

STATE BOARD OF EDUCATION  
STATE DEPARTMENT OF EDUCATION  
ADMINISTRATIVE CODE

CHAPTER 290-080-092  
CATASTROPHIC TRUST FUND FOR SPECIAL EDUCATION

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290-080-092-.01     Title, Purpose And Organization.

(1) Title. The Catastrophic Trust Fund for Special Education.

(2) Purpose. The Catastrophic Trust Fund for Special Education shall be administered by the Alabama State Department of Education for the purpose of assisting local county and city boards of education in providing special education and related services to children and youth with disabilities in catastrophic cases.

(3) Organization. Under the provisions of Alabama Administrative Code Chapter 290-080-092, the State Superintendent of Education is the final authority in determining the eligibility of each applicant and the awarding of each grant.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

290-080-092-.02     Definitions.

(1) Applicant. A county or city board of education.

(2) Catastrophic. Those cases where special education and related services which are required for a particular child are unduly

expensive, extraordinary and/or beyond the routine and reasonable special education and related services provided by the local education agency.

(3) Children or youth with disabilities. See Exceptional children, Alabama Administrative Code r. 290-080-092-.02(4) below.

(4) Exceptional children. Those children and youth with disabilities determined eligible for special education and related services under existing federal and Alabama state laws, rules, regulations and policies governing special education.

(5) Grantee. Local county or city board of education in the State of Alabama.

(6) Ineligible student. Student who does not meet eligibility requirement(s) in Alabama Administrative Code r. 290-080-092-.02(4); dies or otherwise leaves the jurisdiction of the grantee.

(7) Local Education Agency (LEA). A county or city board of education in the State of Alabama.

(8) Local Superintendent. The Alabama county superintendent of education or the city superintendent of schools.

(9) Special educational services. Services related to instruction of exceptional children with disabilities.

(10) Student with disabilities. See Exceptional children, Alabama Administrative Code r. 290-080-092-.02(4)

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

### 290-080-092-.03 Forms Used.

(1) Application Form. Application shall be submitted on form CFSE Form 1, Application for Financial Assistance grant from the Alabama Catastrophic Trust Fund for Special Education. Forms may be obtained without cost from the ALABAMA STATE SUPERINTENDENT OF EDUCATION, GORDON PERSONS BLDG, 50 N RIPLEY ST, MONTGOMERY, AL 36130-3901.

(2) Reimbursement Form. Reimbursement claims shall be submitted on form CFSE Form 2, ALABAMA CATASTROPHIC TRUST FUND FOR SPECIAL EDUCATION. Forms may be obtained without cost from the ALABAMA STATE SUPERINTENDENT OF EDUCATION, GORDON PERSONS BLDG, 50 N RIPLEY ST, MONTGOMERY, AL 36130-3901.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

**290-080-092-.04      Source Of Funding.**

(1) Code of Ala. 1975, §32-5-313 as amended by 1991 Ala. Acts 91-824, Section 5.

(2) Funds appropriated.

(3) Donations, bequests and other forms of financial assistance.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and Code of Ala. 1975, §32-5-313 as amended by 1991 Ala. Acts 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

**290-080-092-.05      Application For Grant From The Catastrophic Trust Fund For Special Education.**

(1) A local education agency may make an application, in accordance with Alabama Administrative Code r. 290-080-092-.03, for a grant from the Catastrophic Trust Fund for Special Education. The completed application should be sent to the ALABAMA STATE SUPERINTENDENT OF EDUCATION, GORDON PERSONS BLDG, 50 N RIPLEY ST, MONTGOMERY AL 36130-3901. An application for a grant shall include at a minimum, the following:

(a) Identification information concerning applicant and student with disabilities;

(b) Each application shall be submitted for a specific fiscal year ending September 30;

(c) A detailed statement of the facts and circumstances surrounding the catastrophic services needed because of the student's disability;

(d) A detailed statement of the type of service(s) needed and the cost of each service due to the facts and circumstances surrounding the service(s) needed by the student with disabilities;

1. A detailed statement of service(s) needed and the expected cost of each service for the fiscal year ending September 30;

2. A detailed statement of the financial impact on the special education program of the local education agency if such services were funded solely by the local education agency; and

3. A detailed statement showing each anticipated source of funds (including local) for proposed expenditures by the local education agency special education program;

(e) A detailed statement of the financial impact on the entire local education agency in the event this grant application is not approved;

(f) Signature of local superintendent; and

(g) Date signed by the local superintendent.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and Code of Ala. 1975, § 32-5-313 as amended by 1991 Ala. Acts 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

**290-080-092-.06      Review And Approval Process.**

(1) Upon receipt of an application, the State Superintendent of Education will forward the application to the Division of Special Education Services.

(2) The Assistant State Superintendent for Special Education Services and the Assistant Superintendent for Administrative and Financial Services shall at a minimum review each application:

(a) with the following considerations:

1. Existing funding arrangements;
2. Amount of LEA matching funds required or available;
3. Circumstances where LEA matching funds may be varied or waived;
4. Total number of applications and the availability of funds for the fiscal year ending September 30;
5. Interagency funding sources; and
6. Funding mechanism in relation to ability of LEA to contribute.

(b) may take into consideration other pending applications and shall not be limited to a first come, first serve basis, but rather shall recommend approval of each application based upon the catastrophic case presented in the application.

(c) shall submit their recommendation in writing to the Alabama State Superintendent of Education based on the following and the sufficiency of available funds:

1. First Priority. An applicant who is a previous Catastrophic Trust Fund for Special Education grantee and who continues to meet criteria specified in Alabama Administrative Code r. 290-080-092-.05 through 290-080-092-.06(2)(c).

2. Second Priority. An applicant who meets the criteria specified in Alabama Administrative Code r. 290-080-092-.05 through 290-080-092-.06(2)(c).

3. Not Recommended. An applicant is not recommended for a grant.

(3) Amount of Approved Grant. The State Superintendent of Education shall approve each grant from the Catastrophic Trust Fund for Special Education in the amount requested in the application or any lesser amount.

(4) Disapproved Grant Application. Each applicant who is not approved for a grant shall be notified in writing by the State Superintendent of Education that the application for a grant from the Catastrophic Trust Fund for Special Education was not approved.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and Code of Ala. 1975, §32-5-313 as amended by 1991 Ala. Acts 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

#### **290-080-092-.07      Length Of Grant.**

(1) Each application shall be submitted for a specific fiscal year ending September 30.

(2) Based upon a new application, Alabama Administrative Code r. 290-080-092-.03, and 290-080-092-.05 through 290-080-092-.06(3), a grant may be renewed for a subsequent fiscal year.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and Code of Ala. 1975, §32-5-313 as amended by 1991 Ala. Acts 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

#### **290-080-092-.08      Notification.**

(1) Notification of Grant. The State Superintendent of Education shall, at the time of awarding a grant, notify a local education agency in writing of the type and manner of accounting records and documentation required to be submitted in order to be reimbursed for an expenditure made based upon the approved grant application, Alabama Administrative Code r. 290-080-092-.06(3).

## (2) Notification of Termination of Grant.

(a) Child or Youth With Disabilities Becomes Ineligible for Grant during fiscal year ending September 30.

1. County or city board of education grantee shall immediately notify in writing the ALABAMA STATE SUPERINTENDENT OF EDUCATION, 50 N RIPLEY ST, MONTGOMERY AL 36130-3901 of the:

(i) ineligibility of the child or youth with disabilities;

(ii) termination of the grant; and

(iii) the effective date of such ineligibility and/or termination.

(b) The State Superintendent of Education shall immediately notify in writing the county or city board of education grantee in the event of any termination by the State Superintendent of Education and the effective date of such ineligibility.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford.

**Statutory Authority:** 1991 Ala. Acts 91-594 and Code of Ala. 1975, §32-5-313 as amended by 1991 Ala. Acts 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

**290-080-092-.09      Reimbursement To Grantee.**

## (1) Amount of Grant.

(a) The dollar amount of each grant shall be determined in accordance with Alabama Administrative Code r. 290-080-092-.06(3).

(b) Funds will be reimbursed to each local education agency on a 75 percent Catastrophic Trust Fund for Special Education and 25 percent local education agency match unless varied or waived by the State Superintendent of Education in accordance with Alabama Administrative Code r. 290-080-092-.06(3).

## (2) Disbursement of Funds.

(a) Receipt of Claim for Reimbursement, CFSE Form 2, Catastrophic Trust Fund for Special Education, Alabama Administrative Code r. 290-080-092-.03(2).

1. Upon each receipt of claim for reimbursement and approval of same by the Alabama State Superintendent of Education, the Office of the Assistant State

Superintendent for Administrative and Financial Services shall prepare voucher (and/or electronic transfer document) requesting the State Comptroller to disburse funds not to exceed the amount of the grant, as determined in accordance with Alabama Administrative Code r. 290-080-092-.06(3) and 290-080-092-.08(1), to the local county or city board of education named as grantee.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and Code of Ala. 1975, §32-5-313 as amended by 1991 Ala. Acts 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

#### 290-080-092-.10      Maintenance Of Records.

(1) County or City Board of Education Grantee.

(a) Each grantee shall establish and maintain on a current basis adequate records which reflect each transaction with respect to program and fiscal activity as these relate to the administration of the Catastrophic Trust Fund for Special Education grant.

(b) The records for each grant period (each fiscal year ending September 30) shall be retained for a period of five (5) years following the date of notification of grant, Alabama Administrative Code r. 290-080-092-.08(1).

(c) The State Superintendent of Education, or any of the State Superintendent's duly authorized representatives, shall have access, for the purpose of review and examination, to Catastrophic Trust Fund for Special Education grant records and supporting documents maintained by the county or city board of education grantee.

(d) The records involved in any claim or expenditure which has been questioned by a review in accordance with Alabama Administrative Code r. 290-080-092-.10(1)(c) or by an audit by the State of Alabama Examiners of Public Accounts or by an independent audit by an accountant employed by a LEA or an audit by the State Auditor must be retained until resolution of any such review or audit questions.

**Author:** Dr. Coleman Kenneth Wilson, Mr. William J. Rutherford

**Statutory Authority:** 1991 Ala. Acts 91-594 and Code of Ala. 1975, §32-5-313 as amended by 1991 Ala. Acts 91-824.

**History:** New March 12, 1992 effective April 20, 1992.

290-080-092-A

Appendix - Forms.

STATE BOARD OF EDUCATION  
STATE DEPARTMENT OF EDUCATION  
ADMINISTRATIVE CODE

APPENDIX  
FORMS

290080092.03(1) CFSE FORM 1 Application Form  
290080092.03(2) CFSE FORM 2 Reimbursement Form



CFSE Form 1

See Master Code for copy of form

**STUDENT INFORMATION**

Name of Student: \_\_\_\_\_  
First Name, Middle, Last (Family Name), Suffix

Student's Social Security Number: \_\_\_\_\_

Age/Birthdate: \_\_\_\_\_ / \_\_\_\_\_  
Day Month Year

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Name of School: \_\_\_\_\_

Location of School: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip Plus 4

In the space below, provide a detailed statement of the facts and circumstances surrounding the catastrophic services needed because of the student's disability:

**STATEMENT OF FINANCIAL NEED**

In the spaces below, provide detailed statements of the type service(s) needed and the cost of each service due to facts and circumstances surrounding this request for financial assistance:

1. Statement of services needed and the expected cost of each service for the fiscal year ending September 30.

2. Statement of the financial impact on the special education program of the local education agency if such services were funded solely by the local education agency.

3. Statement of the financial impact on the entire local education agency if this grant is not approved.

4. Statement showing each anticipated source of funds (including local) for the proposed expenditures in this application by the local education agency special education program. This shall include the amount needed to provide the required local match for catastrophic funds.

**ALABAMA CATASTROPHIC TRUST FUND  
FOR SPECIAL EDUCATION APPLICATION PROCESS**

**GRANT APPLICATION**

Pursuant to Alabama Administrative Code Chapter 290-080-092.

Any county or city school system in the State of Alabama that has enrolled an exceptional child with disabilities determined eligible for Special Education and related services under existing federal and state law, may make a grant application to the State Superintendent of Education for financial assistance when the special education and related services for that particular child are unduly expensive, extraordinary and/or beyond the routine and reasonable education and services provided.

Questions regarding these rules and the application process should be directed to:

DR. BILL EAST  
DIVISION OF SPECIAL EDUCATION SERVICES  
GORDON PERSONS BUILDING, ROOM 3346  
50 NORTH RIPLEY STREET  
MONTGOMERY, AL 36130-3901  
TELEPHONE: (205)242-8114 OR 1-800-392-8020

**SUBMISSION OF APPLICATION:**

An original and three (3) copies must be forwarded to:

DR. WAYNE TEAGUE  
STATE SUPERINTENDENT OF EDUCATION  
ROOM 5115, GORDON PERSONS BUILDING  
50 NORTH RIPLEY STREET  
MONTGOMERY, AL 36130-3901

CFSE Form 2

See Master Code for copy of form

**Author:**

**Statutory Authority:**

**History:**