

## Wyoming Administrative Rules

# Education, Dept. of

## General Agency, Board or Commission Rules

Chapter 44: Rules for the Special Education Component within the Education Resource Block Grant Model

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## 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); W.S. 21-13-309; 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 C.F.R. § 300.111(a)(i), or dispose of surplus special education goods.

(b) “Contract Services” means professional services provided by a third party including fees paid for professional advice, training, applicable services, and consultation solely for the purpose of a district’s special education program.

(c) “Direct Costs” means costs incurred for the exclusive purpose of a district’s special education program.

(d) “Evaluation” means procedures used in accordance with 34 C.F.R. §§ 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.

(e) “IEP” means an Individualized Education Program as defined by 34 C.F.R. § 300.22.

(f) “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.

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

(h) “Travel Costs” means food, lodging, and other non-labor costs associated with special education staff travel directly related to the district’s special education program. Travel costs may also include parental visitation subject to the requirements of Section 4.

#### **Section 3. General Provisions.**

(a) The Department shall reimburse district expenditures for special education services that specifically and directly relate to a service or program provided pursuant to a

student's IEP and is in addition to those services and programs provided as general education to all students.

(b) The Department shall not reimburse any other school district expenses except as provided in Section 4 of this chapter.

(c) Reimbursement for contracted services shall not exceed actual costs for those services.

(d) Equipment or information technology that is no longer needed by a student according to a student's IEP shall continue to be used in the district's special education program. With the exception of fixed assets, in the event that the equipment or information technology is disposed of in a manner that results in revenue, the revenue shall be used exclusively for special education services.

**Section 4. Reimbursable Expenses.** The Department shall reimburse the following district direct costs:

(a) Advertising.

(b) Cell phones.

(c) Postage.

(d) Contract services provided:

(i) The Department shall reimburse districts for contract services only if services are performed pursuant to a contract, including any fully executed amendments, in place at the time services are rendered.

(ii) The Department shall reimburse for contract services only if the district paid for services after the services were provided. This provision does not apply to district payments to Boards of Cooperative Educational Services or other Wyoming school districts that the board of trustees of the district seeking reimbursement has pre-approved.

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

(iv) Contracted services that require a practitioner to be licensed shall only be provided by providers licensed under Title 33 of Wyoming Statutes, W.S. 21-2-802, or the relevant law of the jurisdiction in which services are provided if services are provided out of state.

(v) Districts shall keep all contracts for services on file for review as required by state and district record retention policies.

- (vi) This subsection includes case management services.
- (e) Equipment, including information technology, used exclusively to deliver special education services.
- (f) Evaluations to determine whether a child qualifies for special education.
- (g) Instructional materials used exclusively for special education.
- (h) Travel Costs for Special Education Staff subject to the following:
  - (i) Travel expense reimbursement shall not exceed the rate for state employees as provided in W.S. 9-3-102 and W.S. 9-3-103 in effect at the time of travel.
  - (ii) 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.
- (i) Professional Development solely devoted to special education subjects.
- (j) Salary and Benefits subject to the following:
  - (i) Reimbursement for personnel costs of teachers and related services staff providing special education services to children with disabilities shall be limited to those individuals licensed under Title 33 of Wyoming Statutes or W.S. 21-2-802 to deliver the services they provided. This requirement does not apply to substitute teachers.
  - (ii) Personnel providing full-time case management or 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) Written position description; and
    - (B) Semiannual certification demonstrating that the employee worked solely on special education; or
    - (C) For personnel working on multiple cost objectives, time and effort records that accurately reflect the total percentage of time worked on special education and supported by a system of internal control and written policies that provide reasonable assurance that the charges are accurate, allowable, and properly allocated.
- (k) Supplies used exclusively for providing special education services.
- (l) Travel Costs for parents pursuant to a school district policy setting forth the conditions, limitations, and allowable frequency of travel by parents to visit their child receiving

special education services when the child has been placed in a specialized setting away from the home in accordance with the child's IEP.

(m) Costs paid for an out-of-district placement required by a student's IEP.

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