

Kansas Administrative Regulations

State Department of Education

Article 40.—Special Education

91-40-52. School district eligibility for funding; facilities.

(a) (1) To be eligible to receive state and federal funding, each board shall submit to the state board documentation that the board has policies, procedures, and programs in effect to achieve compliance with the special education for exceptional children act and this article.

(2) In school districts having an enrollment of more than 5,000 students, the board's policies shall provide for the employment of a full-time administrator of special education.

(b) (1) Each board shall be eligible to receive state funding for the following related services, if provided under an exceptional child's IEP or services plan:

- (A) Art therapy;
- (B) assistive technology devices and services;
- (C) audiology;
- (D) counseling services;
- (E) dance movement therapy;
- (F) medical services for diagnostic or evaluation purposes;
- (G) music therapy;
- (H) occupational therapy;
- (I) parent counseling and training;
- (J) physical therapy;
- (K) recreation;
- (L) rehabilitation counseling services;
- (M) school health services;
- (N) school psychological services;
- (O) school social work services;
- (P) special education administration and supervision;

- (Q) special music education;
- (R) speech or language services; and
- (S) transportation.

(2) A board shall submit requests for reimbursement for any other related service to the state board for its consideration.

(c) An agency shall not use federal funds to pay the attorneys' fees or costs of any parent who is the prevailing party in any proceeding or action brought under the federal law and its implementing regulations.

(d) Each agency shall ensure that all of the following requirements concerning facilities are met:

(1) All facilities for exceptional children shall be comparable to those for non-exceptional children within the same school building.

(2) If an agency operates a facility solely for exceptional children, the facility and the services and activities provided in the facility shall be comparable to those provided to nonexceptional children.

(3) All facilities for exceptional children shall be age-appropriate environments, and each environment shall be appropriate for the instructional program being provided.

(Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-978; effective May 19, 2000; amended May 4, 2001.)

***** Authenticated Kansas Administrative Regulation *****