



**Choice Scholarship Program
Special Education Frequently Asked Questions
2023-2024 School Year**

Information contained in this document reflects current law and may be subject to change after the current session of the Indiana General Assembly.

The rules for Special Education students are found in Article 7, 511 IAC 7. Rule 49 of Article 7 is specifically applicable to students with disabilities with a Choice scholarship.

Number	Question	Answer
1	What information should a Choice school provide to a parent prior to the parent making a selection of the special education service provider?	If the Choice school is able to provide special education services, the Choice school should advise the parent of the nature of those services. The Choice school should also let the parent know that if the Choice school is selected as the special education service provider, the Choice school will meet with the parent to determine the appropriate services and a written Choice Special Education Plan (CSEP) will be developed and implemented. If the Choice school is not able to provide any special education services, the Choice school should advise the parent accordingly. The parent's selection of the Choice school as the special education service provider is contingent upon the Choice school's willingness and ability to provide special education services.
2	When must the parent make the selection of a special education provider?	At the time the parent applies for a Choice Scholarship for an eligible student with a disability, the parent must also select a special education service provider - either the Choice school or the public school corporation where the Choice school is located. If the Choice school is a virtual school, the school corporation of legal settlement is where the parent resides.
3	How often and when can a parent of a Choice Scholarship student with a disability select a special education service provider?	A parent must select a special education service provider on the Choice application by Friday, September 1, for the first period application and Monday, January 15, for the second period application.
4	Can a parent revoke consent to the Choice school's provision of special education services / implementation of the CSEP?	Yes. the parent may revoke consent by providing the Choice school with a signed written notice that the parent is revoking consent with signed written notice.



Number	Question	Answer
5	What are the public school corporation's responsibilities in providing services to a Choice Scholarship student with a disability who has selected the Choice school as the special education service provider?	The public school is responsible for the determination of eligibility, as well as conducting the education evaluation and any reevaluations.
6	What are the public school's responsibilities in providing services to a Choice Scholarship student with a disability who has selected the public school as the special education service provider?	The public school must comply with 511 IAC 7-34 and 511 IAC 7-49-10 when providing services to Choice Scholarship students and non-Choice Scholarship students with disabilities. The student's case conference committee will develop a Service Plan (SP) describing the special education and related services the public school will provide to the student.
7	What rights do parents/students give up if the Choice school is selected as the special education service provider?	Parentally-placed students with disabilities, including Choice Scholarship students, give up the right to a free appropriate public education (FAPE) with special education and related services provided pursuant to an individualized education program (IEP). Students with CSEPs give up most of the procedural safeguards provided to students with IEPs, including the right to challenge the appropriateness of services through mediation or a due process hearing. Parents retain the right to request mediation or a due process hearing only if the dispute concerns child find, the appropriateness of an evaluation or reevaluation, or the determination of eligibility. A parent may also file a complaint alleging a procedural violation, but complaints alleging a violation by the Choice school must be filed with the Choice school first before filing with the Indiana Department of Education (IDOE).
8	When must the public school share information with the Choice school when the Choice Scholarship student with a disability selects the Choice school as the special education service provider?	If the Choice school makes a request to the public school for education records of a Choice Scholarship student receiving special education services from the Choice school, the public school must provide the education records within ten business days of the request.



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9	What is a CSEP?	<p>A CSEP is a written plan that describes the special education and related services that will be provided to the eligible student by the Choice school. It is written jointly by the Choice school and the parent, and must include the following:</p> <ul style="list-style-type: none"> ● Measurable goals; ● Information on how the student’s progress will be monitored and how parents will be informed of the student’s progress; ● Special education and related services that the Choice school will provide to the student, including accommodations needed for the student to participate in statewide assessments; and ● The length, frequency, and duration of the special education services the Choice school will be providing. <p>The CSEP must also include a statement to inform the parents of the following:</p> <ul style="list-style-type: none"> ● The parent must provide written consent in order for the Choice school to implement the CSEP; ● The parent may revoke consent at any time by providing a signed written statement revoking such consent ● Upon receipt of the written revocation, the Choice school will stop implementing the CSEP.
10	What are the Choice school’s responsibilities in providing services to a Choice Scholarship student with a disability who has selected the Choice school as the special education service provider?	<p>The Choice school must:</p> <ul style="list-style-type: none"> ● Within ten day after enrollment, convene a meeting with the student’s parent and appropriate Choice school staff to determine the student’s special education needs and develop a CSEP; ● Obtain the parent’s written consent to implement the CSEP; ● Provide the parent with a copy of the CSEP; ● Convene a meeting to review the student’s CSEP within a reasonable time after a parent’s request to review or modify the CSEP; and ● Review a returning student’s CSEP within ten instructional days of the start of the school year for returning students.
11	Who has child find responsibilities?	<p>A public school corporation continues to be responsible for locating and identifying all students who are in need of special education and related services and who have legal</p>



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		settlement within the school's attendance area or who attend a non-public school located within the boundaries of the public school's attendance area.
12	How does a CSEP differ from an IEP or an SP?	An IEP is more comprehensive than a CSEP. An IEP contains more details, and is designed to ensure that a student receives a free, appropriate public education. For more information on what an IEP includes, see 511 IAC 7-42-6. An SP is similar to an IEP, but is not required to include all of the same components of an IEP. For more information on an SP, see 511 IAC 7-34-5.
13	Who writes the CSEP?	A CSEP is written by Choice school staff, the parent/guardian, and the student, if appropriate.
14	Who approves the CSEP?	The Choice school and the parent work together to develop the CSEP. The parent must provide written consent before the Choice school may implement the services described in the CSEP.
15	How often must a CSEP be reviewed?	The CSEP must be reviewed upon the parent's request and at the beginning of the school year if the Choice Scholarship student is returning to the Choice school and has chosen the Choice school as the special education provider for the new school year.
16	Can the CSEP be modified mid-year?	Yes. The Choice school staff and the parent may modify the CSEP at any time.
17	What happens if the parent revokes consent to the CSEP?	<p>If the parent revokes consent for the Choice school to implement the CSEP, the revocation is treated as a revocation of the selection of the Choice school as the special education service provider. As a result, the public school then becomes responsible for the provision of special education services and will need to develop an SP.</p> <p>When the Choice school receives the parent's written revocation, it must immediately notify, in writing, the public school corporation where the Choice school is located that the student is no longer receiving services from the Choice school and provide the public school corporation with a copy of the student's CSEP. Within ten instructional days of receiving the written notice for the Choice school, the public school corporation must convene a case conference committee meeting and develop an SP.</p>



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		Although it is not required by law, if a parent revokes consent for the provisions of special education services by the Choice school, it would be beneficial and advisable for the parent to notify the public school corporation as well that the parent has revoked consent at the Choice school.
18	Can a parent decline to consent to the public school corporation's implementation of an SP?	Yes. The parent is not required to accept special education from the public school corporation. The parent may decide that the student will receive no special education services.
19	Who reports the Choice Scholarship students with disabilities?	The student will be reported by the school that is providing special education services to the student on the annual special education census date. The school that reports the student will receive the special education funding for that student.
20	What information is the Choice school required to provide for the special education student census date?	At the time the parent/guardian applies for a Choice Scholarship for an eligible student with a disability, the parent must also select a special education service provider - either the Choice school or the public school corporation. If the parent/guardian selects the Choice school as the special education service provider, and the student is enrolled at and receiving special education services at the Choice school on the special education census day, then the Choice school must submit the corresponding reports during special education collections.
21	How and when will Choice Scholarship payments for students with disabilities be made to a Choice school?	The Office of School Finance will make a February distribution of special education funds for eligible Choice Scholarship students with first period applications. Prior to the payment, the parent or guardian of an eligible special education student will be required to complete a Special Education Endorsement Form.
22	How does the special education payment process work?	In order for a Choice school to be eligible to receive a special education payment for a Choice student: <ul style="list-style-type: none"> ● The student's parent/guardian must have selected the Choice school as the special education service provider and the Choice school must indicate the selection on the student's Choice application; and ● In instances where the Choice school has been selected as the service provider, the student must be enrolled with an enrollment record on the special education census day; and



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		<ul style="list-style-type: none"> • The student must be included in the Choice school’s special education data submissions; and • The Choice school must have collected and uploaded a Special Education Endorsement Form signed by the parent/guardian by the posted deadline.
23	<p>If a Choice Scholarship student with a disability received a Choice award in the first application period, the Choice school has been providing special education services, and the student leaves mid-year, what happens to the Choice Scholarship payment already received by the Choice school?</p>	<p>Per IC 20-51-4-6, the Choice payment will be prorated by IDOE to reflect a lesser amount; if the Choice school has already received a Choice Scholarship payment or the state special education payment for this student, IDOE will request a prorated refund from the Choice school. Both the original scholarship award and the special education funding are subject to proration when a student withdraws from the Choice school.</p>
24	<p>If a Choice Scholarship student with a disability has been receiving special education services from the Choice school and returns to the public school, what information must the Choice school share with the public school?</p>	<p>Generally, the Choice school must provide the Choice Scholarship student’s educational records within ten business days of receiving a request from a public school for such records. However, if the parent is in a breach of a contract with the Choice school that conditions release of student records upon the payment of outstanding tuition and other fees, the Choice school is required to provide only sufficient verbal information to permit the public school to make an appropriate placement decision regarding the student.</p>
25	<p>What does the public school do if a Choice Scholarship student with a disability leaves the Choice school and enrolls in the public school?</p>	<p>The public school should immediately request the student’s educational records from the Choice school, convene a case conference committee meeting, and develop an IEP for the student. The public school should treat the student in the same manner it would treat any student transferring into the school from a non-public school.</p>
26	<p>What is the public school’s obligation to Choice Scholarship students in determining how the public school will spend its proportionate share of federal special education</p>	<p>The public school is required to consider all parentally-placed non-public school students with disabilities, including those who have selected the Choice school as the special education service provider, when determining how it will spend its proportionate share of federal special education funds. The public school may choose to spend all, part, or none of its proportionate share</p>



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	funds?	of federal funds on Choice Scholarship students who receive special education services from the Choice school.
27	Can you explain what the non-discrimination clause in the Choice school application means?	The non-discrimination clause in the Choice school application assurances does not add any additional requirements of Choice schools that were not already in existence in current state civil rights law. Schools participating in the Choice Scholarship program may make admission decisions based on the school's ability to provide reasonable accommodations for special education services for a particular student requesting admission and should take into consideration the best interests of the student when making those decisions. Schools may not have blanket policies that result in discriminatory admissions practices of students with disabilities. With respect to Choice students with special education service needs, Choice schools should continue to look to 511 IAC 7-49 for guidance on making decisions related to admission or decisions regarding the provision of services to the student.