

NM Public Education Department



**Puente para los Niños
High-Cost Fund
Guidelines
2023-2024**

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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) in addressing the needs of high need children with disabilities (excluding gifted-only). The New Mexico Public Education Department (PED) has elected to create a High Cost Fund called Puente para los Niños Fund pursuant to the provisions of 34 C.F.R. § 300.704(c) and 6.31.2.9(B)(5) NMAC.

To receive funds distributed from the Puente para los Niños Fund, an LEA must meet the following requirements: (1) the definition of a high need child with a disability (Section B); and (2) the eligibility criteria (Section C).

Disbursements from the fund may only be used for the costs of providing special education programming and related services directly to the student with high needs. These services must be identified in the student's Individualized Education Program (IEP). Funds cannot be used for services the LEA would like to provide but is not currently providing nor expenses such as legal fees, court costs, or other litigation costs. 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 NEEDS CHILD WITH A DISABILITY

1. **Cost Threshold**—The definition of a high need child with a disability is a student whose total cost to provide a Free and Appropriate Public Education (FAPE) is three times greater than the average per pupil cost or greater than \$34,053.00. In New Mexico, the average per pupil cost was \$11,351.00 in 2019-2020. FAPE is the legal standard by which LEAs are responsible for developing and implementing an IEP that is reasonably calculated to enable the student's educational progress in consideration of his or her disability-related learning needs.
2. **Financial Impact on LEA Budget**—The cost to provide FAPE to a high needs student with a disability must have a financial impact on the LEA's total budget. LEAs applicants must disclose the percentage of IDEA Part B allocation funds that are expended to cover the cost of servicing high student needs.

C. ELIGIBILITY CRITERIA FOR LEA PARTICIPATION

1. **Documentation of Required Services and Costs**—At a minimum, each LEA requesting assistance from the Puente para los Niños Fund must provide written

documentation including the student's IEP and a detailed description of the costs associated in providing direct special education and related services to the student.

2. **Number and Percentage of High Need Students**—Each LEA must identify the number and percentage of high needs students with disabilities served by the LEA.
3. **Carryover Deduction**—If an LEA's application for reimbursement is accepted and an award is determined, carryover funds (if any) that the LEA has not used prior to the application deadline date, will be subtracted from the LEAs final Puente para los Niños award amount. All LEA's carryover amounts will be determined as of the application deadline date noted below. It is beneficial for LEAs to ensure that all outstanding Requests for Reimbursement (RfRs) from IDEA B funds be submitted prior to the deadline date to maximize any potential award amount. Federal funds (which are the RfR's funds) are not eligible to be accrued as expenditures for the high cost fund.
4. **Local Charters**—Carryover amounts for local charters applying for an award will be based on a calculated percentage of applicable carryover proportionate to the local charter's percentage of the parent district's Students with Disabilities STARS count (prior year-end count).

D. LEA ASSURANCES

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

1. **Evaluation**—The student must have been evaluated in accordance with Subsection (C), (D) or (E) of 6.31.2.10 NMAC.
2. **Special Education Eligibility**—The student is determined eligible for special education and/or related services in accordance with Subsections (F) of 6.31.2.10 NMAC.
3. **Current IEP**—The student has a properly constituted and up-to-date IEP in accordance with 6.31.2.11 NMAC.
4. **Placement**—The student's placement was decided by the student's IEP team in accordance with 6.31.2.11 NMAC.
5. **Least Restrictive Environment**—The student's placement is in the Least Restrictive Environment (LRE) in accordance with Subsection (C) of 6.31.2.11 NMAC.

6. **Local Charter Schools**—Parent districts of local charter schools applying for funds from the Puente para los Niños fund must agree to:
 - a. submit a Budget Adjustment Request which includes any funds awarded;
 - b. accept the awarded funds on behalf of the local charter school applying for the funds; and
 - c. distribute the funds to the local charter school for reimbursements for the costs associated with providing the direct special education and related services identified in the IEP for the student with high needs.

E. PUENTE PARA LOS NIÑOS FUND APPLICATION

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

1. **Student Data**—Number of students meeting the high needs definition in Section B (above) as well as the total special education student enrollment. This information should come directly from the most recent certified enrollment counts submitted to the PED.
2. **Financial Impact**—A narrative describing how the cost of the student with high needs impacted the LEA's budget. LEAs applicants must disclose the percentage of IDEA Part B allocation funds that are expended to cover the cost of servicing high student needs.
3. **Service History**—A description of the course of action taken to date by the LEA to serve students with high needs. Be sure to include the number and type of Full Time Equivalent staff (FTEs) affected for each such student.
4. **Expenditures**—The most recent detailed expenditure report showing budgeted and actual year-to- date expenditures for each student with high needs.
5. **Documentation**—Copies of all contracts and invoices that pertain to the student with high needs.
6. **Identifier**—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 Division (SED) **at least two weeks prior to the scheduled Puente para los Niños Committee meeting.** See Section II for Puente para los Niños Committee

information. Only complete applications will be reviewed by the Puente para los Niños Committee. Incomplete or late applications will NOT be considered for funding. The Committee may request additional documentation and/or information that is not required to be included in the initial application. Such requests will not preclude an application from further review and consideration 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 Subsection F (below).

The Puente para los Niños Committee may grant awards for less than the amount requested. However, the student must still meet the definition of High Needs Student to receive funding from the Puente para los Niños fund. Receipt of Puente para los Niños fund awards in prior years does not guarantee future eligibility.

All Puente para los Niños applications are subject to audit by either the SED 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 developed and implemented. Additionally, the auditors may verify the percentage of high needs 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 or local charter school receives an award letter, the LEA may request reimbursement of these funds in accordance with the PED RfR schedule. If the committee, at its last meeting of the school year, decides that no further amounts will be granted from the Puente para los Niños fund, the SED will redistribute remaining funds to the LEAs.

G. REPORTING REQUIREMENTS

For auditing purposes, an end of the year report is required by each LEA awarded Puente para los Niños funds. Reports are due to the SED Business Operations Specialist by June 30th of the award year. 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 during the award year; and
3. Expenditure reports, invoices, and receipts.

Notification in writing must be made to the SED Data Manager, within fifteen days, if and when a student with high needs disenrolls from the LEA that received an award from the Puente para los Niños fund for that student. Final RfRs for students who have disenrolled from the LEA must be submitted in the Operating Budget Management System (OBMS)

within 30 days from the date of the student's disenrollment from the LEA.

H. ADDITIONAL RESTRICTIONS

1. Funds cannot be used to pay costs that otherwise would be reimbursed as medical assistance under Medicaid. 34 C.F.R. § 300.704(c)(8).
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.

II. PUENTE PARA LOS NIÑOS COMMITTEE

The Puente para los Niños Committee recommends approval or disapproval of all Puente para los Niños applications at the committee meetings to the SED Director. The Committee may request additional documentation or information from the LEA which was not required to be included with the initial application. LEA applicants may attend the Puente para los Niños Committee meetings at times when the LEA's application is being considered by the committee. An LEA representative must sign a confidentiality agreement prior to the LEA attending a committee meeting and meeting minutes must reflect the LEA's participation. 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) SED Deputy Director or Designee;
 - b) SED Fiscal Manager or Designee;
 - c) PED Medicaid Representative or Designee; and
 - d) Four LEA Special Education Directors, including at least one director from a rural district and one director from a charter school.
2. The SED 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 from LEAs will be appointed by the SED Deputy Director.
4. Members of the committee from the LEAs will be appointed based on their knowledge of special education programing/service delivery, funding, geographical representation, size of LEA, and other demographic considerations.
5. Other LEA Special Education Directors shall be appointed as alternate members of the committee. If a member is unable to attend a committee meeting, the Committee Manager shall request that an alternate member attend the meeting to create a quorum of the committee.

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 a confidentiality agreement.
2. All committee members shall sign in to each meeting.
3. The committee will review completed applications provided by the SED 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 (I)(E). If applications are not complete or on time, they will not be considered by the committee. The committee manager or designee may request information or documentation from the LEA to complete the LEAs application prior to the committee meeting.
5. The committee manager or designee will forward to the committee members copies of the completed applications in advance of each meeting.
6. The committee manager or designee will be responsible for providing each application to the committee for consideration.
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 or documentation not required to be included in the initial application. If necessary, the committee may reconvene a meeting to discuss and vote to approve or deny an application requiring supplemental information or documentation.
9. A quorum of the committee consists of at least a majority of the total membership and must include one LEA special education director member or alternate.
10. Committee members will vote to recommend acceptance, partial acceptance, or denial of each application to the Division Director. Committee members may abstain from any vote.

11. A majority vote by the committee members voting will be sufficient to determine the committee action.
12. 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.
13. All committee members shall sign the decision summary (electronic signatures are sufficient to meet this requirement).
14. The committee manager or designee, on behalf of the committee, will notify the applicant LEA and/or local charter school in writing of the determination of the committee. The LEA and/or local charter school will be provided a copy of the decision summary.
15. All applications received by the committee will be retained by the SED 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); and
 - 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. The amount of the approval may be equal to or less than the amount requested.
 - a) Any carryover funds not expensed prior to the application deadline will be deducted from the final Puente para los Niños award as based upon the percentages listed in Section (I)(C) in the guidelines.

3. The approval of the application may be contingent on additional requirements imposed by the committee or the Division Director such as the development of an improvement plan to resolve a specific issue or concern.
4. The application awards 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
January 31, 2024	February 12, 2024	March 15, 2024

NOTE: Completed applications must be received at the SED by 5:00 p.m. on the application deadline listed above. Applications must be sent electronically. Applications sent via regular mail or facsimile **will not** be accepted. Please contact the SED Business Operations Specialist at the email address or phone number below to arrange for electronic submission of the application and confidential student records.

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