Today’s Purposes

- Compare and Contrast
  - Public Placements in Private Schools
  - Parental Placements in Private Schools

- Highlight Key Elements - Parental Placement

- Time for Questions
Pathways to Private Schools

- **Public Placement**
  - Placed by district or Early Childhood Special Education IEP/IFSP team

- **Parent Placement**
  - Enrolled by parent
Different Paths - Different Rules

- **Public Placement**
  - Entitled to FAPE
  - Must have IEP/IFSP
  - IEP/IFSP team decides placement
  - FAPE – responsibility of parental resident district
  - Selected private school must have prior ODE approval before child is placed

- **Parent Placement**
  - No individual entitlement to FAPE
  - May have services plan
  - Unilateral parent decision
  - Equitable special education services (not FAPE) - responsibility of district in which private school located
  - No ODE prior approval of school required
Different Paths - Different Rules

- **Public Placement**
  - District pays educational costs – as for child enrolled in district
  - Parental resident district responsible for evaluations, unless otherwise specified
  - May be profit or non-profit
  - School must not have “religious entanglement” as defined by OAR

- **Parent Placement**
  - District must use proportionate share of IDEA funds for services
  - Only children in non-profit private schools, as defined in IDEA and Oregon law, are eligible for services funded by proportionate share of IDEA
  - Includes religious schools
Different Paths - Different Rules

**Public Placement**
- Parental resident district responsibilities
  - Ensuring FAPE within the private school
  - Evaluations
  - IEP Meetings
  - IEP Development, Review, Revision
- Approved private school responsible for education, including special education

**Parent Placement**
- District in which private school is located is responsible for child find, for initial and reevaluations, for services – regardless of residency
  
  **Remember** IDEA requires written consent for district in which private school is located to release any information to parental resident district.
Different Paths - Different Rules

- **Public Placement**
  - Parental resident district includes child in SECC

- **Parent Placement**
  - District in which private school is located counts child, regardless of residency -
    1. Receiving services on a services plan? Include in SECC
    2. Eligible and no services/plan? District counts (but not in SECC) and uses in proportionate share calculation
Different Paths - Different Rules

**Public Placement**

**Funding**
- Students are parental resident district students for purposes of calculating IDEA funds

**Parent Placement**

**Funding**
- District in which private school is located includes students in its
  1. count of students with disabilities, and
  2. calculation of proportionate share of IDEA funds
What Is Proportionate Share?

“Proportionate Share” refers to the share or amount of IDEA Part B funds that a district must expend for services for parentally placed private school students (PPPSS) each year.
Calculating Proportionate Share

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 student

x 20 students

$9,531.25 for proportionate share
Expenditures/Proportionate Share

- State and local funds may supplement but not supplant federal funds for this population
  
  34 CFR §300.133(d)

- Cost of child find may not be considered in proportionate share obligation
  
  34 CFR §300.131(d)
WAIT!!

Before you spend that money…

Do you know

- Which private schools/parents were consulted and when?
- What topics were discussed?
- What private school representatives said?
- What amount you calculated was available? What decisions were made about scope of services?
- And – which schools signed affirmations about the consultation process?
Consultation “musts”

- Be timely, meaningful and precede decision-making and child find activities
- Be the basis for decision-making for all services and what can be in services plans
- Provide transparent information about calculation and availability of funds
Consultation “musts”

- Include private non-profit school officials and representatives of parents of parentally-placed private school children
- Seek input from these participants
- Include the topics required by IDEA
“Must Have” Consultation Topics

Child Find:

- How children suspected of having a disability can participate equitably; and

- How parents, teachers, and private school representatives will be informed of the process throughout the year to ensure “meaningful participation” in special education and related services.
More “Must Have” Topics

- Proportionate Share – availability of IDEA funds for services
- How amounts are calculated, amounts projected to be available, and information about changes will be shared
- NEW to districts this year: Include IDEA Part B Section 611 and Section 619 funds
- Decision-making for apportioning $$
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.
Preschool: Ages 3-5

Children aged 3-5 are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school in 34 CFR §300.13

34 CFR §300.133(a)(2)(ii)
Elementary School Definition

Elementary school means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined by State law

34 CFR §300.13
And – More “Must Have” Topics

- How, where, and by whom special education and related services will be provided, including:
  - Types of services
  - Methods of delivering these services
  - How services will be apportioned if funds are insufficient to serve all parentally placed private-school children with disabilities; and
  - How and when decisions will be made and participants notified
Almost there....
Did you remember?

➢ To provide a written explanation to the private school representatives if the district disagrees with their views on the provision of services or the types of services.
Affirmation
What and When?

What? **Written statement**

- Signed by a participating private school official(s)
- States affirmation that consultation = timely, meaningful, and considered their views
- May be signed individual statements or a single statement with all signatures.
Affirmation
What and When?

- When? “Following the consultation...within a reasonable period of time....”
No Affirmation?

- If representatives do not provide affirmation within a reasonable period of time, forward district documentation of consultation process to ODE.
Equitable Services

- Do not always need to be direct services
- May be provided on the premises of the private school
- Are recorded on a services plan
  - See Resource List for more information

- Remember - What is available on a services plan must fall within the scope of the services determined in consultation with private school representatives.
Equitable Services

- Includes special education and related services, but not limited to direct services
- What is available on a services plan must fall within the scope of the services determined in consultation with private school representatives.
- Provided by qualified staff
Highly Qualified Teachers

...private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements of 34 CFR §300.18

34 CFR §300.138(a)(1)
Personnel

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

Source: U.S. Department of Education PowerPoint – See Resource List
Dispute Resolution

Any complaint that an SEA or LEA has failed to meet the requirements in 34 CFR §§300.132-300.135 and 300.137-300.144 [regarding parentally-placed private school children with disabilities] must be filed in accordance with the state complaint procedures

34 CFR §300.140 (c)(1)
Due Process

Any due process complaint regarding the child find requirements in 34 CFR §300.131, including §§300.300-300.311, must be filed with the LEA in which the private school is located and a copy must be forwarded to the SEA.

34 CFR §300.140(b)(2)
Due Process

May parents who have placed their child with disabilities in a private school file a due process complaint?

- Regarding child find requirements—Yes
  Must file with LEA where private school is located

- Regarding provision of services—No
  Must use State complaint procedure
"Parentally Placed"—General

School District Responsibility

Which school district is responsible...

The local educational agency (LEA) where the private school is located.

...for decisions about services to parentally-placed private children with disabilities?

Source: U.S. Department of Education PowerPoint – See Resource List
Out-of-State

**Situation:**
Children with disabilities from one state placed by their parents in a private school in another state.

The LEA where the private school is located.

**Question:**
Who’s responsible for conducting child find activities for such parentally placed” students?

Source: U.S. Department of Education PowerPoint – See Resource List
Resources

Parentally Placed Private School Students
http://www.ode.state.or.us/search/page/?id=239

Frequently Asked Questions about Serving Parentally Placed Private School Students

NEW - April 2011: The U.S. Department of Education issued a revised Question and Answer document to provide updated information regarding the requirements for serving children with disabilities placed by their parents in private schools. New topics include: children in for-profit private schools, home-schooled children with disabilities, out-of-state children with disabilities, use of federal special education funds for equipment, supplies and property, and determining service location and transportation.
Resources

Parentally Placed Private School Students

http://www.ode.state.or.us/search/page/?id=239

- **Provisions Related to Children with Disabilities Enrolled by their Parents in Private Schools**
  This booklet explains the major topics related to special education services for children enrolled by parents in private schools. (Developed by the U.S. Department of Education, Office of Innovation and Improvement, Office of Non-Public Education, Washington, D.C., 2008)

- **Children Enrolled by Their Parents in Private Schools**
  A topic brief from the federal Office of Special Education Programs (OSEP) citing the major changes in IDEA 2004 about special education services for parentally placed private school students.
Resources
Parentally Placed Private School Students

http://www.ode.state.or.us/search/page/?id=239

- **Children Enrolled by Their Parents in Private Schools**
  A PowerPoint, created by the U.S. Department of Education, about the provision of education services for parentally placed private school students.

- **Steps in Implementing Special Education Services for Parentally Placed Private School Children**
  A Technical Assistance Guide describing the steps and documentation in implementing IDEA provisions for parentally placed private school children.

- **Selected OARS – Private School Special Education**
Contacts

Special Education in Oregon Private Schools
Rae Ann Ray
raeann.ray@state.or.us

Private School Data
Trish Lutgen, Data Analyst
trish.lutgen@state.or.us

Approved Private School Application Package
Carol Stoddard, Administrative Specialist
carol.stoddard@state.or.us
Agree or Disagree?

It would be possible for one private school to have these three students enrolled at the same time:

1. A student on an IEP;
2. A student receiving equitable services on a services plan;
3. An IDEA – eligible student receiving services no services
True or False

Proportionate share calculation must include count of ALL parentally-placed IDEA-eligible children – not just those receiving services.
Agree or Disagree?

- A district that unilaterally notifies the private schools of available services has met the basic requirements of the consultation process.