



## PARENTALLY PLACED PRIVATE SCHOOL STUDENTS WITH DISABILITIES

Maryland State Department of Education  
Division of Special Education/Early Intervention Services

Presented August 2, 2011

August 2, 2011

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## OUTCOMES

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- Obtain an overview of federal regulations relative to students with disabilities enrolled by their parents in private schools
- Develop an understanding of the private school provisions and application of the federal regulations
- Develop an understanding of the procedures for child find, consultation, data collection, and calculation of proportionate share
- Obtain knowledge of the required documentation to be maintained by local school systems and private schools

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## CHILD FIND

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CHILD FIND  
34 C.F.R. §300.131

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Each local school system shall locate, identify, and evaluate:

- All private school students with disabilities enrolled in a private school—including religious school students—within the jurisdiction of the local school system
- At no cost and not considered as part of the proportionate share
- Includes out-of-state students attending private schools within the jurisdiction of the local school system

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CHILD FIND DESIGN  
34 C.F.R. §300.131(b)

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- Equitable participation
- Accurate count of all students identified as students with disabilities under IDEA

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CHILD FIND DESIGN  
34 C.F.R. §300.131(c)

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Comparable child find activities:

- Public Awareness
- Determination of eligibility as a student with a disability under IDEA (Evaluation)
- Determination of continued eligibility (Reevaluation)

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7 CONSULTATION

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CONSULTATION  
34 C.F.R. §300.134

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Consult with private school representatives and representatives of parents of parentally placed private school students with disabilities.

- Child Find
- Proportionate Share of Funds
- Consultation Process
- Provision of Special Education and Related Services
- Written explanation

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9 PRESCHOOL STUDENTS (3-5)

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### Preschool Students, Ages 3 through 5 34 C.F.R. §300.133(a)(2)(ii)

Children aged 3 through 5 are considered to be parentally-placed private school students with disabilities enrolled by their parents in private schools—including religious elementary schools—if they are enrolled in a private school that meets the definition of an elementary school under Maryland law.

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### SERVICES & SERVICE PLANS

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### Equitable Services Determined 34 C.F.R. §300.137

**Determination of Services**

- Who is served
- Types of services

**Service Plan**

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**Service Plan**  
**34 C.F.R. §300.132(b) & 300.138(b)**

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Describes the specific education and/or related service(s) the local school system will provide a parentally placed private school student.

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**Service Provider**  
**34 C.F.R. §300.138(a) & 300.142**

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- Services provided to parentally placed private school students with disabilities must be provided by personnel meeting the same standards as personnel providing such services to students with disabilities in public schools
- Exception—private school teachers providing equitable services are not required to meet the highly qualified special education teacher requirements.

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**Provision of Equitable Services**  
**34 C.F.R. §300.138(c)**

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- Employees of a public agency; or
- Through contract with a public agency
- Special education and related services, including materials and equipment must be secular, neutral, and nonideological

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### Location of Services

#### 34 C.F.R. §300.139

- Services may be provided on-site at the student's private school, including a religious school, or at another location
- Transportation
  - If necessary to enable the student to benefit from or participate in the services provided
  - Cost of transportation may be included in calculating whether a school system has expended a proportionate share of IDEA Part B funds

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### DATA COLLECTION

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### Annual Count

#### 34 C.F.R. §300.133(c)

- Last Friday of October, annually
- **All** parentally placed students with disabilities enrolled in private schools within the jurisdiction of the local school system:
  - Children served
  - Children not served but eligible

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**Record Keeping**  
34 C.F.R. §300.132(c)

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- Number of children evaluated
- Number of children determined to be children with disabilities
- Number of children served

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**Reporting Elements**

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- Maintenance and Use of Data
  - Accurate Count
    - All parentally placed private school children
  - Ability to Maintain Data
    - Ensure accountability and information for consultation
  - Proportionate Share
    - Based on Annual Count

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**Documentation**

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- Policies and Procedures
  - Child Find
  - Identification and Evaluation
  - Consultation
- Child Find Activities
- Consultation
- Written Affirmation from Private Schools
- Data Collection and Reporting to State
- Proportionate Share of Funds

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22 DISPUTE RESOLUTION

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State Complaints  
34 C.F.R. §300.140(c)

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- Provision of Services
- Service Plan
- Record Keeping
- Expenditures
- Consultation
- Equitable Services
- Location of Services and Transportation
- Use of Personnel
- Property, Equipment and Supplies

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State Complaints by Private School Official  
34 C.F.R. §300.136

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- File the State Complaint with the local school system in which the private school is located
  - Consultation process
  - Local school system did not give due consideration to the views of the private school official

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## Due Process Complaints

### 34 C.F.R. §300.140(a)-(b)

- Applicable only to Child Find Requirements

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## Available Resources

- <http://idea.ed.gov>
  - Federal Law and Regulations
  - OSEP Video Clip
  - OSEP Topical Brief
  - OSEP FAQ
- <http://marylandpublicschools.org>
  - Private Schools
  - State Complaint Procedures
  - Due Process Complaint Procedures

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