



Certification Page Regular and Emergency Rules

Revised June 2020

Emergency Rules (Complete Sections 1-3 and 5-6)

Regular Rules

1. General Information

a. Agency/Board Name* Education, Department of			
b. Agency/Board Address 122 W. 25th Street, Suite E200		c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Ashley Rooney		f. Agency Liaison Telephone Number 307-777-6206	
g. Agency Liaison Email Address ashley.rooney1@wyo.gov			h. Adoption Date 1/10/2022
i. Program General Agency, Board of Commission Rules			

Amended Program Name (if applicable):

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. If the rules are new, please provide the Legislative Chapter Numbers **WS 21-2-202(a)(xxxii) and W.S. 21-3-110(a)(xxxi)** and Years Enacted (e.g. 2015 Session Laws Chapter 154):

3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number: 44	Chapter Name: Rules for the Special Education Component within the Education Resource Block Grant Model	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:


5. Checklist

a. For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b. For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Jillian Balow
Signatory Title	Superintendent of Public Instruction
Date of Signature	1/10/2022

7. Governor's Certification

I have reviewed these rules and determined that they:

- 1. Are within the scope of the statutory authority delegated to the adopting agency;
- 2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
- 3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Statement of Reasons

Chapter 44 Rules

Rules for the Special Education Component within the Education Resource Block Grant Model

Why are the rules necessary?

The rules are necessary to detail allowable expenditures related to the State of Wyoming Special Education reimbursements for students with disabilities within the WDE401 Special Education Reimbursement Collection. Allowable expenditures are limited to actual costs, are specific to providing education to students with disabilities, are required by law and correlated to a child's Individual Education Program (IEP).

What will the impact be to the public?

Chapter 44 rules are being updated to clarify language in the Rules document and for efficiency. Examples in the Rules document are being stricken to clean up the language for procedure. The examples will be incorporated into an allowable costs document that will assist districts in determining what is eligible for reimbursement and what is not.

Proposed rules have been vetted through the State Superintendent of Public Instruction's statutory School Finance Data Advisory Committee (SFDAC) and the Attorney General's office. The SFDAC membership is comprised of representatives from school districts, the Department of Audit, the Legislative Service Office and a member from the private Certified Public Accountant community.

Timestamp	Name (First & Last)Name	Town of Residence	Email address or Phone #	My comment is...	WDE Response
11/8/2021 9:21:50	Nancy Nelson	Greybull	nnelson@bgh3.k12.wy.us	<p>The amended rules look less clumsy and easier to understand.</p> <p>We must be certain that these rules are followed for all students, especially those students who are not only marginalized for their learning disability, but also for the color of their skin, their first language, and/or their sexual orientation. Advocates are necessary to make sure students are being treated fairly, are receiving the necessary services, and families are involved in the decision-making process. These advocates should be compensated under these rules. It is ridiculous to assume that district personnel have the time or interest to advocate for students or families.</p>	<p>Chapter 44 is a state funded Special Education reimbursement collection. It is the responsibility of the IEP team to advocate for students on an IEP regardless of race, learning disability, first language or sexual orientation. The districts are reimbursed for personnel whose job duties qualify them for reimbursement under Chapter 44. There are Special Education Advocacy agencies and groups in Wyoming that offer those services to parents free of charge.</p>

Chapter 44

RULES FOR THE SPECIAL EDUCATION COMPONENT WITHIN THE EDUCATION RESOURCE BLOCK GRANT MODEL

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statute 21-2-202(a)(i); W.S. 21-2-203(a); and W.S. 21-13-321(d).

Section 2. Definitions.

(a) “Advertising” means costs for print (newspapers, flyers, brochures, etc.), radio, internet or television advertisements, the purpose of which is to recruit special education staff, procure special education goods or services, communicate to the public concerning special education issues such as the destruction of special education records, announce Child Find activities as defined by 34 CFR § 300.111(a)(i), or dispose of surplus special education goods.

(b) “Communication Services” means services provided by persons or businesses to assist in transmitting and receiving messages or information. This category includes, but is not limited to, phone services that the district provides to service personnel or other staff providing services to students with disabilities.

(c) “Contract Services” means professional services provided by a third party including fees paid for professional advice, training, applicable services, and consultation regarding students with disabilities and their programs.

(d) “Direct Costs” means costs incurred for the exclusive purpose of serving students with disabilities.

(e) “Evaluation” means procedures used in accordance with 34 CFR §§ 300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

(f) “Extended School Year (ESY)” means special education and related services that are provided to a child with a disability, beyond the normal school schedule, in accordance with the child’s IEP and at no cost to the parents of the child.

(g) “IEP” means an Individualized Education Program as defined by 34 CFR § 300.22.

(h) “Incentive” means something offered as a reward or motivator to a student for accomplishing a given task, demonstrating a positive behavior, or for increasing productivity.

(i) “Screening” means a process that a teacher or specialist uses to determine appropriate instructional strategies.

(j) “Special Education Services” means services provided to a student as identified in the student’s IEP including special education, related services, supplementary aids and services, and necessary accommodations or modifications.

(k) “Technology” means the branch of knowledge that deals with the creation and use of technical means and their interrelation with life, society and the environment.

(l) “Time and Effort Certification” means a document attesting to time an employee spent performing special education duties as a percentage of the employee’s total work time during a particular period.

(m) “Time and Effort Log” means a personnel activity report created in accordance with current OMB guidance providing clear and continuous documentation for the amount of individual employee time spent on special education duties.

(n) “Travel Costs” means food, lodging, and other non-labor costs associated with special education staff travel directly related to working with students with disabilities. Travel costs may also include parental visitation subject to the requirements of Section 7(m)(ii).

Section 3. General Provisions.

(a) Special Education reimbursement shall specifically and directly relate to a service or program provided to a student with a disability beyond what is provided as general education to all students. Services or items that are resourced through the Education Resource Block Grant Model, as defined by W.S. 21-13-101(a)(xiv), and made available to special education students and staff are not reimbursable through special education reimbursement under W.S. 21-13-321.

(b) Reimbursement for expenditures incurred to provide special education programs and services to children with disabilities shall not duplicate any other reimbursement or revenue source used to offset district special education costs or costs simultaneously covered elsewhere in the Wyoming School Finance System.

Section 4. Reimbursable Expenses.

The reimbursable special education expenses included in the Education Resource Block Grant Model shall be limited to those actual costs required to provide special education services to children with disabilities that extend beyond the amount necessary to provide general education to all students. Reimbursable expenses shall be directly related to a service in the IEP, or be direct costs as follows:

(a) Advertising.

(b) Communication Services. Reimbursement shall be limited to those actual and direct costs required to provide special education services, related services, supplementary aides and services to children with disabilities. This category does not include non-personnel expenses requiring a percentage allocation.

(c) Contract Services.

(i) Charges for contracted special education services related to individual children with disabilities shall not exceed actual costs for services.

(ii) Costs may only be reimbursed if performed pursuant to a contract, including any fully executed amendments, in place at the time services are rendered.

(iii) Costs to provide SPED instruction or related services by a provider.

(iv) With the exception of payments to BOCES or other Wyoming school districts that have been pre-approved by local boards of trustees, payment for services shall be made only after the services have been provided.

(v) School districts offering special education services, related services, supplementary aides and services through a case management arrangement utilizing individuals other than district staff.

(vi) Each contract for out-of-district or out-of-state placement shall be executed for only one child.

(vii) Contracted services shall only be provided by appropriately licensed providers as "license" is defined in W.S. 16-3-101(a)(iii).

(viii) All contracts for services shall be on file for review as required by state retention policies.

(d) Equipment used exclusively in special education. When no longer needed by the student with a disability, the equipment must continue to be used in the broader special education program. With the exception of fixed assets, in the event that the equipment is disposed of in a manner that results in revenue, the revenue shall return to and benefit the SPED program.

(e) Evaluations to determine whether a child qualifies for special education.

(f) Instructional materials used exclusively for special education.

(g) Legal fees and costs associated with special education.

(h) Per Diem expenses for employees that travel for special education purposes. Per Diem rates shall not exceed the published federal travel regulation rates established by the U.S. General Services Administration in effect at the time of travel.

(i) Professional Development-Special Education.

(j) Salary and Benefits.

(i) Personnel providing full-time special education services to children with disabilities shall be subject to one hundred percent (100%) reimbursement provided that the following support documentation in on file at the district office:

(A) Written position description.

(B) Certification must be in compliance with current OMB guidance, prepared semi-annually; signed by the employee or district supervisor and the district superintendent, or district superintendent designee, attesting to such full-time involvement; and clearly reference the school year for which reimbursement is claimed.

(C) Clear and continuous documentation via a time and effort log for personnel not devoting one hundred percent (100%) of their time providing special education services to children with disabilities.

(ii) Reimbursement for personnel costs of teachers and related services staff providing special education services to children with disabilities shall be limited to those individuals having appropriate special education certification for licensure. Substitute teachers need not be certified as special education instructors.

(iii) Reimbursement for personnel costs of appropriately trained or substitute aides and paraprofessionals shall be based on the amount of time devoted to special education or related services working under the supervision of certified special education personnel. This includes aides and paraprofessionals providing transportation services as documented in a student's IEP.

(k) Screening that extends beyond what is normally administered to students who are not receiving special education services.

(l) Supplies used exclusively for the purpose of providing special education services.

(m) Technology used exclusively for special education. Computers, including laptops and notepads, must be purchased for specific use by a student with a disability. When no longer used for its original purpose, technology may continue to be used for special education services. With the exception of fixed assets, in the event that the technology is disposed of in a manner that results in revenue, the revenue shall return to and benefit the SPED program.

(n) Travel Costs.

(i) Reimbursement for fuel or mileage allowance for special education staff providing services within the scope of duties using a personal vehicle shall not exceed the state standard mileage rate in effect at the time of travel.

(ii) Each local school district shall develop, implement, and enforce a reasonable policy setting forth the conditions, limitations, and allowable frequency of travel by parents to visit their child with disabilities when the child has been placed in a specialized setting away from the home in accordance with the child's IEP.

(o) Tuition.

(p) Reasonable administrative costs to bill for authorized Medicaid services. Reasonable means any increased staff expenses attributable solely to administering the Medicaid billing services.

Chapter 44

RULES FOR THE SPECIAL EDUCATION COMPONENT WITHIN THE EDUCATION RESOURCE BLOCK GRANT MODEL

Section 1. Authority. These rules are promulgated pursuant to ~~W.S.~~ Wyoming Statute 21-2-202(a)(i); W.S. 21-2-203(a); and W.S. 21-13-321(d).

Section 2. Definitions.

(a) “Advertising” means costs for print (newspapers, flyers, brochures, etc.), radio, internet or television advertisements, the purpose of which is to recruit special education staff, procure special education goods or services, communicate to the public concerning special education issues such as the destruction of special education records, announcement of Child Find activities as defined by 34 CFR § 300.111(a)(i), or dispose of surplus special education goods.

~~(b) “Benefits” means amounts paid on behalf of special education staff in accordance with the district’s compensation policy. Examples include, but are not limited to: retirement, social security, Medicare, and health and life insurance.~~

~~(b)(c)~~ “Communication Services” means services provided by persons or businesses to assist in transmitting and receiving messages or information. This category includes, but is not limited to, phone services that the district provides to and related service personnel or other staff providing services to students with disabilities.

~~(c)(d)~~ “Contract Services” means professional services provided by a third party ~~organization or contractor~~ including fees paid for professional advice, training, applicable services, and consultation regarding students with disabilities and their programs; ~~this may include the delivery and accessibility of special education services.~~

~~(d)(e)~~ “Direct Costs” means costs ~~which incurred can be traced directly to or identified for the~~ exclusive specific purpose of serving students with disabilities.

~~(f) “Equipment General” means items that are tangible personal property (including information technology systems) having a useful life of more than one year and a per unit acquisition cost which equals or exceeds the lesser of the capitalization level established by each district. These items are acquired for the purpose of providing general education to all students.~~

~~(g) “Equipment Special Education” means items which extend beyond Equipment General, are specific to providing education to students with disabilities, and are required by or related to a child’s IEP.~~

~~(e)(h)~~ “Evaluation” means procedures used in accordance with 34 CFR §§ 300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

~~(f)(i)~~ “Extended School Year (ESY)” means special education and related services that are provided to a child with a disability, beyond the normal school year ~~year~~ schedule, in accordance with the child’s IEP and at no cost to the parents of the child.

~~(g)(j)~~ “IEP” means an Individualized Education Program as defined by 34 CFR § 300.22.

~~(h)(k)~~ “Incentive” means something offered as a reward or motivator to a student for accomplishing a given task, demonstrating a positive behavior, or for increasing productivity. Examples include, but are not limited to: food, toys, candy, and stickers.

~~(l)~~ “Indirect Costs” means costs incurred for a common or joint purpose benefitting more than one cost objective that cannot be identified specifically with serving students with disabilities. Examples include expenses that would require a percentage allocation, but are not limited to: insurance, internet access, building maintenance, and utilities.

~~(m)~~ “Instructional Materials General” means items that are designed to serve as a tool for assisting in the instruction of a general education subject or course. Materials may be available in bound, unbound, kit, or package form and may consist of hard backed or soft backed textbooks, consumables, learning laboratories, slides, recordings, electronic media, and other accepted instructional tools. These materials are acquired for the purpose of providing general education to all students. Hardware required for the use of these materials is not considered “instructional materials.”

~~(n)~~ “Instructional Materials Special Education” means materials which extend beyond Instructional Materials General, are specific to providing education to students with disabilities, and are required by or related to a child’s IEP.

~~(o)~~ “Legal Fees” means the payment or charge made for legal services including charges by other professionals for services rendered in conjunction with legal services performed.

~~(p)~~ “Per Diem” means the daily allotted amount for employees required to travel for special education services.

~~(q)~~ “Professional Development General” means the knowledge and skills attained to succeed in providing general education services to all students. Professional development encompasses all types of facilitated learning opportunities, including, but not limited to, formal coursework, conferences and informal learning opportunities situated in practice. Professional Development General is acquired for the purpose of providing general education to all students.

~~(r)~~ “Professional Development-Special Education” means professional development that extends beyond Professional Development-General and is specific to providing education to students with disabilities, and is required by or related to a child’s IEP.

~~(s)~~ “Salary” means wages paid to employees providing special education and related services to students with disabilities in accordance with 34 CFR § 300.156. Examples include, but are not limited to: teachers, substitute teachers, other certified or licensed personnel, paraprofessionals, and classified employees.

~~(i)(t)~~ “Screening” means a process that a teacher or specialist uses to determine appropriate instructional strategies.

~~(u)~~ “Supplies-General” means general purpose consumable items which have a shorter life span in use than equipment and machines, are stocked for recurring use, and are expendable or incorporated into other products to provide general education to all students. These items are acquired for the purpose of providing general education to all students.

~~(v)~~ “Supplies-Special Education” means items which extend beyond Supplies-General, are specific to providing special education to students with disabilities, and are required by or related to a child’s IEP.

~~(j)(w)~~ “Special Education Services” means services to be provided to a student as identified in the student’s IEP; including special education, related services, supplementary aids and services, ~~or~~ and necessary accommodations or modifications.

~~(x)~~ “Technology-General” means costs for purchasing, upgrading, and maintaining computer technology hardware and software that are used when providing education to students. This technology is acquired for the purpose of providing general education to all students.

~~(y)~~ “Technology-Special Education” means costs which extend beyond Technology-General, are specific to providing education to students with disabilities, and are required by or related to a child’s IEP.

(k) “Technology” means the branch of knowledge that deals with the creation and use of technical means and their interrelation with life, society and the environment.

~~(l)(z)~~ “Time and Effort Certification” means a document attesting to the employee spending 100% of his or her time an employee spent performing in special education duties as a percentage of the employee’s total work time during a particular period.

~~(m)(aa)~~ “Time and Effort Log” means a personnel activity report created in accordance with current OMB guidance providing clear and continuous documentation for the amount of individual employee time spent on special education duties.

~~(n)(bb)~~ “Travel Costs” means food, lodging, and other non-labor costs associated with special education staff travel directly related to working with students with disabilities. Travel costs may also include parental visitation subject to the requirements of Section 7(m)(ii).

~~(cc)~~ —“Tuition” means instruction fees paid on behalf of a student for the student’s special education from a service provider identified in the student’s IEP as necessary to provide FAPE. Tuition expenses may also include residential costs such as room and board fees and other related services as documented by the student’s IEP.

~~(dd)~~ —“Utilities” means services usually provided by public utilities such as water, sewage, gas, and garbage collection.

Section 3. General Provisions.

(a) Special Education reimbursement shall specifically and directly relate to a service or program provided to a student with a disability beyond what is provided as general education to all students. Services or items that are resourced through the Education Resource Block Grant Model, as defined by W.S.W.S. 21-13-101(a)(xiv), and made available to special education students and staff are not reimbursable through special education reimbursement under W.S.W.S. 21-13-321. ~~Some of the most common non-reimbursable services and items resources through the model are Professional Development General, Supplies General, Instructional Materials General, Technology General, Equipment General, and summer school and extended day programs not specific to a child’s IEP or ESY services.~~

(b) Reimbursement for expenditures incurred to provide special education programs and services to children with disabilities shall not duplicate any other reimbursement or revenue source used to offset district special education costs or costs simultaneously covered elsewhere in the Wyoming School Finance System. ~~Examples include, but are not limited to:~~

~~(i)~~ — ~~Costs previously or simultaneously covered elsewhere in the Wyoming School Finance System.~~

~~(ii)~~ — ~~Special school district tax levied under W.S. 21-20-109 for Boards of Cooperative Educational Services (BOCES) providing services to children with disabilities, but not passed through to the BOCES for which the tax was levied, and considered by the Department to be revenue under W.S. 21-13-310(a).~~

~~(iii)~~ — ~~Federal Funds awarded to the district under the Individuals with Disabilities in Education Act (IDEA) (20 U.S.C. § 1400 et seq.).~~

~~Section 4. Non-reimbursable Expenses.~~

~~Reimbursement shall only include costs that extend beyond the amount necessary to provide a general education to all students. Expenses which shall not be included in Special Education reimbursement include, but are not limited to:~~

~~(a) — Contracted services for the screening of the general student population not receiving special education services, such as the federal Child Find mandate.~~

~~(b) — Expenses typically covered with major maintenance, minor/component level or major capital construction funds, including, but not limited to: remodel expenses, local building enhancements, and electrical or plumbing upgrades.~~

~~(c) — Food, except when used as part of the curriculum or as directed by a child's IEP.~~

~~(d) — Incentives, except when used as part of the curriculum or as directed by a child's IEP. Although allowable incentives do not have to be specifically detailed in the IEP, they must be directly related to a service or goal in the IEP. For a particular incentive cost to be allowed, it must be necessary and reasonable for the purpose of offering a reward/motivator for accomplishing a given task promoting positive behavior or for increasing productivity.~~

~~(e) — Indirect Costs.~~

~~(f) — Items specifically disallowed by statute including, but not limited to: expenditures for additional employee's contribution to Wyoming Retirement System. W.S. 21-13-321(d).~~

~~(g) — Legal Fees.~~

~~(h) — Professional Development-General.~~

~~(i) — Supplies-General.~~

~~(j) — Instructional Materials-General.~~

~~(k) — Technology-General.~~

~~(l) — Equipment-General.~~

~~(m) — Utilities.~~

Section 54. Reimbursable Expenses.

The reimbursable special education expenses included in the Education Resource Block Grant Model shall be limited to those actual costs required to provide special education services to children with disabilities that extend beyond the amount necessary to provide

general education to all students. ~~Although Reimbursable expenses do not have to be specifically detailed in the IEP, they must shall~~ be directly related to a service in the IEP, or be direct costs as follows:

(a) Advertising.

(b) Communication Services. Reimbursement shall be limited to those actual and direct costs required to provide special education services, related services, supplementary aides and services to children with disabilities. This category does not include ~~Non-personnel expenses requiring a percentage allocation are non-reimbursable.~~

(c) Contract Services.

(i) Charges for contracted special education services related to individual children with disabilities ~~shall be supported by an itemized billing document with enough specificity to tie the charge back to the student(s) served. Reimbursement shall not exceed actual costs for services as stated in the contract without a fully executed amendment in place.~~

(ii) ~~Costs in excess of the original contract shall be supported by an amendment executed by all parties. A contract/amendment shall be executed and in place before services can be provided~~ may only be reimbursed if performed pursuant to a contract, including any fully executed amendments, in place at the time services are rendered.

(iii) Costs to provide SPED instruction or related services by a provider.

~~(iv)(iii)~~ With the exception of ~~those~~ payments to BOCES or other Wyoming school districts that have been pre-approved by local boards of trustees, payment for services shall be made only after the services have been provided.

~~(v)(iv)~~ School districts offering special education services, related services, supplementary aides and services through a case management arrangement utilizing individuals other than district staff. ~~A personal services contract setting out and describing those case management services provided by the case manager must be executed.~~

~~(vi)(v)~~ Each contract for out-of-district or out-of-state placement shall be executed for only one child.

~~(vii)(vi)~~ Contracted services shall only be provided by appropriately certified, licensed, ~~or registered~~ providers as "license" is defined in W.S. 16-3-101(a)(iii).

~~(viii)(vii)~~ All contracts for services shall be on file for review as required by state retention policies.

(d) Equipment used exclusively in special education. When no longer needed by the student with a disability, the equipment must continue to be used in the broader special education program. With the exception of fixed assets, in the event that the equipment is disposed of in a manner that results in revenue, the revenue shall return to and benefit the SPED program.

~~(e)(d)~~ Evaluations to determine whether a child qualifies for special education.

(f) Instructional materials used exclusively for special education.

(g) Legal fees and costs associated with special education.

~~(h)(e)~~ Per Diem expenses for employees that travel for special education purposes. Per Diem rates shall not exceed the published federal travel regulation rates, established by the U.S. General Services Administration in effect at the time of travel.

~~(i)(f)~~ Professional Development-Special Education.

~~(i)(e)~~ Salary and Benefits.

(i) Personnel providing full-time special education services to children with disabilities shall be subject to one hundred percent (100%) reimbursement provided that the following support documentation is on file at the district office:

(A) ~~Appropriate~~ Written position description.

(B) ~~Certification.~~ Certification must be in compliance with current OMB guidance, prepared semi-annually; signed by the employee or district supervisor and the district superintendent, or district superintendent designee, attesting to such full-time involvement; and clearly reference the school year for which reimbursement is claimed.

(C) Clear and continuous documentation via a time and effort log for personnel not devoting one hundred percent (100%) of their time providing special education services to children with disabilities.

~~(ii) Reimbursement for personnel not devoting one hundred percent (100%) of their time providing special education services to children with disabilities shall be supported by clear and continuous documentation via a time and effort log.~~

~~(ii)(iii)~~ Reimbursement for personnel costs of teachers and related services staff providing special education services to children with disabilities shall be limited to those individuals having appropriate special education certification for licensure. Substitute teachers need not be certified as special education instructors.

~~(iii)(iv)~~ Reimbursement for personnel costs of appropriately trained or substitute aides and paraprofessionals shall be based on the amount of time devoted to special education ~~and/or~~ related services, working under the supervision of certified special education personnel. This includes aides and paraprofessionals providing transportation services as documented in ~~the~~ student's IEP.

~~(k)(h)~~ ~~Screening~~. Screening that extends beyond what is normally administered to students who are not receiving special education services.

~~(l)(i)~~ Supplies used exclusively for the purpose of providing special education services. ~~Supplies-Special Education. Reimbursement may also include those items necessary to evaluate a child to determine the need for special education services or programs. General supplies for staff providing services are not a reimbursable cost. Examples of reimbursable supplies include, but are not limited to: diapers, wipes, disposable gloves, special feeding utensils, Braille paper, and batteries.~~

~~(j)~~ ~~Instructional Materials-Special Education. Reimbursement may also include those items necessary to evaluate a child to determine the need for special education services or programs. General supplies for staff providing services are not a reimbursable cost. Examples of reimbursable instructional materials include, but are not limited to: Braille textbooks and curriculum purchased to address the specific needs of students with disabilities.~~

~~(m)(k)~~ Technology-Special Education. Technology used exclusively for special education. Computers, including laptops and notepads, must be purchased for specific use by a student with a disability. When no longer needed ~~by the student with a disability, the technology must continue to be used in the broader special education program.~~ used for its original purpose, technology may continue to be used for special education services. With the exception of fixed assets, in the event that the technology is disposed of in a manner that results in revenue, the revenue shall return to and benefit the SPED program.

~~(l)~~ ~~Equipment-Special Education. When no longer needed by the student with a disability, the equipment must continue to be used in the broader special education program.~~

~~(n)(m)~~ Travel Costs.

(i) Reimbursement for fuel or mileage allowance for special education staff providing services within the scope of duties using a personal vehicle shall not exceed the state standard mileage rate in effect at the time of travel.

(ii) Each local school district shall develop, implement, and enforce a reasonable policy setting forth the conditions, limitations, and allowable frequency of travel by parents to visit their child with disabilities when the child has been placed in a specialized setting away from the home in accordance with the child's IEP.

(o)~~(n)~~ Tuition Expense.

(p) Reasonable administrative costs to bill for authorized Medicaid services.
Reasonable means any increased staff expenses attributable solely to administering the Medicaid billing services.