

## Special Education - Private Schools

### Approved Private Schools

1. Obligations of the District
  - a. The district may contract with private schools that have been approved by ODE as contractors for the provision of special education services.
  - b. The district ensures that every student with a disability who is placed in or referred to a private school or facility by the district as a means of providing special education and related services:
    - (1) Receives education and services that constitute a free appropriate public education in the least restrictive environment at no cost to the parents;
    - (2) Is provided an education that meets the standards that apply to education provided by the public agency; and
    - (3) Has all of the rights of a student with a disability who is served by the public agency.
  - c. The district ensures that all applicable federal and state requirements relating to the evaluation, eligibility, IEP development, placement and procedural safeguards are followed when determining whether the student will be placed in an approved private school for special education services.
  - d. The district initiates and conducts an IEP meeting at which an IEP is developed based upon the needs of the student before determining placement of a student with a disability in an approved private school.
2. Out-of-State Placements for Special Education
  - a. The district maintains documentation of approval by the Oregon Department of Education (ODE) for any out-of-state programs that provide special education to district students eligible for special education. Such contractual arrangements will be made only after:
    - (1) An IEP has been developed;
    - (2) It has been determined that no appropriate in-state placement options are available;
    - (3) If a representative of the approved private school is unable to attend the IEP meeting, the district uses other methods to ensure participation including, but not limited to, individual or conference telephone calls or individual meetings;
    - (4) After the district initially places a student in an approved private school, any subsequent meetings to review or revise an IEP are the responsibility of the district;
    - (5) The district may request by written agreement that the approved private school initiate and conduct IEP meetings to review and revise an IEP. If the approved private school

initiates and conducts these meetings, the district will ensure that the parents and a representative of the district:

- (a) Are involved in any decision about the student's education program; and
  - (b) Agree to any proposed changes in the program before those changes are implemented.
- (6) The district conducts IEP and placement meetings following the same requirements as for students attending schools in the district.
  - (7) The district provides all procedural safeguards to parents of students placed in approved private schools.
  - (8) The district ensures that transportation to and from the approved private school is provided at no cost to the parent.

### **Parentally-Placed Private School Students**

#### **1. Consultation with Representatives of Private School Students with Disabilities**

- a. The district consults, in a timely and meaningful way, with representatives of private schools and parents of parentally placed private school students with disabilities during all phases of the development and design of the special education services to be provided to them.
- b. Consultation includes:
  - (1) The equitable participation of parentally placed private school children in the Child Find process and how parents, teachers, and private school officials will be informed of the process;
  - (2) How the process will operate throughout the school year to ensure meaningful participation of children identified through child find in special education and related services;
  - (3) How, where, and by whom the special education and related services will be provided;
  - (4) The determination of the proportionate amount of federal funds available including how the amount is calculated;
  - (5) How services will be apportioned if funds are insufficient, and how and when these decisions will be made;
  - (6) That the district provides a written explanation to the private school if the district disagrees with the views of the private school regarding types and provision of services.
- c. Written Affirmation and Complaint
  - (1) The district will seek to obtain a written affirmation, signed by the representatives of participating private schools, that a timely and meaningful consultation occurred;
  - (2) If private school representatives do not provide this affirmation within a reasonable period of time, the district will forward its documentation of the consultation process to the state.
  - (3) A private school official has the right to submit a complaint to the state that the district did not engage in timely and meaningful consultation as defined.

- d. The district makes the final decisions with respect to the services to be provided to eligible private school students. (Attach or insert district plan.)
- e. Child Find for Parentally-Placed Private School Children:
  - (1) The district's Child Find process includes all parentally placed students attending private schools located in the district, without regard to the student's resident district;
  - (2) The district shall maintain in its records and provide to the Oregon Department of Education, the number of private school children:
    - (a) Evaluated;
    - (b) Determined to be children with disabilities; and
    - (c) Served by the district.

## 2. Provisions for Serving Students Placed by Their Parents in Private Schools

- a. District decisions about the services that are provided to private school students with disabilities are made through the consultation process and in accordance with the district's plan for serving parentally-placed private school students and their service plans.
- b. The services provided to private school students with disabilities are provided by personnel meeting the same standards as personnel providing services in the district program.
- c. The district may provide private school students with disabilities a different amount of services than students with disabilities attending public schools in the district.
- d. The district may provide services to private school students with disabilities onsite at the student's private school, including a religious school, to the extent that services can be provided in a religiously neutral setting within the private school. These services will be provided during the student's regular school day, unless stated otherwise in the student's service plan.
- e. If a parent of a private school student with a disability requests an IEP meeting from the resident district, the resident district will either:
  - (1) Hold an IEP meeting within a reasonable time; or
  - (2) Provide the parent with prior written notice of the district's refusal to hold an IEP meeting.

## 3. Evaluation, Reevaluation and Eligibility of Private School Students with Disabilities

- a. The district ensures that all requirements for evaluation, reevaluation and eligibility that apply to public school students with disabilities will be met with regard to evaluations for private school students who are suspected of having a disability.
- b. Eligibility for special education and related services will be determined by the district in the same manner as for public school students with disabilities.
- c. The district will reevaluate private school students with disabilities at the same intervals as students in public schools to determine whether the student continues to be eligible for special education, whether or not the student is receiving services under a services plan.
- d. If a parent refuses an evaluation that is necessary to determine a student's eligibility, continuing eligibility or present level of performance for developing a service plan, the district

will notify the parent in writing that it is prepared to complete the necessary evaluations upon parent consent or if the parent enrolls the student in a district program.

- e. If a parent refuses a reevaluation that is necessary to determine whether the student continues to be a student with a disability, and as a result the team cannot determine the student's continuing eligibility, the student will no longer be considered "eligible" and shall not be counted as a private school student with a disability for the purposes of the private school student count.
- f. Upon an initial determination of eligibility, and upon any subsequent determination of eligibility, the district will notify the parent in writing that the resident district will make a free appropriate public education available to the student if the student is enrolled in a school district program.

#### 4. Service Plans

- a. If a student with a disability is enrolled by a parent in a religious or other private school and will receive special education or related services from the district, the district will:
  - (1) Initiate and conduct meetings to develop, review and revise a service plan for the student consistent with the procedures for IEP meetings and timelines; and
  - (2) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls;
  - (3) The services plan will describe the specific special education and related services that the district will provide to the student in light of the services that the district has determined, through the consultation process, it will make available to private school students with disabilities;
  - (4) The services plan will, to the extent appropriate:
    - (a) Address IEP content with respect to the services provided; and
    - (b) Be developed, reviewed and revised consistent with procedures for IEP team membership and parent participation.
  - (5) The district is not required to provide transportation from the student's home to the private school.
- b. If necessary for the student to benefit from or participate in the services provided by the public agency, a private school student with a disability will be provided transportation:
  - (1) From the student's school or the student's home to a site other than the private school; and
  - (2) From the service site to the private school, or to the student's home, depending on the timing of the services.

5. Property, Equipment and Supplies

- a. The district keeps title to and exercises continuing administrative control of all property, equipment and supplies that the district acquires with IDEA funds for the benefit of private school students with disabilities.
- b. The district may place equipment and supplies in a private school for a period of time needed to implement the service plan of a private school student with disabilities or for child find purposes.
- c. The district ensures that the equipment and supplies placed in a private school:
  - (1) Are used only for implementation of the service plan or for child find activities; and
  - (2) Can be removed from the private school without remodeling the private school facility.
- d. The district will remove equipment and supplies from a private school if:
  - (1) The equipment and supplies are no longer needed for the purposes identified in b. above;  
or
  - (2) Removal is necessary to avoid unauthorized use of the equipment and supplies.
- e. The district will not use IDEA funds for repairs, minor remodeling or construction of private school facilities.

6. Separate Classes Prohibited

- a. The district will not use IDEA funds for classes that are organized separately on the basis of school enrollment or religion of the students if:
  - (1) The classes are at the same site; and
  - (2) The classes include students enrolled in public school programs and students enrolled in private schools.

7. Funds and Property Not to Benefit Private Schools

- a. The district will not use IDEA funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.
- b. The district will use IDEA funds to meet the special education needs of students enrolled in private schools, but not for:
  - (1) The needs of a private school; or
  - (2) The general needs of the students enrolled in the private school.

8. Use of School Personnel

- a. The district may use IDEA funds to make public school personnel available in other than public facilities:

- (1) To the extent necessary to implement any of the requirements related to private school students with disabilities; and
    - (2) If those services are not normally provided by the private school.
  - b. The district may use IDEA funds to pay for the services of an employee of a private school to provide services to private school students if:
    - (1) The employee performs the services outside of his/her regular hours of duty; and
    - (2) The employee performs the services under public supervision and control.
9. Expenditures for Parentally-Placed Private School Students
- a. The district uses the following formulas for determining funds available for provision of special education and related services to private school students with disabilities.
  - b. In providing special education and related services to school-age private school students with disabilities, the district will spend an amount that is the same proportion of the district's total subgrant of IDEA funds as the number of school-age private school students with disabilities attending private schools in its jurisdiction is to the total number of school-age students with disabilities in its jurisdiction. In calculating the proportionate amount of federal funds, the district after timely and meaningful consultation with representatives of private schools, shall conduct a thorough and complete child find process to determine the number of parentally placed children with disabilities attending private schools located in the district.
  - c. The district uses the student count to determine the amount that the district will spend on providing special education and related services to private school students with disabilities in the next fiscal year.
  - d. The district will not consider expenditures for child find activities in determining whether the school district has met its expenditure requirements for parentally-placed private school students.
  - e. The district may include the cost of transportation in determining whether the school district has met its expenditure requirements for parentally-placed private school students.