



## **Draft Changes to Special Education Rules 2360-2369**

**Words in red are proposed deletions.**

**Words in green are proposed additions.**

### **2360 SPECIAL EDUCATION**

#### **2363.3 IEP Team (34 CFR §300.321).**

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##### (e) Rights to appeal.

(i) If an IEP Team for a student attending an approved independent school cannot reach a consensus satisfactory to the host independent school, the school shall have the option of appealing to the Secretary of Education.

(ii) If the host independent school is dissatisfied with the result of an appeal to the Secretary, it may then appeal to the State Board of Education. Such appeals shall be conducted in accordance with the requirements of Rule 1230, et seq if the school so requests.

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#### **2363.10 IEP Requirements for Placements by LEAs in Independent Schools or Tutorial Programs [34 CFR §300.325]**

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(b) The LEA's placement shall be at no cost to the parents and the independent school or tutorial program shall provide an education that meets the standards that apply to education provided by the local LEA.

(1) Placements by LEAs in independent schools shall be in schools ~~that have been approved~~ **according to Rule 2228.**

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#### **2364.5 Technical Assistance, Training & Monitoring Activities for LRE.**

(a) The Vermont Agency of Education shall:

(1) Provide training and technical assistance to teachers and administrators in public and independent schools ~~approved for the provision of~~ **providing** special education services to assist them in implementing the LRE requirements in Rule 2364.



**2366.1 Special Education Service Plan.**

(a) On or before **October 15th of each year**, each superintendent shall file a Special Education Service Plan with the Secretary of Education, ~~as~~ required by 16 V.S.A. §2964.

(b) The special education service plan shall be submitted in a form and manner prescribed by the Secretary, and at minimum, shall contain the following:

- (1) Anticipated services to be provided to students with disabilities which will be made available by the LEA;
- (2) Anticipated extraordinary special education expenditures in the next fiscal year; and
- (3) Anticipated total special education expenditures in the next fiscal year for each LEA and member districts.

The dates for filing of service plans, rate approval applications and all AOE responses must be reviewed.

Additionally, the rules should include safeguards to the schools if the AOE fails to meet deadlines.

**2366.2.1 Instructional Services**

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(g) Tuition and all reasonable and necessary costs of placement, as defined in Rule 2366.2.5, excluding any general education tuition in an independent school ~~approved for the purpose of providing~~ **enrolling** special education **students** in accordance with 16 V.S.A. §2958(e) and Rule 2228, et seq.;

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**2366.2.5 Costs of Placement in Approved Independent Schools**

(a) Subject to (b), reasonable and necessary costs, required by a student’s IEP, excluding general education tuition, of a placement in an independent school are allowable if either:

- (1) ~~The independent school is approved by the State Board of Education for general education purposes of providing special education pursuant to Rule 2228 for the category of disability under which the student was determined to be eligible for special education and has been reviewed and received reimbursement approval through the residential review process;~~
- (2) The student’s placement has been recommended for reimbursement either through the residential review process or as an exception by the Secretary pursuant to Rule 2228.2.(2) of a high cost day or residential placement; or
- (3) The student’s placement is required by a due process hearing order issued following a hearing on the merits or a court order.



(b) Costs ~~approved by the State Board of Education~~ at an independent school ~~are only allowable if covered by~~ shall be included in a written agreement pursuant to Rule 2228.4.1 and at a rate ~~approved~~ accepted under Rule 2228.8 or for an out of state placement, the rates approved under that state's approval system.