

NM Public Education Department

Special Education Bureau



High Cost Fund

Puente para los Niños

Guidelines



Table of Contents

I. State Plan—Local Education Agency	3
A. Purpose of the High Cost Fund	3
B. Definition of a High Need Student	3
C. Criteria for LEA Participation.....	4
D. LEA Assurances	4
E. Puente para los Niños Fund Application.....	5
F. Annual State Education Agency (SEA) Distribution Schedule.....	6
G. Reporting Requirements.....	6
H. Additional Restrictions	6
II. Puente para los Niños Committee.....	7
A. Puente para los Niños Committee Membership	7
B. Puente para los Niños Committee Procedures.....	7
C. Puente para los Niños Committee Actions	8
D. Puente para los Niños Committee Deadlines and Meeting Dates.....	9

I. STATE PLAN—LOCAL EDUCATION AGENCY

A. PURPOSE OF THE HIGH COST FUND

The purpose of the High Cost Fund is to assist Local Education Agencies (LEA) (to include State Supported Educational Programs (SSEP)) in addressing the needs of high need children with disabilities (excluding gifted-only). The New Mexico Public Education Department (PED) has exercised the option of creating an LEA High Cost Fund called Puente para los Niños Fund pursuant to the provisions of 34 CFR § 300.704 (c) and 6.31.2.9 (B)(6) NMAC.

Disbursements from the Puente para los Niños Fund will be made to meet the requirements of students with high needs as defined below and pursuant to the criteria that follows the definition. Disbursements from the funds may only be used for the costs associated with providing the direct special education and related services identified in the Individualized Education Program (IEP) for the student with high needs. Funds are to be used to assist a student with a disability to benefit from special education and related services. Funds cannot be used for services the LEA would like to provide but is not currently providing or expenses such as legal fees, court costs, or other litigation costs per 34 CFR 300.704 (c) (5).

Disbursements from this fund will be used to pay costs incurred that meet the criteria for reimbursement established herein.

Educational and related services must be provided by individuals properly licensed by the PED and/or the New Mexico Department of Regulation and Licensing pursuant to 6.31.2.9(B)(10).

B. DEFINITION OF A HIGH NEED STUDENT

A student with high needs is a student whose cost to provide a Free and Appropriate Public Education (FAPE) is three times greater than the average amount per student or greater than \$23,439.00.

1. In New Mexico, the average per pupil expenditure is \$7,813.00. In addition, within the state fiscal year, the LEA must have expended a minimum of 25% of the cost to provide FAPE to the student. For example: If the total cost to provide FAPE to a student with a high need is \$60,000.00, the LEA must expend at least \$15,000.00 before applying for the Puente para los Niños grant.
2. The cost to provide FAPE to a high need student with a disability must have a financial impact on the LEA's Individuals with Disabilities Education Act Part B (IDEA B) budget. The financial impact that the high need student with a disability has on the LEA's budget must be addressed.

C. CRITERIA FOR LEA PARTICIPATION (34 CFR § 300.704 (3)(i)(B))

1. At a minimum, each LEA requesting assistance from the Puente para los Niños Fund must provide written documentation such as the student's IEP and detailed description of the costs associated in providing direct special education and related services, in order to be eligible for the Puente para los Niños Fund.
2. Each LEA must identify the number and percentage of high need children with disabilities served. The minimum requirements to qualify for Puente para los Niños funds are identified below:

Total students ages 3-21 years old that received special education services on the 40 Day count of the previous year:	Minimum number of High Need Students currently enrolled with the LEA:
12,000 or greater	4
11,999 – 4,000	3
3,999 – 1,500	2
1,499 or less	1

3. Small LEA Exception—For LEAs with student enrollment of 300 or fewer students ages 3-21 years old receiving special education services and related services, the cost to provide FAPE for the high need student must be equal to or greater than \$23,439.00. However, the requirement to expend 25% of the cost to provide FAPE is waived and not required for the small LEA.
4. Any Carryover funds the LEA has not expensed will be deducted from the final Puente para los Niños award, if awarded.

D. LEA ASSURANCES

LEAs accessing the Puente para los Niños Fund must assure the following requirements have been met:

1. The student must have been evaluated in accordance with Subsection (C), (D) or (E) of 6.31.2.10 NMAC.
2. The student qualified for special education and/or related services in accordance with Subsections (F) of 6.31.2.10 NMAC.
3. The student has a properly constituted and up-to-date IEP in accordance with 6.31.2.11 NMAC.
4. The student's placement was decided by the student's IEP team in accordance with 6.31.2.11 NMAC.
5. The student's placement is in the Least Restrictive Environment (LRE) in accordance with Subsection (C) of 6.31.2.11 NMAC.
6. The LEA agrees to pay at least 25% of the cost per school year to educate a student with high needs, with the exception of small LEAs as defined in Section C, above.

E. PUENTE PARA LOS NIÑOS FUND APPLICATION

LEAs applying for Puente para los Niños funds will need to complete the PED Application for Approval Form. LEAs must also provide the following supporting documentation:

1. Number of students meeting the high need definition in Section B (above) as well as the total special education student enrollment. This information should come directly from the most recently certified enrollment counts submitted to the PED.
2. A narrative describing how the cost of the student with high needs impacted the LEA's budget. The LEA must address how the student with high needs impacted the services of the other students entitled to special education and/or related services enrolled in the LEA.
3. A description of the course of action taken to date by the LEA regarding the student with high needs. Be sure to include the number and type of Full Time Equivalent staff (FTEs) affected for each such student.
4. The most recent detailed expenditure report showing budgeted and actual year-to-date expenditures for each student with high needs.
5. Copies of all contracts and invoices that pertain to the student with high needs.
6. The Prior Written Notice and the Schedule of Services pages from the student's current IEP including the student's unique identifier number.

The application along with the supporting documentation listed above must be received by the Special Education Bureau (SEB) at least two weeks prior to the scheduled Puente para los Niños Committee meeting. See Section II for Puente para los Niños Committee information. Complete applications will be reviewed by the Puente para los Niños Committee. Incomplete or late applications will NOT be considered for funding. LEAs will be notified of the acceptance or rejection within 60 days of the Puente para los Niños Committee meeting. Funds will be distributed according to letter F (below).

The Puente para los Niños Committee may grant awards for less than the amount requested.

All Puente para los Niños applications are subject to audit by either the SEB staff and/or federal auditors. The auditors may review and verify the data submitted in the Puente para los Niños applications including assurances made by the LEAs. The auditors will consider whether the IEPs are properly constituted and properly implemented. Additionally, the auditors will verify the percentage of high need children with disabilities served by an LEA. The results of the auditor's review may be considered by the Puente para los Niños Committee in determining, adjusting, or recovering Puente para los Niños funds.

F. ANNUAL STATE EDUCATION AGENCY (SEA) DISTRIBUTION SCHEDULE

After the LEA receives an award letter, the LEA may request reimbursement of these funds in accordance with the PED Request for Reimbursement (RfR) schedule. If the committee at its last meeting of the school year makes a determination that no further amounts will be granted from the Puente para los Niños, the SEB will redistribute funds.

Puente para los Niños awards in prior years do not guarantee future eligibility.

G. REPORTING REQUIREMENTS

For auditing purposes, biannual or semester reports (June 30th and December 30th) are required by each LEA awarded Puente para los Niños funds. Reports must include the following information:

1. Student's most current IEP, health plan, and transition plan for students fourteen years old or older.
2. Student's proof of continued enrollment in the LEA.
3. Expenditure reports, invoices and receipts.
4. LEA's proof of providing at least 25% of the cost to educate the student, unless the small LEA exception applies.

Notification in writing must be made to the SEB Data Manager, within fifteen days, when a student with high needs dis-enrolls from the LEA that received funds from the Puente para los Niños award. Final RfRs for students that have dis-enrolled from the LEA must be submitted in the Operating Budget Management System (OBMS) within 30 days from the date the student dis-enrolled from the LEA.

H. ADDITIONAL RESTRICTIONS

1. Funds cannot be used to pay costs that otherwise would be reimbursed as medical assistance under Medicaid.
2. Funds from the Puente para los Niños fund shall not be used to pay for legal fees, court costs, or other costs associated with a cause of action brought on behalf of a child with a disability to ensure FAPE for such a child.
3. Disbursements from this fund will be used to reimburse costs incurred that meet the criteria for reimbursement established herein.

II. PUENTE PARA LOS NIÑOS COMMITTEE

The Puente para los Niños Committee approves or disapproves all Puente para los Niños applications at the committee meetings or returns the incomplete applications to the LEA for possible resubmission if additional or corrected information is needed. LEA applicants may attend the Puente para los Niños Committee meetings. The Puente para los Niños Committee may request that a representative of the LEA be available in person or via teleconferencing to answer questions when the LEA's application is being considered. Due to the discussion of personally identifiable information of individual students and the confidential nature of the Puente para los Niños Committee meetings, the meetings will not be open to the public. In addition, Committee members will be required to sign a confidentiality agreement in accordance with the Family Educational Rights and Privacy Act.

A. PUENTE PARA LOS NIÑOS COMMITTEE MEMBERSHIP

1. The Puente para los Niños Committee shall consist of:
 - a) SEB Deputy Director
 - b) SEB Fiscal Manager
 - c) SEB Business Operations Specialist
 - d) PED Medicaid Representative
 - e) Two LEA Special Education Directors, one from a rural district and one from a medium-sized district
2. The SEB Deputy Director or his/her designee shall serve as an ex-officio nonvoting committee member and act as State Puente para los Niños Committee manager.
3. The committee members will be appointed by the SEB Deputy Director.
4. Members of the committee from the LEAs will be appointed based on their knowledge of special education program service delivery and funding, geographical representation, size of LEA, and other demographic considerations.
5. Alternate members shall be appointed. In the event a member is unable to attend a committee meeting, an alternate member shall attend.
6. Membership appointments shall be made for a period of three years.

B. PUENTE PARA LOS NIÑOS COMMITTEE PROCEDURES

1. All committee members shall sign the confidentiality agreement.
2. All committee members shall sign-in.
3. The committee will review applications as deemed necessary by the SEB Deputy Director or his/her designee.
4. All applications received by the committee will be reviewed for completeness by the committee manager or designee. Applications must include all necessary forms, narratives, and attachments as described in Section (E). If applications are not complete or on time, they will not be considered by the committee.

5. The committee manager or designee will forward to the committee members copies of the completed applications in a timely manner.
6. The committee manager or designee will be responsible for presenting each application for consideration to the committee.
7. Committee members shall review and discuss the application content for completeness, accuracy, and understanding of the reason(s) for the applicant's need for Puente para los Niños funds.
8. The committee may request that a submitting LEA provide clarifying information.
9. Committee members will individually indicate their agreement, disagreement or abstention with the actions of the committee.
10. A majority vote by the committee members will be sufficient to determine the committee action.
11. The committee manager or designee will ensure that notes are taken which summarize the questions and discussion related to each application. A decision summary for each application shall include the amount of the initial request, funding adjustments recommended by the committee, the amount of any award to be made, the reasons for the action taken by the committee and identify the award amounts related to the specific services.
12. All committee members shall sign the decision summary (fax in or PDF if necessary).
13. The committee manager or designee, on behalf of the committee, will notify the applicant LEA in writing of the determination of the committee. The LEA will be provided a copy of the decision summary.
14. All applications received by the committee will be retained by the SEB Deputy Director for use in the evaluation of Puente para los Niños funding.

C. PUENTE PARA LOS NIÑOS COMMITTEE ACTIONS

1. The committee must determine that:
 - a) There are no unresolved audit issues related to applicant that are material in nature.
 - b) There are no unresolved child count verification issues related to the applicant which are material in nature (i.e. unreliable data in annual determination).
 - c) All corrections to state enrollment reporting required for resolution of a and b of this subsection have been completed in a timely manner.
2. An application reviewed during an application cycle may be:
 - a) Approved,
 - b) Disapproved, or
 - c) Returned to the submitting LEA for possible resubmission at a later date during the school year because information contained in the application is incomplete to establish a need for Puente para los Niños funds.
3. The amount of the approval may be equal to or less than the amount requested.
 - a) Any carryover funds not expensed will be deducted from the final Puente award.
4. The approval of the application may be contingent on additional requirements imposed

Puente para los Niños Guidelines

by the committee such as the development of an improvement plan to resolve a specific issue or concern.

5. The application approvals are subject to adjustment and recovery.

D. PUENTE PARA LOS NIÑOS COMMITTEE DEADLINES AND MEETING DATES

Application Deadline	Puente para los Niños Committee Meeting	LEA Notification
November 2, 2020	November 23, 2020	December 14, 2020
February 1, 2021	February 22, 2021	March 15, 2021

NOTE: Completed applications must be received at the SEB by 5:00 pm on the application deadline listed above. Applications may be sent via U.S. mail or facsimile (505 954-0001).

Applications sent via electronic mail **will not** be accepted.

Please send completed applications and supporting documentation to:

New Mexico Public Education Department

Special Education Bureau

Attention: Tim Crum, Deputy Director

120 South Federal Place, Room 206

Santa Fe, NM 87501