

160-4-7-.18 GRANTS FOR SERVICES.

(1) AUTHORIZATION.

(a) The State Board shall have authority to provide grant funds for the implementation of other educational programs or additional personnel for the unique needs of children with disabilities.

(b) The LEAs in receipt of these grant funds shall ensure a free appropriate public education (FAPE) for children with disabilities and follow state and federal regulations for implementation of these programs.

(2) GRANT FOR RESIDENTIAL AND REINTEGRATION SERVICES.

(a) In the event that a LEA is unable to provide appropriate special education and related services to a child with disabilities within the boundaries of the LEA, within a regional program operated by the LEAs, or within an educational setting operated by the State of Georgia, referral may be made to a private school or facility approved by the department.

(b) Private schools shall be in conformance with the due process procedures and the requirements of an individualized education program (IEP).

(c) Private schools to which children are recommended for placement shall meet applicable standards that apply to LEAs.

(d) The DES shall maintain and supply to LEAs, upon request, a list of private schools that meet applicable criteria.

(e) LEAs with children with disabilities meeting criteria for the Residential and Reintegration Services Grant Program may be eligible to receive partial or total funding from the department. This grant covers only educational costs, related services, and room and board. LEAs must assume all costs for transportation expenses. LEAs that apply for assistance shall assume full responsibility for the funding at the time of submitting an application. Grants are not automatically funded. Approval for grant applications, therefore, shall be based on the severity of the disabling condition and the availability of funds.

(f) All costs for those children with disabilities who are wards of the State in the custody of the Department of Human Services (DHS) or Department of Behavioral Health and Developmental Disabilities (DBHDD), shall be paid for by the department with state and, as needed, federal funds.

(g) All applications shall be reviewed by staff of the department with priority based on the following:

1. Children with profound and severe disabilities requiring residential services who are wards of the State.
2. Children with profound and severe disabilities requiring reintegration from a residential program.
3. Children with profound disabilities needing residential services.
4. Children with severe disabilities needing residential services.
5. Children with severe or profound disabilities who attend an intensive day treatment program due to location of day program, but would otherwise require a residential program.

(h) All children placed in residential programs must have a reintegration plan developed by the IEP Team that specifies a plan for moving the child toward a less restrictive environment to include the specific timeline and parent involvement in this transition.

(i) All children placed in residential programs or reintegration programs following full-time residential services shall be observed at least once a year by a representative of the LEA. This observation may coincide with the annual review. The progress reports and other related information for each student placed in residential programs shall be reviewed at mid-year as well as at the annual review, and reintegration issues shall be considered at each review.

(j) If a child who is currently funded through the Grant for Residential and Reintegration Services becomes the subject of a due process hearing, fiscal maintenance of the placement shall be continued, funds permitting; however, the LEA is still responsible for payment.

(k) Educational costs for children meeting the Residential and Reintegration Services Grant Program criteria shall be shared between the LEA and the department. The LEA shall assume a percentage of the total education cost equal to the percent of local funds utilized for the total educational program in the respective LEA. The department shall maintain a record of the percent requirement for LEAs and state participation in this program. It is the LEA's responsibility to initiate and submit an application for these funds. The LEA may use other funds from public or private agencies to assist in the cost of educating a child in a private school or private facility, provided the services are arranged by the LEA.

(3) GRANT TO ACCESS STATE INTERAGENCY SERVICES

(a) This grant is designed to provide access for the education of children with disabilities who are placed in one of the state-operated facilities for an appropriate educational program designed to meet their unique needs.

(b) It is limited to teacher costs for the state agencies such as the Department of Corrections (DOC), Department of Human Services (DHS), Department of Behavioral Health and Developmental Disabilities (DBHDD), and Department of Labor (DOL) that provide special education and related services to children with disabilities in state-operated hospital, correctional or rehabilitation facilities. In addition, LEAs that have the responsibility for the determination of eligibility for these children with disabilities may request funding for the intake cost and placement of these children.

(c) Special Considerations.

1. The state agencies receive a grant to pay teacher salary and benefits in their facilities. The agencies in receipt of this grant provide an annual application and assurances of services, certification of staff members and child count data.

2. The LEA shall be responsible for the educational planning for children to the extent that an IEP, if applicable, be developed and a determination made in consultation with the DHS or DBHDD treatment team as to the appropriate location of services based on the needs of the child that shall include, but not be limited to, the following: safety, level of behavioral control, treatment factors and health/medical considerations.

(i) Safety factors - Harmful to self/others, suicidal, homicidal, physical aggression, level of supervision, need for physical assistance, special transportation needs, pyromania, arrest record, and other.

(ii) Level of behavior control - Need for restraint, isolation (times needed), elopement risk, behavior, appropriate/inappropriate vocalizations, and other.

(iii) Treatment needs - Level of supervision, response to group therapy, response to individual therapy, reality base, diagnosis, reason for admission, history of substance abuse, response to academics, court order, and other.

(iv) Health/medical - Medication schedule, reports of medical emergency, dietary restrictions, physical interventions, catheterization, tube feeding, suctioning, susceptible to disease/infection, contagious diseases, brittle boned, general hygiene, self-help skills, diagnosis, speech evaluations, physical therapy/occupational therapy records, response to stress, nursing care requirements, stamina, and other.

3. Information on the above listed factors shall be provided by the DHS or DBHDD facility to the receiving local school district. Educational placement outside the DHS or DBHDD facility shall only be considered by the school district upon the signed

recommendation of the attending physician in mental health facilities and the signed recommendation of the DHS or DBHDD superintendent in their facilities. The attending physician or DHS or DBHDD superintendent and treatment team shall indicate whether educational placement outside the facility may be considered. Hospital staff shall not recommend consideration for educational placement outside the hospital if hospital clinical records contain clinical contraindications that are not disclosed to the district. The IEP Team shall consider that information in making the determination for appropriate services and placement; however, the IEP Team has the full and final responsibility for determining appropriate special education services and the least restrictive environment for education placement

(4) GRANT FOR LOW INCIDENCE PROGRAM SERVICES

(a) Low incidence shall be defined as those categories of disabilities that have an expected incidence figure of less than one percent of the total school population. An LEA shall be eligible for consideration if the number of children identified for that disability earns less than 60 percent of the required full-time equivalents to employ one teacher.

(b) Eligibility.

1. Low incidence shall be determined from a review of the specific criteria within the application as applied by a grant review committee.

2. The following information shall be submitted.

(i) Identification and description of need.

3. Identification and description of area of disability, number of children, ages, grade level and delivery mode needed.

4. A description of the delivery of services to these children during the previous year.

5. A detailed description of existing programs within the LEA with emphasis on the number of schools, miles between schools, transportation considerations and costs, certification of instructional staff and number of children by disability by school with an analysis of the possible delivery options available.

6. A comparison of funds required to provide the service with anticipated earnings under state law.

7. Shared services with other LEAs.

8. A detailed description of existing or potential arrangements with other LEAs for shared services with emphasis on number of schools involved, transportation

considerations, mileage factors, certification of staff and number of children by disability, by school, by LEA with an analysis of the possible delivery options available.

9. A detailed description of regional programs available within the area with an analysis of the appropriateness of those regional services to meet the needs of the identified student with a disability.

(c) Funding Requirements.

1. Low incidence grants in each area of disability shall be in addition to the 90 percent requirement in each area. Program need shall be determined annually with low incidence grants adjusted accordingly. Each participating LEA shall receive a percentage of the total need in proportion to the total amount appropriated for low incidence grants. Funds shall only be available for teacher salary and benefits.

(5) This rule shall become effective March 31, 2010.

Authority O.C.G.A. § 20-2-152; 20-2-240.

Adopted: March 11, 2010

Effective: March 31, 2010