

**SPECIAL EDUCATION PLAN RELATED TO GENERAL EDUCATION  
INDEPENDENT SCHOOLS**  
**As amended 12-7-17 by VCSEA**

**Approval**

1. In order to be approved as an independent school eligible to receive public education funds, a school will have demonstrated an ability to serve students with disabilities. Specifically, it must:
  - a. demonstrate an understanding of special education requirements, including
    - i. provision of FAPE;
    - ii. provision of education in the least restrictive environment; and
    - iii. the characteristics and educational needs of students with all categories of disability **or suspected disability as** named in IDEA and Vermont State Board of Education (SBE) Rules; and
    - iv. procedural safeguards and parental rights, including discipline procedures, specified in federal and state law.
  - b. commit to implementing the individualized educational plans (IEPs) of its **students with** special education **needs** ~~students~~, providing the required services, and appropriately documenting the services and the student's progress;
  - c. have staff with the required licensure to provide special education.
  - d. agree to communicate with the responsible LEA (which is the student's home district) about the IEP, services provided and the student's progress, including when there is any concern about maintaining the student in the independent school in which the student is currently enrolled, recommended changes in service, and regarding students with suspected disabilities.**
  - e. commit to participate in dispute resolution as provided in federal and state law.
2. Commitment to these foundational special education requirements shall be incorporated into every agreement between the responsible LEA and an approved independent school.
3. An approved independent school that commits to this foundational level of special education preparedness is not required to demonstrate that it has the resources to serve every category of special education in order to be approved or retain its approval to receive public education funding.

**Funding**

1. Approved independent schools that have open enrollment policies and agree to serve all students with disabilities **in all categories of disability within the age or grade range served by the independent school** will receive the full general education tuition rate for all of its publicly funded students.
2. Approved independent schools that do not have open enrollment policies or determine that its educational philosophy, resources or capabilities are inconsistent with enrollment of students with some ~~categories of~~ disabilities, will **not** receive tuition for ~~all of its~~ publicly funded students. ~~(not just students with disabilities) at a rate that is 80 percent of the full general education tuition rate.~~

**Placement and Location** (this might need to go into ~~SPED~~ **the special education** Rules)

1. In accordance with federal and state law, the responsible LEA will offer a continuum of alternative placements (e.g., instruction in general education classes, **provision for supplementary services in conjunction with general education placement, resource room services, special classroom services**, special schools, home instruction, ~~provision for supplementary services in conjunction with general education placement~~) to a student with an IEP; these placements will be determined at the IEP meeting. There is no requirement for the LEA to offer a particular school for implementation of the placement. The starting point should always be the school the student would attend in the absence of a disability and ideally as close as possible to the student's home, unless the parents agree to another location.
2. Enrollment in an approved independent school may occur and be publicly funded if the IEP team for the student determines that the approved independent school offers a placement consistent with the student's IEP and in the least restrictive environment. This determination will be based on the approved independent school demonstrating that it has the requisite staff and capability to serve the student according to the student's IEP. **As per Vermont special education rule the decision is made by the LEA through the IEP Team process; if there is disagreement the LEA representative makes the decision.**
3. An approved independent school that demonstrates it has the requisite staff and capability ~~and~~ to provide special education and related services to a student may bill the responsible LEA for special education and related services provided in accordance with the IEP. Reimbursement for services beyond those provided in the general education classroom will be based on ~~rates~~ **the direct costs** for services actually provided the student **consistent with the AOE Technical Manual for special education excess cost accounting and approved by the Agency of Education.** ~~for services actually provided to the student.~~ The school must provide detailed invoices to the LEA in advance of reimbursement.
4. In cases where the responsible LEA district provides a service that is necessary to implement the student's IEP, the approved independent school will not be paid or reimbursed for such service.
5. Decisions about how special education services will be provided and specifically, whether to provide the services directly or through coordination with the approved independent school's special education staff will be made by the responsible LEA representative.
6. After an approved independent school has accepted a student with disabilities, representatives of the school will attend all **EPT (Evaluation and Planning Team) and IEP** meetings for that student. Independent school representatives may not attend IEP meetings prior to accepting a student, absent parental consent, as this would be a violation of FERPA.
7. Unilateral placements and related ~~equitable~~ **"proportionate share"** services will continue to be governed by federal and state law.

8. Responsible LEAs may limit the number of general education schools to which it will send its publicly funded students. However, if an IEP team determines that a student with a disability requires a placement outside of the general education schools to which the responsible LEA sends its other publicly funded students, the LEA shall provide that placement.
9. If school choice in a particular district includes all non-sectarian approved independent schools in the state for its students, then the same options should be available to students with disabilities.
10. As required by state and federal law a continuum of alternative placements must be available to students with disabilities in order to provide an appropriate education. Vermont approved independent schools serving students with disabilities exclusively are part of that required continuum. State approved independent schools serving students with disabilities exclusively are subject to different requirements from the independent general education schools. Some key distinctions in requirements need to be clarified in state regulation:
  - These specialized schools must be approved for the specific disability categories served, and are not required to serve all categories of disability.
  - Tuition rate setting processes established by the AOE apply. Excess costs for individual students, exceeding the approved tuition rates, are subject to the process identified in #3 above.