



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

To: Superintendents and Special Education Directors

From: Nancy Holsapple, Director of Special Education

Date: June 28, 2024

Subject: Indiana Education Scholarship Account Education Service Plan Guidelines

The Indiana Department of Education (IDOE) has received inquiries regarding the standards and procedures a school should use for a parent of an eligible student with a disability or an emancipated eligible student (parent) seeking to develop an education scholarship account education service plan (ESA-SP). The purpose of this document is to reiterate the statutory and regulatory requirements for parentally-placed nonpublic students with disabilities as well as provide guidelines schools should consider after the parent decides whether special education and related services will be provided by a public school under a service plan (SP) or to have special education funds added to an education scholarship account (ESA).

Students with disabilities (students) may be eligible for an ESA, under Indiana Code (IC) 20-51.4. The statute provides for the State Board of Education (SBOE) to develop rules for the development of the ESA-SP, which are codified in 511 Indiana Administrative Code (IAC) 50-1 et seq.

Pursuant to Rule 511 IAC 7-50, the following guidelines are provided to schools:

511 IAC 7: Special Education and Related Services for Parentally-Placed Nonpublic School Students with Disabilities

Applicable Rules: Rule 34 (Nonpublic Schools or Facilities); Rule 49 (Provision of Special Education and Related Services by Choice Schools); and Rule 50 (Indiana Education Scholarship Account Education Service Plan)

Parentally-Placed Nonpublic School Students with Disabilities

Students with disabilities who are placed by their Parent in nonpublic schools are entitled to receive special education and related services unless such services are declined by their Parent. When a student with a disability first enrolls in a nonpublic school, the school corporation of legal settlement (SCOLS) should convene the case conference committee (CCC) with the Parent to develop an Individualized Education Program (IEP). This ensures the parent is aware of the special education and related services that would be available to the student if the student enrolled in the public school. If the parent declines the IEP¹ and enrollment in public school, then

¹ A public school is not required to develop IEPs on an annual basis for parentally-placed nonpublic school students, or to develop another IEP for the student unless the parent expresses an intent to enroll the student in the public school.



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

the school corporation where the student's nonpublic school is located (local school corporation) must convene a CCC to develop an SP.

The public school corporation where the nonpublic school (local school corporation) is located is responsible for convening the CCC and developing and implementing SPs for parentally-placed nonpublic school students. The required components of an SP are set forth at 511 IAC 7-34-5. A parent has the option to accept or decline services under the SP.

Choice scholarship

If a student has a Choice scholarship and the choice school has informed the parent of the special education and related services it makes available, the parent must select either the Choice school or the local school corporation as the provider of special education and related services for the student. If the Choice school provides services, the Choice school must convene a meeting with the parent to develop a Choice Special Education Plan (CSEP).²

Education Scholarship Account

Students with disabilities³ may be eligible for an ESA under IC 20-51.4. If a student has an ESA, the parent may choose to have special education and related services provided by the public school under an SP, or the parent may choose to have special education funds added to the ESA so that the parent may choose which services to provide and the service providers to provide those services. Under IC 20-51.4, the parent may use funds in the account to pay for services identified in an IEP, SP, or CSEP. However, after the initial determination of eligibility for the ESA, public schools and choice schools will not continue to develop IEPs, SPs, and CSEPs for Students who are not receiving services under these plans. The statute provides for the State Board of Education to develop rules for the development of the ESA-SP.

Under Rule 50, 511 IAC 7-50, the ESA-SP would flow from the development of an IEP for the student, because the services identified in an IEP are generally more extensive than those identified in either an SP or a CSEP. Utilizing the IEP provides the parent more flexibility in providing special education and related services to the student with an ESA-SP.

Rule 50 states that if the parent of an eligible student or an emancipated eligible student declines the offer of special education and related services under the service plan, the parent or emancipated eligible student must request the student's SCOLS to convene the CCC to develop an IEP. The SCOLS shall convene the CCC upon the parent's request.

² A public school is not required to develop service plans on an annual basis for choice scholarship students who elect to receive special education and related services from the choice school.

³ Students who have been determined eligible for special education and related services and have an IEP, SP, or CSEP.



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

The IEP developed becomes the ESA-SP for a student with an ESA who has declined services under a service plan. The ESA-SP must contain a statement specifying the following:

1. Notwithstanding any other provision of the ESA service plan, the parent or emancipated eligible student is responsible for arranging for the provision of any of the special education and related services specified in the ESA service plan chosen for the student.
2. Notwithstanding any other provision of the ESA service plan, neither the SCOLS that convened the CCC to develop the ESA service plan or any other public agency is required to provide any of the services identified in the plan unless the parent or emancipated eligible student contracts with the SCOLS or public agency to provide specific services.
3. The parent or emancipated eligible student is responsible to arrange for payment for any contracted services.
4. The ESA service plan is valid for a period of time not to exceed three years, or the date the student's reevaluation is due, whichever occurs first.

SCOLS may use the ESA-SP activation document. Schools should retain a copy of the ESA-SP (IEP and activation document) and provide a copy to the parent.

The ESA-SP remains valid for up to three years, or until the three-year reevaluation, whichever occurs first, unless revised by the student's CCC.

Reevaluation/Continued Eligibility

Public schools are not responsible for the implementation of either CSEPs or ESA-SPs. Public schools are responsible, however, to reevaluate students with disabilities at least every three years unless the public school and the parent agree that reevaluation is unnecessary.

More information on ESAs can be found [here](#). Contact IDOE's [dispute resolution team](#) with additional questions.

CC: [Indiana Treasurer of State and Education Scholarship Account Program Specialist]