

**PROCEDURAL  
HANDBOOK SECTION**

**8**

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

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This section contains information you should know about...

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	Page
Child Find	8-2
Referral for Special Education	8-3
Assessment for Eligibility and Educational Planning	8-3
IEP and/or Private School Services Plan Meetings	8-4
Development of Private School Services Plan	8-6
Parents Rights and Procedural Safeguards for Parentally Enrolled Private School Students with Disabilities	8-6
Child Count of Total Number of Private School Students with Disabilities	8-6
Pupil Count of Private School Children with Disabilities	8-7
Calculation of Required Expenditure of Funds for Parentally Placed Private School Children with Disabilities	8-7
Attachment 1 – Proportionate Share Calculation for Parentally Placed Private School Children with Disabilities	8-10
SBCSELPA Individual Service Plan (ISP) Process	8-11
Offer of FAPE, LEA Annual Notice to Parents of Parentally Placed Private School Students	8-13
Three-year Reevaluations for Parentally Enrolled Private School Students with Disabilities	8-13
What Forms Should be Used	8-14

***PROCEDURES FOR PROVIDING SPECIAL EDUCATION SERVICES  
FOR CHILDREN WITH DISABILITIES WHO ARE PARENTALLY  
ENROLLED IN PRIVATE SCHOOLS OR CDE APPROVED HOME SCHOOL***

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 (*SBCSELPA*) will:

- A. Annually inform local private schools of the provisions in Federal Law that address 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 by SBCSELPA to an annual meeting to discuss criteria for special education eligibility and special education referral procedures under federal and state laws and regulations. If they do not attend, the information from the meeting will be mailed to the private school by SBCSELPA. Private schools will be emailed a form to complete confirming receipt of information.
- B. Ask private schools to list students enrolled in the school who they suspect have disabilities or may be eligible for special education services and the districts of residence of those children. SBCSELPA will meet annually in the fall to update the Private Schools in Santa Barbara County with LEA procedures.
- C. 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 Santa Barbara County annually.

II. Referral for Special Education

School personnel from each LEA in Santa Barbara County will take steps annually to identify students with disabilities attending private schools who may require an IEP or an ISP.

After considering if appropriate general education resources were utilized and exhausted, the private school determined that a private school child may require special education services.

The parent or guardian, or teacher/administrator of the private school, refers the student in writing for evaluation to the District of Geographical Residence (DOGR), including the SPED Director/Designee of District of Location (DOL) where 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. Additionally, other non-special education services should be discussed at the SST to determine if further interventions in the general education setting are appropriate prior to conducting a formal assessment for special education, and prior to referring a student to special education. The SST may initiate a referral for assessment at the SST meeting or at a follow-up meeting, if appropriate.

If possible, the DOGR and the DOL should be invited to an SST or follow-up meeting to communicate and clarify any questions related to the assessment process and procedures to the parent (s).

- B. The most recent provisions require the DOL, or the LEA where the private school is located, to be the responsible agency for implementing the IDEA requirements for parentally placed children with disabilities. This includes the obligation that the DOL locate, identify, evaluate, and spend a proportionate share of IDEA funds for equitable services for children with disabilities enrolled by their parents in private schools, including religious, elementary, and secondary schools located within that LEA.

#### CALPADs Reporting

The DOL or DOGR is responsible for submitting the 'meeting type 10' (initial) with the 'plan type 200,' Individual Service Plan (ISP) to CALPADS even though the district where the private school is located did not conduct the assessment for the initial. The district where the private school is located will also submit records for annual and triennial meetings to CALPADS depending on who will hold the initial the meeting.

- C. When the DOL, receives a request for assessment, the DOL will first inquire with the DOGR to confirm who (DOGR or DOL) will start the assessment process.
- D. Following receipt of a referral for assessment for special education, the DOGR or the DOL shall be contacted to develop an Assessment Plan and Prior Written Notice providing all documents to the parent within 15 calendar days or deny the request with an explanation documented (see #F). The DOGR or DOL shall include a Release of Information with the Assessment Plan to exchange the needed parent information with the private school.
- E. The assessment for special education eligibility must include evaluations in all areas related to the suspected disability. The assessments 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).

#### F. Denial of Assessment by DOGR or DOL

After discussion of a possible assessment for eligibility of Special Education services and supports in the SST, the DOGR or the DOL determine that an assessment for special education is not warranted, a formal Prior Written Notice of the DOGR or the DOL's refusal to conduct an assessment and the reasons for the determination will be provided to the parent.

G. If the parent declines assessment or fails to return the signed assessment plan within 30 days, the assessment process stops.

#### IV. IEP and/or Private School ISP Meetings

1. Once the assessment is completed by the DOGR or the DOL the Director/Designee shall convene an IEP meeting to consider eligibility. The DOGR or DOL Director/Designee, at the IEP team meeting if eligible presents the parent with an Offer of FAPE via an IEP and the option of enrolling the child in the DOGR.

##### A. Offer of FAPE via an IEP

If the parent agrees to the Offer of FAPE via the IEP, the student is referred to the DOGR and the assessment data and reports are forwarded to the DOGR by the DOL for implementation of an IEP.

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

##### B. Student found not eligible for Services via an IEP:

If the student is found not eligible for special education services via an IEP, the DOL completes the following IEP forms:

- Demographic and Eligibility (IEP 1)
- IEP Eligibility (IEP 2) showing "Not eligible."
- Present Levels of Performance (IEP3 2B)
- Notes and Additional Information (IEP9 12)
- Consent and Signatures (IEP 10A) with the check box "I understand that my child is "Not eligible for special education" and is initialed by parent.

##### C. Decline of the Offer of FAPE via an IEP

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:

1. Ask the parent to sign in attendance on the IEP form, Consent and Signatures (IEP 10A), initialing the box indicating, "I agree to all

parts of the IEP,” initialing the box indicating “I decline the offer of initiation of special education services.”

2. Include the following statement on the IEP Team Meeting Notes page “The parent(s) have chosen to enroll their child in a private school and decline the offer of FAPE. The services offered on this IEP are available if the student enrolls in public school in their DOGR.”

3. 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 DOGR (unless the IEP Team recommends placement in a special education program located at another school).

#### D. Development of the ISP

If the parent(s) indicates they are not interested in enrolling the student in the DOGR, then an eligibility ISP meeting is convened by the DOL. The DOGR and the DOL could be invited to the ISP meeting to collaborate on services for the student.

DOL convenes a meeting and invites the parent(s) using the Notice of ISP Meeting (ISP 1) inviting the parents to participate in a meeting to determine services in special education developing, as appropriate, an ISP for the private school student.

#### V. Development of Private School ISPs

- A. The ISP must be developed at a meeting attended by the parent, a DOL administrator, a special education service provider and a regular education teacher. (The regular education teacher may be a teacher from the private school.)
- B. The DOL must ensure that a representative of the private school (which may be the private school teacher) is invited to participate in the ISP meeting.
- C. The parent must receive written notification of the ISP meeting.
  1. The SELPA form, Notice of ISP Meeting (ISP 1) must be sent to the parent prior to the meeting to develop the ISP, unless the ISP 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’ Procedural Safeguards which includes the rights related to Children Attending Private Schools, must be sent to the parent along with the Notice of ISP Meeting (ISP 1)
- D. The ISP forms should list the special education service(s) to be provided to

the pupil including their frequency, duration, and location.

- E. The DOL personnel are authorized to make the final decision regarding which service(s) will be provided to the private school child with a disability through an ISP. Parent consent to the ISP is required.
- F. Special education services provided pursuant to an ISP may be provided either at the private school, virtually, 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 to access the special education services being offered, then the DOL will have the option to provide transportation. The cost of such transportation shall be included in calculating the total amount of funding LEAs are required to expend for special education services provided to private school children with disabilities.
  - 2. LEAs are not required to provide home-to-school transportation for private school students with special education needs.
- G. Meetings to develop, review, and revise ISPs must be held at least annually. The DOGR may be invited to the annual meeting as a service provider and collaborate with the DOL on the ISP.

#### VI. 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 and Safeguards document upon initial referral for evaluation, at the time each annual review Private School ISP meeting notice is provided, or when a re-evaluation 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 an ISP. A parent of a child enrolled in a private school has the right to file a due process complaint ONLY related to the LEA DOGR or DOL child-find activities.

#### 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 ISP 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 ISP.

#### 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 ISP.
- B. The DOL should submit the Meeting Type 10 (initial) with the Plan Type 200, Individual Service Plan even if the DOL did not conduct the initial.
- C. The DOGR should not submit to CALPADS any subsequent Annual or Triennial meetings (Offers of FAPE).
- D. The DOL should submit records for annual and triennial meetings.

Reference:

<https://www2.ed.gov/admins/lead/speced/privateschools/idea.pdf>

- E. Children with disabilities enrolled in private schools whose parents choose not to have an ISP 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.

Each year, LEAs within SBCSELPA will need to calculate a per pupil amount of federal funding that will be offered to each parentally enrolled school age private school student 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.

B. 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 an ISP 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 an ISP.

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 ISP in the prior year. (See Attachment 1)

C. After the LEA decides which service(s) it will offer to each child with a disability enrolled in private school pursuant to an ISP, 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.

D. It will be necessary to calculate the hourly salaries (including benefits) of staff who will provide the services specified in the ISP, considering 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.

E. Funds expended for assessment and staff participation in IEP and ISP 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.

F. 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.

G. 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
<b>Total # of eligible children</b>	<b>=</b>	<b>320</b>

AT DECEMBER 1 CHILD COUNT:

# of children served in public schools	=	300
# of children served in private schools	=	5
<b>Total # of public &amp; private children served</b>	<b>=</b>	<b>305</b>

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:

$$\frac{\text{Total Proportionate Share For Private School Children}}{\text{Total Flow-Through Allocation}} = X \cdot \frac{\text{Eligible Private School Children}}{\text{Total Eligible Public \& Private School Children}}$$

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

FLINTSTONE SCHOOL DISTRICT OBLIGATION:

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

$$X = \$9,531.25$$

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

SBCSELPA Individual Service Plan ISP Process

**SBCSELPA  
INDIVIDUAL SERVICE PLAN (ISP) PROCESS**

**CHILD FIND REQUIREMENTS**

School personnel from District of Geographical Residence (DOGR) and District of Accountability (DOA) take steps annually to identify students with disabilities attending private schools who may require from an IEP or an ISP.

Parent/guardian or teacher/administrator of or private school refers student in writing for evaluation to (DOGR) including the SPED Director/Designee of District of Location (DOL) where private school is located.

The DOGR, the DOL, and the staff where private school is located review the student data to determine if the referral is appropriate and/or if more information is needed or optional. The DOGR and the DOL may engage in SST process where the private school is located.

After discussion of a possible assessment for eligibility of Special Education services and supports during the SST, the DOGR denies assessment via a Prior Written Notice letter to the parent stating reasons why the referral is not appropriate.

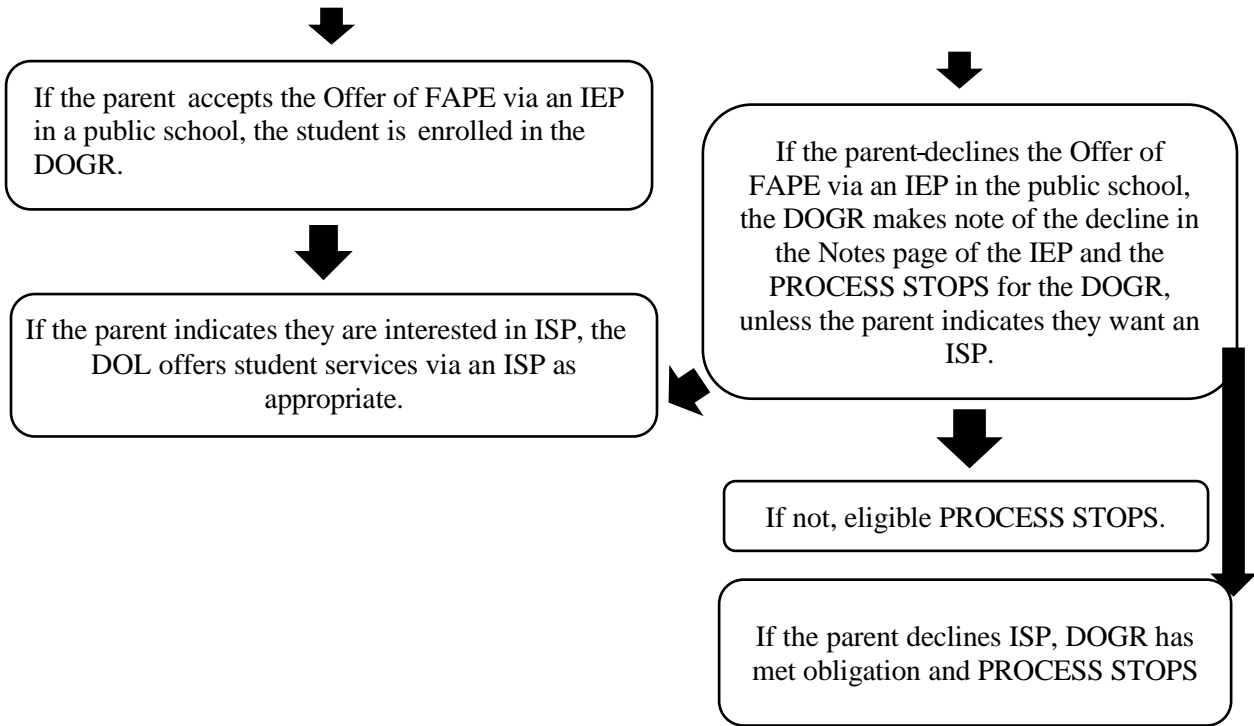
If parent declines assessment or fails to return signed assessment plan within 30 days, the **PROCESS STOPS.**

DOGR sends an Assessment Plan, Prior Written Notice, and Release of Information to the parent.

If parent returns signed Assessment Plan, and Release of Information the assessment is completed within 60 days by the DOGR or DOL.

After initial assessment is completed, DOGR, a Representative from the DOL and the Private School meet with the parents to present the assessment results. The DOGR presents the parent with an Offer of FAPE via an IEP and the option of enrolling the child in the DOGR.

If the parent indicates they are not interested in IEP and requests an Individual Service Plan (ISP) the DOL writes the ISP with the IEP Team members including the parent.



X. Offer of FAPE: LEAs Annual Notice to Parents of Parentally Placed Private School Students

- A. LEAs 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. 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 DOGR is responsible for developing an IEP that offers FAPE in the public schools. The private school and DOL may not share information regarding a student without a release of information signed by the parent or guardian.

X. 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 ISP, are required to be reevaluated at least once every three years or more frequently if conditions warrant a reevaluation.

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. If the parent consent for the evaluation is denied, the DOL is not obligated to initiate a due process hearing regarding the issue of assessment. (Documentation of the district DOL'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 utilized for students with disabilities that are enrolled and attending public school to determine the scope of reevaluations, for conducting the reevaluations, and for writing a three-year reevaluation report.

Child Find process in special education and related services of parentally placed Private School Children: California Code, Education Code - EDC § 56301

Local Education Agency consultation with a Private School: California Code, Education Code - EDC § 56172

## 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. (E & S)
ISP 1:	Notice of ISP Meeting  This form is used to invite parents of parentally enrolled private school students to meetings to develop a Private School Service Plan.
ISP 2A	Data-Eligibility-Present Levels
ISP 2B	Instructional Accommodations
ISP 3	Service and Consents
ISP 4	Notes and Additional Information
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.
NC 2B:	Notice of Reassessment This form is to be used to determine the scope of any triennial or other requested re-evaluation for parentally enrolled private school students. (E & S)
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.

### Glossary of Terms

<https://documentation.calpads.org/glossary/casemis/dsea/>

DSEA:	District of Special Education Accountability for a student with an IEP is defined to be either of the following:
DOGR:	District of Geographic Residence: (DOGR)

The student's parents or guardians reside in the same district in which the student is receiving special education instruction. Determines the District of Location- where the student is to get services (at public school).

DOL: District of Location: (DOL)  
The district where the Private School is located.

DOA: District of Accountability: (DOA)/Reporting LEA.  
The DOL where the student is enrolled in CALPADs. This is the district where the Private School is located. \*Use Reporting LEA.

E = ENGLISH and S = SPANISH
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IEP forms can be found on our SBCSELPA's on-line SIRAS Systems, [www.sirassystems.org](http://www.sirassystems.org).