

PROCEDURAL HANDBOOK

SECTION

8

Procedures for Providing Special Education Services to Parentally Enrolled Private School Children with Disabilities

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PROCEDURES FOR PROVIDING SPECIAL EDUCATION SERVICES TO PARENTALLY ENROLLED PRIVATE SCHOOL CHILDREN WITH DISABILITIES

The following procedures apply to school age children who are enrolled by their parents in private schools. Children of preschool age who may need special education services shall be evaluated and provided services, as appropriate, by the Santa Barbara County Education Office via an IEP.

I. Child Find

The Santa Barbara County SELPA will:

Annually inform local private schools of the provisions in Federal Law that address the issue of students enrolled by their parents in private schools who may be eligible for special education services. Representatives of private schools (including private school administrators, teachers, parents and students) will be invited to an annual meeting to discuss issues including, but not limited to, criteria for special education eligibility and special education referral procedures under federal and state laws and regulations. If they do not attend, the information will be mailed to them.

A. Ask private schools to list and specify disabilities of students enrolled in the school who may be eligible for special education services and the districts of residence of those children. The SBCSELPA shall provide this information to each LEA in the SBCSELPA.

B. Ensure that child-find activities undertaken for private school students are comparable to activities undertaken for children ages three to 22 with disabilities in public schools. This will include dissemination of the special education Child-Find brochures in English and Spanish to all private schools in the SBCSELPA annually.

II. Referral for Special Education

A. A student shall be referred for special education instruction only after the resources of the regular education program have been considered and, where appropriate, utilized.

B. If, after considering, and where appropriate utilizing general education resources, it is determined that a private school child may require special education services, the private school staff or parent may make referral for assessment/special education to the district where the private school the student attends is located. The private school should contact the Special Education Administrator of the LEA/district where the private school is located.

III. Assessment for Eligibility and Educational Planning

A. The private school staff and parent(s) are encouraged to conduct a Student Study Team (SST) meeting to consider accommodations and supports within the private school and/or if other non-special education services are appropriate prior to conducting a formal assessment for special education prior to referring a student to special education.

The SST may initiate a referral for assessment at that meeting or at a follow-up meeting, if appropriate.

- B. Following receipt of a referral for assessment/special education, the district where the private school is located shall develop an assessment plan and provide it to the parent within 15 calendar days except in instances where the district determines that an assessment for special education is not warranted. A formal Prior Written Notice of the district's refusal to conduct an assessment and the reasons for the determination is to be provided to the parent. The district where the private school is located shall include a release of information with the assessment plan in order to exchange needed information and forward assessment data if the parents indicates an interest in receiving special education services.
- C. The assessment for special education eligibility must include evaluation in all areas related to the suspected disability and shall be completed and an eligibility meeting convened within 60 calendar days from the date of receipt of the signed assessment plan (not counting days of school vacation as specified in E.C. 56344).

IV. Parents' Rights and Procedural Safeguards for Parentally Enrolled Private School Students with Disabilities

The parents' rights and procedural safeguards for parentally enrolled private school students with disabilities are included on page 9 of the SBCSELPA's Parental and Adult Students' Rights and Procedural Safeguards for Special Education, under the heading "Children Attending Private School".

Parents of parentally enrolled private school students are to be provided with a complete copy of the SBCSELPA's parents rights document upon initial referral for evaluation, at the time each annual review Private School Services Plan meeting notice is provided, or when a reevaluation is to be conducted.

Parents of parentally enrolled private school students with disabilities do not have the right to request a due process hearing regarding the provision of services offered through a Private School Services Plan. A parent of a child enrolled in a private school has the right to file a due process complaint ONLY related to the LEA/district's child-find activities.

V. IEP and/or Private School Services Plan Meetings

- A. Once the assessment is completed by the district where the private school is located, the district of private school Director/Designee contacts the parent to ask if they are possibly interested in enrolling the child in the district of residence and receiving an offer of FAPE via an IEP. If they indicate yes, then the student is referred back to their district of residence and the assessment data is forwarded to the district of residence by the district of the private school. If parent(s) indicates they are not interested in enrolling the student in the district of residence, then an eligibility/ISP meeting is convened by the district where the private school is located.

NOTE: If district where the private school is located finds the student not eligible or no longer eligible, the IEP form, *Demographic and Eligibility (IEP 1) and IEP Eligibility (IEP 2)*, is completed showing "Not eligible"; IEP form, *Present Levels of Performance (IEP3 2B)*, is completed; IEP form, *Notes and Additional Information (IEP9 12)*, and

the IEP form, *Consent and Signatures (IEP 10A)* is completed with the check box “I understand that my child is Not eligible for special education” initialed by parent.

1. If the parent(s) express an interest in enrolling their child in public school, then the district of residence, using the IEP form, *Notice of Meeting (NC 6A)*, shall invite the parent(s) to participate in an eligibility IEP meeting to determine eligibility for special education and develop, as appropriate, an IEP. If the IEP Team determines that a private school student is eligible for special education, then the IEP team shall develop a complete IEP including goals and, as appropriate, objectives to address all areas of identified need. The standard IEP forms should be used to document the program and services to be provided to the student if he/she were to enroll in public school.

NOTE: If district of residence finds student not eligible, the IEP form, *Demographic and Eligibility (IEP 1) and IEP Eligibility (IEP 2)*, is completed showing “Not eligible”; IEP form, *Present Levels of Performance (IEP2B)*, is completed; IEP form, *Notes and Additional Information (IEP12) and the IEP form, Consent and Signatures (IEP 10A)*, is completed with the check box “I understand that my child is Not eligible for special education” initialed by parent.

If the parents of a private school child with a disability agree with and consent to the IEP developed by the IEP Team and indicate their intention to enroll their child in public school, the IEP shall be implemented as soon as possible following the IEP Team meeting.

If the parents of a private school child with a disability agree with but decline the IEP developed by the IEP Team, the IEP Team shall:

- a. Ask the parent to sign in attendance on the IEP form, *Consent and Signatures (IEP 10A)*, and initial the box indicating, “I agree to all parts of the IEP”, and initial box indicating “I decline the offer of initiation of special education services”.
 - b. Include the following statement on the IEP Team Meeting Notes page, “The parent(s) have chosen to enroll their child in private school. The services being offered on this IEP are available if the student enrolls in public school in their district of residence.”
 - c. On the IEP form, *FAPE and Educational Setting (IEP 7B)*, the child’s school of attendance should be listed as the neighborhood public school in the child’s district of residence (unless the IEP Team recommends placement in a special education program located at another school).
 - d. If parent indicates they want an ISP, district where private school is located offers student services via an ISP, as appropriate.
2. If the parent(s) indicate to the district where the private school is located that they are not interested in a public school program or placement, but rather intend to enroll or continue the enrollment of their child in a private school, the district of the private school convenes a meeting and invites the parent(s) using the SELPA

form, *Notice of Meeting and Intent to Participate – Private School Student Service Plan Meeting* (SELPA27), in order to participate in a meeting to determine eligibility for special education and develop, as appropriate, an *Individual Service Plan for Parentally Placed Private School Students* (SUPP30), a private school Individual Service Plan (ISP). Representatives from the child's district of residence need not be invited to the meeting under these circumstances.

VI. Development of Private School Services Plans

- A. If the parents of a child with a disability decline to enroll their child in public school and the parents wish to have some level of special education services provided to their child, then the school district in which the private school is located shall develop a Private School Services Plan for the student. The Supplemental IEP form, *Individual Service Plan for Parentally Placed Private School Students* (SUPP30), should be utilized for this purpose.
- B. The Services Plan must be developed at a meeting attended by the parent, a local education agency administrator, a special education service provider and a regular education teacher. (The regular education teacher may be a teacher from the private school.)
- C. The school district must ensure that a representative of the private school (which may be the private school teacher) be invited to participate in the Services Plan meeting.
- D. The parent must receive written notification of the Services Plan meeting.
 - 1. The SELPA form, *Notice of Meeting and Intent to Participate – Private School Student Service Plan Meeting* (SELPA27) must be sent to the parent prior to the meeting to develop the Service Plan, unless the Services Plan is developed at the same meeting that was convened to develop an IEP offering special education services if the child enrolls in public school.
 - 2. A copy of the SBCSELPA's Parental and Adult Students' Rights which includes the rights related to Children Attending Private Schools, must be sent to the parent along with the SELPA form, *Notice of Meeting and Intent to Participate – Private School Student Plan Meeting* (SELPA27).
- E. The Services Plan form should list the special education service(s) to be provided to the pupil including their frequency, duration and location.
- F. The school district personnel are authorized to make the final decision regarding which service(s) will be provided to the private school child with a disability through a Services Plan. Parent consent to the Services Plan is required.
- G. Special education services provided pursuant to a Private School Services Plan may be provided either at the private school or at a public school site.
 - 1. If the services are provided at a location other than the child's private school, and the child requires transportation in order to access the special education services being offered, then the transportation must be provided.

2. The cost of such transportation shall be included in calculating the total amount of funding districts are required to expend for special education services provided to private school children with disabilities.
3. School districts are not required to provide home-to-school transportation for private school students with special education needs.

H. Meetings to develop, review, and revise Services Plans must be held at least annually.

VII. Child Count of Total Number of Private School Students with Disabilities

- A. Each district is required to conduct an annual child count of the total number of eligible parentally placed private school children with disabilities attending private schools located within their jurisdiction.
- B. This child count is comprised of those parentally enrolled private school students with disabilities receiving special education services through a Private School Services Plan as well as those parentally enrolled private school students who have been found eligible for special education within the last three years but who are not currently receiving special education services through a Private School Services Plan.

VIII. Pupil Count of Private School Children with Disabilities

- A. Children with disabilities enrolled in private schools by their parents should be counted on the Fall CALPADS if they are receiving special education or related services according to a Private School Services Plan.
- B. Children with disabilities enrolled in private schools whose parents choose not to have a Services Plan developed for their child and decline special education services, must also be included in the Fall CALPADS in the category designated for this purpose.

IX. Calculation of Required Expenditure of Funds for Parentally Placed Private School Children with Disabilities

- A. Pursuant to SBCSELPA policy, local education agencies shall offer to annually expend a uniform per pupil amount in the provision of special education and related services for each parentally enrolled private school student with disabilities of school age who attends a private school located within the LEA's jurisdiction. This per pupil amount shall be derived after calculations are performed to determine the proportionate share of the LEA's allocation of IDEA Part B local assistance grant funding for school age children with disabilities that must be expended on the provision of special education and related services for the parentally enrolled private school children attending private schools within the LEA.
- B. Each year each LEA within the SBCSELPA will need to calculate a per pupil amount of federal funding that will be offered to each parentally enrolled school age private school child with a disability using the following formula:
 1. From the prior year CALPADS, determine the number of school age children (5-21), enrolled in public school, eligible for special education.

- C. Districts must also report on the Fall CALPADS the total number of parentally enrolled private school students who were assessed during the past year, including those students found not eligible for special education.
1. From the prior year December private school child count and the prior year December special education CALPADS, determine the number of school age (5-21) children enrolled in private schools located within the LEA eligible for special education. This number will include both eligible private school children currently receiving special education services through a Private School Services Plan and eligible private school children currently receiving no special education services.
 2. Add #1 and #2 to determine the total number of school age children attending private schools within the LEA eligible for special education.
 3. Identify the total number of special education-eligible children (attending both public and private school) receiving special education services through either an IEP or a Private School Services Plan.
 4. Determine the total amount of the LEA's Federal Part B local assistance funding for school age children for the current school year.
 5. Divide the total number of school age private school children eligible for special education by the total number of school age public and private school children eligible for special education to determine the percent of special education eligible students residing in the LEA who attend private school.
 6. Multiply the LEA's total current year Part B local assistance grant amount for school age children by the percentage to determine the total amount that must be spent in the current year for the group of parentally placed private school children with disabilities attending private schools within the LEA.
 7. To determine the per child amount of federal funding to be spent in the current year, divide the total amount that must be spent on parentally enrolled private school children with disabilities by the total number of parentally enrolled children with disabilities who received special education services through a Private School Services Plan in the prior year. (See Attachment 1)
- D. After the school district decides which service(s) it will offer to each child with a disability enrolled in private school pursuant to a Services Plan, a calculation must be performed to determine the amount of special education services (including the cost of transportation in some cases) to be provided that is the equivalent to the per child amount of funding that will be expended.
- E. It will be necessary to calculate the hourly salaries (including benefits) of staff who will provide the services specified in the Services Plan, taking into account whether the private school child is seen individually or as part of a group.

1. The total number of hours of service to be provided to the child for the year is calculated by determining the hourly cost of the service:
 - a. For example, the teacher or DIS provider's yearly salary and benefits is divided by 180 divided by the number of hours in the workday.
 - b. The total amount to be spent per child is then divided by this hourly rate to determine the number of hours of service that will be provided.
 - c. If a child will be seen in a group of three, for example, the hourly rate will be divided by three before performing the calculation to determine the number of hours of service that will be provided.
 - d. Transportation costs will need to be calculated separately and will reduce the amount of funding available to provide programmatic services.

- F. Funds expended for assessment and staff participation in IEP and Services Plan meetings may not be included as part of the total of a district's required expenditures for services to parentally enrolled private school children with disabilities.

- G. If a child enrolled in a private school is offered special education services sometime after the start of the school year, then the amount of funding to be expended for the remainder of the current school year is to be prorated accordingly.

- H. At the beginning of each school year, the SBCSELPA office will provide districts with an estimate of the amount of federal funding to be received in the current year for use in calculating projected per pupil expenditures, if this information is available.

Attachment 1
Proportionate Share Calculation for
Parentally-Placed Private School Children with Disabilities

FOR FLINTSTONE SCHOOL DISTRICT:

# of eligible children in public schools	=	300
# of eligible children in private schools	=	20
Total # of eligible children =		320

AT DECEMBER 1 CHILD COUNT:

# of children served in public schools	=	300
# of children served in private schools	=	5
Total # of public & private children served =		305

Note: 305 is the number turned in to OSEP for children served with IEP or service plan.

FEDERAL FLOW-THROUGH FUNDS TO FLINTSTONE SCHOOL DISTRICT:

Total allocation to Flintstone = \$152,500

FORMULA FOR CALCULATING PROPORTIONATE SHARE:

$$\begin{array}{r}
 \text{Total} \\
 \text{Proportionate} \\
 \text{Share For} \\
 \text{Private School} \\
 \text{Children}
 \end{array}
 = \frac{\text{X}}{\text{Total Flow-Through Allocation}} \times \frac{\text{Eligible Private School Children}}{\text{Total Eligible Public \& Private School Children}}$$

Note: Proportionate share for parentally-placed private school children is based on total children eligible, not children served.

FLINTSTONE SCHOOL DISTRICT OBLIGATION:

$$\frac{\text{X}}{\$152,500} = \frac{20}{320}$$

$$\text{X} = \$9,531.25$$

(This amount must be spent for the group of parentally-placed children in private schools)

**SBCSELPA
INDIVIDUAL SERVICE PLAN (ISP) PROCESS (Approved March 3, 2008)**

CHILD FIND REQUIREMENTS

School personnel take steps annually to identify students with disabilities attending private schools who may benefit from an IEP or Individual Service Plan

Parent/guardian or teacher/administrator of private school refers student in writing for evaluation to District SPED Director where private school is located

District staff where private school is located reviews the student data to determine if the referral is appropriate and/or if more information is needed/optional. District may engage in SST process

District denies assessment via a Prior Written Notice letter to the parent stating reasons why the referral is not appropriate

District where private school is located sends an ASSESSMENT PLAN, REFERRAL, & RELEASE OF INFORMATION with district of residence to parent

Parent declines assessment or fails to return signed assessment plan within 30 days - PROCESS STOPS

Parent returns signed ASSESSMENT PLAN & RELEASE OF INFORMATION - assessment is completed within 60 days

After assessment is completed, district of Private School contacts parents to ask if they are interested in returning to district of residence to convene eligibility meeting for special education services (IEP) or if they would like to convene eligibility meeting for individual service plan (ISP) at the private school

If parent indicates they are interested in an IEP, not ISP, then district of private school refers back to district of residence and sends assessment data

Parent indicates they are not interested in IEP and requests an Individual Service Plan (ISP)

District of residence convenes IEP meeting to determine eligibility and if eligible offers FAPE to student; parent accepts or declines; if parent accepts offer, student is enrolled in district of residence; if the parent declines, the PROCESS STOPS unless parent indicates they want an ISP

District of private school convenes ISP meeting to determine eligibility and if eligible offers student services via an ISP as appropriate

If not eligible PROCESS STOPS

If parent indicates they are interested in ISP, District of private school offers student services via an ISP as appropriate

If parent declines ISP, district of private school has met obligation and PROCESS STOPS

- X. Annual Notice to Parents of Parentally Placed Private School Students of District's Ability to Provide FAPE
- A. School districts are not required to develop an IEP that offers FAPE in the public school for parentally placed private school students with disabilities unless the parent expresses an interest or intention to enroll their child in public school.
 - B. Instead, school districts must provide annual notice to parents (either at the beginning of each new school year or coinciding with the date of determination of initial eligibility for special education) of the availability of a free appropriate public education if the child enrolls in public school.
 - C. This form should be sent return receipt requested to document that the form was received by the parents. A copy of the SELPA form, *Notice of Rights and Safeguards (NC 1)*, should be sent to the parent along with the Annual Notice form.
 - D. If the parents of a private school child with a disability indicate their interest of enrolling the child in public school and receiving special education services through an IEP, the district in which the child resides is responsible for developing an IEP that offers FAPE in the public schools. District of location and district of residence may not share information regarding a student without a release of information signed by the parent or guardian.
- XI. Three-year Reevaluation for Parentally Enrolled Private School Students with Disabilities
- A. All parentally placed private school students with disabilities, who are currently receiving special education services through a Private School Services Plan, are required to be reevaluated at least once every three years or more frequently if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation. A reevaluation need not be conducted more frequently than once a year, unless the parent and the LEA agree otherwise. Parentally placed private school students who have previously been identified as having a disability whose parents have declined special education services are also required to be offered a reevaluation every three years, but if parent consent for the evaluation is denied, the district is not obligated to initiate a due process hearing regarding the issue of assessment. (Documentation of the district's proposal to conduct a three-year reevaluation for such children must be kept on file.)
 - B. The same procedures should be used for private school students as are employed for students with disabilities attending public school to determine the scope of reevaluations, for conducting the reevaluations, and for writing a three-year reevaluation report.
 - C. If the parents express an interest in enrolling their child in public school, then the parents shall be invited to participate in a meeting to determine continued eligibility for special education and to develop, as appropriate, an IEP using the IEP form, *Notice of Meeting (NC 6A)*. Representatives from the child's district of residence must participate in the meeting convened to review the results of the triennial assessment, if the meeting has been convened to develop an IEP for the child that offers FAPE in the public schools.

- D. If the parents make clear to the case manager that they are not interested in a public program or placement, but rather intend to or continue the enrollment of their child in a private school, then the parents shall be invited to participate in a meeting to determine continued eligibility for special education and develop, as appropriate, a Private School Services Plan using the Supplemental IEP form, *Individual Service Plan for Parentally Placed Private School Students* (SUPP30).

WHAT FORMS SHOULD BE USED

- NC 6A: Notice of Meeting (E & S)
This form is used to invite parents of parentally enrolled private school students to an IEP meeting if the parent expresses interest in enrolling their child in public school.
- SELPA27: Notification of Meeting and Intent to Participate – Private School Student Service Plan Meeting (E & S)
This form is used to invite parents of parentally enrolled private school students to meetings to develop a Private School Service Plan.
- NC 1: Notice of Rights and Safeguards (E & S)
This form is to be sent home along with the Assessment Plan and Meeting Notification forms.
- SUPP30: Individual Service Plan for Parentally Placed Private School Students (E & S)
This form is to be used to describe the special education and related services that will be provided to parentally enrolled private school students with disabilities.
- NC 2B: Notice of Reassessment (E & S)
This form is to be used to determine the scope of any triennial or other requested re-evaluation for parentally enrolled private school students.
- IEP1: Demographic and Eligibility (E & S)
- IEP2: IEP Eligibility (E&S)
This form is to be used when the student is found not eligible or no longer eligible for special education.
- IEP 10A: Consent and Signatures (E & S)
This form is to be used when the student is found not eligible or no longer eligible for special education.

NOTE

E = ENGLISH and S = SPANISH

Appendix A references the forms highlighted throughout this handbook. SELPA and Supplemental IEP forms can be found on our county's on-line *SIRAS Systems*, www.sirassystems.org.