



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: John R. Payne, Director
Lisa O. Raiford, Education Associate - Autism
Office of Special Education Services

DATE: October 9, 2017

RE: Medicaid Reimbursement for ABA Services Guidance

Due to current changes in Medicaid with regards to reimbursements for Applied Behavior Analysis (ABA) services in South Carolina public schools, a number of questions have been posed to the South Carolina Department of Education (SCDE). This memorandum provides clarification to some key issues that have arisen; additional guidance will be provided in the near future.

As you are aware, local educational agencies (LEAs) and state-operated programs (SOPs) are required to provide a Free Appropriate Public Education (FAPE) to all students with disabilities covered by the Individuals with Disabilities Education Act (IDEA). The decision on what is appropriate for a student who qualifies for special education and related services is determined by each student's Individualized Education Program (IEP) team, which includes the parent.

The provision of ABA services in the school setting is dependent upon each IEP team's decision as to the specific services and supports necessary to ensure an individual student's unique needs are met, and to ensure the student receives services and supports that allow the student access to and participation in the appropriate educational services. The decision about the type, placement, frequency, and duration of services is determined by the student's IEP team to meet that child's individual needs. Furthermore, LEAs and SOPs are reminded that all compulsory attendance laws apply equally to students with disabilities; and students must be given access to and make progress in the general education curriculum. As such, IEP teams should ensure that core educational programs and services are not supplanted by therapies which may preclude the student from participating in school.

In response to specific concerns the SCDE has received, please note the following.

1. Students must attend school according to compulsory attendance laws. If a parent desires a shortened school day for a student to participate in out-of-district programs, the request should be made in accordance with the LEA/SOP's policies and procedures, and South Carolina compulsory attendance laws.

2. Should a parent/guardian request that an outside agency be permitted to provide ABA services during the school day, the IEP team needs to convene to determine whether the student needs ABA services to receive FAPE based upon collected data from the student's IEP team. The team should consider how to provide those services within the district. If the team decides that the services are necessary but the LEA or SOP is unable to provide the services, it can then determine if an outside agency will be contracted.
3. If the IEP team determines that services needed by the student, based upon current data, can appropriately be provided by the LEA or SOP, yet the parent insists on an outside agency coming into the school to provide the services, the parent should proceed through the LEA or SOP's policies and procedures for outside agencies entering a school district.

We hope this guidance and information will assist you for developing and implementing compliant IEPs for children with disabilities. If you have any questions, please contact the SCDE, Office of Special Education Services at 803-734-8224.

cc: District Directors of Special Education
District Medicaid Coordinators