Parentally-Placed Private School Children

Interim Guidance for the 2005-2006 School Year
TIMELY AND MEANINGFUL CONSULTATION (why we are here today)

• Under Section 612(a)(10) of IDEA 2004 (Public Law 108-446), States (and local districts in turn) must provide assurances to the U.S. Department of Education that they will provide opportunities for parentally placed private school students to

  – Access to special education and related services so that students in private schools may equitably participate in such services; and

  – Access procedures so that students who may be experiencing learning difficulties may be identified for special education eligibility.

• As part of this process, each local school district must consult with representatives of the private schools, as well as parent representatives of those schools.
TIMELY AND MEANINGFUL CONSULTATION
(what it is)

• Local school districts must consult with the private schools within their district and with representatives of parents of students with disabilities who attend those schools regarding:
  – The child find process and how parties will be informed of that process;
  – The amount of Federal funds available for the special education and related services for parentally placed private school children with disabilities, and how that amount was determined;
  – The process to ensure that parentally-placed private school children with disabilities can meaningfully participate in special education and related services;
  – The provision of services (how, where, by whom) and how such services will be provided if funds are insufficient to serve all children; and,
  – How, if the local school district disagrees with the views of the private school officials on the provision of services or the types of services, the local school district will provide a written explanation to the private school of the rationale for the decision made.
Parentally-Placed Private School Children

• Section 612(a)(10) of the IDEA 2004 addresses “Children in Private Schools.”

• Generally, each local educational agency (LEA) must conduct child find, determine the proportionate share of Federal Part B funds, and provide equitable services to parentally-placed private school children with disabilities who attend private schools located in the LEA without regard to where the children reside.
PRIVATE SCHOOL:
The term “private school” shall be defined as it is described in Section 612(a)(10)(A)(ii)(I) of IDEA 2004. Specifically, this refers to privately operated elementary and secondary schools (K-12) only. Please note that we do not interpret this term to include those private facilities which do not provide an elementary or secondary school curriculum (i.e., those facilities that do not offer instruction leading to the grant of a state-recognized elementary or secondary school diploma).

CHILD FIND:
The term “Child Find” is given the definition provided in Section 612(a)(3) of IDEA 2004. Child Find, as set forth in IDEA 2004, is directed to those activities to ensure that children, including ages 3-5, with disabilities “are identified, located, and evaluated, and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.”

DISTRICT OF RESIDENCE:
The district wherein the parentally-placed private school child with a disability resides (with residency being determined in accordance with Illinois law).

SERVING DISTRICT:
The district wherein the private elementary or secondary school is located and where the child at issue attends.
Equitable Participation

• In light of the language contained in Sec. 612(a)(10)(A)(iii)(III and IV) of IDEA 2004, local school districts will not be expected to provide the full range of services a private-school student might require if the student attended a public school within the district.

• Should parents wish to access a greater level of support for their children than is offered through the process of equitable participation in the private school, parents may choose to enroll their children in their districts of residence (with, at a minimum, regular, part-time attendance during the school day) in order to access the full-range of services to which the students may be entitled (i.e., free appropriate public education (FAPE))
IDEA Allocation

- Since FY00 in Illinois, the allocation calculations for IDEA Flow Through are determined from three data elements:
  - (a) base year,
  - (b) total public and non-public enrollment, and
  - (c) poverty.

- The non-public enrollment component of the IDEA Allocation for private schools is, at present, voluntarily reported via the Non-Public Registration Enrollment and Staff Report (ISBE 87-01).

- Private schools are highly encouraged to register with the Illinois State Board of Education for inclusion of their student enrollment in the allocation calculations. *If you don’t register, there’s no way to ensure your kids will be counted in the IDEA allocation. For information regarding non-public school registration, please contact the Data Analysis and Progress Reporting Division of ISBE at (217) 782-3950.*
Non-Public Proportionate Share Calculation

FOR 2005-2006 ONLY:

• Beginning with FY 2006 IDEA Part B Flow Through and Preschool allocations and thereafter, the Illinois State Board of Education will calculate the non-public proportionate share amount to all school districts and cooperatives.

• The amount will be calculated based on the percentage of all non-public school children with disabilities ages 3 – 21 divided into the total special education child count taken on December 1 and multiplied by the total IDEA Part B Flow and Preschool Grant for each district.
CHILD FIND

• Private schools must be provided with the necessary information on how parents and school officials may initiate the process of referring students for screening and other evaluations as appropriate. Child find activities must be conducted in a timely manner and any evaluations completed in response to the child find activities must meet the state required timeline for completing such evaluations (60 school days). A district’s proportionate share may not be used to conduct required child find activities.
CHILD FIND (cont.)

• The new provisions in IDEA 2004, unlike prior revisions of the act, create an obligation for local school districts to conduct Child Find for each student attending private elementary and secondary schools within the district, regardless of the students’ residency within the district. Therefore, for the 2005-2006 school year, in an effort to comply with the requirements of IDEA 2004 and our existing state provisions, we are recommending that Child Find be performed in the following manner:

  – Each local school district shall be expected to conduct those activities necessary to identify those students who may require an initial case study evaluation for all students who attend private schools within the boundaries of the local school district.

  – Where the serving district identifies a student who requires a referral for an initial case study evaluation, the student shall be evaluated by the district of residence. In the event the student is a resident of a district other than the serving district, the serving district shall promptly make a referral for an initial case study evaluation to the district of residence. The serving district shall be expected to forward any additional information, if known, on the student to the district of residence.
CHILD FIND (cont.)

- The district of residence shall be expected to conduct all required procedures associated with the initial case study evaluation. The district of residence shall be expected to complete the evaluation within timelines prescribed by our current Illinois Administrative Code provisions pertaining to case study evaluations. Obtaining written parental consent for the evaluation shall be the primary responsibility of the evaluating district.

- Upon completion of the evaluation, the district of residence shall be responsible for convening an eligibility conference to determine the student's eligibility for special education and related services, including the provision of appropriate notification of the conference to the parents. When scheduling the conference, the evaluating district shall be expected to extend an invitation to officials of the serving district. The conference shall be for the purpose of determining the student's eligibility only.

- In the event the consensus of the eligibility conference attendees is to declare the student eligible for special education and related services, the documentation of such eligibility shall promptly be forwarded along with all evaluations and other relevant information to the serving district. Upon receipt, the district in which the student currently attends school will be expected to develop a services plan, as appropriate, in accordance with the district's overall plan or policy for ensuring equitable participation of private elementary and secondary school students.
CHILD FIND (cont.)

- Parent requests for due process, if permitted in accordance with 34 CFR Part 300.457, shall be directed to the parent’s (or student’s, as appropriate) district of residence.

- Under 34 CFR 300.457, parents of private school students may challenge the identification of the student as eligible for special education. Parents of private school students may not file for due process to challenge the services or placement provided by the local district.
WRITTEN AFFIRMATION OF CONSULTATION

• Local school districts must maintain documentation of timely and meaningful consultations with participating private schools signed by the representatives of such schools. If a private school does not agree to consult with the district, then the district must maintain documentation of their attempts to secure the school’s participation at the consultation.

• In order to secure adequate documentation of the consultation, districts will be required to submit at a minimum the following documentation:
  – A copy of agenda used at the consultation;
  – A copy of the notice form or letter utilized by the district to notify the private schools of the consultation;
  – copies of all signed attestations by private school participants at the consultation; and
  – If necessary, copies of all invitations provided to private school representative who either refuse to sign the attestation or fail to attend the consultation.

• ISBE has included a recommended form that districts may use in order to secure the signed attestation by private school representatives and parent representatives of participation in the consultation. (See APPENDIX A.) In the event that a district chooses not to use our suggested form, the district must provide some form of documentation that establishes:
  – The date(s) on which the timely and meaningful consultation occurred;
  – The outline of the subject areas covered during the consultation process (please refer to APPENDIX A and the five subsections outlined in the previous section, “TIMELY AND MEANINGFUL CONSULTATION”); and
  – A signed and dated statement from each private school representative attesting that he/she participated in the consultation and was informed of each of the five areas required for timely and meaningful consultation.

• In the event the district is unable to secure a written attestation from one or more of the private school representatives either due to a refusal to provide said attestation or failure to attend the consultation, the district must provide documentation showing that the school(s) in question were invited to the consultation.

• In order to facilitate completion of the consultation process, we urge school districts to begin the process of scheduling their consultations by no later than September. ISBE will require school districts to provide documentation described above by no later than November 15, 2005. If a school district has not submitted its written affirmation (i.e., a dated and completed form APPENDIX A) that such consultation has occurred by November 15th, ISBE will demand submission of such documentation and may utilize appropriate sanctions for district non-cooperation.
I hereby affirm that I was invited to and participated in the private/parochial school providers consultation meeting sponsored by (SCHOOL DISTRICT) and held on (DATE), 2005 at (ADDRESS) in accordance with the requirements of the Individuals with Disabilities Education Improvement Act. During the course of the consultation, the following issues were discussed with me:

1. the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers and private school officials will be informed of the process;
2. the determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities under this paragraph, including the determination of how the amount was calculated;
3. the consultation process among the local educational agency, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
4. how, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
5. how, if the local educational agency disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the local educational agency shall provide to the private school officials a written explanation of the reasons why the local educational agency chose not to provide services directly or through a contract.

I was provided the opportunity to express my views and to ask questions of the school district pertaining to the aforementioned issues.

I was further informed that if I believe that the consultation was not meaningful, or that my views and those of others were not given due consideration by the school district, I could file a complaint with the Illinois State Board of Education, Department of Special Education, 100 N. 1st Street, Springfield, IL 62777. I understand that my complaint must identify the area(s) in which I believe the school district did not comply with the consultation process.

____________________________  _______ _____________________________
PRINTED NAME    SIGNATURE

____________________________
PRIVATE SCHOOL

____________________________
AFFILIATION WITH SCHOOL

____________________________
DATE
COMPLIANCE

- Private school officials may file a signed, written complaint with the Illinois State Board of Education, Special Education Services, 100 North First Street, Springfield, IL 62777-0001.
- The complainant must allege that either the consultation was not meaningful or timely or their views were not given due consideration. The complainant should provide supporting information. The complaint may not be used to challenge the decision-making of the districts so long as the decision-making of the district has been subject to the process of timely and meaningful consultation.
- The Illinois State Board of Education will investigate and issue a decision in accordance with required timelines.
- If the complaining party is not satisfied with ISBE’s decision, then the complainant may forward the complaint to the Secretary of Education, United States Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202.
EQUITABLE SERVICES AND PUBLIC CONTROL OF FUNDS

• Special education and related services that are provided by the local school district to parentally-placed private school children shall be free from religious opinions or views.

• All services and materials remain under the control of the local school district, even when provided in private school.