



# Shared Risk Pool – Participation Procedures

The El Dorado SELPA's Allocation Plan allows districts to apply to the Shared Risk Pool for partial reimbursement for Non-public School (NPS), legal, or special circumstances costs. The procedures below have been developed to assist districts in submitting requests to the Shared Risk pool.

Districts wishing to access the pool should complete a Shared Risk Pool Participation Form (one form per student). This form will ensure accurate information is being collected, as well as streamline the request process for our districts. You can only access the online form using a Google account. This Google document is located at the following link:

<https://goo.gl/forms/Z1MLe35luoliyOhq2>.

Only the relevant sections of the form need to be completed and submitted to the SELPA. For example, if the district is only submitting for reimbursement for legal costs, then the NPS and Special Circumstances sections of the form do not need to be completed. If any required sections of the Shared Risk Pool form are incomplete or require additional information, a SELPA representative will contact the district to request clarification or additional information. Depending on the request, districts will be notified in writing after one or more of the following reviews the request: a SELPA representative, SELPA Executive Committee, or SELPA Superintendents' Council. Requests will be forwarded for review to the SELPA Executive Committee if they are submitted for special circumstances or legal requests that cover more than 6 months or exceed \$25,000. Legal requests that exceed \$50,000 will be reviewed by the SELPA Superintendents' Council.

## Non-Public Schools (NPS)

The education and transportation costs associated with placing a student in NPS may be eligible for up to 50% reimbursement from the Shared Risk Pool. Total per student reimbursement will be based on actual days of attendance not to exceed 185 days of regular school year attendance and 25 days of extended school year attendance, net of the LCFF revenue received for the student. In order to be eligible for reimbursement, claims must meet all the reimbursement criteria. Reimbursement criteria required to be documented in the IEP is as follows:

Costs for transportation to and from the NPS are only eligible for reimbursement if transportation is required per the student's IEP. If the parent transports the student, the cost of transportation will be reimbursed for each day of attendance at the current federal mileage reimbursement rate

for daily mileage to and from the student's residence and the non-public school. If transportation is provided by the district, the SELPA and the district will agree on a single daily reimbursement rate consisting of a labor component and mileage component.

Completed Shared Risk Pool Participation Forms are due to the SELPA office no later than October 15<sup>th</sup> for all existing non-public school placements each academic school year. After October 15, forms for new NPS placements are to be submitted within 30 days of the first day of placement at the NPS.

Costs associated with providing related services for students in nonpublic school (e.g. OT, PT, 1:1 instructional aide, speech, mental health, etc.) are not eligible for reimbursement through the NPS pool. Eligible related services expenditures may be covered through district allocated mental health funds.

Claims that meet all program requirements and are approved prior to May will receive funding up to 75% of total eligible expected claim costs in the month approved. In May, all approved claims will receive up to 90% of the eligible expected claim costs less any funding released previously. The balance of the eligible claim costs will be released, or recovered, in July after final expenditures are verified.

#### **NPS Reimbursement Criteria:**

LEAs requesting reimbursement from the Shared Risk Pool for costs associated with the placement of a student in nonpublic school (NPS) should meet all the following criteria:

- **SELPA Involvement:** When an LEA is considering a nonpublic school placement, a SELPA representative should be meaningfully involved prior to the determination of an NPS placement. The SELPA representative could be a program specialist, coordinator, director or designee. This involvement may include participation in IEP meetings or consultation. The SELPA representative's role is to ensure that the LEA has explored possible alternatives prior to determining that an NPS placement is the least restrictive environment for the student. The SELPA representative will also support the LEA in making sure that all other reimbursement criteria are met.
- **State Certification:** The NPS in which the student is placed must be certified by the California Department of Education.
- **Master Contract/ISA:** The LEA shall have a completed and signed El Dorado County SELPA Master Contract with the NPS where the student has been placed. The LEA should also have an Individual Services Agreement (ISA) with the NPS, specifying the services the NPS will provide to the individual student. The services in the ISA should reflect the services agreed to and documented in the student's current IEP.



- IEP: The student’s current IEP should contain all the components below in order to be considered for reimbursement from the pool:
  - A behavior intervention plan in place for all students being placed due to behavioral concerns;
  - A transition plan (for students 16 and older or who will turn 16 prior to the next annual IEP);
  - School type of (70) Non-public day school indicated on the educational setting page of the IEP (or code 71 or 72 when appropriate for residential placements);
  - Appropriate low incidence services when student qualifies with a low incidence disability;
  - Goals in all areas of need as identified on the present levels page of the IEP;
  - Mental health goals for students who are eligible for special education under the criteria for Emotional Disturbance;
  - Documentation that all required team members, including a school psychologist and a general education teacher, attended the IEP meeting where NPS placement was determined; and
  - Goals to address all behaviors or areas of need that led to the placement in a non-public school.

**Participation Procedure:**

1. Complete the Shared Risk Form for NPS placement
2. Attach all required documentation.
  - Copy of student’s current signed for consent to implement IEP with NPS placement highlighted
  - Copy of Master Contract (first time only) with each Non-Public School
  - Copy of completed Individual Service Agreement (ISA) (one per student)

Once all pool participation documents have been received, the SELPA Administrator or designee will review the documents to ensure that all criteria have been met. If any of the above elements are missing, the SELPA will notify the district representative for the district submitting the pool participation request.



## Legal Costs

Legal costs associated with any of the following are eligible for 50% reimbursement from the Shared Risk Pool.

- Legal costs associated with Office for Civil Rights Complaints, Due Process Complaints, Compliance Complaints, or any other legal proceeding.
- Costs associated with Settlement Agreements (including legal fees and compensatory education).

Eligible costs must relate to an individual student where the student qualifies for special education and where the legal issue is related to the provision of a Free and Appropriate Public Education (FAPE) or where the dispute concerns whether the student should qualify for special education.

In order to apply for reimbursement from the Shared Risk Pool for legal costs, districts must have explored other resources and demonstrated a good faith effort to bear a portion of the costs associated with the request. Costs associated with personnel (including para-educators), transportation, and assessments are not eligible for reimbursement from the Shared Risk Pool.

Prior to applying for access to the Shared Risk Pool, the total legal costs must meet the thresholds below according to the total district ADA:

- Districts with prior year P2 ADA of 200 or lower, the application must meet a minimum amount of \$2,000. This would result in an award of \$1,000+.
- Districts with prior year P2 ADA between 201 and 1000, the application must meet a minimum amount of \$5,000. This would result in an award of \$2,500+.
- Districts with prior year P2 ADA of more than 1000, the application must meet a minimum amount of \$10,000. This would result in an award of \$5,000+.

Reimbursable costs may not cover a period of more than six months for any one student issue without approval of the SELPA Executive Committee. In the following circumstances, a SELPA representative will review the file and determine the merit of the case:

- When the billable costs continue for more than six consecutive months; and/or
- When the billable costs total more than \$25,000 (\$12,500 reimbursed amount).

If, after a complete file review, the SELPA believes that the case has merit and warrants continued reimbursement, then a recommendation will be made to Executive Committee for approval of the request.

Total reimbursement from the pool for a single student matter shall not exceed \$50,000 without approval from the full Superintendents' Council.



After review from the SELPA Executive Committee, or the SELPA Superintendents Council, the claimant will receive a letter of approval or denial. If approved, a transfer will be completed by the SELPA and the district will be notified of the transfer amount and reference number in the approval letter, if available, or via email.

### Special Circumstances Students

Districts may be reimbursed up to 50% for costs related to providing extraordinarily costly, intensive services and supports for an individual special education student that are the result of implementing a Free and Appropriate Public Education (FAPE). In order to qualify for reimbursement from the pool, special education costs associated with an individual student must meet a minimum threshold of \$100,000 (50% reimbursement = \$50,000). Total annual reimbursement from the pool may not exceed \$75,000 per student (for a \$150,000 claim). Districts must submit a Shared Risk Pool Participation Form annually demonstrating that the district has explored all other resources and made a good faith effort to bear a portion of the costs associated with the request. Shared Risk Pool Participation Forms for special circumstances students will be reviewed by a SELPA representative and submitted to the Executive Committee for approval. Applications will document SELPA involvement and participation of a SELPA representative at IEP meetings, when possible. Applications must be re-submitted annually.

After review from the SELPA Executive Committee the claimant will receive a letter of approval or denial. If approved, a transfer will be completed by the SELPA and the district will be notified of the transfer amount and reference number in the approval letter, if available, or via email.

If you have any questions, please call the SELPA office at (530) 295-2462.

