



August 2013

## INPEA UPDATE

### Welcome Back!

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#### Welcome Back!

For an Exciting 2013-2014 School Year!

As Labor Day approaches we used to talk about the beginning of the school year being right around the corner..BUT not any more! Some schools were back in session as early as July 29th and others on August 1st. The three months off in the summer is no more!

With that said it looks like it's going to be an exciting 2013-2014 school year. Enrollments are up all over the state. Schools are engaged in many new innovations and programs. There are even some new schools opening.

As you go about serving your students through your school's particular mission, please know that INPEA is here to serve and support you. Please let us know how we can be of service.

Wishng you and your school the best of success this school year!

#### INPEA's Administrators' Conference (INPAC)

***Quality Leader's for Quality Schools***

**Have you registered yet? Don't miss this great**

professional development opportunity!

September 26th and September 27th at the Marriott Indianapolis East.

Program Info [Click Here!](#)

Registration Info [Click Here!](#)

Full Program will be available soon at  
[www.inpea.org](http://www.inpea.org)

**See you there! Bring A Team!**

## **Voucher Update - Important!**

**Application Deadline - September 1st**

### **STATUS**

With the voucher deadline quickly approaching (September 1<sup>st</sup>), we wanted to provide an update on the status of new rules for the various voucher program expansions.

There are **two different set of rules** coming out of the 1003 expansions; one for the **general** program and one for the **special education** component of the program. The general rules did not require the state board approval and are issued by the IDE. The special education component requires State Board approval. The **State Board voted not to approve the draft special education rules** at the request of INPEA and other coalition partners at the August meeting.

**INPEA had great concern about the extensive prescriptive nature of the proposed rules.** We had concerns that not only were the rules attempting to impose the public school model on private choice schools but a number of

aspects of the process were not appropriate in the private sector.

**It is our hope that the revised rules will be presented at the September 4<sup>th</sup> Board meeting.** The revised rules are **a great improvement**, but there are **still a couple of aspects where there is some concern**.

We are aware that **some schools have been holding off processing special needs vouchers** because without rules they did not exactly know how the special education component of the program would work and what the school would be accountable for and to whom.

**INPEA requested the voucher deadline (for special education vouchers) be extended until after the September 4<sup>th</sup> board meeting** so that these schools could make informed decisions. The **request was denied** because of concerns with possibly interfering with the overall September 13 count day and its impact on first semester voucher payments.

Hence, schools will need to make their decisions to process applications based on the school's ability to meet their needs and school's ability to handle any regulations that may be associated with the program.

So as the September 1<sup>st</sup> deadline approaches, here's what we know about the Rules:

#### **General Rules (only proposed at this point)**

- Some clarifications are made regarding new

eligibility criteria

- Other clarifications are made regarding Scholarship calculations:

c) The department will determine the amount of an eligible choice scholarship in accordance with IC 20-51-4-4, subject to the following restrictions:

(1) An eligible school may not include the costs of special education and related services.

(2) Tuition and fees may only include the costs a student would otherwise be obligated to pay to the eligible school absent a choice scholarship award;

(3) Eligible schools that include textbook fees as part of its tuition and fees policy may not file a claim for textbook reimbursement under I.C. 20-33-5-9 for eligible choice students.

(4) Eligible schools must first apply all tuition and fee discounts that the student, or a similarly situated non-eligible student, would have otherwise received absent a choice scholarship

Note: **discounts are not the same as needs based tuition assistance**

- There were a number of other procedural clarifications (e.g. what defines a completed application, consequences for non-compliance)

### **Special Education Rules (Proposed)**

As currently interpreted, any Choice Scholarship Student with an IEP or ISP will have the State Special Education Funding (not Federal IDEA) follow the student to the Choice School and the Choice School is responsible for providing the services for that student(or purchasing the services from a third party provider). **The Choice School will convene a team in conjunction with the parent to develop a**

**measurable educational plan (CSEP) delineating the services the student will receive.** The parent must provide consent for the plan and they must be updated on the student's progress. If a parent can verify that the school is not following the procedures outlined in the special education rule the parent must first use the school's **complaint process** before filing a complaint with the state department of education.

If the state special education dollars follow the student to the non-public school, the choice scholarship student "**must still be considered**" for services from the proportionate share pool of IDEA dollars **but the LEA is not required to provide services** to a Choice Scholarship student with a CSEP.

There are **differences of opinion** as to whether the law allows a parent of a choice scholarship student to **choose** whether the non-public school or the LEA provides their child's special education services. Similarly, there are questions if a Choice School can choose to participate in the special education aspect of the voucher program. **IDOE has requested an opinion from the Attorney General's office** on both of these issues.

**Students with ISPs that are not choice scholarship recipients will still be served by the LEA. LEA's also are required to continue to provide Child Find Services (i.e assessment & identification)**

### **Current Rules Status**

After the State Board did not approve the original rules draft, nonpublic school and public school representatives met with IDOE staff in an attempt to revise the rules. With the help of the Governor's Office and Becky Bowman (IDOE Director of special Education) significant changes were made in the proposed rules that greatly reduced their prescriptive nature. There are still a couple of areas of concern, particularly as it relates to the complaint process. We are not sure if IDOE will make further concessions or not. The school choice coalition is still meeting to determine how our coalition will approach the September 4<sup>th</sup> State Board meeting.

### **What's Next?**

**If IDOE receives an opinion from Attorney General, they will present the revised rules on September 4th. If approved it is still unclear when the actual transition will occur regarding provision of services. If immediate, choice schools will need to be prepared with a program plan. One of the first steps will be the development of a CSEP(choice scholarship education plan) for all Choice Scholarship students with ISP (or IEP from the public school). Determining how (and by whom) the services will be provided is a key part of the school's planning.**

**INPEA is hoping to help identify third party providers for schools who don't have the internal capacity to provide services. A particular area of concern is speech therapy services. If you are aware of third party providers in your area for any special education related services, please e-mail their contact information to John at [jelcesser@inpea.org](mailto:jelcesser@inpea.org) .**

**INPEA is also exploring how it can assist in providing any needed professional development services for teachers & administrators. We hope also to compile a list of professional development opportunities.**

**Again if you are aware of opportunities in your area, email John.**

**If you have questions about any of the above, don't hesitate to contact John at the INPEA office.**

## **Data and Dues**

INPEA will be sending out both their Dues Statements and their Date Request in the near future. Both are key to INPEA operations. Your prompt attention is greatly appreciated!

Blessing on your school year!

**Sincerely,**  
*John*

John Elcesser  
Indiana Non-Public Education Association