

Dear Superintendent,

Upon preliminary review of data received from the U.S. Department of Education (ED) Impact Aid Program, your school district appears to be eligible to apply to the Department of Defense (DoD) for financial assistance for Fiscal Year 2010 funds for providing services to eligible military dependent children with disabilities, as authorized by Section 363 of Public Law 106-398, the Floyd D. Spence National Defense Authorization Act (NDAA) for Fiscal Year 2001 (codified in section 7703a of title 20 United States Code (U.S.C.)). Fiscal Year 2010 funds will provide payments for eligible military dependent children with severe disabilities for School Year 2008-2009.

For the purpose of this authorization, "children with severe disabilities" means children with disabilities who, because of the intensity of their physical, mental, or emotional problems, need highly specialized education, social, psychological, and medical services in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment. The term includes those children with disabilities with severe emotional disturbance, schizophrenia, autism, severe and profound mental retardation, and those with blindness, and cerebral palsy and deafness (section 222.80(b) title 34 Code of Federal Regulations (C.F.R.)). The enclosed guidelines include the definition of "children with disabilities" under section 36 C.F.R.222.50 (enclosure 1).

Under 20 U.S.C. 7703a(a), a local educational agency (LEA) must provide educational and related services to two or more **eligible military dependent** children with severe disabilities, and satisfy certain other criteria in order to be determined eligible to receive payment for costs incurred in providing a free appropriate education to each child described in subparagraph 20 U.S.C. 7703(a)(1) (A)(ii), (B), (D)(i) or (D)(ii).

Under Section 20 U.S.C. 7703a(b), the payment for each military dependent child who has a severe disability will be the payment made on behalf of the child with a severe disability that is in excess of the average per pupil expenditure in the State in which the LEA is located. Subtracted from this amount will be the sum of funds received by the LEA (1) from the State in which the LEA is located to defray the educational and related services expenses for such child; (2) under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et. seq.) to defray educational and related services expense for such child; and (3) from any other source to defray the educational and related services expenses, when those funds are received due to the severely disabling condition. ED provides DoD data articulating the amount of funds received by the LEA from the State, under the IDEA, and under the Federal Impact Aid Program for Children with Disabilities.

Under 20 U.S.C. 7703a(c), payments will be made to LEAs only on behalf of each military dependent child with a severe disability whose individual educational or related

services costs exceed either (a) five times the national or State average per pupil expenditure (whichever is lower) for a special education (SPED) program that is located outside the boundaries of the school district of the LEA that pays for the services, or (b) three times the State average per pupil expenditure for a SPED program offered by the LEA.

For purposes of establishing the national and State per pupil expenditure, only data provided by the ED National Center for Education Statistics (NCES), State Per Pupil Expenditures (SPPE) will be accepted. The current NCES chart of SPPE is enclosed for your convenience (enclosure 2).

As required by 20 U.S.C. 7703a(d), actual payments shall be ratably reduced if the funds appropriated to the DoD for this program are insufficient to pay the full amount that all LEAs are eligible to receive.

If you believe that your LEA is eligible for the funds and you wish to apply, we must receive a completed application **not later than 5 PM EST July 8, 2010**. The application (Forms SD 816 and SD 816C – enclosure 3) must be completed and submitted via email to: [dodea.impactaid@hq.dodea.edu](mailto:dodea.impactaid@hq.dodea.edu). These forms can be downloaded from the DoD forms website at: [http://militaryk12partners.dodea.edu/reference\\_impactaid\\_disabilities.html](http://militaryk12partners.dodea.edu/reference_impactaid_disabilities.html). **In addition, page one of the application (SD 816) must be signed and returned by fax to (703) 588-5330.**

We will notify you concerning the status of eligibility to receive payment by August 15, 2010. Eligible LEAs will be advised of the amount they will receive and the expected disbursement. All payments for the Impact Aid for Children with Severe Disabilities Program will be made via direct deposit to the financial institution listed on your application. For additional information, please visit the DoD Impact Aid Programs Web site at: [http://militaryk12partners.dodea.edu/reference\\_impactaid\\_disabilities.html](http://militaryk12partners.dodea.edu/reference_impactaid_disabilities.html).

If you have questions, please contact Ms. Keisha Brown by phone (703) 588-3178, fax (703) 588-5330, or email at [dodea.impactaid@hq.dodea.edu](mailto:dodea.impactaid@hq.dodea.edu).

Sincerely,

Kathleen Facon  
Chief Educational Partnership Branch