



Coalition of McKay Scholarship Schools News

July 2010

Coalition Fall Conferences October 8 and October 15

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Student Profile



Cerebral palsy confined Alexandra Rivera to a life in a wheelchair. Determined to find a way for her to walk, her parents sought out the services of the Conductive Education Center of Orlando, Inc. (CECO) in Winter Park, which specializes in integrating motor therapy with life skill in an academic setting. Now, Alexandra walks from class to class. Learn more at: www.cecf.org.

How has the McKay Scholarship Helped a Child at Your School?

Dear Coalition Members:

We are excited about the rapidly approaching new academic year and are busier than ever strengthening the Coalition to advocate on behalf of the McKay Scholarship Program. This year our Board has been joined by a group of new members who bring honed skills and ideas to our efforts. In addition, we are revamping many of our services, building a new website and ensuring your access to the legislative information that most affects you is easier to access than ever before. Please check in at www.mckaycoalition.com to see the changes and get to know our new board. Enjoy the rest of your summer.

Sincerely,

Steve Hicks (Tampa)
President

COALITION CONFERENCES

Coalition Name

**SAVE THE DATE FOR FALL CONFERENCES:
ALTAMONTE SPRINGS AND MIAMI GARDENS**

Join the Coalition for the sixth McKay Scholarship Conference in Altamonte Springs on October 8 and Miami Gardens on October 15. Learn more about RtI and how it is affecting McKay; Scholarships; Legislative briefings; New marketing strategies; and much more.

NOTE: Registration Information will be available at www.mckaycoalition.com soon.

NEW LAW PROVIDES MCKAY ELIGIBILITY FOR MORE STUDENTS

HB 1505 passed, effective immediately. Private school students

If your school has a student you would like to see featured in this newsletter. Please submit a paragraph about the student and school along with a photo to: jen@cecfl.org

Become a Coalition of McKay Schools Fan



Contact Us

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who have attended public school since 2005 and have not previously received state funds are now eligible for McKay. In addition students who have a current IEP -- and/or who have a disability and can be identified through Child Find -- are also eligible for McKay (even though they have not been in the public school this past year).

LEARN MORE ABOUT NEW LAW, JOIN WEBINAR ON JULY 27

Learn more about HB 1505 and its effects by joining us on July 27 at 3:00 PM ET for a Webinar featuring Laura Harrison, Director of Scholarship, Private Schools and Home Education, FLDOE.. Reserve your Webinar space now by going to:

<https://www1.gotomeeting.com/register/287112817>.

NOTE:. Register and then receive your participation code. You must be at your computer with a speaker, headset, and/or telephone. You will be able to see and hear the webinar. Ask questions by typing them in.

COALITION BOARD OF DIRECTORS

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FYI – MAY 7, 2010

ITEMS:

**LEGISLATIVE NEWS
RE-EVALUATIONS**

LEGISLATIVE NEWS

HB 1505 which combined language from both Representative Flores bill and Senator Gardiner's bill was passed. It still has to be signed by the governor. It has provisions to allow children with disabilities in the VPK system to use their VPK funds to obtain "services" to address their disability instead of simply enrolling in a VPK program which may not have those services. It also allow for children with disabilities in Pre-K to access the McKay Scholarship when they enter kindergarten without having to wait a year. This is scheduled to start in the 2011-2012 school year.

We will send a further analysis of this bill in the coming weeks. You can go to www.leg.state.fl.us , click on the Senate site, then put in 1505 under bills and it will take you to the bill. The document you want to review is under the section Bills and is H1505ER.

HB 1505 was sponsored by Rep. Flores and co-sponsored by Representatives Burgin, Crisafulli, Drake, Porth and Precourt. SB2746 was sponsored by Senator Gardiner. Please spend a moment today to send them a thank-you email or letter for sponsoring these bills.

RE-EVALUATIONS

We have been receiving many calls from schools concerning re-evaluation letters their parents are receiving from the public school. The following is the opinion of The Coalition of McKay Scholarship Schools but should not be construed as legal advice. At the bottom of the newsletter is information excerpted from the 2004 IDEA statute.

Parents Information

While the law states that a re-evaluation must occur every 3 years unless the parent and public agency agree that it is necessary.

That means that if the public agency "determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation," but the parent disagrees, the parent must undergo a re- evaluation.

However, in practice how would the public agency be able to "determine" that a re-evaluation is "warranted" if the child is in private school? It's circular and our legal counsel argues that the public school could only make that determination if they had already re-evaluated the child, and they don't have the right to make that determination unless they know that the child's achievement and performance. We would argue that the child's private school records are not enough to make that determination about achievement and performance.

The bottom line is that if the parent has no intention of placing the child back in public school, and does not want a public re-evaluation, and that given under the McKay law the parent has a right to keep their child in a private McKay school using the current funding level, the public agency has no reason to waste public resources to force a re-evaluation.

If the public agency presses the family, advise parents to tell them, in writing, that they do not agree to a re-evaluation and if the public agency has made the "determination" under the law that one is warranted, the public agency has a right to file due process against them. That should make them go away.

We have attached a model letter to assist your parents.

School Information

We have been told that several over-zealous districts have demanded re-evaluation and that the private school send all sorts of records and testing as well as attend any IEP meetings with the parents.

The districts have no authority to demand any such testing, records or attendance at meetings. Parents may request records and the school should have a policy to determine which are the general records released without cost and when does an additional fee need to be added if record requests move beyond the standard procedures covered in the tuition. In the same way, policies for any fees for attendance away from the school should also be reviewed and parents made aware of what these are.

Ramifications for Schools Receiving IDEA Part B Funds (Federal Entitlement Grant)

Be aware that for private schools that receive funds through IDEA Part B: Federal Entitlement Grant, this funding can be removed if children are not re-evaluated. Each district decides how this funding is spent for children with disabilities in private schools. Some districts have been student centered and have spent the money on additional services and/or materials for the students. Re-evaluation allows the district to keep the IEP current and to continue to receive the monies. Since this is a district by district decision, your school may want to contact the district and determine what the ramifications are for parents not opting for the re-evaluation.

2004 IDEA Sec. 300.303 Reevaluations.

- (a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with Sec. Sec. 300.304 through 300.311--
- (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
 - (2) If the child's parent or teacher requests a reevaluation.
- (b) Limitation. A reevaluation conducted under paragraph (a) of this section--
- (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and
 - (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.
- (Authority: 20 U.S.C. 1414(a)(2))

Parent Model Letter

Dear _____

