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.0100. Short Title.
The Rules Governing the Special Education Grants for Children with Disabilities Program may hereinafter be cited as the “Program Rules.”

.0101. Purpose and Scope.
The Special Education Grants for Children with Disabilities Program, also known as the “Grants for Children with Disabilities Program,” was established by the 2013 General Assembly. The Authority administers the Program as directed by the General Assembly. Funding for the Program is contingent each year upon appropriations made available to the Authority by the General Assembly.

.0102. Definitions.
Unless the context clearly indicates some other meaning, the following capitalized words and phrases shall have the corresponding meanings in the Program Rules:

(a) “Academic Year” means two Semesters, beginning with the fall Semester.
(b) “Act” means Part 1H of Article 9 of Chapter 115C of the North Carolina General Statutes, any revision or extension thereof, and any subsequent budget or appropriations act affecting the Program.
(c) “Authority” means the State Education Assistance Authority, a political subdivision of the State, created under Article 23 of Chapter 116 of the North Carolina General Statutes.
(d) "Child with a Disability" means a child with at least one Disability who because of that Disability requires Special Education and Related Services.
(e) “Disability” includes mental retardation; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; serious emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairments, specific learning disability, or other disability as may be required to be included under IDEA; and for a child ages three through seven, this term also includes developmental delay.
(f) “Educational Technology” means an item, piece of equipment, material, product, or system which may be purchased commercially off the shelf, modified, or customized and that is used
primarily for education purposes for a Child with a Disability as identified by the Authority in accordance with Rule .0205.

(g) “Eligible School” means a North Carolina nonpublic school as defined in G.S. § 115C-112.5(3) or a North Carolina public school for which the payment of tuition is required.

(h) “Grant” means funds awarded under the Program as defined in G.S. § 115C-112.5(4).

(i) “Home School” means a nonpublic school consisting of the children of not more than two families or households, where the parents or legal guardians or members of either household determine the scope and sequence of academic instruction, provide academic instruction, and determine additional sources of academic instruction.

(j) "IDEA" means The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq., as amended, and federal regulations adopted under the IDEA Act.

(k) "Individualized Education Program" or "IEP" means a written statement for each Child with a Disability that is developed, reviewed, implemented, and revised consistent with IDEA and State law.

(l) "Local Educational Agency" or “LEA” includes any of the following that provides Special Education and Related Services to children with disabilities:
   a. A local school administrative unit;
   b. A charter school;
   c. The Department of Health and Human Services;
   d. The Division of Adult Correction of the Department of Public Safety;
   e. The Division of Juvenile Justice of the Department of Public Safety; and
   f. Any other State agency or unit of local government.

(m) "Parent" means an applicant for the Grant who is:
   a. A natural, adoptive, or foster parent;
   b. A guardian, but not the State if the child is a ward of the State;
   c. An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, and with whom the child lives;
   d. An individual who is legally responsible for the child's welfare; or
   e. A surrogate if one is appointed under G.S. § 115C-109.2.

(n) “Program” means the Grants for Children with Disabilities Program.
(o) “Related Services” means related services as defined in the IDEA at 34 C.F.R. 300.34 and G.S. § 115C-112.5(3a).

(p) “Semester” means one of two Semesters; the spring Semester is January 1 through June 30 and the fall Semester is July 1 through December 31.

(q) "Special Education" means specially designed instruction to meet the unique needs of a Child with a Disability and includes instruction in physical education and instruction conducted in a classroom, the home, a hospital or institution, and other settings.

(r) “State” means the State of North Carolina.
.0200. Student Eligibility.

Student eligibility is determined each Academic Year. A student qualifies to receive a Grant if the student:

(a) Is a Child with a Disability;
(b) Satisfies the disability determination requirements in Program Rule .0201;
(c) Is not enrolled in a North Carolina public school to which he or she has been assigned as provided in G.S. § 115C-366;
(d) Is enrolled in an Eligible School in a grade level no lower than kindergarten;
(e) Has or will reach the age of 5 on or before August 31;
(f) Is eligible to attend a North Carolina public school pursuant to G.S. §§ 115C-364 and 366;
(g) Is younger than 22 as of the date of the beginning of the Semester;
(h) Has not been placed in an Eligible School or facility by a public agency at public expense;
(i) Has not been enrolled full-time in a postsecondary institution;
(j) Does not have a high school diploma or its equivalent; and
(k) Is one of the following:

1. Was approved for a Grant the previous Semester;
2. Was a full-time student assigned to and attending a North Carolina public school pursuant to G.S. § 115C-366 for at least 75 school days of the previous Semester;
3. Received Special Education or Related Services through the North Carolina public schools as a preschool Child with a Disability during the previous Semester; or
4. Is identified as a Child with a Disability prior to the end of the Spring Semester of initial enrollment in kindergarten or first grade in a North Carolina public school.
.0201. Disability Determination Requirements

(a) The Parent shall submit documentation of the determination by the student’s LEA that the student is a Child with a Disability and is eligible for Special Education or Related Services in a manner established by the Authority.

(b) The determination in paragraph (a) above shall have been completed after a date established by the Authority.

.0202. Requirements Related to Nonpublic Schools

(a) The nonpublic school shall be identified by the Division of Nonpublic Education as meeting the requirements of Part 1, Part 2, or Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes.

(b) The nonpublic school shall be physically located in North Carolina.

.0203. Expense Requirements

In order to qualify for a Grant, the Parent shall submit documentation to the satisfaction of the Authority to demonstrate that the expense meets all of the following requirements:

(a) Generally.

The expense shall be for a student that meets the eligibility requirements in Program Rule .0200.

(b) Tuition Reimbursement.

1. The Parent shall provide documentation that the student was enrolled in an Eligible School for which payment of tuition is required for at least 75 days of the semester for which the Parent seeks reimbursement.

2. Home School students are not eligible for reimbursement of tuition.

(c) Special Education Reimbursement.

1. The Parent shall receive reimbursement for Special Education only if the Parent provides documentation that the student received Special Education for at least 75 days of the semester for which the Parent seeks reimbursement.
2. Special Education providers shall hold current State-approved, or State-recognized, qualifications or their equivalent as applicable to their respective professional disciplines.

3. Special Education providers shall not be a member of the student’s immediate family and, if the student is a Home School student, shall not be a member of the households of the student’s Home School.

(d) Related Services Reimbursement.
   1. The Parent shall receive reimbursement for Related Services only if the Parent provides documentation that the student also received Special Education for at least 75 days of the semester for which the Parent seeks reimbursement.
   2. Related Services providers shall hold current State-approved, or State-recognized, qualifications as applicable to their professional discipline.
   3. Related Services providers shall not be a member of the student’s immediate family and, if the student is a Home School student, shall not be a member of the households of the student’s Home School.

(e) Educational Technology Reimbursement.
   1. The Parent shall receive reimbursement for Educational Technology only if the Parent provides documentation that the student used the Educational Technology for at least 75 days of the semester for which the Parent seeks reimbursement.
   2. The Educational Technology must meet the requirements in Program Rule .0205.

(f) The expense shall have been incurred during the Semester for which the Grant was approved.

(g) The reimbursable amount of the expense is limited to the amount incurred by the Parent.

(h) The expense shall be paid for by the Parent and may not be subject to reimbursement by other sources.

.0204. Exclusions
   (a) A student is not eligible for a Grant if the student’s Special Education or Related Services are provided by the student’s LEA.
(b) The Authority shall disapprove any expense submitted by a Parent for reimbursement if the Authority determines that the expense is inconsistent with the purpose of the Program, the Program Rules, and the Act.

.0205. Educational Technology
   (a) Educational Technology shall assist the student to benefit from Special Education and be used primarily for educational purposes.
   (b) A list of approved Educational Technology shall be posted on the Program website.
   (c) Any updates to the list of approved Educational Technology will apply retroactively to the Academic Year in which the update is made.
.0300. Applications

(a) To apply for a Grant, the student’s Parent shall complete an application on the Authority’s website at http://www.ncseaa.edu/CDSG.htm.

(b) Grants are disbursed to the Parent who completes the application.

(c) The Parent shall complete a new application each Academic Year.

(d) A copy of the student’s most recent IEP or determination that the student is eligible for Special Education and Related Services if required to benefit from Special Education shall be submitted to the Authority before the application can be approved.

.0301. Completion of a Form W-9

The Parent shall complete an Internal Revenue Service Form W-9, Request for Taxpayer Identification Number and Certification, prior to disbursement of the Grant.

.0302. Documentation of Attendance

The Parent shall provide documentation in a manner established by the Authority that the student was enrolled in an Eligible School for at least 75 school days of the Semester for which the Parent seeks reimbursement.

.0303. Submittal of Documentation of Expense

(a) Documentation of expenses shall be submitted in a manner established by the Authority.

(b) Documentation of expenses shall verify that the expense incurred meets the requirements of Program Rule .0203.

.0304. Verification

(a) The Parent shall comply with any processes established by the Authority to verify information on the Parent’s application or documentation of the Parent’s expenses.

(b) The Authority may require additional information to verify documentation of the Parent’s expenses.
(c) The Parent shall provide consent for the release of the student’s information from the student’s Related Services providers, schools, and other entities as may be necessary for the Authority to complete the verification process.

(d) The Authority shall not approve reimbursement for any expenses until the verification process is complete.
.0400. The Authority as Program Administrator.

The Authority is hereby authorized and directed to develop, adopt and implement such policies, procedures, and forms as necessary from time to time in order to administer the Program in accordance with the Act and Program Rules.