

MEMORANDUM

TO: Independent Schools Approved for Special Education
CC: Cindy Moran, VT State Director of Special Education
Cassandra Ryan, School Finance Analyst
Nicole Tousignant, Special Education Finance Director
FROM: Alicia M Hanrahan, Education Programs Manager
SUBJECT: Independent School/Special Education Rate Setting
DATE: 5/5/16

Attached are the Rate Setting forms to be completed by special education approved independent schools who want to change their special education rate for the 2016-2017 school year.

These forms are for special education approved independent schools who:

- Operate a specific special education self-contained program within their general education independent school; **OR**
- Operate a specific special needs independent school whose population is primarily eligible for special education services

This form is NOT for independent schools that offer students a general education curriculum and receive various special education services in the classroom or in a resource room model. The cost for those services must be written into each student contract based on their IEP service page. This is considered **Excess Cost**.

16 V.S.A. §2973(a): The Secretary of Education shall establish minimum standards of services for students receiving special education in independent schools in Vermont; shall set, after consultation with independent schools in VT, the maximum rates to be paid by the Agency and school districts for tuition, room and board based on the level of services; and may advise independent schools as to the need for certain special education services in Vermont.

As a reminder, the maximum rate approved by the Agency is not necessarily the actual rate charged. The actual amount charged is set by agreement between an independent school and sending district. The actual amount charged (i) cannot exceed the maximum rates set by the Agency, and (ii) must be consistent with SBE Rule 2228.8(2) which states that rates “shall be no more than the costs that are reasonably related to the level of services provided to its publicly-placed special education students.” Furthermore, under SBE Rule 2228.4.1, independent schools approved to provide IEP services must assure the state board (as a condition precedent to program approval) that: “prior to enrolling a publicly-placed student who is served pursuant to

an IEP, it will enter into a written agreement with the sending responsible agency that outlines tuition, room, board and other costs associated with the student's attendance." As a baseline, the Agency expects that these agreements will contain enough detail so that both parties to the agreement will know, and agree, that any/all itemized charges are for allowable services under the IDEA and/or any other applicable federal statute or regulation and/or Vermont's special education funding provisions.

Please contact Alicia Hanrahan at 802-479-1206 or at alicia.hanrahan@vermont.gov if you have any questions.

These rate setting forms must be completed in their entirety and returned to AOE by June 30, 2016. VTAOE has 30 days to review the rate requests and respond accordingly.