10.16.3823 QUALIFYING FACILITY REIMBURSEMENT PAYMENTS

(1) To be eligible for a reimbursement payment, a qualifying facility must provide an eligible child with an appropriate educational opportunity in a cost-effective manner and must be under contract with the Office of Public Instruction (OPI). The facility must:

(a) submit educational data for each eligible child in accordance with special education program requirements, submitted on a form prescribed by the OPI;

(b) within 60 days, submit to a requested audit;

(c) maintain accreditation and licensing as required by the OPI and the Department of Public Health and Human Services.

(2) The qualifying facility must provide information in an annual collection of financial data submitted to the OPI by December 1 each year on a form prescribed by the OPI for the prior fiscal year ending June 30. The OPI must make the final determination of the allowable costs, including calculation of the number of school days.

(a) Information to be submitted must include, but may not be limited to:

(i) all reported expenditures allocated between education and treatment;

(ii) allowable costs, which may include:

(A) the cost of salaries and benefits of necessary positions by position type;

(B) the necessary operating expenses;

(C) the average enrollment for the fiscal year;

(D) the average enrollment expected in the ensuing year; and

(E) the number of school days in the fiscal year; and

(iii) the published or management approved financial statements for the fiscal year ended June 30.

(b) Costs the qualifying facility would expend if it were not providing appropriate educational opportunities to eligible children are not allowable costs. These include, but may not be limited to, administrative costs, food and food preparation costs, human resources, information technology, and janitorial services.

(3) The OPI may allow an indirect cost recovery factor.

(a) Total expenditures may include the finalized expenditures plus an indirect cost recovery factor determined by the OPI.

(b) Except if the OPI approves in advance a qualifying facility's subcontracting of appropriate educational opportunities to eligible children, no other indirect cost recovery may be reimbursed.

(4) The daily rate under 20-7-435, MCA, must be calculated as follows:

(a) the total daily rate is calculated by dividing the education expenditures by enrollment and dividing by the number of school days;

(b) the rate paid by the district of residence is 40% of the tuition per average number belonging (ANB) amount divided by 180, in accordance with 20-7-435(3), MCA;

(c) the rate reimbursed by the OPI is the total daily rate minus the district of residence tuition rate; and

(d) the daily rate will be calculated and determined by the OPI.

(5) Daily rates must be based upon a minimum of a 6-hour day for eligible children in grades 4 through 12, a 4-hour day for eligible children in grades 1 through 3, and a 2-hour day for eligible children in preschool through kindergarten.

(6) The qualifying facility is responsible to invoice the district of residence by July 15 of each year. The district of residence is responsible to pay one-half of tuition owed by December 31 and the remaining amount by June 15.

(7) The qualifying facility must data enter and submit the eligible children in the MAEFAIRS system by the tenth day of each month. Weekends and holidays are included in the determination of the ten days, but if the tenth day falls on a holiday or weekend, a claim received by the OPI on the next working date will be considered timely. The OPI may review submissions for accuracy and completeness before remitting a reimbursement payment. Any additional information or clarifications requested by the OPI must be resolved by the qualifying facility before reimbursement payment may be remitted.

Authorizing statute(s): 20-7-419, MCA

Implementing statute(s): 20-7-403, 20-7-419, 20-7-435, 20-7-436, MCA

History: NEW, 2024 MAR p. 2182, Eff. 9/21/44.