

Special Education - Private Schools

Approved Private Schools

1. Obligations of the district:
 - a. The ESD ensures that parents are included in any decision about their child's evaluation, eligibility, placement or provision of services.
 - b. If the ESD refers a student with a disability to, or places such a student in, a private school or facility as a means of providing special education and related services, the ESD ensures that the student receives an education that meets the standards of the state in a private preschool, school or facility approved by the Oregon Department of Education (ODE) to provide such education in conformance with an individualized education program (IEP), and at no cost to the parents, and has all the rights of a student with a disability who is served by the district.
 - c. Before placing a student with a disability in an approved private school or preschool, the ESD ensures that the program has current Oregon Department of Education approval to provide special education and related services.
 - d. The ESD or public agency fulfills all federal and state requirements relating to the evaluation, the IEP/individualized family service plan (IFSP) development and placement when determining whether to place the child in an approved private preschool or school for special education services.
 - e. For each student age three through 21, the ESD's or public agency's placement team, including the parent, determines whether placement in an approved private school constitutes a free appropriate public education in the least restrictive environment.
 - (1) When proposing to place a child with a disability in an approved private school or preschool, the ESD ensures that school-age students are district residents or preschool-age children are eligible to receive EI/ECSE or special education services.
 - (2) The ESD initiates and conducts an individualized education program team meeting that includes a representative of the approved private school or preschool. If a representative of the approved private school or preschool, or other member of the IEP/IFSP team is unable to attend the IEP/IFSP meeting, the ESD and the parent may agree to use alternative means of meeting participation such as individual or conference telephone calls, or video conferences.
 - (3) After the ESD initially places a student in an approved private school or preschool, any subsequent meetings to review or revise an IEP/IFSP or placement are the responsibility of the ESD or public agency, unless the ESD or public agency requests by written agreement that the approved private school or preschool initiate and conduct meetings to review and revise the IEP or IFSP.

- (4) The ESD may, by written agreement, request that the approved private school or preschool initiate and conduct meetings to review and revise the IEP or IFSP. Under such an agreement the ESD remains responsible for ensuring the private school or preschool meets:
 - (a) All federal and state requirements related to these meetings; and
 - (b) Ensures the participation of parents and the ESD or public agency representative.
- (5) The private school or preschool may not determine or implement program changes without the participation and agreement of the parents and the ESD or public agency representative.
- (6) The district in which the child resides provides transportation to and from the approved private school or preschool at no cost to the parent.
- (7) The ESD or public agency terminates the placement of students in a private school or preschool if ODE suspends, revokes or refuses to renew the approval of a private school or preschool.
 - (a) The ESD ensures that every student with a disability who is placed in or referred to a private school, preschool or facility by the district as a means of providing special education and related services;
 - (i) Receives education and services that constitute a free appropriate public education in the least restrictive environment at no cost to the parents;
 - (ii) Is provided an education that meets the standards that apply to education provided by the public agency; and
 - (iii) Has all of the rights of a student with a disability who is served by the public agency.
 - (b) The ESD ensures that all applicable federal and state requirements relating to the evaluation, eligibility, IEP/IFSP development, placement and procedural safeguards are followed when determining whether the student will be placed in an approved private school for special education services.
 - (c) The ESD initiates and conducts an IEP/IFSP meeting at which an IEP/IFSP is developed based upon the needs of the student before determining placement of a student with a disability in an approved private school or preschool.

2. Out-of-State Placements for Special Education

- a. The ESD ensures that any private educational institution located outside the state of Oregon with which it contracts to provide special education and related services to Oregon students is approved by the state educational agency of the state in which the educational institution is located. If the state does not have a formal approval process, the educational institution shall meet whatever requirements apply for private schools to serve publicly placed students in that state.
- b. The ESD maintains documentation of such approval and makes it available to ODE upon request.

- c. The ESD makes contractual agreements for out-of-state placements for the provision of special education and related services when, in accordance with applicable federal and state law, the ESD has:
 - (1) Developed an individualized education program;
 - (2) The placement team has determined that no appropriate in-state placement options are available.