

Module 16

**Children with Disabilities Enrolled by Their Parents
in Private Schools**



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Office of Special Education Programs
U.S. Department of Education

A Product of...

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This training curriculum is designed and produced by NICHCY, the National Dissemination Center for Children with Disabilities, at the request of our funder, the Office of Special Education Programs (OSEP) at the U.S. Department of Education.

We have a tremendous amount of information available on our Web site, in our library, and in the combined expertise of our staff. Please feel free to contact NICHCY for the latest information and connections in research and disabilities. We'd also love for you to visit our Web site and help yourself to all that's there.

Background and Discussion

Parents have the right to choose where their children will be educated. This choice includes public or private elementary schools and secondary schools, including religious schools. It also includes charter schools and home schools. It is important to understand that the rights of children with disabilities who are placed by their parents in private elementary schools and secondary schools¹ are not the same as those of children with disabilities who are enrolled in public schools or placed by public agencies in private schools when the public school is unable to provide a free appropriate public education (FAPE). Two of the major differences that parents, teachers, other school staff, private school representatives, and the child need to know about are that:

- children with disabilities who are placed by their parents in private schools may not get the same services they would receive if they attended a public school, and
- not all children with disabilities placed by their parents in private schools will receive services.

In December 2004, the reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law. IDEA, as amended in 2004, includes many of the same requirements for parentally-placed private school children with disabilities that were in the law prior to the reauthorization. However, the

How This Discussion Section is Organized

As with the other modules in this curriculum, this discussion section is organized by overhead. A thumbnail picture of each overhead is presented, along with brief instructions as to how the slide operates. This is followed by a discussion intended to provide trainers with background information about what's on the slide. Any or all of this information might be appropriate to share with an audience, but that decision is left up to trainers.

reauthorized IDEA contains a number of significant changes, particularly with regard to which school district in a State is responsible for making decisions about services for the population of parentally-placed private school children with disabilities. These changes are having a significant impact on how school districts and State educational agencies (SEAs) are implementing the requirements for parentally-placed private school children with disabilities. The reauthorized IDEA also includes many more details about the consultation process—a critical course of action—that must occur in order for public agencies to make timely and meaningful decisions about services for this group of children.

This training module focuses on the basic requirements for parentally-placed private school children with disabilities that remain unchanged from prior

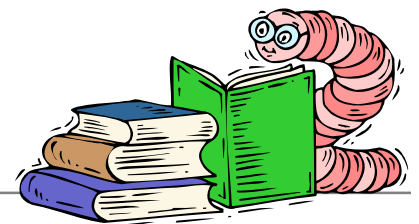
law (meaning, they are still in effect), as well as the significant differences that the reauthorized IDEA has made. The requirements for parentally-placed private school children with disabilities are contained in Part B of IDEA and its implementing regulations at 34 CFR Part 300.² With a few exceptions, most of these requirements for this population can be found in 34 CFR §300.129 through 300.144.

The primary resources for this topic are as follows:

- IDEA statute—Section 612 (a)(10)(A);
- Part B regulations—34 CFR §§300.129 through 300.144 and the Analysis of Comments and Changes pertaining to these sections;

Trainer's Note

Throughout this training module, all references in the discussion section for a slide are provided at the *end* of that slide's discussion.



- Questions & Answers On Serving Children With Disabilities Placed by Their Parents at Private Schools, U.S. Department of Education (March 2006);
- Questions and Answers on Serving Children with Disabilities Placed by their Parents in Private Schools, U.S. Department of Education (January 2007); and
- Video Clips/Topic Brief/Power Point—See IDEA Web site at: <http://idea.ed.gov>.

This Module in Time and Space

The current module is the last one in the series of five modules addressing **Theme D, Individualized Education Programs** (IEPs):

- *The IEP Team: Who is a Member?* describes who the law requires participate in developing a child’s IEP and what type of information or expertise they might contribute;
- *Content of the IEP* focuses on IDEA’s regulatory provisions for what type of information an IEP must contain;
- *Meetings of the IEP Team* describes what IDEA requires with respect to meetings of the IEP Team and what goes on there;
- *LRE Decision Making* takes a close look at IDEA’s least restrictive environment (LRE) provisions and how these affect decisions regarding a child’s placement; and

- *Children with Disabilities Enrolled by Their Parents in Private Schools* (this module) examines the responsibilities of public agencies to provide equitable services to children with disabilities who have been placed by their parents in private schools.

Files You’ll Need for This Module

Module 16 includes the following components provided in separate files. If you need or want the entire module, be sure to download each of the components in either Word® or PDF format.

- **Trainer’s Guide Discussion.** The discussion text (what you’re reading right now) describes how the slides operate and explains the content of each slide, including relevant requirements of the statute passed by Congress in December 2004 and the final regulations for Part B published in August 2006.

The discussion is provided via three PDF files, with the equivalent content also available in one accessible Word® file. Here are the files’ full names and where to find them on NICHCY’s Web site:

PDF of discussion for Slides 1-15
www.nichcy.org/training/16-discussionSlides1-15.pdf

PDF of discussion for Slides 16-24
www.nichcy.org/training/16-discussion-Slides16-24.pdf

PDF of discussion for Slides 25-30
www.nichcy.org/training/16-discussion-Slides25-end.pdf

The entire discussion in an accessible Word® file.
www.nichcy.org/training/16-discussion.doc

- **Handouts in English.** The handouts for this module are provided within an integrated package of handouts for the entire umbrella topic of **Theme D, Individualized Education Programs**, which

¹ The phrase “children with disabilities who are placed by their parents in private schools” is used interchangeably in this module with the phrase “parentally-placed private school children with disabilities,” which is defined in the IDEA Part B regulations at §300.130. The shortened phrase “parentally-placed children” will also occasionally be used and will have the same meaning.

² Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg. 46540 (August 14, 2006) (at 34 CFR pt. 300). Available online at:

- www.nichcy.org/reauth/IDEA2004regulations.pdf
- <http://idea.ed.gov>

includes five different modules. If you've already downloaded the handouts for other modules in Theme D, then you have what you need for this module, too. If not, then find Word® and PDF versions of these handouts as follows:

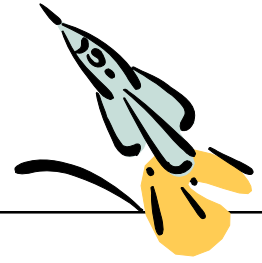
PDF version of the Handouts.
www.nichcy.org/training/D-handouts.pdf

Word® version of the Handouts, for participants who need an accessible version of the handouts or if you'd like to create large-print or Braille versions:
www.nichcy.org/training/D-handouts.doc

- **PowerPoint® slide show.** NICHCY is pleased to provide a slide show (produced in PowerPoint®) around which trainers can frame their presentations and training children with disabilities who are placed by their parents in private schools. Find this presentation at:

www.nichcy.org/training/16slideshow.zip

Important note: You do NOT need the PowerPoint® software to use these slide shows. It's set to display, regardless, because the PowerPoint Viewer® is included. You may be asked to agree to Viewer's licensing terms when you first open the slideshow.



To launch the slide presentation, double-click the **PLAY.bat** file.



Thanks to the Author and OGC Reviewer of This Module

NICHCY would like to express its appreciation for the hard work and expertise of:

Sheila Friedman, Office of Special Education Programs, U.S. Department of Education, who is the primary author of this module.

Nancy Deutsch, Office of General Counsel, U.S. Department of Education, for her thorough review of this module for its legal sufficiency with the statute and final Part B regulations of IDEA 2004.

p.s. A special thank you goes out to **Deborah Morrow**, OSEP's most excellent coordinator and last-eyes reviewer of this training curriculum. And what a pair of eyes she has!

Looking for IDEA 2004?

The Statute:

- www.nichcy.org/reauth/PL108-446.pdf
- <http://idea.ed.gov>

Final Part B Regulations:

- www.nichcy.org/reauth/IDEA2004regulations.pdf
 - <http://idea.ed.gov>
-

Finding Specific Sections of the Regulations: 34 CFR

As you read the explanations about the final regulations, you will find references to specific sections, such as §300.173. (The symbol § means “Section.”) These references can be used to locate the precise sections in the federal regulations that address the issue being discussed. In most instances, we’ve also provided the verbatim text of the IDEA regulations so that you don’t have to go looking for them.

The final Part B regulations are codified in Title 34 of the *Code of Federal Regulations*. This is more commonly referred to as 34 CFR or 34 C.F.R. It’s not unusual to see references to specific sections of IDEA’s regulations include this—such as 34 CFR §300.173. We have omitted the 34 CFR in this training curriculum for ease of reading.

Citing the Regulations in This Training Curriculum

You’ll be seeing a lot of citations in this module—and all the other modules, too!—that look like this: 71 Fed. Reg. at 46738

This means that whatever is being quoted may be found in the *Federal Register* published on August 14, 2006—Volume 71, Number 156, to be precise. The number at the end of the citation (in our example, 46738) refers to the page number on which the quotation appears in that volume. Where can you find Volume 71 of the *Federal Register*? NICHCY is pleased to offer it online at:

www.nichcy.org/reauth/IDEA2004regulations.pdf

Children with Disabilities Enrolled by Their Parents



in Private Schools

How to Operate the Slide:

No clicks necessary.
Slide self-presents.

CLICK to advance to next slide.

Use Slide 1 (above) to orient your audience to this training—children with disabilities who are enrolled by their parents in private schools, otherwise referred to in this module as “parentally-placed private school children with disabilities” or, more simply, “parentally-placed” children with disabilities (where placement in a private school is understood).

This module is one of five modules in the series covering the IEP, or this training curriculum’s **Theme D**. There are other themes in the curriculum, obviously! The box on the right shows what those themes are, which you may wish to share with participants, as well as where they can be found online and downloaded, if desired (www.nichcy.org/training/contents.asp). This has the benefit of making participants aware that there are other themes around which important

IDEA-related issues can be (and are!) meaningfully grouped, just as there’s more to know about the IEP than what’s covered in this specific module.

Themes in *Building the Legacy*

Theme A

Welcome to IDEA

Theme B

IDEA
and General Education

Theme C

Evaluating Children
for Disability

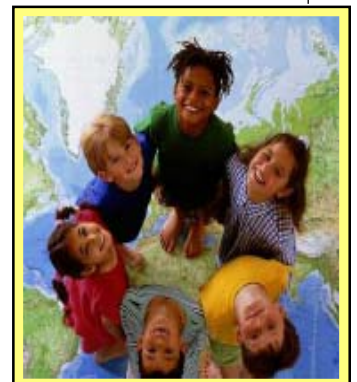
Theme D

Individualized Education
Programs (IEPs)

Theme E

Procedural Safeguards

Available online at:
www.nichcy.org/training/contents.asp



View I

This module looks at...

Equitable services for “parentally-placed” children with disabilities in private schools



- What equitable services are
- How they’re determined

Slide loads with this view, Bullets 1 and 2 of the agenda.

This module looks at...

Equitable services for “parentally-placed” children with disabilities in private schools



- What equitable services are
- How they’re determined
- School district responsibilities
- Services plans
- Location of services

Click I

Click 1: Bullet 3, 4, and 5 appear.

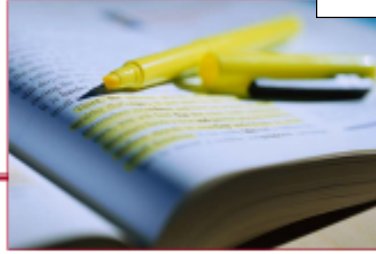
(continued on next page)



This module looks at...

Equitable services for “parentally-placed” children with disabilities in private schools

- What equitable services are
- How they’re determined
- School district responsibilities
- Services plans
- Location of services
- Calculating the proportionate share
- How IDEA’s procedural safeguards apply



Clicks 2-4

Clicks 2-3:
Bullets 6
and 7 load,
one per
click.

CLICK to advance to next slide.

Slide 2: Background and Discussion

3 Clicks

Slide 2 is an advance organizer for the audience regarding the content treated in this module.

Using the Slide to Activate Knowledge and Focus Attention

Each of the bulleted items allows you to solicit a smattering of remarks from your audience, as time permits. The interaction you have with the audience—or more precisely, their *participation* in the interaction—activates their knowledge base and attention, and allows other participants to absorb that knowledge and interest. Some suggestions:

Equitable services. Ask the group what their understanding of the term *equitable services* is. Show of hands—would they rate their knowledge as “I know it all,” “I know a little bit,” or “I know nothing.” How would they define the word “equitable” and how can that definition be applied to understanding what equitable services are? Equitable for whom?

In Merriam-Webster’s online dictionary, *equitable* is defined as:

having or exhibiting equity: dealing fairly and equally with all concerned¹

School district responsibilities. Can anyone in the audience summarize what IDEA has required in the past regarding equitable services for parentally-placed private school children with disabilities? Who paid for these services—the school district in which the child resided or the school district where the private school was located? How much do trainees know about new provisions under the reauthorized IDEA?



Services plans. Would anyone in the audience like to share what they know about “services plans” or hazard a guess as to what they are? Is this something akin to an IEP for a parentally-placed private school child with a disability?

Location of services. Where will the services—presumably special education and related services, supplementary aids and supports, and other services—be provided to the child with disabilities, in the private school

or some other location? Who will deliver the services, the private school staff or personnel from the public agency responsible for seeing that equitable services are made available to parentally-placed private school children with disabilities?

Calculating the proportionate share. What might this be? Gather the audience’s impressions and prior knowledge,

perhaps jotting these down on a flip chart.

IDEA’s procedural safeguards. What safeguards are we talking about here? If a child with a disability is placed in a private school by his or her parents, do the child and the parents still have recourse to IDEA’s safeguards?



¹ <http://www.m-w.com/dictionary/equitable>

What types of schools are there?



Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

This slide lays the groundwork for talking about private schools. It will pick up on the first lines of the background text: Parents have the right to choose where their children will be educated. This choice includes public or private elementary schools and secondary schools, including religious schools. It also includes charter schools and home schools.

Talk with the audience and solicit the range of options that parents have as to where their children will be educated. Make a list of participant suggestions and then ask, by show of hands, where were they themselves were educated? Public school? Private? A magnet school? At home? This brings home the diversity of opportunities we have for educating our children and being educated ourselves.

View I

"Parentally Placed"—General

Are There Differences in Services for Children with Disabilities Enrolled by Their Parents...

In private school?



In public school?



Slide loads with this view.

"Parentally-Placed"—General

Are There Differences in Services for Children with Disabilities Enrolled by Their Parents...

In private school?



In public school?



Yes

There may be significant differences

Click I

Click 1: Center picture disappears and the "Yes" appears, along with "There may be significant differences."

CLICK AGAIN to advance to next slide.

(discussion on next page)



This slide sets up a basic contrast between special education and related services for public school children with disabilities and the services available to those in private schools. The next slide takes a deeper look at what some of those differences are.

You can either briefly use this slide to set up the next slide's discussion, or elaborate a bit about the definition within the IDEA Part B regulations of parentally-placed private school children with disabilities. Found at §300.130, the definition reads:

§300.130 Definition of parentally-placed private school children with disabilities.

Parentally-placed private school children with disabilities means children with disabilities enrolled by their parents in private,

including religious, schools or facilities that meet the definition of elementary school in §300.13 or secondary school in §300.36, other than children with disabilities covered under §§300.145 through 300.147.

This definition leads, of course, to others. What are the definitions of elementary school and secondary school referenced here? We've included these in the box below.

And what about the phrase in §300.130 that reads "other than children with disabilities covered under §§300.145 through

300.147"—to what is this referring? In a nutshell, the children who are covered under §§300.145 through 300.147 are those children with disabilities "who are or have been placed in or referred to a private school or facility by a public agency as a means of providing special education and related services" (§300.145). The key here is that the children have been placed in the private school or facility by the *public agency*, not by their parents. Different rules apply when the public agency places a child with a disability in a private school or facility, as we'll see.



**Applicable Definitions in IDEA Part B Regulations:
Elementary School and Secondary School**

§300.13 Elementary school.

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

§300.36 Secondary school.

Secondary school means a nonprofit institutional day or residential including a public secondary charter school that provides secondary education, as determined under law, except that it does not include any education beyond grade 12.

View I

“Parentally-Placed”—General

Differences in Services

“Parentally-placed” children with disabilities:

- have **no individual right** to services under IDEA

Slide loads with this view, Bullet 1 showing.



“Parentally-Placed”—General

Differences in Services

“Parentally-placed” children with disabilities:

- have **no individual right** to services under IDEA
- may receive different amount of services, possibly none

Click I

Click 1: Bullet 2 appears.



(continued on next page) 

“Parentally-Placed” – General

Click 2

Differences in Services

“Parentally-placed” children with disabilities:

- have **no individual right** to services under IDEA
- may receive different amount of services, possibly none

LEA has obligation to provide...

...the *group* of “parentally-placed” children with disabilities with **equitable participation** in services funded with federal IDEA funds

Click 2:
Picture disappears, and this lower text appears, stating the LEA’s obligation.

CLICK to advance to next slide.

Slide 5: Background and Discussion

2 Clicks

This slide builds upon the last one by identifying *how* services for children with disabilities enrolled by their parents in private schools differ from services provided to children with disabilities enrolled in public schools.

As stipulated at §300.137(a) and shown in the box, children with disabilities enrolled by their parents in private schools have no individual right to special education and related services as they would if they were attending public school. (Refer participants to **Handout D-16**, where §300.137(a) appears.)

Further, parentally-placed private school children with disabilities designated to receive services may receive a different amount of services than children with disabilities enrolled in public schools [§300.138(a)(2)]. It is also possible that some of those children identified as eligible to receive special education or related services will receive no services. Under the



§300.137 Equitable services determined.

(a) *No individual right to special education and related services.* No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Act, "LEAs [local educational agencies] only have an obligation to provide parentally-placed private school children with disabilities an opportunity for equitable participation in the services funded with Federal Part B dollars" (U. S. Department of Education, 2007, p. 3).¹

How these children will equitably participate is determined through consultation between the public agency (the LEA) and "private school representatives and representatives of parents of parentally-placed private school children with disabilities" (§300.134), also



presented on **Handout D-16** and the subject of several upcoming slides. As a result, services provided to children with disabilities enrolled by their parents in private schools might differ significantly from services that must be provided to children with disabilities attending public schools. This is an important point to emphasize.

It is also important to note that children with disabilities who are enrolled in public schools or who are placed *by public schools* into private schools as a means of providing special education and related services are entitled to FAPE and must receive the full

range of services under Part B of the Act. These are the children mentioned on the previous slide—the "children with disabilities covered under §§300.145 through 300.147" (§300.130)—and children with disabilities who are attending public school and receiving their special education and related services in that environment.

¹ U.S. Department of Education. (2007, January). *Questions and answers on serving children with disabilities placed by their parents at private schools*. Washington, DC: Author. (Available online at: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C>)

View I

"Parentally-Placed"—General

School District Responsibility



Which school district is responsible...

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

Slides loads with this view.

"Parentally-Placed"—General

School District Responsibility



Which school district is responsible...

The LEA where the private school is located.


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

Click I



Click 1: Picture changes, and the answer slides into place, "The LEA where the private school is located."

CLICK AGAIN to advance to next slide.

(discussion on next page) 

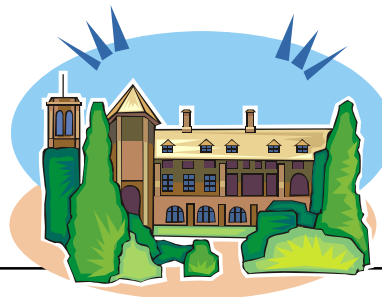


This slide asks the question: Which school district is responsible for decisions about services to parentally-placed private children with disabilities? The answer is: The LEA (i.e., school district, public agency) *where the private school is located*, not the LEA of the parent's residence (as was the case prior to the 2004 reauthorization of IDEA). The governing provision in IDEA appears in the box below.

The change in LEA responsibility is a major revision made by the 2004 Amendments to IDEA, because it significantly changes the obligations of States and LEAs to children with disabilities enrolled by their parents in private elementary schools and secondary schools. Under prior law, the responsible entity for special education and related services for such a child was the

LEA in which the child's parents resided. Responsibility has now shifted to the LEA where the private school is located. In many respects, this shift will make the process of "providing opportunity for equitable participation" logistically simpler. Prior to the reauthorization, private schools had to coordinate with numerous LEAs, depending upon where a child lived. Now, private schools only have to coordinate with a single LEA to determine how equitable participation will be achieved. Of course, LEAs still must often deal with more than one private school, but these private schools are now located within the LEAs' own jurisdiction.

The slides that follow will describe the LEA obligations and how the LEA can make certain and ensure that equitable participation occurs for parentally-placed private school children with disabilities.



§300.132 Provision of services for parentally-placed private school children with disabilities—basic requirement.

(a) *General.* 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 determined in accordance with §300.137, unless the Secretary has arranged for services to those children under the by-pass provisions in §§300.190 through 300.198.

View 1

“Parentally-Placed”—Consultation

How are decisions made about services to be provided to “parentally-placed” children with disabilities?



Slide loads with this view, asking the question, “How are decisions made about services to be provided to ‘parentally-placed’ children with disabilities?”

“Parentally-Placed”—Consultation

How are decisions made about services to be provided to “parentally-placed” children with disabilities?



Click 1

Click 1:
Picture disappears, and the answer “Consultation!” expands from the background. Then the picture of the group appears.

(continued on next page) 

“Parentally-Placed”—Consultation

Click 2

Each LEA must consult:

- with private school representatives and representatives of parents of “parentally-placed” children with disabilities

← *Click 2:*
Picture disappears
and this text is seen,
including Bullet 1.

“Parentally-Placed”—Consultation

Clicks 3-4

Each LEA must consult:

- with private school representatives and representatives of parents of “parentally-placed” children with disabilities
- in timely and meaningful way
- on key issues affecting the ability of eligible children to participate equitably in IDEA-funded special education and related services

← *Click 3:*
Bullet 2 appears.

← *Click 4:*
Bullet 3 appears.

Slide 7: Background and Discussion

4 Clicks



This slide takes up the question: How are decisions made about the services to be provided to parentally-placed private school children with disabilities?

As the slide indicates on the first **CLICK**, the answer is, broadly stated, consultation! In keeping with §300.134 (cited below and on **Handout D-17**), each LEA must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities—in a timely and meaningful way (“timely” and “meaningful” are not specifically defined in the Part B regulations)—on key issues that affect the ability of eligible private school children with disabilities to participate equitably in special education and related services federally funded under Part B of IDEA.

Effective consultation includes discussions between the individuals mentioned above—representatives of the LEA where the private schools are located, private school representatives, and representatives of parents of parentally-placed children with disabilities. These discussions will

focus on “[h]ow, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities” (U.S. Department of Education, 2007, p. 3).¹

The consultation process must provide a genuine opportunity for all parties to express their views and to have those views considered by the LEA during the design and development of special education and related services. Successful consultation establishes positive and productive working relationships that make planning easier and ensure that the services provided meet the needs of



§300.134 Consultation.

To ensure timely and meaningful consultation, an LEA, or, if appropriate, an SEA, must consult 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...

eligible parentally-placed private school children with disabilities, resulting in equitable participation for this population.

A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation (U.S. Department of Education, 2006, p. 2).² Only after discussing key issues relating to the provision of special education and related services with all appropriate representatives (the subject of the next slide) may the LEA make its final decisions with respect to the services to be provided to eligible private school children with disabilities.

The consultation process is very important! Although consultation has been required in the past, the reauthorized IDEA is much more specific and has added several new and important details about the consultation process, as we’ll see on the next slide.

¹ U.S. Department of Education. (2007, January). *Questions and answers on serving children with disabilities placed by their parents at private schools*. Washington, DC: Author. (Available online at: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C>)

² U.S. Department of Education. (2006, March). *Questions and answers on serving children with disabilities placed by their parents at private schools*. Washington, DC: Author.

View I

“Parentally-Placed”—Consultation

What must the consultation process involve?

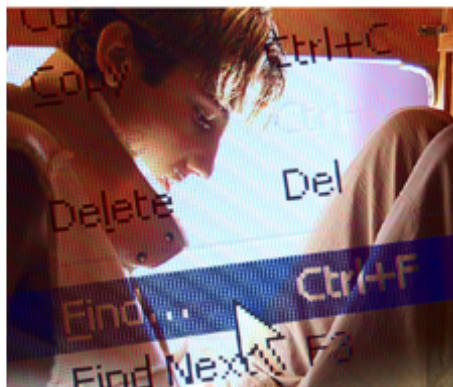


Slide loads with this view. The question asked is: “What must the consultation process involve?”

“Parentally-Placed”—Consultation


What must the consultation process involve?

- Child find



Click I

Click 1:
Picture changes,
Bullet 1 appears
for discussion:
“Child find.”

(continued on next page) 

“Parentally Placed”—Consultation

Clicks 2-3

What must the consultation process involve?



- Child find
- Determining the proportionate share of funds available
- Determining the consultation process to be used

Click 2:
Picture changes, Bullet 2 appears for discussion: “Determining the proportionate share of IDEA funds available.”

Click 3:
Picture changes, Bullet 3 appears for discussion: “Determining the consultation process to be used.”

“Parentally Placed”—Consultation

Clicks 4-5

What must the consultation process involve?




- Child find
- Determining the proportionate share of funds available
- Determining the consultation process to be used
- How, where, and by whom services will be provided
- Disagreement process for LEA

Click 4:
Picture changes, Bullet 4 appears for discussion: “How, where, and by whom services will be provided.”

Click 5:
Picture changes, Bullet 5 appears for discussion: “Disagreement process for LEA.”

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Picking up where the last slide left off, let's take a brief, "overview" look at what the consultation process must include, as described at §300.134 (on **Handout D-17** and in the box at the right). Each of these considerations could be a training topic in its own right, and most will be addressed again as we move through the slides. Therefore, the amount of background discussion here is limited to summarizing these various considerations; the bulk of explanatory information will be provided when the consideration is the specific focus of an upcoming slide.

Consultation about Child Find

The consultation process must include the child find process, as can be seen in §300.134(a). Child find is a component of Part B of IDEA that requires States to identify, locate, and evaluate all children with disabilities who are in need of special education and related services. General child find provisions are found in the IDEA Part B regulations at §300.111 and include "children with disabilities attending private schools" [§300.111(a)(i)].

More to the point of child find for this population of children, however, are provisions in the IDEA Part B regulations at §300.131, which set forth each LEA's responsibilities. These provisions appear on **Handout D-17** and are the subject of Slides 10-13, where you'll find extensive background discussion of child find for parentally-

§300.134 Consultation.

To ensure timely and meaningful consultation, an LEA, or, if appropriate, an SEA, must consult 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 regarding the following:

(a) *Child find*. The child find process, including—

- (1) How parentally-placed private school children suspected of having a disability can participate equitably; and
- (2) How parents, teachers, and private school officials will be informed of the process.

(b) *Proportionate share of funds*. The determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities under §300.133(b), including the determination of how the proportionate share of those funds was calculated.

(c) *Consultation process*. The consultation process among the LEA, private school officials, and representatives of parents of parentally-placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services.

(d) *Provision of special education and related 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—

(1) The types of services, including direct services and alternate service delivery mechanisms; and

(2) How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children; and

(3) How and when those decisions will be made;

(e) *Written explanation by LEA regarding services*. How, if the LEA 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 LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

placed private school children with disabilities. What's important to mention here, on the current slide, is that the consultation process plays an integral part in how an LEA fulfills those responsibilities. As appropriate to your audience, time, and training agenda, have participants look at §300.134(a) on **Handout D-17** (shown as well in the box on the previous page) and identify the two specific aspects of the child find process that IDEA Part B regulations mention as being included in the consultation discussions between the LEA (or the State, if appropriate), private school representatives, and representatives of parents of parentally-placed private school children with disabilities. (The provisions at (a)(1) and (a)(2) are a very good hint.) The Part B regulations, you'll note, use the word "including," which indicates that what follows—the (1) and the (2)—are only *part* of the LEA's child find obligations for parentally-placed private school children with disabilities. More will be discussed when you get to Slides 10-12, including the child find obligation to conduct individual evaluations and reevaluations of such children (71 Fed. Reg. at 46592-46593).



This represents a significant change in IDEA and a new obligation for LEAs when parents residing in the jurisdictions of other LEAs (including those in other States) place their children in private schools in the LEA.

Consultation about the Proportionate Share

The consultation process must also include the determination of the proportionate share of federal IDEA Part B funds available to serve parentally-placed private school children with disabilities, including the determination of how the proportionate share of those funds was calculated [§300.134(b)]. *Proportionate share* refers to the amount of federal IDEA Part B funds an LEA must expend to provide the *group* of "parentally-placed" children with disabilities with equitable participation in services funded with federal IDEA Part B funds.

Proportionate share is calculated based on the number of eligible children with disabilities in the LEA's jurisdiction (both those in public school and those in private school), the number of such children parentally-placed in private schools, and the federal flow-through IDEA Part B funds that



the LEA receives. The precise calculation is the focus of Slide 22 and is actually very straightforward and simple. Additional information about expenditures is covered on Slides 23 and 24. Of interest on the current slide is the fact that the consultation process must include discussion of the proportionate share, including how the LEA calculated the figure.

Consultation about the Consultation Process Itself

Not surprisingly, IDEA requires that the consultation process bring together representatives of the agency, representatives of private schools, and representatives of the parents of parentally-placed private school children with disabilities to discuss how the consultation process itself will take place. This includes how the 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. [§300.134(c)] This requirement speaks to the nature of "timely and meaningful consultation," which is built by ongoing dialogue between stakeholders and a common understanding of what outcomes are sought and how they are to be attained.

Consultation about the Provision of Special Education and Related Services

The consultation process must also include discussion of how, where, and by whom special education and related services will be provided to parentally-placed private school children with disabilities. Also discussed will be the types of services to be provided (including direct services and alternate service-delivery mechanisms). If funds are insufficient to serve all children, the representatives will talk about how such services will be apportioned. Also part of the consultation will be discussing how and when these decisions will be made. [§300.134(d)]

Obviously, this aspect of the consultation process involves many elements. You'll find additional information about these elements in upcoming slides, as follows:

- Services plans, Slides 16 and 17;
- Location of services, Slide 18;
- Personnel to provide the services, Slide 19 and 20; and
- Services to specific groups:
 - parentally-placed preschoolers with disabilities in private schools, Slide 25; and
 - home-schooled children with disabilities, Slide 26.

Consultation about Disagreements

Shrewdly, the consultation process must also involve how disagreements will be handled—specifically, if the LEA 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 consultation process is to address how, if this occurs, the LEA will provide the private school officials with a written

explanation of the reasons why the LEA chose not to provide services directly or through a contract. [§300.134(e)]

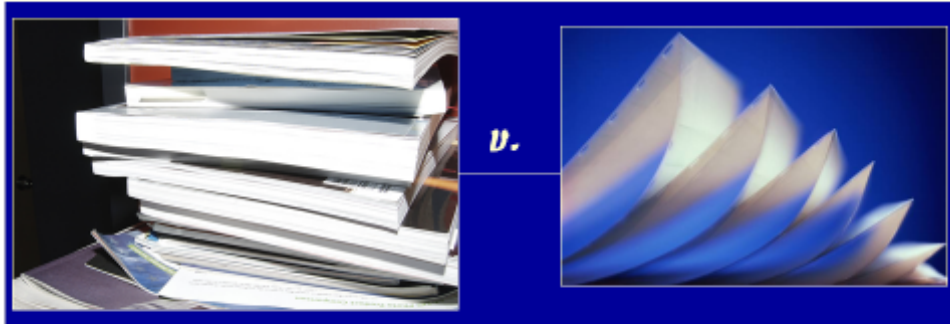
Summary

These, then, are the considerations that an LEA (or, if appropriate, an SEA) must discuss in a timely and meaningful way in the consultation process with private school representatives and representatives of parents of parentally-placed private school children with disabilities. These discussions are intended to inform the LEA's design and development of special education and related services for the children.

View 1

“Parentally-Placed” – Consultation

What records on consultation must an LEA maintain?



Slide loads with this view and the question, “What records on consultation must an LEA maintain?”

As the pictures are intended to indicate, this might be somewhere between *a lot* (picture on left) and *a little* (picture on right).

Clicks 1-2

“Parentally-Placed” – Consultation


What records on consultation must an LEA maintain?

- LEA must obtain a **written affirmation** signed by the representatives of participating private schools
- If representatives do not provide that affirmation within reasonable period of time, LEA must forward documentation of consultation process to the SEA

Click 1: Picture disappears, and Bullet 1 comes up.

Click 2: Bullet 2 appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



The last slide in this series on the consultation process addresses provisions in the IDEA Part B regulations at §300.135, which are rather self-explanatory. They appear in the box on this page.

The Department makes the following remark regarding the written affirmation in its Analysis of Comments and Changes:

We expect that in most circumstances private school officials and LEAs will have cooperative relationships that will not need State involvement. If private school officials believe that there was not meaningful consultation, they may raise that issue with the SEA through the procedures in §300.136. (71 Fed. Reg. at 46595)

Registering Dissatisfaction with the Consultation Process

The last sentence in the Department's comments above raises the question: What mechanisms exist within IDEA through which either the LEA or the private school representatives may lodge a complaint if the consultation process is not "timely" and "meaningful?" This question will be answered on Slide 28 as part of discussing IDEA's complaint procedures for private school officials.



§300.135 Written affirmation.

(a) When timely and meaningful consultation, as required by §300.134, has occurred, the LEA must obtain a written affirmation signed by the representatives of participating private schools.

(b) If the representatives do not provide the affirmation within a reasonable period of time, the LEA must forward the documentation of the consultation process to the SEA.

View 1

Slide loads with this view.

New subject: Child Find.

The question? How are "parentally-placed" children suspected of having a disability located, identified, and evaluated?

"Parentally-Placed"—Child Find

How are "parentally-placed" children suspected of having a disability located, identified, and evaluated?



Clicks 1-2

"Parentally-Placed"—Child Find

How are "parentally-placed" children suspected of having a disability located, identified, and evaluated?

Click 1: Picture disappears. "Not New in IDEA: Child Find" appears.

Not New in IDEA:
Child find

Click 2: "New in IDEA" appears: Who has the responsibility to conduct child find in private schools.

New in IDEA:
Responsibility to conduct child find in private schools now resides with the **LEA where the private school is located**

CLICK AGAIN to advance to next slide.

(discussion on next page)

Slide 10: Background and Discussion

2 Clicks



As promised earlier, we're back to talk about child find. This slide, and the next two, will focus upon the role child find plays in seeing that parentally-placed private school children suspected of having a disability are located, identified, and evaluated.

Through the process called child find, each State must locate, identify, and evaluate the number of children with disabilities living in that particular State. This includes children placed in private schools by their parents. Therefore, child find activities must also be conducted by LEAs where private schools are located in order to determine how many children with disabilities are attending those private schools.

Child find is not a new requirement, so many participants will likely be familiar with its existence. This presents a good opportunity to involve participants in discussion, building the picture of what child find is, what it's intended to accomplish, and how it's organized. If you're training a group of participants from different States, they may be able to describe how child find plays out in their State.

Here's an important point to make about child find, regardless of how knowledgeable your audience already is on the subject: Under the prior provisions of IDEA, the responsibility to conduct child find for parentally-placed private school

children rested with the LEA in which the children *resided*. Under the reauthorized IDEA, the responsibility rests with the LEA in which the private school is located.

This point is captured on the current slide.

Child Find in Private Schools

The specific requirements in the IDEA Part B regulations regarding child find for parentally-placed private school children with disabilities are found at §300.131 (see **Handout D-17**). They begin with the provision shown below in the box and end with the provisions shown on the next page.



As mentioned in the background text for Slide 8, the 2004 Amendments to IDEA bring significant changes to the child find responsibilities of an LEA with respect to children who are placed by their parents in private elementary and secondary schools located in the LEA. Now the LEA has the responsibility for initial evaluations (and reevaluation) of any such children suspected of having a disability, *regardless* of whether the children's parents actually reside in the LEA.

Is reimbursement between LEAs an option? May the LEA in which the private school is located request reimbursement from the LEA where the child's parents reside for costs associated with conducting the initial evaluation or reevaluation—or, alternatively,

The Beginning of...

§300.131 Child find for parentally-placed private school children with disabilities.

(a) *General.* Each LEA must locate, identify, and evaluate all 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, in accordance with paragraphs (b) through (e) of this section, and §§300.111 and 300.201.

(IDEA's provisions at §300.131 continue on the next page.) →

request that the LEA of residence conduct the child's initial evaluation or reevaluation? The Department responds to these questions with a decisive *no*.

The Act specifies that the LEA where the private schools are located is responsible for conducting both the child find process and the initial evaluation. Therefore, the LEA where

private schools are located may not seek reimbursement from the LEA of residence for the cost of conducting the evaluation or to request that the LEA of residence conduct the evaluation. (71 Fed. Reg. at 46592)



The Rest of...

§300.131 Child find for parentally-placed private school children with disabilities.

(a) ...

(b) *Child find design.* The child find process must be designed to ensure—

(1) The equitable participation of parentally-placed private school children; and

(2) An accurate count of those children.

(c) *Activities.* In carrying out the requirements of this section, the LEA, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency's public school children.

(d) *Cost.* The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if an LEA has met its obligation under §300.133.

(e) *Completion period.* The child find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with §300.301.

(f) *Out-of-State children.* Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.

View 1

"Parentally-Placed"—Child Find

Private school



Child Find
Activities



Similar to activities
for public school children

Slide loads with this view.

Subject: Comparing "child find activities" for "parentally-placed" private school children and public schools children.

"Parentally-Placed"—Child Find

Private school



Evaluation
Procedures



Same as procedures
for public school children

Click 1

Click 1:
Now let's look at comparing "evaluation procedures" for these two different groups of children.

(continued on next page) 

“Parentally-Placed”—Child Find

Click 2

Private school



Child Find
Process

Completed in a time period
comparable to that for
public school children

Click 2:
And now a
comparison of the
“child find process”
for these two
different groups of
children.

CLICK to advance to next slide.

Slide 11: Background and Discussion

2 Clicks

Slide 11 presents itself in three stages, so that you can talk about child find activities, evaluation procedures, and the child find process one at a time, comparing how each plays out for private school children versus public school children. The underlying question to be answered is: Must the child find activities, the evaluation procedures, and the child find process for parentally-placed private school children be similar to the child find activities and evaluation procedures for children enrolled in public schools?

Comparability of Child Find Activities

Yes, the child find activities (the first item on the slide) carried out by LEAs for parentally-placed private school children must be similar to activities undertaken for child find for children in public schools. The IDEA Part B regulations at §300.131(c) state that “the LEA, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency’s public school children.” And what might those activities be?

This would generally include, but is not limited to, such activities as widely distributing informational

brochures, providing regular public service announcements, staffing exhibits at health fairs and other community activities, and creating direct liaisons with private schools. (71 Fed. Reg. at 46593)

You’ll recall that part of the consultation process must include “[ho]w parents, teachers, and private school officials will be informed of the [child find] process” [§300.134(a)(2)]. The types of activities mentioned by the Department are intended to spread the word about the

availability of child find in locating, identifying, and evaluating children suspected of having a disability.

Comparability of Evaluation Procedures

Again, yes to our starting question. The evaluation procedures used for parentally-placed private school children must be the *same* as the evaluation procedures for children enrolled in public schools. As the Department notes:

[E]valuations of all children suspected of having disabilities under Part B of the Act, regardless of whether they are enrolled by their parents in private elementary schools or secondary schools, must be conducted in accordance with the requirements in §§300.300 through 300.311...which describes the procedures for evaluations and reevaluations for all children with disabilities. (71 Fed. Reg. at 46593)

Three separate modules are devoted to evaluation procedures in this training curriculum: *Introduction to Evaluation* (which describes IDEA's requirements for conducting technically sound evaluations of children suspected of having a disability); *Initial Evaluation and Reevaluation* (which examines IDEA's definition of "child with a disability" and the evaluation process that IDEA requires to determine if a child is a "child with a disability"), and *Identification of Children with Specific Learning Disabilities* (which focuses exclusively on the additional procedures IDEA requires for deter-

mining if a child has a learning disability). If you'd like to flesh out the discussion on this slide of what IDEA's "evaluation procedures" actually are, you can draw talking points from the three modules on evaluation. Members of the audience may also be enticed to share what they know about what IDEA requires when a child is evaluated for a disability. These same procedures are required when evaluating a parentally-placed private school child. This includes the parents' right to request an independent educational evaluation of their child at public expense if they disagree with the evaluation obtained by the LEA in which the private school is located (71 Fed. Reg. at 46597).



Comparability of Child Find Processes

Again, yes to our starting question. IDEA Part B regulations clearly state that the "child find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with §300.301" [§300.131(e), see **Handout D-17** and the provisions in the last box on the previous slide]. This means that LEAs may not delay conducting child find, including individual



evaluations, for parentally-placed private school children until after child find for public school children is conducted (71 Fed. Reg. at 46593).

And if Child Find "Finds" Something?

Slide 14 discusses which LEA is responsible for offering the child a free appropriate public education if a determination is made by the LEA where the private school is located that a child needs special education and related services.

View I

"Parentally-Placed"—Parent Consent

May a "parentally-placed" child with disabilities be evaluated without the parent's consent?

← Slide loads with this question.



"Parentally-Placed"—Parent Consent

May a "parentally-placed" child with disabilities be evaluated without the parent's consent?

Click I

No—
The LEA may not override a parent's refusal to consent to the evaluation or a parent's failure to respond to LEA's request to evaluate the child

← Click 1:
And here's the answer.

CLICK AGAIN to advance to next slide.

(discussion on next page)

Slide 12: Background and Discussion

2 Clicks



As part of its child find activities, LEAs must also conduct initial evaluations of children suspected of having a disability. Can this occur without parental consent?

As the slide indicates, *no*. Parental consent is required for an initial evaluation or reevaluation under IDEA. This means that parents who place their child with a disability in a private elementary school or secondary school have the option of not participating in the LEA's child find activities, including evaluation, as is made clear at §300.300(d)(4):

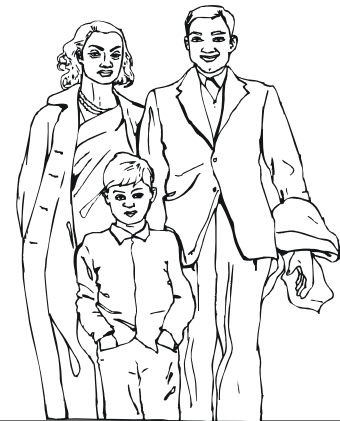
(4)(i) If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the consent override procedures (described in paragraphs (a)(3) and (c)(1) of this section); and

(ii) The public agency is not required to consider the child as eligible for services under §§300.132 through 300.144.

It's interesting that, should a parent not provide consent for the initial evaluation or the reevaluation of their parentally-placed private school child, the public agency may *not* use its consent override procedures to pursue the evaluation as it can opt to do for children enrolled in public school or seeking to be enrolled in public school (see §300.300(a)(3), discussed extensively in Module 11, *Initial Evaluation and Reevaluation*). As the Department observes:

[O]nce parents opt out of the public schools, States and school districts do not have the same interest in requiring parents to agree to the evaluation of their children as they do for children enrolled in public schools, in light of the public agencies' obligation to educate public school children with disabilities. (71 Fed. Reg. at 46592)

In addition to releasing the LEA from the obligation to evaluate the child as part of its child find activities, a parent's "opting out" of those activities also releases the public agency from having to consider the child for equitable services. (*Id.*)



"Parentally-Placed"—Protecting Privacy

Release of personally identifiable information

Sharing information between LEAs



← Slide loads fully, to set up discussion of two points related to privacy: release of personally identifiable information, and sharing information between LEAs.

No clicks are needed, except to advance to the next slide.

CLICK to advance to the next slide.

So—through child find activities, a parentally-placed private school child is found to have a disability, and it turns out that the child's parents reside in another LEA. May the LEA where the private school is located (which is now responsible for conducting the initial evaluation of the child) share that child's evaluation results with the LEA of residence?

This question was raised by a number of public commenters. The Department responded that, while the statute "is silent" on the matter:

We believe that the LEA where the private schools are located has an obligation to protect the privacy of children placed

in private schools by their parents. We believe that when a parentally-placed private school child is evaluated and identified as a child with a disability by the LEA in which the private school is located, parental consent should be required before such personally identifiable information is released to officials of the LEA of the parent's residence. (*Id.*)

Accordingly, paragraph (b)(3) was added to §300.622, and reads:

If a child is enrolled, or is going to enroll in a private school that is not located in the LEA of the parent's residence, parental consent must be obtained before

any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent's residence. [§300.622(b)(3)]

Thus, as a matter of protecting the child's privacy, parental consent is required before any personally identifiable information can be released from officials in the LEA where the private school is located to officials in the LEA of residence.

View I

“Parentally-Placed”—Offering FAPE

Situation:

A “parentally-placed” child is found through Child Find to have a disability

Slide loads with this view, both the situation and the question.

Question:

Which LEA is responsible for offering the child FAPE:

- the LEA where the child lives, or
- the LEA where the private school is located?

“Parentally-Placed”—Offering FAPE

Situation:

A “parentally-placed” child is found through Child Find to have a disability

Click I

Generally, the LEA where the child lives


Click 1:
The answer!

Question:

Which LEA is responsible for offering the child FAPE:

- the LEA where the child lives, or
- the LEA where the private school is located?

CLICK AGAIN to advance to next slide.

(discussion on next page) 

I Click



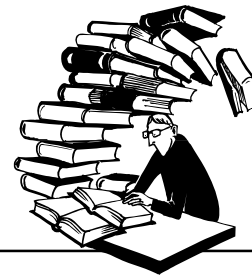
If a parentally-placed private school child is found to have a disability and needs special education and related services, which LEA is responsible for ensuring that FAPE is made available to the child? A very good question, don't you think? That is the situation posed on this slide.

Space for Notes

The district of residence, that's who, as "§300.201 already clarifies" (71 Fed. Reg. at 46593). "Accordingly," states the Department, "the district in which the private elementary or secondary school is located is not responsible for making FAPE available to a child residing in another district" (*Id.*). Furthermore:

If the parent makes clear his or her intention to keep the child enrolled in the private elementary school or secondary school located in another LEA, the LEA where the child resides need not make FAPE available to the child. (*Id.*)

Are you wondering perhaps what, precisely, §300.201 states? We've cited it in the box below.



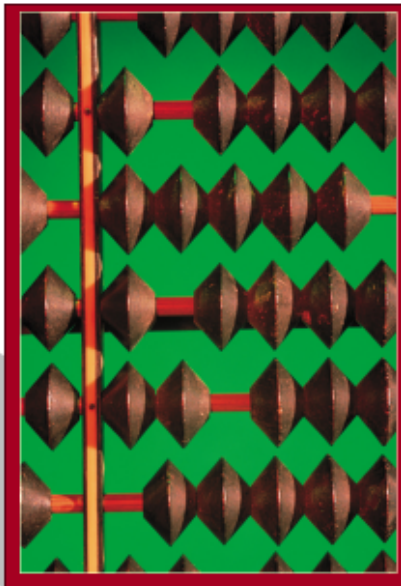
§300.201 Consistency with State policies.

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under §§300.101 through 300.163, and §§300.165 through 300.174.

View I

“Parentally-Placed”—Reporting

What specific child count information must the LEA maintain and report to the SEA?



Slide loads with this view—and the question: What specific child count information must the LEA maintain and report to the SEA?

“Parentally-Placed”—Reporting

What specific child count information must the LEA maintain and report to the SEA?


Click I

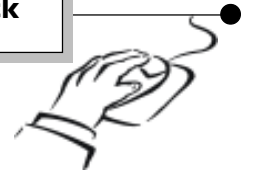
Number of “parentally-placed” children with disabilities:

- evaluated
- determined to be “children with disabilities” under Part B
- provided equitable services

Click 1:
The answer to the question appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slide 15 closes the discussion of child find for parentally-placed private school children by looking at the prosaic topic of record keeping and reporting. The question posed on the slide is: What specific child count information must the LEA maintain and report to the SEA?

As specified in IDEA Part B regulations at §300.132 (see **Handout D-17** and the box below), the LEA must maintain in its records and provide to the SEA the following information:

- the number of parentally-placed private school children evaluated,
- the number of parentally-placed private school children determined to be children with disabilities under Part B of the Act, and
- the number of children provided equitable services.

Each LEA must conduct an annual count to determine the number of parentally-placed private school children with disabilities attending private schools located in the LEA, because an accurate count of these children is needed to “calculate the proportionate share of Part B funds that the LEA must expend annually for services for parentally-placed private school children with disabilities” (U.S. Department of Education, 2006, p. 5).¹ IDEA Part B regulations at §300.133(c) address the specifics of the annual count as applied to parentally-placed private school children with disabilities.

(c) *Annual count of the number of parentally-placed private school children with disabilities.* (1) Each LEA must—

(i) After timely and meaningful consultation with representatives of parentally-placed private school children with disabilities (consistent with §300.134), determine the number of parentally-placed private school children with disabilities attending private schools located in the LEA; and

(ii) Ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year.

(2) The count must be used to determine the amount that the LEA must spend on providing special education and related services to parentally-placed private school children with disabilities in the next subsequent fiscal year.

The last provision—at §300.133(c)(2)—shows the interconnectedness of the annual count of the number of parentally-placed private school children with disabilities attending private schools located in the LEA and the proportionate share of Federal IDEA Part B funds that LEAs must spend on parentally-placed private school children. Proportionate share was discussed on Slide 8 (as a topic to be addressed during the consultation process) and will be revisited on Slide 22, where the formula for calculating the proportionate share will be examined.



§300.132 Provision of services for parentally-placed private school children with disabilities—basic requirement.

(c) *Record keeping.* Each LEA must maintain in its records, and provide to the SEA, the following information related to parentally-placed private school children covered under §§300.130 through 300.144:

- (1) The number of children evaluated;
- (2) The number of children determined to be children with disabilities; and
- (3) The number of children served.

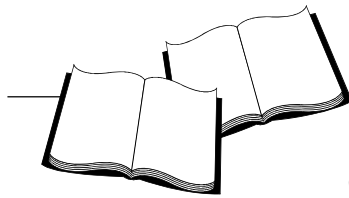
More on Child Count

Child count is a longstanding requirement within IDEA. Its general provisions begin at §300.640 and basically stipulate that each SEA must ensure that an annual count is made of the number of children with disabilities in the State receiving special education and related services. The State may include in its annual report of children served the number of parentally-placed private school children with disabilities who are eligible under Part B of IDEA and receive

special education and related services [§300.644(c)]. (This is different from the requirement at §300.133(c) to conduct an annual count of the number of parentally-placed private school children with disabilities attending private schools located in the LEA.) To conduct the annual child count, the SEA must “establish procedures to be used by LEAs and other educational institutions” in counting the number of such children, including setting dates by which this information must be reported to the SEA (§300.545). The SEA, in turn, reports the annual count in the State to the Secretary of Education. We see this information made publicly available in

the annual reports that the Department produces and submits to Congress, the *Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act (IDEA)*, available online at:

www.ed.gov/about/reports/annual/osep/index.html



¹ U.S. Department of Education. (2006, March). *Questions and answers on serving children with disabilities placed by their parents at private schools*. Washington, DC: Author.

View 1

"Parentally-Placed"—Services Plan

At the child level,
what's required?



Slide loads with this view, asking the question, "At the child level, what's required?"

"Parentally-Placed"—Services Plan

At the child level,
what's required?

- A services plan

What's a services
plan?



Click 1

Click 1:
The answer appears:
A services plan.

And then a new
question appears
(to left of picture):
What's a services
plan?

(continued on next page) 

“Parentally-Placed” – Services Plan

At the child level, what’s required?

- A services plan

What’s a services plan?

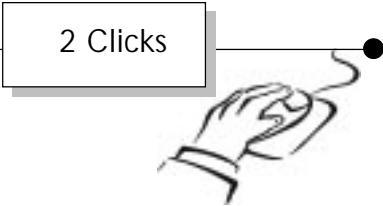
- A plan that describes the specific special education and related services the LEA will provide to the child

Click 2

Click 2: Picture disappears, and the answer to Question 2 appears.

CLICK to advance to next slide.

Slide 16: Background and Discussion



So far in this module, administrative matters and responsibilities have dominated the discussion—consultation processes, proportionate share, child find, child count...let’s take this conversation down to the child level and have a look at what IDEA’s requirements mean for parentally-placed private school children themselves.

IDEA is clear that these children have no *individual* right to special education and related services, as was summarized on Slide 5. However, if a private school child with a disability is designated to receive special education and related services by the LEA in which the private school is located, then IDEA Part B regulations require that a

services plan be developed and implemented for that child [§300.132(b), as shown on **Handout D-17** and in the box at the next page]. This services plan must describe:

...the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined, through the process described in §§300.134 and 300.137, it will make available to parentally-placed private school children with disabilities. [§300.138(b)]

Services plans for parentally-placed private school children with disabilities are a

longstanding requirement of IDEA. As specified at §300.138(b)(2):

(2) The services plan must, to the extent appropriate—

(i) Meet the requirements of §300.320, or for a child ages three through five, meet the requirements of §300.323(b) with respect to the services provided; and

(ii) Be developed, reviewed, and revised consistent with §§300.321 through 300.324.

Unless you have a photographic memory, it may be hard to recall what the requirements of §300.320, §300.323(b), and §§300.321 through 300.324 are! To illuminate what the services plan, to the extent appropriate, must include, then, let's have a look at what these referenced provisions have to say.

The Requirements of §300.320: The IEP

Section 300.320 of IDEA Part B regulations is entitled "Definition of individualized education program." It enumerates the basic components that must be included in the IEP for each child with a disability who is enrolled in a public school or who is publicly placed in a private school and eligible for and receiving special education and related services. Can the audience name any of those components? Annual measurable goals... specific special education services the child needs... related services needed, too, such as physical therapy or speech-language pathology services... supplementary aids and services needed by the child... when, where, and for how long services will be provided and when they'll begin... how progress will be measured... how the child will participate in state or districtwide assessments... all this information *and more* must be included in the IEPs of eligible children with disabilities enrolled in public schools or who are publicly placed in private schools.

Obviously, a services plan for a parentally-placed private school child with disabilities is akin to an IEP, with certain phrases within the IDEA Part B

regulation at §300.138(b)(2) indicating that there are telling differences between the two. "To the extent appropriate" is one such phrase; "with respect to the services provided" is another. The Department's remarks in the Analysis of Comments and Changes highlight that the key difference between a services plan and an IEP is *comprehensiveness*.

On one hand:

The services plan must describe the specific special education and related services offered to a parentally-placed private school child with a disability designated to receive services. (71 Fed. Reg. at 46596)

In contrast:

Children with disabilities enrolled in public schools or who are publicly placed in private schools are entitled to FAPE and must receive the full range of services under Part B of the Act that are determined by the child's IEP Team to be necessary to meet the child's individual needs and provide FAPE. The

IEPs for these children generally will be more comprehensive than the more limited services plans developed for parentally-placed private school children with disabilities designated to receive services. (*Id.*)

The Department was asked during the public comment period if an IEP could be used in lieu of a services plan and responded:

We believe that using an IEP in lieu of a services plan for these children may not be appropriate in light of the fact that an IEP developed pursuant to section 614(d) of the Act will generally include much more than just those services that a parentally-placed private school child

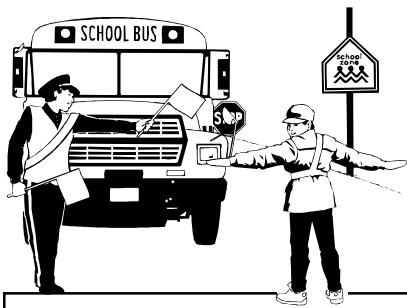


§300.132 Provision of services for parentally-placed private school children with disabilities—basic requirement.

(a)...

(b) *Services plan for parentally-placed private school children with disabilities.* In accordance with paragraph (a) of this section and §§300.137 through 300.139, a services plan must be developed and implemented for each private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services under this part.

with a disability may receive, if designated to receive services. There is nothing, however, in these regulations that would prevent a State that provides more services to parentally-placed private school children with disabilities than they are required to do under the Act to use an IEP in place of a services plan, consistent with State law. (*Id.*)



The Requirements of §300.323(b): IEP or IFSP for Children Aged 3-5

The services plan for a child aged 3-5 must, to the extent appropriate, “meet the requirements of §300.323(b) with respect to the services provided” [§300.138(b)(2)(i)]. Section 300.323(b) allows that, under certain conditions, an IFSP may serve as the IEP of a child aged 3 through 5 (or, if the State allows, a two-year-old child who will turn three during the school year). The box below presents the provision in its entirety. As can be seen, that document must then contain the IFSP content, including the natural

environments statement, and an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children who are at least three.

The Requirements of §§300.321 through 300.324

Section 300.138(b)(2)(ii) states that the services plan must also, to the extent appropriate, be developed, reviewed, and revised consistent with §§300.321 through 300.324—provisions that also relate to the IEP and that are consecutively entitled:

- IEP Team (§300.321);
- Parent participation (§300.322);
- When IEPs must be in effect (§300.323); and
- Development, review, and revision of IEP (§300.324).

IDEA’s requirements in each of these areas are thoroughly discussed in the modules in Theme D, the Individualized Education Program, most notably: *The IEP Team: Who is a Member?* (Module 12), *Content of the IEP* (Module 13), and *Meetings of the IEP Team* (Module 14).

Summary

Clearly, the services plan is intended to emerge from a process that is consistent with the process by which IEPs are developed, review, and revised (as appropriate). The process doesn’t have to be identical to the well-specified IEP process—after all, §300.138(b) includes

§300.323 When IEPs must be in effect.

(b) *IEP or IFSP for children aged three through five.* (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is—

- (i) Consistent with State policy; and
- (ii) Agreed to by the agency and the child’s parents.

(2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must—

- (i) Provide to the child’s parents a detailed explanation of the differences between an IFSP and an IEP; and
- (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

the phrase “to the extent appropriate”—but neither may the process be haphazard or arbitrary. The requirement that a services plan meet specified requirements of an IEP to the extent appropriate ensures that the services actually provided to a parentally-placed private school child with a disability will meaningfully address the child’s individual needs.

Example

An LEA has elected to serve an individual parentally-placed private school child with a

disability who has speech needs through the provision of speech-language pathology services.

The child’s services plan would specify information such as:


- the child’s present levels of academic achievement and functional performance in this area;
- how the child’s speech-language disability affects the child’s ability to be involved and progress in the general education curriculum;

- measurable annual goals for this child specific to the speech-language pathology services to be provided in order to enhance the child’s ability to be involved in and make progress in the general education curriculum;
- the amount, location and duration of the services to be provided, and how the child’s parents will be informed of the child’s progress.

Space for Notes

"Parentally-Placed"—Services Plan

More about services plans, you say?



CLICK to advance to next slide.

View 1

← Slide loads fully, including the question, More about services plans, you say? No clicks are needed, except to advance to the next slide.

Much more can be said about services plans, but it's important to keep in mind that the actual processes by which services plans are developed are likely to vary from LEA to LEA and State to State, given differences in policies that emerge from each locale's consultation sessions. That said, IDEA does establish basic guidelines that all locales must follow.

Who Attends the Meeting to Develop a Services Plan?

As appropriate, the meeting to develop a services plan must include attendance by participants in accordance with the description of the IEP Team in the IDEA Part B regulations at §300.321. Therefore, as appropri-

ate, this will include the parents of the child, a regular education teacher, a representative of public agency, an individual who can interpret the instructional implications of evaluation results, other individuals who have knowledge or special expertise regarding the child (this can include related services personnel, such as a speech therapist), and, when appropriate, the child in question. (See Module 12 on the IEP Team for IDEA's precise provisions; refer participants to **Handout D-3** in their handout packet.) Additionally, in keeping with §300.137(c)(2) (cited in the box on the next page and on **Handout D-17**), the LEA must make certain that a representative of the private school attends each meeting to develop a

services plan. In the event that the representative to the private school cannot attend the meeting, the LEA must use other methods to ensure participation, including individual or conference telephone calls. As the Department points out in its 2006 Q&A (p. 8): "This provides the opportunity for private school staff to learn more about the child's strengths and needs."¹

Parent Involvement

As stated above, parents of private school children with disabilities designated to receive special education and related services are important participants in developing the services plan for their children. The Department's 2007 Q&A² on the

subject of parentally-placed private school children with disabilities speaks to the role of parents in developing the services plan as follows:

Question C-2: Must the parent of a parentally-placed private school child participate in the development of a services plan?

Answer: As provided in 34 CFR §300.138(b)(2)(ii), a services plan must, to the extent appropriate, be developed, reviewed and revised in accordance with the requirements in 34 CFR §§300.321 through 300.324. Therefore, to the extent appropriate, the meeting to develop a services plan should be conducted in accordance with 34 CFR §300.321. Under 34 CFR §300.321(a)(1), the parents of the child are required participants. Given the emphasis on parent involvement in IDEA, the Department believes that parents should participate in the meeting to develop the services plan for their child. (p. 4)²

Final Decisions About Services

After consultation with private school representatives and representatives of parents of parentally-placed private school children with disabilities, the LEA where the private school is located is responsible for making final decisions about all aspects of the services to be provided to parentally-placed private school children with disabilities. [§300.137(b)(2), see

the box on this page and refer participants to **Handout D-17.**]

However, if the LEA 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 LEA must provide to the private school officials a written explanation of the reasons why the LEA chose not to accept the recommendations of the private school officials. This requirement in the IDEA Part B regulations—found at §300.134(e)—was discussed on Slide 8. Conversely, if the private school has a complaint about the consultation process (either that it was not

timely or meaningful or that the LEA did not give due consideration to the views of the private school official), it can lodge a complaint following the provisions at §300.136, as discussed on Slide 28.

Considering that the final decision about services to be provided to a parentally-placed private school child with disabilities rests with the LEA, there's one question that may naturally arise in many people's minds,



§300.137 Equitable services determined.

(a) *No individual right to special education and related services...*

(b) *Decisions.* (1) Decisions about the services that will be provided to parentally-placed private school children with disabilities under §§300.130 through 300.144 must be made in accordance with paragraph (c) of this section and §300.134(c).

(2) The LEA must make the final decisions with respect to the services to be provided to eligible parentally-placed private school children with disabilities.

(c) *Services plan for each child served under §§300.130 through 300.144.* If a child with a disability is enrolled in a religious or other private school by the child's parents and will receive special education or related services from an LEA, the LEA must—

(1) Initiate and conduct meetings to develop, review, and revise a services plan for the child, in accordance with §300.138(b); and

(2) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

especially given that the responsibility for providing these services has shifted from children's LEA of residence to the LEA where the private school is located. Can an LEA decide to only provide services to students from their LEA or their State?

The Department addresses this question in its 2007 Q&A, giving this answer:

LEAs have discretion to determine how the proportionate share of Federal Part B funds will be expended so long as the consultation requirements in 34 CFR §300.134 are followed for all parentally-

placed private school children. LEAs cannot determine, outside of the consultation process, that the proportionate share of Federal Part B funds for equitable services can only be expended to meet the needs of children who are residents of that LEA or State. (p. 13)²



¹ U.S. Department of Education. (2006, March). *Questions and answers on serving children with disabilities placed by their parents at private schools*. Washington, DC: Author.

² U.S. Department of Education. (2007, January). *Questions and answers on serving children with disabilities placed by their parents in private schools*. Washington, DC: Author. Available online at: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C>

View 1

"Parentally-Placed"—Location of Services

- How is the "location of services" determined?



Slide loads with this view—and the question, How is the "location of services" determined?

Note: Each click will bring up a new question, so at each point along the way, answer the question that's asked before moving on.

"Parentally-Placed"—Location of Services

Clicks 1-3

- How is the "location of services" determined?



- Where may equitable services be provided?

- What about transportation?


- What about separate classes?

Click 1:
Question 2 appears:
Where may equitable services be provided?

Click 2:
Question 3 appears:
What about transportation?

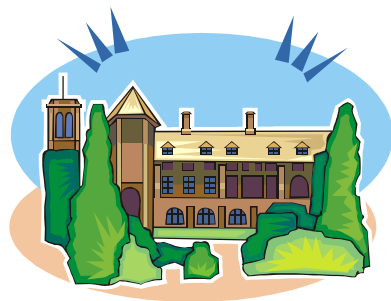
Click 3:
Question 4 appears:
What about separate classes?

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Specifying the special education and related services to be provided to a parentally-placed private school child with disabilities brings with it a host of considerations beyond the nature of the services the child needs and the LEA agrees to provide. This slide addresses four such considerations and what IDEA has to say about each.



Where Will Services Be Provided?

The location of services is among the topics that must be discussed during the consultation process between LEA officials, private school representatives, and representatives of parents of parentally-placed private school children with disabilities. The public agency is responsible for making the final decision, after this consultation process.

However, one of the burning questions in the audience may very well be whether or not IDEA-funded services may be provided to parentally-placed private school children with disabilities at the private school itself. And the answer is: *Yes*, such services may be provided on-site at a child's private school,

including a religious school, to the extent consistent with law, or at another location, as stated at §300.139(a):

(a) Services on private school premises. Services to parentally-placed private school children with disabilities may be provided on the premises of private, including religious, schools, to the extent consistent with law.

If you're wondering at the meaning of the phrase "to the extent consistent with law," you're probably not alone. The Department offers the following interpretation of this phrase, which is used in section 612(a)(10)(A)(i)(III) of the Act and is reiterated in the final Part B regulations.

We interpret this language to mean that the provision of services on the premises of a private school takes place in a manner that would not violate the Establishment Clause of the First Amendment to the U.S. Constitution and would not be inconsistent with applicable State constitutions or law. (71 Fed. Reg. at 46596)

That settled, the Department also expresses its belief that, "in the interests of the child, LEAs should provide services on site at the child's private school so as not to unduly disrupt the child's educational experience, unless there is a compelling rationale for these services to be provided off-site. (*Id.*)

While providing services on-site is encouraged, it is not a requirement under IDEA.

Transportation

IDEA includes transportation as a legitimate consideration when determining the provision of services to parentally-placed private school children. Section 300.139(b) of the IDEA Part B regulations states:

(b) Transportation—(1) General. (i) If necessary for the child to benefit from or participate in the services provided under this part, a parentally-placed private school child with a disability must be provided transportation—

(A) From the child's school or the child's home to a site other than the private school; and

(B) From the service site to the private school, or to the child's home, depending on the timing of the services.

(ii) LEAs are not required to provide transportation from the child's home to the private school.

(2) *Cost of transportation.* The cost of the transportation described in paragraph (b)(1)(i) of this section may be included in



calculating whether the LEA has met the requirement of §300.133.

Transportation may be necessary for an individual child who is designated to receive services from the public agency. If services are offered at a site separate from the child's private school, transportation may be necessary to get the child to and from that other site. Failure to provide transportation could effectively deny the child an opportunity to benefit from the services that the public agency has determined through consultation to offer its parentally-placed private school children with disabilities. The Department encourages LEAs to work in consultation with representatives of private school children to ensure that services

are provided at sites that do not incur significant transportation costs for the LEA, including on the premises of the child's private school. (71 Fed. Reg. at 46596-7)

The need for transportation of this sort contrasts with the need that some children with disabilities may have—"special modifications in transportation" that are necessary to address the child's unique needs.

If the group developing the child's services plan determines that a parentally-placed private school child with a disability chosen to receive services requires transportation as a related service in order to receive special education services, this transportation service should be included as a related service in the services plan for the child. (71 Fed. Reg. at 46597)

The cost of transportation may be included in calculating whether the public agency has met the proportionate share requirement (to be discussed on Slide 22).

Separate Classes?

The IDEA Part B regulations expressly prohibit separate classes under the specific conditions described in §300.143:

§300.143 Separate classes prohibited.

An LEA may not use funds available under section 611 or 619 of the Act for classes that are organized separately on the basis of school enrollment or religion of the children if—

- (a) The classes are at the same site; and
- (b) The classes include children enrolled in public schools and children enrolled in private schools.



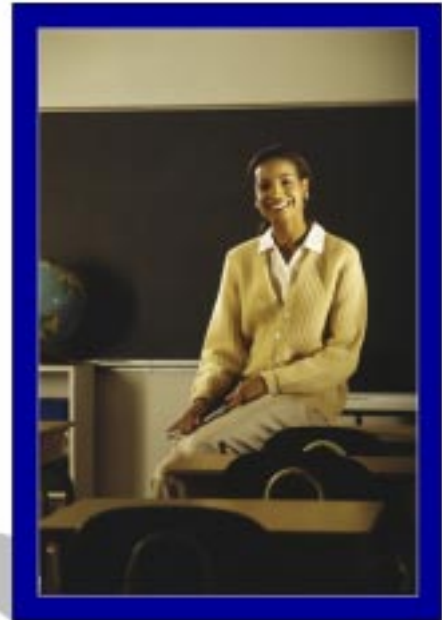
View 1

Slide loads with this view.

Subject: Personnel.
Question: Who provides the equitable services?

"Parentally-Placed"—Personnel

Who provides the equitable services?



Clicks 1-2

Click 1: "What conditions apply..." appears, along with Bullet 1 (public agency?).

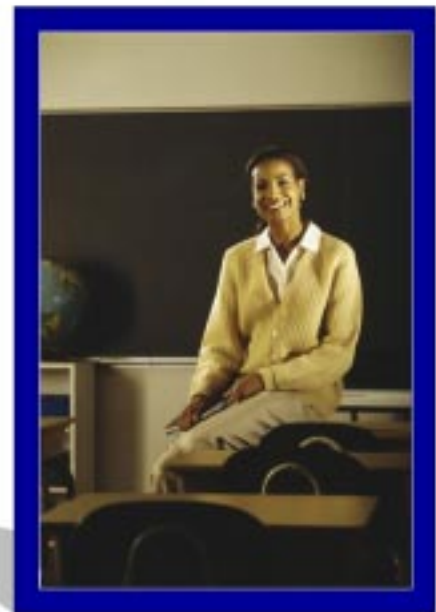
Click 2: Bullet 2 (private school?) appears.

"Parentally-Placed"—Personnel

Who provides the equitable services?

What conditions apply if services are provided by an employee of:

- ✓ The public agency?
- ✓ The private school?



CLICK AGAIN to advance to next slide.



All this talk about what services and where to offer them! What about “who”—Who provides the equitable services to parentally-placed private school children with disabilities? This is the focus of Slide 19.

A succinct answer to the question comes from the Department’s March 2006 Q&A¹ on parentally-placed private school children with disabilities. We’ve broken the Department’s summary into the following bullet points:

- Equitable services must be provided by employees of a public agency or through contract by the public agency with an individual, association, agency, organization, or other entity.
- An LEA may use Part B funds to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for private school children with disabilities and if those services are not normally provided by the private school.
- An LEA may use Part B funds to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control. (p. 9)¹

That’s pretty clear, isn’t it? This summary is primarily drawn from two sets of provisions in the IDEA Part B regulations,

which are provided here for your reading pleasure.

Bullet 1 above corresponds to IDEA Part B regulations at §300.138(c), which read:

§300.138 Equitable services provided.

(a)...

(b)...

(c) *Provision of equitable services.* (1) The provision of services pursuant to this section and §§300.139 through 300.143 must be provided:

(i) By employees of a public agency; or

(ii) Through contract by the public agency with an individual, association, agency, organization, or other entity.

The second and third bullets above summarize IDEA Part B regulations at §300.142 (see box below; refer participants to **Handout D-17**).

¹ U.S. Department of Education. (2006, March). *Questions and answers on serving children with disabilities placed by their parents at private schools*. Washington, DC: Author.



§300.142 Use of personnel.

(a) *Use of public school personnel.* An LEA may use funds available under sections 611 and 619 of the Act to make public school personnel available in other than public facilities—

(1) To the extent necessary to provide services under §§300.130 through 300.144 for parentally-placed private school children with disabilities; and

(2) If those services are not normally provided by the private school.

(b) *Use of private school personnel.* An LEA may use funds available under sections 611 and 619 of the Act to pay for the services of an employee of a private school to provide services under §§300.130 through 300.144 if—

(1) The employee performs the services outside of his or her regular hours of duty; and

(2) The employee performs the services under public supervision and control.

View 1

“Parentally-Placed”—Personnel



Do requirements for “highly qualified” teachers apply to personnel providing equitable services?

Slide loads with this view and the question about highly qualified teacher requirements.

“Parentally-Placed”—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*

Click 1

Click 1: First part of answer appears (public agency personnel).

(continued on next page) 

“Parentally-Placed”—Personnel

Click 2



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*

Click 2:
2nd part of answer appears (private school personnel).

CLICK to advance to next slide.

Slide 20: Background and Discussion

2 Clicks

Attendant to the question of who may provide equitable services is the question posed by this slide and the applicability of NCLB and IDEA’s requirements that teachers be highly qualified.

As the slide shows, the answer is yes, teachers providing equitable services must be highly qualified—and no, they don’t have to be. More completely, that’s a *yes*, for public agency personnel, and a *no*, for private school personnel.

A Look at IDEA’s Part B Regulations

As the first part of §300.138(a) indicates, if *public* school personnel provide equitable services to parentally-

placed private school children on or off the premises of the private schools, those public school personnel must meet the same personnel standards as other public school personnel.

300.138 Equitable services provided.

(a) General. (1) The services provided to parentally-placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that 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 §300.18.

This means that they must meet standards for highly qualified special education teachers (HQT) found in IDEA Part B regulations at §300.18 (available in this training curriculum in the handout packets for Theme B, IDEA and General Education, and discussed in Module 7, *Highly Qualified Teachers*).

Private school personnel don't have to meet these same standards, as the second half of 300.138(a) makes clear. Switching what's bolded and what's in not in the provision:

300.138 Equitable services provided.

(a) *General.* (1) The services provided to parentally-placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, **except that 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 §300.18.**



For More Information on HQT

It's beyond the scope of this module to delve into the HQT requirements for public school personnel. The training module on *Highly Qualified Teachers* is anticipated in August 2007, but an immediately available, quite authoritative source of information on the subject is the Department's 2007 *Questions and Answers On Highly Qualified Teachers Serving Children With Disabilities*, available online at:

[http://idea.ed.gov/explore/view/p/
%2Croot%2Cdynamic%2CQaCorner%2C2%2C](http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C2%2C)

"Parentally-Placed"—Expenditures



Ready for some math?

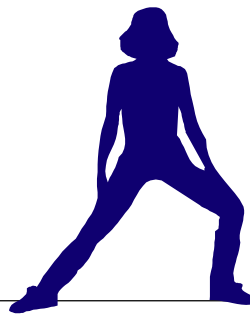
Slide loads fully, asking participants if they're ready for some math.

Subject: Expenditures.

No clicks are needed, except to advance to the next slide.

CLICK to advance to next slide.

Slide 21 is designed to provide a clear change of subject. Ask participants what topic they'd suppose is coming up next. With the title "Expenditures" and the question "Ready to do some math?" the slide gives an adequate hint that the next topic to be discussed will be the proportionate share calculation.



Posing the question "Ready to do some math?" also gives you an opportunity to introduce a brief break for participants, as appropriate to your schedule and their needs. A bit of getting up and moving around may be just what the doctor ordered to refresh participants and re-invigorate their attention spans.

View 1

"Parentally-Placed"—Expenditures

Number of eligible children with disabilities

| | |
|--------------------|-------|
| In public schools | 300 |
| In private schools | + 20 |
| | <hr/> |
| | 320 |

Slide loads with this view, the beginning of the calculation (the number of eligible children with disabilities).

Click 1

"Parentally-Placed"—Expenditures

Number of eligible children with disabilities

| | |
|--------------------|-------|
| In public schools | 300 |
| In private schools | + 20 |
| | <hr/> |
| | 320 |

Federal Part B Flow-Through \$\$ LEA receives \$152,500

Click 1: The "amount of federal Part B flow-through dollars" appears.

(continued on next page) 

"Parentally-Placed"—Expenditures

Click 2

Number of eligible children with disabilities

In public schools 300

In private schools + 20

320

Federal Part B Flow-Through \$\$ LEA receives \$152,500

\$152,500

320

\$476.57 a child

Click 2: Circle loads, with calculation inside. The calculation of how much \$\$ per student appears below.

"Parentally-Placed"—Expenditures

Click 3

Number of eligible children with disabilities

In public schools 300

In private schools + 20

320

Federal Part B Flow-Through \$\$ LEA receives \$152,500

\$152,500

320


\$476.57 a child

x 20 children

\$9,531.25 for proportionate share

Click 3: Remainder of calculation is made, ending in the \$\$ to be spent for proportionate share.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



All right, here we go—calculating the proportionate share!

LEAs must ensure that it spends a proportionate share of its federal (Part B) flow-through funds on parentally-placed private school children with disabilities. The calculation of what the proportionate share will be is now based on the total number of children with disabilities who are enrolled in private schools located in the LEA, *whether or not* the children and their parents reside in the LEA.

Section 300.133, Expenditures, governs how the amount is calculated, with Appendix B to the final Part B regulations providing additional information, including the example that's presented on the slide. Both of these sources are a bit harder to understand than the slide—or perhaps, better stated, an example is worth all those words. For participants, **Hand-out D-17** provides the text of §300.133; the *Resources for Trainers* for Theme D include the entirety of Appendix B. For the discussion here, however, let's work with the example and walk through it step by step. Refer to the regulations that underpin the calculations, as needed, but you'll find it tough going!

Example, Step by Step

1. The first part of the slide, which automatically appears, shows that calculating the proportionate share begins with calculating the number of children with disabilities in the LEA's area. This includes those in public school (n=300) and those in private school (n=20). And where do these numbers come from? Child find/child count!

Number of children with disabilities

In public school = 300

In private school = 20

The slide adds these two numbers together. Result = 320.

2. The second part of the slide folds in the federal Part B flow-through dollars. In this example, that's:

\$152,500

As the slide shows on your click, that's divided by the total number of children with disabilities in the LEA (n=320).

$\$152,500 / 320$

The result represents *funds per child*. Result = \$476.57 a child.

3. The final part of the calculation yields the proportionate share. It's arrived at by multiplying the funds per child by the number of parentally-placed private school children with disabilities.

\$476.57 a child

x 20 children

Result: \$9,531.25.

This means that the LEA has \$9,531.25 to spend on providing special education and related services to the *group* of private school children with disabilities in the LEA.

It's important to remember that the proportionate share does not have to be spent on a per-pupil basis for children with disabilities enrolled by their parents in private schools. The LEA, after consultation, will determine how those funds will be spent for the population of parentally-placed private school children identified as eligible to receive special education or related services. As long as the LEA meets all the other requirements of IDEA, including providing a free appropriate public education to children with disabilities, an LEA may spend more than the proportionate amount of Part B funds, if it chooses to do so, but it cannot spend less.

Note To Trainers: Video Clip!

Given that the regulations themselves don't make nearly as much ready sense as the example provided in Appendix B, we haven't delved verbatim into those regulations. Another common-sense explanation is available to you as a trainer in the video clip *Children Enrolled by their Parents in Private Schools* prepared by the Department. Should you wish to integrate the video clip into training, it's available online for download at: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C5%2C>

View 1

"Parentally-Placed"—Child Find

\$\$ spent on child find / evaluation in private schools

Can **this...**

Slide loads with this view, the first part of a question: Can *this*—the monies "spent on child find and evaluation in private schools..."

Click 1 (*below*) will bring up the ending part of the question.

"Parentally-Placed"—Child Find

\$\$ spent on child find / evaluation in private schools

Proportionate share \$\$ to be spent in private schools

Can **this...**

...be deducted from **that?**

Click 1

Click 1: Here comes the 2nd part of the question: "...be deducted from *that?*"—meaning from the "proportionate share" of funds to be spent in private schools?

"Parentally-Placed"—Child Find

\$\$ spent on child find / evaluation in private schools

Proportionate share \$\$ to be spent in private schools

Can **this...**


...be deducted from **that?**

No

Click 2

Click 2: The answer: No. LEAs may *not* deduct the monies spent on child find and evaluation in private schools from the amount to be spent on the "proportionate share."

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slide 23 brings child find back into the picture (you thought you were done with that, eh?) to pose the question: Can amounts expended for child find, including individual evaluations, be deducted from the required amount of funds to be expended on services for parentally-placed private school children with disabilities?

No, as the slide will indicate on the first **CLICK**. There is a distinction under IDEA between the obligation to conduct child find activities, including individual evaluations, for parentally-placed private school children with disabilities and the obligation to use an amount of funds equal to a proportionate amount of the federal Part B grant flowing to LEAs to provide special education and related services to parentally-placed private school children with disabilities. The obligation to conduct child find, including individual evaluations, exists independently from the services provision. Therefore, the costs of child find activities, such as evaluations, may not be considered in determining whether the LEA has spent an appropriate amount on providing special education and related services to parentally-placed private school children with disabilities.
(71 Fed. Reg. at 46592)

The provision within IDEA Part B regulations specifying this appears on **Handout D-17** and in the box below.

§300.131 Child find for parentally-placed private school children with disabilities.

(d) *Cost.* The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if an LEA has met its obligation under §300.133.

View 1

"Parentally-Placed"—Expenditures

Two New Fiscal Provisions



Carrying over or obligating unspent proportionate share \$\$ from one year to the next year

Slide loads with this view.

Subject: The first of 2 new fiscal provisions.

"Parentally-Placed"—Expenditures

Two New Fiscal Provisions



Carrying over or obligating unspent proportionate share \$\$ from one year to the next year


Supplementing, not supplanting Federal \$\$ for "parentally-placed" children with disabilities



Click 1

Click 1: 2nd of the new fiscal provisions appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Two additional finance-related provisions are important to share with trainees. Both are administrative in nature and will be of the most relevance to trainees responsible for the administration of Part B funds. Both are also new in the reauthorized IDEA. As you can see on the slide, these provisions relate to:

- Carrying over unspent proportionate share funds; and
- Making sure that State and local funds are used only to *supplement*, not *supplant*, the federal funds that must be spent on proportionate share.



Carrying Over Unspent Funds

What happens if an LEA does not spend the entire proportionate share by the end of the fiscal year? The answer, which comes from §300.133(a)(3), is that the LEA must carry over or obligate the remaining funds for special education and related services for children with disabilities enrolled by their parents in private schools in the next year.

This is a new requirement in IDEA Part B regulations. It appears on **Handout D-17** and reads as follows:

(3) If an LEA has not expended for equitable services all of the funds described in paragraphs (a)(1) and (a)(2) of this section by the end of the fiscal year for which Congress appropriated the funds, the LEA must obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school children with disabilities during a carry-over period of one additional year.
[§300.133(a)(3)]

Supplement, Not Supplant

Prior to the reauthorization of IDEA, if a State were spending more than the federal proportionate share of funds using State funds, then the State would not have to spend any federal IDEA Part B dollars on parentally-placed private school children. This is no longer permissible. IDEA has added a “supplement, not supplant” requirement that provides that State and local funds may supplement (or increase) but in no case supplant (use instead

of) the proportionate amount of the federal IDEA Part B funds required to be expended. This new provision is found at §300.133(d) and reads:

(d) *Supplement, not supplant.* State and local funds may supplement and in no case supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school children with disabilities under this part.

View 1

"Parentally-Placed"—Preschools?

And what about "parentally-placed" preschoolers?



Slide loads with this view, asking the question, And what about "parentally-placed" preschoolers?

"Parentally-Placed"—Preschools?

And what about "parentally-placed" preschoolers?


Click 1

The State's definition of **elementary school** directly affects whether or not preschool children with disabilities attending private schools are considered for equitable services



Click 1: Picture changes, and the answer slides into place at the left.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slide 25 looks at a special population of children—preschoolers—and asks if the child find and equitable participation requirements apply to preschoolers who are enrolled by their parents in a private school?

As the Department’s 2007 Q&A states, “An LEA’s obligation to provide equitable services to three through five-year-old parentally-placed private school children with disabilities depends on whether a child is enrolled in a private school or facility that meets the definition of ‘elementary school’ in IDEA and the final regulations” at §300.13 (p. 13)¹—a definition that was discussed on Slide 4 but will, for convenience, be repeated here.

300.13 Elementary school.

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

This means that a *State’s* definition of “elementary school” will directly affect whether or not preschool children with disabilities enrolled by their parents in

private schools are to be considered for equitable services, just as is stated on the slide. To elaborate:

[T]hree through five-year-old children with disabilities that are enrolled by their parents in a private school or facility that meets the State’s definition of “elementary school” would be considered parentally-placed and the equitable participation provisions would apply. A child aged three through five enrolled by his or her parents in a private school or facility that does not meet the State’s definition of “elementary school” would not be eligible to be considered for equitable services. (*Id.*, p. 14)

It is important to point out, however, that, even if a preschool child with disabilities is not eligible for equitable services, the LEA would still be responsible for making FAPE available to eligible children with disabilities ages 3 through 5 years old in the State’s mandated age range. The Department’s 2007 Q&A¹ offers a lengthy discourse on this subject that picks up where the above quote left off. The discussion is excerpted in the box on the next page.

¹ U.S. Department of Education. (2007, January). *Questions and answers on serving children with disabilities placed by their parents at private schools*. Washington, DC: Author. (Available online at: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C>)



Excerpted from
***Questions and Answers On Serving Children With Disabilities
Placed by Their Parents in Private Schools***

U.S. Department of Education, 2007, p. 14

Available online at: [http://idea.ed.gov/explore/view/p/
%2Croot%2Cdynamic%2CQaCorner%2C1%2C](http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C)

...However, the State's obligation to make FAPE available to such children remains. Section 612(a)(1) of IDEA requires that States make FAPE available to eligible children with disabilities aged three through twenty-one in the State's mandated age range (34 CFR §300.101). Because many LEAs do not offer public preschool programs, particularly for three- and four-year-olds, LEAs often make FAPE available to eligible preschool children with disabilities in private schools or facilities in accordance with 34 CFR §§300.145-300.147. In these circumstances, there is no requirement that the private school or facility be an "elementary school" under State law.

In some instances, an LEA may make FAPE available in the private preschool program that the parent has selected. If there is a public preschool program available, the LEA of residence may choose to make FAPE available to a preschool child in that program. If the group of persons making the placement decision, as specified in 34 CFR §300.116(a)(1), places the child in a public or private preschool program and the parents reject the public agency's offer of FAPE because they want their child to remain in the private preschool program they have selected, the public agency is not required to provide FAPE to that child. The parent may challenge the public agency's determination of what constitutes FAPE for their child using the State complaint and due process procedures available under IDEA.

View 1

"Parentally-Placed"—Home Schools?

Are home schooled children with disabilities considered "parentally-placed" private school children?



Slide loads with this view, asking now about home-schooled children.

"Parentally-Placed"—Home Schools?

Are home schooled children with disabilities considered "parentally-placed" private school children?




Again, this depends on a State's policies

Click 1

Click 1: Answer appears on left.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slide 26 looks at another special population of children— home-schooled children —and asks if the child find and equitable participation requirements apply to these children?

The Department’s 2006 Q&A¹ provides the answer in response to Question F-2: Whether home-schooled children with disabilities are considered parentally-placed private school children with disabilities is also a matter of State policy. If the State recognizes home schools or home day care as private elementary schools and secondary schools, children with disabilities in those home schools or home day care situations must be treated in the same way as other parentally-placed private school children with disabilities.



¹ U.S. Department of Education. (2006, March). *Questions and answers on serving children with disabilities placed by their parents at private schools*. Washington, DC: Author.

View 1

Slide loads with this view, asking about parent rights to due process.

“Parentally-Placed”—Due Process

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



Click 1

Click 1: Answer appears (yes, for child find) and where the parent would file the complaint.

“Parentally-Placed”—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



(continued on next page) 

“Parentally Placed”—Due Process

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

Click 2

Click 2:
Picture disappears, and a 2nd answer (no, regarding provision of services) appears, as well as what option is available to parents for complaint.

| | |
|--|--|
| ✓ Regarding child find requirements— <i>Yes</i> | ✓ Regarding provision of services— <i>No</i> |
| Must file with LEA where private school is located | Must use State complaint procedure |

CLICK to advance to next slide.

Slide 27: Background and Discussion

2 Clicks



Procedural safeguards are a crucial aspect of IDEA, so the topic is important to cover in training. The question in focus on this slide is whether or not parents who’ve placed their child with disabilities in a private school have the right to file a due process complaint under IDEA? As the slide makes clear, the answer is both *yes* and *no*.

Complaints Regarding Child Find

Child find is the area in which parents have the right to file a due process complaint, because “child find...is a part of the basic obligation that public agencies have to all children with disabilities, and failure to locate, identify, and evaluate a parentally-

placed private school child would be subject to due process” (71 Fed. Reg. at 46597). As was discussed on earlier slides, the provision in IDEA Part B regulations on child find for parentally-placed private school children with disabilities at §300.131 states that:

(a) *General*. Each LEA must locate, identify, and evaluate all 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, in accordance with paragraphs (b) through (e) of this section, and §§300.111 and 300.201.

Parents of parentally-placed private school children with disabilities have the right to file a due process complaint regarding the LEA’s failure to meet the child find requirements in §300.131 of IDEA Part B regulations, including the requirements regarding parent consent, the evaluation procedures, and eligibility determination described in §§300.300 through 300.311. Such a complaint must be filed with the LEA in which the private school is located, with, a copy of the due process

complaint forwarded to the SEA. This right is provided through §300.140(b), which states:

(b) *Child find complaints—to be filed with the LEA in which the private school is located.* (1) The procedures in §§300.504 through 300.519 apply to complaints that an LEA has failed to meet the child find requirements in §300.131, including the requirements in §§300.300 through 300.311.

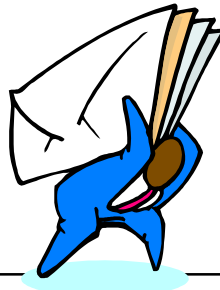
(2) Any due process complaint regarding the child find requirements (as described in paragraph (b)(1) of this section) must be filed with the LEA in which the private school is located and a copy must be forwarded to the SEA.

Complaints Regarding the Provision of Services

Parents of parentally-placed private school children with disabilities do *not* have the right to file a due process complaint about the provision of services to their child. While there may be legitimate issues regarding the provision of services to a particular parentally-placed private school child with a disability an LEA has agreed to serve, the due process provisions in §§300.504 through 300.519 do not apply to these disputes, because there is no individual right to these services under IDEA. Disputes that arise about these services must be filed with the SEA under the State complaint procedures (see §§300.151 through 300.153), discussed below.

State Complaints Filed by Parents

While a parent’s due process rights are limited to child find, including evaluation issues, they still have some recourse under IDEA if they are dissatisfied with a range of different matters. An organization or individual has the right to file a complaint with the State if that organization or individual believes the SEA or LEA has failed to meet any of the requirements listed in the box below. This right is provided through §300.140(c), which states:



(c) *State complaints.* (1) Any complaint that an SEA or LEA has failed to meet the requirements in §§300.132 through 300.135 and 300.137 through 300.144 must be filed in accordance with the procedures described in §§300.151 through 300.153.

You’ll notice that the requirements mentioned in the provision above are those identified in the box on this page. Complaints in these areas must be filed in accordance with the State complaint procedures in §§300.151 through 300.153.

| Section Number | Title |
|----------------|---|
| §300.132 | Provision of services for parentally-placed private school children with disabilities—basic requirement |
| §300.133 | Expenditures |
| §300.134 | Consultation |
| §300.135 | Written affirmation |
| §300.137 | Equitable services determined |
| §300.138 | Equitable services provided |
| §300.139 | Location of services and transportation |
| §300.140 | Due process complaints and State complaints |
| §300.141 | Requirement that funds not benefit a private school |
| §300.142 | Use of personnel |
| §300.143 | Separate classes prohibited |
| §300.144 | Property, equipment, and supplies |

View 1

"Parentally-Placed"—Complaints

And speaking of complaints...



Slide loads with this view, and the words, "And speaking of complaints..."

"Parentally-Placed"—Complaints

Let's take a look at:

- Complaints filed by private school officials



Click 1

Click 1: Picture of barbed wire disappears, and the topic of this slide appears: complaints filed by private school officials.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



And while we're talking about the complaint process under IDEA with respect to parentally-placed private school children, may a private school official file a State complaint?

Private School Complaints

Yes, indeed, the private school may. Section 300.136 gives private school officials the right to complain to the SEA that the LEA did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official. These provisions appear in the box on this page and on **Handout D-17**. As can be seen, the complaint must provide the basis of the official's belief that the LEA did not comply with the consultation requirements. The LEA must forward appropriate documentation to the SEA.

SEAs have flexibility in determining how such complaints will be filed with the State. States may, if they so choose, use their State complaint procedures under §§300.151 through 300.153 or use different procedures as the means for a private school to file a complaint. This flexibility is a new provision under the reauthorized IDEA.



Shoe on the Other Foot

How about complaints *against* the private school, filed by the LEA when "private school officials do not engage in meaningful consultation with the LEA" (71 Fed. Reg. at 46595). A commenter raised this issue and suggested that §300.136 be revised to permit an LEA to do so. The Department's answer is as follows:

Section 300.136...provides that a private school official has the right to complain to the SEA that the LEA did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school

official. The provisions in the Act and the regulations apply to the responsibilities of the SEA and its LEAs and not to private schools or entities. Because the requirements of the Act do not apply to private schools, we do not



§300.136 Compliance.

(a) *General*. A private school official has the right to submit a complaint to the SEA that the LEA—

(1) Did not engage in consultation that was meaningful and timely; or

(2) Did not give due consideration to the views of the private school official.

(b) *Procedure*. (1) If the private school official wishes to submit a complaint, the official must provide to the SEA the basis of the noncompliance by the LEA with the applicable private school provisions in this part; and

(2) The LEA must forward the appropriate documentation to the SEA.

(3)(i) If the private school official is dissatisfied with the decision of the SEA, the official may submit a complaint to the Secretary by providing the information on noncompliance described in paragraph (b)(1) of this section; and

(ii) The SEA must forward the appropriate documentation to the Secretary.

believe requiring SEAs to permit an LEA to submit a complaint to the SEA alleging that representatives of the private schools did not consult in a meaningful way with the LEA would serve a meaningful purpose. The equitable services made available under Part B of the Act are a benefit to the parentally-placed private school children and not services provided to the private schools. (*Id.*)

One final note: IDEA does not require an LEA to forward to the SEA the written affirmation that is signed by the representatives of participating private schools, due to the reporting burden such a requirement would place on LEAs. However, a *State* may require this of an LEA, if it so chooses, provided it informs its LEAs (and the Secretary of Education) in writing that the requirement “is a State-imposed requirement that is not required by Part B” of IDEA.

(*Id.*) As the Department observes:

[T]here is nothing in the Act or these regulations that would preclude a State from requiring LEAs to submit a copy of the written affirmation obtained pursuant to §300.135, in meeting its general supervision responsibilities under §300.149 or as a part of its monitoring of LEAs’ implementation of Part B of the Act as required in §300.600. (71 Fed. Reg. at 46595)

Space for Notes

View 1

“Parentally-Placed”—Additional Issues



- Benefits to private schools?

Slide loads with this view, and the first additional issue to be discussed: Benefits to private schools?

Clicks 1-2

“Parentally-Placed”—Additional Issues




- Benefits to private schools?
- Control / payment of funds, including property, equipment, and supplies?
- Costs of repairs, remodeling, or construction?

Click 1:
2nd additional issue to be discussed appears: Control / Payment of funds.

Click 2:
3rd additional issue to be discussed appears: Cost of repairs, remodeling, or construction.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



This is the last slide presenting content in this training module, and it's intended to tie up some final details of IDEA's provisions regarding parentally-placed private school children.

Benefits to Private Schools?

There are strict limits to the way in which IDEA Part B funds may be spent in private schools, as set forth in §300.141 (below, and on **Handout D-17**).

§300.141 Requirement that funds not benefit a private school.

(a) An LEA may not use funds provided under section 611 or 619 of the Act to finance the existing level of instruction in a private school or to otherwise benefit the private school.

(b) The LEA must use funds provided under Part B of the Act to meet the special education and related services needs of parentally-placed private school children with disabilities, but not for meeting—

(1) The needs of a private school; or

(2) The general needs of the students enrolled in the private school.

Control / Payment of Funds, Including Property, Equipment, and Supplies?

A number of questions regarding other elements in typical educational environments may arise as to the control and

use of IDEA Part B funds. These are addressed in §300.144, whose title adequately indicates what kind of "elements" we're talking about here: Property, equipment, and supplies. Section 300.144 appears on **Handout D-17** and in the box below.

Question 1: May private school officials order or purchase materials and supplies needed for the special education and related services and be reimbursed by an LEA?

No. Private school officials may *not* obligate or receive Part B funds. The LEA must control and

administer the funds used to provide special education and related services to parentally-placed private school children with disabilities, and maintain title to materials, equipment, and property purchased with those funds.

Question 2: May a public agency place equipment and supplies for equitable services in a private school?

§300.144 Property, equipment, and supplies.

(a) A public agency must control and administer the funds used to provide special education and related services under §§300.137 through 300.139, and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in the Act.

(b) The public agency may place equipment and supplies in a private school for the period of time needed for the Part B program.

(c) The public agency must ensure that the equipment and supplies placed in a private school—

(1) Are used only for Part B purposes; and

(2) Can be removed from the private school without remodeling the private school facility.

(d) The public agency must remove equipment and supplies from a private school if—

(1) The equipment and supplies are no longer needed for Part B purposes; or

(2) Removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes.

(e) No funds under Part B of the Act may be used for repairs, minor remodeling, or construction of private school facilities.

Yes. The public agency may place equipment and supplies in a private school for the period of time needed for the Part B program. The public agency must ensure that the equipment and supplies placed in a private school are used only for Part B purposes and can be removed from the private school without remodeling the private school facility. The public agency must remove equipment and supplies from a private school if the equipment and supplies are no longer needed for Part B purposes or if removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes.

Question 3: May Part B funds for equitable services be paid directly to a private school?

No. Part B funds for equitable services may not be paid directly to a private school. Control and administration of IDEA funds in private schools is strictly the responsibility of the LEA, as is made clear in §300.144(a).

Repairs, Remodeling, Construction?

As §300.144(e) makes clear, Part B funds for equitable services may not be used for repairs, minor remodeling, or construction of private school facilities.

Roundup Time!



← Slide loads fully. This is the last slide.

CLICK to END the slide show.

Use this slide for a review and recap of your own devising, or open the floor up for a question and answer period. Depending on how much time you have available for this training session, you can also have participants work in pairs on **Handout D-18**, which reviews the material and provides practice in calculating the proportionate share. You can have pairs report out their answers, or go over this as a large group.

Closing Activity

Purpose: To have participants apply what they have learned in this training session.

Total Time Activity Takes: 15 minutes.

Group Size: Pairs to answer the questions on Handout D-18. Large group to go over the answers.

Materials: Handout D-18
Flip chart (optional)

Instructions

1. Refer participants to the closing activity on **Handout D-18**. Indicate that this is the round-up or summary of their

work today. They will have 10 minutes to work with a partner to answer the questions.

2. Give pairs the allotted 10 minutes. Then call them back to large group focus.

3. Take the last 5 minutes to go over answers, asking pairs to volunteer their definition, for example, of "equitable participation." Do this review free-form and informally, pleasantly correcting any mistaken "summaries" of the audience.

Suggested answers to Handout D-18 are given on the next page.



1. Equitable services are those services provided to parentally-placed private school children with disabilities in accordance with the LEA's obligation to provide them with an opportunity for equitable participation in the services funded with federal IDEA Part B dollars. Through consultation with key stakeholders (see answer to question 3), the LEA determines which services will be made available to its population of parentally-placed private school children with disabilities.

2. The LEA where the private school is located.

3. —Representatives of the LEA

—Representatives of the private schools

—Representatives of parents of parentally-placed private school children with disabilities

4. —Child find, including how parentally-placed private school children suspected of having a disability can participate equitably; and how parents, teachers, and private school officials will be informed of the process

—Proportionate share of funds (what's available and how that figure was calculated)

—How the consultation process will operate throughout the school year

—How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities

—How, if the LEA 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 LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

5. The LEA of the child's residence.

6. A plan that describes the specific special education and related services the LEA will provide to the child.

7. Yes. Section 300.139(a).

8. True.

9. It depends on whether the State recognizes home schools or home day care as private elementary schools and secondary schools. If the State does, then home-schooled children are eligible to participate in the equitable services an LEA offers.

10. *Calculating the proportionate share.* Using the numbers below and the example from the slide today, calculate the proportionate share an LEA must spend on equitable services for parentally-placed private school children with disabilities.

Number of Eligible Children with Disabilities in the LEA

In public school: 475

In private school: 25

Total: 500

Federal flow-through dollars the LEA receives: \$225,000

\$225,000 divided by 500 = \$450

\$450 x 25 (number of parentally-placed private school children with disabilities) = \$11,250

Proportionate Share: \$11,250

