

# **Students with Disabilities and the Kent ISD Collaborative Schools of Choice Plan**

Kent Intermediate Superintendents' Association (KISA)  
Adopted September 2001  
Updated April 2010  
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**Kent ISD**

***We Lead Learning***

**Agreements and Guidelines for  
Kent ISD Collaborative School of Choice Plan  
and Section 6 Transfers for Students with Disabilities**

	<b>Kent ISD Choice Plan</b>	<b>Section 6 Transfers</b>
<b>1. Timelines for Application</b>	<b>Agreement:</b> <i>Second week in April through first week in June of previous year, unless all openings have not been filled.</i>	<b>Agreement:</b> <i>Beginning of school year, except for extenuating circumstances.</i>
<b>2. Who pays for existing special education services?</b>	<b>Agreement:</b> <i>Enrolling district.</i>	<b>Guideline:</b> <i>Enrolling district unless a written tuition agreement between the two districts is in place.</i>
<b>3. Who pays for services added after arrival to enrolling district?</b>	<b>Agreement:</b> <i>Enrolling district.</i>	<b>Guideline:</b> <i>Enrolling district unless tuition agreement between the two districts is in place</i>
<b>4. Who is responsible for special education transportation?</b>	<b>Agreement:</b> <i>Enrolling district if IEP team determines special transportation is required because of a behavioral, developmental, medical, or physical need.*</i>	<b>Guideline:</b> <i>Parents are generally responsible. If the resident district is seeking a special education placement in the other district to meet the student's unique educational needs, the resident district is responsible for special education transportation and a written agreement should specify the responsible party.</i>
<b>5. How long are you committed to keep students?</b>	<b>Legal Requirement:</b> <i>As long as the student maintains enrollment.</i>	<b>Legal Requirement:</b> <i>For the school year of application. Students have to apply annually.</i>
<b>6. If your special education programs are full or you do not have sufficient existing special education resources to program for a new student, must you accept the student's application?</b>	<b>Legal Requirement:</b> <i>Yes. Districts must provide a free and appropriate public education (FAPE). This situation would be handled in the same manner that districts handle other students who move into the district when programs are full.</i>	<b>Legal Requirement:</b> <i>Districts can deny applications if existing special education programs are full or do not meet the student's need (per student's IEP). However, districts <b>may not</b> deny applications <b>solely</b> based on students' special education eligibility.</i>
<b>7. Do students indicate their special education eligibility on their Choice/Release application?</b>	<b>Legal Requirement:</b> <i>No.</i>	<b>Guideline:</b> <i>Yes, but districts <b>may not</b> deny applications <b>solely</b> based on students' special education eligibility.</i>

**\*Point 4:** On 9/14/01 the KISA agreed that transportation only be granted to students who require it because of a need which stems from a disability. Enrolling districts will need to conduct new IEPs for students with disabilities accepted under the *Kent ISD Collaborative Schools of Choice Plan* or Section 6 transfer, and must address transportation needs at that time. Sometimes a previous IEP may have noted that special transportation was required because the program to which the special education was assigned was located outside of the attendance area school. If the student does not require transportation for a behavioral, developmental, medical, or physical need, he/she does not qualify for transportation under the *Kent ISD Collaborative Schools of Choice Plan*.

## Kent Intermediate School District (ISD) Collaborative Schools of Choice Plan

### Questions and Answers Related to Special Education

- Q1** May a local school district specify that it will accept applications from nonresident pupils for general education classes only, and thereby, limit applications to students with disabilities?
- A1** **NO.** General education is not a specialized program and special education is a “supplemental service” not a program. Therefore, a local school district may not deny an application from a student with a disability.
- Q2** What if a nonresident pupil with special education needs is selected under the *Kent ISD Collaborative School of Choice Plan* and the enrolling local school district does not have special education openings or other services in place to meet the needs of that pupil? Can the pupil be refused enrollment?
- A2** **NO.** A pupil may not be refused enrollment based upon a mental or physical disability. Furthermore, the enrolling local school district becomes responsible for assuring that the pupil is provided with appropriate educational services, even if it means locating and paying for a program within another district.
- Q3** Does the enrolling local school district have to develop a new special education program to meet the needs of a student with disabilities?
- A3** **NO.** A local school district does not have to develop a new program. However, the enrolling school district is responsible for developing and implementing an Individualized Education Program (IEP) for the student and placing the student in the appropriate program. The program may be within a different local school district in the ISD.
- Q4** When a district indicates that they have openings at one or more grade levels, how does that affect special education students? Example: How should a district handle a primary age student with a severe disability who may have been placed in an ungraded program?
- A4** When a parent/guardian applies for *Kent ISD Collaborative Schools of Choice Plan*, he/she is required to specify a grade for the student. If the student has been previously ungraded, the parent/guardian must specify a grade which would be **age minus six** for the student.
- Q5** When a district under the *Kent ISD Collaborative School of Choice Plan* accepts a special education student and that student requires placement in a regional program, does the student have a right to placement in the regional program even though they reside outside of the region?
- A5** **YES.** Once accepted under the *Kent ISD Collaborative School of Choice Plan*, the enrolling district assumes all responsibilities as the new “resident” district.

- Q6** Is the enrolling school of choice responsible for providing transportation for the nonresident students?
- A6** Only if the nonresident student is a special education student and the enrolling district's IEP Team has determined that the student requires special transportation due to behavioral, developmental, medical, and/or physical need. Otherwise, the only other responsibility of the local school district is to provide information about transportation options.
- Q7** Does the original district of residence have any financial, programmatic, or transportation responsibilities for special education students enrolled in another district under the *Kent ISD Collaborative Schools of Choice Plan*?
- A7** The Kent ISD Superintendents' Association has agreed that all special education costs be borne by the enrolling district.
- Q8** How should a district handle a case when a parent uses the Schools of Choice process in an attempt to have their son or daughter placed into a particular special education classroom or program?
- A8** Let's use the example of a parent seeking placement in a local or regional autism program. Let's further assume the Schools of Choice student is accepted for a grade-level opening and truly needs an autism classroom to receive a free appropriate public education (FAPE). Even if the LEA had no openings in that autism classroom, the LEA would still have to accept that student with autism. However, the LEA has **no obligation** to place the student in the requested building if you did not list any openings in that specific classroom. If you had no openings district-wide, you would still have the obligation to provide FAPE, but an LEA may even look outside of the district for a placement that would provide FAPE. However, the LEA should be cognizant that Schools of Choice students have the same rights as any other student who resides in or moves into your district.

# **Kent ISD Collaborative Schools of Choice for Students with Disabilities Complaint Resolution Committee**

## **Purpose**

To decide complaints involving Kent ISD member school district regarding the acceptance or non-acceptance of students with disabilities under the *Kent ISD Collaborative School of Choice Plan*

## **Membership of Complaint Resolution Committee**

Kent ISD Superintendent  
Superintendent from Region 1  
Superintendent from Region 2  
Superintendent from Region 3  
Superintendent from Region 4-GRPS  
Superintendent of nonpublic KISA member  
Kent ISD Director of Special Education  
Chairperson of Special Education Advisory Committee

## **Function of Complaint Resolution Committee**

Decide, on the basis of facts, if there was a violation of the *Kent ISD Collaborative School of Choice Plan* regarding the acceptance or non-acceptance of students with disabilities.

## **Penalty/Sanction**

The offending member district will have Act 18 funds reduced by the foundation grant for one FTE of the offending school for each incident.

## **Process**

A district to district meeting will be held to resolve the complaint. If the complaint is not resolved, a written complaint will be submitted to the Kent ISD Superintendent. The Kent ISD Superintendent will meet with the Superintendents of the involved districts in order to resolve the complaint. If not resolved, the written complaint will be submitted to the chairperson of the Special Education Advisory Committee. This written complaint must be received by the chairperson of the Special Education Advisory Committee within thirty (30) days from the date of knowledge of the alleged violation. The Complaint Resolution Committee shall render a decision within twenty (20) days of the receipt of the complaint.

The decision of the Complaint Resolution Committee will be final.