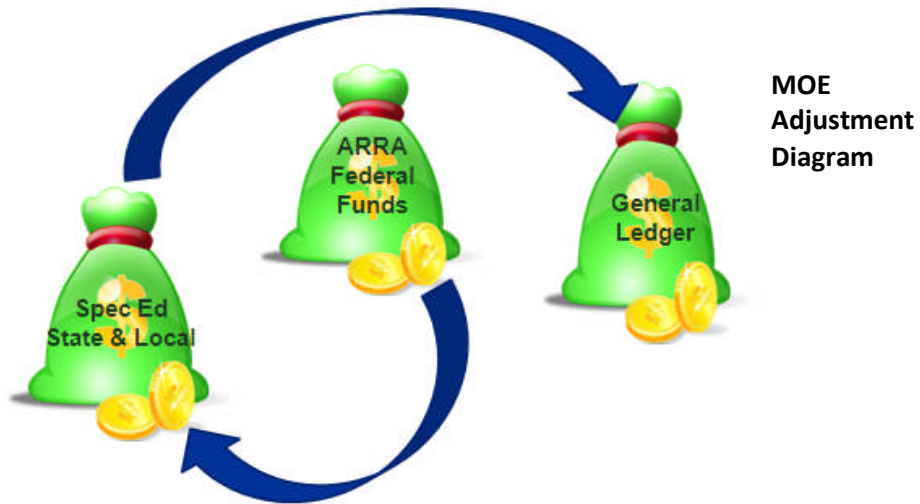
$$\$1,000,000 - \$180,000 = \$820,000$$

If the District/LEA chooses to spend any Part B funds on EIS, the adjustment amount must be reduced by the amount spent on EIS. If the District/LEA spent \$114,000 on EIS, then the reduction amount would only be \$66,000.

$$\$180,000 - \$114,000 \text{ (EIS)} = \$66,000 \text{ reduction amount}$$

$$\$1,000,000 \text{ (MOE)} - \$66,000 = \$934,000 \text{ (FY10 MOE threshold)}$$

Districts are not reducing the cost to operate the Special Education Program; they are only shifting funds from one source to another. Even though the District/LEA is reducing their state and local dollars for MOE, they will have to replace those dollars with ARRA stimulus funds to continue to operate the program at its current level. **This may be better explained in an example. A district pays the salary of special education teacher with state and local funds. The district decides to use those funds as part of the adjustment. This frees up the state and local dollars that were put behind the teacher's salary to now be put into non-special education expenditures. However, the district must still pay this special education teacher. Therefore, the district will now have to pay the salary with ARRA funds.** See the MOE Adjustment Diagram below.



As shown in the diagram, the district will be freeing-up State and Local funds, but will replace those funds with ARRA dollars.

The District/LEA will not incur any supplant violations as long as it continues to meet MOE at the new lower threshold after taking the adjustment. This new MOE threshold will remain at this lower level until the District/LEA chooses to increase its state/local expenditures for special education program.

MOE CAUTION: It is important for Districts/LEAs to note that if they take advantage of the adjustment and choose to free-up state and local funds, when the ARRA funds are depleted the District/LEA may need to again put state and local dollars behind the special education program to continue to operate at the current level.

MOE Adjustment and EIS

If a district chooses to spend Part B funds or Part B ARRA funds on EIS, it will reduce the amount of the MOE adjustment that can be taken.

Original Adjustment Amount	\$180,000
EIS Expenditures	\$25,000
New Adjustment Amount	\$155,000

Freed-Up State and Local Funds

By taking advantage of the adjustment, the District/LEA is allowed to free-up state and/or local dollars that were previously committed to Special Education. However, these freed-up funds must now be spent on non-special education activities that fall under the Elementary and Secondary Education Act (ESEA) **and spent within the current fiscal year**. The ESEA programs include:

Title I Activities: Improving the Academic Achievement of the Disadvantaged

- Improving Basic Programs Operated by LEAs
- Improving Student Reading Skills
- Education of Migratory Children
- Prevention and Intervention Programs for Neglected, Delinquent or At-Risk

- National Assessment
- Comprehensive School Reform
- Advanced Placement Programs
- School Drop-out Prevention

Title II Activities: Preparing, Training and Recruiting High Quality Teachers and Principals

- Teacher and Principal Training and Recruiting
- Mathematics and Science Partnerships
- Innovation for Teacher Quality
- Enhancing Education through Technology

Title III Activities: Language Instruction for Limited English Proficient and Immigrant Students

- English Language Acquisition, Language Enhancement, and Academic Achievement
- Improving Language Instruction Education Programs

Title IV Activities: 21st Century Schools

- Safe and Drug Free Schools and Communities
- 21st Century Community Learning Centers
- Environmental, Tobacco, Smoke

Title V Activities: Promoting Informed Parental Choice and Innovative Programs

- Innovative Programs
- Public Charter Schools
- Magnet School Assistance
- Fund for the Improvement of Education

Title VI Activities: Flexibility and Accountability

- Improving Academic Achievement
- Rural Education Initiative

Title VII Activities: Indian, Native Hawaiian, and Alaskan Native Education

- Indian Education
- Native Hawaiian Education
- Alaska Native Education

Title VIII: Impact Aid Program:

Most Impact Aid funds, except for the additional payments for children with disabilities and construction payments, are considered general aid to the recipient school Districts/LEAs; **these Districts/LEAs may use the funds in whatever manner they choose in accordance with their local and State requirements.** Most recipients use these funds for current expenditures, but recipients may use the funds for other purposes such as capital expenditures. School Districts/LEAs may also use Impact Aid for a wide variety of other expenses, including the salaries of teachers and teacher aides; purchasing

textbooks, computers, and other equipment; after-school programs and remedial tutoring; advanced placement classes; and special enrichment programs.

Districts/LEAs must track and report on the expenditures of the freed-up state and/or local funds. This can be done using a project/source code. Districts/LEAs do not have to complete a capital outlay request form for construction, renovation, real estate, and vehicles when using state and local dollars.

ESEA Expenditure examples include:

- Purchase Regular Education Bus
- Improve Technology Programs
- Create Parent Awareness Programs
- Create Drop-Prevention Program
- Renovate Cafeteria
- Implement Reading Improvement Program
- Update Library Materials
- Create Drug-Free Program
- Create Bullying Prevention Program
- Implement After School Study Group
- Purchase supplies for regular education classrooms
- PD for all non-special education staff
- Install Automatic Doors in building to be ADA compliant

Spending freed-up funds on ESEA activities should not adversely affect the Maintenance of Effort (MOE) requirements of ESEA programs.

No prior approval is needed to spend freed-up state and local funds on capital outlay.

Reporting MOE

Districts/LEAs will complete a MOE worksheet built into the Part B FER for FY09. This is different from in the past when Districts/LEAs completed an excel worksheet that was not part of the FER.

Another new change in FY09 is how Districts/LEAs report exceptions/adjustments to their MOE. IDEA requires a District/LEA to budget for the next school year an MOE amount of state and/or local funds equal to or greater than the prior year for purposes of establishing the District/LEA eligibility to receive Part B Funds. If a District/LEA applies exceptions/adjustments to the budgeted MOE, the budget would reflect an amount less the prior year MOE; thus the District/LEA would be ineligible for a grant award. This becomes confusing because the District/LEA is budgeting an MOE that is higher than what the District/LEA actually plans to expend based on a planned allowable reduction or adjustment.

However, the new, lower MOE threshold will become evident as the District/LEA enters its actual expenditures in the June 2010 FER. The key phrase to remember is budgeted amount. Even though the District/LEA is budgeting a higher amount for MOE at the beginning of the

2009-10 school year than it actually plans to spend (due to likely reductions/adjustments), the District/LEA does not have to expend the budgeted amount.

XII. Coding Structure/ Separate Tracking

IDEA ARRA funds must be tracked separately from all other funds.

The District/LEA must track the following funds separately:

- Regular IDEA expenditures
- ARRA IDEA expenditures
- Freed-Up State and/or Local Adjustment expenditures

School Finance will issue more guidance on the coding of these funds.

ARRA Function Codes for Part B:

- 1220 ARRA – General Special Education
- 1291 ARRA – Special Education Summer School
- 1910 ARRA – Tuition to Other Districts
- 1920 ARRA – Area Career Center Fees
- 1930 ARRA – Tuition, Severely Handicapped Program
- 1940 ARRA – Contracted Education Services
- 2130 ARRA – Health Services
- 2210 ARRA – Professional Development
- 2212 ARRA – Instruction and Curriculum Development
- 2225 ARRA – Computer Assisted Instruction
- 2553 ARRA – Contracted Handicapped Transportation
- 2554 ARRA – District Operated Handicapped Transportation
- 2556 ARRA – Payments to Other Districts Handicapped Transportation
- 4000 ARRA – Facility Acquisition and Construction

ARRA Revenue codes for Part B:

- 5493 IDEA, Part B (611) – ARRA
- 5494 IDEA, Part B (619) ECSE – ARRA

Capital Outlay Coding:

- | | |
|-------------------------|--|
| Equipment | 1220-6500 or 2225-6500 |
| Vehicles | 2558-6500 (code buses as 6553 in ASBR) |
| Construction/Renovation | 4000-6500 |

Project/Source Codes:

Project/Source codes are optional, and may be used as a source of fund or project identifier. There are pre-set codes in the DESE Accounting Manual, or the district may use their own as an identification method. Below is an example of how a project/source code may be used:

If project/source code was set-up like this:

- 91 – Part B ARRA
- 92 – Part B Regular
- 93 – Freed Up State and Local Funds
 - 931 – Improving Student Reading Skills
 - 932 – National Assessment
 - 934 - Comprehensive School Reform
 - 935 - Advanced Placement Programs

Coding would look like this:

- 1220-6100-91 (Spec Ed Teacher Salary with ARRA Funds)
- 2222-6300-931 (Library Materials with Freed-Up MOE Funds)

XIII. Payment Requests

Districts/LEAs will request payment of ARRA funds as they do their regular Part B IDEA payment through the ePeGS system. There is a request box for the regular Part B IDEA funds as well as ARRA funds.

Funds must have already been expended or be spent within 3 days of receipt in order to do a payment request under the Cash Management and Improvement Act (CMIA).

Payment requests must be submitted prior to the beginning of the month to receive funds in the monthly payment transmittal.

Example:

For an October payment, the request must be submitted prior to October 1st.

Screen Print of Payment Request Screen:

District/LEA: 001-090 ADAIR CO. R-I Year: 2009-2010
Funding Application: Special Education Part B Entitlement - Payment Request Version: Request 1 Status: Created

	Regular Funds	ARRA Funds
Total Funds Available	\$51,009.00	\$63,565.00
Amount Budgeted (Initial)	\$1,000.00	\$20,000.00
Amount Paid To Date	\$0.00	\$0.00
Balance Available	\$1,000.00	\$20,000.00
Funds Requested	\$ 0	\$ 0

District/LEA Comment:
DESE Comment:

I certify, by submitting this payment request, that the funds have either been spent or are being expended within three business days of receipt for the purpose and condition of the grant or agreement.

Save Submit

Refer to the step-by-step manual for more information on submitting a payment request located at: http://www.dese.mo.gov/divspeced/Finance/documents/FY10ePeGStrainingguide_000.pdf.

IVX. Final Expenditure Report (FER)

Districts/LEAs will complete a Final Expenditure Report (FER) as they do for their regular Part B IDEA funds through the ePeGS system. However, the expenditure grid contains ARRA function codes as well as the regular Special Education function codes, which are the same but designated with “ARRA” following the code (1220-ARRA). FER due dates are as follows:

Estimated 2010 FER: June 15, 2010
 Amended 2010 FER: July 30, 2010
 Estimated 2011 FER: June 15, 2011
 FINAL 2011 FER: September 30, 2011

And, as mentioned in Section IX, the District/LEA will have to report how the “freed-up” state and local dollars were expended if the District/LEA takes advantage of the MOE adjustment.

While this piece in the FER has not yet been built, it should be similar to below with a list of Title activity programs and a box to enter the amount expended.

Note: IDEA requires LEA to use amount of local funds equal to the adjustments to carry out activities that could be supported with funds under the ESEA regardless of whether the LEA is using funds under the ESEA for those activities. Use of these funds will be monitored during on-site fiscal reviews.

Elementary and Secondary Education Act (ESEA) Activities	Amt Expended
Title I: Improving the Academic Achievement of the Disadvantaged	0.00
Title II: Preparing, Training and Recruiting High Quality Teachers and Principals	0.00
Title III: Language Instruction for Limited English Proficient & Immigrant Students	0.00
Title IV: 21st Century Schools	0.00
Title V: Promoting Informed Parental Choice and Innovative Programs	0.00
Title VI: Flexibility and Accountability	0.00
Title VII: Indian, Native Hawaiian, and Alaskan Native Education	0.00
Title VIII: Impact Aid Program	0.00
TOTAL	0.00

Refer to the step-by-step manual for more information on submitting an FER located at: http://www.dese.mo.gov/divspeced/Finance/documents/FY10ePeGStrainingguide_000.pdf.

XV. ECSE

As mentioned previously, districts with an ECSE program will receive a separate ECSE ARRA allocation. ECSE ARRA allocations are posted at:

http://www.dese.mo.gov/divspeced/Finance/documents/FY10ECSEARRA_000.pdf.

Districts may use ECSE ARRA funds on any expenditure related to their ECSE program. These funds are not restricted as regular ECSE funds, meaning districts may expend these funds on things such as: ECSE related computers, playground equipment, bus barns, new facilities, buses, professional development, supplies, snacks, etc. However, if purchases benefit populations other than ECSE students, the cost must be prorated.

Capital Outlay (construction, renovation, real estate, vehicles) requires prior approval. The ECSE Capital Outlay Form must be completed and faxed to (573) 526-5946.

ECSE ARRA expenditures should not be coded to the regular ECSE Function codes of 1280 and 2559 in the Annual Secretary of the Board Report (ASBR), but rather to other special education function codes under 1220.

ECSE ARRA expenditures should not be reported on the regular ECSE Expenditure report, but rather to the ePeGS ECSE ARRA reporting form.

A step-by-step training guide for completing the ECSE ARRA budget application, payment request, and FER will be developed mid-November and posted on the Special Education ARRA webpage at: <http://www.dese.mo.gov/divspeced/Finance/RecoveryReinvestmentActARRA.htm>.

XVI. School District Administrative Claiming (SDAC)

District/LEA staff included in the SDAC risk pool that were previously paid with state and local funds who are now paid with ARRA funds may no longer be included in the SDAC claim. This may have an adverse affect on the SDAC reimbursement amount.

Handout #6

Special Education Compliance Guidance (Proportionate Share)

Questions and Answers on Obligations of Public Agencies in Serving Children with Disabilities Placed by Their Parents at Private Schools

[Child Find: Questions 1-13](#)

[Annual Expenditures for Parentally-placed Private School Children with Disabilities: Questions 14-21](#)

[Provision of Services: Questions 22-34](#)

[Location of Services: Questions 35-37](#)

[Miscellaneous: Questions 38-45](#)

Attachment 1: Proportionate Share Calculation for Parentally-Placed Private School Children with Disabilities

I. Child Find: Questions 1-13

1. [What is child find for parentally-placed private school children with disabilities?](#)
2. [Can amounts expended for child find, including individual evaluations, be deducted from the required amount of funds to be expended on services for parentally-placed private school children with disabilities?](#)
3. [Must child find for private, including religious-school children be comparable to child find for public school children?](#)
4. [How can LEAs meet their child find obligations for parentally-placed private school children residing in their jurisdiction, including religious schools?](#)
5. [May LEAs restrict their child find activities to children with certain disabilities, and exclude from child find some children, if the LEA determines, through consultation, that it will offer its population of parentally-placed private school children with disabilities only certain specified services?](#)
6. [Once parentally-placed private school children suspected of having disabilities under Part B are identified, are the requirements applicable to evaluations of such children the same as requirements applicable to other children suspected of having disabilities?](#)
7. [Following the evaluation, are the requirements the same for parentally-placed private school children as for other children who have been evaluated under Part B?](#)
8. [Following the initial determination that a parentally-placed private school child is an eligible child with a disability under Part B, must the public agency develop an IEP for the child?](#)
9. [Are public agencies required to conduct periodic reevaluations of parentally-placed private school children with disabilities, and if so, of which parentally-placed private school children?](#)
10. [Can expenditures for reevaluations be considered in determining whether a public agency has met the expenditure requirements for services for parentally-placed private school children with disabilities?](#)
11. [Which LEA is responsible for child find and in meeting requirements for reevaluation if the private school the child attends is located outside of the LEA of the child's parents' residence?](#)

12. Do parents who disagree with a public agency's child find determination with respect to their parentally-placed private school child have any recourse?
13. If parents reside in LEA A and enroll their child with a disability at a private school located in LEA B, which LEA is responsible for locating and evaluating that child, including that child in its annual count of eligible parentally-placed private school children with disabilities that is conducted for determining the expenditure requirement, and for determining whether the child should receive services under Part B?

II. Annual Expenditures for Parentally-placed Private School Children with Disabilities:
Questions 14-21[Question 13](#)

14. How is the proportionate share for expenditures for services for parentally-placed private school children with disabilities calculated?
15. Is the proportionate share based on the number of children with disabilities receiving special education or related services in accordance with a services plan, or on the total number of eligible private school children with disabilities residing in the LEA's jurisdiction?
16. When must LEAs conduct the annual count of eligible parentally-placed private school children with disabilities residing in their jurisdiction (the Count required at §300.453)?
17. In meeting the requirement to expend a proportionate share of available Federal funds on services for parentally-placed private school children with disabilities residing in their jurisdiction, may LEAs use funds other than Federal funds?
18. May State or local funds be used to provide services to parentally-placed private school children with disabilities in excess of the services provided for this population of children with the proportionate share of available funds?
19. How are Part B funds distributed now that the permanent funding formula is in effect?
20. Under the permanent formula, will it still be necessary to conduct an annual count of parentally-placed private school children with disabilities?
21. In the permanent formula, 85 percent of funds above the base payment are distributed on the basis of the "relative numbers of children enrolled in public and private elementary and secondary schools within each agency's jurisdiction." What does this mean since some parentally-placed private school children live in the jurisdiction of the LEA but are enrolled in a private school outside of the LEA's jurisdiction?

III. Provision of Services: Questions 22-34

22. Are there any particular kinds of services, and specified amounts of services, to be provided to parentally-placed private school children with disabilities under Part B?
23. How are decisions made about the services that are to be provided to parentally-placed private school children with disabilities, including the type and location of such services, in light of the limited amount of funds that must be expended annually on services for this population of children?
24. When must consultation about services occur?
25. Which individuals are appropriate representatives of parentally-placed private school children with disabilities? What about parents of such children?

26. Is it possible for an LEA, through consultation with appropriate representatives of parentally-placed private school children with disabilities, to provide only certain direct services to those parentally-placed private school children with disabilities designated to receive services?
27. Is it possible for an LEA, through consultation with appropriate representatives of parentally-placed private school children with disabilities, to determine that it will provide no direct services to its eligible parentally-placed private school children with disabilities, but that instead, the LEA will provide consultative services, or equipment and teacher training?
28. How would a services plan be developed for a parentally-placed private school child with a disability receiving consultative services?
29. Could an LEA, through consultation with appropriate representatives of parentally-placed private school children with disabilities, decide to provide services that address some of the needs of parentally-placed private school children with disabilities?
30. Is there any requirement for parentally-placed private school children with disabilities to have IEPs?
31. Must services plans be in place for all eligible parentally-placed private school children with disabilities residing in the LEA's jurisdiction?
32. How must a services plan be developed?
33. What must a services plan contain?
34. Are there any remedies available to parents who dispute the services offered or provided to their child in connection with the parental private school placement?

IV. Location of Services: Questions 35-37

How are decisions made about the location of services that the LEA has selected through consultation to offer to its parentally-placed private school children with disabilities?

35. If transportation would be a related service for a child with a disability, had the child been served directly in a public agency program or a public agency placement at a private school, would transportation automatically become a related service for a parentally-placed private school child with a disability who is designated to receive services from the LEA?
36. Could an LEA refuse to provide transportation to parentally-placed private school children with disabilities who reside in its jurisdiction but who attend private schools located outside of the LEA's boundaries?

V. Miscellaneous: Questions 38-45

37. Are the requirements for children with disabilities aged 3 through 5 who are placed by their parents at private preschool programs, including home daycare programs, the same as the requirements for children with disabilities parentally-placed private elementary and secondary schools?
38. Are children with disabilities placed by their parents at private schools entitled to a free appropriate public education at the private school?

39. If parents choose to enroll their child with a disability at a private school because of their preference for the private school, are there any circumstances in which a public agency would be required to make FAPE available to such a child in the future?
40. Are there any particular qualifications that are applicable to personnel who provide special education or related services to those parentally-placed private school children with disabilities LEAs elect to serve?
41. How could a State educational agency monitor to ensure that parentally-placed private school children with disabilities are being served in a manner that complies with Part B?
42. How can representatives of parentally-placed private school children with disabilities, including parents of these children, have input into OSEP's reviews of States as part of its continuing improvement monitoring process?
43. Is home school considered a private school? What if a child is below a State's compulsory school age and receiving services from an unapproved or uncertified home day care or other location strictly for childcare purposes?
44. If under State law, dual enrollment of a child in both a public agency program and a private school is required in order for the child to receive special education and related services from a public agency in connection with a parental private school placement, does the parentally-placed private school child with a disability have a right to FAPE?

Attachment 1

Proportionate Share Calculation for Parentally-Placed Private School Children with Disabilities

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

CONTACT PERSONS:

JoLeta Reynolds

Rhonda Weiss

Telephone: (202) 205-5507

MEMORANDUM

To: Chief State School Officers

From: Kenneth R. Warlick, Director
Office of Special Education Programs

Subject: Questions and Answers on Obligations of Public Agencies in Serving Children with Disabilities Placed by Their Parents at Private Schools

In response to requests from the field for a document that restates and consolidates guidance that the Department has provided regarding the nature and extent of school districts' obligations to parentally-placed private school children with disabilities under Part B of the Individuals with Disabilities Education Act (Part B), the attached question and answer document is being issued. Some of the questions contained in this document were raised by individuals who attended the six regional meetings conducted following publication of the final regulations implementing the Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17 (IDEA '97); others were raised subsequent to the issuance of the final regulations. This question and answer

document restates the requirements reflected in these final regulations published on March 12, 1999, at 64 Fed. Reg. 12406, and the explanations provided in Attachment 1, Analysis of Comments and Changes, in response to public comments on the proposed regulations applicable to parentally-placed private school children with disabilities.

In determining school district responsibility for children with disabilities in private schools, generally such children are in one of two groups, and public agency responsibility will vary based on the group into which the children fall. The first group includes children with disabilities placed at private schools by public agencies as a means of providing special education and related services. Specifically, if a public agency places or refers a child with a disability to a private school or facility for the purpose of providing, a free appropriate public education (FAPE) to that child, the child must receive a program of special education and related services at the private school at no cost to the parents, and the child and his or her parents have all of the rights that they would have if the child were served by the public agency. 34 CFR §300.401. The second group of children includes children with disabilities placed at private schools by their parents, and this second group consists of two subgroups. The children with disabilities in the first subgroup are placed by their parents at private schools when FAPE from a public agency program or placement is not at issue, and this subgroup of children, which must be provided special education and related services consistent with their numbers and needs, has no individual entitlement to services under Part B. 34 CFR §§300.403(a) and 300.450-300.462.

The second subgroup includes children with disabilities placed at a private school by their parents without the consent of or referral by the public agency because the parents believe that the public agency has failed to offer their child FAPE. If a hearing officer or court agrees with the parent and finds that there has been a denial of FAPE, the parents may be able to obtain tuition reimbursement for part or all of the cost of their unilateral private school placement. 34 CFR §300.403(c). The specific requirements relating to disputes about FAPE are not addressed by this guidance. Rather, the guidance set forth in this question and answer document focuses on the responsibilities of public agencies to provide for the participation of all children with disabilities placed by their parents in private schools in the Part B program in accordance with 34 CFR §§300.450-300.462.

The Department believes that the right of parents to choose where their children should be educated, whether at public or private school, is extremely important. Nevertheless, the rights of parentally-placed private school children with disabilities under Part B are not the same as those of children with disabilities who are enrolled in public schools and are served at public agency programs or public agency placements at private schools.

In the 1997 reauthorization of IDEA, Congress amended Part B to include explicit statutory provisions that reflect the Department's longstanding interpretations of the obligations of State and local educational agencies (SEAs and LEAs) to parentally-placed private school children with disabilities under Part B and the Education Department General Administrative Regulations (EDGAR). The following is a brief summary of the major applicable provisions in IDEA '97 that are relevant to parentally-placed private school children with disabilities:

- (1) Provision is made for the participation of children with disabilities enrolled by their parents in private preschool, elementary, and secondary schools, consistent with their number and location in the State, in the program assisted or carried out under Part B by providing for such children special education and related services;
- (2) Activities are conducted to locate, identify, and evaluate children placed by their parents in private schools, including religious schools, who may need special education and related services. This requirement is known as child find;

(3) A proportionate amount of the Federal funds available under Part B is expended for services for parentally-placed private school children with disabilities, and

(4) Special education and related services may be provided to parentally-placed private school children with disabilities on the premises of private, including religious schools, in a manner that does not violate the Establishment Clause of the First Amendment to the U.S. Constitution and is consistent with applicable State constitutions and laws.

20 U.S.C. §1412(a)(10)(A); 34 CFR §300.451-300.462.

Department regulations at 34 CFR §§300.450-300.462, which implement the above statutory provision, also contain some of the general provisions governing the participation of children enrolled in private schools in programs assisted or carried out with Federal education program funds at 34 CFR §§76.651-76.662 of EDGAR that apply to a number of other Department programs.

Let me emphasize that there is nothing in IDEA '97 or the final Part B regulations that alters or diminishes school districts' obligations to ensure the equitable participation of parentally-placed private school children with disabilities in programs assisted or carried out under Part B. Nor is there anything in the Statute or the implementing regulations that is intended to confer an individual entitlement on these children. However, the statute and regulations in no way prohibit States or local school districts from providing services to parentally-placed private school children with disabilities in excess of those required under Part B, consistent with State law or local policy.

The attached questions and answers have been prepared to assist state and local education officials and private school representatives, as well as parents of children with disabilities in understanding the requirements of Part B, as amended by IDEA '97, and the implementing regulations that relate to the participation of parentally-placed private school children with disabilities in programs assisted or carried out under Part B. This question and answer document represents informal policy guidance; however the statute and regulations upon which it is based are binding on public agencies receiving funds under Part B. Therefore, the statute and regulations which constitute the legal authority for this document--20 U.S.C. §1412(a)(10)(A) and 34 CFR §§300.450-300.462--should be used for legal citation purposes.

We hope that the attached question and answer document is helpful. Please ensure that this document is widely disseminated throughout your State so that this information can be provided to a large variety of interested individuals and organizations. If you or members of your staff have questions, please contact either of the contact persons whose names and telephone numbers are listed at the top of this memorandum.

Attachment

cc: State Directors of Special Education
Federal Resource Center
Regional Resource Centers
Office of Non-Public Education
Secretary's Regional Representatives
National Disability Organizations
Protection and Advocacy Agencies
Parent Training and Information Centers
RSA Regional Commissioners
Independent Living Centers

You can refer to Section 10 of the State Plan - Private Schools at:

<http://dese.mo.gov/divspced/stateplansection10.html>

Questions and Answers on Obligations of Public Agencies in Serving Children with Disabilities Placed by Their Parents at Private Schools

I. Child Find

Question 1: What is child find for parentally-placed private school children with disabilities?

Answer: The Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17 (IDEA '97) clarify the Department's longstanding policy and explicitly provide that the child find requirements in section 613(a)(3) of IDEA apply to private school children, including religious school children. 20 U.S.C. §1412(a)(10)(A)(ii). Child find refers to ongoing activities undertaken by SEAs and LEAs to locate, identify, and evaluate all children residing in the State who are suspected of having disabilities under Part B of IDEA (Part B), so that a free appropriate public education (FAPE) can be made available to all eligible children. 34 CFR §§300.121, 300.125 and 300.220. (For parentally-placed private school children with disabilities, the offer of FAPE is accomplished by offering to make available to an eligible child a public agency program or a public agency placement at a private school. Parents can choose not to accept public education in favor of their parental private school placement.) Under Part B, each LEA must conduct child find for all children in public and private schools, including religious schools, residing in the jurisdiction of the LEA, regardless of the severity of their disability, who are in need of special education and related services. 34 CFR §300.451.

In carrying out child find for parentally-placed private school children, SEAs and LEAs undertake activities similar to those undertaken for their publicly enrolled or publicly placed children, such as widely distributing informational brochures, providing regular public service announcements, staffing exhibits at health fairs and other community activities, and creating direct liaisons with private schools. Once children are identified who are suspected of having disabilities under Part B, LEAs must have procedures for conducting, at no cost to parents, Part B evaluations of such children residing in their jurisdiction within a reasonable period of time and without undue delay.

Since public agencies need to have data to develop an accurate count of the total number of eligible private school children with disabilities residing in their jurisdiction in calculating the proportionate share of their Part B subgrant that must be expended annually for services for these children, child find for parentally-placed private school children with disabilities is particularly important.

Question 2: Can amounts expended for child find, including individual evaluations, be deducted from the required amount of funds to be expended on services for parentally-placed private school children with disabilities?

Answer: No. The statutory provisions regarding child find and participation of parentally-placed private school children with disabilities in programs assisted or carried out under Part B of IDEA are separate and distinct obligations. The child find obligation, including individual evaluations, exists independently from the services provision. (Compare 20 U.S.C. §1412(a)(3) with 20 U.S.C. §1412(a)(10)(A)). Therefore, the costs of child find activities, including individual evaluations, may not be considered in determining whether an LEA has met the annual expenditure requirement for services for parentally-placed private school children with disabilities under Part B. 34 CFR §300.453(c).

Question 3: Must child find for private, including religious-school children be comparable to child find for public school children?

Answer: Yes. Activities undertaken to carry out child find for parentally-placed private school children, including religious-school children, must be comparable to activities undertaken for child find for children in public schools. 34 CFR §300.451(a). This would include the timing of these activities, and LEAs may not delay conducting child find, including individual evaluations, for parentally-placed private school children with disabilities until after child find for publicly-enrolled or publicly-placed children has been conducted. In determining how and when to carry out child find, public agencies must consult with appropriate representatives of parentally-placed private school children with disabilities. 34 CFR §300.451.

Question 4: How can LEAs meet their child find obligations for parentally-placed private school children residing in their jurisdiction, including religious schools?

Answer: LEAs can choose to meet this obligation by conducting the relevant activities or through contract, interagency agreement with some other entity, or through some other arrangement. If such an arrangement were undertaken, the LEA, and ultimately the SEA, still would retain responsibility for ensuring that all applicable Part B requirements are met. Whether an LEA could contract with a private school to conduct certain aspects of its child find, including individual evaluations, would have to be determined on a case-by-case basis.

Question 5: May LEAs restrict their child find activities to children with certain disabilities, and exclude from child find some children, if the LEA determines, through consultation, that it will offer its population of parentally-placed private school children with disabilities only certain specified services?

Answer: No. In conducting child find of all children residing in their jurisdiction, LEAs must identify and evaluate all children suspected of having any disabilities specified in Part B, regardless of whether such children are parentally-placed at private schools, including religious schools. 34 CFR §§300.125 and 300.220. Therefore, LEAs may not exclude children suspected of having certain disabilities, such as those with mild or moderate disabilities, from their child find activities. This is so, regardless of whether State laws or policies specify which children parentally-placed at private schools suspected of having certain disabilities must be evaluated.

Question 6: Once parentally-placed private school children suspected of having disabilities under Part B are identified, are the requirements applicable to evaluations of such children the same as requirements applicable to other children suspected of having disabilities?

Answer: Yes. Evaluations of all children suspected of having disabilities under Part B, regardless of whether their parents have chosen to enroll them in private schools, must be conducted within a reasonable period of time in accordance with requirements at 34 CFR §§300.532-300.535 of the Part B regulations, and the parents must give their informed consent to conduct the evaluation. 34 CFR §300.505(a)(i). Section 300.532 of the Part B regulations sets out minimum evaluation procedures. Among other requirements, evaluations conducted under Part B can be accomplished through tests and other evaluation materials that must be selected and administered so as not to be discriminatory on a racial or cultural basis, and must be provided in the child's native language or other mode of communication unless it clearly is not feasible to do so. 34 CFR §300.532(a)(1)(i)-(ii). No single procedure can be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child. 34 CFR §300.532(f). Also, the child must be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status,

general intelligence, academic performance, communicative status, and motor abilities. 34 CFR §300.532(g). A review of existing data is part of both the initial evaluation, if appropriate, and a reevaluation. This would include evaluations and information provided by the parents of the child. 34 CFR §300.533(a).

Question 7: Following the evaluation, are the requirements the same for parentally-placed private school children as for other children who have been evaluated under Part B?

Answer: As with public school children, following the initial evaluation, an eligibility determination must be made by a group of qualified professionals and the child's parents, and this group must determine whether the child is a child with a disability as defined in Part B of the Act. 34 CFR §300.534(a)(1). The public agency must provide the parent a copy of the evaluation report and the documentation of the eligibility determination. 34 CFR §300.534(a)(2). In making the eligibility and placement determination, that is, in determining whether the child is a child with a disability and what the child's educational needs are, the public agency must draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, and ensure that information obtained from all of those sources is documented and carefully considered. 34 CFR §300.535(a).

Question 8: Following the initial determination that a parentally-placed private school child is an eligible child with a disability under Part B, must the public agency develop an IEP for the child?

Answer: If a determination is made that the child needs special education and related services, the general rule in 34 CFR §300.535(b) is that an IEP must be developed for the child in accordance with 34 CFR §§300.340-300.350, with one important exception. If the parents make clear their intention to enroll their child at a private school and that they are not interested in a public program or placement for their child, the public agency need not develop an IEP for the child. If the parents choose not to accept the public agency's offer to make FAPE available to their child, the public agency still must include the child in its eligible population of parentally-placed private school children with disabilities whose needs must be considered and addressed in accordance with 34 CFR §§300.450-300.462 of the Part B regulations.

Question 9: Are public agencies required to conduct periodic reevaluations of parentally-placed private school children with disabilities, and if so, of which parentally-placed private school children?

Answer: Yes. The requirements for reevaluations that are applicable to children with disabilities served at public agency programs or at public agency placements at private schools apply equally to parentally-placed private school children with disabilities. Part B requires public agencies to conduct reevaluations of a child with a disability, if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years. Before additional assessments are conducted, parents must give informed consent. 34 CFR §300.536.

Question 10: Can expenditures for reevaluations be considered in determining whether a public agency has met the expenditure requirements for services for parentally-placed private school children with disabilities?

Answer: No. A reevaluation, as a part of child find, must be conducted at no cost to parents, and expenditures for reevaluations may not be considered in determining whether an LEA has met the requirement at 34 CFR §300.453(a) regarding expenditures for services for

parentally-placed private school children with disabilities. 34 CFR §300.453(c). The three-year reevaluation requirement applies to all eligible parentally-placed private school children with disabilities, even to those parentally-placed private school children with disabilities who are not currently receiving special education or related services from a public agency in connection with a parental private school placement. It is essential for public agencies to ensure that required reevaluations of all parentally-placed private school children with disabilities are conducted because they provide current data for use in the annual count of the total number of eligible parentally-placed children with disabilities residing in the LEA's jurisdiction. This annual count of eligible parentally-placed private school children is used in calculating the proportionate share of funds that must be expended on services for this population of children.

Question 11: Which LEA is responsible for child find and in meeting requirements for reevaluation if the private school the child attends is located outside of the LEA of the child's parents' residence?

Answer: SEAs and, consistent with State policy, LEAs, are responsible for ongoing efforts to locate, identify, and evaluate all children residing in the State who are suspected of having disabilities under Part B, so that FAPE is made available to all eligible children. 34 CFR §§300.121, 300.125, and 300.220. Generally, as a matter of State law, children are considered to reside in the home of their parents even if they physically do not live there. This would mean that if a child attends a private school located in an LEA (either in the same State or in another State) other than the LEA in which the child's parents reside, the LEA in which the child's parents reside generally would be responsible for child find, as well as ensuring that required reevaluations are conducted, unless the State assigns that responsibility to another entity. An LEA has flexibility as to how it ensures these responsibilities are met. For example, it may assume the responsibility itself, contract with another public agency, or make other arrangements. If the LEA through child find identifies a child as a child with a disability, and is not the entity responsible for child find, that LEA should notify the resident LEA of the child's parents so that required evaluations can occur.

Question 12: Do parents who disagree with a public agency's child find determination with respect to their parentally-placed private school child have any recourse?

Answer: Yes. Parents may use the Act's due process procedures at §§300.504-300.515 regarding issues related to the identification and evaluation of children under Part B. 34 CFR §300.457(b). This would include disputes regarding child find, including individual evaluations, of children residing in the LEA 's jurisdiction whose parents choose to enroll them in private schools. For example, disagreements between parents and school districts involving the child's eligibility for special education and related services, an LEA's refusal to conduct an evaluation or reevaluation of an individual parentally-placed private school child, or an LEA's refusal to conduct a requested evaluation or reevaluation of an individual parentally-placed private school child within a reasonable period of time, are all issues that could be raised in a due process hearing. In addition, an organization or individual may file a signed written complaint in accordance with the State complaint procedures at 34 CFR §§300.660-300.662 of the Part B regulations, alleging that an SEA or LEA has violated the applicable child find requirement, including individual evaluation and reevaluation requirements.

Question 13: If parents reside in LEA A and enroll their child with a disability at a private school located in LEA B, which LEA is responsible for locating and evaluating that child, including that child in its annual count of eligible parentally-placed private school children with disabilities that is

conducted for determining the expenditure requirement, and for determining whether the child should receive services under Part B?

Answer: The LEA of the parent's residence generally would be responsible for child find, unless the State assigns that responsibility to some other entity. 34 CFR §§300.125 and 300.220. If the non-resident LEA identifies a child as a child suspected of having a disability, the non-resident LEA should notify the LEA of the parent's residence so that appropriate evaluations can occur.

The LEA in which the child's parent's reside would also be responsible for including the child in the count of eligible parentally-placed private school children with disabilities, regardless of whether the child has been designated to receive services from that LEA. 34 CFR §300.453. Through consultation conducted in accordance with 34 CFR §300.454, the LEA of the parent's residence must consider the needs of parentally-placed private school children with disabilities residing in the agency's jurisdiction, even though those students have been enrolled by their parents in private schools located outside of the district's boundaries. The LEA of the parent's residence, however, after consultation with representatives of parentally-placed private school children, could elect not to serve those children in light of the available funds that must be expended on services for this population of children.

II. Annual Expenditures for Parentally-placed Private School Children with Disabilities

Question 14: How is the proportionate share for expenditures for services for parentally-placed private school children with disabilities calculated?

Answer: IDEA '97 confirms the Department's longstanding interpretation that each LEA must expend, during the grant period, on the provision of special education and related services for the parentally-placed private school children with disabilities residing in the LEA's jurisdiction an amount that is equal to--

(1) a proportionate share of the LEA's sub grant under Section 611(g) of the Act for children with disabilities aged 3 through 21. This is an amount that is the same proportion of the LEA's total subgrant under section 611(g) of the Act as the number of parentally-placed private school children with disabilities aged 3 through 21 residing in the LEA's jurisdiction is to the total number of children with disabilities in the LEA's jurisdiction aged 3 through 21; and

(2) a proportionate share of the LEA's sub grant under section 619(g) of the Act for children with disabilities aged 3 through 5. This is an amount that is the same proportion of the LEA's total sub grant under section 619(g) of the Act as the total number of parentally-placed private school children with disabilities aged 3 through 5 residing in the LEA's jurisdiction is to the total number of children with disabilities in the LEA's jurisdiction aged 3 through 5. 20 U.S.C. §1412(a)(10)(A)(i)(I); 34 CFR §300.453(a).

Consistent with this statutory requirement and the final Part B regulation implementing this requirement, annual expenditures for parentally-placed private school children with disabilities are calculated based on the total number of children with disabilities residing in the LEA's jurisdiction eligible to receive special education and related services under Part B, as compared with the total number of eligible parentally-placed private school children with disabilities residing in the LEA's jurisdiction. 34 CFR §300.453(a). This ratio is used to determine the proportion of the LEA's total Part B subgrants under section 611(g) for children aged 3 through 21, and under section 619(g) for children aged 3 through 5, that is to be expended on services for parentally-placed private school children with disabilities residing in the LEA's jurisdiction.

The following is an example of how the proportionate share is calculated:

Number of eligible children in public schools = 300

Number of eligible children in private school = 20

Total number of eligible children residing in the jurisdiction of the LEA = 320

The number of children served was:

300 public school children + 5 private school children = 305

Federal flow-through funds to School District is \$152,500

Using this formula, there are 20 eligible parentally-placed private school children within a total number of 20 eligible public and private school children. The number of eligible parentally-placed private school children (20) divided by the total number of eligible public and private school children (320) indicates that 6.25 percent of the LEA's subgrant, or \$9,531.25, must be spent for the group of parentally-placed children residing in the LEA and placed by their parents in private schools.

A graphic representation of the above description on how the proportionate share is calculated is provided in Attachment 1.

Question 15: Is the proportionate share based on the number of children with disabilities receiving special education or related services in accordance with a services plan, or on the total number of eligible private school children with disabilities residing in the LEA's jurisdiction?

Answer: The proportionate share is determined based on the total number of eligible parentally-placed private school children with disabilities residing in the LEA's jurisdiction, and is not limited to the number of those children receiving special education or related services in accordance with a services plan.

Question 16: When must LEAs conduct the annual count of *eligible* parentally-placed private school children with disabilities residing in their jurisdiction (the Count required at §300.453)?

Answer: SEAs must decide, on a Statewide basis, (either December 1 or the last Friday in October) the date on which their LEAs will conduct the annual count of the total number of eligible parentally-placed children with disabilities. LEAs and SEAs are already counting children with disabilities who are receiving special education and related services either on December 1 or the last Friday in October of each year, and the SEA must conduct the annual count of eligible parentally-placed private school children with disabilities on the same date. Using the same date on a Statewide basis should reduce the amount of double counting of private school children with disabilities who move from one location to another, and should give States the same flexibility they have with regard to counting other children with disabilities who are receiving services under Part B of the Act.

Question 17: In meeting the requirement to expend a proportionate share of available Federal funds on services for parentally-placed private school children with disabilities residing in their jurisdiction, may LEAs use funds other than Federal funds?

Answer: Yes. Section 612(a)(10)(A)(i) describes the minimum amount that must be spent on services for parentally-placed private school children with disabilities and does not specify that only Federal funds can be used to satisfy this obligation. Thus, if a State or LEA uses other funds other than Part B funds to provide special education and related services to parentally-placed private school children with disabilities, those funds can be considered in satisfying the expenditure requirements of 20 U.S.C. §1412(a)(10)(A)(i)(I) and 34 CFR §300.453, so long as the services are provided in accordance with the other provisions of §§300.452-300.462. See Analysis of Comments and Changes, Attachment 1 to the final regulations, 64 Fed. Reg. at 12603 (Mar. 12, 1999).

Question 18: May State or local funds be used to provide services to parentally-placed private school children with disabilities in excess of the services provided for this population of children with the proportionate share of available funds?

Answer: Yes. SEAs and LEAs are not prohibited from providing services to parentally-placed private school children with disabilities in excess of those provided with the proportionate share of Part B funds, if doing so is consistent with State law or local policy. §34 CFR 300.453(d) and Analysis of Comments and Changes, published as Attachment 1 to the final regulations, 64 Fed. Reg. at 12603 (Mar. 12, 1999).

Question 19: How are Part B funds distributed now that the permanent funding formula is in effect?

Answer: Until the appropriation under section 611(j) of the Act exceeds \$4,924,672,200 under the funding formula applicable to the Grants to States program, authorized by §611 (g) of IDEA, funds were allocated to States under the interim formula. 34 CFR §300.703(b). Under the interim formula, funds were allocated to States, and through them to LEAs, based on an annual count of children with disabilities receiving special education and related services on the count date, and, in the case of parentally-placed private school children with disabilities, those receiving special education or related services on the count date. Now that the appropriation under section 611(j) of the Act exceeds \$4,924,672,200, funds will be allocated to States, and through them to LEAs, under the permanent formula. Thus, the permanent formula will be used to distribute Part B Grants to States funds to States on or about July 1, 2000, and allocations will no longer be based on an annual count of children receiving special education and related services on the count date. The permanent formula previously has taken effect for the Preschool Grants Program. Under the permanent formula, it will still be important for SEAs and LEAs to maintain accurate data about the number of parentally-placed private school children with disabilities receiving special education or related services and the total number of eligible parentally-placed private school children with disabilities. The State allocation under the permanent formula to each LEA that has established its eligibility under section 613 of the Act is the total of three amounts:

1.) a base payment, that is, the amount the agency would have received for the fiscal year prior to the first fiscal year that the appropriation under section 611(j) of the Act exceeds \$4,924,672,200, had the State allocated 75 percent of its grant to LEAs. 34 CFR §300.712(a);
- 2.) the population payment which consists of 85 percent of any remaining funds distributed on the basis of the relative numbers of children enrolled in public and private elementary and secondary schools within each agency's jurisdiction 34 CFR §300.712(b)(3)(i);and
- 3.) 15 percent of any remaining funds allocated to eligible LEAs in accordance with their relative numbers of children living in poverty, as determined by the SEA. 34 CFR §300.712(b)(3)(ii); 34 CFR §300.712(b)(3).

Therefore, funds generated by LEAs for FFY 1999 for parentally-placed private school children with disabilities who were receiving special education or related services under §§ 300.452-300-462 that meet State standards on the count date were included in calculating an LEA's base payment under the permanent formula. (34 CFR 300.453 (a)(3))

Question 20: Under the permanent formula, will it still be necessary to conduct an annual count of parentally-placed private school children with disabilities?

Answer: Yes. The count still will be required under 34 CFR §300.453 of the part B regulations for purposes of determining the total number of eligible parentally-placed private school children with disabilities residing in the LEA's jurisdiction. This information is required for purposes of calculating the proportionate share that an LEA is required to expend on an annual basis for the provision of special education and related services for its population of parentally-placed private school children with disabilities. In addition, the count of children served that is conducted under 34 CFR §300.751 will still be required.

Question 21: In the permanent formula, 85 percent of funds above the base payment are distributed on the basis of the "relative numbers of children *enrolled* in public and private elementary and secondary schools within each agency's jurisdiction." What does this mean since some parentally-placed private school children *live* in the jurisdiction of the LEA but are *enrolled* in a private school *outside* of the LEA's jurisdiction?

Answer: In allocating 85 percent of any remaining funds to LEAs based on the relative numbers of children enrolled in public and private elementary and secondary schools within each agency's jurisdiction, States must apply on a uniform basis across all LEAs the best data that are available to them. 34 CFR §300.712(b)(3)(iii). It is within the State's discretion to determine whether the LEA where the private school is located or the LEA of the parent's residence should include the child in its private school enrollment count.

A State could determine, for example, that a child whose parents reside in LEA A and attends a private school located in the boundaries of LEA B is enrolled in LEA B in calculating the percentage of funds allocated to an LEA based on the relative numbers of children enrolled in public school and private elementary and secondary schools in the LEA's jurisdiction. While States have flexibility in this area, a uniform rule must be applied on a Statewide basis. These children would then need to be in the group of parentally-placed children with disabilities whose needs must be considered by the LEA in determining which parentally-placed private school children with disabilities will be served and the types and amounts of services to be provided to eligible children. III. Provision of Services

Question 22: Are there any particular kinds of services, and specified amounts of services, to be provided to parentally-placed private school children with disabilities under Part B?

Answer: No. No parentally-placed private school child with a disability has an individual right to special education and related services under Part B. 34 CFR §300.454(a). Therefore, the responsible public agency is not required to provide a parentally-placed private school disabled child with some or all of the special education and related services that the child would receive if enrolled in a public school. This reflects the Department's longstanding interpretation of the limitations of SEAs' and LEAs' statutory obligations to make services available to the population of eligible parentally-placed private school children with disabilities, in light of the limited amount of funds that LEAs must expend on services for these children.

Question 23: How are decisions made about the services that are to be provided to parentally-placed private school children with disabilities, including the type and location of such services, in light of the limited amount of funds that must be expended annually on services for this population of children?

Answer: Each LEA must consult, in a timely and meaningful way, with appropriate representatives of parentally-placed private school children with disabilities, in light of the minimum amount of Part B funds that must be expended for services for this population of children, on the number of parentally-placed private school children with disabilities, the

needs of those children, and their location. Through this consultation process, decisions are made about which parentally-placed private school children with disabilities will receive services, what services will be provided, how and where the services will be provided, including the timing and location of the services provided, and how the services provided will be evaluated. Each LEA must give appropriate representatives of parentally-placed private school children with disabilities a genuine opportunity to express their views regarding each matter that is the subject of the consultation process. However, the LEA makes the final decision about which eligible children will receive services, the services to be provided to eligible parentally-placed private school children with disabilities, and where the services will be provided. 34 CFR §300.454(b)(1), (2), and (4).

Question 24: When must consultation about services occur?

Answer: Consultation about the provision of services must occur, in a timely and meaningful way, before the LEA makes any decision that affects the opportunities of parentally-placed private school children with disabilities to participate in services provided under Part B requirements to those children. 34 CFR §300.454(b)(3). The needs of parentally-placed private school children with disabilities, their number and location, may vary over time, depending on the circumstances in a particular LEA in a particular year. As there is no specific schedule for consultation with appropriate representatives of parentally-placed private school children with disabilities, States and LEAs are able to determine the appropriate period between consultations based on circumstances in their jurisdictions. Many jurisdictions have found that it works well when consultation takes place, at a minimum, to review the child find process, discuss the child count, and plan the services being offered prior to each school year. The regulations do not include specific requirements regarding matters such as public notice of meetings, public transcripts of meetings, explanations of amounts and frequency of services provided, or explanations of refusals to provide services, changes in the manner in which services are provided, or the manner in which funds are allocated, leaving these issues to State and local authorities.

Question 25: Which individuals are appropriate representatives of parentally-placed private school children with disabilities? What about parents of such children?

Answer: Part B does not specify which individuals are "appropriate representatives" of parentally-placed private school children with disabilities. However, since one aspect of consultation is intended to discuss the needs of children with disabilities placed in private schools by their parents, it would be reasonable for parents to be considered "appropriate representatives" of such children. Other appropriate representatives of parentally-placed private school children might be teachers, principals, and, in the case of private school systems, central office administrators responsible for federal program services and/or special education. Whether parents of home-schooled children or other representatives of home-schooled children should be considered "appropriate representatives" of parentally-placed private school children with disabilities depends on whether under State law, home schooling is regarded as parental placement at private school.

Question 26: Is it possible for an LEA, through consultation with appropriate representatives of parentally-placed private school children with disabilities, to provide only certain direct services to those parentally-placed private school children with disabilities designated to receive services?

Answer: Yes. Based on relevant input from consultation, and in light of available funding, it could be reasonable for an LEA to conclude that providing direct services would ensure that those parentally-placed private school children with disabilities selected to receive services

will derive a benefit from the services offered. For example, an LEA could determine through consultation that providing direct services for fewer children would be more beneficial in addressing the needs of its parentally-placed private school children with disabilities than providing consultative services, instructional materials, equipment, or teacher training.

Question 27: Is it possible for an LEA, through consultation with appropriate representatives of parentally-placed private school children with disabilities, to determine that it will provide no direct services to its eligible parentally-placed private school children with disabilities, but that instead, the LEA will provide consultative services, or equipment and teacher training?

Answer: Yes. Through the consultation described above, determinations must be made about how the available amount of funds can be utilized so that the parentally-placed private school children with disabilities designated to receive services can benefit from the services offered. The regulations specify that the LEA makes the final decision with respect to services to be provided to eligible parentally-placed private school children with disabilities, (34 CFR §300.454(b)(4)), based in part on input provided through the consultation process by appropriate representatives of parentally-placed private school children with disabilities, (34 CFR §300.454(b)(3)). Depending on local circumstances and the amount of funds available for expenditures for this population of children, it could be reasonable for an LEA to conclude that, in lieu of direct services, its parentally-placed private school children with disabilities should be provided with consultative services, equipment and materials, and that training will be provided for private school teachers and other private school personnel. If consultative services are provided to a private school teacher, as a means of providing special education and related services to a particular private school child with a disability, there may be situations where that teacher uses the acquired skills to provide education to other children as well. However, whatever benefit those other children receive is incidental to the publicly-funded services. As is true if direct services are provided, LEAs that elect to provide consultative services to their parentally-placed private school children with disabilities also must develop a services plan for each child receiving those services in accordance with 34 CFR §300.455(b).

Question 28: How would a services plan be developed for a parentally-placed private school child with a disability receiving consultative services?

Answer: Any parentally-placed private school child with a disability whom an LEA elects to serve must have a services plan. 34 CFR §300.454(c). Each child's services plan must contain, among other elements, a statement of the special education, related services, and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to advance appropriately toward attaining his or her annual goals, to be involved and progress in the general curriculum, and to participate in extracurricular and other nonacademic programs. Consultation between a regular education teacher and a special education teacher could allow the regular educator to provide special education, which consists of specially designed instruction that meets State education standards and is individually-designed for an individual student, or a related service, if that service is required to assist a child with a disability to benefit from special education. Consultative services also could be considered a supplementary aid or service if provided to facilitate a student's education in regular classes alongside his or her nondisabled peers (see 34 CFR §300.28) or a support for school personnel, if provided to enable the child to advance

appropriately toward attaining the annual goals and to be involved and progress in the general curriculum.

Question 29: Could an LEA, through consultation with appropriate representatives of parentally-placed private school children with disabilities, decide to provide services that address some of the needs of parentally-placed private school children with disabilities?

Answer: Yes. As noted previously, an LEA must conduct child find for all children enrolled in private schools by their parents who are suspected of having disabilities, regardless of the category of their suspected disability. However, once determined eligible, an LEA must, through the consultation process previously described, determine, among other matters, which parentally-placed private school children with disabilities will receive services, what services will be provided, and the manner in which those parentally-placed private school children with disabilities selected to receive services will be served. An LEA could properly conclude that it will provide only certain services which may mean that needs commonly associated with one or more disability categories are not met, and that only some of the needs of a child who is served are met. An LEA could decide, through consultation, not to serve any parentally-placed private school children with disabilities who are enrolled at one or more private schools, but instead to limit the services the LEA is offering with the available amount of funds to parentally-placed private school children with disabilities enrolled at only one private school.

Question 30: Is there any requirement for parentally-placed private school children with disabilities to have IEPs?

Answer: No. Current regulations provide that each parentally-placed private school child with a disability who has been designated to receive services from the LEA must have a services plan that describes the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined, through the consultation process, that it will make available to its parentally-placed private school children with disabilities. 34 CFR §300.455(b)(1).

Question 31: Must services plans be in place for all eligible parentally-placed private school children with disabilities residing in the LEA's jurisdiction?

Answer: No. The Part B regulations do not require public agencies to develop services plans for each and every parentally-placed private school child with a disability residing in the LEA's jurisdiction, regardless of whether that child receives services from the LEA. Services plans are required only for those parentally-placed private school children with disabilities whom the LEA has elected to serve, and must reflect only the services that the LEA has determined it will provide to the particular parentally-placed child with a disability.

Question 32: How must a services plan be developed?

Answer: A services plan must be developed, reviewed, and revised consistent with §§300.342-300.346 of the Part B regulations. The LEA is responsible for initiating and conducting meetings to develop a services plan in accordance with these requirements. The LEA must ensure that a representative of the religious or other private school attends each services plan meeting, and if the representative cannot attend, the LEA must use other methods to ensure participation by the private school, including individual or conference telephone calls.

Question 33: What must a services plan contain?

Answer: As noted above, a services plan, which must reflect only the services offered to a parentally-placed private school child with a disability designated to receive services, must, to the

extent appropriate, meet the IEP content requirements in 34 CFR §300.347. Since students with disabilities who are entitled to FAPE must receive the full range of services under Part B, their IEPs generally will be more comprehensive than the more limited services plans developed and implemented for those parentally-placed private school children with disabilities designated to receive services from an LEA. The requirement that a services plan meet the requirements of an IEP, to the extent appropriate, will ensure that the services actually provided to a parentally-placed private school child with a disability will meaningfully address the child's individual needs.

Example: An LEA has elected to serve an individual parentally-placed private school child with a disability who has speech needs through the provision of speech-language pathology services.

The child's services plan would specify the present levels of educational performance in this area, and how the child's speech-language disability affects the child's ability to be involved and progress in the general curriculum. Measurable annual goals for this child would be specific to the speech-language pathology services to be provided, and would enhance the child's ability to be involved in and progress in the general curriculum. The services plan would also specify the amount, frequency, location, and duration of the services to be provided in accordance with 34 CFR §300.347(a)(6) and how the child's parents will be informed of the child's progress, in accordance with 34 CFR §300.347(a)(7). Whether other content requirements at 34 CFR §300.347 would have to be addressed in a services plan would have to be determined on a case-by-case basis, depending on the services that are provided.

Question 34: Are there any remedies available to parents who dispute the services offered or provided to their child in connection with the parental private school placement?

Answer: Since eligible parentally-placed private school children with disabilities do not have an individual entitlement to services under Part B, the due process procedures in Part B of the Act do not apply to complaints that an LEA has failed to meet applicable requirements for serving these children, including an LEA's alleged failure to provide the services specified on a child's services plan. However, an organization or individual may file a signed written complaint under the applicable State complaint procedures at 34 CFR §§300.660-300.662 alleging that an SEA or LEA has failed to meet the requirements in 34 CFR §§300.451-300.462, such as failure to properly conduct the consultation process. On the other hand, as is true with respect to due process complaints, a State complaint alleging that an LEA has failed to offer services to a particular parentally-placed private school child with a disability would not violate Part B, since no parentally-placed private school child with a disability has an individual entitlement to services under Part B. 34 CFR §300.454(a).

IV. Location of Services

Question 35: How are decisions made about the location of services that the LEA has selected through consultation to offer to its parentally-placed private school children with disabilities?

Answer: As is true regarding the services that an LEA has selected to provide its parentally-placed private school children with disabilities designated to receive services, the location of services also is a matter that is determined through the process of consultation between LEA officials and appropriate representatives of parentally-placed private school children with disabilities. Services offered to parentally-placed private school children with disabilities may be provided on-site at a child's private school, including a religious school, to the extent consistent with law, or at another location. The phrase "consistent with law" is statutory, and means that the provision of services on the premises of a private school takes place in a manner that would not violate the Establishment Clause of the First Amendment to the U.S. Constitution and would not be inconsistent with applicable State constitutions or laws. The

provision of services at private school sites will help to minimize the amounts and time spent on transportation. In addition, this should cause the least disruption in the children's education. Since some States do not allow services to be provided at the private school site, LEAs may wish to seek legal advice before making service location determinations.

Question 36: If transportation would be a related service for a child with a disability, had the child been served directly in a public agency program or a public agency placement at a private school, would transportation automatically become a related service for a parentally-placed private school child with a disability who is designated to receive services from the LEA?

Answer: Regardless of whether transportation would be a related service for a child with a disability, transportation may be necessary for an individual child. If services are offered at a site separate from the child's private school, transportation may be necessary to get the child to and from that other site. Failure to provide transportation could effectively deny the child an opportunity to benefit from the services that the LEA has determined through consultation to offer its parentally-placed private school children with disabilities. In this situation, transportation is not a related service, as defined at 34 CFR §300.24(b)(15), but it still is a necessary means of making the services that are offered accessible to the child.

Question 37: Could an LEA refuse to provide transportation to parentally-placed private school children with disabilities who reside in its jurisdiction but who attend private schools located outside of the LEA's boundaries?

Answer: LEAs are encouraged to work in consultation with appropriate representatives of parentally-placed private school children with disabilities to ensure that services are provided at sites that will not require significant transportation costs. Therefore, it may be reasonable for an LEA, through the consultation process, to elect not to provide services to a child who attends a private school outside the district. However, if any child is selected for services and the service is provided away from the school the child attends, the child must be provided transportation to the service if it is necessary for the child to benefit from or participate in the service. Therefore, it may not be unreasonable for an LEA to elect not to provide services to parentally-placed private school children with disabilities who reside in the LEA's jurisdiction but who attend private schools located outside of the LEA's boundaries because of the increased costs involved.

V. Miscellaneous

Question 38: Are the requirements for children with disabilities aged 3 through 5 who are placed by their parents at private preschool programs, including home daycare programs, the same as the requirements for children with disabilities parentally-placed private elementary and secondary schools?

Answer: Yes. The Department interprets the requirements at 20 U.S.C. §1412(a)(10)(A) and 34 CFR §§300.450-300.462 to be fully applicable to children with disabilities aged 3 through 5 who have been placed by their parents at private schools. Many preschool-aged children also attend a broad range of child care settings. Whether a private daycare program conducted in the home or otherwise outside of the administrative control of a public agency can be considered a private preschool depends on the State definition of "private school." That a day care program is licensed under State health and safety and other day care requirements does not make the day care program a "private school" unless the State definition so specifies. Assuming a child of preschool age is enrolled by his or her parents at a private preschool that satisfies the State definition, the same procedures that govern children with disabilities parentally-placed in private elementary and secondary schools in the State would

be applicable. The child would have to be evaluated in accordance with the Part B requirements at 34 CFR §§300.532.-300.533, subject to informed parental consent, and determined eligible in accordance with 34 CFR §300.535. Once determined eligible, the affected LEA would offer to make FAPE available at a public agency program or a public agency placement at a private school. In some situations, if the parents were interested in having their child participate in the publicly available services, the public agency could determine that the services specified in the IEP developed for the child could be appropriately implemented in the daycare setting selected by the parent at no cost to the parents. If the parents choose not to accept the public program or placement offered, and if the parents enroll the child in a private preschool recognized under the State's definition, the public agency must include the child in the group of parentally-placed private school children with disabilities whose needs must be considered through the consultation process at 34 CFR §300.454(a)-(b) described below. A parentally-placed private preschool-aged child with a disability who attends a program recognized under the State definition of private school and is designated to receive services from a public agency must have a services plan in accordance with 34 CFR §300.454(c) and §300.455 with respect to the services offered. As is true for services offered to parentally-placed private school children with disabilities in other age groups, services offered to preschool-aged children with disabilities may be provided on the premises of the private program, including a religious school, to the extent consistent with law. 34 CFR §300.456(a). Children in that age group who attend programs recognized under the State definition of private school designated to receive services can be served through the proportionate share of available section 611 and 619 funds that must be expended on services for this population of children. The LEA's annual count of parentally-placed private school children with disabilities residing in the LEA's jurisdiction conducted under 34 CFR §300.453(b) must include all children with disabilities who attend private schools recognized under the State definition. However, children with disabilities parentally-placed at private programs that do not meet the State definition of private school cannot receive services under Part B and cannot be included in the annual count of parentally-placed private school children with disabilities aged 3 through 5.

Question 39: Are children with disabilities placed by their parents at private schools entitled to a free appropriate public education at the private school?

Answer: No. Children with disabilities placed by their parents at private schools are not entitled to a free appropriate public education (FAPE) in connection with their parental private school placements. States receiving funds under Part B of IDEA, as a condition of receipt of those funds, must make FAPE available to all children with disabilities residing in the State in mandatory age ranges. 20 U.S.C. §1412(a)(1)(A); 34 CFR §300.121. States satisfy their FAPE obligation to their resident parentally-placed private school children with disabilities by offering them FAPE either at a public agency or at a public agency placement at a private school. However, LEAs generally must consider and address the needs of eligible parentally-placed private school children with disabilities residing in their jurisdiction.

Question 40: If parents choose to enroll their child with a disability at a private school because of their preference for the private school, are there any circumstances in which a public agency would be required to make FAPE available to such a child in the future?

Answer: The public agency must include these children in its eligible population of parentally-placed private school children with disabilities whose needs must be considered in accordance with 34 CFR §§300.450-300.462 of the Part B regulations.

In addition, as is true for other children with disabilities, the public agency must evaluate every parentally-placed private school child with a disability at least every three years in accordance with the requirements of 34 CFR §§300.532-300.533 to determine a child's continued eligibility for special education and related services. If the parents withdraw their child with a disability from the private school placement that they have selected and return their child to the public school, the public agency again must make FAPE available to the child either in the public agency or a public agency placement at another public school or at a private school.

Question 41: Are there any particular qualifications that are applicable to personnel who provide special education or related services to those parentally-placed private school children with disabilities LEAs elect to serve?

Answer: Yes. Services provided to parentally-placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing such services in public schools. Funds awarded under Part B, sections 611 and 619, may be used to make public school personnel available in other than public facilities to the extent necessary to provide services to parentally-placed private school children with disabilities under Part B, if those services are not normally provided by the private school. In addition, if private school personnel provide the services that the LEA has determined it will provide to its parentally-placed private school children with disabilities, the private school personnel must meet the same standards as personnel providing services in public schools, must perform the services outside of his or her regular hours of duty, and must perform the service under public supervision and control. 34 CFR §§300.455(a) and 300.460-300.461.

Question 42: How could a State educational agency monitor to ensure that parentally-placed private school children with disabilities are being served in a manner that complies with Part B?

Answer: Each SEA must exercise general supervision over all education programs for children with disabilities administered by public agencies in the State and must ensure that such programs meet State education standards and Part B requirements. Accordingly, an SEA is required to have a method of monitoring its public agencies to ensure that they are meeting the statutory and regulatory requirements applicable to services for parentally-placed private school children with disabilities. An SEA also would be required to ensure that those parentally-placed private school children with disabilities whom the LEA has elected to serve are receiving special education or related services in accordance with a services plan.

Question 43: How can representatives of parentally-placed private school children with disabilities, including parents of these children, have input into OSEP's reviews of States as part of its continuing improvement monitoring process?

Answer: In monitoring each State, OSEP conducts extensive validation planning activities to help focus its data collection on those issues that are most critical to improving compliance and results for students with disabilities in the State. The validation planning process includes a number of public input forums in which individuals and groups, including parents of parentally-placed private school children with disabilities and other representatives of these children, can provide input regarding the issues that they believe should be a focus of OSEP's data collection in the State. Further, as part of the monitoring process, each State establishes a steering committee that helps the SEA conduct a self-assessment of the State's services for children with disabilities and provides input to OSEP. This committee may, at the State's discretion, include representatives of parentally-placed private school children with disabilities. Further, each State advisory panel on the education of children with

disabilities must include representatives of parentally-placed private school children with disabilities. Among the functions of this panel are to advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act. Organizations or individuals that have specific questions or concerns about services for parentally-placed private school children with disabilities in their State should contact their local school district, State Department of Education special education division, or the OSEP State contact for Part B in the Monitoring and State Improvement Planning Division. A list of the OSEP State contacts can be found on the OSEP web page at http://www.ed.gov/offices/OSERS/OSEP/state_contact_list.html

Question 44: Is home school considered a private school? What if a child is below a State's compulsory school age and receiving services from an unapproved or uncertified home day care or other location strictly for childcare purposes?

Answer: Whether home schools are "private schools," including home day care, is determined by the State. If the State recognizes home schools or home day care as private schools, children with disabilities in those home schools or home day care must be treated in the same way as other parentally-placed private school children with disabilities. If the State does not recognize home schools or home day care as private schools, children with disabilities who are home-schooled or in home day care are still covered by the child find obligations of SEAs and LEAs, and these agencies must ensure that home-schooled children and those in home day care who have disabilities are located, identified, and evaluated, and that FAPE is available if their parents choose to enroll them in public schools.

Question 45: If under State law, dual enrollment of a child in both a public agency program and a private school is required in order for the child to receive special education and related services from a public agency in connection with a parental private school placement, does the parentally-placed private school child with a disability have a right to FAPE?

Answer: The Part B regulations make clear that no parentally-placed private school child with a disability has an individual entitlement to services. 34 CFR §300.454(a). Whether dual enrollment alters the rights of a parentally-placed private school child with a disability under State law is a State matter. There is nothing in Part B that would prohibit a State from requiring dual enrollment as a condition of eligibility of a parentally-placed private school child with a disability for services from a public agency

Attachment 1

Proportionate Share Calculation for Parentally-Placed Private School Children with Disabilities

FOR FLINTSTONE SCHOOL DISTRICT:

of eligible children in public schools = 300

of eligible children in private schools = 20

Total # of eligible children = 320

AT DECEMBER 1 CHILD COUNT:

of children served in public schools = 300

of children served in private schools = 5

Total # of public & private children served = 305

Note: 305 is the number turned in to OSEP for children served with IEP or service plan.

FEDERAL FLOW-THROUGH FUNDS TO FLINTSTONE SCHOOL DISTRICT:

Total allocation to Flintstone = \$152,500

FORMULA FOR CALCULATING PROPORTIONATE SHARE:

$$\begin{array}{rcl} \text{Total Proportionate} & \text{X} & \text{Eligible Private School Children} \\ \text{Share For Private} & = & \text{_____} \\ \text{School Children} & & \text{Total Flow-Through} \\ & & \text{Allocation} \end{array} : \begin{array}{r} \text{_____} \\ \text{Total Eligible Public \& Private} \\ \text{School Children} \end{array}$$

Note: Proportionate share for parentally-placed private school children is based on total children eligible, not children served.

FLINTSTONE SCHOOL DISTRICT OBLIGATION:

$$\begin{array}{rcl} \text{X} & & \text{20} \\ \text{_____} & : & \text{_____} \\ \text{\$152,500} & & \text{320} \end{array}$$

X = \$9,531.25 (This amount must be spent for the group of parentally-placed children in private schools)

Coordinated Early Intervening Services (CEIS)

CEIS are services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment. The Individuals with Disabilities Education Act (IDEA) (U.S.C. §1413 (f)(2)) and its regulations 34 CFR §300.226(b)) identify the activities that a Local Education Agency (LEA) may carry out in implementing coordinated, early intervening services:

- Professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically-based academic instruction and behavioral interventions, including scientifically-based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
- Providing educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction. For example, a LEA might use CEIS to provide behavioral interventions to nondisabled students who receive a certain number of disciplinary office referrals, perhaps as part of a Positive Behavioral Supports initiative. CEIS might also be used to help fund reading or math specialists to work with nondisabled students who have not reached grade-level proficiency in those subjects, or to fund after-school tutoring for nondisabled students who score below “basic” on statewide assessments.

Students eligible for CEIS

Section 613 (f)(1) of the IDEA permits LEAs to use IDEA funds for CEIS for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment. An LEA determines which students need additional support. For example, an LEA might consider factors such as performance on reading or math assessments, disciplinary referrals, or suspension and expulsions to assess whether or not students need additional supports to succeed in a general education environment.

If an LEA chooses to use CEIS funds to support school-wide interventions, it must be able to provide documentation that CEIS funds were used to provide services only to students who need additional support and that other funds were used to fund the school-wide intervention for the special education students and students who do not need additional support. Children who are not yet in kindergarten may not receive CEIS. The preamble to the IDEA Part B regulations clarifies that students who received special education in the past, but are not currently receiving special education, are eligible to receive CEIS.

Use of IDEA funds for CEIS

An LEA may not use more than fifteen (15) percent of the amount the agency receives under Part B for any fiscal year, **less any amount reduced by the agency under adjustments to local fiscal year effort (34 CFR 300.205), if any**, in combination with other amounts (which may include amounts other than education funds), to develop and implement CEIS, which may include interagency financing structures, for students in kindergarten through grade 12 who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

LEAs that seek to reduce their local maintenance of effort in accordance with 34 CFR 300.205(d) and use some of their Part B funds for CEIS under 34 CFR 300.226 must do so with caution because the local maintenance of effort reduction provision and the authority to use Part B funds for CEIS are interconnected. The decisions that an LEA makes about the amount of funds that it uses for one purpose affect the amount that it may use for the other.

Funds made available under this section may be used to carry out CEIS aligned with activities funded by and carried out under the Elementary and Secondary Education Act (ESEA) if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.

In the case of a determination of significant disproportionality, an LEA identified as having significant disproportionality must use the maximum amount of funds for comprehensive CEIS.

Use of CEIS funds for professional development and behavioral and educational evaluations

CEIS funds may be used to provide professional development to all personnel who are responsible for students who need additional academic and behavioral supports to succeed in a general education environment, but who have not been identified as needing special education. Under limited circumstances personnel who are solely responsible for students receiving special education services or students who do not need additional support may participate in professional development funded with CEIS funds. These personnel may participate so long as the cost of the professional development does not increase, the quality of the professional development does not decrease, and including those personnel would not exclude other personnel who are responsible for students who need additional support but have not been identified as needing special education. LEAs may use CEIS funds to provide behavioral and educational evaluations to determine the supports that are needed by students to succeed in a general education environment. However, funds may not be used for evaluations that are intended for use in determining eligibility for special education and related services.

Use of CEIS funds to implement Response to Intervention (RTI)

CEIS funds may be used to support RTI as long as the CEIS funds are used for services to nondisabled students in need of additional academic or behavioral support and supplement, not supplant, other funds used to implement RTI. For more information about RTI and supplement not

supplant requirements, please refer to the OSEP guidance document at <http://spp-apr-calendar.rfcnetwork.org/getfile/view/id/494>.

For example, one RTI framework includes a three-level continuum of instructional support. In this framework, tier one applies to all students in a general education setting. It would not be appropriate to use CEIS funds for tier one activities that support these students because these activities are designed to provide high-quality instruction to the entire class or school and not principally intended to address the needs of students who are struggling. Tier two activities provide specialized small group instruction for students determined to be at risk for academic and behavioral problems. It would be appropriate to use CEIS funds to support these tier two activities for at-risk, general education students. If students who are receiving special education and related services participate in the small group instruction, it would not be appropriate for CEIS funds to be used for these students as CEIS may not be provided to students that are currently identified as needing special education or related services. Tier three includes specialized individualized instructional or behavioral support for students with intensive needs. As in the case of tier two activities, CEIS funds could be used for activities that support general education students at risk for academic and behavioral problems, but could not be used for students who are receiving special education or related services.

CEIS reporting

Districts using IDEA Part B funds for CEIS must submit expenditure and student data information to the Department of Elementary and Secondary Education (DESE) through 1) ePeGs on the Part B Final Expenditure Report (FER), starting with the 2008-09 FER, and 2) the CEIS Reporting Verification Sheet (RVS) (<http://dese.mo.gov/divspeced/Finance/documents/CEISReportingVerification.pdf>). The amount of Part B funds spent to provide CEIS reported on the RVS must match the amount of Part B funds spent to provide CEIS reported on the Part B FER. Both the RVS and Part B FER are due July 30 each year.

Reporting on the FER

Districts that provided CEIS using Part B IDEA funds must report the following on the FER:

1. Professional development provided to teachers and other school staff.
2. Detail of what educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction was provided.
3. Number of students who received CEIS using IDEA Part B funds who were not eligible for IDEA services at the time they received these services from your district during the school year.
4. Of the students who had IEPs during this school year, report the number that had received CEIS using IDEA funds anytime in the past two school years.

Regarding counting students who received CEIS when funds are used for *professional development*, it would be appropriate for an LEA to count, and subsequently track for two years, the number of students in need of additional support who received instruction from personnel who participated in the professional development program. It would not be appropriate to count every student who was taught by these personnel if some of the students were not in need of additional support or were receiving special education services. An LEA should only count the students who benefited from the professional development program in the year(s) of or the year(s) immediately after the training, rather than counting the students each year after the training.

Regarding counting students who received CEIS when funds are used for a *school-wide intervention initiative*, students who meet the LEA's criteria of being in need of additional support and participate in the initiative should be counted as receiving CEIS in the year(s) of or the year(s) immediately following the initiative and tracked for the following two years. Students who participate in an initiative for more than one year should be counted each year they participate.

Regarding counting students who received CEIS when funds are used to *provide behavioral and educational evaluations*, students who are evaluated to determine the supports necessary for success in a general education environment should be counted as receiving CEIS in the year of or the year immediately following the evaluation and tracked for the following two years.

CEIS expenditures should be reported under Function Codes 1110, 1130, and 1150 of the expenditure grid.

For guidance on submitting the Part B FER, view the ePeGS Part B Training Manual (http://dese.mo.gov/divspeced/Finance/documents/ePeGStrainingguide_001.pdf).

Reporting on the CEIS RVS

The CEIS Reporting Verification Sheet collects the following information:

- The date the CEIS activity occurred
- The description of the CEIS activity that occurred
- The cost of the CEIS activity
- The titles of all participants that attended the activity (i.e. 4th Grade Reading Teacher)
- The number of Special Education Students served by the CEIS activity (this number should be zero as CEIS is for students without an IEP)
- The funding source to verify that districts aren't supplanting CEIS funds
- The group(s) benefiting from the CEIS activity

The RSV can be emailed to webreplypsfm@dese.mo.gov or mailed to: DESE, Special Education – Funds Management, PO Box 480, Jefferson City, MO 65102.

Monitoring process for LEAs that report CEIS

The CEIS review committee consists of a staff member from Compliance, Funds, Effective Practices and Data. The CEIS review committee will query the information submitted on the FER in ePeGS and review it in conjunction with the RVS. The information will be evaluated for the following requirements:

- The professional development provided to teachers and other school staff that enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software was appropriate under CEIS.
- Educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction being provided was appropriate under CEIS.
- Students receiving CEIS were not identified as Special Education students
- Funds for CEIS supplemented and not supplanted ESEA activities.
- The LEA did not exclusively use CEIS funds for groups significantly over identified.

Upon review of district documentation, the CEIS review committee will inform districts of review findings. If findings conclude misuse of funds, the district will be required to return these funds to the Division from the district's state and local funds.

Federal Guidance

The U. S. Department of Education, Office of Special Education Programs (OSEP), has posted several resources that might be of assistance to LEAs in implementing coordinated CEIS including a topic brief, a video clip, questions and answers, and a professional development module.

To view this information, go to:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C8%2C>

If this link does not work, go to: <http://idea.ed.gov/explore/home> and click on Early Intervening Services on the left side.

In addition, OSEP has provided a guidance document on CEIS. We encourage districts to read it, as there are many requirements that must be complied with for the use of these funds and many scenarios that you must be familiar with to ensure your use of these monies is permitted.

To view the document, go to: <http://spp-apr-calendar.rrfcnetwork.org/getfile/view/id/494>.

Handout #8

SPECIAL EDUCATION IDEA SECTION 611 (PART B) 2010-11 PAYMENT REQUESTS

Due to grant award funds availability from the U.S. Department of Education and our State Budget Allotments, we have adjusted the maximum drawdown percentages for the 2010-11 school year. Federal funds may be requested each month up to the maximum percentage of your approved budget and within the guidelines of the Cash Management Improvement Act. These percentages apply to both regular Part B and ARRA funds. The following schedule will be used for the school year 2010-11.

SCHOOL PAYMENT MONTH	EXPENDITURE PERIOD END DATE*	MAXIMUM PERCENTAGE OF APPROVED BUDGET	PAYMENT REQUEST DUE DATE
July	July 23, 2010	50%	July 7, 2010
August	August 24, 2010	50%	August 5, 2010
September	September 23, 2010	50%	September 7, 2010
October	October 25, 2010	75%	October 6, 2010
November	November 24, 2010	75%	November 4, 2010
December	December 23, 2010	75%	December 6, 2010
January	January 25, 2011	75%	January 6, 2011
February	February 24, 2011	90%	February 4, 2011
March	March 23, 2011	90%	March 4, 2011
April	April 25, 2011	90%	April 6, 2011
May	May 24, 2011	90%	May 5, 2011
FER Approval		Remaining Amount Due	

***Expenditure Period End Date** represents unreimbursed Part B expenditures that have or will be paid by the noted end date. The begin date the LEA may begin obligating expenditures is the “substantially approved date” which appears on the 2010-11 Part B Application Submittal and Approval page.

Handout #9

FY11 High Need Fund (HNF) Policy Manual

FOR SERVICES PROVIDED DURING THE 2009-10 SCHOOL YEAR

This manual reflects the Division of Special Education state plan for the implementation of a High Need/High Cost Fund meeting the requirements of Section 162.974, RSMo, and IDEA, Section 300.704 (c).

INTRODUCTION

PURPOSE

The High Need Fund was established pursuant to Section 162.974, RSMo, to provide funding support for districts with “High Need Students.” These students are special education students whose educational costs exceed three times (3x) the district’s current expenditure per Average Daily Attendance (ADA.). Reimbursement to districts under the High Need Fund for qualifying students is made without regard to disability or placement. **Students should NOT be claimed on the both the HNF and Public Placement Fund.**

APPLICATION REQUEST

LEAs must apply for the High Need Fund on the DESE provided electronic application. The application must be received by January 31, 2011 for services provided during the 2009-10 school year to allow time for payment calculation and allocation. Applications must be completed and submitted electronically to webrepliespefm@dese.mo.gov. Again, the application is for expenditures incurred from July 1, 2009 through June 30, 2010. Upon approval of the application, reimbursement is anticipated to be paid in April-June of 2011.

CURRENT EXPENDITURE PER ADA

Reimbursement from the High Need Fund is based on the district paying all costs up to the statutory threshold, which is three times (3x) the district’s Current Expenditure per ADA. This amount is calculated by taking the district’s total expenditures and dividing by the total ADA. The Current Expenditure per ADA can be found on the LEAs Annual Secretary of the Board Report (ASBR) (the year in which the costs were incurred). The Current Expenditure per ADA is not available to individual school districts until the most recent ABSR is finalized by School Finance. DESE will post the LEAs Current Expenditure per ADA amounts as they are finalized beginning in November of each year on the High Need Fund webpage.

REIMBURSEMENT

Costs are reported and reimbursed in the current school year for services provided during the prior school year. For example, expenses incurred during the 2009-10 school year will be submitted and paid during the 2010-11 school year. Reimbursement is only for the costs in excess of the 3x calculation.

In addition to state funding for high need students, the reauthorization of IDEA in 2004 provides for additional federal funding for students meeting the federal definition for a High Cost Fund risk pool. This means that an LEA may receive a portion of funding for high need students from both state and federal sources. Payment receipts into the LEA from the High Need Fund should be coded as follows:

Revenue Code 5381 - Sp Ed High Need Fund - State
Revenue Code 5441 - Sp Ed High Need Fund- Federal

REIMBURSEMENT METHODOLOGY

The High Need Fund only reimburses expenditures above the statutory threshold, which currently is 3 times (3x) the Current Expenditure per ADA. See example below for the reimbursement methodology behind the fund.

Total Educational Costs for Student:	\$32,000
District Current Expenditure per ADA Amount:	\$6,500
3x Current Expenditure per ADA	\$19,500
District Responsibility	\$19,500
High Need Fund Reimbursement	\$12,500 (\$32,000 - \$19,500)

STUDENTS WHO MAY TRIGGER THE FUND

Any student with a disability whose educational costs exceed 3 times the Current Expenditure per ADA triggers the school district's eligibility for the fund. Examples of students with expenditures that may trigger the fund include: students with personal aides and/or nurses, students with tuition and transportation costs for contractual placements, students with a large amount of related services, and students receiving one-on-one instruction.

FINANCIAL RECORDS

The district must maintain financial expenditures for individual students throughout the year. The following categories must be reported on the High Need Fund application by each student:

- Instructional Costs
- IEP Related Services
- Transportation* (may require supporting documentation under certain circumstances)
- Contractual Services/Tuition
- Assistive Technology/Supplies
- Other* (must include description for any costs reported under this category)

FISCAL MONITORING

DESE will randomly monitor selected LEAs on an annual basis to ensure compliance with state and federal fiscal requirements. This monitoring will include HNF related documentation. Districts must maintain and be able to provide documentation relating to the expenditures claimed on the High Need Fund application. If documentation can't be provided to the SEA during a fiscal monitoring review supporting HNF expenditures, the HNF reimbursement amount will be adjusted based on the actual documentation available.

COMPLETING **THE HNF** **APPLICATION**

APPLICATION INSTRUCTIONS

The application may be downloaded from the Funds Management website at: <http://www.dese.mo.gov/divspeced/Finance/HighNeedIndex.html>. There are several versions of the application; the district should choose the one that best fits depending on the number of students involved in the reimbursement request. They are:

- Up to 25 students
- Up to 50 students
- Up to 100 students
- Up to 150 students
- Up to 200 students
- Up to 250 students
- Up to 300 students
- Up to 350 students
- Up to 400 students
- Up to 500 students

The application is divided into seven sections as listed below. Data entry is required in all areas **except** those shaded in gray. Gray shaded areas contain formulas which automatically calculate specific totals. The application must be completed electronically for this feature to work.

- District Information
- Current Expenditure per ADA Amounts
- Directions
- Student Information
- Cost/Expenditure Information
- Description
- Signature

DISTRICT INFORMATION SECTION

Enter the district name, county district code, address, district contact person, phone number, and email address in this section. Enter the Current Expenditure per ADA amount as listed on the spreadsheet posted on the High Need Fund web page titled Current Expenditure per ADA.

SUBMISSION INSTRUCTIONS

This section of the application provides general instructions and clarification of the types of costs which may be included in each of the cost categories. The application must be completed and submitted electronically to webrepliespfm@dese.mo.gov on or before January 31, 2011. A confirmation of receipt will be sent to districts.

CO-OP SUBMISSION INSTRUCTIONS

Cooperatives may not apply for High Need Fund reimbursement. A district participating in a Cooperative must apply for the High Need Fund for its own students using the district's Current Expenditure per ADA. Districts may need to work closely with the Cooperative to determine the educational costs for each student as well as necessary agreements to reimburse those costs to the co-op. **HNF applications will not be accepted from a co-op.**

STUDENT INFORMATION

Enter the Last Name, First Name, assigned MOSIS student ID number and date of birth for each student on the application. Please list the students in alphabetical order. Students participating in Early Childhood Special Education programs, unless they are kindergarten eligible and 5 years old, are not eligible for this fund as that program is reimbursed 100% by the state.

MEDICAID BILLING

The district must indicate if it billed Medicaid for reimbursement on Occupational, Speech, and/or Physical Therapy for a HNF student. This will allow the SEA to ensure that funds paid under the High Need Fund are drawn from the appropriate funding source as IDEA does not allow federal disbursements under this fund to pay costs that otherwise would be reimbursed under the State Medicaid program under Section XIX of the Social Security Act.

COST/
EXPENDITURE
INFORMATION

The five categories in which a district may claim reimbursement are: Instructional costs, Related Services, Transportation, Tuition, Assistive Technology, and Other Expenditures. All expenditures reported on the application must be directly related to the student's education and supported by the student's Individualized Education Program (IEP). All expenditures not specifically allocated to an individual student, such as general education classroom participation must be prorated based on the number of students served.

Salaries of Special Education Directors and Administrators should not be claimed on the application as expenditures unless one-on-one time was spent with the student providing educational services. **IDEA does not allow expenditures for legal fees, court costs, or other costs associated with a course of action on a student with a disability.** Each cost category section is discussed in further detail below. All costs must be prorated based on the number of students served. Examples of prorated expenditures are show below under each section.

INSTRUCTIONAL COSTS

Instructional Costs may include Teachers (Regular and Special Education), Paraprofessionals, Interpreters and others as appropriate. Examples for calculating/prorating the cost of instructional staff for a particular student are shown below:

Example I: Self Contained

Teacher's salary plus benefits divided by the number of students in the class, and then prorated by the amount of time the student spends in the classroom.

$$\$45,000 \text{ salary and benefits} / 8 \text{ students} = \mathbf{\$5,625} \text{ per student}$$

Example II: Itinerant

Teacher's salary plus benefits multiplied by the percentage of time the student spends in classroom during the day, then divide by the number of students present during that percentage of time.

$$\$45,000 * 25\% \text{ of the day} / 3 \text{ students} = \mathbf{\$3,750} \text{ per student}$$

Example III: Elementary Classroom Teacher

Teacher's salary plus benefits divided by the number of students in the class, and then prorated by the amount of time the student spends in the classroom.

$$\$45,000 / 20 \text{ students} = \$2,250 \text{ per student} * 50\% \text{ of the day} = \mathbf{\$1,125}$$

$$\$45,000 / 20 \text{ students} = \$2,250 \text{ per student} * 1 \text{ out of } 6 \text{ periods} = \mathbf{\$375}$$

Example IV: Elementary Non-Academic Classes (Art, Music, P.E.)

Teacher's salary plus benefits divided by the total number of students the teacher sees each week.

$$\$45,000 / 300 \text{ students per week} = \mathbf{\$150} \text{ per student}$$

Example V: High/Middle School Departmentalized for Regular Education

Teacher's salary plus benefits divided by the total number of students the teacher sees per day.

$$\$45,000 / 100 \text{ students per day} = \mathbf{\$450} \text{ per student}$$

RELATED SERVICES

Costs in the Related Services category may include, but are not limited to: Occupational Therapy, Speech Therapy, Physical Therapy, Orientation and Mobility, Braille Instruction, Counseling, ABA consulting, etc. Examples for calculating/prorating the cost of related services for a particular student are shown below:

Example I

A Speech Therapist has a total of 1800 minutes per week of therapy time with students. The salary and benefits total \$60,000. The therapist spends 60 minutes per week with Alex. In order to determine the portion of cost for Alex, use the following calculation:

$$60 \text{ minutes} / 1800 \text{ minutes} = 3 \%$$

$$3 \% * \$60,000 = \mathbf{\$1,800} \text{ per student}$$

If seen in a group session, prorate by number of students.

$$\$1,800 / 3 \text{ students} = \mathbf{\$600} \text{ per student}$$

Example II

An Occupational Therapist is paid by an hourly rate of \$35 per hour. The therapist spends 20 minutes per week with one student. There are 36 weeks in the school year. In order to determine the portion of cost for the individual student, use the following calculation:

$$20 \text{ minutes} * 36 \text{ weeks} = 720 \text{ minutes per year}$$

$$720 \text{ minutes} / 60 \text{ minutes} = 12 \text{ hours}$$

$$12 \text{ hours} * \$35 = \mathbf{\$420} \text{ per student}$$

If seen in a group, prorate by the number of students.

$$\$420 / 2 \text{ students} = \mathbf{\$210} \text{ per student}$$

Example III

The district contracts with an ABA consultant to provide services for three students. The contracted rate is \$1,800 per month. In order to determine the portion of cost for one student, use the following calculation:

$$\$1,800 * 9 \text{ months (or actual \# of months of service)} = \$16,200 \text{ per year}$$

$$\$16,200 \text{ per year} / 3 \text{ students} = \mathbf{\$5,400} \text{ per student per year}$$

TRANSPORTATION COSTS

Costs in the Transportation category are typically for district operated regular bus routes, district operated routes for students with disabilities, individualized routes, cabs, contractual, and/or Parent reimbursement.

Example I

Student rides an individualized/special education route. This may include: Bus, Cab, Contractual, and/or Parent Reimbursement. Actual costs for these routes should be reported on the application.

Example II

Student rides a district operated route for students with disabilities. Use actual prorated costs or Line 48 - *Cost per ADT for disabled students* from the BU110 School Transportation State Aid Formula Sheet. Report this amount as the cost on the application.

Instructions for locating the BU110 Report: (Disable pop-up blocker to view)

Go to www.dese.mo.gov

Click on School Finance

Click on Financial Reports

Click on Payment Transmittals

Enter the County District Code with no dashes and hit List

Once the district pulls up, click on the Select button

Choose 2009-2010 and June from the drop down date boxes

Click on 5312 – Transportation

The BU110 report will pull up

Click on the ► to go to page 2 of the report

Example III

Student rides a district operated regular bus route. Use Line 35 – *Cost per ADT* from the BU110 School Transportation State Aid Formula Sheet or actual costs. See instructions above for locating the BU110 report. Enter this amount as the cost on the application.

TUITION /COOPERATIVE/CONTRACTUAL COSTS

Costs in the Tuition category would include tuition to approved Private Agencies or other districts/cooperatives. The districts should report the actual cost from the invoices received on the student.

Example I: Private Agency or Other School District

Cost per day multiplied by the number of days in attendance.

\$80 per day * 162 days of attendance = **\$12,960** per year

Cost per month * number of months enrolled.

\$2,000 per month * 9 months enrolled = **\$18,000** per year

ASSISTIVE TECHNOLOGY (AT) COSTS/SUPPLIES

The assistive technology category may include, but are not limited to: Harnesses, Braille Writer, Speech to Text Software, Computers, etc. The districts will report the actual cost from the invoices received on the student. However, if the equipment is shared between students, it must be prorated. See example below.

Example I

A Lifting Harness is utilized by 2 students. The cost of the harness was \$6,300.
 $\$6,300 / 2 \text{ students} = \mathbf{\$3,150}$ per student

OTHER / DESCRIPTION COSTS

This category is for all other educational costs that are associated with implementing the student's IEP. The district must include a description in the lines provided at the end of the application for any costs reported under this category. These costs are subject to DESE approval. Legal fees are not an approved expenditure under the IDEA requirements.

TOTAL COSTS

The Total Cost column on the application will automatically calculate based upon the information entered in the previous columns. The "3x Amount" and the "Requested Amount" will automatically calculate based upon the information entered in the previous columns. All three columns are for DESE USE ONLY.

ASSURANCE STATEMENT

The assurance statement box must be checked and the Superintendent's name typed in the indicated area, certifying that the Superintendent agrees with the following statement:

The Superintendent assures that the expenditures listed herein have been made solely on behalf of these students and that they are accurate to the best of his/her knowledge. Documentation must be maintained in the district for 3 years after the reimbursement date. The district is subject to fiscal monitoring of all documentation used to support the expenditures reported on the HNF application. The district understands that if monitored, and appropriate HNF documentation cannot be provided to the SEA, HNF reimbursements for which no documentation is available will be returned to the SEA either by direct repayment from the LEA to the SEA or adjustment to a future HNF payment at the discretion of the SEA.

POLICY
AND LEGISLATION
INFORMATION

Missouri High Cost Fund Policy & Legislation **(Section 162.974, RSMo, and IDEA 300.704 (c))**

The Missouri High Need Fund was established pursuant to Section 162.974, RSMo, to provide funding support for districts with “High Need Students.” These students are special education students whose educational costs exceed three times (3x) the district’s Current Expenditure per Average Daily Attendance (ADA). Reimbursement to districts under the High Need Fund for qualifying students is made without regard to disability or placement.

Prior to the implementation of the High Need Fund, the Extraordinary Cost Fund (ECF) was implemented (in 1998) for the purpose of assisting Local Education Agencies (LEAs) in addressing the needs of high needs children with disabilities. Individual school districts could access the ECF when serving children with disabilities whose educational costs exceeded five times (5x) the district’s Current Expenditure per Pupil.

With the passage of IDEA, 2004, the State Education Agency’s (SEA) ability to access the full Part B federal grant was tied to the use of 10% of the amount of funds reserved for “other State-level activities” dedicated to districts serving high need children.

Two options are available to SEAs in use of these federal Part B funds: (1) To finance and make disbursements to local school districts/local education agencies or LEAs for expenditures related to high cost children, and/or (2) Support innovative and effective ways of cost sharing utilizing no more than 5% of the funds by the state, by an LEA or among a consortium of LEAs. No funds so reserved may be used to establish, support or administer the fund.

Missouri has elected to participate in the high need program (option 1) and annually commits a minimum of 10% of the amount of funds reserved for “other State-level activities” for this purpose. Option 2 is not utilized.

SEA Federal requirements relating to the High Cost Fund include:

1. Development, not later than 90 days after the state reserves funds for the high need program, a state plan for the operation of the high cost fund (referred to as the High Need Fund [HNF] in Missouri). The basic state plan was implemented in 1998 prior to the requirement for a plan and was reviewed annually and amended/modified as necessary over the years. In 2005, the state legislature passed Senate Bill 287 which included a provision requiring the state to fund and operate a state funded “high need fund” to address the needs of school districts educating children with disabilities whose educational costs exceed three times (3x) the district’s Current Expenditure per ADA. IDEA 2004 provided a definition of a high need child but also allowed states with a high need program created no later than January 1, 2004 (and current in operation) to utilize that existing criteria in place of the definition found in 300.704 (c) (3)(i)(A)(2). Missouri has elected to utilize the criteria in the existing ECF fund for the federal portion (above 5x the CEPP) of the state’s High Need Fund.

- a. The state plan for the high need program was developed during the legislative process leading up to the passage of SB 287 in consultation and coordination with a selected group of school districts and advocates during a series of meetings to gain LEA support for the passage of the High Need Fund legislation. Currently state statute defines the operation of the state's High Need Fund, of which a portion is funded with federal Part B funds.
- b. The High Need Fund (Section 162.974, RSMo.) addresses the financial impact a high need child with a disability has on the budget of an LEA by mandating reimbursement to all school districts including special school districts for the educational costs of high need children with an Individual Education Program (IEP).
- c. The High Need Fund (Section 162.974, RSMo.) requires that the cost of the high need child to exceed 3 times the average per pupil expenditure before a school district may access the fund.
- d. The High Need Fund (Section 162.974, RSMo.) establishes eligibility criteria for the participation of an LEA. The Missouri HNF does not look at percentage or number of high need children as 34 CFR 300.704 states, but rather requires the fund to reimburse a district for the costs exceeding the statutory threshold for all children with IEP related educational costs.
- e. The SEA ensures that that placements supported by the fund are consistent with the requirements established by IDEA 2004 through ongoing required monitoring of special education programs across the state.
- f. The High Need Fund (Section 162.974, RSMo.) establishes a funding mechanism that provides distributions each fiscal year to LEAs that meet the criteria developed by the state. The funding mechanism is tied to the identification of eligible costs by eligible child reaching a statutory threshold. An annual state appropriation is provided specifically for this purpose. Slightly more than 90% of the HNF is state funded.
- g. The High Need Fund (Section 162.974, RSMo.) establishes an annual schedule by which the SEA must make program distributions. The state statute requires the annual reimbursement of appropriate expenditures based on a timely application by the LEA on a schedule as determined by the SEA. The application due date is January 31 for expenditures incurred in the prior school year. The application deadline is based on the submission and final clearance of the district's annual financial report (ASBR) to the Department which is the basis for the expenditure per pupil calculation.
- h. The SEA does not reserve any portion of the high need funds for supporting innovative and effective ways of cost sharing as described in IDEA 2004. All funds in the state's High Need Fund are used to reimburse expenditures for high

cost children at the school district level.

- i. The SEA will make all annual payments under the High Need Fund in accordance with this plan.
- j. Reimbursable Costs: All costs associated with educating a high need child with a disability as defined in IDEA 2004, to provide direct and related services to a child as defined in the child's IEP, including the cost of room and board for a residential placement are eligible under the HNF.
- k. Non-Reimbursable Costs: Expenditures supporting legal fees, court costs or other costs associated with a cause of action brought on behalf of a child with a disability to ensure FAPE for the child. Students over the age of 21 are not eligible for the HNF, as FAPE is only required for student until the age of 21.
- l. The SEA does not establish a limit on the amount of expenditures used to educate a child with a disability.
- m. The SEA declares that the Extraordinary Cost Fund (in existence since 1998 to meet the high cost needs of school districts providing a placement neutral cost sharing and reimbursement program of high need, low incidence, catastrophic, or extraordinary aid to LEAs based on a state established eligibility criteria) meets the federal definition of a high need fund created no later than January 1, 2004. The SEA utilizes the criteria found in this pre-existing program instead of the eligibility criteria found in 300.704(c) of IDEA 2004.
- n. Federal funds reserved for the High Need Fund but not expended for this purpose before the beginning of their last year of availability for obligation will be allocated to the LEAs in the same manner as other flow-through funds are allocated to the LEAs.

FREQUENTLY **ASKED** **QUESTIONS**

FREQUENTLY ASKED QUESTIONS

- 1. This application does not require a lot of detailed expenditure documentation. Does the district have to keep documentation of the expenditures reported on the application?**

ANSWER: Yes, the district must keep all supporting documentation and calculations used to determine costs for the High Need Fund for a period of three (3) school years from the date of reimbursement of High Need Funds. DESE reserves the right to review this documentation at any time and make adjustments to the HNF calculation/reimbursement.

- 2. What will happen if the district fails to keep copies of documentation used to support HNF calculations?**

ANSWER: If the documentation is not available for review during the three year period as outlined above, the assumption will be made that the costs cannot be supported for that year. An adjustment may be made to reduce a current year reimbursement equal to an amount that cannot be supported by documentation.

- 3. Should support and related services expenditures be claimed under related services or instructional costs?**

ANSWER: It doesn't matter where the expenditure is reported on the application as long as the district can document/justify the cost.

- 4. Can districts claim warranties on assistive technology equipment?**

ANSWER: Warranty and required maintenance costs for IEP specified assistive technology is allowable.

- 5. Many of the district's special education children do not generate enough costs on an expenditure per ADA basis to allow the district to access the HNF.**

ANSWER: The HNF was never intended to provide reimbursement to a district for all special education students. This fund was designed to be a "safety net" for districts with extremely high cost students. Districts are responsible for all costs up to 3 times the current expenditure per ADA using federal, state and local revenues.

- 6. Can the district claim the cost of a bus if it is required to transport a special needs student?**

ANSWER: No, a school bus is a part of the district's bus fleet and is an amortized cost which is considered an allowable cost for state transportation aid reimbursement.

7. Can the district apply for reimbursement through both the Excess Cost for Public Placement and High Need Fund if they have a student qualifying for both funds?

ANSWER: No, the district may access only one fund per student.

8. Can the district claim a portion of facility costs (building/utilities/insurance/maintenance and upkeep, etc) through the HNF?

ANSWER: The district may only claim facility costs if the district operates the facility for the purpose of serving High Need Students.

9. Where does the district find the Current Expenditure per ADA amount?

ANSWER: DESE will provide this figure through SELS and web-posting for each district as it is finalized beginning in November. In the meantime, the districts may start to enter costs on the application and use the prior year Current Expenditure per ADA to identify students.

10. Can the 3x the Current Expenditure per ADA amount be prorated if the student only attended a partial year?

ANSWER: No. The statute does not allow for prorating the threshold the district must meet.

11. How does the district know which students to target for the fund?

ANSWER: Students whose educational costs may exceed 3 times the Current Expenditure per ADA may include, but are not limited to those students who meet the following criteria:

- *Students in contractual placements*
- *Students with a Personal Aide/Interpreters*
- *Students with a large amount of Related Services*
- *Students with private nurses*

PUBLIC COMMENT

PUBLIC COMMENT FORM

The Division of Special Education allows public input on the structure and operation of the High Need Fund. Please complete the form below with any comments, concerns, or suggestions regarding the fund, and return to:

DESE – Office of Special Education
Attn: Funds Management
PO Box 480
Jefferson City, MO 65102

Name (Optional):

Phone Number (Optional):

Residing School District:

Comments/ Concerns/ Suggestions:

Handout #9



THE MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division of Special Education - Funds Management Section

FY11 HIGH NEED FUND APPLICATION July 1, 2009 - June 30, 2010

Due Date: January 31, 2011

DISTRICT INFORMATION

School District Name:		County District Code:	
Contact Name:		Contact Email Address:	
Enter the Current Expenditure per Average Daily Attendance (ADA) amount from HNF webpage:			
3x Current Exp per ADA	\$	-	DESE REVISED DATE

SUBMISSION INSTRUCTIONS

The High Need Fund reimburses special education expenditures required to implement a student's IEP, which exceeds three times the current expenditure per average daily attendance (ADA) as calculated on the district Annual Secretary of the Board Report for the year in which expenditures are claimed. Costs claimed for 2009-2010 should be itemized by the categories listed below and explained if indicated with an (*). Cooperatives may not submit applications. Districts must maintain expenditure detail for three (3) years for all students for whom High Need Fund reimbursement is being requested. Please have the Superintendent review and comply with the assurance statement, and submit the application VIA EMAIL to webrepliespefm@dese.mo.gov on or before January 31, 2011.

DISTRICTS MUST READ THE HIGH NEED FUND MANUAL BEFORE COMPLETING THE HIGH NEED FUND APPLICATION.

DIRECTIONS: Districts shall complete one application for all students eligible for the fund. Districts shall use the Current Expenditure per ADA posted on the HNF webpage. All gray shaded areas of the application will automatically calculate. Districts should complete the blue highlighted cells. Reported expenditures must be from the 2009-2010 school year. The application may be downloaded from the Funds Management website at: <http://www.dese.mo.gov/divspeced/Finance/HighNeedIndex.html>. There are several versions of the application; the district should choose the one that best fits depending on the number of students involved in the reimbursement request. The Superintendent must agree with the Assurance Statement. See the HNF Manual for more information.

- Instructional Costs:** These costs may include, but are not limited to: Teachers, Paraprofessionals, Interpreters and others as appropriate. Examples for calculating/prorating the cost of instructional staff are shown in the HNF manual.
- Related Services Costs:** These costs may include, but are not limited to: Occupational Therapy, Speech Therapy, Physical Therapy, Orientation and Mobility, Braille Instruction, Counseling, ABA consulting, etc. Examples for calculating/prorating the cost of related services are shown in the HNF manual.
- Transportation Costs:** These costs may include, but are not limited to: Bus Routes, Cabs, Contracted Transportation, and/or Parent Reimbursement. Examples for calculating/prorating the cost of transportation services are shown in the HNF manual.
- Tuition/Cooperative Costs:** These costs may include, but are not limited to: Tuition, Cooperative Rates, and other Out of District contractual costs. The districts should report the actual cost from the invoices received on the student.
- Assistive Technology Costs:** These costs may include, but are not limited to: Harnesses, Braille Writer, Speech to Text Software, Computers, or any other AT device needed to implement the IEP. The districts will report the actual cost from the invoice, or prorate based on the number of students using the device.
- Other:** This category is for all other educational costs that are associated with implementing the student's IEP. The district must include a description in the lines provided at the end of the application for any costs reported under this category. These costs are subject to DESE approval.

Funding from the IDEA Risk Pool may NOT be used to support the following:

- o Pay legal fees, court costs, or other costs associated with a cause of action brought on behalf of a child with a disability to ensure FAPE.
- o Pay costs that otherwise would be reimbursed as medical assistance for a child with a disability under the State Medicaid program. (Will be reimbursed with State Funding)

STUDENT INFORMATION WORK

Line Number	Student Name (Last, First)	MOSIS Student ID Number	DOB MM/DD/YY	District Billed Medicaid for Student Mark "x" if applicable	Instruction	Related Services	Trans- portation	Tuition/ Contractual/ Cooperative	Assistive Technology /Supplies	Other* Describe Below	DESE USE <u>ONLY</u> Total Educational Costs	DESE USE <u>ONLY</u> Reimb. Amount
1											0.00	0.00
2											0.00	0.00
3											0.00	0.00
4											0.00	0.00
5											0.00	0.00
6											0.00	0.00
7											0.00	0.00
8											0.00	0.00
9											0.00	0.00
10											0.00	0.00
11											0.00	0.00
12											0.00	0.00
13											0.00	0.00
14											0.00	0.00
15											0.00	0.00
16											0.00	0.00
17											0.00	0.00
18											0.00	0.00
19											0.00	0.00
20											0.00	0.00
21											0.00	0.00
22											0.00	0.00
23											0.00	0.00
24											0.00	0.00
25											0.00	0.00
TOTAL				0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Costs Associated with Medicaid Students	\$0.00	0
Costs Associated with IDEA Risk Pool Students	\$0.00	0

OTHER* Please give brief description of any educational costs in the OTHER category.	
Student Name (Last, First) <u>OR</u> Corresponding Line Number from above.	Description

Handout #10

**FY11
PUBLIC
PLACEMENT
FUND
MANUAL**

**Division of Special Education
Funds Management
Department of Elementary and Secondary Education**

BACKGROUND

The Public Placement Fund (PPF), commonly referred to as the “Excess Cost” fund, was established pursuant to the Revised Missouri State Statutes (RSMo), Section 167.126(4). See Attachment II for the full version of the statute. See below for Section 4 relating to the PPF.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per-pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

PUBLIC PLACEMENT FUND PURPOSE

The Public Placement Fund is reimbursement for educating both IEP and non IEP students placed within a non-domicile district by the Division of Family Services (DFS)/Children’s Division (CD), the Department of Mental Health (DMH), the Division of Youth Services (DYS), or a Court of Competent Jurisdiction. Funding is available when the educational costs of these students exceed the revenues received by the serving district.

Non-domicile refers to a district outside of where the parent(s) or legal guardian(s) reside. Non-domicile is also considered to be when the parent/legal guardian lives out of state, the parent/legal guardian is homeless, the parent/legal guardian is deceased, or if the parent/legal guardian is incarcerated.

This fund may also apply to state domicile students. State domicile refers to a student who has become a ward of the state due to the termination of parental rights or when the domicile information is truly unknown.

ELIGIBILITY CRITERIA

In order for the serving district to apply for reimbursement, students must meet two criteria:

- The student must be non-domicile or state-domicile
- The student must have been publicly placed by DFS/CD, DMH, DYS or a Court

DUE DATE

The PPF application is due January 31 following the year in which services were provided. For example, the application would be due January 31, 2011 for services provided during the 2009-10 school year. The Division will make every attempt to have the application available in November.

SUBMISSION INSTRUCTIONS

The district must complete the application electronically, print, sign, and MAIL into DESE with the supporting documentation postmarked by January 31. Applications should be mailed to: DESE, Funds

Management, PO Box 480, Jefferson City, MO 65102. Only one application should be completed for all eligible students. There are several versions of the application depending on the number of eligible students. Districts should choose the application that best fits their number of eligible students.

Special School District and the Component School Districts will complete the same version of the application that regular districts complete. It is up to SSD and the component districts on which entity will claim which students and which costs, as long as both districts don't claim the same student.

REIMBURSEMENT METHODOLOGY

The PPF application used the methodology shown in the calculation below in determining reimbursement, or excess costs. Excess costs refer to those costs that are above and beyond the revenues that the district received for these students.

$$\begin{array}{r} \text{Educational Costs} \\ - \text{Revenues} \\ = \text{Excess Cost (Reimbursement)} \end{array}$$

IDENTIFYING ELIGIBLE STUDENTS

Districts can determine student eligibility using the following methods as possible indicators:

- Check enrollment records for non-domicile address
- Check students with a DFS caseworkers
- Check students generating a Local Tax Effort Billback
- Check students in group/residential homes and/or Juvenile Facilities within the district

APPLICATION FORM

Districts need to complete all of the blue highlighted cells with the information indicated in the corresponding line. All gray shaded areas on the application will automatically calculate as information is entered into the application. All figures from reports needed to complete the application are in one spreadsheet linked to the PPF webpage at: <http://www.dese.mo.gov/divspeced/Finance/PPFindex.html>.

Cover Page

Type in the school district name, county district code, contact name and email address. Enter the district **CALENDAR DAYS** on the top portion of Page 1 on the application. Calendar days are located on Screen 10 of Core Data. If the calendar days are not entered, the automatic calculations will not compute correctly on the application.

The rest of the information on the cover page includes instructions for completing the student worksheet and the supporting reports needed to calculate the revenue sections.

Student Worksheet

The student worksheet has the following sections: Placing Agency, Student Name, MOSIS Number, IEP Status, Educational Setting, Domicile and Local Tax Effort information, attendance, transportation, and ADA. Instructions for completing each section are below.

Placing Agency: Only non-domicile students placed by the Division of Family Services (DFS)/Children's Division (CD), Division of Youth Services (DYS), Division of Mental Health

(DMH), or a Court of Competent Jurisdiction are eligible for this fund. Please indicate the placing agency with an “x” under the appropriate column.

Student Name: Please enter the student last name and first name in the indicated columns.

MOSIS Number: Please enter the student’s MOSIS number if known.

IEP: Indicate if the student has an Individualized Education Program (IEP) by marking “x” in this column.

Educational Setting: Indicate the educational setting of the student by placing an “x” in the appropriate column. If the student was in two settings during the school year, choose the one in which they were placed the longest. More information about the cost option is included further in the manual

Option A - This option is for students who attend regular and special education classes within the district setting.

Option B - This option is for students who attend district operated separate classrooms and/or programs, including residential or detention facilities.

Option C - This option is for students who have contractual placements with other school districts or approved private agencies.

Enrollment Dates: Enter the enrollment dates of the student for the school year being claimed.

Domicile County District Code: Enter the county district code of the domicile district. Codes may be found at: <http://dese.mo.gov/divadm/finance/local/>. In some cases, the domicile district code is not applicable. In these instances, use one of the codes below in this field. **If one of these codes are used, please submit supporting documentation in the form of an Appendix C or an enrollment form indicating the domicile is not applicable. An example of Appendix C is on Attachment I.**

<u>Code</u>	<u>Reason</u>
TPR	Parental Rights are terminated
OTS	Parents live out-of-state
INC	Parents are incarcerated
ORP	Parents are deceased and the student is orphaned
UNK	The information is truly unknown or untraceable

Local Tax Effort Rate: Enter the corresponding tax rate to the domicile county district code. Again, rates may be found at the same link as the codes at: <http://dese.mo.gov/divadm/finance/local/>. If a domicile district rate is not applicable, as in one of the situations above, use \$0.

Attendance Days: Enter the attendance days for the student during the school year being claimed. Do not include Extended School Year (ESY) or Summer School attendance days.

Transportation: Mark an “x” in this column if student received district transportation.

ADA: This column will automatically calculate based on the information entered.

LTE Revenue: This column will automatically calculate based on the information entered.

Basic State Aid Revenue

Enter the Basic State Aid amount the district received from the PPF Supporting Reports Spreadsheet. The district will either enter the Non-Hold Harmless amount or the Hold Harmless Amount, depending on which amount is applicable. Choose the amount that is not shaded. This spreadsheet is located at: <http://www.dese.mo.gov/divspeced/Finance/PPFindex.html>.

District Code	District Name	Non Hold Harmless Basic State Aid Amount	Hold Harmless Basic State Amount	Part Entitlement Allocation 2007-08	December 1, 2007 Child Count	Total Transportation Audit Confirmation 5312
001-090	ADAIR CO. R-I	5,978.94		55,641.00	56	66,771.00
001-091	KIRKSVILLE R-III	5,812.97		497,739.00	521	404,811.00
001-092	ADAIR CO. R-II	5,844.18		59,960.00	43	57,689.00
002-089	NORTH ANDREW CO. R-VI		6,125.62	66,890.00	61	112,006.00
002-090	AVENUE CITY R-IX	5,754.42		25,178.00	15	30,951.00
002-097	SAVANNAH R-III	5,745.85		388,421.00	299	447,602.00

Local Tax Effort Revenue

This section of the application will automatically calculate based on the information entered into the student worksheet. This calculation will determine the amount of Local Tax Effort revenue generated by the students claimed on the application.

Transportation Revenue

The district will need to enter the Total Transportation State Aid revenue received. This amount can be found on the PPF Supporting Reports spreadsheet. Located at: <http://www.dese.mo.gov/divspeced/Finance/PPFindex.html>. The district will also need to enter the Total Eligible ADT which also may be found on the PPF Supporting Reports Spreadsheet. After entering these numbers, the transportation revenue will automatically calculate for the students on this application.

District Code	District Name	Non Hold Harmless Basic State Aid Amount	Total Transportation Audit Confirmation 5312	Grand Total Eligible ADT Line 8 BU110	Current Expenditure per ADA
001-090	ADAIR CO. R-I	5,978.94	66,771.00	186.50	9,095.84
001-091	KIRKSVILLE R-III	5,812.97	404,811.00	1,345.50	7,790.77
001-092	ADAIR CO. R-II	5,844.18	57,689.00	194.00	9,034.97
002-089	NORTH ANDREW CO. R-VI		112,006.00	263.00	9,906.24
002-090	AVENUE CITY R-IX	5,754.42	30,951.00	114.00	6,754.34
002-097	SAVANNAH R-III	5,745.85	447,602.00	1,168.50	7,555.27
003-031	TARKIO R-I		65,281.00	143.50	10,006.21
003-032	ROCK PORT R-II	5,768.76	75,480.00	175.50	8,409.59

Part B Entitlement

The district will need to enter the Part B Entitlement Amount and December 1 child count from the PPF Supporting Reports Spreadsheet located at: <http://www.dese.mo.gov/divspeced/Finance/PPFindex.html>. Districts will not be required to back-out American Recovery and Reinvestment Act (ARRA) funds for Part B.

District Code	District Name	Non Hold Harmless Basic State Aid Amount	Hold Harmless Basic State Amount	Part Entitlement Allocation 2007-08	December 1, 2007 Child Count	Total Transportation Audit Confirmation 5312
001-090	ADAIR CO. R-I	5,978.94		55,641.00	56	66,771.00
001-091	KIRKSVILLE R-III	5,812.97		497,739.00	521	404,811.00
001-092	ADAIR CO. R-II	5,844.18		59,960.00	43	57,689.00
002-089	NORTH ANDREW CO. R-VI		6,125.62	66,890.00	61	112,006.00
002-090	AVENUE CITY R-IX	5,754.42		25,178.00	15	30,952.00
002-097	SAVANNAH R-III	5,745.85		388,421.00	299	447,602.00

Miscellaneous Revenues

List any other revenues relevant to the students on the application, such as: Title Grants, Medicaid, Assistive Technology Grants, etc.

Costs

A detailed description and documentation for all DIRECT costs listed in this section must be attached to the application. DIRECT costs are those costs directly associated with educating the children on the application, and not the costs incurred by the district for normal operations. For example, district administration and overhead for district buildings are all costs associated with regular business operations. Costs for this application may include: teachers and aides hired specifically for the children on this application, supplies for classrooms specific to this application, assistive technology, lease cost for space not owned by the district, and transportation specific to these students.

Option A: Use Option A for students on this application who attend regular or special education classes within the district. The methodology behind Option A is that students who are placed with regular domicile students usually aren't costing the district any more to educate. This calculation creates a base cost for each student (Current Expenditure per ADA Amount) and allows the district to add additional costs that may be burdensome, such as: personal paraprofessionals, related services, special education transportation, assistive technology, and any other costs directly related to the education of the student.

Enter the Current Expenditure per ADA as the base cost from the PPF Supporting Reports Spreadsheet located at: <http://www.dese.mo.gov/divspeced/Finance/PPFindex.html>. The Current Expenditure per ADA is calculated each year by School Finance, taking all of the expenditures from the district divided by the total ADA.

District Code	District Name	Non Hold Harmless Basic State Aid Amount	Total Transportation Audit Confirmation 5312	Grand Total Eligible ADT Line 8 BU110	Current Expenditure per ADA
001-090	ADAIR CO. R-I	5,978.94	66,771.00	186.50	9,095.84
001-091	KIRKSVILLE R-III	5,812.97	404,811.00	1,345.50	7,790.77
001-092	ADAIR CO. R-II	5,844.18	57,689.00	194.00	9,034.97
002-089	NORTH ANDREW CO. R-VI		112,006.00	263.00	9,906.24

The other costs that may be included under Option A are: personal paraprofessionals, related services, special education transportation, assistive technology, and any other costs directly

associated with the education of the student. All costs should be prorated based on the number of students served. See examples below.

Example: A full-time paraprofessional serves three students in the district. To prorate, take 1/3 of the salary and benefits to determine the cost for each student.
\$13,500 salary & benefits / 3 students = \$4,500 per student

Example: A student sees the speech pathologist for 60 minutes each week. The pathologist has a caseload 1800 minutes per week. To prorate, divide the student's minutes into the total therapy caseload, and multiply by the salary and benefits to determine a cost for this student.

60 minutes / 1800 minutes = 3% of time spent with this student
*\$60,000 salary & benefits * 3% = \$1,800 for this student*

Option B: Use Option B for students who attend district operated separated classrooms/programs, including residential or detention facilities. If these classrooms/programs are only serving students who have been publicly placed 100% of their direct operating costs may be claimed. If domicile district or non-publicly placed students are also being served in these classrooms/programs, all costs in this section must be prorated according to the number of students on this application who are served in the program as compared to the total number of students in the program.

The costs under this option include: Staff salary and benefits, supplies, assistive technology, related services, rent/utilities, and any other costs directly related to the education of the student. See example below.

Example: A residential facility houses 50 students placed by the court. Of the 50 students, 46 are non-domicile. To prorate all the costs, take the number of non-domicile students divided by the total number of students housed at the facility.

46 non-domicile students / 50 students housed = 92% of costs may be claimed
*Total Teacher Salary and Benefits (5 teachers) = \$225,000 * 92% = \$207,000*

Option C: Use Option C for students who are receiving services through contractual placements with other districts or approved private agencies. Districts may add other additional costs not included in the tuition, such as: transportation, related services, assistive technology, supplies, and any other costs directly related to educating the student.

Summary of Revenues/Costs

Revenues and costs will automatically fill in from each section of the application to calculate the Excess Cost Amount.

If the Excess Cost amount is **negative**, the district received enough revenues to cover the costs of educating these non-domicile students, and they will not receive reimbursement from this fund.

If the Excess Cost amount is **positive**, the district didn't receive enough revenues to cover the costs of educating these non-domicile students, and they will receive the amount listed, based on the appropriation, from the fund.

SUPPORTING DOCUMENTATION

If the domicile of a student is not known, districts may submit an “Appendix C”, also known as a Legal Release of Confidential Student Information to their local Children’s Division/Division of Family Services office. A sample of the form is located on Attachment I of the manual. The form indicates if the Parental Rights have been terminated, and if not, the domicile address for the parents.

Districts must also submit the calculations supporting any costs claimed under Option A and B.

TECHNICAL ASSISTANCE

The Division has posted a technical assistance webinar and power point to assist districts with completing the application. The webinar is located at:
<http://dese.mo.gov/divspeced/Finance/TechnicalAssistanceWebinarSeries.html> on the Funds Management homepage.

Districts may also contact Gwynn Ready with any questions at (573) 522-2523 or gwynn.ready@dese.mo.gov.

APPROPRIATION

The Division receives approximately \$10.3 million dollars for Public Placement funding. It may be necessary to prorate reimbursement based on the amount requested by school districts.

Attachment I
“Appendix C Form” – Information Request/Response

LEGAL RELEASE OF CONFIDENTIAL INFORMATION TO SCHOOL DISTRICT

SECTION A – To be completed by the school district/DESE

Child’s Name:	
Date of Birth:	
Social Security Number:	
Departmental Client Number (DCN) if known:	
Dates of attendance for billback:	____ - ____ -20____ to ____ - ____ -20____
Request from:	_____ at _____ (name of person) (school district)

By accepting this information I/we agree not to re-release any information or to use it for any purpose other than the administrative activities authorized by the cooperative agreement between DESE and the Division of Family Services.

SECTION B – To be completed by the county DFS office liaison

1. Was the above named child in DFS custody (LS-1) during the above listed dates?
 ____yes ____no If yes, go to #2. If no, STOP!

2. Was the above named child placed in the above named school district during the dates specified?
 ____yes ____no If yes, go to #3. If no, STOP!

3. Were the parents’ rights of the above named child terminated either prior to or during the dates specified?
 ____yes ____no If yes, STOP! If no, go to #4.

4. Please list the following information (if known):

<u>Mother</u>	<u>Father</u>
Address:	Address
State, Zip Code:	State, Zip Code:

DFS Liaison: _____ at _____
 (name) (county office)

Date: _____

Attachment II
RSMo 167.126

Children admitted to certain programs or facilities, right to educational services--school district, per pupil cost, payment--inclusion in average daily attendance, payments in lieu of taxes, when.

167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per-pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, other than the district of domicile, the amounts as provided in subsection 2 for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per-pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for children whose parents or guardians do not reside in the district in which the institution is located shall have authority to enroll such children in a program in the

district or special district in which the institution is located and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, RSMo, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included in average daily attendance, as defined under section 163.011, RSMo, of the district providing the educational services for the child.

9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency or a court of competent jurisdiction and from whom excess educational costs are billed to the department of elementary and secondary education.

Handout #10



Missouri Department of Elementary and Secondary Education Special Education - Funds Management Excess Cost for Public Placement Application FY11 (Up to 25 Students)

District Name:		District Code:		Form Due Date:	January 31, 2011
Contact Name:		Phone Number:		Fax Number:	
Email Address:				Calendar Days (Supporting Data Spreadsheet):	

Submission Information:

Mail the completed application postmarked by the January 31 to: Special Education - Funds Management, Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102,
 Questions: Special Education, Funds Management, 573-751-0622 or webrepliespfe@dese.mo.gov

General Information to Completing Student Worksheet Below:

Please Download the Directions before Starting the Application. Districts should complete the blue highlighted cells.

Placing Agency: Indicate with a number "x" which agency (DFS, DMH, DYS, or Court of Competent Jurisdiction) placed the student.
 If one of these agencies did not place the student, do not include them on this application.

Student Demographic Information: Enter the students last name, first name, and MOSIS Number number.

IEP: Indicate if the student has a current IEP with a number "x".

School Setting: Indicate which school setting with a number "x" from which the student received their educational services. Option A: Students who attend regular and special education classes within the district. Option B: Students who attend district operated separate classrooms/programs, such as residential or detention facilities. Option C: Students who have contractual placements with other school districts or approved private agencies.

Enrollment Dates: Enter the begin and end enrollment dates for the student for the year in which services were provided.

Local Tax Effort: Enter the Domicile County District Code or the code stated below if one of the following situations apply. If a code from below is used, an Appendix C form or other appropriate documentation must be submitted with the application. Use "0" for the Local Tax Effort Amount if a code below is used. The District County Codes can be found at <http://www.dese.mo.gov/divadm/finance/special.html>

- Terminated Parental Rights "TPR"
- Orphaned "ORP"
- Parents Are Incarcerated "INC"
- Parents Are Out of State "OTS"
- Unknown "UNK"

Enter the Local tax effort rate of the domicile district. These amounts can be found at <http://www.dese.mo.gov/divadm/finance/local/>.

Enter the attendance days for the student. The Local tax effort amount and ADA per student will automatically calculate.

Indicate with a number "x" if the student receives any transportation from the district.

Supporting Documents Needed to Complete Application: (links on PPF web page)

Use the PPF Supporting Data Spreadsheet located at: <http://www.dese.mo.gov/divspeced/Finance/PPFindex.html> to complete application. These fields include:

- Calendar Days (Front Cover of Application)
- Local Tax Effort Rates (Student Information Worksheet)
- Basic State Aid Revenue (Line 1)
- Total Transportation Revenue (Line 5)
- Grand Total Eligible ADT (Line 6)
- Part B Entitlement Amount (Line 9)
- Child Count (Line 10)
- Current Expenditure per ADA (Line 15)

<u>Basic State Aid Revenue</u>		
1	Enter Non-Hold Harmless or Hold Harmless Revenue from PPF Supporting Reports Spreadsheet	
2	ADA from Student Worksheet	#DIV/0!
3	Basic State Aid Revenue Amount for PPF Students	#DIV/0!
<u>Local Tax Effort Revenue</u>		
4	Local Tax Effort Amount for PPF Students	\$ -
<u>Transportation Revenue</u>		
5	Enter the Total Transportation Amount from the PPF Supporting Reports Spreadsheet	
6	Enter the Grand Total Eligible ADT from the PPF Supporting Reports Spreadsheet	
7	Transportation Revenue Received per ADT	#DIV/0!
8	Allocated Transportation Revenue Received for PPF Students	#DIV/0!
<u>Part B Entitlement</u>		
9	Enter Part B Entitlement Funds from the PPF Supporting Reports Spreadsheet	
10	Enter Child Count from the PPF Supporting Reports Spreadsheet	
11	Part B Funds per Child	#DIV/0!
12	Number of PPF Students with IEP enrolled December 1	0.00
13	Total Part B Entitlement Revenues for PPF Students	#DIV/0!
<u>Miscellaneous Revenues</u>		
Miscellaneous Revenues can include Title Grants, Special Education Assistive Technology Grant, and Medicaid Reimbursement for Direct Services. Please specify and attach a detailed description of revenues.		
14		
<u>Costs</u> (attach breakdown/documentation for all direct costs listed)		
Option A - Students who attend regular and special education classes within the district.		
15	Current Expenditure per ADA from the PPF Supporting Reports Spreadsheet	
16	Current Expenditure (ADA for these students x Current Expenditure per ADA)	\$ -
Allowable Excess DIRECT Costs: (salaries, benefits, supplies and indirect costs are already calculated in the Basic Formula Calculation and should not be added as an excess cost)		
17	• Personal Paraprofessionals	
18	• Assistive Technology	
19	• Related Services	
20	• Transportation (if handicapped route or as related service on IEP)	
21	• Other (please specify)	
*Other cost incurred will be considered based upon unique circumstances and documentation submitted. See Directions for applicable DIRECT costs.		

22	TOTAL COSTS	\$	-
Option B - Students who attend district operated separate classrooms/programs, such as residential or detention facilities.			
Allowable DIRECT Costs:			
23	• Prorated Salaries and benefits of Staff (teachers, paraprofessionals, ancillary)		
24	• Supplies		
25	• Assistive Technology		
26	• Related Services		
27	• Rent/Utilities if applicable		
28	• Other(please specify)		
* If these classrooms/programs are only serving students who have been publicly placed, 100% of their direct operating costs may be claimed. If other students are attending these classes/programs, the costs must be prorated accordingly. See Directions for applicable DIRECT costs.			
29	TOTAL COSTS	\$	-
Option C - Students who have contractual placements with other school districts or approved private agencies.			
Allowable DIRECT Costs:			
30	• Tuition		
31	• Transportation		
32	• Related Services*		
33	• Assistive Technology*		
34	• Supplies*		
35	• Other*(please specify)		
* If not included in tuition costs. See Directions for applicable DIRECT Costs.			
36	TOTAL COSTS	\$	-
<u>Summary of Revenues</u>			
37	Basic State Aid Revenue		#DIV/0!
38	Local Tax Effort Revenue	\$	-
39	Transportation Revenue		#DIV/0!
40	Part B Entitlement Revenue		#DIV/0!
41	Miscellaneous Revenue	\$	-
42	Total Revenues		#DIV/0!
<u>Summary of Costs</u>			
43	Option A Costs	\$	-
44	Option B Costs	\$	-
45	Option C Costs	\$	-
46	Total Costs	\$	-

47	Calculation of Excess Cost	#DIV/0!
I hereby certify that the information listed on this application is accurate to the best of my knowledge. Print, sign, and mail to DESE by due date.		
Superintendent Signature or Authorized Representative:		Date:

Expenditures per ADA:	#DIV/0!
Expenditures per Student:	#DIV/0!
Reimbursement per ADA:	#DIV/0!
Reimbursement per Student:	#DIV/0!

Handout #11



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF SPECIAL EDUCATION - FUNDS MANAGEMENT
P.O. Box 480
Jefferson City, Missouri 65102-0480
Phone: (573) 751-0622

READERS FOR THE BLIND PROGRAM APPLICATION 2010-2011 SCHOOL YEAR

STUDENT ELIGIBILITY

The Readers for the Blind Program provides assistance to public school districts, including those in special school districts or those students attending Missouri colleges, universities, technical or professional schools, who are not clients of the Division of Vocational Rehabilitation, or Department of Social Services' Rehabilitation Services for the Blind.

DISTRICT INFORMATION

COUNTY- DISTRICT CODE	NAME OF SCHOOL DISTRICT OR EDUCATIONAL INSTITUTION	
STREET ADDRESS		
CITY	STATE	ZIP CODE
CONTACT PERSON	TITLE OF CONTACT	
TELEPHONE NUMBER	E-MAIL ADDRESS	

STUDENT INFORMATION

STUDENT NAME		
PARENT OR GUARDIAN		
STREET ADDRESS		
CITY	STATE	ZIP CODE
TELEPHONE NUMBER		

ASSURANCES

I certify the above information is correct and the student named is not capable of reading printed material due to lack of vision.

SIGNATURE OF AUTHORIZED REPRESENTATIVE	DATE
--	------

ADDITIONAL INFORMATION

A copy of the most recent vision report must be attached the first year this form is submitted for a student. Subsequent submittals of this form will require a copy of a current eye report (3 years or less) only if requested from the Department of Social Services, Rehabilitation Services for the Blind.

Readers for the Blind Program (RBP)

Manual

PREFACE

This manual was written to provide assistance to school districts seeking reimbursement from the Readers for the Blind Program (RBP), as authorized in Sections 178.160-178.180 RSMo.

STUDENT ELIGIBILITY

Any legally blind citizen of Missouri who regularly attends a public school district, a special school district, a Missouri college, university, technical or professional school that is legally authorized to grant degrees, other than an institution established for the regular instruction of the blind, may apply to Rehabilitation Services for the Blind (RSB) for RBP services. Public schools educating such students should submit applications to the Department of Elementary and Secondary Education (DESE), Division of Special Education (DSE) for processing, approval and payment.

APPLICATION PROCEDURES

Student eligibility must be certified each school year, following the beginning of the fall term. Form MO 500-1933(10-94) must be completed for each student and submitted to DSE. Each application must have attached a copy of a current (3 years old or less) eye report for the student.

DSE is responsible for seeking eligibility from RSB and notifying the school district of a student's eligibility. DSE will be responsible for funding the RBP related to students of school districts.

At the completion of the school year the district will be asked to verify, in writing, the number of readers used during the school year and when services started and ended. DSE will accept forms for services provided during a school year through March 1 each school year. If services are initiated after December, payments may be prorated. Payment will be made following submission of this information.

PROCEDURES FOR PAYMENT

Payment for reader service is contingent upon the availability of funds and paid at the end of the school year in which service was provided. At the completion of the school year, the district will be asked to verify a) the reader(s) used during the school year, b) when services started and c) when services ended.

ASSURANCES AND RECORDS

The superintendent of the school district or a designee must sign the application for "Readers for the Blind Program". In doing so, he/she agrees that the information provided is accurate and supporting documentation is on file at the district.

Records which support the district's application should be kept on file for at least five years by the school district. Records required include, as a minimum a) the DSE approval for participation, b) the student's IEP, c) the name and social security number of the reader or description of how and what assistance was provided (if not done by a person) and d) documentation of the billing and receipt of funds.

STATUTE - SECTIONS 178.160-178.180, RSMo

State to furnish funds for readers for blind students, when.

178.160.

1. Whenever a blind person who is a citizen of this state and a pupil in actual attendance in a local school district program or a special school district program or in actual attendance at a college, university, technical or professional school located in this state and authorized by law to grant degrees, other than an institution established for the regular instruction of the blind, applies to rehabilitation services for the blind for the aid provided under this section, the state shall pay the sum of five hundred dollars per annum with which to employ a person or persons to read to the pupil from textbooks and pamphlets used by him in his studies at the college, university or school.
2. Blind persons who are eligible to receive the services of a reader under provisions of any other state or federal program are not eligible to receive the aid provided under this section. However, money shall be paid under this section as matching funds to the extent required to provide services of a reader to blind persons who are eligible to receive the services of a reader under provisions of any other state or federal program, provided that the matching funds provided under this section shall not exceed five hundred dollars per annum.

Qualifications of reader.

178.170.

If possible, the person selected as a reader for the blind pupil shall be a person who, in the judgment of the executive officer of the institution, is worthy of the assistance in pursuing his school work which the remuneration provided for in section 178.160 will accord him.

Compensation of reader, how and when paid.

178.180.

Except for school districts, the moneys shall be paid monthly out of the general revenue fund of the state, after the beginning of the school year of the institution, by rehabilitation services for the blind, department of social services, to the treasurer of the institution upon his presenting an account showing the names of individuals who received the services and the number of hours of services each received. For school districts, the money shall be paid out of the state school moneys fund upon application to the department of elementary and secondary education showing the actual number of blind pupils attending school in the school district after the beginning of the school year with the regular distribution of state funds provided for in sections 163.081 and 163.082*, RSMo. The account shall be verified by the executive officer of the school district or institution.

TECHNICAL ASSISTANCE IS AVAILABLE FROM:

Division of Special Education

Funds Management Section

573-751-0622 or webrepliespfm@dese.mo.gov

Handout #12

Caseloads and Class Sizes **Requirements** for Early Childhood Special Education (ECSE)

The number of personnel approved for each district will be based upon a review of the district's data for early childhood special education. ECSE funding will not be provided for staff serving children who are age 5 and kindergarten age eligible.

Position/Full Time Equivalent	Caseload/ Class Size
Teacher of Centerbased Self-Contained Classroom (see K-2 caseloads in following section for self-contained classrooms)	12-22*
Paraprofessional in ECSE Classroom	12-22*
Teacher of Integrated Classroom (formerly referred to as Reverse Mainstream) (This number is for children with disabilities only; the class must have additional peers without disabilities.) At least half of the children must have an IEP/qualify for ECSE. Total class (session) size may not exceed twelve (12).	12-20*
Itinerant Teacher (Includes Speech Therapists and ECSE teachers providing special education services in early childhood programs and/or homes)	Traveling
	Non-Traveling
Diagnostic Staff – for each position	160
Related Service Staff Employed by District (Occupational Therapist, Physical Therapist, and Speech Therapist)	45-50
ECSE Dedicated Program or Process Coordinator (Administrator)	200
Position/Full Time Equivalent	Caseload/ Class Size
Secretary	200
Nurse (FTE can be increased if additional nursing needs are specifically addressed in IEP(s))	175
Social Worker -	general
	diagnostic
	related services
	175
	160
	50

*based on two (2) half day sessions with a class size of six (6) to eleven (11).

Position / Full Time Equivalent	Caseload / Class Size
Teacher of Center Based Self Contained Classroom	12-22*
Teacher of Integrated Classroom (formerly referred to as Reverse Mainstream. At least half of the children must have an IEP/qualify for ECSE)	12-22*
Itinerant Teacher (teachers who move from class to class within a facility or travel to other facilities).	12-22
Teacher of Severe/Low Incidence Classrooms	4-12*
Paraprofessional in ECSE Centerbased Self Contained Classroom or Integrated Classroom	12-22*
Paraprofessional in ECSE Severe/Low Incidence Classrooms	4-12*

Diagnostic Staff – for each position	160
Related Services Staff Employed by District (Occupational Therapist, Physical Therapist, Speech Therapist)	35-50
ECSE Dedicated Program or Process Coordinator (Administrator)	180
ECSE Secretary	180
Nurse (FTE can be increased if additional nursing needs are specifically addressed in IEPs).	175
Social Worker	
General	175
Diagnostic	160
Related Services	35-50

*Based on two half day sessions.

Class Size/Caseload Standards for Grades K-Twelve (12)

It is the responsibility of the public agency to assign students to classes and monitor student/teacher ratios for class size and caseload to ensure that there

are adequate staff and that staff have adequate time to provide for the implementation of the IEP of each identified student with a disability.

Paraprofessionals/aides may be assigned to specific students and/or may be assigned to classrooms based upon the number and unique needs of students with disabilities being served in the class. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel may provide reinforcement and practice of previously taught skills or content. Additionally, appropriately trained support personnel may provide assistance to students in response to specific needs related to:

- A. significant cognitive and/or sensory impairments;**
- B. safety;**
- C. mobility;**
- D. personal care;**
- E. behavior;**
- F. medical/health; or,**
- G. other unique circumstances.**

Considerations when making staffing determinations include:

- A. instructional planning time (minimum of 250 minutes per week of instructional planning during the school day is required);**
- B. data collection, observation, assessment, and report preparation;**
- C. consultation and IEP planning with general educators;**
- D. IEP case management;**
- E. IEP Team meetings and meetings with parents;**
- F. age of the children (younger children generally require more assistance with personal tasks such as toileting, dressing, and feeding); and,**
- G. travel time between assignments.**