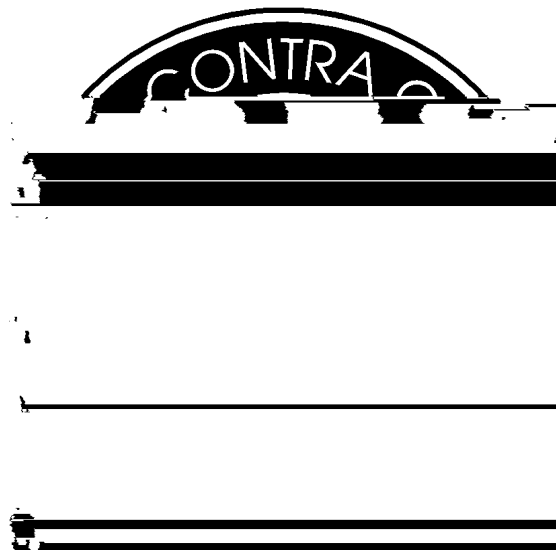


WEST CONTRA COSTA SELPA

**CHILDREN WITH DISABILITIES
ENROLLED BY THEIR PARENTS
IN
PRIVATE SCHOOLS**



July 2019

(20 U.S.C. §

Child Find Activities And Evaluation Procedures For Children Enrolled In Public Schools?

The child find activities must be similar to activities undertaken for child find for children in public schools. School districts cannot delay conducting child find, including evaluations, for parentally placed private school students until after child find for public school students is conducted.

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the child resides and the school district where the private school is located evaluate the child. Open communication between school districts early in the assessment process is key to avoiding the negative effects associated with two school districts conducting concurrent assessments. The school district where the private school is located may seek a release of information that allows not only an exchange of information but also asks whether the student has ever been assessed, or is currently being assessed, for special education and by whom. Once the assessment is complete, and assuming parent's consent, the school district should convene a joint IEP team meeting with the school district of residence for purposes of determining eligibility for both ISP services and IEP services. This may limit the potential for conflicting determinations of eligibility.

6. **Which School District Is Responsible For Ensuring That A Reevaluation Of Each Parentally Placed Private School Child With A Disability Is Conducted At Least Once Every Three Years?**

The school district where the private elementary school or secondary school is located is responsible for conducting reevaluations of children with disabilities enrolled by their parents in the private elementary schools and secondary schools located within the district.

(Q & A on Private Schools 2011.)

7. **What If The Parent Of A Student In A Private School Will Not Consent To An Assessment?** If the parent of a child who is placed in a private school at private expense does not consent to assessment or reassessment or fails to respond to a request for consent, the LEA may not use the due process procedure to override the lack of consent. However, the LEA is not required to consider the child as eligible for services.

(34 C.F.R. § 300.300(d)(4)(i); Educ. Code § 56346(g).)

B. **Consultation Process.** Consultation involves discussions among the school district, private school representatives, and parent representatives on key issues that affect the ability of eligible private school children to participate

(20 U.S.C. § 1412(a)(10)(A)(iii); 34 C.F.R. § 300.134.)

- C. **Services For Parentally Placed Private School Children With Disabilities.** No parentally placed private school child with a disability has the right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. However, a services plan must be developed and implemented for each private school child with a disability

2. How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children; and,
3. How and when those decisions will be made.

(20 U.S.C. § 1412(a)(10)(A)(iii); 34 C.F.R. § 300.134; Letter to Talbot (OSEP March 23, 2007) 107 LRP 45662.)

- (a) **What Is The Difference Between An Individualized Education Program ("IEP") And A Services Plan?** Children enrolled in public schools or who are publicly placed in private schools are entitled to FAPE and must receive a full range of services under Part B that are determined by a child's IEP team to be necessary to meet the child's individual needs and provide FAPE. IEPs for these children will be more comprehensive than the more limited services plans developed for parentally placed private school children. A services plan should describe the special education and related services offered to a parentally placed private school student designated to receive services. The plan must, to the extent appropriate, meet the IEP content requirements of the IDEA, or when appropriate, the Individualized Family Services Plan (IFSP) requirements.

(Q & A on Private Schools 2011.)

- E. **Individual Services Plan Requirements.** The school district where the private school is located must initiate and conduct meetings to develop, review, and revise an individual services plan ("ISP") for a child. The school district must ensure that a representative of the private school attends each meeting. If the representative cannot attend, the school district must use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls. The parents should also participate in the meeting to develop the services plan for their child.

(20 U.S.C. § 1412(a)(10)(A); 34 C.F.R. § 300.137.)

(This policy was developed in consultation with Mt. Diablo USD SELPA, San Ramon Valley USD SELPA, Contra Costa County SELPA; and after meeting with members of the private school community.)

1. **Must The Parent Of A Parentally Placed Private School Child Participate In The Development Of A Services Plan?** Under the regulations, a services plan must, to the extent appropriate, be developed, reviewed, and revised in accordance with IEP requirements. Given the emphasis on parent involvement in the

IDEA, the DOE believes that parents should participate in the meeting to develop the services plan for their child.

(Q & A on Private Schools 2011.)

2. **How Often Must A Services Plan Be Written?** The IDEA and its implementing regulations do not specify how often a services plan must be written. A services plan must, to the extent appropriate, be developed, reviewed and revise in accordance with the IEP requirements which dictate that a child's IEP be reviewed periodically and not less than annually. The DOE therefore believes that generally a services plans should be reviewed annually and revised, as appropriate.

(Q & A on Private Schools 2011.)

3. **How Often Must The ISP Services Policy Be Reviewed?** The ISP services Policy shall be reviewed by WCCUSD SELPA at least every three years by means of a SELPA-wide survey and/or consultation with representatives of private school children ages three to twenty-two with disabilities (including private school administrators, teachers, parents and students).
4. **Where May Services Provided Pursuant to the ISP Policy Be Provided?** The services provided pursuant to the ISP Services Policy may be provided at a private school, including a religious school, to the extent consistent with law. However, WCCUSD SELPA shall not use ISP Services Policy funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

If necessary for the child to benefit from or participate in the services provided pursuant to the ISP Services Policy, a private school child with a disability must be provided transportation to/from the service location. The cost of transportation may be included in calculating whether the WCCUSD SELPA has met its obligation to spend a proportionate share of federal funds on providing special education and related services to private school children with disabilities eligible for special education services.

5. **Is There A Dispute Resolution Process?** Yes. Disputes regarding whether the District of Residence made a FAPE available to the child (as well as the initial location, identification and assessment of parentally placed private school children with disabilities) may be resolved pursuant to local policies and procedures and/or by filing a request for a due process hearing with the Office of Administrative Hearings.

When FAPE is not at issue, special education due process procedures are not available to parents for resolving disagreements about the services provided to private school children unilaterally placed by their parents.

Disputes regarding the WCCUSD SELPA's Children With Disabilities Enrolled by Their Parents in Private Schools policy and procedures may be pursuant to local uniform complaint policies and procedures, and/or by filing a complaint with the California Department of Education pursuant to Title 5 of the California Code of Regulations section 4600 et seq.

2. **Preschool Students And Child Find.** As previously discussed, the child find obligations also apply to preschool age students. This child find obligation includes preschool children who reside in the district and preschool students who attend private preschools located in the school district that meet the definition of "elementary school" whether or not such children reside within the district.

(20 U.S.C. § 1412(a)(10)(a)(ii); 34 C.F.R. § 300.131; Letter to Smith (OSEP 2007) 47 IDELR 105.)

3. **Obligation To Provide FAPE.** If, through the child find process, a preschool student is found eligible for special education, the student is entitled to the development of an IEP by student's home district. If the parents decline the school district's offer of FAPE, the district may develop a services plan, as previously discussed.

Note. For students that attend private preschools that do not meet the definition of elementary school, discussed more fully below, these students may take advantage of FAPE if their private preschool services are personal expenses undertaken to enrich their experience.

(20 U.S.C. §§ 1412(a)(1)(A) and (a)(4); 34 C.F.R. §§





West Contra Costa Unified School District
Special Education Department
2465 Dolan Way, San Pablo, CA 94806
Phone: 510-307-4630 **Fax:** 510-724-8829

Student's name: _____ Student's Date of Birth: _____

Parent name: _____

Date: _____ Signature: _____

I have received my Parental Rights