

PRIVATE SCHOOL POLICY

SHASTA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA CHILDREN WITH
DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS

The Shasta County Special Education Local Plan Area (SELPA) will ensure that school districts locate and identify all children with disabilities enrolled by their parents in private elementary and/or secondary schools that are registered with the California Department of Education. The SELPA will ensure that each school district will accept and consider referrals for assessment and will offer a free appropriate public education (FAPE) to such children who are determined to be eligible for special education services. These procedures are intended to ensure compliance with all federal and state laws and regulations.

Legal Citations: 34 Code of Federal Regulations sections 300.130-144 and California Education Code Sections 56170-56174.5

It shall be the responsibility of each District of Location/District of Service (DOL/DOS) to:

- Locate and identify all children with disabilities enrolled by their parents in private elementary and secondary schools within their district who may be eligible for special education services.
- District of Residence (DOR) shall evaluate upon request, and if eligible, offer a Free and Appropriate Public Education (FAPE) to all children with disabilities enrolled by their parents in private elementary or secondary schools (regardless of where the private school is located) when custodial parent(s) reside in their district.

A. Child Find, Referral and Assessment

1. The Shasta County SELPA will:
 - a. Provide information on its website for local private schools about the provisions in the Federal Law for students enrolled by their parents in private schools who may be eligible for special education services. Information will include criteria for special education eligibility and special education referral procedures.
 - b. Ensure that child find activities undertaken for private school students are comparable to activities undertaken for children with disabilities in public elementary and secondary schools. This will include dissemination of the special education child find brochures in English and Spanish to all private schools in the SELPA two times per year.
2. The DOL/DOS Private School Coordinator will:

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- a. Identify all private schools within their boundaries that have an affidavit on file with the California Department of Education and have six or more students enrolled.
 - b. Between September 1 and December 1 each year, the coordinator will ask private schools to list all students enrolled in the school who are eligible for special education services, with and without ISPs, and the districts of residence of those children.
 - c. Provide the Districts of Responsibility/Residence (DOR) within the Shasta County SELPA names of those identified students attending each private school who are from the DOR.
 - d. Participate in the annual meeting facilitated by the SELPA at which representatives of the private school (including parents) will be given an opportunity to give input about:
 - Child Find for Special Education eligible students
 - Special Education assessment process
 - Individual Service Plans and process
 - The district's private school guidelines
3. Private Schools will:
- a. Refer students for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.
 - b. **For families living within Shasta County SELPA**, direct referrals will be made to the district where custodial parent(s) reside. District of Residence (DOR) for assessment to determine eligibility for special education services, regardless of location of private school.
 - c. **For families living outside Shasta County SELPA** direct referrals will be made to the district in which the private school is located for assessment for eligibility: A release will be obtained by Private School Coordinator and DOL to determine if the student's DOR wishes to complete the initial assessment, if not the DOL/DOS will complete the assessment.
4. The DOR (within Shasta County SELPA) and the DOL/DOS School Coordinator/designee will:
- a. Follow all appropriate policies and procedures for assessment for eligibility for special education services.
 - b. Transfer the SEIS records to the DOL for those students who have been assessed, found special education eligible, and offered FAPE, if the family continues to enroll the child in a private school outside the district of residence will transfer the SEIS record to the district where the private school is located (DOL).
 - c. The DOL/DOS shall be the "provider" on SEIS and on an annual basis, contact the parents to remind them of the offer of FAPE.

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B. District - Guidelines for Services

The DOL/DOS in the Shasta County SELPA shall spend a proportionate share of federal funds to provide special education and related services to children with disabilities in private schools as to those spent on children in public schools. These funds may not be used for repair, remodeling or construction of private school facilities. Annually, the Shasta County SELPA shall inform each (DOL/DOS) of the amount of federal special education dollars to be spent on private school students, based on the prior year December 1 pupil count.

Each district (DOL/DOS) that has private schools located within its boundaries in the Shasta County SELPA will work collaboratively with the SELPA to develop guidelines regarding the special education and related services to be provided to special education eligible students in private schools. Such decisions shall be made after consulting in a timely and meaningful way with representatives of private school(s) within their boundaries and shall include:

1. Which eligible children may receive services
2. Types of services to be provided (including direct and alternative methods of service delivery)
3. How, where, and by whom the services will be provided

Guidelines will be forwarded to the SELPA. SELPA will make a compilation of all guidelines available to all districts within the SELPA

C. Initial Individualized Education Program (IEP) Team Meeting

When all assessment is completed, the DOR shall convene the Initial IEP team meeting within 60 calendar days, excluding school holidays in excess of 5 days, of receipt of the signed Assessment Plan. Representatives of private schools will be invited.

If the IEP team determines that the student is eligible for special education services, the IEP team shall develop an appropriate IEP for the student, which serves as an offer of FAPE in accordance with federal and state laws and regulations. Such offer shall be recorded on appropriate IEP forms, and the DOL/DOS Private School Coordinator will be notified.

If the parent agrees that the IEP would be the appropriate program if the child were enrolled in the public school, the parent initials "yes" to all statements and signs the IEP. If the parent wants to continue to enroll the child in the private school, the "Private School" box will be checked.

If the private school is located within the DOR an Individual Services Plan (ISP) may be developed at the conclusion of the IEP meeting. If the private school is not located in the DOR, parents will be given information about how to contact the district where the Private School is located (DOL).

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D. Eligible, but has no Individual Services Plan (ISP)

The school district where the private school is located may choose not to offer an ISP if the child's needs do not fit into the district's guidelines or if the federal funds have already been expended for that school year. In addition, a parent may decline an ISP. In either case, the student will remain active in SEIS for the DOR with the Plan Type 70 (eligible, no IEP, parent placed in private school). The student's status will continue to remain active for a three year period after the IEP meeting.

The DOR is not obligated to conduct a triennial review for students whose parents have declined in writing the offered ISP. At the end of the three year period, the student can be made inactive. The DOR should send the Notice to Parents of Special Education Eligible Private School Students to all Plan Type 70 students at the beginning of each school year.

E. Individual Services Plan (ISP)

If an ISP is developed, it will be developed by the district in which the private school is located (DOL). If a private school is outside of the student's District of Residence (DOR), the district where the private school is located will become the District of Service (DOS/DOL). The ISP is completed by the DOS/DOL and will note services provided according to SELPA guidelines. The DOS/DOL will contact the DOR and request transfer of the student's SEIS record. The student will be active in SEIS in the DOS with a Plan Type 20 (ISP). (See Sample ISP Template which can be adapted for district use in Appendix ____)

If the DOL/DOS initially declined to offer an ISP it may choose to offer an ISP to a student in a new school year, as DOL /DOS guidelines change or federal funds become available. In this case, the DOL/DOS Private School Coordinator would need to request the record from the DOR if different than the DOL/DOS, as above.

Students with a Plan Type 20 will be used to generate the DOL/DOS's number of ISP students in figuring the annual private school proportional share of funds.

A representative of the private school will be invited to attend the ISP meeting. If the representative of the private school cannot attend the meeting, the DOL/DOS will consult with the Private School Coordinator, who will contact parent by other methods such as sending a copy of the ISP (with parent permission) and/or individual or conference calls.

The services provided pursuant to an ISP may be provided at a private school, including a religious school, to the extent consistent with law. Services must be provided by personnel meeting the same standards as personnel providing the services in public schools. These personnel shall be employees of the district or contractors of the district, or approved Nonpublic Agencies (NPA). However, the Shasta County SELPA and/or the district shall not use federal special education funds to finance the existing level of instruction in a private school or to otherwise benefit the private school or the general needs of other students enrolled in the private schools.

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If necessary for the child to benefit from or participate in the services provided pursuant to the ISP, a private school child with a disability must be provided transportation to/from the service location. However, districts are not required to provide transportation from home to the private school. The cost of the transportation may be included in calculating whether the district has met the obligation to spend a proportionate share of federal funds on providing special education and related services to private school children with disabilities eligible for special education services as it spends on its children enrolled in public schools.

Any specialized equipment provided to benefit private school children with disabilities shall remain the property of the district (DOL/DOS) and must be able to be removed without remodeling the private school facility. It shall be returned to the district when no longer required by the child, the child is no longer enrolled in the private school, or removal is necessary to avoid unauthorized use. The district (DOL/DOS) will maintain an inventory of specialized equipment.

Once the ISP has been signed the CASEMIS clerk will enter the dates onto the MIS Summary page. If any special education and related services are specified on the plan they must be entered into Table B on the MIS Summary. If there are no specific services listed, the CASEMIS clerk should enter "none." The services listed from the IEP should be removed.

F. Review

1. Annual – The ISP will be reviewed annually by the (DOL/DOS)
2. A representative of the private school will be invited to participate in the meeting. If three documented attempts to schedule a meeting with the parents are unsuccessful, the ISP review will be held without them. A copy of the new ISP will be sent to the parent and the ISP implemented unless parent declines in writing. A copy will also be sent to the private school, unless the parent indicates otherwise. Appropriate updates to Private School services will be made in SEIS.
3. Reevaluation/Triennial – An assessment to determine eligibility and instructional needs of each private school student with an ISP must be conducted every 3 years by the DOR. If the private school is not located in the DOR, the DOL/DOS Private School Coordinator should transfer the record back to the DOR at least 90 days prior to the triennial due date so the district can assess, hold an IEP meeting and make a new offer of FAPE (if eligible) within the timelines.

G. Due Process and Complaints

Parents will be informed that as long as they continue to place their child in a private school their rights for due process are limited.

A school district is NOT required to pay for the cost of educating a child with a disability at a private school (including special education and related services) if the school district made FAPE available to the child and the parents voluntarily elected to place the child in a private school. No parentally placed private school child with a disability has an individual right to

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receive some or all of the special education and related services that he/she would receive if enrolled in a public school.

Disputes regarding whether a school district made FAPE available to the child via the IEP, as well as disputes about identification and evaluation of parentally-placed private school children with disabilities, may be resolved pursuant to due process procedures specified in the "Procedural Safeguards."

Due process procedures DO NOT apply to disputes regarding provision of services specified in the ISP.

Parents have the right to file a complaint alleging a violation by the SELPA or district in implementation of state or federal law on any other issue, according to complaint procedures specified in the "Procedural Safeguards."

Private Schools may submit a complaint to California Department of Education if they believe that the district did not:

- Engage in meaningful and timely consultation.
- Give due consideration to the view of the private school official.