



## Special Education Services

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August 12, 2010

Dear Superintendents and Directors of Special Education;

*Consistent with §300.323(c), the State must ensure that there is no delay in implementing a child's IEP, including any case in which the payment source for providing or paying for special education and related services to the children is being determined. 34 C.F.R. §300.103(c)*

Recently a decision was made by the Kansas Health Policy Authority (KHPA) to discontinue Medicaid reimbursement for attendant care services in schools. This change took effect July 1, 2010 under the Medicaid School Based Services Program. According to KHPA, this revision was a result of an interpretation made by the Centers for Medicaid and Medicare Services (CMS) at the national level.

Districts, cooperatives, and interlocals await the final outcome of other revisions in Medicaid reimbursement such as the final payment for the 2009-2010 cost based settlement, and the addition of social work and psychological services to begin in 2010-2011. The degree to which these revisions may offset revenue lost by the discontinuation of attendant care services is undetermined at this time.

Regardless of financial constraints, services to students with disabilities must be provided as required by IDEA. 34 C.F.R. §300.154(b)(2) states "If a public agency other than an educational agency fails to provide or pay for the special education and related services described in paragraph (b)(1) of this section, the LEA (or State agency responsible for developing the child's IEP) must provide or pay for these services to the child in a timely manner."

Please feel free to share this information with other stakeholders who may be responsible for fiscal oversight and/or IEP development to ensure services are implemented as specified in the IEP.

Your leadership, continued collaboration, and unwavering commitment to ensuring a free appropriate public education is provided to all children is valued and vital to continued improvement in raising achievement of all Kansas children with exceptionalities.

Sincerely,

Diane DeBacker  
Interim Commissioner, KSDE

Colleen Riley  
Special Education Services Team Director, KSDE