

TUOLUMNE COUNTY SELPA

BUSINESS & FINANCE

High Cost Pool-Non-Public Schools, Residential Treatment Centers, Residential Non-Public Schools, and Legal Settlements

2020

Adopted: 6.23.2022

First Reading: 6.23.2022

The Governing Board of the Tuolumne County Special Education Local Plan Area (SELPA) shall establish, implement, and provide access for member LEAs to a High Cost Pool (HCP) for the purpose of self-insuring against the high costs associated with non-public school placements (NPS), residential treatment center (RTC) placements, residential non-public schools (RNPS), and legal settlements.

FUNDING THE HIGH COST POOL

The HCP shall be funded with an “off the top” model of AB602 allocation and/or an allocation of mental health funds, before the calculation of direct allocations to member LEAs.

An annual contribution to the HCP shall not exceed an amount to be determined by the SELPA Governing Board as part of the annual budget development and adoption process. To inform the decision of an allocation to the HCP, the SELPA Administrator shall provide data related to the current year and anticipated future year applications including the number of applications, the submitting LEA, the type of request for reimbursement (NPS, RTC, RNPS, legal settlements), and the amount of each request.

ADMINISTRATION OF THE HIGH COST POOL

All member Local Education Agency (LEA) shall have access to HCP.

The SELPA Administrator at the direction of the SELPA Governing Board administers the HCP. Member LEAs may apply for relief from the HCP by completing a Non-Public School/Residential Treatment Center Placement application or Legal Settlement application for HCP funds. The SELPA Administrator may schedule a meeting with the Superintendent/Executive Director of the member LEA to clarify and evaluate the application relative to the adopted HCP criteria. The SELPA Administrator may request further information or refer the application back to the member LEA if the application is deemed to not meet the established criteria. If the LEA disagrees with the decision of the SELPA Administrator, an appeal may be made to the SELPA Governing Board. If an application is deemed to meet the criteria, the SELPA Administrator may approve the application for consideration during a SELPA Governing Board Meeting during closed session. Application approvals and applications referred back to an LEA will be made in writing to the LEA within ten days of submission for

initial review.

Allocation from the HCP shall be made in closed session during a SELPA Governing Board Meeting. If the requests exceed the funds available in the HCP, relief may be prorated as necessary.

CRITERIA FOR ACCESSING THE HIGH COST POOL

Access to the HCP will be limited to the need for fiscal relief beyond the LEA's basic existing service provision structure and/or services, ability to pay legal fees, and/or fund educational services related to settlement agreements. Upon HCP application approval, member LEAs will be responsible for paying up to 30% of the total cost of a non-public school placement, residential treatment center placement, or legal settlement related fees.

Non-Public School Placement expenditures eligible for relief through the HCP includes:

- Instruction/Education.
- Daily transportation to and from the NPS.
- Related services as outlined in the contract with the NPS (e.g., counseling, ERMHS, language and speech, occupational therapy, aide support).
- IEP related activities including contracting with specialists.
- Staff member(s) travel to and from NPS in compliance with CDE mandated visits and IEP related activities

Residential Treatment Center (RTC) Placement and Residential Non-Public School (RNPS) expenditures eligible for relief through the HCP includes:

- Instruction/Education.
- Transportation during initial placement.
- Daily transportation to and from the RTC/RNPS.
- Related services as outlined in the contract with the RTC/RNPS (e.g., counseling, language and speech, occupational therapy, aide support).
- IEP meeting participation.
- Parent training and consultation.
- Specialist training and consultation.
- IEP related activities including contracting with specialists.
- Expenditures related to student and family travel to and from the RTC/RNPS to include air and ground transportation, and lodging in accordance with **Policy #9330, Residential Treatment Center/Residential Non-Public School Travel Reimbursement for Student and Parent/Legal Guardian**, which established thresholds for such expenditures.
- Staff member(s) travel to and from RTC/RNPS in compliance with CDE mandated visits

and IEP related activities.

Legal settlement expenditures eligible for relief through the HCP include:

- Threshold amount of \$10,000 of incurred expenditures in the current year.
- Educational services.
- Attorney's fees related to mediation only, due process filings, settlement agreements, and resolution meetings.
- SELPA Administrator notified as soon as practicable of legal proceedings, settlement negotiations, alternative dispute resolution activities, or complaints that may result in legal implications.
- Only one application per student per LEA, each year may be submitted.
- Application cannot be related to systemic non-compliance issues (e.g., pattern of behavior) as determined by the SELPA Administrator.

All applications related to Legal Settlements are due no later than June 1 of the current school year for the current school year. The submitting LEA shall include appropriate documentation to reflect the incurred expenses related to Legal Settlements. **Add language around submitting within 30 days of board approval of the agreement**

All HCP applications must be renewed annually, if on-going expenditure, with the current year defined as July 1-June 30.

HIGH COST POOL REIMBURSEMENTS

LEA will provide an invoice to the SELPA Administrator for up to 70% of the approved reimbursement. The Tuolumne County Business Services Department will reimburse the member LEA within 60 days of receipt of reimbursement request (after Board approval) and appropriate supporting documentation.

Non-Public School/Residential Treatment Center/Residential Non-Public School Placement applications must be submitted for reimbursement no later than 30 days of initial placement in the NPS, RTC, or RNPS.