

The Equal Opportunity for Students with Special Needs Act

SB 2695 has twenty-six (26) separate **ACCOUNTABILITY** measures to ensure that taxpayer funds are protected.

Eligibility:

- 1) Students must have an active Individualized Education Program (IEP) within the past 18 months are eligible.
- 2) The pilot program is limited to 500 students in the first year and an additional 500 each year thereafter.

Education Scholarship Account Card

- 3) Funds are provided through a debit card similar to the one used by teachers for their teacher supply funds.
- 4) The Department of Finance and Administration (DFA) will manage the cards.
- 5) The program will be administered by the Department of Education.
- 6) DFA will pre-authorize categories of educational service providers (such as tutors, therapists, schools, curricula sellers, etc.). The cards will not work at any other type of business. (Meaning: you can't use it at a liquor store).
- 7) Funds are distributed in quarterly payments.
- 8) No new funds are deposited until previous expenditures have been reviewed.
- 9) Participants must keep and return receipts to ensure compliance with the program.

Eligible Expenses

- 10) Tuition at accredited private schools.
- 11) Participating schools must provide parents with details of the school's programs, qualifications, experience, and capacities to serve students with disabilities.
- 12) Therapists, tutors, or educational service providers must be licensed and/ or certified.
- 13) Assistive technology must have been deemed essential by a licensed professional.
- 14) No sharing of money is allowed between a provider and a program participant.

Fraud Reporting

- 15) There will be a phone/ Internet hotline for anonymous reporting of suspected abuses.
- 16) If suspicious expenditures appear, additional documentation will be required, and quarterly payments will be suspended until the issue is resolved.
- 17) If there is fraud, the student is disqualified from participation in the program and the student's ESA is closed.
- 18) The same is true if parents unintentionally make impermissible purchases more than twice in a year, even if fraud is not present.
- 19) Three spending offenses within a consecutive three-year period shall disqualify the parent's student from participating in the program.
- 20) Educational service providers can be removed and barred from the program if they are violating the law.
- 21) Abuse, fraud, or misuse will be reported to law enforcement officials.

Audits/ Review

- 22) ESAs will be audited annually.
- 23) Random audits will be performed throughout the year.
- 24) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall prepare a biannual report beginning to assess the sufficiency of funding for ESAs and recommend any changes in state law or policy necessary to improve the program.
- 25) The bill includes a 5-year sunset provision, requiring the legislature to act to continue it.
- 26) Every 3 years a student must be re-evaluated to determine if they are still eligible.