

Special Needs Scholarship Program (SNSP)

Frequently Asked Questions for Public Schools

The Special Needs Scholarship Program (SNSP) allows a student with a disability, who meets certain eligibility requirements, to receive a state-funded scholarship to attend a participating private school. The requirements in this document are based on Wisconsin Statute 115.7915 and Wisconsin Administrative Code Chapter PI 49.

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STUDENT ELIGIBILITY

1. How does a student become eligible for the SNSP?

Under Wis. Stat. § 115.7915, a student with a disability may be eligible to participate in the SNSP if the student meets the following eligibility requirements:

- Wisconsin Resident: The student resides in Wisconsin.
- Individualized Education Program (IEP) or Services Plan: An IEP or services plan is in effect for the child.

Other than applications received between November 28, 2019 and March 31, 2020, an IEP or services plan is considered in effect for applications during the 2019-20 and 2020-21 school years if it is (1) being implemented at the time of application to the SNSP **or** (2) was developed no earlier than three years prior to September 15 of the school term during which the student

applies to the SNSP **and** the student has not subsequently been determined to no longer have a disability.

For applications received by the private school between November 28, 2019 and March 31, 2020, an IEP or services plan is considered in effect if it is being implemented at the time of application to the SNSP.

2. Is there a limit on how many SNSP students a SNSP school can accept?

State law does not limit the number of SNSP students a SNSP school can accept. However, SNSP schools identify how many scholarships the school will have available for SNSP students.

If a SNSP school receives more applications or transfer requests than the number of SNSP scholarships it has available, then the school must accept SNSP student applicants in the order in which completed applications or transfer requests are received, except that the school may choose to give preference to siblings of students who are already attending the school.

PUBLIC SCHOOL DISTRICT GENERAL RESPONSIBILITIES

3. What are a resident school district's responsibilities under the SNSP?

Under the SNSP, resident school districts must:

- a. Annually notify parents/guardians of students with disabilities enrolled in the district of the SNSP. Wis. Stat. § 115.7915(5)(a).
- b. Conduct an evaluation of the student, and if eligible, develop an IEP for the student if requested by the parent/guardian. 34 CFR § 300.301 and Wis. Stats. § 115.777
- c. Within five (5) business days of being requested to do so by a private school participating in the SNSP, the district shall verify whether the SNSP applicant has an IEP or services plan that meets the SNSP requirements. Information on how the district should complete this verification and what information needs to be provided to the private school is included in the IEP/Service Plan Verification section of this FAQ. Wis. Stat. § 115.7915(3)(bm).
- d. Administer state assessments to SNSP students at no cost when requested by the parent/guardian if the private school does not administer them. Wis. Stat. § 115.7915(5)(b).

- e. Ensure that an IEP team re-evaluates each SNSP student once every three (3) years. Wis. Stat. § 115.7915(2)(h).

4. Does a non-resident school district have responsibilities under the SNSP?

If the district that developed the student's IEP or services plan is a non-resident school district, the private school will send an email to that district requesting that the district verify whether the SNSP applicant has an IEP or services plan that meets the SNSP requirements. Information on how the district should complete this verification and what information needs to be provided to the private school is included in the IEP/Service Plan Verification section of this FAQ.

If the private school that the student is attending is in a different district than the student's resident school district and the parent/guardian provides written consent, the school district where the private school is located should complete the IEP reevaluation explained in the Reevaluations of SNSP Students section.

5. What responsibilities does a Local Education Agency (LEA) have in regards to determining a student's eligibility for the SNSP?

LEAs are only required by law to determine if a student has an IEP or services plan that meets the SNSP eligibility requirements. Private schools participating in the SNSP must determine if a student meets the Wisconsin residency eligibility requirement. Student eligibility determinations are audited by independent auditors. Any students that are determined ineligible for the SNSP are not eligible for a SNSP scholarship.

6. What form and/or method of delivery must public schools follow when providing the annual notice of the SNSP to students with disabilities?

Wisconsin law requires that public school districts provide annual notice of the SNSP to the parents of each student with a disability enrolled in that district. The statute does not specify the content, the format, or a specific date for the annual notice related to the SNSP.

Please note, the SNSP notice requirement is in addition to the notice of educational options under §§ 118.57 and 115.385(4), Wis. Stats.

7. What financial impact will the SNSP have on public school districts?

Public school districts will have their resident SNSP students added by DPI to their membership counts for state aid purposes. This results in a one-year delay for impacts to state aids membership. Districts will not have their resident SNSP students added to their membership for revenue limit purposes. A public school district with resident SNSP students has a nonrecurring revenue limit exemption equal to the state aid deduction.

For the 2019-20 school year, participating private schools will receive \$12,723 per full time equivalent (FTE) for each SNSP full scholarship student, \$8,046 per FTE for each SNSP partial scholarship student in grades K-8, and \$8,692 per FTE for each SNSP partial scholarship student in grades 9-12. If the school submitted a Statement of Actual Cost for the 2018-19 school year by the third Friday in July for a student that meets program eligibility requirements in 2019-20, the payment amount for that pupil will be based on that statement. A private school may also receive a per student payment for summer school instruction for up to 5% of the maximum per student aid amount from the prior year for that pupil.

As of May 2020, the payment rates for the SNSP for the 2020-21 school year have not be finalized.

The department will withhold the appropriate scholarship amount per FTE for each SNSP student from state equalization aid payments. If the general school aid payments are insufficient to cover the SNSP cost, the department will decrease other state aid payments made by the department to the school district for the remaining amount. Additional information on how the SNSP is funded and the SNSP school aid deduction, which is available in mid-October each year, is available at <https://dpi.wi.gov/sfs/finances/private-school-vouchers> under “School Finance Resources.”

IEP/SERVICE PLAN VERIFICATION

8. What will the verification email from the private school require that the LEA verify?

The LEA will be required to verify that the student has an IEP or services plan that meets program requirements. See the [first question](#) for information on the IEP or services plan requirements.

9. What does the LEA need to provide to the private school when the LEA receives an IEP/services plan verification email?

Other than applications received between November 28, 2019 and March 31, 2020, within five (5) business days of being requested to do so by a private school participating in the SNSP, the LEA that receives the verification email from the private school must provide one of the following for 2019-20 and 2020-21 school year applications:

- a) A copy of the student's most recent IEP or services plan if the student meets the SNSP IEP/services plan requirement explained in the [first question](#).
- b) If the student does not meet the IEP or services plan requirement, indicate the LEA has no record that the student meets the IEP or services plan requirement.

For applications received by the private school between November 28, 2019 and March 31, 2020, within five (5) business days of being requested to do so by a private school participating in the SNSP, the LEA that receives the verification email from the private school must provide one of the following:

- a) If the student meets the IEP/services plan requirement explained in the [first question](#), both of the following:
 - Indicate whether the student has an IEP or services plan that meets the requirement in the [first question](#). This verification should be an email stating the student has an IEP that meets the requirement or has a services plan that meets the requirement. A copy of the IEP or services plan alone would not be sufficient.
 - If the applicant meets the SNSP IEP/services plan requirement, the LEA must provide a copy of the IEP or services plan that meets the requirement to the private school.
- b) If the student does not meet the IEP/services plan requirement in the [first question](#), indicate the LEA has no record that the student meets the IEP/services plan requirement.

EQUITABLE SERVICES AND FAPE FOR SNSP STUDENTS

10. Must students participating in the SNSP be included as part of equitable services calculations under the Individuals with Disabilities Education ACT (IDEA)?

Yes. Under IDEA regulations LEAs must spend a proportionate share of their IDEA Part B flow-through and preschool grants on provision of services to IDEA-eligible students enrolled by their parents in private schools located within the boundaries of the LEA. All parentally placed private

school students determined eligible under IDEA and attending private schools located within the LEA must be counted in the proportionate share calculation. LEAs may not exclude students participating in the SNSP from the proportionate share calculation. In addition, LEAs remain obligated to expend their entire equitable services set-aside on an annual basis. LEAs that do not expend their required proportionate share would be in non-compliance with IDEA's equitable services provision and would lose access to any unspent proportionate share amount.

11. Are SNSP students eligible to participate in equitable services?

Yes. When a student is found eligible for special education under state and federal special education law, the student is entitled to a free appropriate public education (FAPE). FAPE is provided to each student with a disability in accordance with an IEP. The public school district where the child lives is responsible for providing FAPE to every enrolled student with a disability. Students are not entitled to receive FAPE while enrolled by their parents in a private school. However, certain students may be eligible to receive some public school services via a services plan (ISP). The public school district responsible for developing and implementing services plans for parentally placed private school students is the district where the private school is located. It is important to note that unlike FAPE/IEP for public school students, there is no individual entitlement to a services plan for private school students. In other words, a student may be determined to have a disability, but may not be provided with services under a services plan.

For additional information about the requirements for public school districts to provide services for students with disabilities who are enrolled by their parents in private schools, see <http://dpi.wi.gov/sped/topics/private-schools>. While public school districts are ultimately responsible for making the final decisions about the services to be provided to parentally placed private school children with disabilities, they must make this determination in consultation with the private schools located within the district and parents of parentally placed private school students and must ensure their entire proportionate share is expended.

12. Must non-resident school districts develop an IEP and make an offer of a free appropriate public education (FAPE) to parentally placed private school students wanting to participate in the SNSP?

No. Students participating in the SNSP are considered parentally placed private school students and the SNSP does not alter IDEA requirements regarding the identification, evaluation, and

provision of services to parentally placed private school students. If a parentally placed private school student is attending a private school that is not within the student's resident district, the school district where the student's private school is located (i.e. the non-resident school district) is responsible for identification, evaluation, and the provision of equitable services. If the student is determined to have a disability, the non-resident district must determine if the student will receive a services plan. If the student will not receive a services plan, the non-resident school district would not be required to make an offer of FAPE or develop an IEP. The resident district is responsible for making an offer of FAPE and developing an IEP.

13. Must resident school districts develop an IEP and make an offer of a FAPE to parentally placed private school students wanting to participate in the SNSP?

The SNSP does not alter IDEA requirements regarding the identification, evaluation, and provision of services to parentally placed private school students. If a parent requests it, the resident school district must complete an evaluation to determine if a student has a disability. If the student has a disability that would qualify the student for an IEP and the parent requests that an IEP be developed, the resident school district must develop an IEP for the student. Parents of parentally placed private school students who wish to receive an offer of FAPE should contact their district of residence to request development of an IEP.

REEVALUATIONS OF SNSP STUDENTS

14. What is the IEP reevaluation process for SNSP students?

In order for a student to be able to continue their participation in the SNSP, the student's parent/guardian must make the student available for a reevaluation within sixty (60) days of a reevaluation request being made by the student's resident school district. Public school districts may only make a reevaluation request for SNSP purposes once every three (3) years for each SNSP student. The student's IEP team will complete the required reevaluation. The three year reevaluation period is determined as follows:

- For a student that had an IEP team evaluation or reevaluation within three (3) years of having been accepted into the SNSP, the student's three (3) year reevaluation period is determined from the date of that most recent evaluation or reevaluation. For example, if a student's most recent evaluation or reevaluation was on September 1, 2018, and the student is accepted to participate in the SNSP for the 2020-21 school year, then the student's resident school district would make a request for the student to be reevaluated

by September 1, 2021. The parent must make the student available for the reevaluation within sixty (60) days of that request.

- For a student that has not had an IEP team evaluation or reevaluation within three (3) years from when the student begins attending a school as a SNSP student, the student's three (3) year reevaluation date is determined from the date that the student begins attending a school as a SNSP student.

15. Which school district is required to perform the SNSP reevaluation? Can a SNSP student have an evaluation by a non-resident school district?

Generally, a SNSP student's resident school district is responsible for conducting a SNSP reevaluation. However, if the private school that the student is attending is in a different district than the student's resident school district, and the parent/guardian provides written consent, the school district where the private school is located can complete the reevaluation.

SNSP STUDENT RECORDS

16. Can the public school district obtain records for students participating in the SNSP from the private school?

A resident school district may request that a participating private school provide it with records relating to the implementation of a SNSP student's IEP or services plan. The private school must provide the resident school district with the requested record within five (5) days of receiving the request. Wis. Stat. § 115.7915(6)(h)2.

17. What record retention requirements does a resident school district have for documents in its possession that pertain to a student participating in the SNSP?

Under federal law, recipients of federal funds must maintain a student's IEP, IEP team evaluation reports, and placement notices for financial or program audit purposes. The records must be kept for the current fiscal year plus four more years.

Under the IDEA, a school district must inform the parents of a student with a disability when personally identifiable information is no longer needed to provide educational services to the student. The notice would normally be given at the time the student graduates or otherwise

ceases to be enrolled in the school district. The purpose of the notice is to alert the parents that certain pupil records may be needed for proof of eligibility for benefits or other purposes. The information that is no longer needed must be destroyed at the request of the parent, 34 CFR 300.624. Otherwise, under state law, the information may be maintained for only one (1) year after the student graduates or ceases to be enrolled, unless the parent or adult pupil specifies in writing that the records may be maintained for a longer period. Wis. Stat. § 118.125(3).

The department recommends that for purposes of the SNSP, when a student graduates or otherwise ceases to meet the SNSP statutory requirements, the resident school district should obtain the permission of the parent or adult pupil to maintain IEP team reevaluation reports, IEPs and/or any placement or IEP implementation/progress notices for the current fiscal year plus four more years for audit purposes.

If the parent requests destruction of the records or will not grant permission to maintain the records for five (5) years, then the Office of Special Education Program (OSEP), U.S. Department of Education, recommends removing the personal identifiers from the records. Once personal identifiers are removed, the records are not pupil records and may be maintained until they are no longer needed to satisfy the federal record maintenance requirement.

SNSP STUDENT ASSESSMENTS

18. Is the resident school district required to provide student assessments to SNSP students?

Maybe. If the private school the child is attending already administers the examinations under Wis. Stat. § 118.30, the resident school district is not required to administer the assessments. If the private school does not administer the assessments under Wis. Stat. § 118.30, the resident school district must provide them at no cost when requested by the parent/guardian. Wis. Stat. § 115.7915(5)(b).

19. Will the test results for a SNSP student be included in the district's report card?

No, the test results will not be included in the district's report card issued by the department.

SNSP STUDENT TRANSPORTATION

20. What transportation obligations does a resident school district have for students participating in the SNSP?

The transportation requirements for SNSP students are the same as they are for any other parentally placed private school student.