

SECTION 9

PARENTALLY PLACED PRIVATE SCHOOL STUDENTS

Parentally Placed Private School Students

Parents who choose to decline a district of residence's offer of FAPE (on an IEP and offered in the public school setting), give up their individual student entitlement to special education services.

Parents seeking private school placement will be involved with both the district of location (where the private school is located - LEA) and the district of residence (where the student resides - DOR).

The parentally placed private school student may receive limited public school special education service through a "Service Plan". These services (provided by a proportionate share of federal funding) are decided upon and provided by the school district where the private school is located, (LEA). When that funding is exhausted for the year, the service may also end. The LEA consults with the private school administration, staff and parents within their boundaries and through that collaboration determines what service(s) private schools are most desirous of receiving based on student needs. The LEA, based on this consultation, decides which services to provide to students on service plans i.e. RSP, Language and Speech. The district of location's board of education annually approves the services to be provided.

In order to be eligible to have parentally placed students served on service plans, private schools must meet the state definition of elementary/secondary school, i.e. serving at least two grade levels and designated as non-profit. Note: in most cases Private Pre-Schools will not fall under this designation.

Federal and State legislation indicates that the LEA is responsible for assessment and determination of eligibility. The DOR is responsible for the offer of FAPE, and the LEA is responsible for provision of services on the service plan. Should the parent request an assessment from the DOR, the DOR shall complete the assessment.

Included in this section is the service plan form used and reviewed annually by the LEA for students parentally placed in private schools with special education eligibility and needs. IEPs are not written for parentally placed private school students. An annual review of the service plan is completed by the LEA. A letter is also sent to the parent reminding them of their right to return to their district of residence to seek full entitlement of service should their child continue to remain eligible for special education services. The responsibility of offering a triennial assessment also lies with the LEA. It is critical that the LEA and the DOR have in place an exchange of information so that the two districts can communicate. Should the parent decline the offer to return to the DOR for service, the LEA shall send a letter to the DOR conveying such preference to continue placement in their LEA.

Students being served on private school service plans are entered into SEIS, and service plans are completed within that system. Service Plan information is submitted with CASEMIS data by the DOR and used to calculate the proportionate share of funding to be spent on services for parentally placed private school students.

SERVICE PLAN FOR PARENTALLY PLACED PRIVATE SCHOOL STUDENTS

Student's Name: _____ DOB: _____ Grade: _____ Date: _____

Parent/Guardian Name(s): _____

Address: _____ City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell: _____ Work Phone: _____

District where private school is located: _____ District of Residence: _____

Home School: _____ Private School: _____

Check on of the following

Student's parents have declined the district's offer of a Service Plan.

OR

Student's parents have accepted the district's offer of a Service Plan.

Services: The District (LEA) will provide the special education service(s) below for the student while enrolled in private school or until the proportionate share of federal funds have been expended for the current school year.

Area(s) of need:

Summary of Present Levels:

Service:			
Start Date:	End Date:		
Provider:	<input type="checkbox"/> Ind	<input type="checkbox"/> Grp	<input type="checkbox"/> Sec Transition
Duration/Freq:	min	Totaling:	min served
Location:			
Comments:			

Student has been found eligible for special education services. By signing this document, the parent/guardian(s) have indicated to the District of Residence (DOR) that they have chosen to unilaterally enroll or continue to enroll the student in a private school without the consent of, referral by, or at expense of the district. It is further acknowledged that the DOR has offered to develop an IEP when the student's parent/guardian(s) express an interest in enrolling the student in public school. The parents understand in accordance with IDEA 2004, their rights to due process do not apply in the private school setting.

Parent/Guardian: _____ Date: _____

Parent/Guardian: _____ Date: _____

LEA Representative: _____ Date: _____

Other: _____ Date: _____

Next Annual Review Due By: _____ Triennial Review Due By: _____

[DISTRICT LETTERHEAD]

[DATE]

[NAME, ADDRESS]

Dear [NAME];

This letter is written regarding your child, [INSERT NAME]. Previously, [INSERT NAME], attended ("District"), and received special education and related services. You removed [INSERT NAME] in the [INSERT SCHOOL YEAR], and placed [HIM/HER] in [INSERT NAME OF PRIVATE SCHOOL] located at [INSERT ADDRESS].

As the parents of [INSERT NAME], you have chosen to enroll [INSERT NAME] in a private school, which is your right. [INSERT NAME] has not attended a public school in the District since [INSERT DATE]. Further, the District has not placed [HIM/HER] in a private school as a means of providing services. Furthermore, the District has not received any notification that you have an interest in pursuing a public school education. Thus, [INSERT NAME] is a parentally-placed private school student under the Individuals with Disabilities Education Act (IDEA). (34 C.F.R. § 300.130.) As a parentally-placed private school student, [INSERT NAME] has no individual right to some or all of the special education and related services that [HE/SHE] would receive if enrolled in a public school in the District. (See 34 C.F.R. § 300.137.)

Since the District has not received any notification from you that you are interested in pursuing a public school education from the District, the District will assume that you have no interest in re-enrolling [INSERT NAME] in the District. The District will also assume that you continue to exercise your right to place [INSERT NAME] in a private school, and [HE/SHE] remains a parentally-placed private school student, with no individual right to special education and related services through the District. However, if the District is incorrect, and you are interested in a public school education at this time or at any time in the future, and you remain a resident of the District, please advise the District. Upon receiving notification that you would like to pursue a public education for your [SON/DAUGHTER], the District will provide you with an assessment plan and schedule an individualized education program meeting to discuss placement and services for your [SON/DAUGHTER].

[THE FOLLOWING PARAGRAPH SHOULD BE USED IF THE PRIVATE SCHOOL IS WITHIN THE BOUNDARIES OF THE DISTRICT]

[INSERT SCHOOL NAME] is located within the jurisdictional boundaries of the District. As such, [INSERT NAME] may be eligible to receive some services under a service plan. Please contact me at [INSERT NUMBER] or at the address listed above so that the District can schedule a meeting to discuss whether [INSERT NAME] is eligible to receive services through a service plan.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Resources

For more information, contact:

- Banta Elementary School District
Albert Garibaldi • (209) 835-0843
- Escalon Unified School District
Kendra Helsley • (209) 838-8910
- Jefferson Elementary School District
Angelica Thomas • (209) 839-1842
- Lammerston Elementary School District
Julie Corona • (209) 836-7400
- Lincoln Unified School District
Thomas Crocker • (209) 953-8726
- Linden Unified School District
Sheri Griffith • (209) 931-2192
- Manteca Unified School District
Roger Goatcher • (209) 858-0837
- New Jerusalem School District
Steve Payne • (209) 835-2597
- Ripon Unified School District
Lisa Cheney • (209) 599-2131
- Tracy Unified School District
Janet Skulina • (209) 830-3270
- County Programs
Brandie Brunni • (209) 468-9279

**For a copy of District Board Policy,
please contact the District Special
Education Office listed above.**

Service To Students with Disabilities Voluntarily Enrolled In



Private Schools

San Joaquin County
Special Education Local Plan Area
(SELPA)



San Joaquin County Office of Education

Background

In 1997, the United States Congress substantially revised the Individuals with Disabilities Education Act (IDEA) related to serving special education students. The U.S. Department of Education issued regulations to implement the revised law in 1999. These new regulations affect the special education services for children with disabilities who are voluntarily placed by their parents in private schools. Again in 2004 the U.S. Congress the reauthorized the IDEIA and the new Individuals with Disabilities Education Improvement Act continues to guide our public school relationship to private school students and special education.

The San Joaquin Special

Education Local Plan Area (SELPA) has developed a policy entitled “Policy for

Students With Disabilities Enrolled by their Parents in Private School.” The policy reiterates the federal law and regulations which states that *no 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 the public school system. (34CFR §300.137)*

Procedures

1. Every child with a disability whose parent has indicated a possible interest in enrolling in the district of residence shall receive an offer of FAPE (Free, Appropriate, Public Education) from the district in which the student resides (district of residence) should the student be eligible.

2. For students in grades K-12, if the parent chooses to have their child with a disability attend a private school, services will be restricted and may be provided through the LEA in which the private school is located.

3. Only a proportionate share of federal funds are legally available for use on services provided to students with exceptional needs who are parentally placed in private schools.

4. Services to be provided by the LEA are identified through consultation/ collaboration with private school principals, staff and parents of private school students.

5. When those funds are depleted, services may be discontinued for the school year. Services will not be provided on a “per child” basis.

NOTE: *All students affected by this policy may receive a Service Plan (SP) which will outline the type of service, if any, available if the offer of FAPE is rejected by the parent.*

