

Grant for High Cost Funds (GHCF)
Georgia Department of Education (GaDOE)
Divisions for Special Education Services and Supports

Federal Regulation

The Individual with Disabilities Act (IDEA) 2004 gives States an option to set aside funding for the creation of a “Risk Pool” designated to assist local school districts in meeting the high cost of providing special education services to children with disabilities meeting a predetermined criteria.

The High Needs Risk Pool is established in 34 C.F.R. § 611 (e) (3) of the IDEA 2004. The act allows the State to develop a State plan that establishes the following: a definition of a high need child with a disability, the criteria for participation by school districts in the program, a plan to ensure that placements supported by the funds are consistent with requirements in 34 C.F.R. § 300.114 – 300.118, the funding mechanism for the distribution of funds under this program and an annual distribution schedule in accordance the appropriation of other funds in that fiscal year.

Grant for High Cost Funds (GHCF) FY 2010
Program Effective Date: July 1, 2009- June 30, 2010

I.) Purpose :

These funds will assist local school systems in covering the direct special education instructional costs of children with disabilities who meet the criteria established in IDEA 2004 and the system plan for GHCF. In FY2010 approximately \$3,000,000 will be available for distribution to local systems through the Grant for High Cost Funds.

II.) Definition: High Need Child with a Disability:

- 1) A “High Need Child” is defined as a child who has been identified as eligible for special education and related services and has a current Individualized Education Program (IEP). The intensity, frequency and diversity of the special education needs of the child exceeded the typical needs of a child with a disability.
- 2) IDEA 2004 requires the eligibility for reimbursement for a high needs student be at least three times the average per pupil expenditure as defined in Section 9101 of the Elementary and Secondary Education Act of 1965.

- 3) In some cases, the direct educational costs of providing the special education services to the high needs child present a significant impact on the financial resources of a school system. This impact is likely to impair the system's ability to provide the required educational programs to other students.
- 4) A system may make applications not to exceed .002 of the December census of special education students except in the case of systems with less than 1,000 students, which may submit 2 applications. Consideration may be made for school systems that make grant requests exceeding these allotments on a case by case basis.

III.) Additional Criteria for Participation in GHCF:

- 1) Submission of a properly completed application (provided by the Divisions for Special Education Services and Supports) within the annual time frame established.
- 2) A school system may only seek reimbursement for appropriately incurred costs that exceed three times the state average pupil expenditure as calculated annually. (FY2010 - \$27,000) Appropriate costs are those associated with providing direct special education instructional and related services as identified within the child's IEP.
- 3) The costs eligible for reimbursement shall **not** include the following: legal fees, court costs or other costs associated with a cause of action brought on behalf of a child with a disability to ensure a free appropriate public education, non extraordinary nursing costs, English as a Second Language Instruction, indirect costs and administrative or leadership costs associated with the provision of the services to the child.
- 4) Allowable expenditures include, but are not limited to; one to one assistance, extended school year services, specially trained related service providers, public or private day programs, specialized equipment or materials/supplies specific to the child and contracted services.
- 5) Transportation costs are limited to personnel, equipment or services required for the specific high needs cost as identified in the child's IEP. Any transportation costs not specific to the high need student will be unallowable.
- 6) A school system submitting a claim under this provision of IDEA shall be prepared to provide documentation that the GaDOE may request to properly administer this program. This documentation may include, but is not limited to, a

copy of contracts for services, invoices and payment records, the child's IEP, payroll records, and invoices for all instructional supplies and equipment associated specifically with the special education program provided to the high needs child.

- 7) Disbursements from this fund shall not be used to pay costs that otherwise would be reimbursed as medical assistance for a child with a disability under the State Medicaid program under Title XIX of the Social Security Act.

IV.) Timelines and Notification of Awards Status:

- 1) Annually, the GaDOE will begin accepting applications for the GHCF on October 1. The ending date for submission is April 1 of each fiscal year. The award letters for the GHFC expenditures in a school year will be issued by May 30.
- 2) Risk pool funds do not carry-over and must be expended or encumbered before June 30. These funds revert on July 1st of each year. All reverting funds will be added to IDEA 611, Part B state aid allocation to LEA's, charter schools and state operated programs for the next school year.
- 3) In the event there is an extraordinary situation that would create a fiscal impact on a system resulting in a denial of services to students with disabilities in the district, consideration for immediate review of the application may be made. In this case, the application should be submitted with a letter addressed to the Director for Special Education Services documenting the need for immediate attention and funding.
- 4) The GHFC cannot be used for expenses incurred for the high needs student in prior years.
- 5) All applications received by the end of the business day on April 1, 2010 will be reviewed by staff of the GaDOE to determine if the unique qualities of the high needs child related to intensity of and diversity of services are in excess of the typical needs of a child with a disability. The documentation of prior interventions and resources targeted to meet the provision FAPE of the high needs child included in the GHCF will also be reviewed.
- 6) GHCF applications will be prioritized based on the following:

Considerations related to the child

- a) A child who is a ward of the state
- b) A child who attends a state school excluding any residential expense

- c) The system plan maintains the child in the community

Considerations related to the system

- a) LEAs that have an excessive number of students with disabilities whose special education and related services cost in excess of \$27,000.
- b) LEA's carryover amount from the prior fiscal year
- c) LEAs sharing resources to provide for multiple high need children when the cost for each system exceeds \$27,000. A description of this collaboration should be included in plan for the child.
- d) If the cost of providing FAPE to the child presents a significant impact on the financial resources of a school system and this impact could impair the system's ability to provide an educational program to other students,
- e) Payment for residential services will only be considered when the funds are not exhausted without consideration of residential placement costs and the exhaustion of the Grant for Residential and Reintegration Services (GRRS).

Letters of award or denial will be generated by the GaDOE and sent to the Superintendent of the Fiscal Agent following the State Board of Education approval process. A copy of the letter will be mailed to the system special education director. The funds will be made available to LEAs through the Grants Accounting Online Reporting System (GAORS). In the event the grant requests exceed the amount available, the grant awards may be prorated.