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Parentally Placed Private School Students with Disabilities

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Introduction

The Individuals with Disabilities Education Act (IDEA) ensures a free appropriate public education (FAPE) for students with disabilities enrolled in public school, but a child with a disability who is parentally placed in a private school has no 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.¹ However, IDEA does provide the opportunity for equitable participation in child find, special education and related services for students with disabilities enrolled by their parents in private school. IDEA regulations define these parentally placed private school students with disabilities as:

[C]hildren with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in Sec. 300.13 or secondary school in Sec. 300.36, other than children with disabilities covered under Sec. 300.145 through 300.147. [34 CFR §300.130]

Additionally, IDEA regulations include preschool students in the definition of parentally placed private school students with disabilities *if they are enrolled in a private school that meets the definition of elementary school in Sec. 300.13.* [34 CFR §300.133(a)(2)(ii)].

Before 2004, the local education agency (LEA) where these children's parents resided was responsible for engaging in timely and meaningful consultation with private school representatives, conducting a thorough and complete child find process and providing equitable services for students with disabilities. In the 2004 reauthorization of IDEA, a significant change was made—the LEA of location (the LEA in which the private school is located) became the responsible entity.² In order to support parentally placed private school students with disabilities, IDEA 2004 explains the process and required considerations for timely and meaningful consultation.³

¹ See 34 CFR §300.137(a) in Appendix A that contains the complete set of IDEA regulations regarding parentally placed private school students.

² See §300.131(a) in Appendix A.

³ See §300.134 in Appendix A.

This document focuses on state education agency (SEA) support for child find, consultation and provision of equitable service provisions for parentally placed private school students with disabilities. Project Forum at the National Association of State Directors of Special Education (NASDSE) completed this activity as part of its cooperative agreement with the U.S. Department of Education Office of Special Education Programs (OSEP).

METHODOLOGY

In July 2008, Project Forum conducted a survey of all state directors of special education to collect information on their efforts to support LEAs in addressing the provisions for parentally placed private school students with disabilities.^{4, 5} Respondents had the option to reply via email, fax or use an online survey. Thirty-five SEAs responded to the survey.

FINDINGS

Policy and Procedures

Twenty-nine of the 35 respondents indicated that their state has a policy or written procedures for LEAs regarding parentally placed private school students with disabilities. Most state policies mirror the federal regulations. However, recent state legislation in *Rhode Island* requires the LEA of location to provide a service plan but requires the LEA of residence to provide the services identified in the service plan. *Reference* information for responding states' policies or written procedures is provided in Appendix C.

A few respondents indicate that their state policy grants individual entitlement for all public school services, including special education and related services, to parentally placed private school students with disabilities in certain situations.

- Nine states⁶ grant individual entitlement for students in grades kindergarten through 12.
- Eight states⁷ grant individual entitlement for preschool students.
- Two states, *Massachusetts* and *New York*, grant individual entitlement for state residents only. (In *Massachusetts*, the LEA of residence provides these services for in-state students and the LEA of location provides services for out-of-state students.)
- Seven states⁸ require that LEAs of residence implement public school services as an individual entitlement for all parentally placed students with disabilities.
- Three states provide that the LEAs of location implement these services (*Indiana*, *Maine* and *Minnesota*).

⁴ Project Forum wishes to acknowledge Marcia Mittnacht, Massachusetts Special Education Director and Heidi Atkins Lieberman, Missouri Special Education Director for their review a draft of the survey.

⁵ Survey questions provided in Appendix B followed by a list of responding states.

⁶ Indiana, Iowa, Massachusetts, Michigan, Minnesota, New York, Nebraska, Palau, Rhode Island

⁷ Idaho, Indiana, Massachusetts, Michigan, Nebraska, New York, Rhode Island, Texas

⁸ Alabama, Indiana, Iowa, Missouri, Nebraska, New York, Rhode Island

Guidance and Technical Assistance

States often provide guidance through their websites and/or links to OSEP guidance, electronic newsletters, annual training events, regional meetings, a grant application process, “frequently asked questions” documents and technical assistance requests. Thirty-two of the respondents indicate that their state offers guidance and/or technical assistance to LEAs to ensure parentally placed private school students with disabilities have an opportunity for equitable participation in programs under IDEA. The number of states providing certain types of guidance is provided in Table 1.

Table 1. Number of states and type of guidance

| Number of States | Type of Guidance |
|-------------------------|--|
| 25 | Guidance for collecting data on the number of children evaluated, eligible for services and being served |
| 20 | Guidelines for the child find process specific to parentally placed private school students |
| 19 | Guidelines for the required consultation process |
| 19 | Guidelines for determining the proportionate share of federal IDEA funds |
| 18 | Guidelines for complaint procedures |
| 17 | Templates for service plans and the consultation process |
| 14 | Guidelines for service plan requirements |
| 12 | Guidelines for service provisions for parentally placed preschool age students |
| 11 | Guidance on parent involvement such as obtaining parental consent and respecting confidentiality of educational records |
| 9 | Training to support the consultation process and clarification of how services will be apportioned if funds are insufficient |
| 8 | Guidance on the parents’ role in the consultation process and/or service plan development |
| 5 | Clarification of individual rights for parentally placed private school students |

Arkansas provides media guidance and a variety of print materials in numerous languages to support LEAs in child find activities. Four states offer none of the guidance described above.

Guidance for Parentally Placed Private Preschool-Aged Students

If the preschool meets the state definition of an elementary school, most states provide guidance regarding parentally placed private preschool-aged students that is the same as the guidance for parentally placed private school-age students. See Appendix C for reference to state statutes, websites and contact information. Respondents from *Idaho* and *California* indicated that no formal written guidance is provided, and *Wyoming* indicates that guidance for preschool-aged students comes from its Department of Health. *Missouri* defines elementary school by excluding preschool, therefore preschool students are not considered private school students. *Delaware* also states that preschool is not considered an elementary school and indicated that preschool children can also be served in a community setting. In contrast, *Wisconsin* statute defines elementary level to include four- and five-year-old kindergarten. Additionally, there are state-funded voluntary preschool programs in *Iowa*.

Special Circumstances

Out-of-State Students

Eleven respondents indicated that LEAs in their states⁹ are informed of their responsibility to communicate with out-of-state LEAs of residence and other parties as applicable; however, most state efforts in this circumstance mirror the federal regulations. Four states, *Michigan, Ohio, Texas and Wyoming*, do not provide specific guidance and *Maine* provides guidance on a case-by-case basis.

Other

Home schools are considered private schools in *Arkansas, Illinois, Missouri, New Mexico and Wyoming*. More states may address issues related to students who are home schooled but respondents did not comment since the survey did not specifically ask about this population.

In *Pennsylvania*, regional intermediate units are responsible for child find, timely and meaningful consultation, and opportunity for equitable participation for parentally placed private school students.

CONCLUSIONS

SEAs support LEAs in addressing the provisions for parentally placed private school students with disabilities primarily by mirroring federal regulations and providing guidance. Some needs revealed through analysis of the survey results might be addressed through additional support from the state level. They include:

- facilitating services and communication between LEAs of location and out-of-state LEAs of residence to prevent a gap or duplication in services for students;
- clarification in unique situations such as the inclusion of home-schooled students with disabilities in the opportunity to receive equitable participation in special education services or FAPE;
- establishing guidance on identifying preschools as meeting or not meeting the definition of an elementary school or excluding preschools from that definition and maintaining separate policy and guidance for preschools; and
- delineating the process for LEAs in states that legislate individual entitlement for special education services.

More issues may emerge as states continue to implement the changes regarding the LEA responsible for services for parentally placed private school students with disabilities.

⁹ Arkansas, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Louisiana, Missouri, North Dakota, Oklahoma

Appendix A
Parentally Placed Private School Students with Disabilities
IDEA Regulations 34 CFR 300.130 – 300.144

Sec. 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 Sec. 300.13 or secondary school in Sec. 300.36, other than children with disabilities covered under Sec. 300.145 through 300.147.

Sec. 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 Sec. 300.111 and 300.201.

(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 Sec. 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 Sec. 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.

Sec. 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 Sec. 300.137, unless the Secretary has arranged for services to those children under the by-pass provisions in Sec. 300.190 through 300.198.

(b) Services plan for parentally-placed private school children with disabilities. In accordance with paragraph (a) of this section and Sec. 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.

(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 Sec. 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.*

Sec. 300.133 Expenditures.

(a) Formula. To meet the requirement of Sec. 300.132(a), each LEA must spend the following on providing special education and related services (including direct services) to parentally-placed private school children with disabilities:

(1) For children aged 3 through 21, an amount that is the same proportion of the LEA's total sub-grant under section 611(f) of the Act as the number of private school children with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged 3 through 21.

(2)(i) For children aged three through five, an amount that is the same proportion of the LEA's total sub-grant under section 619(g) of the Act as the number of parentally-placed private school children with disabilities aged three through five who are enrolled by their parents in a private, including religious, elementary school located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged three through five.

(ii) As described in paragraph (a)(2)(i) of this section, children aged three through five are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school in Sec. 300.13.

(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.

(b) Calculating proportionate amount. In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school children with disabilities, the LEA, after timely and meaningful consultation with representatives of private schools under Sec. 300.134, must conduct a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending private schools located in the LEA. (See Appendix B for an example of how proportionate share is calculated).

(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 Sec. 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.

(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.

Sec. 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 Sec. 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.*

Sec. 300.135 Written affirmation.

- (a) When timely and meaningful consultation, as required by Sec. 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.*

Sec. 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.

Sec. 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.

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

Sec. 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 Sec. 300.18.

(2) Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

(b) Services provided in accordance with a services plan. (1) Each parentally-placed private school child with a disability who has been designated to receive services under Sec. 300.132 must have a services plan that describes 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 Sec. 300.134 and 300.137, it will make available to parentally-placed private school children with disabilities.

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

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

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

(c) Provision of equitable services. (1) The provision of services pursuant to this section and Sec. 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.*

(2) Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral, and nonideological.

Sec. 300.139 Location of services and transportation.

(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.

(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 Sec. 300.133.

Sec. 300.140 Due process complaints and State complaints.

(a) Due process not applicable, except for child find. (1) Except as provided in paragraph (b) of this section, the procedures in Sec. 300.504 through 300.519 do not apply to complaints that an LEA has failed to meet the requirements of Sec. 300.132 through 300.139, including the provision of services indicated on the child's services plan.

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

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

(2) A complaint filed by a private school official under Sec. 300.136(a) must be filed with the SEA in accordance with the procedures in Sec. 300.136(b).

Sec. 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.

Sec. 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 Sec. 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 Sec. 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.

Sec. 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.

Sec. 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 Sec. 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.

**Appendix B
Parentally Placed Private School Students with Disabilities
Survey Questions 6-25-08**

Project Forum is interested in how states support LEAs in addressing the IDEA 2004 provisions regarding parentally placed private school students with disabilities. As defined in IDEA regulations Sec. 300.130,

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 Sec. 300.13 or secondary school in Sec. 300.36, other than children with disabilities covered under Sec. 300.145 through 300.147.

Special Instructions for the Survey:

A. Since states use different terminology to describe similar entities, the following definitions are used for the purpose of this survey:

LEA or state of residence = the LEA or state from which the student originated and where his or her legal parents or guardians continue to reside

LEA or state of location = the LEA or state in which the private school the student attends is located

B. If you are not able to complete your response to "*other, please describe*" in the response box provided online, please continue your response in the last question marked "*Additional Comments.*"

1. Contact information of person completing this survey:

Name:

Position:

State:

E-mail address:

Telephone:

2. My state has policy or written procedures for local education agencies (LEAs) regarding parentally placed private school students with disabilities.

Yes

No (skip to #4)

3. Please provide the URL, citation and/or contact information for obtaining that policy or written procedures.

4. My state offers guidance and/or technical assistance to LEAs to ensure parentally placed private school students with disabilities have an opportunity for “equitable participation” in programs under IDEA by providing: (check all that apply OR “none of the above”)
- guidelines for the child find process specific to parentally placed private school students, including how to locate, evaluate and identify students with disabilities
 - strategies and/or support for data collection on the number of children evaluated, eligible for services and being served
 - handbook or guidelines about the required consultation process
 - training to support the consultation process
 - guidelines for service plan requirements
 - guidelines for service provisions for parentally placed private preschool aged students (3 to 5 years old)
 - recommended procedures for obtaining parental consent and respecting confidentiality of education records and personally identifiable information
 - guidelines for parent involvement in the consultation process and/or service plan development
 - a parent handbook that clarifies parentally privately placed students with disabilities do not have individual rights for services but have the opportunity for equitable services
 - guidelines for complaint procedures regarding consultation
 - guidelines and/or training to determine the proportionate share of federal IDEA funds
 - clarification about how special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school students with disabilities
 - templates for service plans, consultation process notes and/or written affirmation of consultation process
 - none of the above
5. Please describe any other guidance or technical assistance your state provides to LEAs to ensure opportunities for equitable participation.
6. Please explain how your state addresses parentally placed private preschool students with disabilities and provide the URL, citation and/or contact information for obtaining that policy or written procedures.
7. My state has a policy that grants individual entitlement for all public school services, including special education and related services, to parentally placed private school students with disabilities. (check all that apply)
- For school-aged students (grades K-12)
 - For preschool students
 - For state residents only
 - No individual entitlement is granted (skip to #9)
 - Other (please describe)
8. Please provide the URL, citation or a description of how the state articulates that entitlement policy.
9. Some LEAs in my state implement all public school services as an individual entitlement for all parentally placed private school students with disabilities:

- Yes
- No (skip to #11)

10. Please identify the LEA responsible for offering a free appropriate public education (FAPE) to parentally placed private school students with disabilities based on your state policy of individual entitlement. (select one)

- LEA of residence
- LEA of location
- Other (please identify)

11. Please select the statements applicable to your state: (check all that apply OR "none, please explain")

- My state, not the LEA, undertakes the required child find activities for parentally placed private schools students.
- My state, not the LEA, consults with the private school representatives and parents of parentally-placed private school students to ensure "timely and meaningful consultation" occurs.
- The LEAs, not the state, conduct required child find activities for parentally placed private schools students.
- The LEAs, not the state, consult with the private school representatives and parents of parentally placed private school students to ensure "timely and meaningful consultation" occurs.
- None, please explain.

12. Briefly describe guidance your state provides to LEAs regarding communication between LEAs of location and out-of-state LEAs of residence and other parties if applicable.

13. Please explain any special circumstances for when a specific entity (state, LEA of location, LEA of residence or other) is responsible for consultation, child find or provision of services for parentally placed private school students.

14. Additional comments:

Thank you for completing Project Forum's survey!

Appreciation goes to the following states for responding to this survey:

Alabama
Alaska
Arkansas
California
Connecticut
Delaware
Florida
Idaho
Illinois
Indiana
Iowa
Kansas

Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Missouri
Nebraska
New Mexico
New York
North Dakota

Ohio
Oklahoma
Palau
Pennsylvania
Rhode Island
South Dakota
Tennessee
Texas
Virginia
Wisconsin
Wyoming

Appendix C
Reference Information for Policy, Written Procedures, and/or Guidance

| | |
|---------------|--|
| Alabama | Go to http://www.alsde.edu and first click on sections, then special education services, then code and go to first AAC listed . Open it and scroll to page 565, begin reading at (8). Additional information is found in the <i>Preschool policy</i> : Code of Alabama 290-2-2-04 |
| Alaska | AS 14.45.100-130 4 AAC 52.090(a)(4)(B) Alaska Special Education Handbook- Part IV, Section 4 " Participation in IEP Meetings" Alaska Special Education Handbook- Part IV, Section 20 "Private Schools" |
| Arkansas | http://arksped.k12.ar.us click on the Policy, then Rules and Regulations, scroll down to Section 14.00 Private Schools and click on that title. |
| Connecticut | contact Brian J. Cunnane at brian.cunnane@ct.gov |
| Florida | TA Paper is http://info.fldoe.org/docushare/dsweb/Get/Document-4656/TAN2007-158.pdf Administrative code is http://www.fldoe.org/ese/pdf/rules6A-6.pdf McKay scholarships is http://info.fldoe.org/docushare/dsweb/Get/Document-1100/McKayServicesQA'sR.pdf |
| Idaho | http://www.sde.idaho.gov/SpecialEducation/docs/Manual/Chapter9.pdf |
| Illinois | http://www.isbe.net/spec-ed/Default.htm http://www.isbe.net/spec-ed/pdfs/guidance_06-3.pdf http://www.isbe.net/spec-ed/pdfs/guidance_06-2.pdf http://www.isbe.net/spec-ed/pdfs/guidance_5-7.pdf http://www.isbe.net/spec-ed/pdfs/pvtschAppA.pdf http://www.isbe.net/spec-ed/pdfs/OSEP_05-09_private_schools.pdf |
| Indiana | http://www.doe.in.gov/exceptional/speced/laws.html Article 7 at Rule 34 (7-34-1 a through d) |
| Iowa | http://www.iowa.gov/educate/content/view/1417/1087/ Iowa Code Section 256.12(2) |
| Kansas | Go to http://www.kansped.org and click on legal, then state, then state regulations and review 91-40-42 to 91-40-48. The primary regulation is 91-40-45(c). The <i>Preschool policy</i> is found in K.S.A. 72-5392(c). |
| Kentucky | http://www.education.ky.gov/NR/rdonlyres/F563C5DE-9241-4557-A5CC-9A1E4CB51355/0/KARS_effective_Dec7_2007.pdf For information on the <i>Preschool policy</i> , please contact Sammie Lambert at Sammie.lambert@education.ky.gov |
| Maryland | Contact Donna Riley 410-767-0240 |
| Massachusetts | http://www.doe.mass.edu/sped/advisories/07_2.html |
| Minnesota | MN Statute 125A.18 and 125A.19 |
| Missouri | http://www.dese.mo.gov/divspeced click on compliance, laws and regulations, private and home school |
| Nebraska | http://www.nde.state.ne.us/LEGAL/cover51.html http://www.nde.state.ne.us/SPED/schsupport/documents/ServicesToNonpublicSchoolsJune.pdf |
| New Mexico | http://www.ped.state.nm.us/seo/laws/6.31.2.pdf See 6.31.2.11(A,L,H), 6.31.2.10, |
| New York | Ch 378 of the laws at http://www.vesid.nysed.gov/specialed/publications/policy/nonpublic907.htm |

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| | http://www.vesid.nysed.gov/specialed/publications/policy/reimbursement608.htm <i>Preschool policy:</i> http://www.vesid.nysed.gov/specialed/publications/lawsandregs/sect20016.htm http://www.vesid.nysed.gov/specialed/publications/lawsandregs/sect2006.htm http://www.vesid.nysed.gov/specialed/publications/policy/5-6yearoldservices.htm |
| North Dakota | http://www.dpi.state.nd.us/speced/guide/policy/1205paper.pdf www.dpi.state.nd.us/speced/index.shtml for a training module |
| Ohio | http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEPrimary.aspx?page=2&TopicRelationID=701 |
| Oklahoma | Go to http://www.sde.state.ok.us and click on Special Education Services, then documents and forms for the information. |
| Pennsylvania | Contact Thomas Seben at tseben@state.pa.us http://www.able.state.pa.us/special_edu/cwp/view.asp?a=177&q=128509 |
| Rhode Island | Project Forum has a copy of the legislation. |
| South Dakota | http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=24:05:32 http://doe.sd.gov/oess/specialed/forms/index.asp |
| Texas | www.tea.state.tx.us/special.ed/private www.tea.state.tx.us/special.ed/guidance/peimspriv.html www.tea.state.tx.us/special.ed/private/propshare.html www.tea.state.tx.us/special.ed/guidance/rules/89.1096.html www.tea.state.tx.us/rules/tac/chapter089/ch089aa.html#89.1096 http://framework.esc18.net |
| Virginia | http://www.doe.virginia.gov/VDOE/duproc/FedRegsGuidanceDocument.pdf at p. 13 http://www.doe.virginia.gov/VDOE/duproc/IDEA2004GuidanceDocument.pdf at p. 21 |
| Wisconsin | http://www.dpi.wi.gov/sped/bul06-03.html |

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