

JOHN M. MCKAY AND OPPORTUNITY SCHOLARSHIP PROGRAMS
2004-05 DISTRICT TECHNICAL ASSISTANCE MEETING

QUESTIONS AND ANSWERS FROM CONFERENCE
May 18-19, 2005

ESE Questions

Dismissals

- 1. Weren't we told last year that if a parent files intent, we assign a matrix, and the IEP team dismisses before the end of the year, that the student will be funded at the original matrix score assigned?**

If a student is dismissed before entering the private school, the district should submit a matrix correction form indicating that the student has no IEP.

- 2. If the district completes a reevaluation on a McKay student and the results show that the child is no longer eligible for exceptional student education, can they enter dismissal dates?**

Yes. The district should enter dismissal dates in the automated student database but should continue to report FTE for the student under the existing matrix level.

- 3. If a student has an IEP for medical homebound (255 Matrix) in 04/05, is he eligible to receive private school McKay in 05/06 if dismissed from medical H/H at end of 04/05 year? (Whatever he/she is upon entering private school)**

The specific program eligibility is not pertinent; in accordance with question #1, for any student who has been dismissed from ESE prior to entering the private school, the district should submit a matrix correction form indicating that the student has no IEP.

Data Base

- 4. What withdrawal code should districts use for 12th grade McKay Scholarship students when they don't know if the student graduated?**

When students have completed grade 12 and are no longer enrolled in school the district should withdraw the student to private school (W04).

- 5. If part-time students should have service plans, not IEPs, how does that affect reporting for surveys re: funding factor, ESE Student Format, ESE Program Format?**

Students with disabilities who receive services through an Individual Education Plan (IEP), Individual Family Services Plan (IFSP), or a Services Plan (SP) are reported in Survey 9, December 1 on the Exceptional Student Format and on other surveys

on the Exceptional Student Program format. Parentally placed private school students who receive services through a SP funded by IDEA, Part B proportionate share are not reported for FTE for those same services.

Reevaluations

The three-year reevaluation requirement applies to parentally placed private school students in the same manner it applies to students with disabilities served in public agencies.

6. Who is responsible for completing the reevaluation and/or administering FCAT when the student no longer lives in my district?

The district claiming the student for FTE is responsible for reevaluation and making FCAT available. The district claiming the FTE is free to collaborate with the district in which the student resides to simplify this process.

7. Within what timeline should a reevaluation occur after a McKay scholarship student returns to a public school?

The district should insure that the reevaluation of students occurs within the required timelines.

8. How can you keep counting McKay scholarship students for their proportionate share of funding if the parent refuses reevaluation?

The reevaluation requirement is not limited to students participating in the McKay Scholarship Program; rather, it applies to all parentally placed private school students in the district's jurisdiction. It is important to note that parental consent is only required to conduct a reevaluation if a formal assessment is administered (see TAP FY 2000-2, found at <http://www.firn.edu/doe/commhome/pdf/y2000-2.pdf>).

9. If a parent declines a reevaluation meeting, do you still hold the meeting and complete the paperwork for reevaluation and state, "No reevaluation assessment needed?"

As with all students with disabilities, parents must be invited to participate in any meeting regarding the identification, evaluation, educational placement of their child, or the provision of FAPE to their child. Parents may decline to attend a meeting, but they cannot forbid the district from holding a meeting. Districts should follow existing procedures regarding parental participation and soliciting input from parents (see TAP FY 2000-2).

10. Districts must monitor reevaluation dates for McKay students in private school and initiate reevaluation process?

Yes. The reevaluation requirement is not limited to students participating in the McKay Scholarship Program; rather, it applies to all parentally placed private school students in the district's jurisdiction.

11. Last year my supervisor was told he did not have to have a reevaluation team meeting every 3 years.

Reevaluation requirements for parentally placed private school children are the same as those for students receiving services in the public schools. The reevaluation process may be conducted through a formal meeting or through other methods of communication (see TAP FY 2000-2). If a formal meeting is held, the parent must be invited. Districts should follow established procedures in conducting reevaluations.

12. If the parent refuses a reevaluation, how can we notate that in the computer system? Can we update the next reevaluation date?

If reevaluation is conducted through a meeting to which the parent was invited and does not require a formal evaluation then the reevaluation date can be updated.

Eligibility and Services

13. If we do an IEP for speech services for a home school student, are they eligible for the McKay? Do we do a services plan?

If the home school student has an active IEP and meets other eligibility requirements, they are eligible for the McKay scholarship. They would receive funding based on the hours spent in public school services. Home school students who have services plans and not IEPs are not eligible for the scholarship. There are no statutory requirements regarding what type of plan is required for home school students.

14. Is it illegal to provide “walk-in services” for McKay students in private schools?

Districts can provide any services they wish to students participating in the McKay Scholarship for Students with Disabilities Program. However, the district may not claim FTE for the student, as those funds already have been allocated to the private school.

15. Should we write service plans for McKay students?

Yes, if the student is receiving services through the proportionate share requirement of the IDEA. “Services provided to parentally placed private school students must be provided in accordance with a services plan” (34 CFR 300.455(b)).

16. Can districts provide speech impaired/language impaired services to a McKay kid out of the goodness of their hearts?

There is no statutory or regulatory language that would prohibit a district from providing services to a student participating in the McKay Scholarship Program. However, all of the state funding that the student generated through the FEFP is

included in the scholarship amount; the district won't receive FEFP funds for the student.

17. We have been told that McKay students may come back to the district to access the same services that the district provides to other private school students. McKay students get FTE, but we still must provide services under IDEA money, right? (Claiming FTE for students with services plan, but not supplanting, is okay?)

Yes.

(See Letter to Bowen at

<http://www.ed.gov/policy/speced/guid/idea/letters/2001-1/bowen3302001fape.pdf>).

Under the 1999 regulations for IDEA 1997, districts could use funds from any source in order to meet the requirements regarding the proportional share expenditures for parentally placed private school students with disabilities. In contrast, language in IDEA 2004 clearly states that federal funds must be utilized to meet this requirement. "State and local funds may supplement and in no case shall supplant the proportionate amount of Federal funds required to be expended under this subparagraph." (612(a)(10)(A)(IV)).

Matrix of Services

18. Our district has discontinued doing matrixes. How do we provide this information for McKay students?

Section 1002.39(3)(b), Florida Statutes, The John M. McKay Scholarships for Students with Disabilities Program, requires that "For a student with disabilities who does not have a matrix of services under s. 1011.62(1)(e), the school district complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-01 school year." Districts do not have the option of not completing a matrix for McKay students.

19. More than one private school is requiring parents to bring a completed matrix to them prior to accepting them as students. Then they coach the parents to demand that the district raise the matrix i.e., reevaluation for occupational therapy, speech/language etc. This is causing tension between the school and the parents and causing a lot of unnecessary evaluations. What can we do to stop this practice?

Matrix ratings must be based on information contained in a student's individual educational plan (IEP). The IEP is developed by the IEP team, which includes the parent. Private schools do not participate in the development of the IEP or the matrix.

20. Has hospital/homebound (H/H) been removed as an eligible exceptionality from McKay for 2005-2006? If so how do we report a student who is H/H but has another exceptionality (i.e., LD, EH, Speech)? If they are still in the H/H program receiving 2 hours of H/H at the time they file intent how would we enter this?

Students identified as hospital/homebound have not been excluded from eligibility for the McKay Scholarship Program. McKay students generate funding at the same level as if they were in the public school. If, at the time a student leaves the public school to enter a private school, he or she is receiving 2 hours of one-on-one hospital/homebound instruction (and no other instruction) the student will be funded at level 255 for 2 hours per week for the duration of the scholarship.

Child Count

21. When are the McKay students counted for the federal grant? I am told they are not to be included on my December 1 count of private school students.

Any student with a disability who receives services through an IEP, IFSP, or SP is reported in the December 1 count.

Districts must also determine the number of eligible private school students with disabilities residing in the Local Education Agency's (LEA) jurisdiction in order to calculate the proportionate share. This proportionate share calculation is not limited to students receiving services under a services plan and is not reported to DOE.

22. How can we use IDEA money for students who do not generate monies? We are then taking money from students who have been reported for January survey 9.

The number of students reported in the federal child count (survey 9, December 1) does not determine the amount of federal dollars a district receives. Since 2000, the allocation of IDEA, Part B funds is determined by a formula based on total school population within the district and the poverty index (free/reduced lunch). However, districts must spend a proportionate amount of their total IDEA funds on parentally placed private school students.

Miscellaneous

23. McKay needs to be explicitly addressed in the Special Programs & Procedures document. Please take this back to the Bureau.

Students participating in the McKay Scholarship Program are considered parentally placed private school students. As such, they are addressed through Part II, Section T, of the SP&P, *Procedures for Providing Services to Students with Disabilities enrolled in Private Schools* (pp. 75-83). Additional information specific to the McKay Scholarship Program is found in Part II, Section V, of the SP&P, *Procedures for Participation in McKay Scholarships for Students with Disabilities Program* (pp. 87-89).

Eligibility Requirements

1. What are the eligibility criteria for homeless children for the McKay programs?

The eligibility criteria would be the same as is written in current law. The student must have been reported for funding in the prior October and February FTE surveys

and have a current IEP. The student should have a legal guardian who would be responsible for restrictively endorsing the scholarship checks to the private school.

- 2. If a student enters a private school on McKay scholarship, then re-enters a public school in the district, when does the student again become eligible for McKay?**

When a student re-enters the public school, the scholarship is forfeited at that time. The student must re-qualify for a scholarship by meeting the statutory requirements: 1) have a current IEP and 2) be reported for funding in the October and February FTE surveys the year prior to accepting a scholarship.

- 3. How can a student on hospital/homebound for 120 minutes be eligible for McKay at a private school?**

As long as the student was reported for funding in the preceding October and February FEFP surveys in K-12 grade and has an IEP, the student would be eligible for a scholarship to a private school. However, the scholarship amount would be based on the FTE earned by the student in the public school.

(Example: The H/H student who had 120 minutes with the district would be reported for 0.0667 in each survey and would be eligible for 8% of the total calculated state maximum amount.)

- 4. If a student was in home school 03-04 why would he be eligible for 04-05 McKay at private?**

Only students who have an IEP and were reported by the district for funding in the preceding October and February FEFP surveys in K-12 grade are eligible to participate in the McKay Scholarship Program. If a home school student received any services from the district, the scholarship amount would be calculated according to the number of hours the district provided services.

Funding/Reporting

- 1. How do we know if a student at a private school meets FTE attendance requirements during FTE?**

A student at the private school is not required to meet the attendance and membership requirements outlined in the FTE General Instructions for school districts. The district should report the scholarship students at the matrix level and grade level indicated on the files received through Northwest Regional Data Center after each payment. Students on this list have been issued scholarship payments, and the district must report them during their survey weeks in order to generate the funds that are used to make the scholarship payments.

- 2. If 4 payments are made to the private school, but the student reenters a public school during survey weeks, how is the district reimbursed for the previous/later payment?**

In the 3rd FEFP Calculation, columns are inserted to show deductions for McKay and Opportunity Scholarship programs. Any adjustments, negative or positive are included in the 4th FEFP Calculation.

School District Obligations

1. **What are the specific conditions under which a school district is obligated to transport a student accessing another public school?**

The school district must provide transportation to a student who chooses another public school in the district that is consistent with the district's school board choice plan. Parents are responsible for transportation to all private schools and all public schools chosen in adjacent districts.

2. **Under any circumstances is the school district obligated to provide transportation to a student accessing a private school placement?**

No.

General/Other

1. **When can a parent look on the DOE website and find out the amount of the state generated funds for their child?**

Each year, the Legislature passes the General Appropriations Act for the upcoming fiscal year. The state generated funds for the scholarship programs must be calculated and verified within the DOE and cannot be released until the Governor has approved the budget. For the 2005-06 school year, we expect those amounts to be available on or before June 10, 2005.

2. **How long does intent stay on the website, if the student does not qualify for McKay?**

A record of that intent is kept indefinitely in the database as part of the student's historical information. Once the school year has changed on the website, that intent should not show on the district page. A new intent must be filed if the student is eligible.

Website

Website recommendations are being reviewed with the Information Technology staff and an action plan is being developed. Please watch for e-mail notifications announcing new functions.

Many of the other questions collected require input from various areas within the Department. These questions will be answered in a written format, and you will be notified as they become available.