

**ALABAMA STATE DEPARTMENT OF EDUCATION**  
**Special Education Services**  
**ASSIST Funding Support Guidelines**

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**Introduction**

There are approximately 93,472 children who qualify for special education services (SES) in the state of Alabama. The uneven distribution of children with high needs generates an excessive expenditure demand for certain local education agencies (LEAs) in our State.

The *Individuals with Disabilities Education Act* (IDEA) allows each State the option to use a portion of the allocated federal funds reserved for other state-level activities to provide a provision of support that would assist LEAs in costs required for meeting the needs of children with disabilities and suspected disabilities that generate an excessive expenditure demand (34 C.F.R. §300.704 (b)(3)(i-xi) Other State -Level Activities.

**The State Plan**

The Alabama State Department of Education (ALSDE) will set aside funds that the SES reserves for other state-level activities under 34 CFR 300.704. These funds will remain under the control of the State until disbursed to an LEA to support the services covered by this application funding process. All services must be provided in accordance with 20 U.S.C. 1400, et.seq., (P.L. 108-446) IDEA, Part B, and the *Alabama Administrative Code* governing IDEA children and children with suspected disabilities. Services requested will be monitored by the ALSDE.

Criteria for LEA Participation:

An LEA is eligible to complete an application for ASSIST funding on behalf of any child, ages 3-21, who has a disability or is suspected of having a disability (for diagnostic purposes when completing an initial evaluation).

An LEA must also meet the following additional criteria to receive ASSIST funding:

1. The LEA must submit a properly completed application for ASSIST funding (provided by SES) in the area of need and any required supporting documents.
2. The LEA must not have lapsed IDEA Part B formula funds from the preceding funds appropriation year.
3. The LEA may not request funds from Part B-IDEA or IDEA Preschool if the LEA carried forward 30% or more of the LEA's allocation during the preceding school year.
4. The LEA has an approved application for federal special education funds for the current year in the electronic Grant Application Process (eGap) system.

Criteria for LEA Use of the Application Funds for ASSIST:

The LEA must be consistent with requirements under IDEA and the *Alabama Administrative Code*.

An LEA receiving funds under the application for ASSIST, must adhere to the following regarding use of funds:

1. The LEA may not use the application for ASSIST funding, to limit or place conditions on the rights of a child with a disability or a suspected disability.
2. The application for ASSIST funding is used only to provide the services documented in the application for a specific child, or group of children with a disability or suspected of having a disability.
3. The LEA must incur all costs during the school year.
4. An LEA submitting a claim under this provision of IDEA shall be prepared to provide supporting documentation related to the cost associated with the specific student with a disability or suspected of having a disability.
5. Disbursements from this fund **shall not** be used to pay costs that would typically be reimbursed as medical assistance for a child with a disability under the State Medicaid program under Title XIX of the *Social Security Act* or any other Federal or State Catastrophic funds.

6. The costs eligible under this ASSIST funding **shall not** include the following:
  - Legal fees, court costs, or other costs associated with a cause of action brought on behalf of a child with a disability or a suspected disability.
  - Indirect costs and administrative or leadership costs associated with the provision of the services to the child.
  - Costs to support other activities not identified in the application for ASSIST funding.

Documentation:

LEAs must create and maintain adequate and sufficient documentation (i.e. kept five years) for all applications for ASSIST funding, and expenditures for services. The LEA must use the IDEA Alabama Fund Source **3215** for the area of support indicated. The ALSDE may require additional evidence for any expenditure, such as paid invoices or other documentation, for items included in the Application for ASSIST funding.

Application Process for ASSIST Funding:

The procedural timelines for the ASSIST fund application, are as follows:

1. The information for ASSIST funding, plan and application, will be posted to the ALSDE Website and will include the requirements for meeting the established criteria for filling a claim under this program.
2. All applicants will complete and submit the appropriate application, based on the applied area of support and provide any requested supporting documentation. The Special Education Coordinator or designee must submit the application. If an LEA is a member of a shared services arrangement (SSA) i.e., Conversion Charter School, the SSA fiscal agent must submit the application. An LEA may submit applications for students with a disability or suspected of having a disability in the LEAs jurisdiction. Consideration for extenuating circumstances will be made on a case-by-case basis, discussed with, and approved by the ALSDE.
3. The ALSDE, SES, will begin taking applications for ASSIST funding immediately. Applications will be reviewed, and provisions provided based on a continuous basis as funds are available.
4. The application for ASSIST funding cannot be used for expenses incurred for the identified needs in prior years or funded by an alternate funding source.
5. All applications received will be reviewed by staff of the ALSDE to determine if the unique qualities of the child(ren) related to occurrence, intensity of, and diversity of services are in excess of the typical high-needs child with a disability or suspected disability. The ALSDE has an obligation to avoid granting provisions that have, or appear to have, a conflict of interest between the ALSDE or ALSDE officials, employees, or agents and the recipient of the award.
6. The application for ASSIST fund allotments will be made according to the information included in each application. Compliance Monitoring Citations/ LEA Determinations of Meets Requirements, Needs Assistance, Needs Interventions, or Needs Substantial Interventions will be reviewed and considered prior to awarding the application for ASSIST funds.
7. The application for ASSIST funds do not carry over and must be expended by September 30<sup>th</sup> annually.

Distribution of ASSIST Funds:

1. An email will be sent to the LEA's Special Education Coordinator or designee after an approval of the application is granted. The plan and application serve as the Memorandum of Agreement.
2. The application for ASSIST funds must be budgeted system-wide using revenue and fund source code 3215-IDEA Alabama IDEA ASSIST.