

Summary of Public Comment on Proposed Revisions to Regulations on Innovation Schools  
603 CMR 48.00  
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<b><u>Contributor</u></b>	<b><u>Comment</u></b>	<b><u>Rationale</u></b>	<b><u>ESE Response/Recommendation</u></b>
Dr. Carlos M. Colley Superintendent of the Westport Community Schools	#1 – School districts have no say in the enrollment of students in virtual schools, but upon enrollment are required to pay tuition for a student enrolled in such virtual schools. This is not a small expense and a district has no way to change its budget to account for unexpected tuitions in the middle of a fiscal year. I believe these virtual districts should be funded similarly as school choice tuitions and have a set enrollment period. The virtual school should have to declare before April how many students it is taking on from any one district and then the tuition to be paid can be calculated the following fiscal year's budget. Or it can be done in a reimbursement format, where the virtual district gets paid in the year following enrollment – again allowing the local regular school district the ability to budget such expense.		The cost for out-of-district students attending a virtual innovation school is already tied to the inter-district school choice tuition rates. Sponsoring districts can charge less, but not more. Similarly, the inter-district school choice program does not have a set enrollment period; students may enroll at any time during the year, and tuition is pro-rated. As a practical matter, the nature of a virtual school does make it easier for students to enroll mid-year. For some students, this may be a real benefit (for example, students moving in from out of state). We will continue to monitor this situation. The pending legislation on virtual schools provides a vehicle to address a variety of issues.
Dr. Carlos M. Colley Superintendent of the Westport Community Schools Westport, MA	#2 – School Districts now have the ability to convene an IEP meeting to determine appropriate placement. Unilateral placements are not necessarily in line with FAPE and therefore not common. These regulations seem to bypass the local IEP process of determining appropriate placement so that a parent/student can		Federal and state law prohibit discrimination based upon disability. The regulation as previously worded created an additional hurdle for special education students desiring to enroll in virtual schools and thus could be interpreted as discriminating against

	<p>choose to place a SPED student in a virtual school regardless of whether the local district and the IEP team thinks that the placement is appropriate. The regulations further place an undue burden on the local district in that the local district is responsible (fiscally) for payment of SPED services determined by another district that has no financial stake on the decisions made on behalf of the student and that the local district has no say as to their appropriateness.</p> <p>For example, a virtual school determines that to complete the virtual program a student needs a home nurse, or a 1:1 teacher or assistant; and the local district would have no say in this, yet would be responsible to pay for the services (even when the local school district may determine that the student could receive FAPE in their school with programs already in place).</p>		<p>students with disabilities. Enrolling in a virtual school is not a placement decision; it is analogous to school choice and permits students to enroll in another public district solely as a matter of parental choice.</p>
<p>Tom Scott Ed.D. Executive Director Massachusetts Association of School Superintendents</p>	<p>Dr. Colley has hit on two issues that I have heard from many members. They are not dissimilar from issues which we have faced with timing of sped tuition notification and unilateral placements.</p> <p>As the virtual education legislation proceeds I will advocate for this but it would be helpful to have this reflected in the Innovation Schools regulations.</p> <p>His suggestions would be well received by superintendents around the Commonwealth.</p>		<p>See above. The pending legislation on virtual schools provides a vehicle to address a variety of issues.</p>