

Frequently Asked Questions: Release 3 Georgia Special Needs Scholarship Program

General Overview

1) What is the Georgia Special Needs Scholarship Program?

The Georgia Special Needs Scholarship Program is a scholarship program for special education students created by Senate Bill 10 (SB-10) during the 2007 Georgia State Legislature.

2) When will the Georgia Special Needs Scholarship program go into effect?

The program went into effect on May 18, 2007 when Governor Perdue signed the bill into law.

3) Will it be effective for the 2007-2008 school year?

Yes.

4) How does an interested parent find out more or apply for a scholarship?

Parents can find out more about the program or apply for the private school scholarship, by visiting the GaDOE Georgia Special Needs Scholarship website at <http://public.doe.k12.ga.us/sb10.aspx>. This site will serve as the one stop shop for parents and schools interested in the Georgia Special Needs Scholarship program.

5) When will a "list" of participating private schools be made public?

By law, private schools have until June 30 to apply the Georgia Department of Education (GaDOE) to participate. This means that the State Board of Education cannot approve the list of participating school until their July meeting.

The GaDOE will publish the list of eligible participating private schools on the Georgia Special Needs Scholarship website after the State Board of Education approves it.

6) What options are available to a student with disabilities under the Georgia Special Needs Scholarship Program?

An eligible student with disabilities has several choice options available, including:

- Attendance at another public school within the district that has space and provides the services identified in the student's individual education plan;
- Attendance at an eligible public school in an adjacent district that has space and provides the services identified in the student's individual education plan;
- Attendance at a participating private school in Georgia; or
- Attendance at one of Georgia's three state school for the deaf and blind.

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7) Which students are eligible for a Georgia Special Needs Scholarship Program?

Any parent of a public school student who has a disability and an active Individual Education Plan (IEP) may receive a Scholarship if:

- The student has been a Georgia resident for at least the preceding 12 calendar months;
- The student has spent the prior school year in attendance at a Georgia public school. Prior school year means that the student was enrolled and reported by a school district for funding during the preceding October and March Full-Time Equivalency (FTE) surveys; and
- The parent has obtained admission for the student(s) to a participating private school on the state approved list.

8) Are any students not eligible?

Yes.

- ✓ Students enrolled in Department of Juvenile Justice commitment programs are not eligible for a scholarship under this program.
- ✓ Home school students are not eligible for a scholarship under this program.
- ✓ Students in Residential facilities are not eligible.

9) When does a student first become eligible for the scholarship program?

- After completing a year of Georgia public education in any grade: K-12. So for example, a kindergarten student would be eligible for scholarship beginning with first grade.
- Any public school student who would repeat kindergarten after attending a Georgia public kindergarten program would also be eligible.

10) How long does a Georgia Special Needs Scholarship Program last?

Students may use the scholarship until they return to a public school, graduate from high school, or until the year in which he or she turns 21 years old.

11) How does a parent file an “intent to apply” in the Georgia Special Students Scholarship Program?

Parents must file an “intent to participate” form for the Scholarship Program by logging onto the GaDOE Special Needs Scholarship website at <http://public.doe.k12.ga.us/sb10.aspx>.

12) What is the deadline for submitting a "Parent Intent to Participate" form for the 2007-08 school year?

There is no deadline for submission of the intent form because it is not the actual parent scholarship application. The actual parent application form will be posted

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on the Georgia Special Needs Scholarship website at the same time the list of participating schools is published in mid-July.

13) Will additional procedures and guidance be added by the Georgia Department of Education or is everything already clearly defined?

The GaDOE will publish guidance and other related information on the Georgia Special Needs Scholarship website as needed. We advise you to check back on the website for additional information.

14) Does a parent need to go through "due process" in order to receive a scholarship?

No. Due process is not part of the eligibility process. Parents apply directly for the program through the GaDOE website. As long as their child meets the established eligibility criteria set in law, they are eligible. Find out more at <http://public.doe.k12.ga.us/sb10.aspx>.

15) Does a parent have to prove that the public school did not provide adequate services for their child?

No such proof is required to apply or participate in the Georgia Special Needs Scholarship program.

16) Who provides transportation for Georgia Special Needs Scholarship Students?

- If the parent chooses to transfer their child to another public school, private school, or state school the parent is responsible for transportation.

17) Can private schools apply to participate in the program even if they do not have current students that qualify?

- Nothing prevents private schools from applying to the program before they have interested students.

18) Are all private schools required to participate in the Georgia Special Students Scholarship Program?

No. Private schools are not required to participate in the Georgia Special Needs Scholarship Program. However, participation is open to all private schools that wish to apply, as long as the school meets the eligibility criteria set forth by law.

19) Will our acceptance of scholarship students in any way hinder our ability to continue religious education at our school?

No.

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20) What sort of testing are we required to give scholarship students should we choose to accept them?

The law requires that private schools assess students using both a pre-test and post-test. The specific assessment type is a private school decision.

21) If a student attends a private school in 2007-2008 that does not want to participate in the Georgia Special Needs Scholarship program, will the student have to re-enter public school to be eligible for the scholarship in another school in later years?

Yes. The law requires that a student attend a public school the year prior to applying for a scholarship.

22) Who is notifying the private schools that they can apply?

The GaDOE sent out notifications to school systems, media outlets, and private school organizations across the state the day the law was signed.

23) When are school systems required to tell special education parents about the scholarship program?

The law requires annual notification by systems. After the Governor signed the law on May 18, school systems were asked to notify parents about the program as soon as possible by letter, e-mail or other means of notification.

24) As a parent, what do I need from the public school before they close this year in order to complete the application?

Parents do not need anything from the public school to complete the scholarship application.

25) When will the parent application be available?

The parent application form will be posted to the website at the same time the list of eligible participating private schools is posted.

26) If I fill out the intent, will my public school system be notified?

No. The school system will not be notified. The intent form only expresses your interest and provides us with contact information so we can update you accordingly.

27) Will private schools have to guarantee related services?

No.

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28) I took my child out three weeks before the March FTE count. Can I get a partial scholarship?

No. The law explicitly requires reporting of the student in both the October and March counts of a given school year. There is no provision for a partial scholarship.

29) What is the private school application process?

Private schools will electronically submit their private school application through the Special Needs web site. Applications will be reviewed and presented to the State Board of Education for approval at the July Board meeting.

30) If my child was enrolled in private school in the 2006-2007 school year, do we need to enroll him or her in a public school for a year in order to be eligible?

Yes. The student would need to enroll and attend a public school for one year. .

31) When would a special education student become eligible for the scholarship program?

Since the law requires a student be enrolled in a public school the previous year, the first year a child could receive a scholarship would be 1st grade, as long as the student attended a public kindergarten and had an active IEP in place.

32) Are 504 students eligible for the scholarship?

No.

33) Can a parent select a religious based private school?

A scholarship can be used at any eligible participating private school, including religious schools that are approved.

34) Will private schools have to account for federal and local funds?

No. The Georgia Special Needs Scholarship only provides state funding.

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Choice

35) Does the law provide parents the choice of which public school their child can attend within their system regardless of attendance zone as long as the school has the capacity and offers a program aligned with their student's IEP?

Yes. Students, who meet the Georgia Special Needs Scholarship eligibility criteria in law, now have greater public choice options available to them. However, each local school system will make the decision regarding a parental request to transfer based on class size and school capacity.

In making this decision, school systems needs to consider the seats they might need over the course of a school year for those students who might be indentified for special education services over the course of the school year.

36) What about parents seeking a public school transfer to another school or system?

They must apply directly through the public school system for either the interdistrict or intra-district transfer. For further information, please refer to the GaDOE Guidance for public school choice under the Georgia Special Needs Scholarship Program.

37) Can a parent make an appointment to visit a potential public school of choice to observe the special education services and classes that are available?

You will need to call the school system office to inquire about such arrangements. State law does not provide for or prohibit such visits, so this will be a local school system decision.

38) Can a parent move a child from a public school to private school mid-year?
No.

39) Can a parent move a child from a participating private school to a public school mid-year?

Yes. However, please be aware that leaving a private school mid-year may not void your contract and related costs with the private school. You will need to discuss this with your private school.

40) What are the criteria for the neighboring systems to determine capacity or ability to serve students?

There are two criteria in law: school capacity and IEP program alignment. Each local school and system will make their decision based on these two criteria.

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41) How is capacity at a public school defined?

Capacity is defined two ways:

- 1) the capacity of the school building based on established health and safety provisions; and
- 2) the class-size capacity by grade and subject, based on state law and rule.

42) Can a state school student transfer to a public school and receive a scholarship?

They can transfer to another public school, but as with any transfer to another public school, a scholarship is not necessary. The receiving school and system will receive state funds through FTE and QBE in the same manner they would for another student transferring in to their school system.

43) Can a state school student transfer to a participating private school?

Yes.

44) Can a public school student transfer to a state school?

Yes if there is capacity and if the state school agrees that their programs meet the individual student's needs.

45) Are kindergarten students eligible for the scholarship program?

No. Kindergarten students are not eligible for the scholarship because they were not enrolled and reported by a public school system for funding purposes during the October and March FTE reporting counts.

46) What options are available to private school students who move back to the public schools?

A private school student returning to the public school system needs to be enrolled in a Georgia public school for one school year before they would be eligible for the public or private school choice options under SB-10.

47) Should scholarship students who have been accepted into an approved participating private school attend a public school while they wait for the private school's first day of school?

No. Students who have been accepted into an approved participating private school should wait for the private school's first day of school.

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48) What are the procedures for selecting a public school in another district?

Does the IEP apply? How do I choose another school?

When a parent selects another public school either within the system or in another system, they must contact the school system's central office if they wish to request a transfer.

The receiving school system must determine whether or not their school has adequate capacity program and if the programs provided align with the student's IEP. Schools must have enough capacity to ensure the safety of all their students.

An IEP that is developed by a public school will transfer to the new school. The new school can choose to implement the IEP as written or work with the IEP team that includes the parents to develop a new IEP.

49) Does the new public school I choose to attend have to implement my IEP as it is written?

The local system will provide FAPE as soon as the student transfers to the new school. They will then either implement the IEP as written, or develop a new IEP in conjunction with the IEP that includes the parents.

50) If a parent chooses to change counties, does the student still have IEP rights?

Yes. All rights and entitlements follow them to the new school, except transportation is not provided.

Scholarships

51) What is the award amount for a Georgia Special Needs Scholarship?

- The amount of the scholarship is equal to the amount of state funds the public school system received for the special education student during the prior school year; or
- The amount of the private school's tuition and fees, whichever is less.

52) Will annual state funding changes apply to the scholarship kids?

No.

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53) How is the scholarship amount calculated?

- The GaDOE must first match student information provided by parents when they complete the “intent” form to public school records from the previous year. Once the records are matched, the GaDOE must calculate how much the public school system received in state funds for that specific student.

54) Will the scholarship funds cover fees in addition to the tuition?

The law provides for tuition and fees.

55) What will be the process for getting reimbursed for the deposit I have paid for my place in a private school?

Please confer with your private school. This is a local school/parent agreement.

56) Is the “reservation” included in the maximum scholarship amount?

The \$1000 reservation allotment is included in the total scholarship amount.

57) How does a parent find out the amount of scholarship?

- Each parent who submitted an intent form will receive an e-mail explaining how to access their child’s approximate scholarship amount on the Georgia Special Needs Scholarship website.

58) Where does the money go if I do not use the whole amount available for the scholarship?

By law, the amount of the scholarship is the lesser of two amounts:

The total of Tuition and fees at the private school;

The total amount of state funds the public school received for the child.

59) How is a Georgia Special Needs Scholarship Program payment made?

- After the DOE receives verification from a private school that a scholarship student is enrolled and attending, a scholarship check will be made payable to the student’s parent/guardian and mailed to the appropriate private school.
- Upon receiving the proper documentation, the GaDOE Finance Office must make the scholarship payments in four quarterly installments.
- Upon receiving notification from the private school that the payment has been received, the parent/guardian has 20 school days to endorse the check to the private school.

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- Failure to endorse the payment by the parent/guardian within the 20 day window will result in the forfeiture of the scholarship.
- In the event the parent/guardian fails to endorse the check, the private school is required to return the check to the GaDOE within 20 school days.
- If a student withdraws from a private school, the private school must return the check to the GaDOE, within 20 school days. (Penalty)

60) May parents claim the scholarship amount awarded to their child on their Federal Income Tax?

No. Funds provided for Georgia's Special Needs Scholarship Program come from state tax dollars and cannot be claimed on an individual's Federal Income Taxes.

61) Can a scholarship be forfeited?

Yes. There are several ways that a Georgia Special Students Scholarship Program may be forfeited.

The scholarship is forfeited when a parent:

- Fails to endorse the scholarship payment to the private school within the 20 school days provided;
- Refuses to endorse the scholarship payment to the private school for deposit into the account of the participating school;
- Does not comply fully with the private school's parental involvement requirements (unless excused by the school for illness or other good cause);
- Enrolls the student in a non-participating private school; or
- Enrolls or re-enrolls the student in a public school.

The scholarship may be forfeited when a student:

- Does not remain in attendance throughout the school year (unless excused by the school for illness or other good cause);
- Does not comply fully with the school's code of conduct; or
- Enrolls in a school operating for the purpose of providing educational services to youth in any Department of Juvenile Justice (DJJ) programs;

62) Will it fluctuate based on funding by the state?

Yes. State funding varies by a series of grade groupings, so over the course of K-12 the scholarship amount will change.

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63) Will the scholarship be based on the IEP from the previous year or the one written for next year?

The scholarship is based on the amount of state funds the public school received for your student during the last year they were enrolled in the public school – not future years.

64) Why does the law state that the “acceptance of a Georgia Special Needs Scholarship shall have the same effect as a parental refusal to consent to services pursuant to the Individuals with Disabilities Education Act.”

- IDEA is a federal law that requires public schools to provide all children with disabilities a free and appropriate public education (FAPE). In most circumstances, when a parent chooses to remove a child from public school (even if the parent is not receiving the Georgia Special Needs Scholarship), IDEA no longer applies.
- If you choose to remove your child from the public school—even if the state is providing some funds for the private school—the parents have waived all their federal rights under IDEA.
- However, at any time, should you return to the public school and stop receiving the scholarship, your child would again be entitled to all rights and services pursuant to IDEA.

65) When will I know the amount of my child’s scholarship?

The GaDOE will send e-mails to parents who filed intent forms in June to notify them about the approximate amount.

Other

66) What counts as direct services? Are paraprofessional support and resource services considered direct services? What about a self-contained classroom?

If the student had an IEP while enrolled in public school, then he or she was receiving direct services and can be considered eligible for the scholarship if he meets the other requirements.

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67) When a parent accepts the SB 10 scholarship, they will no longer have an active IEPs. How will this affect the Katie Beckett Waiver which requires IEPs?

It is the GaDOE's understanding that the Katie Beckett waiver requires a plan that is not dependent on the presence of an IEP. Therefore, a parent will have to work with the Medicaid office to develop a plan of care when the student's IEP is no longer in effect.

68) If my child has always attended a private school, what is the process for applying to a public school and for being evaluated for special needs services and an IEP?

A child who was not enrolled in public school this previous school year is not eligible for the scholarship this year. To inquire about enrollment, please contact your neighborhood school and the special education director for your school system. The referral and evaluation process is a comprehensive process that will take time to be thorough and to identify the educational needs of the student.

69) What happens when a child with a current IEP who is not attending school because the child is in due process and is homebound for medical reasons has been rejected by the school system? Does that child qualify in FTE counts? If not, will she qualify on some type of waiver?

Situations such as this will have to be reviewed on a case by case basis. It will depend on several factors:

- whether or not the student was enrolled (even homebound students are enrolled);
- had an active IEP;
- counted on the October and March FTE counts; and
- met the other eligibility criteria.

70) My child is in private school, and receives minimal service from the public school. Each year they make me sign away my IEP and then we write a services plan. Will my child be eligible?

No. The child must be enrolled in a public school the previous year and have an IEP, not a services plan. A service plan indicates the student was already in a private or home school situation and was not enrolled in the public school with the FAPE protection of IDEA.

71) The private school my child will attend is accredited, but has a waiver from the accreditation council to provide only 172 days of school due to construction for this upcoming year. Will the school be eligible to participate in the scholarship program?

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Yes, as long as they meet the criteria set in the law.

72) My child did not have an IEP for the entire previous year but was enrolled in the school system for both FTE counts. Even if the IEP did not happen until March, will my child be eligible?

Yes

73) My IEP includes OT, PT. If related services are listed on the application with the appropriate fees the private school will charge, can it be included as part of the scholarship amount?

The scholarship amount is based on the amount of state funds the public school received for your student the prior year. If the private school is planning on providing those services as part of its program and is including those in the tuition and fees, they may be covered up to the maximum scholarship amount for your child.

74) How do related services such as OT or PT fit into the scholarship funding?

When a parent chooses to enroll in private school using the scholarship funds, they give up all rights to services and IEPs while in the private school. The private school is not obligated to provide those related services like Occupational therapy or Physical therapy nor an IEP at all. That is part of the decision a parent has to make. What do they feel is most appropriate for their child based on what is available in the private school(s) or the IEP as written by the public school system.

75) My child is 21/2 years old and will be able to start special education at age 3. When will she or he be eligible for the scholarship?

1st grade after attending kindergarten in a public school and having an IEP developed while in kindergarten.

76) Can you still access federal funds for related services, if you use the state funds for the scholarship program?

No, parents who accept the Georgia Special Needs Scholarship have waived their federal rights under IDEA.

77) Can a student receive related services at the public school?

Schools have no obligation to provide any services to a student who leaves the public school to access the scholarship program.

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78) Is my child eligible if the school delayed my child getting an IEP even though I asked for an IEP meeting months ago and only just recently got a meeting to discuss the IEP, but it has not been written yet.

The only students eligible are those who had an IEP that was in place at some time during the previous school year. There are no exceptions written into the law.

79) Will assistive technologies impact the scholarship amount?

Assistive Technology is not part of the FTE funding formula and will not impact the scholarship amount. In addition, there is no obligation on the part of the private school to provide assistive technology supports or services to the student.