



Illinois State Board of Education

July 25, 2006

*Additional Supplement to
Guidance Document #05-7*

SPECIAL EDUCATION SERVICES FOR PARENTALLY PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES (IDEA 2004 – Section 612)

This document is intended to provide non-regulatory guidance on the subject matter listed above. For specific questions, please contact the person(s) identified in the document.

Rod R. Blagojevich, Governor

Illinois State Board of Education

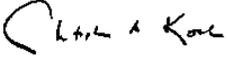
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MEMORANDUM #06-2

To: Illinois Parents
District Superintendents
Directors of Special Education
Private School Administrators

From: Christopher A. Koch, Ed.D. 
Assistant Superintendent for Special Education

Date: July 25, 2006

Subject: Guidance on Special Education Support for Parentally-Placed Private School Students for the 2006-07 School Year

The following memorandum will serve as further supplementation of ISBE's Guidance Memorandum #05-7, issued August 11, 2005, as well as this agency's supplemental guidance on private school students with disabilities, issued on April 21, 2006. This document will focus on the obligations school districts will have to conduct timely and meaningful consultation for the 2006-07 school year, as well as the shifting responsibilities of school districts for conducting evaluations of private school students in the coming school year.

I. TIMELY AND MEANINGFUL CONSULTATION

Since issuing our initial guidance in August 2005, we are pleased to see that a significant majority of Illinois districts engaged in the timely and meaningful consultation process with private schools within their respective jurisdictions. After the first year of completing this process, ISBE has been able to identify further refinements to the process. On this basis, the following directives and guidance are offered to ensure that all districts in Illinois are fully and completely discharging their responsibility for timely and meaningful consultation for the coming school year.

A. When Should Timely & Meaningful Consultation be Completed?

Unlike last year, in which the new requirements for private school students under IDEA 2004 were still in the process of initial implementation, we believe that most, if not all, local districts are fully cognizant of their ongoing responsibility to

conduct timely and meaningful consultation (“TMC”) with private schools and parent representatives of private school students with disabilities. Therefore, we are setting a deadline of no later than **September 30, 2006** for all local districts to complete their TMC meetings with their respective private schools and parent representatives. As will be mentioned again later, we are further expecting all local districts to transmit the necessary documentation evidencing completion of the TMC by no later than **October 7, 2006**. Please note that where a district is not obligated to complete TMC due to the fact that no known private school or *known home school student* exists within district boundaries, such districts must submit a statement to that effect, signed either by the Superintendent or the Director of Special Education, by no later than **October 7, 2006**. No extensions will be granted for the submission of these materials. Districts will be subject to sanctions by ISBE for their failure either to conduct the TMC meeting or to submit documentation evidencing the completion of the TMC meeting.

B. Cooperatives and TMC

This agency recognizes and continues to permit the conducting of TMC meetings under the auspices of special education cooperatives. However, we have occasionally encountered the problem of accounting for the compliance of each member district with the TMC requirement due to lack of documentation matching private schools to individual school districts. Therefore, beginning with the 2006-07 school year, we will expect member districts to submit their documentation of compliance individually, regardless of whether TMC was conducted by the districts’ cooperatives. For example, where a cooperative of five districts conducts TMC, ISBE would anticipate receiving five separate submissions of TMC documentation. Although this will inevitably result in the duplication of some documentation (such as meeting agendas or attendance lists), this process will ensure the most rapid analysis of TMC data by ISBE.

C. Timing of the TMC Invitations

As will be discussed below, the purpose of notifying private schools of the TMC meeting is two-fold: (1) to provide the time and place for the meeting; and (2) to secure names of parent representatives who may wish to attend the TMC meeting. Given this fact, we strongly suggest that districts send out their notices to private schools no later than four weeks prior to the scheduled meeting. The notice that is provided to the private schools should include a request for private school officials to submit names and contact information of parents of students with identified disabilities attending the private schools no later than two weeks prior to the scheduled date of the TMC meeting. In turn, local districts are urged to send out notices to the identified parents no later than two weeks prior to the scheduled TMC meeting. We have provided sample notice letters with this memorandum to provide districts with further guidance on the contents of the notice both to private schools and to parents. (See attached Appendix A and Appendix B.)

D. Who Should Conduct TMC?

All Illinois school districts having at least one operational private school or at least one known home school student are expected to complete the TMC process. This also applies to districts that have a reported proportionate share from ISBE of \$0.00 for the 2006-07 school year.

E. Who Should be Included in the TMC Meeting?

As was discussed at length in our Guidance Memorandum #05-7, local districts are expected to include certain members of the community in the timely and meaningful consultation process. In addition, because of developments subsequent to the issuance of Memo 05-7, we further expanded the groups to be included in timely and meaningful consultation when we issued our supplementary guidance in April 2006. As a result, when conducting TMC for the 2006-07 school year, school districts will be expected to notify the following groups when a meeting is being scheduled:

1) Representatives/administrators of private schools:

As we noted in Memo #05-7, local districts should provide notice of TMC meetings to representatives of all known private school facilities within their respective jurisdictions. As we noted in the earlier memo, such notice should be provided to facilities offering all or part of a kindergarten through 12th grade curriculum, and does not include facilities such as day care centers, youth centers or other such facilities that do not offer k-12 curricular instruction, in whole or in part. Districts are cautioned that facilities not appearing on the ISBE list of registered private schools should still receive notice of scheduled TMC meetings.

2) Parent representatives of private schools:

Section 1412(a)(10) of IDEA 2004 (20 USC Sec. 1412(a)(10)) states that the TMC process must also include "parent representatives" of students with disabilities who attend the private schools with a local district's jurisdiction. Because we believe that private schools are in the best position to identify such parents, districts may request private school representatives to identify those individuals prior to conducting a TMC meeting. We have provided a sample notification letter to private schools that includes guidance on identifying such parents. Districts are strongly urged to provide private schools with deadlines for the submission of parent names and contact information. (See attached Appendix A.) Deadlines should be set sufficiently in advance of the TMC meeting (we suggest at least two weeks in advance) so

that the districts will have ample time send out invitations to those parents.*

3) Parents of Home-Schooled Students

In our supplementary guidance issued in April 2006, we stated that home school students are also part of the overall requirement that local districts provide proportionate share support to students in private schools. As part of that overall obligation, we also believe that districts must include parents of known home school students in the TMC process. As we state in our supplemental guidance from April 2006, we will now expect districts to provide the same written notice that is provided to private school parents to the known parents of home schoolers within the district. Also, in order to ensure the widest possible participation of such parents in the TMC process, we will expect districts to place an advertisement in a local publication of general circulation that provides notice to the public of the TMC meeting. We have provided the text of a suggested advertisement with this memorandum. (See attached Appendix C.) Ads should be placed at least two weeks in advance of the date of the TMC meeting.

F. Substantive Requirements of TMC

The substantive requirements of the TMC remain unchanged from the previous school year. As was the case in 2005-06, local districts will be expected to conduct TMC in a manner that covers the five principal topics described in IDEA 2004 at Section 1412(a)(10). Those five areas are:

1. Child Find

The district must discuss how it will be conducting the Child Find process and how interested parties will be informed of the process.

2. Proportionate Share

The district must disclose how much of its Federal Part B funds have been allocated to full-time private school students (and full time home school students) for the 2006-07 school year, and how that amount was determined.

3. Meaningful Participation

The district must describe the procedures it will use to ensure that full-time private school students with disabilities will have the opportunity to meaningfully participate in school district special education and related services throughout the school year (i.e., the

* This is not to suggest that districts may not send invitations directly to parents before receiving names and contact information from the private schools. School districts are certainly encouraged to include as many parents as necessary to disseminate the TMC information to as wide an audience as possible.

procedures by which parents of private school students with disabilities can access the services being offered by the district during the coming school year).

4. Allocation of Services

The district must describe the types of service that will be provided during the school year, including the location(s) where the service will be provided. Included with this statement must also be a statement of how the district reached this conclusion and the rationale behind the conclusion.

5. Proposals of the Private School Representatives

The district must finally describe the process by which the district will provide a written response to proposals by the private school representatives when the district disagrees with those proposals.

Agendas and other documentation generated in connection with the TMC meeting should clearly evidence that all five of these areas were covered, including some detailed documentation of the substantive information the district disclosed during the meeting. The level of documentation required to show adequate coverage of these topics should be such that an individual who was not in attendance could ascertain both the topic area discussed and **specific information disclosed by the district in connection with the given topic areas.**

G. Documentation of TMC Completion

During the course of the 2005-06 school year, ISBE received documentation of varying quality in connection with the TMC meeting conducted throughout the state. In order to ensure greater consistency in the documentation, therefore, we believe it is necessary to require each district to submit specific documentation in order to show adequate completion of the TMC requirements. For the coming school year, we will require districts to submit each of the following documents:

1. List of Private Schools and Home School Parents

The district should provide ISBE with a list of the known private schools and known parents of home schooled students with disabilities located within the district's jurisdiction. Please include addresses and primary contact telephone numbers for each school and person listed.

2. Invitation Letters

Copies of each individual invitation letter sent out to a private school representative, a parent representative, or the parent of a home school student should be provided.

3. Newspaper advertisements

A copy of the text of the advertisement placed by the district to provide notice to parents of home school students should be provided. Please note on the text the date and the name of the publication in which the text appeared.

4. Attendance Lists

A sign-in sheet or other documentation showing a list of the actual participants at the TMC meeting must be provided.

5. Meeting Agendas

Each district should include the agenda for the meeting describing point-by-point each topic or issue discussed at the meeting. The agenda must document that each of the five principal topics described above in Section F will be covered.

6. Handouts

All handouts the district provides to meeting participants during the course of the meeting should be included.

7. Attestation Forms

As we discussed last year in our Guidance Memo #05-7, each participant at the TMC meeting should be asked to sign an attestation that indicates all five principal topics of the TMC were discussed. Districts may use a form that substantially conforms to the contents of our suggested attestation form, which is found at <http://www.isbe.net/spec-ed/pdfs/pvtschAppA.pdf>. Districts should attempt to obtain at least one signed attestation from each school and family in attendance at the TMC meeting. In the event a school representative or family representative refuses to sign the attestation, the district should maintain a record of that refusal either in the form a statement, "refused to sign" on the attestation form or on a list maintained and signed by the district individual responsible for conducting the TMC meeting.

As noted above in Section A, district will be required to submit all the foregoing materials to ISBE by **no later than October 7, 2006**. Materials may be sent to the attention of Leigh Ann Smith, Special Education Services, Illinois State Board of Education, 100 N. 1st Street, Springfield, IL 62777.

II. CHILD FIND/EVALUATION OF PRIVATE SCHOOL STUDENTS

The second principal change that will occur during the 2006-07 school year concerns the responsibilities of school districts for initially evaluating private school students suspected of having a disabling condition. As we discussed in

Guidance Memo #05-7, districts are reminded that beginning with the 2006-07 school year, the district in which the child is attending a private school will have the sole responsibility for conducting an initial evaluation (and re-evaluations as necessary). Districts are further reminded, per the terms of Section 1412(a)(10) of IDEA 2004, that the cost of completing initial evaluations and re-evaluations are not factored against the proportionate share sum that will be reported to you by ISBE for the coming school year. Districts are prohibited from making an evaluation contingent upon the existence of proportionate share funds (or lack thereof).

We hope the foregoing is helpful to you as you begin the process of completing your TMC meetings for the coming year. If you have questions, please feel free to call (217) 782-5589.

APPENDIX A

SUGGESTED INVITATION LETTER TO PRIVATE SCHOOL REPRESENTATIVES (TO BE SENT FOUR WEEKS PRIOR TO TMC MEETING)

Dear (NAME):

In accordance with the requirements of Section 612(a)(10) of the Federal Individuals With Disabilities Education Improvement Act of 2004 ("IDEA 2004"), this letter is to invite you to a meeting to discuss our plans for working with students with disabilities who currently attend your school during the 2006-07 school year. This meeting will take place at (LOCATION) starting at (TIME) on (DATE).

As you may know, a public school district is required to utilize a portion of its Federal Part B special education funds in order to provide students with disabilities who attend private schools within the district the opportunity to equitably participate in special education and services offered by the district. As part of that process, this district must disclose information about our plans for the coming school year and to afford you the opportunity to offer ideas and input pertaining to our plans. We also wish to share additional information pertaining to how students who are suspected of having one or more disabilities may access the district programs to assess the nature and scope of the suspected disabilities.

In addition to meeting with representatives of private schools within the district, we are also expected to meet with parent representatives from your schools. We would therefore appreciate your assistance in identifying up to three parents (preferably of students with known disabling conditions) who may wish to attend this meeting in order to offer their input. In order to provide reasonable advance notice to such parents, we would appreciate receiving names and contact numbers for such parents by no later than (CLOSE OF BUSINESS TIME) on (DATE AT LEAST TWO WEEKS IN ADVANCE OF THE TMC MEETING).

We thank you for willingness to participate in this process. If you have any questions or concerns pertaining this meeting please feel free to call (CONTACT NAME AND NUMBER).

Sincerely,

(SUP'T OR DSE NAME)

APPENDIX B

SUGGESTED INVITATION LETTER TO PRIVATE-SCHOOL PARENT REPRESENTATIVES AND KNOWN PARENTS OF HOME-SCHOOLED STUDENTS (TO BE SENT AT LEAST TWO WEEKS PRIOR TO TMC MEETING)

Dear (NAME):

You are invited to attend a meeting to be conducted by (DISTRICT NAME) at (LOCATION) on (DATE AND TIME). The purpose of this meeting is to discuss how students with disabilities who attend private schools or who are home-schooled within the district will be served by (DISTRICT NAME) during the 2006-07 school year.

In accordance with the requirements of the Federal Individuals With Disabilities Education Act of 2004 ("IDEA 2004"), public school districts are required to spend a portion of their Federal Part B special education funds in order to provide identified students with disabilities who attend private schools with the opportunity to equitably participate in special education services offered by the district. As part of that process, we must conduct a public meeting in order to discuss our plans to fulfill that responsibility for the coming school year. In addition, we wish to hear your feedback and views in order to ensure that your voices are heard during this process. Finally, we wish to also share information about how students with suspected disabilities can access the process offered by our district to screen and evaluation those suspected disabling conditions.

Your participation in this process is extremely valuable to us. We therefore hope you will attend. If you have questions or concerns in advance of the meeting, please do not hesitate to contact (CONTACT NAME(S)) at (NUMBER).

We look forward to meeting you soon.

Sincerely,

(SUP'T or DSE NAME)

APPENDIX C

SUGGESTED PUBLICATION NOTICE FOR PARENTS OF HOME-SCHOOLED STUDENTS (TO BE PLACED AT LEAST TWO WEEKS IN ADVANCE OF TMC MEETING)

NOTICE OF PUBLIC MEETING

On (DATE) at (TIME), a meeting conducted by (DISTRICT NAME) will be take place at (LOCATION). The purpose of the meeting will be to discuss the district's plans for providing special education services to students with disabilities who attend private schools and home schools within the district for the 2006-07 school year. If you are parent of a home-schooled student who has been or may be identified with a disability and you reside within the boundaries of (DISTRICT NAME), you are urged to attend. If you have further questions pertaining to this meeting, please contact (CONTACT NAME) at (NUMBER).