

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING
SPECIAL EDUCATION CATASTROPHIC OCCURRENCES
June 14, 2004

1.01 REGULATORY AUTHORITY

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

1.01.2 These rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. 6-41-207 and 6-11-105.

1.02 PURPOSE

1.02.1 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 Occurrences as defined under Ark. Code Ann. 6-20-2003.

1.02.2 These rules define the process for local school district access to funds for Special Education Catastrophic Occurrences.

1.03 DEFINITIONS

1.03.1 For the purpose of these rules, Special Education Catastrophic 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.

1.03.2 IDEA refers to the Individuals with Disabilities Education Act.

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

1.04 ADMINISTRATION

1.04.1 The Special Education Catastrophic Occurrences fund will be administered by the Arkansas Department of Education, Special Education Unit.

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

1.05 ELIGIBILITY CRITERIA FOR CATASTROPHIC OCCURRENCE

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

- 1.05.2** 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.

- 1.05.3** *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.

- 1.05.4** *Eligible* costs include any other costs not excluded in §1.05.3 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.

- 1.05.6** 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 occurrence.

- 1.05.7** Other available revenue sources, including Medicaid and Title VI-B, are to be applied by the district as offsets to reimbursable costs for each catastrophic occurrence reimbursed through the Catastrophic Occurrences fund.

1.06 REIMBURSEMENT FOR CATASTROPHIC OCCURRENCES BASED ON

INDIVIDUAL STUDENT

- 1.06.1** The Arkansas Department of Education, Special Education Unit, will provide local education agencies with a format for requesting catastrophic occurrence reimbursement to be completed and submitted to the Special Education Unit no later than May 1 of each school year.
- 1.06.2** Reimbursement requests will be reviewed to determine whether the district has incurred a “catastrophic occurrence” as defined in these rules.
- 1.06.3** After offsets from other revenue sources as specified in §1.05.6, the maximum amount of reimbursement for each catastrophic occurrence will be \$15,000 and the sum of the following -
- 1.06.3.1** Eighty (80) percent of any additional amount above \$15,000 up to \$50,000 of the amount of the catastrophic occurrence, and
 - 1.06.3.2** Fifty (50) percent of any additional amount above \$50,000 up to \$100,000 of the amount of the catastrophic occurrence.

1.07 LIMITATION ON REIMBURSEMENT

- 1.07.1** No individual catastrophic occurrence shall be eligible for reimbursement of more than \$100,000 from this fund per year.