

PRIVATE SCHOOL PROCEDURES AND SUPPORTING DOCUMENTS FOR ADDRESSING THE NEEDS OF STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS

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Introduction

There are two major categories of private school students – “publicly placed” and “parentally placed”.

- In the first instance, the educational agency places a student in a private facility in order to meet its requirement of free appropriate public education (FAPE) and the district’s obligation to serve the student is exactly the same as if the student attended the public school.
- In contrast, the special education rights of the parentally placed private school student are considerably more limited. A parentally placed private school student with a disability does not have an individual right to FAPE. There are no instances when a school district will be required to provide a service to such a child. However, there are particular obligations that the district must fulfill as explained herein.

These SELPA procedures, regulations, and supporting documents apply to all SELPA member local education agencies (LEAs) but not necessarily to other LEAs outside of the SELPA boundaries. It is recommended that each LEA develops a school board policy and procedural administrative regulations whether there is a private school within the district’s boundary or not. To assist in that endeavor, this document (1) explains the key definitions used herein, (2) defines child find through identification procedures, (3) delineates differences in provision of services, (4) describes obligations for meaningful consultation, (5) explains proportionate share, and (6) provides SELPA approved forms for documenting and addressing the needs of students with disabilities enrolled by their parents in private schools.

Key Definitions Used Herein

District of Residence (DOR): As used in this policy, the District of Residence (DOR) refers to the school district within which the child with a disability resides.

District of Service (DOS): As used in this policy, the District of Services (DOS) refers to the school district within which the private school is located.

Individualized Education Program (IEP): As used in this policy, the Individualized Education Program (IEP) refers to the DOR offer of a free appropriate public education.

Individual Service Plan (ISP): As used in the policy, the Individual Service Plan (ISP) is a plan created by the DOS when a parent voluntarily places an eligible student with a disability in a private school.

Local Educational Agency (LEA): As used in this policy, the Local Educational Agency (LEA) refers to a school district, county office, or charter school.

Private School Students with Disabilities: As used in this policy, “private school students with disabilities” mean students with disabilities enrolled by their parents in a private school or facility.

Private School or Facility: As used in this policy, “private school or facility” means: (1) private full-time day school pursuant to California Education Code section 48222 (including religious schools); (2) any other California Department of Education (CDE) identified educational institution, program, arrangement, or facility not sponsored, maintained, or managed by the LEA and for which the LEA does not collect average daily attendance funds; (3) CDE authorized private school affidavit.

Child Find through Identification Procedures

The 2006 regulations in 34 CFR 300.131(a) provide that each LEA must locate, identify and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA. This includes both the district of residence and the district where the private school is located, as they each hold responsibility for child find. The child find process must be designed to ensure the equitable participation of parentally placed private school children with disabilities and an accurate count of such children.

In carrying out this clause, the LEA is required to undertake activities similar to those activities undertaken for the agency's public school children (i.e., problem solving team documentation of interventions considered and utilized, as appropriate). Such child find process shall be completed in a time period comparable to that for other students attending public schools in the LEA. Given these obligations, the cost of carrying out child find activities, including individual evaluations, may not be considered in determining whether a local educational agency has met its obligations under private school proportionate share allocations.

NOTE: It is important to note that the Merced County SELPA has adopted procedures that are different from the federal regulations. The major difference is between the responsibilities placed upon the student’s district of residence (DOR) where he/she lives and the district of service (DOS) where the private school is located in regards to child find initial assessment procedures. Appendix A provides a pamphlet explaining the background and procedures for child find and the provision of special education services to students with disabilities voluntarily enrolled in private schools.

Problem Solving Team Process

Prior to pursuing a formal special education assessment, private schools are encouraged to establish a pre-referral problem solving team intervention process, (i.e., Educational Monitoring Team [EMT], Response to Intervention [RtI], Student Study Team [SST]) to address support within the classroom. Training for this process, including the required forms, will be provided by the district within which the private school is located.

The private school needs to complete the problem solving team process and document interventions considered and/or utilized in the private school setting. A systematic record of the meetings, recommendations, and follow-up services of the pre-referral intervention process should be maintained by the private school to monitor student progress.

If the child continues to struggle and the problem solving team suspects a disability might exist, the private school needs to notify the district wherein they are located (the DOS) of the potential need for an evaluation. The private school will submit copies of the results of the interventions to the DOS on the forms agreed to in the private school consultation meeting process.

Procedures for Processing Referrals for Special Education Evaluation

The district where the private school is located (the District of Service: DOS) will notify the student's district of residence (DOR) of the referral from the private school by completing the *Private School Child Find Notification Request for Initial Evaluation* provided in Appendix B. Backup records shall include the problem solving team documentation along with a signed parental *Consent to Release and Disclose Information* form, checking both boxes (receiving and disclosing party) for agencies to share records both ways.

The DOR will initiate a *Prior Written Notice* form and a proposed *Assessment Plan* and explain the forms to the parent within 15 days of the referral from the DOS.

The DOR will complete the assessment, including writing a written report, within 60 days of receiving parental consent to conduct the evaluation.

NOTE: If the student's DOR is outside of Merced County SELPA, the private school assessment process will follow that SELPA's Private School Procedures. If that SELPA follows IDEA '04 regulations, the DOS will conduct the assessment of the private school student and not the DOR. Example, student attends a private school located in Hilmar ESD and resides in Turlock ESD boundaries. In this case, Hilmar ESD will be responsible for the eligibility assessment and ISP and Turlock ESD will be responsible for the offer of FAPE if the child is eligible for special education services.

IEP Team Determination of Eligibility

The district that completed the evaluation, the DOR per our procedures, shall invite the student's teacher and an administrator from the private school and a representative from the DOS to attend a team meeting to share the assessment results and develop an individualized education program (IEP). The student's eligibility for special education services will be determined by the IEP team.

Provision of Services

There are two ways a student with an identified disability can receive special education services: via an Individualized Education Program (IEP) or an Individualized Service Plan (ISP).

Services via the IEP Process

Should the student be found eligible for special education services, the student's district of residence (DOR) is responsible for completing the IEP process within 60 days of the parent's consent for assessment. This process includes, among other things, the

development of goals to address identified needs, consideration of special factors, supplementary aids and services, and an offer for a free appropriate public education (FAPE) in the least restrictive environment (LRE). When the IEP team has determined that the appropriate services are those provided in a private school setting, such services shall be provided at no cost to the parents. In these instances, the district's obligation to serve the student is exactly the same as if the student attended the public school.

In other cases, the district may complete the IEP process and determine that the offer of FAPE in the least restrictive environment is a public school program. It is important that the parent understand that (1) the IEP will get implemented should the parent enroll

their child in the public school setting and (2) that they have no individual right to such services should they maintain their child's enrollment in the private school setting.

When the parent consents to the IEP as appropriate, it is important to note if the parent intends to enroll their child in the public school or maintain the child in the private school setting. In the first instance, the IEP will be implemented upon enrollment in the public school. In the second instance, the parent should consent to the IEP as appropriate

and indicate their intent to maintain private school enrollment. Unless the parents unequivocally intend to enroll their child in private school, the DOR should always offer the child FAPE by developing an IEP and offering placement.

No parentally placed private school student with a disability has an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school. No school district is required to pay for the cost of educating a child with a disability at a private school if the school district made FAPE available to the child and the parents voluntarily elected to place the child in a private school. At each evaluation and IEP meeting, the parents will be given a copy of the *Notice of Parental Rights and Procedural Safeguards*. Disputes regarding whether a school district offered FAPE to the child (as well as the initial identification and evaluation of parentally placed private school children with disabilities) may be resolved pursuant to local and state policies and procedures.

Services via the ISP Process (TK-12th grade)

If the private school where the student is enrolled is within the district of residence boundaries, the DOR shall develop an ISP. If the private school where the student is enrolled is outside the district of residence boundaries, the DOR shall refer the case to the district of service (DOS) where the private school is located for development of an ISP. In both cases, the district's obligation to provide special education services does not go beyond what was agreed to via the private school consultation process.

The DOS is not required to provide services other than those identified and agreed upon in their Private School Protocol. If the student is eligible for special education and related services, but is not eligible for services pursuant to DOS Private School Protocol and continues to be enrolled in the private school, the DOS will invite the parents to contact the DOR special

education representative should they wish to enroll their child in the public school. If the parents maintain enrollment in the private school, the DOS will invite them to attend an ISP meeting to review their child's ISP and progress on an annual basis.

Transportation for Services

If possible, all service(s) a student requires on their ISP should be made available at the private school of attendance to minimize the amount of instructional time missed. When this is not possible, the DOS identifies the closest school site wherein such service(s) can be provided. The district where the private school is located must provide transportation to a parentally placed private school child with disabilities to the location where service(s) are provided, if this is necessary for the child to benefit from or participate in the service(s) during the school day. This includes transportation from the child's school or home to the service site other than the private school, and transportation from the service site to the private school or child's home, depending on when the service(s) occur.

Out of State Children with Disabilities

The district where the private school is located conducts child find for all parentally placed private school children, including those children attending who reside out of state. The district where the private school is located determines and pays for equitable participation services provided to out of state parentally placed private school children with disabilities.

Preschool Children with Disabilities (revised per CDE directive July 2016)

The California Department of Education Special Education Division has directed LEA's to place all preschoolers eligible for special education enrolled in a privately owned preschool on an IEP. The district of residence is responsible for services wherever the private school is located in Merced County.

Children in For-Profit Private Schools

Children attending for profit schools do not receive equitable services. However, the child find obligation applies to children attending private schools, including for-profit private schools.

California Special Education Management Information System (CASEMIS) Coding

The district providing the services to a student enrolled in private school is responsible for reporting the student in California Special Education Management Information System (CASEMIS). Table A (Student Data Table) *must* contain the following:

- One record for each student found eligible for and who received special education services.
- One record for each child referred and evaluated but not eligible for special education or related services – June report only.
- One record for each child referred, found eligible, and did not receive special education and related services because parent declined services or child was parentally placed in private school where no ISP services were provided – June report only.

While all data must be accurately recorded, it is especially important for private school students in the following areas:

A-32 PLAN_TYPE:

Definition: The type of plan by which the student is receiving special education services

Valid Format & Codes:

10 Individualized Education Program (IEP) or Individual Family Service Plan (IFSP)

20 Individual Service Plan (ISP), grade K and higher

70 Eligible - no IEP, IFSP, or ISP - Parentally placed in private school (student does not need services to be provided using proportionate share or parent declines offer of services to be provided proportionate share)

80 Eligible - no IEP, IFSP, or ISP - other reasons

90 Not eligible for special education or related services

A-36 LAST_IEP:

Definition: It is the date when the last IEP, IFSP, or ISP (if the student is placed in a private school by a parent) meeting was held for the student. It can be the student's latest annual or triennial review of the IEP. All data on a student record shall be obtained from the IEP/IFSP/ISP document resulting from this meeting.

Valid Format & Examples:

MM/DD/CCYY (DBF format)

05/11/1985 (DBF format)

A-44 FEDSET_SCH:

Definition: It is the federal program setting in which the student, age group 6 to 22 only, is receiving or has received special education and related services according to the student's IEP.

Valid Format & Codes:

400 Regular Classroom/Public Day School: A program setting that includes at least 50 percent nondisabled children.

450 Separate School: This is a setting where children receive all of their special education and related services in educational programs for greater than fifty percent of the school day in public or private day schools specifically for children with disabilities.

460 Residential Facility: Public and private residential facilities where students reside during the school week and receive special education and related services for greater than 50 percent of the school day. Do NOT include children who receive special education programs at the facility but do not live there.

470 Homebound/Hospital: This setting is where students receive special education programs and related services in homebound/hospital environment. Do NOT

include children with disabilities whose parents have opted to home-school them and who receive special education at the public expense.

480 Correctional Facility: This setting includes students who received special education programs in correctional facilities.

490 Parentally Placed in Private School: This setting is where students have been enrolled by their parents or guardians in regular parochial or other private schools and whose basic education is paid through private resources and who receive special education and related services at public expense from a local education agency or intermediate educational unit under a service plan. Include children whose parents chose to home-school them, but who receive special education and related services at public expense. Do NOT include children who have been placed in private schools by the LEA.

Compliance Monitoring Obligations

The DOS reports those students who attend private schools located within district boundaries in their CASEMIS. The DOS will also invite the parents of students with disabilities and private school personnel to provide input and participate in the annual private school consultation meeting.

The DOR is responsible for making an annual offer of FAPE via the IEP process and for conducting reevaluation assessments at least every three years. If the DOR is also providing special education services as the DOS, the student's CASEMIS data will be collected and reported so the timelines are easy to track. If the DOR is not providing special education services as the DOS, another means of tracking the annual and triennial review timelines must be established (i.e., via Excel spreadsheet) as only the DOS can claim the student for CASEMIS purposes.

Private School Consultation

"Consultation" involves discussions between the LEA, private school representatives, and parents of parentally placed private school students with disabilities on key issues that affect the ability of eligible private school children with disabilities to participate equitably in federally funded special education and related services. Effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered by the LEA. Successful consultation establishes positive and productive working relationships that make planning easier. This section provides information about private school consultation legal requirements, timelines, sample invitation to provide input forms, development of Private School Protocol, and meaningful consultation affirmation.

Legal Requirements

To ensure timely and meaningful consultation, a local educational agency shall consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children. Such consultation shall include:

- (I) the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
- (II) the determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated;
- (III) the consultation process among the local educational agency, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- (IV) how, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
- (V) how, if the local educational agency disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the local educational agency shall provide to the private school officials a written explanation of the reasons why the local educational agency chose not to provide services directly or through a contract.

The timelines delineated in Exhibit C demonstrate how the process occurs during the course of a school year.

Invitation to Provide Input

Districts which have a private school within their boundaries must consult with appropriate representatives of the private school and their representative parents of children with disabilities on how to locate, identify, evaluate and provide services to all private school children with disabilities.

- Exhibit D provides a sample letter for districts to use in notifying principals of private schools within their area of the IDEA requirements for their involvement in the design and development of such plans.
- Exhibit E provides a Private Schools Service Questionnaire that can be utilized to gather data on enrollment of students with disabilities and their special education service needs.
- Exhibit F provides a sample letter and agenda for the Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities.

Development of Private School Protocol

Meaningful consultation between the private school personnel, parents of students with disabilities enrolled in the school and special education leaders from the district wherein the school is housed leads to a private school protocol. The provision of services shall be provided by employees of a public

agency; or through contract by the public agency with an individual, association, agency, organization, or other entity. Special education and related services provided to parentally placed private school children with disabilities, including materials and equipment, shall be secular, neutral, and non-ideological.

When timely and meaningful consultation has occurred, the local educational agency shall obtain a written affirmation signed by the representatives of participating private schools. A copy of the affirmation letter and the private school protocol shall be sent to the SELPA.

- Appendix G provides a template for creating a Private School Protocol
- Appendix H provides a Private School Letter of Affirmation Outlining Provision of Special Education Services to send after the protocol is developed

Proportionate Share of Funds

Calculation

One time each year, on December 1, a pupil count of the number of parentally placed private school students with an ISP will take place and the number of eligible but not on an ISP. Each DOS will determine the number and location of parentally placed private school children with ISPs or eligible for an ISP within their district boundaries and report the information in CASEMIS. SELPA then calculates the proportionate share of federal dollars generated from the December 1 pupil count to be allocated to provide special education and related services to private school students for the following school year.

To calculate the proportionate share that an LEA must spend, the SELPA uses the figures found on the prior year 611 (6-21 year olds) grant letter and the pupil count from the most recent December 1 count.

Sample Calculations:

Step 1:

$\frac{\text{*Eligible Parentally Placed Private School Students (3-21)}}{\text{Total LEA (3-21)}}$	X	611 grant amt. = Total amount to expend for private school
$\text{Eligible ADA (including above number)}$		students 3-21.

Example:

$\frac{10}{2500} = 0.004$	X	\$2,500,000.00 =
\$10,000.00		

Total Federal funds to be expended based on # of privately placed children = **\$10,000.00**

***The calculation is based on the data in SEIS. Students with a plan Type of 20 (ISP) and 70 (Eligible - but no services). Districts must ensure data is entered correctly for proper calculation.**

Based on the calculation of the total number of children with disabilities attending a private school within the DOS's jurisdiction, each DOS must spend the proportionate share of the DOS's sub-grant under Part B on services for parentally placed private school children with disabilities. Input is provided by the private school representatives regarding type and frequency of services based on Federal dollars received for each student. Parentally placed private school students receive notification about the provision of special education services via the Private School Protocol.

Documentation for Fiscal Audit

The Special Education Self Review (SESR) process required by the California Department of Education (CDE) now includes a fiscal audit of the expenditure of special education funds. One of the audit categories is parentally placed private school expenditures. The district must review its budget to determine if a proportionate share of IDEA funding has been correctly calculated for parentally placed private school students with disabilities. To be in compliance, the proportionate share of funds must be properly calculated and reported. If noncompliant, the following corrective action must occur: Within 45 days, the district wherein the private school is located shall provide evidence that it has identified and properly allocated adequate funds for parentally placed private school special education stud

**Private School
Exhibits
(Subject to revision as needed)**

- A. Pamphlet – Provision of Special Education Service to Students with Disabilities Voluntarily Enrolled By Parents in Private School Settings
- B. Private School Child Find Notification Request for Initial Evaluation
- C. Private School Timelines
- D. Letter to Private School Principal
- E. Private School Service Questionnaire
- F. Invitation and Agenda for Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities
- G. Private School Protocol Developed from Consultation Meeting
- H. Private School Letter of Affirmation Outlining Provision of Special Education Services

*or more information, contact your
local SELPA member district:*

Atwater ESD

(209) 357-6100

Ballico-Cressey ESD

(209) 632-5371

Delhi USD

(209) 656-2000

Dos Palos-Oro Loma Joint USD

(209) 392-0200

El Nido SD

(209) 385-8420

Hilmar USD

(209) 667-5701

Le Grand UESD

(209) 389-4515

Le Grand UHSD

(209) 389-9403

Livingston UESD

(209) 394-5400

Los Banos USD

(209) 826-3801

McSwain UESD

(209) 354-2700

Merced City ESD

(209) 385-6600

Merced County Office of Education

(209) 381-6711

Merced River UESD

(209) 358-5679

Merced UHSD

(209) 385-6400

Plainsburg UESD

(209) 389-4707

Planada ESD

(209) 382-0756

Snelling-Merced Falls UESD

(209) 563-6414

Weaver USD

(209) 723-7606

Winton ESD

(209) 357-6175



Provision of
Special Education
Services to
Students with
Disabilities
Voluntarily
Enrolled by
Parents in
Private School
Settings

Background

In 1997, the United States Congress revised the Individuals with Disabilities Education Act (IDEA) related to serving students with disabilities. In 1999, the U.S. Department of Education issued regulations to implement the revisions. The regulations affect the special education services for students with disabilities who are voluntarily placed by their parents in private schools. In 2004, the U.S. Congress reauthorized the Act and the new Individuals with Disabilities Education Improvement Act (IDEIA) has changed our public school relationship with private school students and special education.

In order to assist parents of students with disabilities enrolled in private schools, the Merced County Special Education Local Plan Area (SELPA) has developed this pamphlet, **Provision of Special Education Services to Students with Disabilities Voluntarily Enrolled by Parents in Private School Setting**. This reiterates the federal law and regulations which states that *no private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in the public school system.*

Procedures

1. If a child is suspected of having a

- disability, the private school should schedule a problem solving team meeting to discuss concerns and develop an intervention plan. A representative of the district in which the private school is housed should be invited to the meeting if a referral for individualized assessment is being considered.
2. The student's district of residence will be provided a copy of required documents when a referral for special education assessment is made by the private school to the district in which it is located.
 3. An individualized education program (IEP) meeting will be convened to discuss assessment results. If the student is found eligible for special education, the district of residence shall offer a free, appropriate, public education (FAPE) in the least restrictive environment (LRE).
 4. For students in grades K-12, if the parent chooses to have their child with a disability attend a private school, the district of residence will provide information to the district in which the private school is located (district of service).
 5. Only a proportionate share of federal funds is legally available for use on

- services provided to students with disabilities parentally placed in private schools.
6. Special education services to be provided by the district of service are identified through consultation / collaboration with private school principals and parents of private school students with disabilities. These are described in each district's Private School Protocol, a product of the annual consultation meeting.
 7. The Private School Protocol identifies the special education services to be provided in the private school; not every student with a disability will need the service offered.
 8. Students with disabilities who are found to qualify for special education services whose parents voluntarily enroll or maintain the child in a private school setting will receive an Individual Service Plan (ISP) from the district of service. The ISP will outline the type of service, if any, available in the private school.
 9. When private school proportionate share funds are depleted, services may be discontinued for the school year. Services will not be provided on a "per child" basis.
 10. For students eligible for special education services, the offer of an IEP and/or ISP will be made annually, with reevaluations conducted at least every three years.

Merced County SELPA
Private School Child Find Notification
Request for Initial Evaluation

DATE: __/__/_____

TO: _____, Director of Special Education/ District of Residence

FROM: _____, Director of Special Education/ District of Service

As the district of service (DOS) in which _____ private school is located, our office is sending this Private School Child Find Notification and supporting documentation on the student described below to you as the district of residence (DOR) for action. The student needs to be considered for a special education assessment based on information/concerns forwarded by the private school staff (see attached documentation)

Student Information

Name: _____	DOB: __/__/_____
Private School of Attendance: _____	Grade: _____
Parent/Guardian: _____	
Student's address and phone number: _____	
Concerns known at this time: _____	

We, as district of service (DOS), request that the student's district of residence (DOR) inform the DOS of its decision to assess or not assess. Please also work with me to coordinate the date of the Individualized Education Program (IEP) Team Meeting to review eligibility and offer of FAPE for this student so that a smooth transition into public school or the development of an Individual Service Plan (ISP) can occur in a timely manner.

If you have any questions regarding this referral, please contact the following person: _____ at _____ (phone number)
DATE MAILED TO DOR: / __/ _____

Cc: Private School Administrator

PRIVATE SCHOOL TIMELINES

PLANNING

Month	Action
March	SELPA estimates federal program funding for following year
	SELPA/District calculates estimated per-pupil allocation for each attendance area
August	District identifies which private schools to invite to consultation
	District sends invitations to school officials to participate in consultations
September	District sets up initial consultations with school officials who responded to invitation
	District and school discuss child find procedures, special education service options, and strategies for resolving disagreements
	District and private school collaboratively develop Private School Protocol.
	District sends Letter of Affirmation and Private School Protocol to private school administrator, district officials, and SELPA office.
	Private school signs Letter of Affirmation, indicating that consultation occurred.
October	District and private schools select which students to serve from eligible student pool and the services available per the Private School Protocol
	District arranges staffing of services - by contract, hiring school personnel, or using district's own personnel
	Individual Service Plans (ISPs) are developed by the District of Service prior to December 1 pupil count
November	District reviews and verifies CASEMIS data to ensure that pupils enrolled in private school are appropriately reported to the SELPA.
December	District of Service identifies eligible private school students with disabilities via CASEMIS data collection
June	District reviews and verifies CASEMIS data to ensure that pupils enrolled in private school are appropriately reported to the SELPA.
	Proportionate share of federal funds for private school students are appropriately expended or carried over (maximum one year)
	Fiscal audit is completed, including documentation on private school students with disabilities

(District
Letterhead)

Letter to Principal of Private School

(Date) ___/___/_____

To: Principals of Private Schools in Riverside County

From: _____(Special Ed Director) - _____(District)

RE: Special Education Services for Students with Disabilities Attending Private
Schools

Federal laws affecting special education and related services provided to students with disabilities in private schools require local educational agencies (LEAs) to receive input from private schools and representative parents of students with disabilities enrolled in private schools within their boundaries regarding the design and development of special education and related services for students regarding the following:

- (I) The child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
- (II) The determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated;
- (III) The consultation process among the LEA, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- (IV) How, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of types of services, including direct services and

alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and

- (V) How, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the LEA shall provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

Federal law requires that the amount expended by local district to serve parentally-placed students in private schools shall be equal to a proportionate amount of federal funds made available under Part B provisions of the IDEIA-2004. The IDEIA does not impose an obligation on the state or local districts to spend their money on such services.

In order to facilitate this requirement, a service questionnaire is attached so that you may provide input. Your assistance in providing this information will be most helpful in developing procedures and practices for the provision of services to students with disabilities enrolled in private schools. A pamphlet explaining Provision of Special Education Service to Students with Disabilities Voluntarily Enrolled By Parents in Private School Settings is also enclosed for your information and sharing with parents and school staff members.

Please return the attached questionnaire by *(insert date)* ___/___/_____. A meeting will be held on *(insert date, time and place)* _____ to further discuss all your input.

Please invite the parents of students with disabilities to this meeting. Following this meeting, a summary of the results of the input and a description of services to be provided for the upcoming school year will be sent to each private school.

Should you have any questions or have any additional information to provide, please feel free to give me a call at (phone)_____.

**PRIVATE SCHOOLS SERVICE
QUESTIONNAIRE**

Name of private school: _____

Name of person responding: _____ Title of person responding: _____

Name, address and phone number of school district in which Private School is located

State Certification # provided by California Department of Education: _____

As of September, _____ (insert year)

Total number of students attending the private school: _____

Total number of students attending who are suspected of having a disability: _____

Total number of students who have been identified as a student with a disability: _____

Number on Individualized Education Plan: _____

Number on Individual Service Plan: _____

Number on 504 Accommodation Plan: _____

Please specify the number of students in each disability category currently enrolled in your school that are suspected of and/or identified as having a disability which appears to be adversely impacting their education:

Disability	# Suspected	# Identified	Disability	# Suspected	# Identified
Autism			Blind		
Deaf			Deaf Blind		
Emotionally Disturbed			Hard of Hearing		
Learning Disabled			Visually Impaired		
Intellectual Disability			Multi-handicapped		
Other Health Impaired			Orthopedic Impaired		
Speech Language Impaired			Traumatic Brain Injury		

DESCRIPTION OF CURRENT SERVICES

Please describe the services students with disabilities who have IEP/ISPs are currently receiving: _____

Please list suggestions that you may have to assist the District in planning services.

Suggestions:

Please add any comments you may have regarding (I) - (V) of the Individuals with Disabilities Education Improvement Act (IDEIA) referenced in the attached cover letter.

Please return this form by / / to: _____ (Special Ed Director)
at _____ (District)

(Address) (City, State, Zip)

(District Letterhead)

Invitation and Agenda for Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities

Date: ___/___/_____

Representative of the _____ [insert district name], the
_____ [insert private school(s)], and the
parents of students with disabilities currently enrolled in a private school are
cordially invited to attend a meeting to collaboratively consult regarding the
provision of special education services to parentally placed children with disabilities
in private schools.

Date: ___/___/_____

Time: _____

Place: _____

The agenda for the meeting will include the following topics:

- Introductions
- Legal Requirements of IDEIA, 2004 [(Private School (1a))]
- Child Find Procedures
 - Problem solving team practices
 - Referral procedures for special education evaluation
 - Criteria for special education eligibility
- December 1 prior year pupil count
- Determination of proportionate share of special education funding
- Review of Private Schools Service Questionnaires
- Discussion of service options
 - Types and models of service delivery for the upcoming school year
 - Decision making and private school notification
- Strategies for resolving disagreements about services.

Please RSVP your intent to participate in this meeting by calling _____
[insert district contact name and telephone number] by ___/___/_____ [insert date].

Private School Protocol for Students with Disabilities Developed from the Consultation Meeting

District's Name: _____

Private School's Name: _____

Private School's Address: _____

Phone Number: _____

The following topics were discussed and agreed to at our private school consultation meeting:

What the District's Child Find process is:
How parentally placed private school children suspected of having a disability can participate equitably in the District's special education programs:
How parents, teachers, and private school officials are informed o the District's child find process:
What amount of federal funds is available to parentally placed private school students with disabilities:
How the amount of available federal funds was calculated:
How the District will consult with private school officials and parents of parentally placed private school students with disabilities throughout the year to ensure that such students identified through the child find process can meaningfully participate in special education and related services:
What services the District will offer:
How, where, and by whom the District will provide services:
How and when the above apportionment decisions will be made:
How the District will explain in writing, the reasons for any refusal by the District to provide services, or certain types of services, to the School's students:

Name and Title of Representative of Private School

(date)

Name and Title of the (*enter district name*)

(date)

(District Letterhead)

Private School Letter of Affirmation Outlining Provision of Special Education Services

Date: / /

_____ (Insert school name)
_____ (Insert school address)
_____ (City, State, Zip)

Dear _____ (insert private school administrator's name)

Representative of the _____ [insert district name], the _____ [insert private school(s)], and the parents of students with disabilities currently enrolled in a private school held a meeting on / / to collaboratively consult regarding the provision of special education services to parentally placed children with disabilities in private schools.

This collaborative consultation meeting resulted in the attached Private School Protocol for Students with Disabilities.

Please check the appropriate box and sign below:

- I was able to attend and participated in the meeting
- I was unable to attend but had the opportunity to provide input into the plan

Name and Title of Representative of Private School (date)

Please return this form by / /

to: _____ (Special Ed Director)

_____ (District)

at _____ (Address) (City, State, Zip)