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hildren with Disabilities Enrolled by Their Parents



in **S** rivate Schools

Produced by NICHCY, 2007

This module looks at...

Equitable services for “parentally-placed” children with disabilities in private schools



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- What equitable services are
- How they're determined
- School district responsibilities
- Services plans
- Location of services
- Calculating the proportionate share
- How IDEA's procedural safeguards apply

Z hat types of schools are there?



10/29/08, Day 2, Session 5

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Parentally-Placed Children General

Are There Differences in Services
for Children with Disabilities
Enrolled by Their Parents...

In private
school?



In public
school?



Parentally-Placed Children with General

Differences in Services

"Parentally-placed" children with disabilities:

- have **no individual right** to services under IDEA
- may receive different amount of services, possibly none

LEA has obligation to provide...

...the *group* of "parentally-placed" children with disabilities with **equitable participation** in services funded with federal IDEA funds

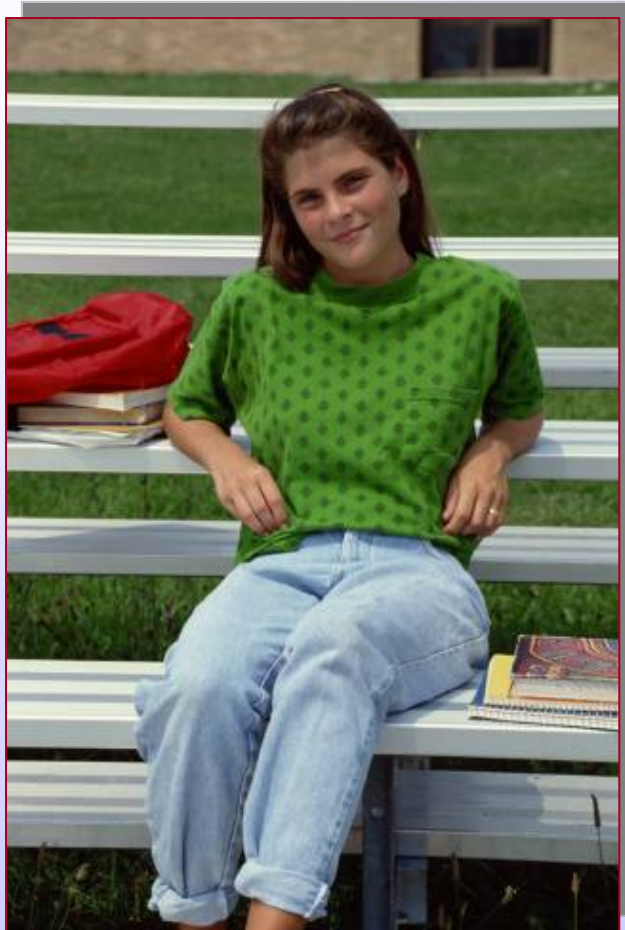
Parentally-Placed | General

School District Responsibility

Which school district is responsible...

The LEA where the private school is located.

...for decisions about services to parentally-placed private children with disabilities?



Parentally-Placed Child Consultation

How are decisions made about services to be provided to "parentally-placed" children with disabilities?

Each LEA must consult:



- with private school representatives and representatives of parents of "parentally-placed" children with disabilities
- in timely and meaningful way
- on key issues affecting the ability of eligible children to participate equitably in IDEA-funded special education and related services

Consultation!

Parentally-Placed Child Consultation

What must the consultation process involve?

- Child find
- Determining the proportionate share of IDEA funds available
- Determining the consultation process to be used
- How, where, and by whom services will be provided
- Disagreement process for LEA



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What records on consultation must an LEA maintain?



- LEA must obtain a **written affirmation** signed by the representatives of participating private schools.
- If representatives do not provide that affirmation within reasonable period of time, LEA must forward documentation of consultation process to the SEA.

Parentally-Placed Child Find

How are "parentally-placed" children suspected of having a disability located, identified, and evaluated?

Not New in IDEA:
Child find

New in IDEA:
Responsibility to conduct child find in private schools now resides with the **LEA where the private school is located**



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Private school



Child Find
Process

Same as procedures
for public school
children

Child Find
Activities

Similar to
activities
for public school
children

Evaluation
Procedures

Completed in a
time period
comparable to
that for public
school children

Parentally-Placed | Parent Consent

May a "parentally-placed" child with disabilities be evaluated without the parent's consent?



Parentally-Placed | Protecting Privacy

Release of personally identifiable information

Sharing information between LEAs



Parentally-Placed Child Offering I APE

Situation:

A "parentally-placed" child is found through child find to have a disability

Question:

Which LEA is responsible for offering the child FAPE:

- the LEA where the child lives, or
- the LEA where the private school is located?

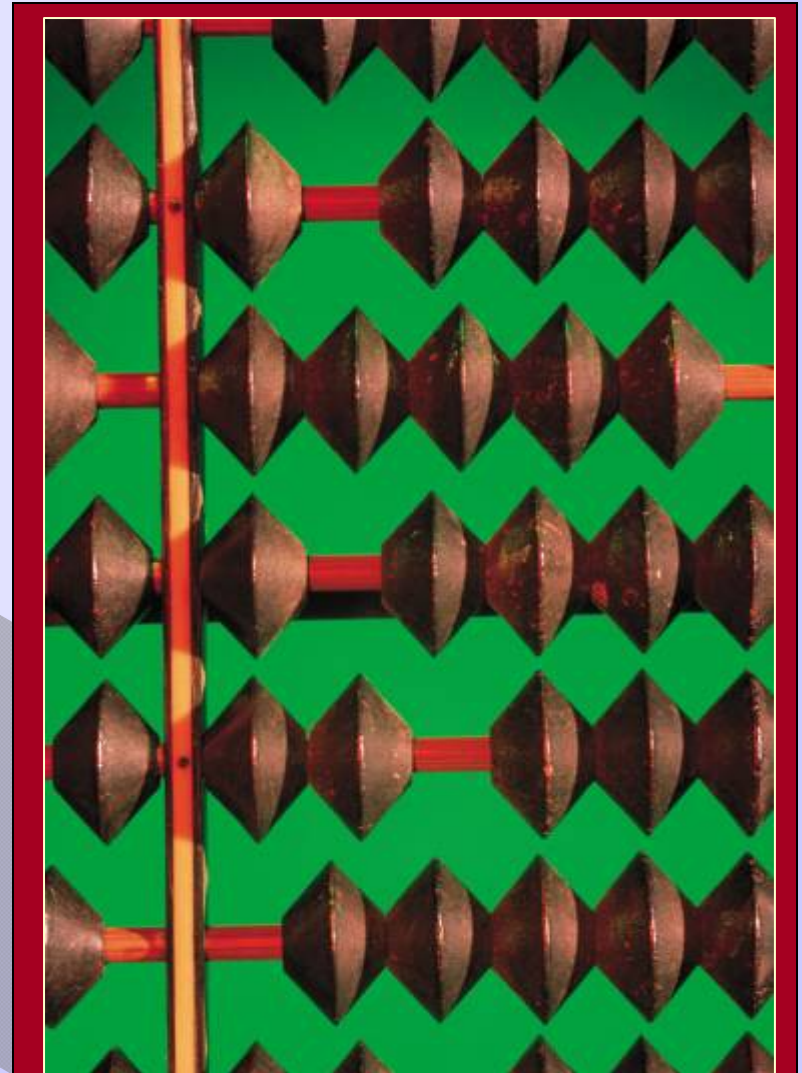
Generally, the LEA where the child lives

Parentally-Placed Reporting

What specific child count information must the LEA maintain and report to the SEA?

Number of "parentally-placed" children with disabilities:

- evaluated
- determined to be "children with disabilities" under Part B
- provided equitable services



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At the child level,
what's required?

What's a services
plan?

- A services plan
- A plan that describes the specific special education and related services the LEA will provide to the child



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More about service plans, you say?



10/29/08, Day 2, Session 5

17

Parentally-Placed | Location of Services

- How is the “location of services” determined?



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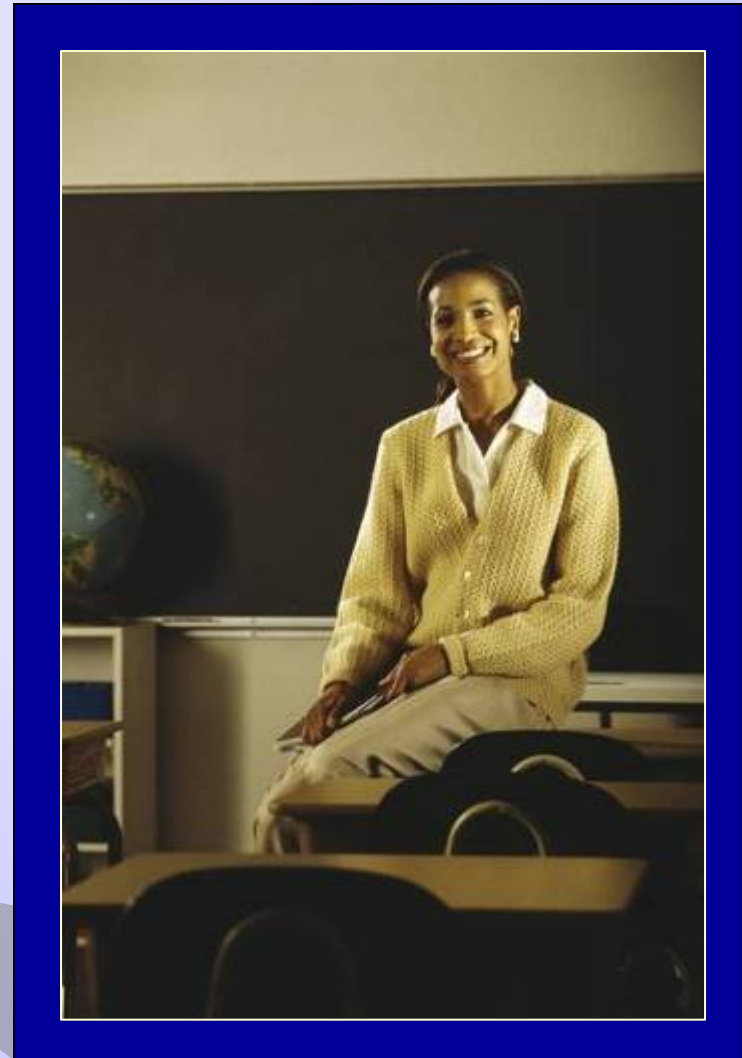
- Where may equitable services be provided?
- What about transportation?
- What about separate classes?

Parentally-Placed Personnel

Who provides the equitable services?

What conditions apply if services are provided by an employee of:

- ✓ The public agency?
- ✓ The private school?



Parentally-Placed Personnel

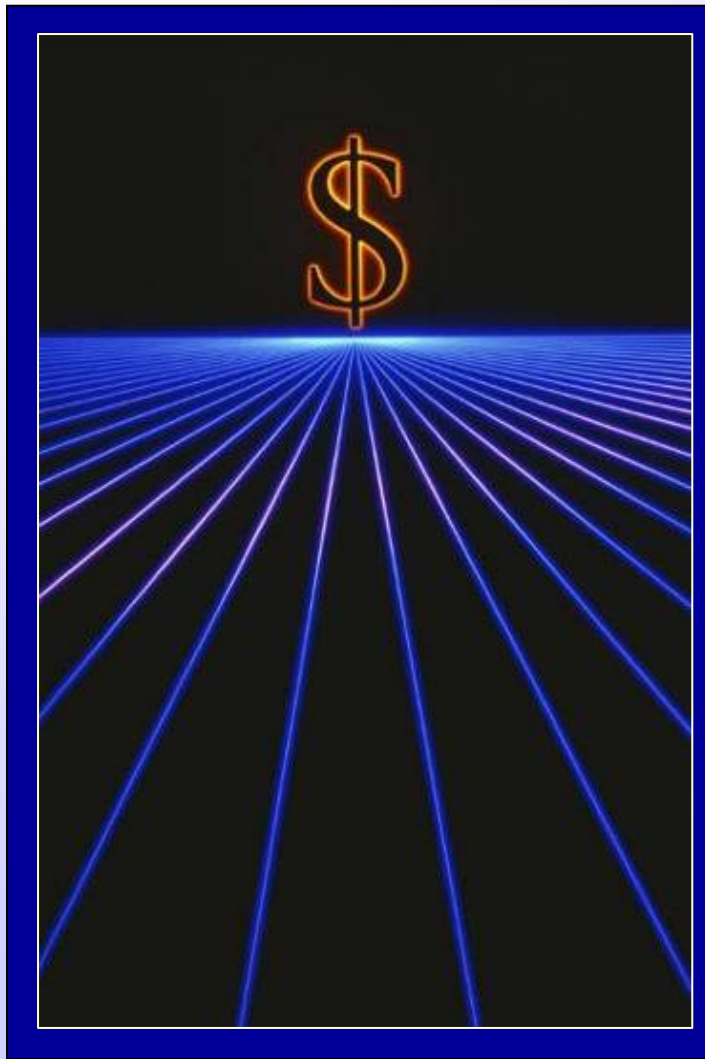


Do requirements for “highly qualified” teachers apply to personnel providing equitable services?

If services are provided by an employee of:

- ✓ The public agency—*Yes*
- ✓ The private school—*No*

Parentally-Placed Child Expenditures



Ready for some math?

Parentally-Placed Child Expenditures

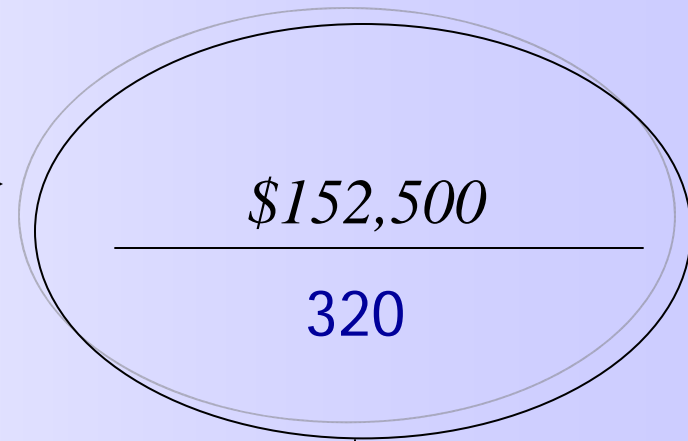
Number of eligible children with disabilities

In public schools 300

In private schools + 20

320

Federal Part B
Flow-Through \$\$ \$152,500
LEA receives



\$476.57 a child

x 20 children

\$9,531.25 for
proportionate share

Parentally-Placed Child Expenditures

\$\$ spent on child
find / evaluation in
private schools

Proportionate share
\$\$ to be spent in
private schools

Can this...

...be deducted from that?

No.

Parentally-Placed Child Expenditures

Two New Fiscal Provisions



Carrying over or obligating
unspent proportionate share \$\$
from one year to the next year

*Supplementing, not
supplanting* Federal \$\$
for "parentally-placed"
children with disabilities



Parentally-Placed in Preschools?

And what about "parentally-placed" preschoolers?

The State's definition of **elementary school** directly affects whether or not preschool children with disabilities attending private schools are considered for equitable services

See Section 22-1-3(A)
NMSA 1978



Parentally-Placed Home Schools?

Are home-schooled children with disabilities considered "parentally-placed" private school children?

In New Mexico, No.

See: Section 22-1-2(K)
NMSA 1978



Parentally-Placed Child in Private School Due Process

May parents who have placed their child with disabilities in a private school file a due process complaint when FAPE is not at issue?



✓ Regarding child find requirements—*Yes*.

Must file with LEA where private school is located.

✓ Regarding provision of services—*No*.

Must use State complaint procedure.

Parentally-Placed Complaints

And speaking of complaints...

Let's take a look at:

- Complaints filed by private school officials



Parentally-Placed | Additional Issues



- Benefits to private schools?
- Control / payment of funds, including property, equipment, and supplies?
- Costs of repairs, remodeling, or construction?

Roundup Time!

