

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
24.00 SPECIAL EDUCATION CATASTROPHIC HIGH-COST OCCURRENCES
~~June 14, 2004~~ Proposed Effective Date – October 2019

24.01 REGULATORY AUTHORITY

24.01.1 These rules shall be known as Arkansas Department of Education Rules to Implement the Appropriation for Special Education Catastrophic High-Cost Occurrences.

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

24.02 PURPOSE

24.02.1 It is the purpose of these rules to set forth the criteria for determining local school district eligibility for seeking reimbursement for Special Education Catastrophic High-Cost Occurrences as defined under Ark. Code Ann. ~~6-20-2003 § 6-20-2303(21).~~

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

24.03 DEFINITIONS

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

24.03.2 IDEA refers to the Individuals with Disabilities Education Act.

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

24.04 ADMINISTRATION

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24.00 SPECIAL EDUCATION CATASTROPHIC HIGH-COST OCCURRENCES

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

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

24.05 ELIGIBILITY CRITERIA FOR ~~CATASTROPHIC~~ HIGH-COST OCCURRENCE

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

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

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

24.05.4 Eligible costs include any other costs not excluded in ~~§1.05.3~~ 24.05.3 that the district is incurring solely as a result of the provision of special education and related services to this student. Examples include private duty nursing services, special transportation aide, specialized equipment, specific staff development, occupational therapy, physical therapy, speech language pathology, personal care assistance, extended school year services, the pro-rata share of the costs of a teacher whose primary assignment is the student, and Medicaid match.

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

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

24.06 REIMBURSEMENT FOR ~~CATASTROPHIC~~ HIGH-COST OCCURRENCE BASED ON INDIVIDUAL STUDENT

24.06.1 The Arkansas ~~Department of~~ Division of Elementary and Secondary Education, Special Education Unit, will provide local education agencies with a format for requesting ~~eatastrophie~~ high-cost occurrence reimbursement to be completed and submitted to the Special Education Unit no later than ~~May~~ April 1 of each school year.

24.06.2 Reimbursement requests will be reviewed to determine whether the district has incurred a "~~eatastrophie~~ high-cost occurrence" as defined in these rules.

24.06.3 After offsets from other revenue sources as specified in ~~§1.05.6~~ 24.05.6, the maximum amount of reimbursement for each ~~eatastrophie~~ high-cost occurrence will be ~~\$15,000~~ and the sum of the following -

24.06.3.1 ~~Eighty (80)~~ One hundred percent (100%) of any additional ~~the amount above the \$15,000 threshold up to \$50,000 of the amount of the catastrophic occurrence~~ \$65,000, and

24.06.3.2 ~~Fifty (50)~~ Eighty percent (80%) of any additional ~~the amount above \$50,000~~ \$65,000 up to \$100,000 of the amount of the catastrophic occurrence.

24.07 LIMITATION ON REIMBURSEMENT

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

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/11/19

A Bill

HOUSE BILL 1573

5 By: Representative Cozart
6 By: Senator J. English
7

For An Act To Be Entitled

9 AN ACT TO AMEND AND UPDATE VARIOUS PROVISIONS OF THE
10 ARKANSAS CODE CONCERNING PUBLIC EDUCATION; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND AND UPDATE VARIOUS PROVISIONS OF
15 THE ARKANSAS CODE CONCERNING PUBLIC
16 EDUCATION.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-11-125(b), concerning the use of
23 information technology to eliminate the amount of paperwork by the State
24 Board of Education, is repealed.

25 ~~(b) The State Board of Education, acting through the department, shall~~
26 ~~use every means available to eliminate the amount of paperwork required by~~
27 ~~state law and regulations to be reported from each local school district by~~
28 ~~utilizing to the fullest extent possible, beginning no later than July 1,~~
29 ~~1998, the information technology network linking local school districts and~~
30 ~~the department.~~

31
32 SECTION 2. Arkansas Code § 6-11-126 is repealed.

33 ~~6-11-126. Computer funds approval.~~

34 ~~Before the Department of Education obligates any funds for the purchase~~
35 ~~or lease of a computer for the Arkansas Public School Computer Network, the~~
36 ~~department shall first seek prior review from the Joint Interim Oversight~~



1
2 SECTION 46. Arkansas Code § 6-20-2206(c)(5)(A), concerning
3 miscellaneous provisions under the Arkansas Educational Financial Accounting
4 and Reporting Act of 2004, is amended to read as follows:

5 (5)(A) All pupil attendance records shall be kept in their
6 original form ~~and shall be public records.~~

7
8 SECTION 47. Arkansas Code § 6-20-2207(a)(3), concerning rulemaking
9 authority under the Arkansas Educational Financial Accounting and Reporting
10 Act of 2004, is amended to read as follows:

11 (3) As necessary to comply with federal law, the Arkansas
12 Handbook initially shall comply with the Financial Accounting for Local and
13 State School Systems, 2003 Edition (NCES 2004-318). The Arkansas Handbook
14 shall be exempt from the rule-making process and procedures required pursuant
15 to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

16
17 SECTION 48. Arkansas Code § 6-20-2303(21), concerning public school
18 funding definitions, is amended to read as follows:

19 (21) "Special education ~~eatastrophie~~ high-cost occurrences"
20 means individual cases in which special education and related services
21 required by the individualized education program of a particular student with
22 disabilities are unduly expensive, extraordinary, or beyond the routine and
23 normal costs associated with special education and related services provided
24 by a school district and funding is pursuant to rules promulgated by the
25 state board;

26
27 SECTION 49. Arkansas Code § 6-20-2305(b)(4)(C)(iii), concerning use of
28 a school district's national school lunch state categorical funds, is amended
29 to read as follows:

30 (iii) The school district shall include with its
31 comprehensive ~~school~~ school-level improvement plan a written detailed
32 statement concerning how the school district will use its excess national
33 school lunch categorical funds each school year and explaining in detail the
34 amount of funds and percent of total funds to be used to supplement all
35 classroom teacher salaries as allowed in subdivision (b)(4)(C)(ii) of this
36 section.