



## Division of Special Education/Early Intervention Services

### Parentally Placed Private School Students with Disabilities

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on December 3, 2004, by President George W. Bush. The provisions of the Act are effective July 1, 2005 with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the Act. This is one in a series of documents, prepared by the Division of Special Education/Early Intervention Services, Maryland State Department of Education (MSDE) that cover a variety of high-interest topics to support local school systems, local Infants and Toddlers Programs, and other public agencies in preparing to implement the new requirements. This document only addresses changes in the provisions regarding parentally placed private school students with disabilities that take effect on July 1, 2005. It does not address any changes that may be made in the final federal regulations or potential changes to State statutes or regulations.

#### CHILD FIND

##### 1. Who are eligible parentally placed private school students?

Students who are enrolled by their parents in private elementary and secondary schools located within the jurisdiction of a local school system. This change means that each local school system is responsible for Child Find for any eligible student who attends a private school located within the local school system.

[Sec. 612(a)(10)(A)(i)]

**2. How does the local school system identify eligible students attending private schools within the jurisdiction of the local school system?**

The Child Find process shall be designed to ensure the equitable participation of parentally placed private school students with disabilities and an accurate count of such students. This includes maintaining a record of the number of private school students evaluated and the number of such students found to be eligible for services as students with disabilities. Each local school system must also annually report the number of eligible parentally placed students with disabilities enrolled in private schools within the jurisdiction of the local school system to MSDE.

In carrying out Child Find activities, the local school system shall engage in activities similar to those activities undertaken for the local school system's public school students. The cost of carrying out Child Find activities, including individual assessments, evaluations and reevaluations, may not be considered in determining whether a local education agency has met its obligations to expend a proportionate share of its IDEA funds. Child Find is to be completed within a time period comparable to that for other students attending public schools in the local school system.

It is the obligation of each local school system to ensure timely and meaningful consultation, with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children, including 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;

[Sec. 612(a)(10)(A)(ii) and (iii)]

## **CONSULTATION PROCESS**

**3. On what issues are local school systems required to consult with private school representatives and representatives of parentally placed private school students?**

To ensure timely and meaningful consultation, a local school system must consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of a plan for special education and related services for the children, including:

- Child Find

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;

- Funds/Proportionate Amount

The determination of the proportionate amount of federal funds available to serve parentally placed private school children with disabilities, including the determination of how the amount was calculated;

- Meaningful Participation

The consultation process among the local school system, 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;

- Provision of Services

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;

- Written Explanation

How, if the local school system 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 school system shall provide to the private school officials a written explanation of the reasons why the local school system chose not to provide services directly or through a contract; and

- Written Affirmation

When timely and meaningful consultation has occurred, the local school system shall obtain a written affirmation signed by the representatives of participating private schools, and if such representatives do not provide such affirmation within a reasonable period of time, the local school system shall forward the documentation of the consultation process to MSDE.

[Sec. 612(a)(10)(iii)]

## **EXPENDITURE OF FEDERAL FUNDS**

### **4. What obligation does the LEA have to commit funds to service students who are parentally placed in private schools?**

The amount of federal funds to be expended must be equal to a proportionate amount of federal funds made available under Part B. State and local funds may supplement, but in no case supplant the proportionate amount of federal funds required to be expended on services to parentally placed private school students with disabilities.

[Sec. 612(a)(10)(A)(i)(I) and (IV)]

## **PROVISION OF SERVICES**

### **5. How does the LEA determine the services to provide to students who are parentally placed in private schools?**

Through the consultation process, local school systems are to discuss with representatives of private schools, and representatives of parentally placed private school students:

- How, where, and by whom special education and related services will be provided;
- 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 by the local school system.

Services provided to parentally placed private school students with disabilities are to be equitable. This may be accomplished by providing services directly or through contracts. Services to students with disabilities enrolled in private schools by their parents shall be provided by employees of a local school system, or through contract by the local school system with an individual, association, agency, organization, or other entity. Special education and related services provided to parentally placed private school children with disabilities, including materials and equipment, shall be secular, neutral, and nonideological.

[Sec. 612(a)(10)(A)(vi)]

**6. Are there any instructional or related services that must be provided to students with disabilities who are parentally placed in private schools within a jurisdiction?**

No. A local school system shall determine what instructional and/or related services to provide students with disabilities parentally placed in private schools located within the jurisdiction of the local school system according to the proposal/plan developed through the consultation process described above. Parentally placed private school students with disabilities have no individual entitlement to receive a free appropriate public education (FAPE).

[Sec. 612(a)(10)(A)(iii)]

## **PROCEDURAL SAFEGUARDS**

**7. What are the available procedural safeguards?**

A private school official shall have the right to submit a complaint to MSDE that the local school system did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official must provide the basis of the noncompliance to MSDE. The local school system must forward the appropriate documentation to MSDE. If the private school official is dissatisfied with the decision of MSDE, the private school official may submit a complaint to the U. S. Secretary of Education by providing the basis of the noncompliance by the local school system, and MSDE must forward the appropriate documentation to the Secretary.

[Sec. 612(a)(10)(A)(v)]

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