SPECIAL EDUCATION

REIMBURSEMENT GUIDE
STATE CATEGORICAL AND TRANSPORTATION AID

FOR SCHOOL YEAR 2010-2011
TO BE AUDITED IN 2011-2012

Revised August 5, 2010

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KANSAS STATE DEPARTMENT OF EDUCATION

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Reimbursement Guide: Summary of Changes

Change	Reason	Pages
Catastrophic Aid	To align with legislative revisions	10-13

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I. General Overview of the Guide

Introduction

Special education funds appropriated annually by the Kansas Legislature are allocated to local school districts and cooperatives through a reimbursement system known as "categorical aid." The three components of this aid are:

1. Transportation reimbursement, 80% of actual costs (see Part III)
2. Catastrophic aid (see Part IV)
3. *Special teacher* reimbursement (see Part V)
   a. Professional FTE
   b. Paraeducator FTE
   c. Contracted Services (see section g)
      (1) Contracts Between Districts
      (2) Contracts with Individual Service Providers
      (3) Non-public School Equivalency, Individual Student Contracts

Purpose of state categorical aid funding

The purpose of state special education funding is to supplement Federal allocations under the Individuals with Disabilities Education Act (IDEA), which currently funds approximately 19% of the total cost of providing special education and related services to eligible students. The Kansas Legislature has attempted to add to this limited Federal funding by allocating state funds in terms of a percentage of "excess costs," defined as the amount over and above the average cost of educating a student who is not receiving special education services. In most recent years, reimbursement to districts has been approximately 92% of excess costs. In addition to Federal aid and State Categorical Aid, LEA's transfer the additional amount needed to cover the cost of special education from the district general fund.

The 92% figure includes reimbursement of medical-related services provided to Medicaid-eligible students received in the previous year. No margin of error exists for students whose parents do not grant consent for the school to release personally identifiable information in order to bill Medicaid, for billing errors, or for claims denied that were valid.

This Guide has been developed through collaboration between the Fiscal Auditing Team, School Finance Team, and the Special Education Services Team of the Kansas State Department of Education. Federal and state laws and regulations form the foundation for the guidance, procedures, and processes described in this document.

II. General Requirements

All state special education categorical aid received by a school district under authority of this section shall be deposited in the general fund of the school district and transferred to its special education fund (KSA 72-983(d)). Special education Medicaid funds also must be deposited to the district's special education fund that is used to pay for expenses in the special education budget. According to the agreement between the Kansas Department of Social and Rehabilitation Services (SRS) and KSDE, Medicaid reimbursement funding may be used for any student receiving special education services, not just students who are Medicaid-eligible.

III. Transportation Requirements

KSA 72-978 --REIMBURSEMENT TO SCHOOL DISTRICTS; COMPUTATION OF AMOUNTS; APPORTIONMENT; LIMITATIONS

A. KSA 72-978(a)(1)(A) SPECIAL TEACHER MILEAGE

"Reimbursement for actual travel allowances paid to *special teacher*s at not to exceed the rate specified under KSA 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children; such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to *special teacher*s by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances."

- Out-of-district mileage is allowed as specified in the student's IEP.
- Expenditures incurred by a district or an interlocal for a paraeducator to accompany an exceptional student on the special education bus should be included on the transportation expenditure claim form, not on the *special teacher* Personnel Report.

B. KSA 72-978(a)(1)(B) PUPIL TRANSPORTATION

"Reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services; such reimbursement shall not be paid if such child has been counted in determining the transportation weighting of the district under the provisions of the School District Finance and Quality Performance Act." (The intent of this passage means the same mileage will not be reimbursed twice.)

- HOWEVER, if a student rides the regular route bus from home to a pick-up point, then is shuttled to special services on a special education bus: (1) the student may be counted on the regular route for transportation addend, and (2) the expenditures for the operation of the special education shuttle bus may be included on the special transportation expenditure report for the 80% funding.

C. KSA 72-978(a)(1)(C) MAINTENANCE IN LIEU OF TRANSPORTATION

"Reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education or related services; such reimbursement shall not exceed $600 per exceptional child per school year." (This means that allowable expenditures may not exceed $750, because 80% X $750 = $600.)

- Expenses incurred to provide room and board or non-medical care, or both, to an exceptional child shall be at no cost to the parents of the child if the school district in which the child resides provides special education services to the child at a place outside the school district in which the child resides (K.A.R. 91-40-21(j)).

- In an opinion issued on October 4, 1980, Dr. Kester, then KSDE attorney, ruled that transportation expenses mean more than mileage expenses. For those reimbursement costs that involve room and board in the transportation process, districts must be reimbursed at the prescribed formula rate of 80% of actual travel expenses that include mileage.

D. TRANSPORTATION – REIMBURSEMENT CONSIDERATIONS

Examples are provided to clarify when transportation costs will and will not be reimbursed as an additional special education expense. The transportation costs a school district incurs in transporting students to service providers are reimbursable.

Example 1: District A transports a student to Company/Agency C which provides special services for the student with District A. District A will be reimbursed 80% of these transportation costs by KSDE.

Example 2: Teacher X is employed by Company/Agency C. District A has a Non Public Equivalency Contract with Company/Agency C to provide services to a student. Teacher X drives from C's office to the student's home to provide services. District A can obtain reimbursement for Teacher X's travel time for mileage incurred from either District A's office or Company C's office to the child's service location. This would be claimed on the Transportation Reimbursement Form 308.

Example 3: District A has a contract with Provider Y to provide PT services to a student, and District A has claimed Provider Y through the Personnel Web System. Provider Y incurs mileage going to and from the student's home to provide service. District A should list Y on the district's special education Personnel Report for the amount of time services were provided and may include Y's mileage reimbursement as "teacher travel" on the Special Education Transportation Reimbursement Form 308.

E. ALLOWED TRANSPORTATION EXPENDITURES

- The only special education transportation eligible for categorical aid is for those children whose IEP teams make the decision, and documents it on the child's IEP, that special education transportation is required as a related service.

- When the same vehicle transports students both in regular education and special education (who have transportation on their IEPs), the amount claimed is based on the average cost

per pupil utilizing this vehicle. For example, if the actual cost per year to transport five students with transportation on their IEPs is $700, the reimbursement would be 80% of $700 or $560.

- The cost of modification to an authorized school district vehicle to accommodate exceptional children or the provision of special equipment, such as ramps and lifts, may be reimbursed.

- If a school district must contract with a parent or other private party for transportation of an exceptional child, the cost to the district may be reimbursed if the district bears the financial responsibility for the transportation.

- School districts that enter into a transportation contract shall be responsible for making payment to the party providing the transportation. Two round trips per day may be reimbursed by the state, but in no case can the reimbursement exceed 80% of the actual cost incurred per exceptional child per year.

- Valid "*special teacher* travel" expenditures are those directly related to providing special education and related services to exceptional children.

- Costs of travel by a special education administrator associated with the administration of special education services are allowable. Special education administrative travel includes travel for purposes such as attending IEP meetings, meeting with special education staff, ensuring quality of special education services, etc.

F. Disallowed Transportation Costs

- Student tuition
- Insurance, motor fuel, or maintenance costs for vehicles not used exclusively, at the period of time relating to the cost allocation, for the transportation of exceptional children or personnel travel related to providing special education services.
- Expenditures of a regular bus at the time it is serving a regular route bus transportation function
- *Special teacher* travel, including administrative travel to:
    - attend meetings, not associated with the provision of services to students
    - inservice workshops
    - special institutes
    - other professional meetings
- *Special teacher* salaries
- Cost of *special teacher* lodging, meals, and conference registration fees
- Cost of travel associated with the delivery of films, supplies, equipment, and performance of maintenance
- Cost of travel in recruiting special education teachers
- Cost of travel outside the district/cooperative/interlocal boundaries unless required by a student's IEP

For instructions on completing Claim Form 308, see Appendix A.

G. Audit Documentation for Transportation Expenses

- Expense reports for individuals

- Vehicle expense invoices, if claiming
- Vehicle logs
- Student IEPs, when requested by auditor

IV. Catastrophic Aid Requirements

Overview

Because some students have unique or severe physical, mental, social/emotional, or educational characteristics that require expensive interventions, the 1994 Legislature authorized reimbursement to school districts for excessive expenditures incurred in providing special education services. Beginning in FY10, Kansas Legislature approved Senate Bill 359 which revised the criteria for calculating catastrophic aid. Reimbursement is now granted at 75% of the *net* costs that exceed twice the amount of categorical aid for the preceding year minus any federal funds used to pay for expenditures. In FY10, this amount was $36,000. For FY11, the amount will be $49,560 based on twice the final FY10 categorical state aid of $24,780. The intent of K.S.A. 92-983 is to provide relief for costly services that cannot be delivered through the district's normal special education program (e.g., additional and intensive related services or private school placements in- or out-of-state). If the appropriation for the payment of grants under this act is insufficient to pay the full amount, payments will be prorated by KSDE.

Amounts requested under this act can be used only to reimburse school districts for excessive expenditures in providing special education services for students who have unique or severe needs. Students claimed for catastrophic aid must be enrolled in the district. All money requested by the school district must be deposited in its special education fund. Districts are also required to provide financial information to KSDE upon request.

In determining eligibility and excess costs for catastrophic aid, the LEA might first consider students who receive services in residential or out of district placements. In addition, LEAs might also consider classrooms within the LEA that support exceptional students with intensive and significant needs. If a student or a group of students are assigned to a teacher full-time and a one-on-one paraeducator that is documented within the IEP, the process for calculating the excess cost per child will be straightforward. In some instances however when the LEA is determining the excess costs for students served within the LEA, more information must be gathered to generate the excess cost per student.

To ensure LEAs calculate these excess costs per child consistently, KSDE has developed the following guidance.

Allowable Expenditures and Calculations

Allowable expenditures are those costs associated with providing special education and related services which are identified as necessary and documented in the IEP or supporting IEP documentation.

Expenditures for the school year that are claimed for catastrophic aid must be based on actual unduplicated costs (*which may be estimated*) for the provision of special education and related services provided. Expenditures may not be based solely on anticipated services as stated in the IEP, Personnel Web System, or MIS Database. If for any reason, a student is absent for

more than 10 consecutive school days and therefore special education services are not provided to the student, expenditures must be prorated accordingly.

For purposes of catastrophic aid reimbursement, excessive costs do not include professional or paraprofessional activities such as general education interventions, screenings, preparation and attendance at IEP meetings, maintaining IEP files, preparation time to deliver specially designed instruction, or communication with parents and teachers that is not included as part of the delivery of special education services as documented within the IEP, since these costs are accounted for through categorical aid.

In cases where more than one catastrophic aid application contains prorated expenditures for the same special teacher or paraeducator, the total of all prorated expenditures claimed for the special teacher or paraeducator must not exceed his/her total annual salary which includes benefits. In addition, for each special teacher or paraeducator claimed, time spent delivering special education and/or related services as well as the number of assigned students receiving special education services must be used to generate a proration of actual expenditures.

Paraeducator time may be claimed in addition to the special teacher if the paraeducator is assigned and supervised to provide direct support to the child as documented within the IEP. Examples of when a paraeducator may be claimed include when a para is assigned to provide dedicated instructional support services, attendant care services, extracurricular before and/or after school services, interpreter services, bus services, support services during recess, lunch, or other noninstructional times during the regular school day. Prorating paraeducator time should be calculated in the same manner as teacher time as outlined below.

Transportation expenditures must be prorated if other exceptional students are transported at the same time. Mileage incurred by the special teacher or paraeducator to deliver services to the student will be considered in the calculation for excess costs and must be prorated if services are provided to more than one student at the same location. Expenditures for equipment must be documented through the IEP, and prorated if shared among students.

Catastrophic aid reimbursement shall not include legal fees, court costs, or other costs associated with a cause of action brought on behalf of an exceptional child to ensure a free appropriate public education for such child. If a district is required by order of a hearing officer or court to provide services to a child with a disability, those services or placements are not considered “costs” of litigation.

Auditors will compare data submitted in the catastrophic aid applications to the Personnel Web System and MIS database to verify teacher and paraeducator assignments. Differences will result in audit exceptions.

Example:

Salary/FTE: A special teacher is contracted for .90 special education fte and .10 general education fte. The LEA expends $55,555 per year in salary and benefits to the teacher, therefore the prorated special education salary is $50,000 or .90 fte. (For itinerant special teachers and paraeducators, use the combined fte/salary in which the special teacher or paraeducator is providing special education services for the LEA and not by fte/salary assignments per each building.)

Percentage of Time Providing Services and Number of Students Served: The special teacher has 5 students on her caseload with the following amounts of services as documented in the IEP; Since two students receive instruction at the same time, these services are prorated accordingly.

Calculation

186 contracted days X .90 fte = 167.4 days assigned to special education activities

167.4 days X 480 minutes per contracted day – 80,352 minutes per year

Student	Service Time	Total Minutes	Calculation	Percent of Time
Student 1	100 minutes 5 times a week 36 weeks	18,000 minutes	18,000 / 80,352	.224%
Student 2	20 minutes 3 times a week 36 weeks / 2 *	1,080 minutes	1,080 / 80,352	.013%
Student 3	15 minutes 5 times a week 18 weeks	1.350 minutes	1,350 / 80,352	.017%
Student 4	20 minutes 3 times a week 36 weeks / 2 *	1,080 minutes	1,080 / 80,352	.013%
Student 5	150 minutes 3 times a week 36 weeks	16,200 minutes	16,200 / 80,352	.202%

**Because the teacher provides services to 2 students at the same time, teacher time is prorated for services provided to these students.*
***All Service Times are based on actual services and the remaining forecasted services to be provided in the school year.*

Costs for delivery of special education services: Multiply salary by % of time above

Student	Calculation	Total Expenditure Per Child
Student 1	$50,000 X .224	$11,200
Student 2	$50,000 X .013	$650
Student 3	$50,000 X .017	$850
Student 4	$50,000 X 013	$650
Student 5	$50,000 X .202	$10,100

Process

On or about April 20 of each year, KSDE School Finance will send applications to districts.
On or about May 10 of each year, applications are due to Special Education Services.
On or about June 1 of each year, KSDE will make state aid payments to districts.

To qualify for special education catastrophic aid, school districts must provide:

- A description of the child's exceptional characteristics that make him/her so different from other children that s/he requires high-cost services;
- The student's current up-to-date MIS record which supports the services received, and
- Documentation of actual expenses, including pro-rated calculations.
- A narrative which supports the child's placement in the least restrictive environment.
- Documentation of enrollment in the district.

Submission Procedures:

1a. Enter the catastrophic aid information into LEAMIS and generate an export file, or
1b. Create a text file of the catastrophic aid information in the format as specified in the Special Education MIS Data Dictionary, page A-6.
2. Export the student's current, up-to-date MIS record from your database. Set the export parameter as June of the current fiscal year.
3. Upload both of these files (the catastrophic aid and student MIS record) to the MIS collection server.
4. Notify the KSDE special education data manager that your files have been posted.

Approval Process

All applications will be reviewed by the KSDE administrators for payment approval. Those applications with sufficient expenditures, valid justification, with complete and accurate MIS data will be approved for payment. Conversely those applications with insufficient expenditures, inadequate justification or incomplete MIS data will be denied. Districts will be notified of a rejected application and the basis of the rejection. Agencies may reapply for funds if time allows. Valid SSN or identification numbers are required for all providers to assure proper licensure and payment of catastrophic aid.

Documentation required for audit

- Documentation that actual expenses are specific to the student claimed.
- Student's IEP and supporting paperwork, when requested
- Purchase Orders
- Deductions Worksheet which includes actual expenditures

V. Special Education Categorical Aid Requirements

A. Calculation of Categorical Aid

Categorical aid reimbursement for *special teachers* (including paraeducators), regardless of the number of hours worked per day, will be based on the method of payment for each individual (days or hours). Reimbursement for *special teachers* is based on the ratio of the district's total *special teacher* FTE to the state total *special teacher* FTE. The resulting percentage is applied to the total categorical aid funds available (after transportation, Medicaid, and catastrophic aid costs have been subtracted) to determine the amount of funds available for distribution for each position.

The only exception to this calculation method is categorical aid accessed through Non-public School Equivalency Contracts. Refer to the contract instructions.

Days or Hours?

If the special teacher is contracted to work a set number of days, then the reimbursement will be based on 1.0 FTE being 186 days. In districts where the Board-approved, official teaching contract year is less than 186 days, 1.0 FTE will be based on the number of days in the Board-approved, official teaching contract year for that district. (Even if the official contract year is less than 186 days, it must include a minimum of 1116 hours.) If the special teacher is contracted and paid on an hourly basis, then reimbursement will be based on 1.0 FTE being equal to 1116 hours. Districts are not eligible for additional reimbursement if teachers do extra work during their planning time or after hours.

Categorical aid distribution is based on the number of full-time equivalent *special teacher*s and paraeducators. Any approved personnel employed less than a full school year will be reimbursed at a rate equal to the proportion of the number of days or hours worked to the 186 days or 1116 hours legislated as a full school year. Extended school year services will be reimbursed on a pro-rated basis; 186 days or 1116 hours will be used as divisors in computing the FTE per employee position.

B. AUDITS

1. KSDE Audits

KSDE audits district, cooperative and interlocal special education budgets yearly. This audit includes verification of accuracy in reimbursements for transportation, catastrophic aid, categorical aid, and categorical aid accessed through contracts. Throughout this guide, reference is made to documents needed for review during these audits.

2. Medicaid Audit (Completed by CPA Auditors)

Medicaid reimburses school districts for all medically necessary services for the child to receive a free appropriate public education, as documented in the child's IEP, daily logs, MIS data sheet, or other appropriate documentation. Students must be eligible for special education and for Medicaid. Reimbursement is based upon fee for service model. Special education categorical aid reimbursement serves as the state match for Medicaid services provided by the schools. Services must be medically necessary and may be medical or remedial for maximum reduction of disability and restoration to the best possible functional level. Examples of medical services include, but are not limited to, health screening, vision services, speech/language services, physical therapy, occupational therapy, school health services, school nursing services, behavioral rehabilitation services, rehabilitative assistance, medical transportation, and assistive technology. Services that are educationally necessary but not medically necessary will not be covered (e.g., special education instruction). Services must be delivered in non-institutional settings such as schools and home settings as appropriate. Services are not covered when provided in facilities such as the Kansas Neurological Institute, Parsons State Hospital, and group homes, for example.

When a Medicaid audit is conducted, documentation of all services performed is required and must include:

- Date (including the year), time, and description of each service delivered, service provider (name) with designation of professional or paraeducator, and child's name,

- Assessment and response to intervention/service,
- Progress toward achieving individualized long- and short-term goals, and
- Services identified on students' IEPs
- Doctor's order for delivery of services

This documentation should be filed in the child's special education record and must be kept for a minimum of 5 years. A sample time log is included in Appendix B.

C. Special Teacher Reimbursement Requirements

The following guidelines have been established regarding the eligibility of *special teachers* for state special education categorical aid. *"Special teacher"* is defined in state statute as "a person, employed by or under contract with a school district or a state institution to provide special education or related services, who is: (1) Qualified to provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or (2) Qualified to assist in the provision of special education or related services to exceptional children as determined pursuant to standards established by the state board" (KSA 72-962(j)).

Exceptions. The exception to a *special teacher's* being eligible for categorical aid reimbursement is for teachers and paraeducators assigned to teach in the state's youth centers. KSA 72-978(b)(2) states: "No time spent by a *special teacher* in connection with duties performed under a contract entered into by the youth center at Atchison Juvenile Correctional Facility, the youth center at Beloit Juvenile Correctional Facility, the Larned Juvenile Correctional Facility, or the youth center at Topeka Juvenile Correctional Facility and a school district for the provision of special education services by such state institution shall be counted in making computations under this section." Categorical aid is not available for the time staff are providing special education services to students in these identified juvenile correctional facilities.

1. Area of Assignment

Personnel will not be reimbursed for duties performed in areas/fields or instructional levels for which they are not endorsed or licensed unless there is a waiver approved by the Kansas State Board of Education. (See KSDE form entitled "Request for Waiver from SBR 91-31-19(b)(1), Appropriate Certification of Staff," in Appendix C. See also the "Personnel Waiver" section of this document.) *Special teacher*s who are functioning as supervisors/coordinators or special education administrators may not be claimed without proper endorsement. Separate entries must be made on the KSDE Special Education Personnel Report to reflect the assignments of persons with duties in more than one area/field (e.g., 0.50 FTE behavior disorders *special teacher* and 0.50 FTE special education supervisor; or 0.33 FTE special education instructional media, 0.33 FTE learning disabilities *special teacher*, and 0.34 FTE special education supervisor). *Special teacher*s assigned to areas for which there is no endorsement available are to be approved on the basis of a special education endorsement most appropriate to the students' functional and chronological age levels.

AP - Adaptive Physical Education	NU - Nurse
AT - Art Therapy	OT - Occupational Therapy
AS - Assistive Technology	OM - Orientation/Mobility Specialist
AU - Audiology	OA - Other Assignment
BD - Behavior Disorder	PD - Personnel Development
BS - Behavior Specialist	PT - Physical Therapy
BR - Braille Transcriber	PI - Physically Impaired
CS - Counselor	PE - Program Evaluation
DM - Dance/Movement Therapy	RE - Recreation Therapy
DT - Diagnostic Teacher	RD - Registered Dietician
EC - Early Childhood Special Education	RC - Rehabilitation Counseling
IN - Educational Interpreter	PS - School Psychology
GI - Gifted	SW - School Social Work
HI - Hearing Impaired	SM - Severe Multiple Disabilities
IT - Infant/Toddler	AD - Special Education Administrator
IS - Integration Specialist	MC - Special Education Instructional Media Center
IR - Interrelated Program	SL - Speech/Language
LD - Learning Disability	SU - Supervisor (in special education)
MR - Mental Retardation	TR - Transition Services
MT - Music Therapy/Education	VI - Visually Impaired
	VO - Vocational Special Needs
	WS - Work Study/Vocational

2. General Reimbursement Issues

a. Child Find Activities

Child Find, according to Kansas regulation 91-40-07, allows for the participation of special education staff in activities to identify, locate, and evaluate all children with exceptionalities that may be in need of special education services. As a result, KSDE provides reimbursement of *special teachers* and paraeducators involved in Child Find activities as specified below.

Screening:
Screenings conducted by special education teachers or paraeducators in accordance with policies and procedures adopted by the local board are reimbursable Child Find activities.

While vision and hearing screenings are reimbursable Child Find activities, special teachers or paraeducators will not be reimbursed to conduct vision and hearing screening procedures that are afforded to all students as required by state law.

General Education Intervention:
For school age children, screening procedures also include General Education Interventions (GEI) as a means of locating children with exceptionalities. Special education personnel may participate in the general education interventions (GEI) process in a variety of ways, including activities such as:

- participating in problem-solving activities;
- consultation with other educators;
- collecting and analyzing student data;
- modeling of and coaching around instructional strategies; and

providing intensive, direct instruction to students.

Indirect services such as participation in problem-solving activities, consultation with other educators, collecting and analyzing student data, and providing indirect classroom support to general education teachers does not require documentation for auditing purposes.

Certain direct instructional services provided to non-identified students as a part of Child Find do require additional documentation for auditing purposes. There is some flexibility for use of funds afforded under the Federal regulation 34 C.F.R. §300.208 *Permissive Use of Funds* which indicates that funds provided to an LEA under Part B of IDEA 2004 may be used for services and aids that also benefit nondisabled children: "For costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with an IEP of the child, even if one or more nondisabled children benefit from these services." This regulation provides some flexibility in Child Find activities in that it allows one or more non-identified students to also benefit from the instruction that is provided for an identified special education student.

This does not extend to situations when an identified student is not also present for the instruction. In this situation, (i.e. a direct instructional setting exclusively for a non-identified student (or students) *there must be documentation on an individual student intervention plan* (Student Support plan, GEI plan, SIT plan, Student Improvement Log, etc.).
A record or log listing the name of the special education provider, along with the actual minutes and dates services are provided must be available to the auditors upon request. *A special education teacher or other related service provider may provide intensive direct instruction for up to but not more than 18 weeks in a school year.*

It is imperative that general education and special education staff work collaboratively when assigning special education staff to provide direct instruction to non-identified students as part of general education interventions so that IEPs are followed and FAPE continues to be provided to identified special education students. Assigning direct GEI responsibilities to special education staff should be closely monitored to ensure compliance with IDEA.

b. Professional FTE for Professionals Not Yet Certified

Sometimes *special teachers* are employed before their application for teacher certification/licensure has been processed and a certificate/license has been issued. Special education reimbursement is based on a minimum of 186 days in a school term. KSDE auditors verify records for reimbursement by the start date of employment of a *special teacher* and the effective dates of special education endorsements. The date of certification/licensure for a *special teacher* is the date KSDE receives a completed application with the appropriate payment.

A KSDE procedure allows a "window of time" between when a *special teacher* begins work and when his or her respective license/certificate/endorsement becomes effective without the school district's losing eligibility for special education categorical aid reimbursement. This procedure is contingent upon the *special teacher's* achieving, by a certain date, the appropriate endorsement for which reimbursement is being requested. The effective dates are as follows:

1. September 15 for a program ending in summer;
2. February 15 for a program ending fall semester; and

3. June 15 for a program ending spring semester.

c. Full-time Employee and Part-Time Special Teachers

Reimbursement will be pro-rated for special education personnel who are assigned part-time to general education duties. In some cases, it is an efficient use of district resources to assign a *special teacher* with proper certification and endorsements to teach one or more general education classes. The mere presence of some students with exceptionalities in such classes does not qualify these *special teacher*s for categorical aid reimbursement**.** (See "Collaborative Teaching Models" section of this document)

As of July 1, 2007 the FTE of special teachers claimed for categorical aid through the Personnel Web System will not be reduced based on time spent in transit to deliver services to a child. Commute time from the provider's home to school or office at the start of the work day, breaks in service, and commute time from the last site to home does not count toward FTE.

d. Dual Roles, both Special Education

Districts may employ *special teachers* to fulfill more than one role. For example, a secondary *special teacher* who provides special education services for 3 hours per day may work as a transition specialist the other half of the day. Both roles are reimbursable, as long as the *special teacher* is appropriately certified/licensed/endorsed. In addition, the *special teacher's* contract must delineate the *special teacher*'s dual roles, and documentation must be maintained to reflect the proper amount of time spent in both areas of responsibility, in accordance with the contract.

e. Qualified Personnel

The term "qualified personnel" is defined in Federal regulations as "personnel who have met SEA-approved or SEA-recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individuals are providing special education or related services" (34 CFR 300.23). According to State regulations, "qualified means being certified, licensed, registered or otherwise authorized by the state to render services in a particular profession or occupation" (KAR 91-40-1(zz)).

If districts employ people who are not qualified according to the standards of the state, categorical aid reimbursement will not be allocated. Exceptions would be employees who have been granted a personnel waiver under SBR 91-31-19.

f. Personnel Waivers

School districts may request a waiver for staff who are not appropriately licensed for their area of assignment (waiver form based on SBR 91-31-19(b)(1)in Appendix C). The Kansas State Board of Education must approve these accreditation waiver requests. Only waivers submitted by the February 1 deadline will be considered for approval. Waiver due dates are November 1 and February 1. All waivers are for one year, August 1 through July 31, and must be requested on an annual basis. The *special teacher* must be licensed and provide documentation that he/she is enrolled in a program to meet the appropriate endorsement and will complete the program within three years. Personnel waivers cannot exceed three years.

School districts may claim categorical aid reimbursement for *special teachers* providing services under licensure waiver requests that have been approved by the Kansas State Board of Education. The reimbursement may only be claimed during the school **year, or** portion of the year, for which the waiver request is in effect. For waivered teachers awaiting application

approval for a special education endorsement, districts should submit a Substitute Approval form for the dates when the special education endorsement is not in place. In order to capture full funding, districts must also create an additional assignment in the Personnel Web System which specifies the dates when the endorsement was not in place.

g. Termination of Contracts before End of Year

Categorical aid reimbursement for *special teachers* and paraeducators who terminate their contracts before the end of the school year will be pro-rated based upon the terms of the contract. For example, contracts may be for a certain number of days, or may specify a certain number of hours. If *special teachers* and paraeducators are paid for a certain number of days, the 1.0 FTE will be 186 days. If *special teachers* and paraeducators are paid by the hour, the 1.0 FTE will be 1116 hours. Districts will not be reimbursed for more than 1.0 FTE.

h. Categorical Aid for Substitutes

(1) Special Teacher On Leave

As long as the *special teacher* is considered "on leave" and being paid by the district (includes district-paid short-term disability insurance pay), only the original special education certified teacher should be listed on the Personnel Report to cover both the teacher and the replacement's time filling the position. The district must be prepared to document the name and type of certificate held by the replacement(s) filling the position. The amount of time substituting should not exceed the time allowed for a substitute's license/certificate.

Replacements/substitutes for teachers on leave should be reported on the Personnel Report if the *special teacher* is on leave without pay. Districts should submit a Substitute Approval form when a special teacher is on leave without pay for more than 10 cumulative school days during a school year. In situations where a special teacher is on leave without pay for less than 10 cumulative school days during a school year, districts should maintain documentation at the local level for auditing purposes. If needed, the district should submit the Substitute Approval form and terminate the *special teacher*'s time on the Personnel Report.

(2) Vacant Positions

KSDE strongly subscribes to the belief that progress for each child is closely correlated with the availability of caring and qualified teachers, particularly for those children who have special needs. KSDE recognizes, however, that even with significant effort, sometimes it is not possible to recruit and employ teachers who have appropriate special education endorsement, and, in those circumstances, districts and cooperatives resort to using non-special education endorsed substitutes. Though not *optimal* this does enable children to have access to caring teachers and prevent caseloads from becoming unmanageable when such vacancies occur.

*Special teacher*s who previously were endorsed in a special education area but whose certificates have lapsed can, with a substitute license, be approved to substitute for an individual on leave or in an unfilled position (vacancy) for up to 90 school days. *Special teacher*s who have lapsed licenses are eligible for an extension of 90 days, if they have approved accreditation waivers; they also are eligible for additional categorical aid. Persons substituting under these circumstances can only do so for one school year. After that, it is expected they will have taken the necessary college or staff development hours to be eligible to renew their lapsed certificate.

(a) Starting the Year with a Substitute for a Vacant Position

It is possible the school district will begin a school year with a vacant position being filled by a substitute. To receive state special education categorical reimbursement, the substitute must hold one of the substitute licenses. Since these individuals do not hold a special education endorsement, Special Education Services must "hand approve" these substitutes to be eligible for categorical aid. The Substitute Approval Form is available through the Personnel Web System. The individual should be listed on the Personnel Report with the correct start and end dates, (these should match the 15, 30, 90, or 125 day substitute licenses and if full time, should have hours reported based on a six hour day (90, 180, 540, or 750 hours). Documentation must be available to verify that the person worked the 90, 180, 540, or 750 hours.

(b) Substitutes for Positions that Become Vacant During the Year

When a position becomes vacant during the school year and the district/cooperative is unable to employ a qualified replacement, substitutes may be used. In these cases, in order to receive categorical aid, the substitute must hold a valid substitute certificate and the district must submit the Request for Substitute Approval form to KSDE Special Education Services. These individuals should then be included on the Personnel Report indicating the start and end dates that coincide with the number of days for which the substitute license is issued (15, 30, 90, or 125 days) and should be reported for the hours worked.

(c) Substitutes for Related Service Providers

If a substitute is needed for a *special teacher* providing a related service, the substitute must possess the same certificate, license, or registration as the related service provider for whom the substitute *special teacher* is serving as a replacement in order to be eligible for categorical aid. Since such substitutes are appropriately certified/licensed/registered for the position, they should be reported on the Personnel Report under the appropriate professional classification, not as a substitute.

Documentation Required for Audits: Substitutes

For each substitute for a vacant position, the special education director will submit a Request for Substitute Approval Form to document efforts to employ appropriately trained and certified or waivered teachers. Before approval is given by KSDE, evidence of attempts to recruit, reassign, or place teachers on waivers must be provided. Non-special education endorsed substitutes should only be used when no other options can be determined. Auditors will review:

a. Personnel action(s) for substitute with assignment(s) identified
b. Timesheets
c. Certificate/license. The type of license held limits the number of days reimbursed:
    1. Emergency Substitute license w/o degree (valid up to 15 days)
    2. Emergency Substitute license w/degree (valid up to 30 days)
    3. Substitute Teacher license (valid up to 90 days)
    4. Certified (or Licensed) Teacher, not Special Education endorsed (valid up to 125 days).
    5. Certified (or Licensed) Teacher, not Special Education endorsed, but holds a Reading Specialist endorsement (valid up to 150 days)
    6. Special Education Endorsed/Certified/Licensed Teacher (length of assignment). Note: If the professional is appropriately licensed for the assignment, report the person in the assignment area, not as a substitute.
    7. State special education categorical aid will not be paid for substitute teachers or related service providers who do not have a current teaching certificate/license issued by the Kansas State Board of Education.

i. Extended School Year

An extended school year setting is any setting in which state-approved special education services and/or related services are made available to students with disabilities beyond the regular school term provided to non-disabled children. The district calendar is used to determine the start and end dates for ESY services. These dates will vary from district to district. FTE is based on the total hours worked divided by 1,116 hours. Reimbursement for special education and related services personnel providing extended school year services will be made provided these services are specified in students' IEPs. Reimbursement also will be authorized for personnel who conduct evaluations during a summer session. Time spent in administering tests, analyzing test results, writing evaluation reports, conducting file reviews, and participating in staffings will be counted. Special education instructional media center staff and special education administrators and coordinators who supervise Extended School Year services will be reimbursed only when students with IEPs are in attendance.

Students may receive services in a variety of locations, including those in the community or others offered by the school. General education summer school programs, as distinguished from extended school year services, are not eligible for reimbursement. Students with disabilities may be included in these programs in order to be educated with students who are not disabled. Placement in general education summer school with special education support or modifications should be reflected in the students' IEPs and, if this is the case, then reimbursement would be allowed for the special education services specified in the IEPs. All staff, to document that services were provided during an Extended School Year, must maintain logs. For the portion of the ESY program that operates a consistent schedule, the schedule can be submitted in lieu of a log if it shows the work schedule for all ESY personnel including administrators and supervisors.

Districts should report the actual number of hours worked during Extended School Year contracts. If Extended School Year contracts specify that personnel will be paid by the hour, reimbursement will be made on the basis of the number of hours worked divided by 1116 hours. However, the number of hours per day may not exceed the hours per day during the regular school year. If Extended School Year contracts specify that personnel will work a certain number of days, reimbursement will be made on the basis of the number of full days worked divided by 186 days.

3. Documentation Required for Audit: General Issues & Logs

The primary means of accessing categorical aid for *special teacher*s is through the Personnel Report System. The Special Education Administrator should oversee the process of completing the Personnel Report and should review the report to ensure its accuracy before it is submitted. Districts are required to update and submit the Personnel Report five times a year.

<u>Personnel Web System - Updates for Reimbursement 2010-2011 schedule:</u>
Deadline for updating Personnel Web System is end of business day

September 28, 2010
November 30, 2010
February 25, 2011
April 1, 2011
May 10, 2011

Reimbursement Deposit 2010-2011 Schedule:

October 15, 2010	25% of total reimbursement
December 15, 2010	25% of total reimbursement
March 15, 2011	17% of total reimbursement
April 15, 2011	17% of total reimbursement
June 1, 2011	16% or balance

District administrators should make sure all teachers and paraeducators that are eligible for payment are included in the May report and that appropriate FTE is being paid. The Personnel Report should include the termination date and the FTE calculation for personnel who have left the district. The final special education categorical aid payment will be based on the May report that is due on or about May 10th. There will be no supplemental payments issued.

The types of documentation required for local education agencies (LEAs) for audit purposes:

IEPs/IFSPs Services provided by *special teachers* to individual students will be reviewed on their Individualized Education Programs (IEPs). Services for infants and toddlers (ages birth to 3) will be reviewed on their Individualized Family Service Plans (IFSPs). Services for preschool children (ages 3 through 5) may be on an IEP or an IFSP.

Interviews Will be conducted to clarify actual duties performed.

Job Descriptions Will be reviewed to assure proper reporting of assigned duties. It is important that LEAs report accurately the job responsibilities of all personnel for whom they are claiming categorical aid reimbursement. The practice of reporting staff as a *special teacher* under one of the categories of exceptionality when that person actually has other job responsibilities (e.g., personnel development, supervisor/coordinator or program evaluation) gives a skewed picture of actual personnel needs and program growth.

Personnel Report Information submitted by districts in the Personnel Report is routinely checked against certification and licensure records. KSDE provides this information for auditors.

***Special teacher* Contracts** Will be reviewed to assure proper reporting of assigned duties

Time Cards Will be reviewed for personnel contracted on an hourly basis.

Work Products Written documentation of work provided, such as assessment reports.

GEI Plans For professionals who must account for time spent providing general education interventions, auditors may request to review the intervention plans identifying the service provider's obligations, expected duration, etc..

Logs For supervision of paraeducators, when requested
For services provided to individual students will be reviewed.

1. Time logs must be maintained for
   - *Special teacher*s, including administrators, with a 1.0 FTE contract if they are assigned other teaching or administrative responsibilities in addition to those they have in special education. The audit will verify the percent of the total time that is spent in special education.
   - *Special teachers* providing related services to students with exceptionalities in the areas of counseling, school health services (nurses), and school social work.
   - ESY services, or provide a regular schedule showing the work schedule for all ESY personnel.
   - Personnel participating in schoolwide programs: document the amount of special education services delivered, or provide a proration as specified in the "Schoolwide Programs" section in this document.
   - Individual service provider contracted services, documented in individual student service delivery logs, including dates of service and amount of time.
   - Contracted services through a Non-Public School Equivalency contract, documented in individual student service delivery logs, including type of service, dates of service, amount of service time, and individual service provider.

2. For categorical aid reimbursement, time logs do not need to be maintained for:
   - Full time *special teachers* and administrators, except social workers, counselors and nurses, who *only* provide services in a self-contained special education school (special education only school).
   - Part-time teachers and administrators whose entire assignment is in special education.
   - Counselors, nurses, and school social workers if working in a special education only school building.

     The district administrator may be asked to provide:
     a. *Special teacher's* job descriptions indicating service provision exclusively with exceptional children; and
     b. A contract designating that the *special teacher's* assignment is exclusively with exceptional students; and
     c. The gross salary for the *special teacher* is paid from the Special Education Fund.

3. Direct services claimed for reimbursement on time logs must be specified on a student's IEP in terms of frequency, duration and location, or GEI Plan.

4. Time listed as reimbursable FTE on time logs may include services that are related to a student's exceptionality (e.g., early identification and assessment of disabling conditions in children, child find and early childhood screening activities, general education intervention process, evaluations, reevaluations, IEP meetings, consultation, parent contacts, counseling, etc.).

Logs should be specific as to what direct service was provided.

In addition, services should be coded on the logs in the following categories using the State approved log form found in Appendix B:

CF – (General Education Intervention/Screenings) For students being provided intense interventions identified on an intervention plan, these are strategies taking place within the regular classroom as a result of applying problem-solving practices.

EI– (Evaluation/Identification) Assessment activities related to the process for determining a student's need for special education and related services. This does not include screenings conducted for all students as a function of general education.

IEP – (IEP Development/Review/Meetings) Actions related to planning, writing, modifying, or implementing IEP procedures.

SD – (Staff Development Related to Special Education) Any activity aimed at improving staff skills through a planned program that will enhance the implementation of special education or a related service for students.

DS – (Direct IEP Service) IEP related services provided directly to students or teachers.

5. For special education categorical aid reimbursement, logs do not need to be maintained on nurses, social workers, and counselors who *only* provide services in a self-contained special education school (special education only school). Auditors will examine the contracts, the job descriptions, and the payroll of each person to verify services are only for special education students in special education schools.

6. Staff members required to maintain logs only need to keep record of services provided on Wednesday of each week. If the staff member does not work on Wednesday, then another day should be used consistently. Logs should document the number of days worked in special education each week. The log in Appendix B should be used, indicating each student receiving approvable special education service, the starting and ending times, whether the student has an existing IEP, and the code for the service provided. All minutes for the day will be totaled and will serve as the basis for time reported on the Personnel Report for FTE. As an example: A social worker codes in 3hrs and 30 minutes of approved special education time. That will be multiplied by the number of working days in that week to determine weekly hours in special education related functions. All the weeks will be added together to establish the FTE (time coded divided by 1,116 hours) on the Personnel Report.

4. Specific Personnel Issues

There are personnel areas that need explanation beyond the general issues discussed above.

a. Administrators

Special education administration and supervision is a related service (KAR 91-40-1(ccc)(18)) and may be reimbursed if the following conditions are met:

- The administrator's contract and job description specifically state special education administration is a responsibility.

- The special education administrator must be appropriately licensed by KSDE.

  Individuals holding a Special Education Director endorsement are eligible for categorical aid reimbursement as special education directors, assistant directors and supervisor/coordinators for both Part B and Part C programs. Individuals holding Special Education Supervisor/Coordinator endorsement are eligible for categorical aid reimbursement as assistant directors or supervisors/coordinators for both Part B and Part C programs.

With the change in Kansas licensure requirements, effective July 1, 2003, individuals endorsed in District Leadership are eligible for categorical aid reimbursement as special education director, assistant director or supervisor/coordinator for both Part B and Part C programs Individuals with the previous District Administration endorsement who also have a special education endorsement are eligible for categorical aid reimbursement as the special education director, assistant director or supervisor/coordinator for both Part B and Part C programs.

Individuals endorsed in Building or Program Leadership are eligible for categorical aid reimbursement as assistant director or supervisor/coordinator for both Part B and Part C programs. Individuals holding the previous Building Administration endorsement and an endorsement in special education are eligible for categorical aid as an assistant director or supervisor/coordinator for both Part B and Part C programs.

The special education administrator's contract must reflect if he/she is also to administer programs that are outside of special education so that categorical aid will be paid only for time in administration of special education programs. Special education directors will be reimbursed only for time spent in special education functions. Time spent as administrators for Part C programs must be coded by level in the Personnel Web System as IT. State special education categorical aid will be pro-rated if time is spent on general education duties (e.g., administration of federal programs not specifically addressing the needs of students with exceptionalities, district-wide testing programs, and programs for at-risk students).

Logs must document time spent in the various duties of regular and special education administration. If the contract indicates that a certain percentage of the administrator's time is to be allocated to special education, then at least that amount of time must be documented. If the logs reflect percentages over the amount in the contract, however, the amount reimbursed must be consistent with the percentage in the contract. For example, if the contract is written that the administrator is to work 80% of the time on special education and 20% in regular education duties, and logs document such percentages, the reimbursement would be 80%. However, if the contract is written that the administrator is to spend at least 40 hours in special education, and in addition to those 40 hours the administrator spends additional time in regular education, the reimbursement would be 100%.

Documentation Required for Audit: Special Education Administrators

Auditors may:

- Review administrative contracts
- Review administrative job descriptions
- Conduct interviews to determine job responsibilities
- Review timesheets/logs if administrator has responsibilities other than special education.

b. Assignments Reimbursable for Greater than 1.0 FTE

In a few instances, personnel may be claimed for greater than 1.0 FTE in order for districts to provide direct instruction to students with IEPs/IFSPs to meet IDEA requirements other than compensatory services. This would be in cases where personnel have second assignments which extend beyond the full time assignment. Second assignments must have separate, supplemental contracts or documented personnel actions including IEP/IFSPs that document

the need for services. These services must be provided outside the regular assignment and providers are typically paid on an hourly basis.

(1) Homebound/Hospital Personnel

Reimbursement in excess of 1.0 FTE will be authorized for *special teachers or paras* who, in addition to a full-time assignment, provide special education services in homebound settings. In the Kansas state special education regulations, “homebound instruction” means the delivery of special education and related services in the home of a child with a disability" (KAR 91-40-1(ee)). The KSDE MIS Data Dictionary further defines homebound instruction as the delivery of special education services in the home of a child whose health problems (physical or mental) are so serious that school attendance is impossible. In the Personnel Report, time spent by personnel providing services in either homebound or hospital settings (*e.g*. hospitals, convalescent homes, for psychiatric or medical treatment on an in-patient basis) which extends beyond their regular full time assignment must be listed under the area of “Other Assignment (OA).

Special teachers employed to provide special education services in a homebound setting must have completed a program that qualifies them in at least one of the special education categorical areas identified in SBR 91-1-93(a)(1). In addition, the *special teacher* must be certified at levels comparable to the homebound assignment. Paras may provide supplemental instruction that is developed and supervised by the homebound special teacher. Paras cannot be assigned as the sole provider of homebound services for any student. Documentation requirements are identified below.

(2) Services to Students While under Suspension/Expulsion

IDEA requires that students with disabilities who are suspended or expelled shall have no cessation of educational services (when the suspension or expulsion is typically more than 10 days). While most suspended or expelled students can be served during regular school hours, there are instances when districts would prefer to offer services after school, or at a supervised location other than the home. Reimbursement in excess of 1.0 FTE will be authorized for *special teachers or paras* who, in addition to a full-time assignment, provide special education services to suspended or expelled students. Time spent by *special teachers* and paras delivering services to suspended or expelled students which extends above their full time assignment must be reported as “Other Assignment” (OA) in the Personnel Report. Paras cannot be assigned as the sole provider. Documentation requirements are identified below.

(3) Home-Based Instruction and Services

In contrast, home-based services are defined as the delivery of any direct special education service provided in a home environment, for students who do not meet the definition of “homebound”. A home-based setting may include, but is not limited to, the delivery of early childhood services in the child’s home, a relative’s home, childcare or babysitter’s home. All home-based special education service providers must have the appropriate endorsement, area and level, to provide the needed services. Time spent by special teachers and paras delivering services in home-based settings to children ages 3-21 which extends above their full time assignment must be reported on the Personnel Report as Other Assignment (OA). Time spent by *special teachers* and paras delivering home-based services to infant and toddlers (ages 0-2) must be reported as “Infants/Toddlers” (IT). Paras cannot be assigned as the sole provider of home-based services for any student. Documentation requirements are identified below.

(4) EC and I/T Assignments with Two Agencies

It has been a long-standing practice to allow greater than 1.0 FTE for a *special teach*er who provides ECSE services for one agency and Infant/Toddler services for another. Both assignments must be itemized separately on the Personnel Report with the percentage of time proportionate to the services provided. Special teachers providing infant-toddler services must be coded as IT in the Personnel Report. ECSE special teachers must be coded as EC in the Personnel Report when services are provided to children ages 3-5. Documentation requirements are listed below.

(5) Interpreters for Deaf/Hard of Hearing for Extracurricular Activities.

When interpreting services for students who are deaf/hard of hearing are necessary for extracurricular activities and the only interpreter available is one who has worked during the school day, then these interpreters can be reported as being greater than 1.0 FTE. Time spent by interpreters when providing services extending above their full time assignment should be coded as Other Assignment (OA) in the Personnel Report. Documentation requirements are identified below.

Documentation required for Audit: FTE Greater than 1.0

For the identified assignments eligible for greater than 1.0 FTE, documentation must include:

- Separate personnel actions/contracts for the extra assignments.
- Timesheets for the identified assignments that must be separate from timesheets for the school day position and must document hours worked outside the regular work week
- Student IEP/IFSP paperwork documenting the activities for which additional reimbursement is sought.
- Interpreters: Verification that interpreters for students who are deaf/hard of hearing have completed an interpreter assessment (EIPA, KQAS, RID).

c. Early Childhood

Special education services for children ages 3-5 are delivered in a variety of early childhood settings. These may include, but are not limited to, early childhood special education self-contained classrooms, early childhood special education classrooms with peer models, public or private preschools, Head Start programs, or community childcare programs. In an effort to maximize resources, promote best practice, and create least restrictive environments for children with disabilities, many districts across Kansas are blending or combining preschool programs.

It is important to recognize that categorical aid is reimbursed based on how the special education services are delivered rather than the programs in which children are served. Listed below are the various service delivery models where children, ages 3-5, are typically served.

(1) Service Delivery Models

Co-Teaching Service Model

Reimbursement is authorized for the time *special teachers* are assigned to work collaboratively with preschool teacher(s) in a program designed primarily for typically developing children. In a co-teaching model, the special teacher and the regular preschool teachers(s) develop

instructional plans together to meet the needs of all the children in the program. Regardless of the number of children with disabilities being served, FTE will not be prorated for the time a *special teacher* is providing services in a program that utilizes a co-teaching model.

Itinerant Service Model

Reimbursement is authorized for the time *special teachers* are assigned to provide instruction on an itinerant basis to children with disabilities in early childhood preschool programs, in the home, hospital or where ever has been determined as the least restrictive environment for that child.

Special Education Service Models

Reimbursement is authorized for the time *special teachers* provide instruction in early childhood special education programs. Special education service models include a variety of program configurations such as an early childhood special education reverse mainstream program or integrated programs. In special education service models, the *special teacher* is the sole instructor and no regular preschool teacher is assigned to the program. If there are peer models in the program, the *special teacher* is responsible for providing instruction to both children with disabilities and peer models.

Early childhood special education service models may also include blended programs where the special education program has been combined with one or more preschool programs such as Head Start or 4 Year Old At Risk. Regardless of the program configuration, if the special education teacher is the sole instructor, and the intent of the program is to maintain a 50/50 ratio (typically determined by averaging the pupil ratio based on child counts taken several times throughout the year), categorical aid will not be pro-rated for the time the *special teacher* is providing services in the program. However, if the ratio of special education students on average is less than 50%, categorical aid will be pro-rated. The methodology for pro-rating FTE is provided:

(2) Pro Rating FTE for Early Childhood

Full Time Special Education Teacher
Total caseload of students for the day (based on 2 sessions)
(15 peer models + 6 special education students = 21 total students)
Multiply the number of special education students by 2 6 X 2 = 12 (This is the total number of students needed for a 50/50 ratio) Then, divide the number of students needed for a 50/50 ratio by the total of all students served in the program to obtain the *special teacher* FTE 12/21 = .57 FTE Report the *special teacher* as .57 FTE in the Personnel Report **Always round up when estimating FTE*

(3) Considerations of Early Childhood Activities

Paraeductors

For purposes of categorical aid reimbursement, special education paraeducators are assigned to students and not to programs. A connection within the IEP must be identified that justifies the need for paraeducator support as determined by the IEP team.

Early Childhood Screening

Early childhood screening for children birth through age 5 suspected of having a disability is considered to be a special education function and is a reimbursable activity. Developmental screenings conducted by *special teachers* or paraeducators are reimbursable activities. Vision and hearing screening as part of early childhood screening is reimbursable. However, *special teachers* will not be reimbursed for providing vision and hearing screening procedures that are afforded to all students as required by state law.

Early Childhood and Infant-Toddler Family Services Coordination

Services in early childhood and infant-toddler settings may be provided for children from 0 through 5 years according to an IEP or an Individualized Family Service Plan (IFSP). Family service coordination for children who receive services according to an IFSP or IEP from a *special teacher* is a reimbursable activity but cannot be the only service a child/family receives. While paraeducators may assist in the delivery of family service coordination activities, they may not be the sole provider for these services. Paras must be assigned and work under the direct supervision of a *special teacher* assigned to the delivery of family services coordination.

(4) Infant/Toddler Services

School districts serving families of infants and toddlers with disabilities (ages 0-2) may claim reimbursement for special education services as established in the Individualized Family Service Plans (IFSPs). Districts responsible for making claims on behalf of an I-T network must work collaboratively with the I-T staff to ensure accuracy in fiscal reporting.

Reimbursement for Infant-Toddler services may be claimed by the district in the following ways:

Personnel Report/Categorical Aid
Districts may contract with approved I-T Networks who provide I-T services utilizing *special teachers with* paraeducator supports.

Non-Public School Equivalency Contract
Districts may contract with approved I-T Networks who provide I-T services to individual children using certified or licensed *special teachers only.* All IFSP service providers for a child/family must be reported on the contracts.

Personnel Report/Categorical Aid

All I-T *special teachers* must be licensed or certified as established in the KSDE Reimbursement Guide. All I-T paraeducators must complete annual professional development requirements as specified within the Reimbursement Guide.

Infant-toddler service providers should be reported as IT on the Personnel Web Report. Related service providers for infant-toddler programs should be reported in their appropriate assignment but reported at the IT level. Personnel who work in both I-T and EC programs should be reported in dual assignments/levels. Part C data clerks are not eligible for categorical aid as MIS clerks.

NPSE

To be eligible for reimbursement, all I-T *special teachers* must meet the licensure/certification requirements as established in the KSDE Reimbursement Guide.

Beginning on July 1, 2009, reimbursement for contracted services will be based on FTE that is derived by multiplying the total number of service hours provided as documented in the individual student logs by the FTE Rate Per Hour. To verify delivery of services, IFSPs are reviewed as part of the audit process. Service provider logs must document that services listed on IFSPs were actually delivered.

Non-public equivalency contracts for IFSPs written May 1 or after may be included with contracts submitted for the following school year

Audit Documentation Required

IFSPs
Individual child service logs (NPSE) or Provider Service Logs (Personnel Report)
Contracts or Employee Contracts/Personnel Agreements
Copy of License/Certification (NPSE)

d. Related Services

(1) General Issues

Related services personnel are considered to be *special teachers* and will be reimbursed according to the policies established in this Guide.

Related services personnel must be qualified and meet the established standard for that profession. If the related services provider is credentialed by an entity other than KSDE, KSDE recognizes that credential as the state standard. To be reimbursed, districts must ensure that they hire or contract with personnel who meet the state standard and have the appropriate credential.

The following credentials are recognized:
Audiologist --current license from the Kansas Department of Health and Environment

Behavior Specialist—current certification through Behavior Analyst Certification Board with BCBA certification

Occupational Therapist --current license from the Kansas Board of Healing Arts

Music Therapist--current registration with the National Association of Music Therapy or certification from the American Music Therapy Association

Physical Therapist -- current registration from the Kansas Board of Healing Arts

Registered Dietician --current license from the Kansas Department of Health and Environment

School Nurse --current license as a registered professional nurse from the Kansas Board of Nursing

Speech-Language Pathologist --current license from the Kansas Department of Health and Environment

Credentials for nurses, school psychologists, school counselors, and clinical social workers are identified below.

(2) School Psychology Services

School psychology services must be provided as required to assist an exceptional child to benefit from special education services. The services must be provided by a school psychologist licensed and endorsed by KSDE. Clinical psychologists, licensed by the Kansas Behavioral Sciences Regulatory Board *acting as a school psychologist* and hired prior to July 1, 2007 remain eligible for reimbursement as school psychologists. Any clinical psychologist hired as a school psychologist after July 1, 2007 is not eligible for reimbursement.

School psychology practicum students, placed in a district by a training institution, may participate in those activities normally carried out by the fully-endorsed school psychologist. All psychological evaluations, including testing and behavioral observations, must be reviewed and signed by the supervising psychologist. The supervising psychologist must maintain responsibility for special education decisions. Practicum students, if employed by the school district or cooperative, are to be considered paraeducators for reimbursement purposes. School psychology interns, who are provisionally endorsed as school psychologists, are to be considered professionals for reimbursement purposes.

Special education reimbursement is authorized for school psychology paraeducators who hold a baccalaureate degree, preferably in psychology or education, if:

1. Responsibilities of the paraeducator are planned and supervised by a qualified professional and are based on the person's competency to carry out the responsibilities. If needed, preservice or staff development may be provided in relation to the duties;
2. The paraeducator is not involved in psychological counseling or therapy, or in psychological evaluation; and
3 The paraeducator is under the direct supervision of a licensed school psychologist.

School psychology paraeducators not holding a baccalaureate degree are eligible for reimbursement as well if:

3. Responsibilities of the paraeducator are planned and supervised by a qualified professional and are based on the person's competency to carry out the responsibilities. If needed, preservice or staff development may be provided in relation to the duties;
4. The paraeducator is not involved in psychological counseling or therapy, or in psychological evaluation; and
3 The paraeducator is under the direct supervision of a licensed school psychologist.

The school psychology paraeducator not holding a baccalaureate degree is limited to performing tasks such as gathering assessment data for purposes of evaluation, record review, ecological or computer based observation, and administering locally developed curriculum based measurements (CBMs).

(3) School Social Work, Counselor and Nursing Services

(a) Social Worker/Counselor

School social work services must be provided as required to assist an exceptional child to benefit from special education. The services must be provided by a school social worker who holds a current and valid license issued by the Behavioral Sciences Regulatory Board, at the Licensed Master Social Worker (LMSW), Licensed Specialist Clinical Social Worker (LSCSW), Temporary Licensed Master's Social Worker (TLMSW or LMSWT). Licensed Professional Counselors (LPC) may be submitted for hand approval to KSDE. School counselors must hold the appropriate license from the Kansas State Department of Education.

All school social workers and school counselors, except those assigned to special education only schools, are required to log services for students with disabilities. See the discussion of logs in this Guide. General education intervention, not just attendance at meetings, is an allowed special education activity for social workers and school counselors since it is defined as Child Find in Kansas regulation. Auditors may request to see GEI plans to verify logged time.

School social work paraeducators must:

1. Hold a baccalaureate degree in social work;
2. Perform tasks related to school social work for which they are trained;
3. Not be involved in conducting intervention techniques, including psychotherapy; and
4. Be under the direct supervision of a licensed school social worker who provides supervision at least 4 hours per week for each paraeducator. (K.A.R. 102-2-8)

(b) School Nurse

School nurses can be claimed for categorical aid reimbursement for the provision of special education services as identified in the anticipated services section in individual students' IEPs. The IEP must contain the specific service provided in terms of anticipated frequency, duration and location of the special education nursing services. The services delivered by nurses must be services related to the students' disabilities, not for first aid services and class-wide screenings provided to students with IEPs. Logs must be maintained for services provided to students with IEPs unless the nurse is assigned full-time to a special education only school. The typical time to dispense medication is considered three minutes. Logs that indicate more time than this may require additional documentation by auditors. Time delivering routine nursing services that may be provided to any (IEP or non-IEP) student such as first aid, etc. is not reimbursable.

Documentation needed for audit

To access categorical aid for social workers, counselors, school nurses, auditors may review:

- One day a week logs with necessary information, including the number of days worked per week
- Personnel contract

- Student IEPs, if requested
- GEI plans, if requested, to document team decision of GEI services and their duration

e. *Paraeducators*

Paraeducators will be reimbursed at .40 FTE of the special education teacher entitlement, provided that they have met minimum standards, staff development requirements and are supervised as specified in this Guide.

(1) Paraeducator Employment Standards

To be employed as a paraeducator, a person must:

- Be a high school graduate, and;
- Complete an orientation session addressing confidentiality, the services to be provided, and the policies and procedures of the local education agency concerning special education.

(2) Paraeducator Duties

Paraeducators provide instructional or related services under the supervision of licensed or certified special education professionals in an accredited or approved special education program. Examples of allowable activities include instructional support under the supervision of a professional, participation in IEP meetings; parent-teacher conferences; staff development; and student data collection and record-keeping, such as maintaining observational and anecdotal records;. Paraeducators also may assist the *special teacher* with paperwork related to the special education students for whom s/he is responsible, which provides important support to those students and *special teachers.* If paraeducators participate in these activities, the time will be counted as student contact hours for the purpose of computing special education reimbursement.

A paraeducator may be assigned to support students with exceptionalities in a general education program when one or more students with exceptionalities are included in that program, if the paraeducator is supervised by a *special teacher* who meets the requirements in KSA 72-962(j)(1).

If paraeducators do not participate in these identified activities, and they do not provide instructional or related services, then the time will not be counted as student contact hours for the purpose of computing special education reimbursement. Other duties may be performed by paraeducators but districts will not be reimbursed for the time, or a part of the paraeducator's time may be reduced.

(3) Consideration of Issues for Reimbursement

- Medicaid clerical work, even if full-time to obtain special education reimbursement, is not a reimbursable activity;
- Grant activities are not reimbursable, unless the target population is special education students and personnel are appropriately licensed. These individuals may be pro-rated, depending upon the number of students receiving special education services;
- Secretarial, bookkeeping, and clerical support work, even if in the offices of special education cooperatives, are not reimbursable;

- Part-time clerical/part-time MIS work will be pro-rated for categorical aid reimbursement, and logs must be maintained to record the number of hours spent with MIS data entry, maintenance, and storage; and
- Contracted half-time employees not working regularly scheduled half-time hours or days, will be pro-rated according to the percentage of hours or days worked, depending on the contract language. Logs must be maintained to document number of hours or days worked.
- Beginning of year inservice hours for which a paraeducator is paid to attend prior to students beginning school is reimbursable time.

(4) Staff Development

Each local education agency must adopt and have on file a plan for staff development for special education instructional paraeducators. (Paraeducators may write Individual Development Plans but it is not required.) Each local education agency must prepare and maintain documentation of the annual staff development provided for special education instructional paraeducators for a period of at least 3 years.

Each staff development program must include the following:

1. An orientation session at the time a paraeducator is employed;
2. Orientation annually to ensure compliance with confidentiality and other requirements (Note: Beginning of year inservices in which special education issues are on the agenda is considered orientation.); and
3. Staff development activities specifically related to the area and type of program in which the special education instructional paraeducator is employed.

Ideally paraeducator staff development activities will include various levels of staff development opportunities:

- **knowledge/learning:** inservice, workshop, study group, observation, child-specific presentations
- **application/skill development:** guided practice, implementing strategies/ideas, peer coaching, and
- **impact:** documenting effect of implementation with students.

Knowledge hours are based on one hour for each contact hour. Application hours should not exceed two times the number of hours of knowledge level training for the topic. The impact hours should not exceed three times the number of hours of knowledge level training. Application and impact activities follow an inservice/workshop/study group, etc. and staff development hours should be awarded for implementation over an extended period of time, not for “one-shot” use of what was learned. Impact hours imply there are student data that indicate student(s) have been positively impacted by the implementation of knowledge learned. Application and Impact hours must be verified by a supervising teacher and verification should be available to the auditor, if requested. Documentation for application and impact hours should be clearly aligned with knowledge level staff development opportunities (workshops, skill development training).

A Frequently Asked Question document about paraeducator staff development is available in Appendix E. Further explanation of the results-based staff development model and the awarding of staff development points are available in the Kansas Professional Development Program Guidelines. The document is available on the KSDE website. The awarding of

paraeducator staff development hours should be comparable to your school district's Professional Development Plan for professionals.

(a) Required Hours of Staff Development

Paraeducators must participate in staff development, regardless of the number of hours/day or days/week worked. When they are hired, paraeducators must be provided an orientation (e.g., confidentiality of student records, important school policies, etc) which may be counted toward professional development requirements for inservice.

Tiered Pareeducator Inservice Requirement
Beginning for the 2008-2009 school year, paraeducator staff development requirements were tiered based on the special education experiences and/or credentials of the pareaeducator. A guide is included in Appendix H (Paraeducator Staff Development Planning Worksheet) to assist districts in determining the amount of paraeducator inservice hours required.

20 Staff Development Hours Required
Paras who have worked as a Kansas special education para less than 3 years (**within the past 3 years)** are to complete 20 hours of inservice if employed for 9 months during the school year. In-service hours must be reported to KSDE through the Personnel Web System as currently reported.

10 Staff Development Hours Required
Paras who have worked as a Kansas special education para for more than 3 years (**including the past 3 years**) as validated through archived Special Education Personnel data, must complete 10 hours in inservice if employed for 9 months during the school year. In-service hours must be reported to KSDE through the Personnel Web System as currently reported.

Staff Development Hours – Locally Determined
Inservice requirements are determined by the LEA for paraeducators that hold a current Kansas license/certificate in the following areas:
Teacher
- Related service provider, (SLP or OT, PT, etc)
- Occupational Therapy Assistant (OTA)
- Physical Therapy Assistant (PTA) or;
- Licensed Practical Nurse (LPN)

Considerations
College Hours - College hours may be substituted for special education inservice hours. Each college hour will be counted as 20 staff development hours, applied to the school year in which the coursework was obtained. College hours should be reported as college hours, because the conversion to staff development hours is automatically calculated within the program for the Personnel Report.

Requirements for Paraeducators - No Child Left Behind Law - For the year in which a special education paraeducator meets NCLB requirements, special education inservice hours will be determined by the LEA. More information on the NCLB Paraeducator requirements is located on page 40 of this document.

Incomplete Hours - *For paraeducators who have worked the entire year (9 months)*, if a district cannot produce evidence that a paraeducator has completed the required staff development through inservice, an equivalent amount of college coursework, or documentation that the NCLB requirement was met, categorical aid will be prorated based on the required number of staff development hours. Auditors will compute the paraeducator FTE, by computing the percentage of staff development (actual divided by needed) and then compute the adjusted FTE. For example, the paraeducator works 750 hours, and has only 8 hours of inservice, but needed 10.
750 hours / 1116 = .67 8 hours / 10 required = .80 .67 X .80 = .54 audited FTE

The table below may also be used as a guide for district administration to determine the number of staff development hours for paraeducators hired after the start of the school year.

	20 Hours Required	10 Hours Required
Time of Employment		
Less than 1 month and 10 days	2	2
Less than 2 months	3	
Less than 2 months and 10 days	4	3
Less than 3 months	5	
Less than 3 months and 10 days	6	4
Less than 4 months	7	
Less than 4 months and 10 days	8	5
Less than 5 months	9	
Less than 5 months and 10 days	10	6
Less than 6 months	11	
Less than 6 months and 10 days	12	7
Less than 7 months	13	
Less than 7 months and 10 days	14	8
Less than 8 months	15	
Less than 8 months and 10 days	16	9
Less than 9 months	18	
9 months or more	20	10

A month is figured from the date of employment to that same date next month (e.g., August 25 to September 25). This includes school holidays.

(4) Supervision and Assignments

Usually it is obvious who has supervisory responsibility for paraeducators. Typically, the professional responsible for the provision of services who is receiving assistance from the paraeducator is assigned as the supervisor of the paraeducator.

In some instances, based on the paraeducator's assignment, other special education personnel may be identified as the para's supervisor. Examples might include community based paras supervised by a district level coordinator who is responsible for implementing the

community based program; or a building level para facilitator. In extremely rare instances, a para may be supervised directly by the special education director if determined necessary.

The identified supervisor must be:

Claimed on the personnel report for special education categorical aid and;

Responsible for the para's day to day job performance and evaluation.

When districts have teachers on a waiver or have assigned substitutes to professional positions, different supervisory arrangements may be in the best interest of students. In such cases, special education administrators have the authority to assign another *special teacher* as the supervisor.

Paras may be claimed for more FTE than the assigned supervising professional. District's have a responsibility to ensure appropriate supervision of special education paraeducators and the delivery of services. An identified process to ensure supervision occurs must be developed and implemented.

(5) Supervision and Assignments

Districts are responsible for implementing policies to ensure appropriate supervision of paraeducators in the delivery of special education services. Districts must evaluate and determine appropriate levels of supervision based on the services provided, the paraeducator assigned, and the needs of the student as outlined in the IEP or IFSP. In addition to locally determined paraeducator supervision policies, the following supervision requirements apply.

When the Supervising *Special Teacher* is not in the Building

Paraeducators assigned to a professional may work with an exceptional child when the professional is not in the building, ONLY IF the professional works directly with both that child and the paraeducator at least 10 percent of the total service time each week. When the assigned *special teacher* is not present, a paraeducator must have a designated principal or teacher available in the building for assistance and supervision as needed.

Paraeducators Assigned to SLPs, OTs, and PTs

Paraeducators assigned to speech-language pathologists or audiologists must be supervised a minimum of 10 percent of the time they are working with students (training time does not count toward this minimum percentage). See Appendix F for further supervision requirements.

Paraeducators assigned to OTs and PTs (including OTAs, and PTAs) must be supervised according to statutes and regulations established by the Kansas State Board of Healing Arts for Occupational Therapy and Physical Therapy. (K.A.R. 100-29-16 and K.S.A. 65-5419).

When the Paraeducator is Assigned to a Learning Site Off School Property

A paraeducator who is assigned to a learning site that is off school property must be supervised by a *special teacher*. The *special teacher* must work with the paraeducator and the student at least twice a week if services are provided daily. If services are provided at least

once a week, 20% of the sessions per month must be supervised. If services are provided less than one time a week, 20% of the sessions per quarter must be supervised.

Paraeducators must work under supervision from a professional. Therefore, paraeducators must not be:

- Solely responsible for a special education instructional or related service;
- Responsible for selecting or administering formal diagnostic or psychological instruments or for interpreting the results of those instruments;
- Responsible for selecting, programming, or prescribing educational activities or materials for the students without the supervision and guidance of the *special teacher*;
- Solely responsible for preparing lesson plans or initiating original concept instruction;
- Assigned to implement the IEP for students with exceptionalities without direct supervision and involvement from the professional;
- Employed in lieu of certified or licensed special education personnel;
- Used as substitute *special teachers*, unless paraeducators possess the appropriate Kansas certification or license;
- Enrolled as elementary or secondary school students; or
- Performing nursing procedures or administering medications without appropriate supervision from an approved health care professional.

(5) Special Assignments for Paraeducators

(a) Speech-Language Paraeducators/Assistants

Speech-language pathologists are required to train, monitor, supervise, and evaluate paraeducators/ assistants assigned to them. See the requirements of KAR 28-61-8 in Ap.H.

(b) Audiology Assistants

Audiologists are required to train, monitor, supervise, and evaluate paraeducators/assistants assigned to them. Paraeducators/assistants performing hearing screening must have the appropriate level of training for the type of hearing screening they are performing, and must perform hearing screening according to the Hearing Screening Guidelines (2001). See the requirements of KAR 28-61-8 in Appendix F.

(c) School Nurse Paraeducators

Paraeducators who provide nursing or school health services are persons who, by specialized training from registered professional nurses, are qualified to carry out basic nursing tasks or procedures in the care of students, according to the students' Individualized Health Care Plans, which become part of their IEPs. First aid is not a special education service. Special education reimbursement is authorized for school nurse paraeducators, whose personnel agreements designate them as paraeducator/aide for a school nurse, who provide nursing or school health services specified in students' Health Care Plans and/or IEPs and that are appropriately delegated and supervised by registered professional nurses. See the requirements of KAR 60-15-101, Performance of Selected Nursing Procedures in School Settings, in Appendix G.

(d) Administratively Assigned Paraeducators

There are three reimbursable administrative paraeducator assignments.

- **MIS Paraeducators:** Reimbursement as a paraeducator is authorized for persons responsible for collecting, entering, and verifying Management Information System (MIS) data for a school district or cooperative. MIS clerks also may assist with the review,

maintenance, and storage of IEPs and accompanying paperwork. Responsibilities that do not qualify as MIS duties include such things as maintaining the personnel database, processing Medicaid claims, clerical duties not related to the MIS data system and serving as an administrator's secretary. Logs are required. Regardless of certification/license held, MIS duties will be reimbursed at paraeducator rates.

> There has been discussion about the responsibilities of MIS clerks and how many MIS clerks are needed. It is difficult to establish a standard because districts vary in who reviews and how records are managed. It is assumed that a district that has a professional assigned the responsibility of reviewing and assisting other professionals with IEPs will have fewer MIS clerks per number of student IEPs than the district who relies on the MIS clerk to review paperwork and IEPs for routine requirements. If the FTE for MIS is excessive or it is obvious the individual is not a full-time MIS clerk, an auditor has the authority to investigate and prorate categorical aid after consultation with the Directors of Fiscal Auditing and Special Education Services.

- **SEIMC Paraeducators:** Reimbursement as a paraeducator is authorized for persons responsible for the organization, inventory, tracking and movement of Special Education Instructional Media Center materials. The paraeducator may be assigned to a special education administrator or an SEIMC professional. The SEIMC paraeducator can NOT be responsible for selecting materials to be ordered and maintained in the media center. Logs are required if the person has duties other than the SEIMC.

- **Translator:** Reimbursement as a paraeducator is authorized for persons responsible for translating special education paperwork from English to another language. The paraeducator may be assigned to a special education administrator. Reimbursement will be pro-rated for clerical duties and for translating non-special education paperwork. Logs are required.

  NOTE: The above identified paraeducator assignments should be assigned to administrators for direct supervision.

Documentation Required for Audit: Paraeducators

- Personnel agreements and contracts for professionals and paraeducators
- Personnel Report, provided by KSDE
- Staff development reports for individual paraeducators, if requested,
- Documentation of inservice hours
- Supervising teacher's verification (signature) of application and impact staff development hours, if requested
- Logs or other evidence of supervision, if requested
- Audiology Assistant: Documentation that hearing screening training is current (Level 1 & 2—every two years)

f. Other Personnel

(1) Area Service Center Personnel

Area Service Centers are not special education entities. Area Service Center Directors are not eligible for state special education categorical aid. This does not preclude claims for reimbursement for qualified personnel employed by Area Service Centers to provide special

education and related services. Documentation for these personnel will be the same as the documentation required for their counterparts employed by school districts.

(2) Attendant Care

See School Nurse Paraeducators in the Paraeducators Section of this document.

(3) Braille Transcribers and Sign Language Interpreters

Although sign language interpreters for students who are deaf/hard of hearing should be supervised by teachers of the deaf and Braille transcribers should be supervised by teachers of the visually impaired, if the supervising teacher is itinerant and not in the building daily, the supervision may be shared by the building principal or another *special teacher* in the building. (See the "Supervision" in the Paraeducator section.)

(a) Professional Interpreter and Braille Transcriber

LEAs may consider interpreters as professionals, regardless of their certification/assessment level. However, to be reimbursed at the professional level, a sign language interpreter for students who are deaf/hard of hearing must meet one the following criteria:

- Must hold certification from the Kansas Commission for the Deaf and Hard of Hearing at levels 4 or 5 in interpretation, transliteration, or both, or
- Must have scored an assessment level of 4 or 5 on the Educational Interpreter Performance Assessment (EIPA), version used prior to 2003 and administered through KSDE, or
- Must have scored an overall assessment level of 4 or 5 on the EIPA, administered through the ASK12, National Boys' Town Institute, or
- Must have current National Interpreter Certification (NIC) by the Registry of Interpreters for the Deaf (RID),

and

- Must have a contract that reflects the interpreter is paid as a professional,
- Must be supervised by a professional qualified to teach students who are deaf/hard of hearing

and

- Must meet staff development requirements

Beginning July 1, 2009 to be eligible for reimbursement, *all* personnel providing interpreter services regardless of level must have taken either the Educational Interpreter Performance Assessment, EIPA (post 2003) *or* the Educational Signs Skills Evaluation (ESSE:R plus ESSE:I or ESSE:T) unless they have met one of the following criteria:

Hold certification from the Kansas Commission for the Deaf and Hard of Hearing at levels 4 or 5 in interpretation, or transliteration, or hold current National Interpretor Certification (NIC) by the Registry of Interpreters for the Deaf (RID),
For a professional scoring 3.0 or above but less than 4.0 on the EIPA, a 2 year professional development plan waiver may be submitted for approval to KSDE addressing skill deficits identified by the EIPA. The professional development plan must provide a timeline which includes EIPA retesting to demonstrate progress by the end of the 2 year period. The professional development plan may be used once for a 2 year period to access categorical aid at the professional level.

Individuals who transcribe Braille and are certified by the National Library of Congress (passed one of the National Library of Congress assessments for Braille Transcribers) will be reimbursed at the professional level.

(b) Paraeducator Interpreter/Braille Paraeducator

Persons who are interpreting for students who are deaf/hard of hearing may be claimed as paraeducators on the Personnel Report if they scored less than a level 4 and do not have an approved EIPA professional development plan on file as outlined above. The paraeducator interpreting for students should show an interpreting (IN) assignment in the Personnel Report. They must be supervised by a qualified professional and must meet staff development requirements for paraeducators. Documentation of a current assessment and score should be kept on file for interpreters claimed as paraeducators and be made available for auditors.

Individuals who transcribe Braille may be claimed as paraeducators on the special education Personnel Report. They must be supervised by a qualified professional and must meet staff development requirements for paraeducators.

Documentation required for Audit: Interpreters and Braille Transcribers

Auditors may ask to review:

- Contracts/personnel actions Interpreters: Evidence of national certification or passing score on the EIPA. Interpreters who score level 4 should be reassessed every 5 years. Interpreters scoring a level 5 do not have to be reassessed for reimbursement purposes.
- Braille Transcriber: Evidence of certification/passing score on a National Library of Congress assessment.

(4) Behavior Specialist

Behavior specialists who are certified as a Board Certified Behavior Analyst (BCBA) and hold a Masters degree will be reimbursed at the professional rate and are considered *related services* providers. In addition, individuals serving students who have a Bachelor's degree and are certified as a Board Certified Associate Behavior Analyst (BCABA) will be reimbursed at the paraeducator rate. Both certificates are authorized through the Behavior Analyst Certification Board (BACB).

(5) Collaborative Co-Teaching Models

Reimbursement is authorized for collaborative co-teaching models. In these types of delivery models, one or more identified students with exceptionality receive services from the *special teacher* in a general education setting. Planning and instruction are the shared responsibility of both the *special teacher* and the regular education teacher who work collaboratively as a team. The names of students listed on the caseload of the *special teacher* should be found in the MIS child count data submitted by the district. The IEPs of these students must reflect the amount of service provided by the *special teacher*. Whenever a *special teacher* is teaching non-identified students in a group that includes identified students with exceptionalities, the focus of instruction is on the goals in the IEPs of the identified students. Reimbursement is not allowed for a *special teacher* who is the teacher of a general education class.

(6) Nontraditional Personnel

Personnel working in the areas of Assistive Technology, Integration Specialist, Rehabilitation Counseling, Work Study/Vocational, Diagnostic Teacher, Personnel Development, Program Evaluation, or Transition Services are reimbursable as *special teacher*s. In order to be claimed for reimbursement, these personnel must hold a Kansas license, meet the definition of a special teacher, and be assigned special education duties and responsibilities.

(7) Title I Schoolwide Programs

Since reauthorization of the Improving America's Schools Act (IASA) and IDEA in mid-1990's, the schoolwide program is offered as an effective means of ameliorating learning differences between and among students regardless of etiology (e.g., disadvantage or disability). Schoolwide programs allow high-poverty schools the ability to offer all students a challenging academic curriculum by enriching the entire academic program.

(a) Federal Requirements:

A school may operate a Title I schoolwide program if at least 40% of the children enrolled in the school or residing in the school attendance area meet low-income requirements, or are approved by KSDE through the Ed Flex waiver.

A schoolwide program school may combine Federal funds and resources from other Federal education programs in addition to its Title I funds and resources to provide special services to all students in the school. In terms of combining funds from IDEA, the Title I regulations stipulate the following:

- An LEA may use IDEA funds based on a per-child share of its Federal Part B allocation in schoolwide schools in which children with disabilities are participating.
- The amount of Part B funds that may be combined may not exceed an amount equal to the number of children with disabilities participating in the schoolwide program multiplied by the amount of Part B funds per child with disabilities the LEA received.
- All other IDEA requirements, such as those concerning the rights and services afforded to individual children with disabilities, must still be met for children in schoolwide program schools. IEP goals and objectives must be addressed.

(b) Requirements for Paraeducators Under No Child Left Behind Law

Effective January 8, 2002, all paraeducators hired after this date to work in Title I schoolwide programs must have:

- Completed at least 2 years of study at an institution of higher education. A minimum of 48 hours must be accumulated. The college hours must be hours that can be applied to a baccalaureate degree.
- Obtained an AA degree (or higher), or
- Met rigorous standards as demonstrated through a formal State or Local assessment. Approved paraeducator assessments are (1) ParaPro by ETS; (2) WorkKeys by ACT, 3 assessments and inventory; and (3) ParaEducator by Master Teacher, 2 assessments.

LEAs must ensure all paraeducators hired before January 8, 2002, and working in a Title 1 schoolwide program, have met the requirements by end of FY2006. There is no grace period for new paraeducators or veteran paraeducators working in a Title 1 schoolwide program who have not met Title 1 requirements for the FY2007 school year.

(c) State Requirements

The following provisions must be met to access State categorical aid for staff participating in schoolwide programs:

- The professional staff person or paraeducator must be contracted for and paid out of the special education fund.
- A special education professional or a paraeducator cannot be the sole teacher or aide in a regular education classroom, and

- The amount of state categorical aid that may be accessed may be determined in two ways: maintaining a log of the amount of time the professional or paraeducator actually spent delivering services and/or supports for special education students; or a pro-ration of total amount of time contracted based on the proportionate percent of identified special education students as compared to the building as a whole.

Example: Total student population in the building = 300
Total identified special education students = 30
30/300 = 10%

If the contract stipulates at least 10% of the paraeducator's time is paid by special education funds, categorical aid may be accessed at 10% for that paraeducator. If a paraeducator is paid 50% out of special education and 50% Title I funds, and logs are not maintained and the school has a 10% ratio of special education to general education, 10% of categorical aid could be accessed. A schoolwide program school must meet the intent and purposes of the programs from which funds are combined to ensure that the needs of the intended beneficiaries of those programs are addressed.

Paraeducators, who may be working with students in various programs such as special education, bilingual, Title 1, or at-risk, will have their time pro-rated according to the number of students served in special education compared to the total population being served in the schoolwide school. Paraeducators must be supervised by a special education teacher. Districts are required to maintain a list of paraeducators involved in schoolwide programs and documentation on the calculation of special education percentages.

(d) Summer Schoolwide Programs

Categorical aid is available for summer schoolwide programs. The same guidelines apply for summer schoolwide programs as for regular term schoolwide programs.

Documentation Required for Audit: Schoolwide Programs

Federal funds and categorical aid accessed for schoolwide programs will be audited by KSDE auditors. Documentation considered:

- Personnel Report information provided by KSDE
- Student head count/FTE data, general and special education, provided by KSDE
- Personnel agreements/contracts
- Approved VI-B budget
- Timesheets or proof of salary payments
- Logs of service time, if available
- Logs of supervision of paraeducators

(8) SEIMC Personnel

Special Education Instructional Media Center (SEIMC) programs must carefully document that services are provided to students who are exceptional or are in the process of being identified as exceptional. Checkout records should confirm that materials are primarily used by *special teachers* in their work with students with an exceptionality. Materials that are not being used by *special teachers* or students may be used by general education. Districts that operate large media programs for all students may use checkout records to establish a ratio of usage by both special and general education personnel upon which pro-ration for reimbursement may be based.

Special education instructional media center materials must be related to:
1. Identification,
2. Evaluation, and/or
3. Delivery of services for students with exceptionalities and their families.

State approval of a special education instructional media center professional requires:
1. A valid Kansas teaching license; and
2. Current endorsement in one or more areas of exceptionality.

Special education categorical reimbursement is authorized for paraeducators who provide services for exceptional students, and who are under the supervision of an approved special education instructional media center specialist or special education administrator and meet all staff development requirements for a paraeducator. Accurate records of special education instructional media center acquisitions, loans, and other activities must be maintained.

(9) Coordinated Early Intervening Services (CEIS) Personnel

IDEA 2004 has authorized the use of up to 15% of a district's federal special education flow-through funds to be used for Coordinated Early Intervening Services(CEIS), provided to non-identified students in grades kindergarten through 12th grade, but preferably for students in kindergarten through 3rd grade. If personnel are hired or assigned to provide these early intervening services, these assignments are not eligible for state categorical aid. The percentage of time they are implementing CEIS must not be reported on the Personnel Report.

g. Contracted Services

School districts may need to provide special education or related services for certain students with an exceptionality through approved contractual agreements. *Special teachers* (pro-rated or not) must be paid from the special education fund for the time they provide special education services.

There are three types of contractual agreements that are eligible for reimbursement:
- Between school district and school district (KSA 72-967(a)(3)),
- Between an individual service provider and school district, or
- Between school district and any private nonprofit corporation or any public or private institution(KSA 72-967(a)(5)).

(1) Contracts between School Districts

In the first instance, one school district/cooperative/interlocal contracts with another. Examples include an agreement between a district and a cooperative, between a cooperative and a **special purpose school, or between an interlocal and a district. The common element in this** type of contract is that all service providers are employed by the second party and are "school district employees." Because the second party reports the service providers to KSDE for categorical aid reimbursement, these contracts are not submitted to KSDE. Categorical aid reimbursement will only be paid to the school district that employs the *special teacher.* No additional reimbursement will be paid to the school district contracting for the service. KSDE does not provide contract forms for such agreements, as they are generated locally.

(2) Contracts with an Individual Service Provider

The second type of contract is between a school district and an individual who is not an employee of any school district. Examples include, but are not limited to, private practice

clinicians who provide related services such as OT, PT, or Speech-Language Pathology services. The contracts may be for individual students or for more than one student. The actual service provider is the same all of the time. Such providers must meet the same credentialing requirements as school district employees. *Special teacher*s, contracted by individual professional contracts, must be paid from the special education fund for the time they are providing special education services. These providers are reported on the KSDE Personnel Report. Their travel expenses reimbursed by the school district are eligible for categorical aid reimbursement. (See D, Transportation, example 4.)

The contractual agreement must include the name of the *special teacher* and his/her professional certificate, license, or registration number. Once the contract is approved by both parties, the school district enters the name of the *special teacher* and the amount of time listed in his/her contract on the KSDE Personnel Report. KSDE does not provide contract forms for such agreements, as they are generated locally.

(3) Contracts with any private nonprofit corporations or public or private institutions

A school district/cooperative/interlocal that enters into contract with any private nonprofit corporations or public or private institutions to provide special education services may be reimbursed through either a Non-Public School Equivalency contract or through the Personnel Web System depending on the circumstances of the special education services provided and the contractual agreement.

Non-Public Equivalency Contract

These contracts are between a school district/ cooperative/ interlocal and any private nonprofit corporation or any public or private institution, within or outside the State. Examples include, but are not limited to, hospitals, clinics, agencies, or teams/ consortiums/ groups of teachers. Non-Public School Equivalency contracts are agreements between a school district and another agency to provide services on an individual student basis or to provide services to a group of students. The dates on the contract should be the first and last day of services.

With non-public school equivalency (NPSE) contracts, the actual service provider may or may not be the same person for the duration of the contract. All providers must meet the same credentialing requirements as school district employees and all services must be provided by appropriately licensed professionals. Social Security numbers and license information must be listed on the contract for **all** service providers. For all providers listed and logged during the course of the school year, the provider's first name, last name, and Social Security number must be made available to KSDE in order to verify appropriate and current licensure or certification. These providers are NOT reported on the KSDE Personnel Report. All providers will be checked for valid licensure. Audit adjustments may result if the provider is not fully licensed for the contractual period, or if the contracted provider failed to deliver any services to the student that were claimed for reimbursement. Travel expenses are claimed separately under Teacher Travel on Form 308, Line 8.

All services provided through a Nonpublic School Equivalency Contract, must be itemized on the contract by type of special education or related service provided (IT, SL, OT, etc.).

Personnel Web System

In some circumstances districts may decide to report the private nonprofit or public/private institution personnel on the Personnel Web System for purposes of claiming categorical aid. These contracted employees must meet the same credentialing requirements as school district

employees. In addition, contracted providers serving as paraeducators must meet the inservice hour requirements as established by KSDE and outlined in this Reimbursement Guide. KSDE does not provide contract forms for such agreements, as they are generated locally.

(4) Contracts for non-special education services

Contracts entered into between school districts, coops or Interlocals and agencies providing non-special education programs, courses or training etc, do not qualify for reimbursement. These include but are not limited to, on the job training, vocational, technical school programs taught by non-degreed staff or any staff who do not hold valid special education licensure. Note: Certified or support staff employed by the school districts, coops or Interlocal who accompany the student to the job site or vocational program etc., are reimbursable though the Personnel Report.

Reporting Contracted Services to KSDE for Categorical Aid Reimbursement

- **Contracts between school districts:** Only the employee of the service provider reports the individual on the Personnel Report. The employing district reports the travel expenses.
- **Individual Service Provider contracts:** The district reports the individual on the Personnel Report. Travel expenses are reported for transportation reimbursement.
- **Nonpublic School Equivalency contracts:** Nonpublic School Equivalency contracts must be reported to the KSDE data manager as an MIS data submission. See the MIS Data Dictionary for reporting criteria and file specifications. Reimbursement for this type of contract will be paid on the June 1 final payment to the district. On the final payment report, the reimbursement is listed as "Non-Public School Equivalency. Reimbursement for contracted services will be based on the number of service hours as documented in the individual student logs. All dates of service must be documented, as per dates of service listed on IEPs or IFSPs. For all school age children; evidence of enrollment in the claiming district via the KIDS and MIS databases. Contracts must be written for the dates of actual services, <u>not</u> when the student was determined to be eligible for services, or the date that the contract was drawn up, if before the starting date for service delivery. Nonpublic School Equivalency Contracts for IEPs/IFSPs written May 1 or after may be included with contracts submitted for the next school year.
- **Personnel Web System:** The district reports the individual on the Personnel Report. Documentation same as for district employees. Travel expenses are reported for transportation reimbursement.

Documentation for Audit: Contracts

Categorical aid accessed through contracts will be audited. Documentation for review:

- Contracts
- Service logs for individual students
- Documentation for travel expenses reported for reimbursement
- IEP/IFSP
- Licensure for related service providers
- Documentation of inservice requirements for paraeducators

APPENDIX A

COMPLETING CLAIM FORM 308

Special Education Transportation

Transportation for Special Education purposes is reimbursed at the rate of 80% of actual costs. The claim for reimbursement is made on Form 308 – Special Education Transportation Reimbursement. The following is a description of each line of the form:

Line 1 – Salaries of Bus Drivers and Transportation Aides:
Report on this line salary and benefits (social security, worker's comp, unemployment, etc.) for all bus drivers and aides. For paraeducators who work both in a classroom and on the bus, only the wages earned as a bus para should be reported here.

Line 2 – Contractual Services
Report on this line the amount paid for contracted bus service including taxi service and mileage paid to parents to transport children.

Line 3 – Insurance
The special education portion of insurance on district buses.

Line 4 – Maintenance in Lieu of Transportation
This line includes the cost of room and board or non-medical care or both for an exceptional child if the school district in which the child resides provides special education services to the child at a place outside the school district in which the child resides. The maximum amount that can be claimed in this line item is $750 per child.

Line 5 – Other Expenses
Gasoline, oil, maintenance, tires, and repair costs

Line 6 – Capital Outlay Fund – Equipment
Expenditures for equipment used in transporting students. This does not include the cost of a bus.

Line 7 – Depreciation
The Bus Depreciation Schedule, list all buses owned by the district as of June 1. All buses should be depreciated over a period of eight (8) years. Compute depreciation by multiplying 12.5% times the net cost of the bus. If a bus is used less than full time for special education, take the depreciation times the percentage of special education use and record as Net Depreciation.

Special note: Many buses are used for both special education and regular route purposes. Districts should make sure that the percentage and costs claimed on Form 308 match the percentage claimed on the annual Statistical report (Form 18E).

Line 8 – Teacher Travel

Reimbursement is allowed for actual travel allowances paid to *special teachers*, not to exceed the currently authorized rate, for each mile actually traveled during the school year in connection with providing special education services. Travel is limited to in-district, unless specifically identified in a student's IEP.

Certain types of *special teacher* travel are not reimbursable and include:

1. Attend meetings.
2. In-service workshops
3. Special institutes, and
4. Other professional meetings

Line 9 – Total Lines 1 through 8

Line 10 – Reimbursements
Any reimbursement received such as insurance recoveries or payments received from other districts or organizations for the use of special education vehicles, which reduces the expenditures of special education transportation costs listed in lines 1 through 8 should be entered here.

Line 11 – Net Pupil Transportation
Subtract Line 9 from line 10.

Line 12 – Total Transportation Aid
Multiply line 11 times 80%

May and June Projected Expenses

Claim Form 308 is due to the Kansas State Department of Education on or about May 5 each year. This date is set to allow payments to be made to school districts before the end of the fiscal year June 30. This early filing deadline requires districts to make estimates of May and June expenses.

APPENDIX B

Kansas State Department of Education
Special Education Services

NURSE, COUNSELOR, SOCIAL WORKER TIME LOG

Weekly Data Collection for Special Education State Reimbursement

Name of Professional: _____ Professional Area: _____

Week of: _____ Date: _____

School District: _____ School Bldg: _____

- Record only those times/students considered eligible for special education state aid -

Time:		**Total # Minutes**	**Student Name** (Last, First)	**Status Code**	**Special Education Action ***
Start	**End**				
Total # Special Ed. Minutes =					

Status Codes:

1 - Active/Current IEP
2 - In Process (evaluation)
3 - Child Find

Special Education Action Codes:

CF - Child Find - General Education Interventions/Screenings
EI - Evaluation/Identification
IEP - IEP Development/Review
SD - Staff Development (SPED Related)
DI - Direct IEP / Related Service * Specify Service Delivered

APPENDIX C

INTERPRETER FOR DEAF & HARD OF HEARING IN THE EDUCATIONAL SETTING INDIVIDUAL PROFESSIONAL DEVELOPMENT PLAN FORM

Name:				**Bldg/Schl:**	
Social Security #:		**Interpreter Assign. By Grade:**			
			Approved:		
Supervisor's Signature / Date				**Interpreter's Signature / Date**	

EIPA Standards	Code	Rating	Activities Level 1: Knowledge	Projected Date(s) & Hours	Actual Date & Hours
Verification for points at Level 1:					

EIPA Standards			Activities Level 2: Application	Projected Date(s) & Hours	Actual Date & Hours
Verification for points at Level 2:					

EIPA Standards			Activities Level 3: Impact	Projected Date(s) & Hours	Actual Date & Hours
Verification for points at Level 3:					

KSDE acceptance of Plan _____

Signature of Director of Consultant responsible for interpreter training

Date:_____ Comments:_____

APPENDIX D

Early Childhood Collaborative Programs Funding Questions and Answers

Early Childhood Special Education, Four Year Old At Risk,
Head Start, and Early Childhood
Kansas State Department of Education

Q1. If an IEP team recommends placement in an EC classroom (i.e. community based or school based) can LEAs pay full tuition if the child's time in the EC classroom is considered special education instructional time?
A1. If the IEP team recommends it and documents this in the IEP, then LEAs are responsible for paying the tuition to the community based school.
Q1a. What funds can LEAs use to pay tuition?
A1a. Special education funds may be used to pay tuition.

Q2. If a child counted for Four Year Old At Risk funding is then identified as a child with a disability during the same year, can the special education teacher be counted for categorical aid and the child counted for Four Year Old At Risk funding at the same time?
A.2. Yes, if the special education identification occurs after the 9/20 enrollment count.

Q3. Can districts provide educational services for Head Start eligible children in an EC classroom funded by the district and receive funds from Head Start to provide that service for Head Start eligible children?
A3. Yes, if that is the agreement with Head Start. However, in regards to funding, if a child is claimed for Head Start, they cannot be claimed for the Four Year Old At Risk program.

Q4. Can Head Start provide family support services to all children in a district funded EC classroom that includes Head Start eligible children and be reimbursed by the district for services provided for children that are in the EC classroom but not eligible for Head Start?
A4. If family support services are a high priority for the district, then districts may reimburse Head Start for this service. For the district to receive categorical aid for services provided to special education students, the provider must meet eligibility requirements for special education reimbursement.

Q5. If the district Superintendent wants to serve all pre-k children in their home schools, how can Special Education, Four Year Old At Risk and Head Start funding be braided to meet this goal?
A5. The cost of the early childhood program would be paid with funds from Special Education, Four Year Old At Risk and Head Start in direct proportion to the percent of children from each source that are participating in the EC program.

Q6. If a teacher has the appropriate licensure, can one teacher be the special education teacher and the Four Year Old At Risk teacher in the same classroom?
A6. Yes. Categorical aid is pro-rated, however the calculation accounts for a 50/50 ratio of children with disabilities to peer models. Therefore if a 50/50 ratio is maintained, no loss in special education funding will occur.

Q6a. How can the funds be braided in this situation?
A6a. The cost of the program would be paid with funds from Special Education and Four Year Old At Risk in direct proportion to the percent of children from each source that are in the classroom.

Q6b. In cases where the At Risk teacher is also endorsed in special education, can a district apply for categorical aid independent of their cooperative or interlocal if they choose to serve special education students in their local At Risk program?
A6b. Yes. Categorical aid is pro-rated, however the calculation accounts for a 50/50 ratio of children with disabilities to peer models. Therefore if a 50/50 ratio is maintained, no loss in special education funding will occur.

Q7. When Early Childhood Special Education (ECSE) teachers and Early Childhood (EC) teachers co-teach in a Four Year Old At Risk or Head Start classroom and there is a ratio of less than 50% of children with disabilities in relation to typically developing peers, will categorical aid be pro-rated for the ECSE teacher?
A7. Categorical aid for EC programs that utilize a collaborative co-teaching model will not have categorical aid prorated for the ECSE teacher.

Q7a. Can this co-teaching model be pre-approved for full categorical aid for the ECSE teacher and any special education paraprofessionals placed in the classroom?
A7a. No pre approvals are necessary.

Q8. When an ECSE teacher is an itinerant teacher in a Four Year Old At Risk or Head Start classroom and there is a ratio of less than 50% children with disabilities in relation to typically developing peers, will the ECSE teacher's categorical aid be pro-rated for his/her time spent delivering special education services in this setting?
A8. No. If the ECSE teacher is providing special education services in this setting, categorical aid will not be reduced.

Q9. Is there anything in the Four Year Old At Risk program guidelines that would prohibit the designation of the ECSE teacher as itinerant placing the sole responsibility for the general education teaching on the Four Year Old At Risk Teacher?
A9. No.

Q10. If children with disabilities are placed in a Four Year Old At Risk program and are served by an itinerant ECSE teacher for a set amount of time each week, can the time the child spends in the Four Year Old At Risk program without special education services be reimbursed with Four Year Old At Risk funds?
A10. No. The ECSE teacher generates categorical aid based on her/his FTE not on the amount of service provided per child and Four Year Old At Risk funds are generated by actual child count on September 20. In addition, each child in the program (special education and At Risk) generates .5 FTE of general state aid.

Q11. Can children in Four Year Old At Risk programs serve as peer models in integrated special education classrooms?
A11. Yes. Any child without an IEP may serve as a peer model in an integrated special education classroom.

Q12. Can the Four Year Old At Risk program exceed the recommended number of 17 students in a classroom by adding children with disabilities that are served by an itinerant special education teacher?
A12. Yes. However, the size of the classroom and the number of slots for the Four Year Old At Risk program should be carefully reviewed, as well as the intensity of needs – both for the four-year-olds and those on IEPs. Some balance must be preserved, so that all children's needs may be addressed. The teacher must be prepared to meet significant challenges. There may not be more than 20 total children in the classroom (with 2 teachers).

Clarification for Four Year Old At Risk and ECSE Funding

Funding for the Four Year Old At-Risk program is based on the number of identified at risk children in attendance on September 20 and reported in the 9/20 enrollment count. Once districts have been notified that their program has been selected for funding, the approved number of four-year olds attending the district at-risk preschool program must be included in the enrollment counts when calculating the school district's general fund.

Funding is weighted based on district demographics for at risk children. In addition to the weighted funding, each child that meets the criteria for the Four Year Old At Risk program on 9/20 generates .5 FTE of Base State Aid per Pupil (BSAPP).

While children identified for Head Start and/or Early Childhood Special Education do not generate funds for the Four Year old At Risk program; these children can participate and be included in at risk classrooms. Children with IEPs generate .5 FTE of Base State Aid per Pupil (BSAPP) in addition to special education funds.

APPENDIX E

PARAEDUCATOR STAFF DEVELOPMENT

So there are no surprises during your fiscal audits, we want to discuss some issues about paraeducator staff development with you. The intent of the 2003-04 revisions was to allow quality staff development practices to be used with paraeducators. Application/skill development will require more documentation than did on-the-job training in past years. Application development should follow a knowledge level activity (workshop, inservice). An example:

- Paraeducator attends a workshop on Guided Reading (3 hours)
- Paraeducator and supervising teacher decide how the paraeducator will implement with certain students the strategies learned. This implementation should occur over time and should include 20-50 attempts (required to get beyond mechanical level). Teacher verifies the paraeducator implemented the strategies. The paraeducator can get up to a maximum of 6 hours (2 times the number of knowledge hours) for this implementation.
- The paraeducator and teacher determine a way to keep track of student progress. They can demonstrate the impact on the students. The teacher verifies the data exist. Impact activities are for longer periods of time, not short-term. The paraeducator can get up to 9 hours (3 times the number of knowledge hours) for this impact documentation.
- The paraeducator could get a total of 18 hours for following through with the Guided Reading workshop.

The Reimbursement Guide reads, "Documentation for application and impact hours should be clearly aligned with knowledge level staff development opportunities." In other words, leave no room for interpretation—label staff development activities so the connections are easy to find:

- Guided Reading workshop
- Guided Reading Application of 3 strategies with 4 students
- Guided Reading Impact for 4 students as measured on cloze reading passages.

A structure for documenting these connections on one form is provided and explained in the Kansas Professional Development Program Guidelines, 2003-2004 Edition, pages
73-76. The example shows that various knowledge-level activities can be supported by implementation and impact activities. Districts could adapt the form to use for paraeducators.

Questions and Answers

Will these requirements be audited the same way they have in the past?
Probably not. During the audits for the 2003-04 school year, auditors may ask to see verification from the supervising teacher that the application and impact activities were completed (random requests, not everyone). Auditors may ask to see documentation that the supervising teacher signed-off on the activities. They will not ask to see the lesson plans, data sheets, etc.

Is application/skill development the same as on-the-job training?
Not really. The main difference is that on-the-job training could be a "one shot" activity; application and impact hours are earned over time. Another difference is that application hours must be connected to a knowledge level training/workshop. This workshop can be provided by the supervising teacher or others, large or small group, and then is followed with practicing what was learned. Two other differences: (1) The documentation must show the specific topic of the application activities—auditors will not accept "application activities," "application of classroom rules," "application of schedule," "application of various teaching strategies," etc. (2) The supervising teacher must verify the application and impact hours were completed and that documentation exists for the impact hours.

So, can we just use the first 20 hours a paraeducator works as her staff development time?

No. Staff development activities are planned to improve skills and knowledge and ultimately to impact student learning. Learning the basics, the routine, of one's job does not constitute staff development. Any knowledge level activities (workshops, inservices) the paraeducator participates in during the first few days of school will count as they always have. Do not submit the first hours of work for application or impact hours.

Does a district have to offer application and impact hours for their paraeducators? We've decided we don't want to make any changes in our paraeducator inservice process. Can we do that?

Yes, except after the 2003-04 year, you lose the on-the-job training option. A district may decide to provide and accept only knowledge level hours or they may accept knowledge and application hours. The district has the right to make the decision. District administrators are encouraged to consider effective staff development practices.

If you have questions about paraeducator staff development, email Patty Gray at pgray@ksde.org. Other information can be gained from the Kansas Professional Development Program Guidelines that is available on the KSDE website, www.ksde.org.

APPENDIX F

KDHE REGULATIONS REGARDING SPEECH/LANGUAGE AND AUDIOLOGY ASSISTANTS

Paraeducators working as speech or audiology assistants must be supervised by a licensed speech-language pathologist or audiologist, according to the provisions of KSA 1991 Supp. 65-6503, implementing KSA 1991 Supp. 65-6501, effective December 28, 1992; amended March 16, 2001. KAR 28-61-8 addresses "Assistants":

"(a) Each speech-language pathology assistant and audiology assistant shall:
(1) Have received a high school diploma or equivalent;
(2) Complete a training program conducted by a Kansas licensed speech-language pathologist or audiologist. This training shall include, but is not limited to:
(A) Ethical and legal responsibilities;
(B) Overview of the speech, language, and hearing disorders;
(C) Response discrimination skills;
(D) Behavior management;
(E) Charting of behavioral objectives and record keeping;
(F) Teaching principles, where applicable for the employment setting; and
(G) Other skill training as required by the employment setting; and
(3) Receive ongoing supervised training by a Kansas-licensed speech-language pathologist or audiologist for a minimum of one hour per month.
(b) Speech-language pathology assistants or audiology assistants may:
(1) Deliver programs and procedures that are planned, designed, and supervised by the Kansas licensed speech-language pathologist or audiologist;
(2) Record, chart, graph, report or otherwise display data relative to client performance, using behavior modification charting and graphing when appropriate;
(3) Participate with the Kansas licensed speech-language pathologist or audiologist in research projects, public relations programs or similar activities;
(4) Perform clerical duties;
(5) Prepare instructional materials; and
(6) Monitor hearing aids and other equipment.
(c) Speech-language pathology assistants or audiology assistants shall not:
1. Diagnose or write treatment plans for individuals with speech, language or hearing disorders;
2. Interpret or discuss confidential information or test results, despite the fact that this information may be requested by the client, a family member, or referring agent; or
3. Perform any procedure for which the assistant is not qualified, has not been adequately trained or is not receiving adequate supervision.
(d) Each assistant shall be supervised by a Kansas licensed speech-language pathologist or audiologist. The supervisor shall be licensed to practice in the field in which the assistant is providing services.
1. Each supervisor is responsible for determining that the assistant is satisfactorily qualified and prepared for the duties assigned to the assistant.
2. Each supervisor shall obtain, retain and maintain on file documentation of the assistant's qualifications and training outlined in subsection (a).
3. Only the supervisor shall exercise independent judgment in performing professional procedures for the client. The supervisor shall not delegate the exercise of independent judgment to the assistant.
(e) Each supervisor shall directly supervise at least 10 percent of the assistant's client contact time. No portion of the assistant's direct contact time shall be counted toward the ongoing training required in subsection (a).
(f) "Direct supervision" means the physical presence of the supervisor while the assistant is in contact with the client.
(g) Each supervisor shall, within 30 days of employing an assistant, submit written notice to the department of the assistant's name, employment location and verification that the assistant meets the established qualifications listed in subsection (a). Each supervisor shall notify the department of any change in the status of an assistant.
(h) Each supervisor shall:
(1) Develop a system to evaluate the performance level of each assistant under the supervisor's supervision;
(2) Retain and maintain on file documentation of the performance level of each assistant supervised; and
(3) Report to the department at the time of the supervisor's license renewal, on a department prescribed form, the name and employment location of each assistant.

(i) Certified audiometric technicians who perform tympanometry screening or behavior observation audiometry and play audiometry for infants and toddlers, or both, shall be considered assistants and shall comply with the qualifications for assistants set forth in subsection (a) of this regulation.

(1) Each certified audiometric technician who is a professional or practical nurse licensed by the board of nursing or a licensed speech-language pathologist is exempt from this regulation.

(2) Each certified audiometric technician described in subsection (i) of this regulation who is an education paraprofessional assigned to a licensed nurse or licensed speech-language pathologist shall be supervised in accordance with subsection (j) of this regulation.

(j) Each certified audiometric technician described in subsection (i) of this regulation shall be supervised by a licensed audiologist at least 10 percent of the certified audiometric technician's client contact time in accordance with subsections (d), (f) and (g) of this regulation.

(k) "Certified audiometric technician" means a person who holds a certificate of competency issued by the Kansas department of education.

APPENDIX G
KSDE SELECTED REGULATIONS FOR SCHOOL NURSING PROCEDURES

60-15-101. Definitions and functions.
(a) Each registered professional nurse in a school setting shall be responsible for the nature and quality of all nursing care that a student is given under the direction of the nurse in the school setting. Assessment of the nursing needs, the plan of nursing action, implementation of the plan, and evaluation of the plan shall be considered essential components of professional nursing practice and shall be the responsibility of the registered professional nurse.
(b) In fulfilling nursing care responsibilities, any nurse may perform the following:
(1) Serve as a health advocate for students receiving nursing care;
(2) counsel and teach students, staff, families, and groups about health and illness;
(3) promote health maintenance;
(4) serve as health consultant and a resource to teachers, administrators, and other school staff who are providing students with health services during school attendance hours or extended program hours; and
(5) utilize nursing theories, communication skills, and the teaching-learning process to function as part of the interdisciplinary evaluation team.
(c) The services of a registered professional nurse may be supplemented by the assignment of tasks to a licensed practical nurse or by the delegation of selected nursing tasks or procedures to unlicensed personnel under supervision by the registered professional nurse or licensed practical nurse.
(d) “Unlicensed person” means anyone not licensed as a registered professional nurse or licensed practical nurse.
(e) “Delegation” means authorization for an unlicensed person to perform selected nursing tasks or procedures in the school setting under the direction of a registered professional nurse.
(f) “Activities of daily living” means basic caretaking or specialized caretaking.
(g) “Basic caretaking” means the following tasks:
(1) Bathing;
(2) dressing;
(3) grooming;
(4) routine dental, hair, and skin care;
(5) preparation of food for oral feeding;
(6) exercise, excluding occupational therapy and physical therapy procedures;
(7) toileting, including diapering and toilet training;
(8) handwashing;
(9) transferring; and
(10) ambulation.
(h) “Specialized caretaking” means the following procedures:
(1) Catherization;
(2) ostomy care;
(3) preparation and administration of gastrostomy tube feedings;
(4) care of skin with damaged integrity or potential for this damage;
(5) medication administration;
(6) taking vital signs;
(7) blood glucose monitoring, which shall include taking glucometer readings and carbohydrate counting; and
(8) performance of other nursing procedures as selected by the registered professional nurse.
(i) “Anticipated health crisis” means that a student has a previously diagnosed condition that, under predictable circumstances, could lead to an imminent risk to the student's health.
(j) “Investigational drug” means a drug under study by the United States food and drug administration to determine safety and efficacy in humans for a particular indication.
(k) “Nursing judgment” means the exercise of knowledge and discretion derived from the biological, physical, and behavioral sciences that requires special education or curriculum.
(l) “Extended program hours” means any program that occurs before or after school attendance hours and is hosted or controlled by the school.
(m) “School attendance hours” means those hours of attendance as defined by the local educational agency or governing board.
(n) “School setting” means any public or nonpublic school environment.
(o) “Supervision” means the provision of guidance by a nurse as necessary to accomplish a nursing task or procedure, including initial direction of the task or procedure and periodic inspection of the actual act of accomplishing the task or procedure.
(p) “Medication” means any drug required by the federal or state food, drug, and cosmetic acts to bear on its

label the legend "Caution: Federal law prohibits dispensing without prescription," and any drugs labeled as investigational drugs or prescribed for investigational purposes.
(q) "Task" means an assigned step of a nursing procedure.
(r) "Procedure" means a series of steps followed in a regular, specific order that is part of a defined nursing practice.
History: (Authorized by K.S.A. 2007 Supp. 65-1124 and K.S.A. 65-1129; implementing K.S.A. 2007 Supp. 65-1124 and K.S.A. 65-1165; effective, T-89-23, May 27, 1988; amended, T-60-9-12-88, Sept. 12, 1988; amended Feb. 13, 1989; amended Sept. 2, 1991; amended Sept. 11, 1998; amended July 29, 2005; amended March 6, 2009.)

60-15-102. Delegation procedures. Each registered professional nurse shall maintain the primary responsibility for delegating tasks to unlicensed persons. The registered professional nurse, after evaluating a licensed practical nurse's competence and skill, may decide whether the licensed practical nurse under the direction of the registered professional nurse may delegate tasks to unlicensed persons in the school setting. Each nurse who delegates nursing tasks or procedures to a designated unlicensed person in the school setting shall meet the requirements specified in this regulation.
(a) Each registered professional nurse shall perform the following:
(1) Assess each student's nursing care needs;
(2) formulate a plan of care before delegating any nursing task or procedure to an unlicensed person; and
(3) formulate a plan of nursing care for each student who has one or more long-term or chronic health conditions requiring nursing interventions.
(b) The selected nursing task or procedure to be delegated shall be one that a reasonable and prudent nurse would determine to be within the scope of sound nursing judgment and that can be performed properly and safely by an unlicensed person.
(c) Any designated unlicensed person may perform basic caretaking tasks or procedures as defined in K.A.R. 60-15-101 (g) without delegation. After assessment, a nurse may delegate specialized caretaking tasks or procedures as defined in K.A.R. 60-15-101 (h) to a designated unlicensed person.
(d) The selected nursing task or procedure shall be one that does not require the designated unlicensed person to exercise nursing judgment or intervention.
(e) If an anticipated health crisis that is identified in a nursing care plan occurs, the unlicensed person may provide immediate care for which instruction has been provided.
(f) The designated unlicensed person to whom the nursing task or procedure is delegated shall be adequately identified by name in writing for each delegated task or procedure.
(g) Each registered professional nurse shall orient and instruct unlicensed persons in the performance of the nursing task or procedure. The registered professional nurse shall document in writing the unlicensed person's demonstration of the competency necessary to perform the delegated task or procedure. The designated unlicensed person shall co-sign the documentation indicating the person's concurrence with this competency evaluation.
(h) Each registered professional nurse shall meet these requirements:
(1) Be accountable and responsible for the delegated nursing task or procedure;
(2) at least twice during the academic year, participate in joint evaluations of the services rendered;
(3) record the services performed; and
(4) adequately supervise the performance of the delegated nursing task or procedure in accordance with the requirements of K.A.R. 60-15-103.
History: (Authorized by K.S.A. 2007 Supp. 65-1124 and K.S.A. 65-1129; implementing K.S.A. 2007 Supp. 65-1124 and K.S.A. 65-1165; effective, T-89-23, May 27, 1988; amended, T-60-9-12-88, Sept. 12, 1988; amended Feb. 13, 1989; amended Sept. 2, 1991; amended Sept. 11, 1998; amended March 6, 2009.)

60-15-103. Supervision of delegated tasks or procedures. Each registered professional or licensed practical nurse shall supervise all nursing tasks or procedures delegated to a designated unlicensed person in the school setting in accordance with the following conditions.
(a) The registered professional nurse shall determine the degree of supervision required after an assessment of appropriate factors, including the following:
(1) The health status and mental and physical stability of the student receiving the nursing care;
(2) the complexity of the task or procedure to be delegated;
(3) the training and competency of the unlicensed person to whom the task or procedure is to be delegated; and
(4) the proximity and availability of the registered professional nurse to the designated unlicensed person when the selected nursing task or procedure will be performed.
(b) The supervising registered professional nurse may designate whether or not the nursing task or

procedure is one that may be delegated or supervised by a licensed practical nurse.
(c) Each delegating registered professional nurse shall have a plan to provide nursing care when the delegating nurse is absent.
History: (Authorized by and implementing K.S.A. 1997 Supp. 65-1124; effective, T-89-23, May 27, 1988; amended, T-60-9-12-88, Sept. 12, 1988; amended Feb. 13, 1989; amended Sept. 2, 1991; amended Sept. 11, 1998.)

60-15-104. Medication administration in a school setting. Any registered professional nurse may delegate the procedure of medication administration in a school setting only in accordance with this article.
(a) Any registered professional nurse may delegate the procedure of medication administration in a school setting to unlicensed persons if both of the following conditions are met:
(1) The administration of the medication does not require dosage calculation. Measuring a prescribed amount of liquid medication, breaking a scored tablet for administration, or counting carbohydrates for the purpose of determining dosage for insulin administration shall not be considered calculation of the medication dosage.
(2) The nursing care plan requires administration by accepted methods of administration other than those listed in subsection (b).
(b) A registered professional nurse shall not delegate the procedure of medication administration in a school setting to unlicensed persons when administered by any of these means:
(1) By intravenous route;
(2) by intramuscular route, except when administered in an anticipated health crisis;
(3) through intermittent positive-pressure breathing machines; or
(4) through an established feeding tube that is not inserted directly into the abdomen.
History: (Authorized by K.S.A. 2007 Supp. 65-1124 and K.S.A. 65-1129; implementing K.S.A. 2007 Supp. 65-1124 and K.S.A. 65-1165; effective, T-89-23, May 27, 1988; amended, T-60-9-12-88, Sept. 12, 1988; amended Feb. 13, 1989; amended Sept. 2, 1991; amended Sept. 11, 1998; amended July 29, 2005; amended March 6, 2009.)

APPENDIX H

Kansas Special Education Para Educator Tiered Professional Development

Planning Worksheet
For the 2010-2011 School Year

1. Professional Licensure – Professional Development at the discretion of the LEA

Para currently holds one of the following licenses:
____Teacher (General or Special Education)
____Related Service Provider eligible for Professional level categorical aid
____OTA, PTA
____LPN (copy of current license on file)
____NCLB requirement met during the 10-11 school year (copy of certificate on file)

2. Professional Development Requirement – 10 to 20 hours
Para has worked in Kansas as a special education para for the past 3 years

1. Did the para begin working as a para in Kansas at the beginning of the FY2008 school year?
   ____Yes ____No

2. *If yes*, does archived personnel data indicate the para worked 9 months *and* completed 20 hours of inservice for each of the following school years?

07-08	____Yes	____No or Unknown
08-09	____Yes	____No or Unknown
09-10	____Yes	____No or Unknown

___If **YES** to all of the above, paraprofessional development is 10 hours for the 10-11 school year.

___If **NO** to any of the above, paraprofessional development is 20 hours for the 10-11 school year**.**

For New Hires during the 2010-2011 school year –hours would be-rated from the date of hire as outlined in the Reimbursement Guide

Identified Professional Development Needs
_____
_____
_____

Training Opportunities
_____
_____
_____

Inservice hours are to be recorded in the Personnel Web System as currently required by KSDE