

# 2011 Act 105 and 2013 Act 255 Funding Guidance

Two Wisconsin Acts, 2011 Act 105 and 2013 Act 255, amended WI Stat. §115.88(1) to expand the types of private vendor contractual services eligible for state special education categorical aid to include substitute teachers, paraprofessionals (aides), orientation and mobility training services, educational interpreter services, educational audiology, speech therapy, and pupil transition services for students ages 18 to 21.

These contracted services are eligible for state categorical aid reimbursement (special education and high cost) and may also be charged to the IDEA grant. LEAs should be aware that all LEA employed staff or privately contracted staff must hold appropriate DPI licensure to be eligible for state special education categorical aid or IDEA reimbursement.

Position (Descriptions starting on Page 2)	DPI License Required	Function	Object	Funding Source*
<b>Educational Audiology</b>	O010	436000	370	State Categorical Aid or IDEA
<b>Educational Interpreter Services</b>	O020	436000	370	State Categorical Aid or IDEA
<b>Nurse – School Based</b> (only eligible for grant funding and high cost aid– not eligible for state special education categorical aid)	7075 or DSPS RN license	214000	310	High Cost or IDEA (not State Categorical Aid)
<b>Occupational Therapy</b>	O051, O052	218100	310	State Categorical Aid or IDEA
<b>Orientation &amp; Mobility Training Services</b> (this <u>does not</u> include Visual Impairment instruction)	O060	436000	370	State Categorical Aid or IDEA
<b>Physical Therapy</b>	O053, O054	218200	310	State Categorical Aid or IDEA
<b>Pupil Transition Services</b> (18 to 21 years old)	N/A	436000	370	State Categorical Aid or IDEA
<b>Special Education Paraprofessional (Aide)</b> Including substitute aides	O070 or any other valid DPI license	436000	370	State Categorical Aid or IDEA
<b>Speech and Language Therapy</b>	1820	436000	370	State Categorical Aid or IDEA
<b>Substitute Special Education Teacher</b> Short-term substitute is no more than 45 consecutive days in the same teaching assignment; Long-term is more than 45 consecutive days.	Short-term: Any valid teacher license Long-term: Valid teacher license for assignment	436000	370	State Categorical Aid or IDEA
<b>Pupil Transition Services</b> (18 to 21 years old)	N/A	436000	370	State Categorical Aid or IDEA

\* The funding source determines project code: state special education categorical aid (project 011) or IDEA grant (project 340). If the individual does not have an appropriate license, as required by state statute, the funding source is project 019 (non-aidable).

## OUT OF STATE SERVICE PROVIDERS – License Requirements

Out-of-state contracted staff, providing services in the State of Wisconsin, must hold appropriate DPI licensure as identified in the table above, in order to be eligible for state special education categorical aid, special education high cost aid, or IDEA grant reimbursement.

Out of state contracted staff, providing services in the state of origin, must hold appropriate licensure as determined by that state’s education agency. For example, if an IEP team places a Wisconsin student in either a public school district or a private facility located in Minnesota, the IEP team should ensure that the service providers in either facility are appropriately licensed by the Minnesota Department of Education in order to be eligible for state categorical aid or IDEA reimbursement.

## CLAIMING CONTRACTED STAFF

**State Categorical Aid:** For special education state categorical aid, the Special Education Private Vendor Contracted Services would be treated the same as for a district employee. The cost is allowed when the individual has an appropriate license or receives the appropriate license within the 12 month period (July 1 - June 30) for which the individual performed the services. For example, an employee or a contracted individual performs services in the month of September but does not receive appropriate license until a later date. If that individual receives the appropriate license no later than June 30, the cost of the service provided (payroll or contracted service) for the entire school year is allowed to be claimed as an eligible cost or coded to 011 in that fiscal year.

**IDEA:** For IDEA funds, an employee may not be entered onto the grant budget (or salaries / benefits claimed) until the license is received. So in the case of an individual’s license being processed, the LEA must wait until the license is activated to budget or claim any costs for the employee in that school year. Once the employee holds the appropriate license, the cost from July 1 forward, or for the entire school year, may be claimed.

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## EDUCATIONAL AUDIOLOGY – Allowed Contracted Costs

34 CFR §300.34(c)(1) Audiology includes -

- (i) Identification of children with hearing loss;
- (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
- (iv) Creation and administration of programs for prevention of hearing loss;
- (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
- (vi) Determination of children’s needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

## EDUCATIONAL INTERPRETER SERVICES – Allowed Contracted Costs

34 CFR §300.34(c)(4) Interpreting services includes -

- (i) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and
- (ii) Special interpreting services for children who are deaf-blind.

### **NURSE (SCHOOL-BASED) – Allowed Contracted Costs (for IDEA Grants Only)**

34 CFR § 300.34(c)(13) School nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child’s IEP. School nurse services are services provided by a qualified school nurse.

### **OCCUPATIONAL THERAPY SERVICES – Allowed Contracted Costs**

§ 300.34(c)(6) Occupational Therapy -

- (i) Means services provided by a qualified occupational therapist; and
- (ii) Includes-
  - (A) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
  - (B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
  - (C) Preventing, through early intervention, initial or further impairment or loss of function.

### **ORIENTATION & MOBILITY TRAINING SERVICES – Allowed Contracted Costs**

34 CFR §300.34(c)(7) Orientation and Mobility services -

- (i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and
- (ii) Includes teaching children the following, as appropriate:
  - (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
  - (B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;
  - (C) To understand and use remaining vision and distance low vision aids; and
  - (D) Other concepts, techniques, and tools.

### **PHYSICAL THERAPY SERVICES – Allowed Contracted Costs**

34 CFR §300.34(c)(10) Physical therapy means services provided by a qualified physical therapist.

### **PUPIL TRANSITION SERVICES (18 to 21 years old) – Allowed Contracted Costs**

In general, costs associated with providing transition services in accordance with a student’s IEP are eligible for state categorical aid and / or IDEA grant funding. For additional information on appropriate transition planning, see “Transition Action Guide for Post-School Planning” - [http://dwd.wisconsin.gov/dvr/pdf\\_files/tag.pdf](http://dwd.wisconsin.gov/dvr/pdf_files/tag.pdf)

34 CFR §300.43(a) Transition services means a coordinated set of activities for a child with a disability that -

- (1) Is designed to be within a results-orientated process, that is focused on improving the academic and functional achievements of the child with a disability to facilitate the child’s movements from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes-

- (i) Instruction;
- (ii) Related services;
- (iii) Community experiences;
- (iv) The development of employment and other post-school adult living objectives; and
- (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

### **SPEECH AND LANGUAGE THERAPY– Allowed Contracted Costs**

34 CFR §300.34(c)(15) Speech-language pathology services includes -

- (i) Identification of children with speech or language impairments;
- (ii) Diagnosis and appraisal of specific speech or language impairments;
- (iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- (iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
- (v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

### **SUBSTITUTE SPECIAL EDUCATION TEACHER – Allowed Contracted Costs**

A short-term substitute special education teacher is a qualified teacher working as a substitute in a particular special education assignment for no more than [45 consecutive school days](#), and may work under any valid DPI teacher license. A long-term special education substitute teacher is a qualified teacher working as a substitute in a particular special education assignment for more than 45 consecutive school days, and licensed appropriately for the special education area and grade range of the assignment.

### **SPECIAL EDUCATION PARAPROFESSIONAL (AIDE) – Allowed Contracted Costs**

A special education paraprofessional (aide) provides supplementary aids and services to children with disabilities in accordance with a student's IEP (34 CFR §300.42). Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 through 300.116.