

POLICY GROUP 6 - SPECIAL EDUCATION  
SPECIAL EDUCATION FUNDING

**Sec. 1. FEDERAL FUNDING COMPLIANCE**

International Leadership of Texas shall use Individuals with Disabilities Education Act ("IDEA") Part B funds received to:

1. comply with the federal maintenance of effort ("MOE") requirements;
2. supplement State, local and other Federal funds and not supplant such funds; and
3. pay the excess costs of providing special education and related services to children with disabilities and must be used to supplement State, local, and other Federal funds.

*34 CFR 300.202, 20 U.S.C. 1413(a)(2).*

**Sec. 2. REDUCING LEVEL OF EXPENDITURES**

Funds provided to International Leadership of Texas will not be used to reduce the level of expenditures for the education of students with disabilities made by International Leadership of Texas below the level of those funds for the preceding year. *20 U.S.C. 1423(a)(2)(A)(iii), Appendix E to Part 300.*

International Leadership of Texas may reduce the level of expenditures if the reduction is attributable to:

1. Voluntary departure, retirement, or departure for just cause of special education personnel;
2. A decrease in enrollment of students with disabilities;
3. The termination of the obligation of International Leadership of Texas to provide a special education program to a particular student with a disability that is an exceptionally costly program because the child left International Leadership of Texas, aged out of services, or no longer needs special education;
4. The termination of costly expenditures for long-term purchases; or
5. The assumption of cost by the high cost fund operated by the Texas Education Agency.

*34 CFR 300.204.*

**Sec. 3. EXCESS EXPENDITURES**

Having complied with MOE and excess costs requirements, IDEA Part B funds provided to the school will be used for the following activities:

1. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to the child with a disability in accordance with the individualized education program ("IEP") of the child, even if nondisabled children benefit from such services;
2. To develop and implement coordinated, early intervening educational services in compliance with the child find and administration requirements, including:

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- a. Early intervening services, which may include interagency financing structures, for children in kindergarten through grade 12 (with a particular emphasis on children in kindergarten through grade 3) who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment;
- b. International Leadership of Texas may not use more than 15 percent of the amount received under IDEA Part B for any fiscal year, less any adjustments by International Leadership of Texas to local fiscal effort, if any, in combination with other amounts, which may include amounts other than education funds, to develop and implement coordinated, early intervening services; and
3. To establish and implement cost or risk-sharing funds, consortia, or cooperatives for International Leadership of Texas, or for International Leadership of Texas's working in a consortium of which International Leadership of Texas is a part, to pay for high-cost special education and related services.
4. International Leadership of Texas may use IDEA Part B funds to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP that is needed for the implementation of such case management activities.

*34 CFR 300.208.*

**Sec. 4. EARLY INTERVENING SERVICES**

Funds made available for early intervening services must supplement not supplant funds available under the Elementary and Secondary Education Act ("ESEA"). *34 CFR 300.226(e).*

**Sec. 5. USE OF IDEA PART B FUNDS FOR TITLE 1 PROGRAMS**

Notwithstanding any other provisions related to commingling of funds, International Leadership of Texas may use IDEA Part B funds received for any fiscal year to carry out a Title 1, Part A school wide programs under ESEA, except that the amount may not exceed:

- the amount received by the school under IDEA Part B for that fiscal year; divided by
- the number of students with disabilities in the jurisdiction of the school; and multiplied by
- the number of students with disabilities participating in the school wide program.

Part B funds may only be used in accordance with this calculation if International Leadership of Texas ensures that all children with disabilities receive services in accordance with a properly developed IEP and are afforded all of the rights and services guaranteed to children with disabilities under the IDEA. *34 CFR 300.206; 20 U.S.C. 1413.*

**Sec. 6. COMPLIANCE WITH FEDERAL FUNDING REQUIREMENTS: TITLE 1**

To the extent required under Title 1 of the ESEA, International Leadership of Texas shall ensure equity among school programs in staff/student ratios and in expenditures of money for curriculum materials and instructional supplies. “Staff” shall include teachers, administrators, and auxiliary personnel. In special programs, such as special education and bilingual education, a lower ratio may be maintained and more money may be spent as necessary to fulfill other legal requirements.

The parental involvement program shall be set up in accordance with requirements of Title 1 of the ESEA, as applicable. Parental involvement is encouraged and required in the planning and decision-making process for the school and for the campus.

*20 U.S.C. § 6318.*

**Sec. 7. EXCESS COSTS**

Excess costs are those costs that are in excess of the average annual per student expenditure in International Leadership of Texas during the preceding school year for the elementary or secondary school child that may be computed: (1) after deducting amounts received under IDEA-B and Part A of Title I and Part A of Title III of the Elementary and Secondary Education Act (ESEA); and (2) any state or local funds spent for services under the IDEA-B and Part A of Title I and Part A of Title III of the ESEA, excluding any amounts spent for capital outlay for debt services. *34 CFR 300.16.*

International Leadership of Texas meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before using IDEA-B funds. The excess cost requirement prevents International Leadership of Texas from using IDEA-B funds to pay for all the costs directly attributable to the education of the child with a disability, except the excess cost requirement does not prevent International Leadership of Texas from using IDEA-B funds, in compliance with nonsupplanting and other requirements, to pay for all costs directly attributable to the education of the child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or state funds are available for nondisabled children of these ages. *34 CFR 300.202.*

Before International Leadership of Texas may access IDEA-B funds, International Leadership of Texas must compute the minimum average amount it must spend separately for children with disabilities in its elementary schools and for children with disabilities in its secondary schools in accordance with the calculation requirements under 34 CFR 300.16. IDEA-B funds can only be used for elementary school children with disabilities for excess costs over and above the minimum obtained when International Leadership of Texas multiplies the number of elementary school children with disabilities in International Leadership of Texas by the average annual per student expenditure.

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To calculate the minimum amount the LEA must spend on the average for each of its secondary school children with disabilities before it may use IDEA-B funds, International Leadership of Texas must use the formula provided in Appendix A to Part 300 for elementary school children located [here](#). IDEA-B funds can only be used for secondary school children with disabilities for excess costs over and above the minimum obtained when International Leadership of Texas multiplies the number of secondary school children with disabilities in International Leadership of Texas by the average annual per student expenditure. *34 CFR 300.16*.

**Sec. 8.     MAINTENANCE OF EFFORT**

Funds provided to International Leadership of Texas under IDEA-B must not be used to reduce the level of expenditures for the education of children with disabilities made by International Leadership of Texas from local funds below the level of those expenditures for the preceding fiscal year, except as provided in 34 CFR 300.204. International Leadership of Texas must comply with all requirements set forth in 34 CFR 300.203 and 34 CFR 300.204 relating to Maintenance of Effort. *34 CFR 300.203, 34 CFR 300.204*.

**Sec. 9.     USE OF STATE SPECIAL EDUCATION FUNDS**

Special education grants shall be made available to International Leadership of Texas from funds appropriated, federal funds, or any other funds available, to assist International Leadership of Texas in covering the cost of educating children with disabilities. International Leadership of Texas may apply for a special education grant if International Leadership of Texas does not receive sufficient funds, including state funds and federal funds, for the child with disabilities to pay for the special education services provided to the child or for all children with disabilities in International Leadership of Texas to pay for special education services provided to the children. *Tex. Educ. Code § 29.018(b)*.

International Leadership of Texas must provide a report comparing the state and federal funds received by International Leadership of Texas for children with disabilities and the expenses incurred by International Leadership of Texas in providing special education services to children with disabilities. *Tex. Educ. Code § 29.018(c)*.

The cost of training personnel to provide special education services to the child with disabilities are expenses that may be included by International Leadership of Texas when applying for a special education grant. *Tex. Educ. Code § 29.018(d)*.

**Sec. 10.    ACCOUNTABILITY FOR STATE SPECIAL EDUCATION FUNDS**

The receipt of special education funds is contingent upon the operation of an approved comprehensive special education program in accordance with state and federal laws and regulations. At least 55 percent of the state special education funds must be used in the special education program, and International Leadership of Texas may not divert special education funds

for other purposes, with the exception of administrative costs relating to maximum indirect cost allowable on certain foundation school program allotments.

Funds generated by full-time equivalents in one instructional arrangement may be spent on the overall special education program and are not limited to the instructional arrangement which generated the funds. International Leadership of Texas must maintain separate accountability for the total state special education program fund within the general fund. A special education fund balance may be carried over to the next fiscal year, but the balance must be expended on the special education program in the subsequent year, and state special education carry-over funds cannot be used for administrative costs. *Tex. Educ. Code § 48.102; 19 Tex. Admin. Code 89.1121.*

**Sec. 11. USE OF STATE SPECIAL EDUCATION FUNDS FOR PERSONNEL**

International Leadership of Texas personnel paid from special education funds must be assigned to instructional or other duties in the special education program and/or to provide support services to the general education program in order for children with disabilities to be included in the general education program. Support services must include, but not be limited to, collaborative planning, co-teaching, small group instruction with children in special education and regular education, direct instruction to children in special education, or other support services determined necessary by the admission, review, and dismissal committee for an appropriate program for the child with disabilities.

Assignments may include duties supportive to school operations equivalent to those assigned to general education personnel. Personnel assigned to provide support services to the general education program may be fully funded from special education funds. If personnel are assigned to special education on less than a full-time basis, only that portion of time for which the personnel are assigned to children with disabilities may be paid from state special education funds.

State special education funds may be used for special materials, supplies, and equipment which are directly related to the development and implementation of IEPs of children and which are not ordinarily purchased for the regular classroom. *19 Tex. Admin. Code 89.1125.*

**Sec. 12. USE OF STATE SPECIAL EDUCATION FUNDS FOR MATERIALS, SUPPLIES, AND EQUIPMENT**

International Leadership of Texas may not use state special education funds for office and routine classroom supplies. *19 Tex. Admin. Code 89.1125.*

**Sec. 13. USE OF STATE SPECIAL EDUCATION FUNDS FOR CONTRACT SERVICES**

International Leadership of Texas may use state special education funds to contract with consultants to provide staff development, program planning and evaluation, instructional services, assessments, and related services to children with disabilities. *19 Tex. Admin. Code 89.1125.*

**Sec. 14. USE OF STATE SPECIAL EDUCATION FUNDS FOR TRAVEL**

International Leadership of Texas may use state special education funds to pay staff travel to perform services directly related to the education of eligible children with disabilities. Funds may also be used to pay travel of staff, including administrators, general education teachers, and special education teachers and service providers to attend staff development meetings for the purpose of improving performance in assigned positions directly related to the education of eligible children with disabilities. The purpose for attending such staff development meetings must not include time spent in performing functions relating to the operation of professional organizations. Funds may also be used to pay for the joint training of parents and special education, related services, and general education personnel. *19 Tex. Admin. Code 89.1125.*

**Sec. 15. COORDINATION OF FUNDS TO PURCHASE INSTRUCTIONAL MATERIALS**

Instructional materials adopted by International Leadership of Texas must be provided to students at no cost.

If International Leadership of Texas chooses to coordinate with the National Instructional Materials Access Center (NIMAC) when purchasing print instructional materials, it must acquire the print instructional materials in the same manner and subject to the same conditions as the Texas Education Agency acquires print instructional materials.

If International Leadership of Texas chooses not to coordinate with the NIMAC when purchasing print instructional materials, it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner and shall provide assurance of compliance with this policy to the Texas Education Agency. *34 CFR 300.210(a) and (b).*

**Sec. 16. NONEDUCATIONAL COMMUNITY BASED SUPPORT SERVICES**

Students with disabilities and their families may be eligible to receive noneducational community based support services paid for by public funds.

The Texas Education Agency (“TEA”) is responsible for establishing procedures and criteria for the allocation of noneducational funds to open-enrollment charter schools for the provision of noneducational community-based support services to certain students with disabilities and their families so that those students may receive a free appropriate public education (“FAPE”) in the least restrictive environment. *Tex. Educ. Code § 29.013(a).*

International Leadership of Texas shall use any funds allocated under Education Code Section 29.013 only for eligible students with disabilities who would remain or would have to be placed in residential facilities primarily for educational reasons without the provision of noneducational community-based support services. *Tex. Educ. Code § 29.013(b).*

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The support services may include in-home family support, respite care, and case management for families with a student who otherwise would have been placed by an open-enrollment charter school in a private residential facility. *Tex. Educ. Code § 29.013(c).*

The provision of services under Education Code Section 29.013 does not supersede or limit the responsibility of other agencies to provide or pay for costs of noneducational community-based support services to enable any student with disabilities to receive a FAPE in the least restrictive environment. Specifically, services provided under Education Code Section 29.013 may not be used for a student with disabilities who is currently placed or who needs to be placed in a residential facility primarily for noneducational reasons. Funds cannot be used to cover services already required through the student's individual education program or for long-term care. *Tex. Educ. Code §29.013(d).*

**Sec. 17. SHARED SERVICES ARRANGEMENTS**

International Leadership of Texas may enter into a written contract with a public or private entity to jointly operate its special education programs. Funds to which the cooperating schools/charter schools are entitled may be allocated to the schools/charter schools jointly as shared services arrangement units or shared services arrangement funds in accordance with the shared services arrangement schools/charters' agreement, Texas Education Agency Guidance and Texas Government. Code Chapter 791 (interlocal agreements). *Tex. Educ. Code 11.157*

**Sec. 18. FUNDING FOR RESIDENTIAL PLACEMENTS & NON-PUBLIC DAY SCHOOLS**

International Leadership of Texas must place a student with a disability in a public or private residential program if the placement is necessary to provide special education and related services to the student. This shall be at no cost to the parent of the student. International Leadership of Texas may use a combination of federal, state, and local funds to pay costs of an approved educationally-based contract for residential placement. International Leadership of Texas must comply with funding mechanisms in the Texas Education Code and Texas Administrative Code regarding residential placements. *Tex. Educ. Code § 29.008; 19 Tex. Admin. Code 89.1092.*

If International Leadership of Texas contracts for services from non-public day schools, International Leadership of Texas must comply with procedures developed by TEA for monitoring the provision of special education and related services at no cost to the parent in conformance with the IEP. *34 CFR 300.146; 34 CFR 300.147; 19 TAC 89.1050.*

**Sec. 19. STATE FUNDING: SPECIAL ALLOTMENTS**

International Leadership of Texas shall maintain records of students participating in special programs in accordance with the Commissioner of Education's rules and TEA's Student Attendance Accounting Handbook. *19 TAC 129.1025.*

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**Sec. 20. SPECIAL EDUCATION ALLOTMENT**

Each open-enrollment charter school will receive an annual allotment equal to the adjusted basic allotment multiplied by an amount identified in state law for each student receiving special education and related services in a mainstream instructional arrangement. For each full-time equivalent student receiving special education and related services in average daily attendance in an instructional arrangement other than a mainstream instructional arrangement, the open-enrollment charter school is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to instructional arrangement as set forth in Section 48.102, Texas Education Code.

Funds allocated under this section, other than an indirect cost allotment established under State Board of Education (“SBOE”) rule, must be used in the special education program under Subchapter A, Chapter 29 of the Texas Education Code. *Tex. Educ. Code § 48.102.*

International Leadership of Texas is entitled to receive funds for the provision of extended school year (ESY) services up to 75 percent of the applicable allotment for each FTE child in ADA, multiplied by the amount designated for the child’s instructional arrangement for each day the program is provided and divided by the number of days in the minimum school year. International Leadership of Texas may use funds received for ESY only in providing ESY and is not eligible for reimbursement for ESY services provided to children for reasons other than those allowed under the law. *Tex. Educ. Code § 48.102(j).*

**Sec. 21. ALLOTMENT FOR STUDENTS WITH DYSLLEXIA OR RELATED DISORDER**

Each open-enrollment charter school will receive an annual allotment equal to the adjusted basic allotment multiplied by an amount identified in state law for a student who is receiving dyslexia or a related service in accordance with an IEP or Section 504 plan; is receiving instruction that meets applicable dyslexia program criteria established by the State Board of Education and is provided by a person with specific training in providing that instruction; or is permitted, on the basis of having dyslexia or a related disorder, to use modifications in the classroom or accommodations in the student's classroom or accommodations in the administration of assessment instruments under Section 39.023 of the Texas Education Code. The open-enrollment charter school may receiving funding for a student under this section and Section 2 above (involving Section 48.102 of the Texas Education Code) if the student satisfies the requirements of both sections.

Each open-enrollment charter school may use an amount not to exceed the amount identified in state law to contract with a private provider to provide supplemental academic services to the student that are recommended by the student’s program or plan. A student may not be excused from school to receive supplemental academic services provided under this section. *Tex. Educ. Code § 48.103.*