

Independent Schools Special Education Plan

- 1) All non-sectarian approved independent schools shall be deemed eligible to receive special education students, just as are all public schools.
- 2) Approved independent schools shall enroll students with disabilities consistent with their educational philosophy, programming, resources and capabilities, and as prescribed in existing federal and state non-discrimination and public accommodations statutes.
- 3) When child-find determines students from school-choice districts to be eligible for special education services, the responsible LEA must inform parents that all non-sectarian approved independent schools are among their special education options.
- 4) IEP Teams shall give equal consideration to public schools and independent schools when considering placement recommendations for students eligible to enroll in approved independent schools. Their consideration shall focus on finding the school, public or independent, that is best suited to meet each student's needs.
- 5) Independent school representatives shall participate in IEP Team meetings whenever the Team is considering enrollment options potentially involving independent schools.
- 6) Unilateral placement and equitable services rules shall be applied only when students enroll in independent schools ineligible to receive public tuition payments (e.g., religious schools, recognized schools).
- 7) Equitable services funds are reserved for students in sectarian or non-approved independent schools or in home study. Students in approved non-sectarian schools shall be fully eligible for a FAPE.
- 8) Home LEAs shall provide the necessary teachers, administrative support and all other resources needed to provide special education services in any non-sectarian independent school enrolling a special education student, unless an approved independent school chooses to provide some or all of those resources on its own.

- 9) If an independent school and LEA disagree regarding placement, the dispute shall be submitted to a panel for resolution. The panel shall consist of a representative of the LEA, a representative appointed by the Council of Independent Schools and an agreed upon neutral. Available programming, educational philosophy, school size, resources and special needs are criteria that shall be considered.
- 10) Approved independent schools may choose to provide special education resources on their own instead of relying upon LEAs for assistance.
- 11) LEAs, in consultation with independent schools, shall adopt a standardized protocol for accountability and financial transactions with independent schools. This requirement is intended to ease the administrative burden on independent schools now having to cope with different protocols and procedures as result of collaboration with multiple LEAs.
- 12) Each LEA shall prepare a collaborative special education resource sharing model with independent schools that address oversight and supervision of staff, compliance with school policies and protocols.
- 13) If the Agency of Education does not meet the independent school special education rate setting deadlines specified in statute and SBE rules, rates sought by the schools shall be automatically approved until such time as the Agency is able to respond. The Agency then must give schools at least 90 days notice of any intent to reduce any automatically granted rates.
- 14) The limits placed upon public tuition payments to independent schools (16 V.S.A. §§ 823(b)(1) and 824 (c)) shall be computed as the average per-student cost from total education spending of all public schools, excepting transportation costs, adjusted by a forward looking correction factor to make historic spending data applicable to the school year for which the average is to be computed.

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