

Special Needs Scholarship Program

Frequently Asked Questions for Parents– 2016-17 School Year

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 SNSP school.

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APPLYING TO THE SNSP

1. How does a student apply to the SNSP?

SNSP student applications can be submitted to SNSP schools for the 2016-17 school year starting July 1, 2016 through June 30, 2017. A student application is not complete until all of the following documents have been given to the school:

- 1) SNSP student application.
- 2) Documentation verifying the family’s current address.
- 3) Copies of the open enrollment denial letter(s).
- 4) If an open enrollment denial was appealed, a copy of the appeal decision from the department.

SNSP schools must give student applicants a copy of the school’s special education profile. The student application, list of SNSP schools and school special education profiles are available at: <http://dpi.wi.gov/sms/special-needs-scholarship>.

SNSP schools are required to accept SNSP students in the order that complete applications are received. If a school receives more applications than the number of available SNSP seats, the school will notify students of their place on a waiting list. Schools may choose to give preference to siblings of students who are already attending the school.

2. When can a student apply to participate in the SNSP for the 2016-17 school year?

Students may apply for the 2016-17 school year from July 1, 2016 to June 30, 2017.

3. Can a student attend any private school under the SNSP? How does an applicant know which schools are participating in the SNSP?

Only schools that registered to participate in the program for the 2016-17 school year may participate in the program. A list of schools that have registered to participate for the 2016-17 school year is available at: <http://dpi.wi.gov/sms/special-needs-scholarship>.

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

State law does not limit the number of students a SNSP school can accept. However, SNSP schools identify how many SNSP seats they have available. The number of SNSP seats available at each school is included in the list of participating schools & special education profiles available at: <http://dpi.wi.gov/sms/special-needs-scholarship>.

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

SNSP GENERAL STUDENT ELIGIBILITY

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

For the 2016-17 school year, there are two options by which a student can meet the eligibility requirements: (a) Student Eligibility Option 1 and (b) Student Eligibility Option 2 – 2016-17 Alternative Option.

Student Eligibility Option 1

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

- **Prior Year Enrollment:** The student was enrolled in a Wisconsin public school for the entire 2015-16 school year.
- **IEP or Services Plan:** The student has an IEP or services plan that was developed and has an implementation date at the time the student is applying to the SNSP.
- **Open Enrollment Denial:** The student applied to attend a public school under the open enrollment program for the 2016-17 school year, and all of the following occurred:
 - o All of the student's open enrollment applications were denied. See question 9 below for more information on which denial reasons meet the eligibility criteria.
 - If the open enrollment denial was appealed, the Department of Public Instruction (department) affirmed the decision.
- **Wisconsin Resident:** The student resides in Wisconsin.

Student Eligibility Option 1 applies in 2016-17 and all future years.

Student Eligibility Option 2 – 2016-17 Alternative Option

For the 2016-17 school year only, a student may be eligible to participate in the SNSP if the student meets all of the following eligibility requirements:

- Prior Year Enrollment: There is no requirement that the student have been enrolled in a public school district in the previous year.
- IEP or Services Plan: The student had an IEP or services plan that was developed or had an implementation date between July 1, 2011 and June 30, 2016.
- Open Enrollment Denial: The student applied to attend a public school under the open enrollment program for the 2011-12, 2012-13, 2013-14, 2014-15, or 2015-16 school years and all of the following occurred for **that year**:
 - o All of the student's open enrollment applications were denied. See question 9 below for more information on which denial reasons meet the eligibility criteria.
 - o If an open enrollment denial was appealed, the department affirmed the decision.
- Wisconsin Resident: The student resides in Wisconsin.

For purposes of applying to participate in the SNSP, parents must complete the student application at: <http://dpi.wi.gov/sms/special-needs-scholarship/student-applications>.

6. What does enrollment for the entire school year mean?

For purposes of the SNSP, enrollment for the entire school year means that a student was enrolled at a Wisconsin public school for the entire school year and counted by the school district for state aid purposes on both the 3rd Friday in September and the 2nd Friday in January. Students would be counted in a school district's aid count if they had attended a public school, a district authorized charter school, an independent charter school, a school district under the interdistrict Chapter 220 program, or a school district under the open enrollment program.

By statute, a home-based private educational program is not a public school and enrollment in a home-based private school does not meet the prior year attendance requirement. In addition, enrollment at a private school, including a private school participating in the Milwaukee, Racine or Wisconsin Parental Choice Program, does not meet this requirement.

OPEN ENROLLMENT

7. What is open enrollment?

Open enrollment allows a parent to apply to have their student attend a public school district other than the one in which they reside (known as the non-resident school district). There are two ways a parent can apply for open enrollment. A parent could submit an application during the

regular application period. An application submitted during the regular application period is for the following school year.

A parent could also submit an alternative application. This allows parents to apply for open enrollment outside of the regular application period. An alternative application must be submitted during the school year in which the student wants to begin attending school in the nonresident school district.

For more information about when a student must have been denied open enrollment for SNSP eligibility purposes, please see question 5 above. For more information about open enrollment, or access to open enrollment regular and alternative applications, please see the Public School Open Enrollment website at: <http://dpi.wi.gov/open-enrollment>.

8. How many public school districts do I need to apply to and be denied from to meet the SNSP open enrollment denial eligibility criteria?

The SNSP requires that all applications for open enrollment be denied. It does not require that the student apply to a certain number of school districts. However, all school districts that the student applicant applies to must deny the open enrollment application.

9. What open enrollment denials meet the student eligibility requirements?

In order to qualify for the SNSP, the student must have been denied for one of the following reasons:

Non-resident School District Denials:

- A non-resident school district denied the open enrollment application for any reason.
- A non-resident school district terminated open enrollment because the school district did not have or space was not available in the special education or related services required under a newly developed or revised IEP.

Resident School District Denials:

- The application was submitted under the alternative open enrollment option and the alternative application was denied because the criteria relied upon to submit the application did not apply to the student.
- The resident school district denied open enrollment for a school year from July 1, 2011 to June 30, 2016 because of undue financial burden.

The denial letter from the district will specify the reason that the open enrollment application was denied.

10. Do I need to appeal my open enrollment denial to be eligible for the SNSP?

For SNSP eligibility, open enrollment denials do not need to be appealed. If an open enrollment denial was appealed, then the denial must have been upheld by department.

11. What does it mean to have my decision affirmed by the department?

This means that the open enrollment denial was appealed to the department and the department upheld the school district's open enrollment denial.

12. What documentation does an applicant need to submit in order to demonstrate that the student was denied open enrollment? What should the applicant do if they do not have the required documentation?

In order for a SNSP student applicant to be able to demonstrate that he/she meets the open enrollment denial requirement, the applicant must submit copies of his/her open enrollment denial letters to the SNSP school and, if the denial was appealed to the department, a copy of the decision from the department upholding the denial for the applicable year. If the applicant is not able to locate a copy of the open enrollment denial letter or decision from the department, the applicant should request assistance from the school that they are applying to. The school will be able to request confirmation from the department of an open enrollment denial and/or decision from the department.

IEP OR SERVICE PLAN

13. What is an Individualized Education Program (IEP)?

An IEP is a written statement that outlines an educational plan for a student with a disability who is enrolled in a public school. IEPs are developed, reviewed, and revised by a student's IEP team.

14. What is a services plan?

A services plan is a written statement that describes the special education and related services a public school will provide to a student with a disability placed in a private school by his/her parent.

15. Is the private school required to implement the student's IEP or services plan?

SNSP schools are required to implement the IEP or services plan of SNSP students as modified by agreement between the private school and the student's parent/guardian.

16. Are schools required to report the student's progress to parents or guardians?

SNSP schools are required to provide SNSP parents with quarterly reports about the implementation and progress of their student's IEP or services plan.

17. Can a public school district determine that it will not provide services to a SNSP student because the student is receiving a SNSP scholarship?

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 cannot refuse to provide services via a services plan to a student who is receiving a SNSP scholarship solely because the student is participating in the SNSP.

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. 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>.

CONTINUING STUDENT REQUIREMENTS

18. Are students required to reapply to participate in the SNSP every year?

No. A student who has been accepted into the SNSP will continue to receive a scholarship until one of the following occurs: (1) the student graduates from high school; (2) the student turns 21; (3) the student no longer resides in Wisconsin; (4) the student enrolls in another school or a home-based educational program; (5) the student is not made available for a reevaluation every 3 years; or (6) a partial scholarship student leaves the participating private school that he/she is attending.

While students are not required to reapply annually, SNSP students are required to annually provide residency documentation to their SNSP school to show which Wisconsin public school district they currently reside in.

19. Does a SNSP student still need to be reevaluated by a public school district once they have been determined to be eligible to participate in the program?

In order for a student to be able to continue his/her participation in the SNSP, the student must be made available for a reevaluation by the resident school district within sixty (60) days of a reevaluation request being made. Resident school districts may only make a reevaluation request once every three (3) years for each SNSP student.

20. What happens when a student participating in the SNSP is determined to no longer have a disability?

If, during an IEP team reevaluation, a SNSP student is determined to no longer have a disability, then the student will receive a partial scholarship in the following school year. A partial scholarship student is able to continue to participate in the SNSP at the same school, but the SNSP scholarship will be at a lower rate.

SUSPENSIONS AND EXPULSIONS

21. Are there statutory procedures regarding student suspensions and expulsions that a private school participating in the SNSP is required to follow?

No. State law does not require that SNSP schools have suspension or expulsion policies. Parents should ask the SNSP school if they have a suspension or expulsion policy, and obtain a copy of the policy if the school has one.

22. What appeal rights does a SNSP student have regarding a suspension or expulsion?

There are no suspension or expulsion appeal rights under SNSP law. The SNSP student would need to contact the SNSP school to determine what, if any, suspension or expulsion appeal rights a student has at the school.

SNSP students in private schools do not have the same federal and state protections and appeal rights regarding school disciplinary practices that students in public schools have. For more comparing the rights of students with disabilities and their families under state and federal special education laws to their rights under the SNSP, please see the comparison document available at: <http://dpi.wi.gov/sites/default/files/imce/sms/SNSP/SNSP-Student-Rights-Comparison.pdf>.

TRANSPORTATION

23. Is transportation available for students in the SNSP?

A SNSP school is not required to provide transportation to SNSP students. If a SNSP school notifies the school district of the school's attendance area and the names and addresses of its students for the following school year, in some cases the school district will provide transportation or reimburse parents' transportation costs in part. If the school district is not required to provide transportation for the SNSP pupil, and the SNSP school chooses to provide transportation, the SNSP school may charge the parent or guardian a fee for the service. Parents should check with the SNSP school where their child hopes to attend and with the school district to determine what transportation options are available at the school, if any.

TUITION AND FEES

24. Can a private school charge an SNSP student tuition and fees?

Yes. A SNSP school may charge a SNSP student tuition and fees.