

POLICY 6159.09

YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)

CHILDREN IN PRIVATE SCHOOLS

POLICY:

It is the responsibility of each member Local Education Agency (LEA) of the Yolo County SELPA to assure that students with disabilities, voluntarily enrolled by their parents in private school, shall receive special education and related services in accordance with local procedures. The required proportionate share of federal funds received will be allocated for the purpose of providing special education services to students with disabilities voluntarily enrolled in private school by their parents.

Private school children with disabilities refers to children with disabilities enrolled by a parent in private schools or facilities that meet the definition of:

- A. “elementary school” in Section 300.13 of Title 34 of the Code of Federal Regulations; or
- B. “secondary school” in Section 300.36 of Title 34 of the Code of Federal Regulations,

in accordance with Section 300.130 of Title 34 of the Code of Federal Regulations, other than individuals with exceptional needs placed by a local educational agency in a nonpublic, nonsectarian school.

“Elementary school” and “secondary school” are defined as a nonprofit institutional day or residential school, including a public charter school that provides education, as determined under state law. Therefore, for profit private schools are excluded from the assessment and service provisions. Services, including consultation will be provided up to the proportional share.

Reference: EC 56170, 56171, 56173, 56205, 56365
20 USC 1412 (a) (10)(A-C)
34 CFR 300.131-300.454

Superintendents’ Council
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PROCEDURE 6159.09

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PROCEDURES:

Consultation With Private School Representatives Regarding Child Find Activities

On an annual basis, participating districts in the SELPA shall consult with the appropriate representatives of private schools regarding how to carry out the activities of locating, identifying, and assessing private school students with disabilities, including religious schools residing within the SELPA. These activities shall be comparable to those undertaken for students with disabilities in public schools.

Local educational agencies (LEA) are responsible to conduct child find for children in private schools.

LEAs shall locate, identify, and assess all school-age children with disabilities attending private schools, including religiously affiliated school age children, who are in need of special education and related services in the service area of the districts where the private school is located.

For preschool-age children, the district of residence shall locate, identify, and assess all private preschool-age children with disabilities, including religiously affiliated school age children, who have disabilities and are in need of special education and related services attending private schools that do not qualify as an elementary school pursuant to Section 300.13 of Title 34 of the Code of Federal Regulations. (regardless of where the private school is located). However, the impacted districts may agree to an alternative arrangement.

If the private preschool qualifies as an elementary school pursuant to Section 300.13 of Title 34 of the Code of Federal Regulations, the district in which the school is located is responsible for locating, identifying, and assessing all private preschool-age children with disabilities, including religiously affiliated preschool age children, and are in need of special education and related services attending private schools.

The cost of carrying out child find activities cannot come from the proportional share of the federal dollars allocated for private school services. [34 CFR 300.131(a)] [20 U.S.C. 1412(a)(10)(A)(i)(II)]

Consultation With Private School Representatives Regarding Services To Students

Upon conducting the annual count of the number of private school students with disabilities and determining the amount of the participating Local Education Agencies' (LEAs) total of the Individuals with Disabilities Education Act (IDEA) to be expended on private school students, the participating LEA shall consult with appropriate representatives of private school students on an annual basis, on the following issues:

PROCEDURE 6159.09

CHILDREN IN PRIVATE SCHOOLS (Continued)

1. Which students will receive services?
2. What services will be provided?
3. How and where will the services be provided?
4. How will the services provided be evaluated?

Local educational agencies (LEA) are responsible for providing services to parentally-placed school-age children where the private school is located.

Assigns responsibility for equitable participation to the local educational agency (LEA) where the private school is located. [Under prior law, this was the responsibility of the LEA of the parent's residence.] To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, provision is made for the participation of those children in the program assisted or carried out under Part B of the Act by providing them with special education and related services, including direct services.

[34 CFR 300.132(a)] [20 U.S.C. 1412(a)(10)(A)(i)]

For preschool-age children, the district of residence shall be responsible for providing services to parentally-placed preschool-age children attending a private preschool that does not qualify as an elementary school pursuant to Section 300.13 of Title 34 of the Code of Federal Regulations. (regardless of

where the private school is located). However, the impacted districts may agree to an alternative arrangement.

Consultation With Private School Representatives Prior To Making Decisions

The participating LEAs shall give appropriate representatives of private school students with disabilities a valid opportunity to express their views regarding the issues listed above. Such consultation shall occur before the local governing board makes any decision that affects the opportunities of private school students with disabilities to participate in services offered by the public schools.

Attendance Of Private School Representatives At Annual Service Plan Meetings

Each LEA providing services shall initiate and conduct meetings to develop, review, and revise an Individual Services Plan (ISP) for a private school student with a disability who receives special education or related services from the LEA. Each LEA providing services shall ensure that a representative of the private school attends each meeting conducted to develop, review, or revise an ISP.

Assurance Of Participation Of Private School Representatives At Annual Service Plan Meetings

If a representative of a private school cannot attend a meeting to develop, review or revise a services plan, the LEA shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

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