Children with Disabilities
Enrolled by Their Parents

in Private Schools

Produced by NICHCY, 2007
This module looks at...

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

- 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
What types of schools are there?
Are There **Differences in Services** for Children with Disabilities Enrolled by Their Parents...

In private school?  

In public school?  

Produced by NICHCY, 2007
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

Produced by NICHCY, 2007
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?
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
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
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 a reasonable period of time, LEA must forward documentation of consultation process to the SEA.
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.
Private school

Child Find Process

Child Find Activities

Evaluation Procedures

Same as procedures for public school children

Similar to activities for public school children

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

Produced by NICHCY, 2007
May a "parentally-placed" child with disabilities be evaluated without the parent’s consent?

No—The LEA may not override a parent's refusal to consent to the evaluation or a parent's failure to respond to the LEA's request to evaluate the child.

Produced by NICHCY, 2007
Parentally-Placed Parentally Placed / Protecting Privacy

Release of personally identifiable information

Sharing information between LEAs

Produced by NICHCY, 2007
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
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

Produced by NICHCY, 2007
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

Produced by NICHCY, 2007
S arentally-Placed |^ V erVICES Plan

More about service plans, you say?
Sarentally-Placed | Location of Services

- How is the “location of services” determined?

- Where may equitable services be provided?

- What about transportation?

- What about separate classes?
Sarentally-Placed Personnel

Who provides the equitable services?

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

- The public agency?
- The private school?
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
Ready for some math?
Number of eligible children with disabilities

In public schools 300
In private schools + 20
320

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

$152,500
320

$476.57 a child
x 20 children

$9,531.25 for proportionate share

Produced by NICHCY, 2007
$ spent on child find/evaluation in private schools

Proportionate share $ to be spent in private schools

Can this...

...be deducted from that?

No.
S arentally-Placed $xpenditures

Two New Fiscal Provisions

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

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

Produced by NICHCY, 2007
Are parentally-Placed 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
Are home-schooled children with disabilities considered "parentally-placed" private school children?

In New Mexico, No.

See: Section 22-1-2(K) NMSA 1978
May parents who have placed their child with disabilities in a private school file a due process complaint?

- Regarding child find requirements—**Yes**.
- Regarding provision of services—**No**.

- Must file with LEA where private school is located.
- Must use State complaint procedure.
And speaking of complaints...

Let’s take a look at:

- Complaints filed by private school officials
Sarentally-Placed Additional Issues

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