

**Assembly Committee on Education
January 28, 2016**

**Department of Public Instruction Testimony
Assembly Bill 751**

I want to thank Chairman Thiesfeldt and members of the committee for the opportunity to testify before you today on Assembly Bill 751 (AB 751). My name is Jennifer Kammerud, Policy Advisor for the Department of Public Instruction (DPI) and with me today is Tricia Collins, Director of the School Management Services Team.

2015 Act 55 created a new Special Needs Scholarship program beginning in the 2016-17 school year. Under this program, a child for whom an Individualized Education Program (IEP) is in place is allowed to receive a scholarship in the amount of \$12,000 to attend a participating private school of their choice, provided the child had previously been denied enrollment in a non-resident district via the state's public school open enrollment program. There is no income eligibility test for the scholarship, nor are there limits on the number of eligible children that may receive a scholarship.

As the department began its work to implement this new program there were some provisions that presented challenges to implementation. We appreciated the opportunity to work with Representative Jagler and Senator Vukmir on these specific provisions. Specifically, we requested the following changes that are reflected in the bill.

- *Under s. 115.7915(2)(d)*, the law refers to an individualized education program or services plan having “been completed” for the child. The term “been completed” means the IEP has ended and is a reference to prior IEP’s or service plans. AB 715 amends this language to ensure an IEP “is in effect.”
- *Under s. 115.7915(2)(e)*, the law refers to a child having “attended” a public school. The word “attended” has a different meaning than enrolled. Using the term “attended” could have unintended consequences, for example, prohibiting a child from receiving a scholarship if that child had been truant or had missed school, even on an excused absence. AB 715 changes the reference from “attended” to “enrolled.”
- *Under s. 115.7915(2)(f)*, the law refers to a child, or the child’s parent on behalf of the child, submitting an application for a scholarship. This language would seem to allow a child to submit an application without parent or guardian permission. AB 715 adjusts the language so only parents, guardians, emancipated minors or students over the age of 18 can apply.

- *Under s. 115.7915(5)(c)*, the law requires the resident school board of a child receiving a scholarship to ensure that the child's IEP team reevaluates the child. A school board cannot compel a parent to submit to a reevaluation for a student who is not enrolled in a school in the school district. AB 715 would instead accomplish a required reevaluation by creating a new eligibility requirement. Under this requirement the parent would need to consent to a reevaluation of their child by the resident school district's IEP team once every three years in order to receive a scholarship. The three year provision is consistent with reevaluation requirements for public school students who have an IEP in effect.
- *Under s. 115.7915 (2)(f) and s. 115.7915(3)(b)*, the law required both an ongoing enrollment process and a random selection process respectively. It is not possible to run both processes at the same time. DPI recommended choosing one method or the other. AB 715 reflects an ongoing enrollment process.
- *Under s. 115.7915(4)(b)*, the law requires DPI to notify the child's resident school board that the child has been awarded a scholarship upon notification under s. 115.9715(3)(c), which refers to the private school's notice to DPI that it has accepted a child's application to attend with a scholarship. This provision would have required DPI to award a scholarship to a child prior to verifying the child's eligibility. AB 715 inserts language that explicitly states "pending verification that all eligibility requirements are met."
- *Under s. 115.7915(4m)(e)*, the law states that if, upon reevaluation of a child, the IEP team "unanimously determines" that a child receiving a scholarship is no longer a child with a disability, then the child is no longer eligible to receive the scholarship beginning in the school term following the determination. It is against federal law to require an IEP team to make unanimous determinations. AB 715 removes the word unanimously from this section and additionally requires the parent to be notified of their dispute resolution rights under federal law.
- *Under s. 115.7915(6)(h)2.*, the law requires a participating private school to provide a record of the implementation of the child's IEP or services plan, including an evaluation of the child's progress, to the school board of the school district in which the child resides in the form and manner prescribed by DPI. AB 715 instead requires the private school to provide records within five days.

Thank you again for the opportunity to testify. The department believes the changes described above will improve the technical administration of the program. At this time we would be happy to answer any questions you may have.