



# *Ventura County Special Education Local Plan Area (SELPA)*



## *Private School Procedures* **2021**

Joanna Della Gatta, Executive Director

5100 Adolfo Road, Camarillo, CA 93012

(805) 437-1560 ~ (805) 437-1599 fax

[www.vselpa.org](http://www.vselpa.org)

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# Private School Procedures

## VENTURA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS

The Ventura County Special Education Local Plan Area (SELPA) will ensure that school districts locate and identify all children with disabilities enrolled by their parents in private elementary and/or secondary schools that are registered with the California Department of Education. The SELPA will ensure that each school district will accept and consider referrals for assessment and will offer a free appropriate public education (FAPE) to such children who are determined to be eligible for special education services. These procedures are intended to ensure compliance with all federal and state laws and regulations.

Legal Citations: 34 Code of Federal Regulations sections 300.130-144 and California Education Code Sections 56170-56174.5

It shall be the responsibility of each school district to:

- Locate and identify all children with disabilities enrolled by their parents in private elementary and secondary schools within their district who may be eligible for special education services.
- Evaluate upon request, and if eligible, offer a Free and Appropriate Public Education (FAPE) to all children with disabilities enrolled by their parents in private elementary or secondary schools (regardless of where the private school is located) when custodial parent(s) reside in their district.

### A. Child Find, Referral and Assessment

1. The Ventura County SELPA will:

- a) Provide information on its website for local private schools about the provisions in the Federal Law for students enrolled by their parents in private schools who may be eligible for special education services. Information will include criteria for special education eligibility and special education referral procedures.
- b) Ensure that child find activities undertaken for private school students are comparable to activities undertaken for children with disabilities in public elementary and secondary schools. This will include dissemination of the special education child find brochures in English and Spanish to all private schools in the SELPA two times per year, as well as periodic Public Services Announcements.

2. Districts that have private schools within their boundaries will:

- a) Identify all private schools within their boundaries that have an affidavit on file with the California Department of Education and have six or more students enrolled.
- b) Between October 1 and December 1 each year, ask private schools to list all students enrolled in the school who are eligible for special education services, with and without ISPs, and the districts of residence of those children.
- c) Provide the District of Geographic Residence the names of the special education student(s) from each private school.
- d) Hold at least one annual meeting at which representatives of the private school (including parents). Topics to be covered:
  - Child Find for Special Education eligible students
  - Special Education assessment process
  - Individual Service Plans and process
  - The district's private school guidelines

If the private school representatives do not attend, the information will be mailed to them. They will be given the opportunity to provide input about services and support to be made available by the districts to special education eligible private school students.

- e) Obtain written affirmation from each private school within their boundaries that they were given the opportunity to participate in a timely and meaningful consultation with the district. *(See Appendix A.)*
- f) Upon request, provide a written explanation to the private school if the district disagrees with the input of the private school.
- g) (For families residing outside Ventura County SELPA) Follow all appropriate policies and procedures for assessment for eligibility for special education services of students attending private schools in the district. If eligible, forward all assessment reports to the students' District of Geographic Residence.

\*\*\*\*\* If there aren't any private schools located within the District's boundaries, or there aren't any parentally placed students with disabilities attending a private school within the District's boundaries and a) the determination was made after a timely and meaningful consultation with both private school representatives, b) parent representatives of parentally placed private school children with disabilities, and c) after conducting a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending the private schools located in the LEA, the District shall sign the Private School Proportionate Share Assurance Form (Appendix B)

3. Private schools will:
  - a) Refer students for special education instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized.
  - b) (For families living within Ventura County SELPA) Direct referrals to the district where custodial parent(s) reside, the District of Geographic Residence, for assessment for eligibility for special education services, regardless of the district where the private school is located (DOL).
  - c) (For families living outside Ventura County SELPA) Direct referrals to the district in which the private school is located for assessment for eligibility.
  - d) Participate on an ongoing basis with the district in which they are located to give input on the provision of special education services.
4. The Districts of Geographic Residence (DOGR) (within Ventura County SELPA) will:
  - a) Follow all appropriate policies and procedures for assessment for eligibility for special education services.
  - b) For students who have been assessed, found special education eligible, and offered FAPE, but the family continues to enroll the child in a private school outside the district, will, with parent permission transfer the record to the district where the private school is located (DOL).
  - c) On an annual basis, contact the parents to remind them of the offer of FAPE. *(See Appendix C.)*
  - d) If the student leaves a charter school within the Ventura County SELPA to attend a private school, the charter school will notify the student's District of Geographic Residence. The District of Geographic Residence will be responsible for assessment and annual offer of FAPE.

**B. District Guidelines for Services**

Each district in the Ventura County SELPA shall spend a proportionate share of federal funds to provide special education and related services to children with disabilities in private schools as to those spent on children in public schools. These funds may not be used for repair, remodeling or construction of private school facilities. Annually, the SELPA Assistant Superintendent shall inform each district of the amount of federal special education dollars to be spent on private school students, based on the number of students with an ISP from the prior year's Fall 1 pupil count and students who are eligible, no ISP from the End of Year reporting.

Each district that has private schools located within its boundaries in the Ventura County SELPA shall develop guidelines regarding the special education and related services to be provided to special education eligible students in private schools. Such decisions shall be made after consulting in a timely and meaningful way with representatives of private school(s) within their boundaries and shall include:

1. Which eligible children may receive services
2. Types of services to be provided (including direct and alternative methods of service delivery)
3. How, where, and by whom the services will be provided

Guidelines will be forwarded to the SELPA. SELPA will make a compilation of all guidelines available to all districts within the SELPA.

### **C. Initial Individualized Education Program (IEP) Team Meeting**

When all assessment is completed, District of Geographic Residence (DOGR) shall convene the Initial IEP team meeting within 60 calendar days, excluding school holidays in excess of 5 days, of receipt of the signed Assessment Plan. Representatives of private schools will be invited, with parent permission.

If the IEP team determines that the student is eligible for special education services, the IEP team shall develop an appropriate IEP for the student, which serves as an offer of FAPE in accordance with federal and state laws and regulations. Such offer shall be recorded on appropriate IEP forms.

If the parent agrees that the IEP would be the appropriate program if the child were enrolled in the public school, the parent initials “yes” to all statements and signs the IEP. If the parent wants to continue to enroll the child in the private school, the “Private School” box will be checked.

If the private school is located within the District of Geographic Residence (DOGR), an Individual Services Plan (ISP) may be developed at the conclusion of the IEP meeting. If the private school is not located in the DOGR, parents will be given information about how to contact the district where the Private School is located (DOL).

### **D. Eligible, no Individual Services Plan (ISP)**

The school district where the private school is located (DOL) may choose not to offer an ISP if the child’s needs do not fit into the district’s guidelines or if the federal funds have been already been expended for that school year. In addition, a parent may decline an ISP.

The DOGR should send the Notice to Parents of Special Education Eligible Private School Students to all students who are eligible, without an ISP (Plan Type 700) at the beginning of each school year. (See Appendix C.) The DOGR is not obligated to conduct a triennial review for students without ISPs.

## **E. Individual Services Plan (ISP)**

If an ISP is developed, it will be developed by the district in which the private school is located (DOL). If a private school is outside of the DOGR, the district where the private school is located (DOL) will become the Reporting LEA. The Reporting LEA will develop the ISP and note services provided according to their guidelines. The Reporting LEA will contact the DOGR and request transfer of the student's SIRAS record. The student will be active in SIRAS in the Reporting LEA with a Plan Type 200 (ISP). (See *Sample ISP Template which can be adapted for district use in Appendix D.*)

If the Reporting LEA initially declined to offer an ISP it may choose to offer an ISP to a student in a new school year, as district guidelines change, or federal funds become available.

Students with a Plan Type 200 (ISP) will be used to generate the district's number of ISP students in figuring the annual private school proportional share of funds.

With parent permission, a representative of the private school will be invited to attend the ISP meeting. If the representative of the private school cannot attend the meeting, the district special education case manager will consult with the private school representative by other methods such as sending a copy of the ISP (with parent permission) and/or individual or conference calls.

The services provided pursuant to an ISP may be provided at a private school, including a religious school, to the extent consistent with law. Services must be provided by personnel meeting the same standards as personnel providing the services in public schools. These personnel shall be employees of the district or contractors of the district. However, the Ventura County SELPA and/or the district shall not use federal special education funds to finance the existing level of instruction in a private school or to otherwise benefit the private school or the general needs of other students enrolled in the private schools.

If necessary for the child to benefit from or participate in the services provided pursuant to the ISP, a private school child with a disability must be provided transportation to/from the service location. However, districts are not required to provide transportation from home to the private school. The cost of the transportation may be included in calculating whether the district has met the obligation to spend a proportionate share of federal funds on providing special education and related services to private school children with disabilities eligible for special education services as it spends on its children enrolled in public schools.

Any specialized equipment provided to benefit private school children with disabilities shall remain the property of the district and must be able to be removed without remodeling the private school facility. It shall be returned to the district when no longer required by the child, the child is no longer enrolled in the private school, or removal is necessary to avoid unauthorized use.

Once the ISP has been signed the Special Education Data Systems (SEDS)/SIRAS Administrator will need to manually enter the service information in the Summary page. If any special education and related services are specified on the plan they must be entered into the services area of the MIS Summary. If the “Consultation” box is checked, indicate area of service (e.g. Specialized Academic Instruction, Speech and Language, OT, PT, etc.) and enter consultation in the Service Additional Info box. If the “Staff Development” box is checked, use Teacher Training. Any special education and related services listed as “other” should be entered as specified on the ISP. If Transportation is written on the form, it must also be entered on the MIS Summary page.

**F. ISP Review**

1. Annual – The ISP will be reviewed annually by the District of Location (DOL). A representative of the private school will be invited to participate in the meeting. If three documented attempts to schedule a meeting with the parents are unsuccessful, the ISP review will be held without them. A copy of the new ISP will be sent to the parent and the ISP implemented unless parent declines in writing. A copy will also be sent to the private school, unless the parent indicates otherwise. Appropriate updates to Private School services will be made in SIRAS (see instructions above).
2. Reevaluation/Triennial – An assessment to determine eligibility and instructional needs of each private school student with an ISP must be conducted every 3 years by the DOGR. If the private school is not located in the DOGR, the DOL/Reporting LEA should ensure the appropriate educators have access to the SIRAS record at least 90 days prior to the triennial due date so the district can assess, hold an IEP meeting, and make a new offer of FAPE (if eligible) within the timelines.

**G. Due Process and Complaints**

Parents will be informed that as long as they continue to place their child in a private school their rights for due process are limited.

A school district is NOT required to pay for the cost of educating a child with a disability at a private school (including special education and related services) if the school district made FAPE available to the child and the parents voluntarily elected to place the child in a private school. 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 he/she would receive if enrolled in a public school.

Disputes regarding whether a school district made FAPE available to the child via the IEP, as well as disputes about identification and evaluation of parentally-placed private school children with disabilities, may be resolved pursuant to due process procedures specified in the “Parent Rights for Special Education.”



Due process procedures DO NOT apply to disputes regarding provision of services specified in the ISP.

Parents have the right to file a complaint alleging a violation by the SELPA or district in implementation of state or federal law on any other issue, according to complaint procedures specified in the “Parent Rights for Special Education.”

Private Schools may submit a complaint to California Department of Education if they believe that the district did not:

- Engage in meaningful and timely consultation.
- Give due consideration to the view of the private school official.

District key terms:

District of Geographic Residence (DOGR)-district where the student lives

District of Location (DOL)- district where the private school is located

District of Special Education Accountability (DSEA)- district where the student receives educational services on an ISP. The District of Geographic Residence is the District of Special Education Accountability during the process of the initial evaluation for special education eligibility.

Reporting LEA- refers to the district that is developing the ISP or IEP paperwork; the District of Geographic Residence when the student has an initial evaluation and the District of Special Education Accountability when the student is receiving educational services on an ISP.

# Appendices

Date

Dear Private School Administrators:

On \_\_\_\_\_, the \_\_\_\_\_ District held a meeting to discuss the special education service needs of parentally placed private school students with disabilities. All private school representatives/administrators were invited to attend. At this meeting the following were discussed:

- 1) Child Find for Special Education eligible students
- 2) Special Education assessment process
- 3) Individualized Service Plans and process
- 4) Our district's private school guidelines

Attendees were given the opportunity to ask questions and give input about services and supports they would like to see made available to Special Education eligible private school students.

Please return the enclosed Private School Affirmation of Consultation form to the \_\_\_\_\_, at your earliest convenience.

Thank you,

**PRIVATE SCHOOL AFFIRMATION OF CONSULTATION WITH \_\_\_\_\_  
\_\_\_\_\_ DISTRICT SPECIAL EDUCATION DEPARTMENT**

Please check the appropriate box:

- I or my designee was able to attend and participate in the meeting.
- I or my designee was unable to attend
- I or my designee was unable to attend, and would like to schedule a follow-up meeting
- I or my designee was unable to attend, but will send written input

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
School Name: \_\_\_\_\_

I affirm that the \_\_\_\_\_ Private School has been given the opportunity for timely and meaningful consultation with the public schools regarding services to children with disabilities in private schools.

\_\_\_\_\_  
Name and Title of Representative of Private School

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Representative of Private School

\_\_\_\_\_  
Date

Please return this form to \_\_\_\_\_,  
attention: \_\_\_\_\_

California Department of Education  
 Special Education Division

**Proportionate Share Assurance**

**Fiscal Year 2020–21, Resource Code 3310**

**Local Educational Agency (LEA) Name**

**Special Education Local Plan Area (SELPA) Name**

**SELPA Code**

The major provisions regarding children with disabilities enrolled by their parents in private, including religious, elementary and secondary schools are located in the statute at section 612(a)(10)(A) of the Individuals with Disabilities Education Act (IDEA) and in the regulations at *Code of Federal Regulations*, Title 34, (34 *CFR*), §§300.130 through 300.144. The IDEA requires that the local educational agency (LEA), after timely and meaningful consultation with both private school representatives and parent representatives, 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. These requirements also make clear the LEA’s obligation to spend a proportionate amount of IDEA Part B funds to provide equitable services to this group of children.

The LEA’s proportionate amount of IDEA Part B funds to be provided for parentally-placed private school children with disabilities in the 2020–21 fiscal year is calculated using the Census Day October 2, 2019, child counts reported in the California Longitudinal Pupil Achievement Data System (CALPADS).

In conformance with this requirement, the LEA has determined the following:

- There are no private schools located in the LEA.
- There were no parentally-placed children with disabilities attending the private school located in the LEA. This determination was made after a timely and meaningful consultation with both private school representatives and parent representatives of parentally placed private school children with disabilities and after conducting a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending the private schools located in the LEA.

The signature of authorized agent conveys agreement with and accuracy of the information provided.

**Signature of Authorized Agent**

**Date Signed**

**Printed Name and Title of Authorized Agent**

**Contact Person’s Name**

**Contact Person’s Email**

**Contact Person’s Telephone Number**

Revised January 2021

**NOTICE TO PARENTS OF SPECIAL EDUCATION ELIGIBLE  
PRIVATE SCHOOL STUDENTS**

**VENTURA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA**

**Ongoing Offer of Free, Appropriate, Public Education**

Date \_\_\_\_\_

Student Name \_\_\_\_\_ D.O.B. \_\_\_\_\_

Dear Parents:

On (date) \_\_\_\_\_ an IEP meeting was held for your son/daughter. At the meeting your child was determined to be eligible for special education services and an IEP was developed to address his/her needs. As you indicated that your child will attend a private school, these services will not be provided at this time.

The district is not aware that your child is receiving services through an Individual Services Plan (ISP). If you have questions about ISPs for Private School Students, please do not hesitate to call.

This is to inform you that if at any time you wish your child to receive the special education services specified in the IEP, they will be made available if you enroll your child into the public school, up to three years after the IEP meeting date above, You will receive this notice annually for the two years. After that, if your child does not receive any services via either an IEP or ISP, the district will consider him or her "inactive."

If you have questions about this, please do not hesitate to contact me at the number below.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

First year notice

Second year notice

Copy to:  District Office  General Education/Cumulative File  Case Manager  Parent/Adult Student

For more information about special education and your rights, please contact your district Special Education Office or visit the SELPA website at



VENTURA COUNTY SELPA  
INDIVIDUAL SERVICES PLAN (ISP)  
FOR PARENTALLY – PLACED PRIVATE SCHOOL STUDENT

STUDENT NAME: \_\_\_\_\_

District of Geographic Residence: \_\_\_\_\_

Home School (School of Residence): \_\_\_\_\_

District where private school is located: \_\_\_\_\_

Name of Private School: \_\_\_\_\_

**Meeting Purpose:**

\_\_\_ Initial  
\_\_\_ Review  
\_\_\_ Triennial/Reevaluation

**Dates:**

Service Plan Meeting Date: \_\_\_\_\_  
Implementation Date: \_\_\_\_\_

Next Review Date: \_\_\_\_\_  
Next Triennial Date: \_\_\_\_\_

DOB: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Current Teacher: \_\_\_\_\_

Contact Information: \_\_\_\_\_

Eligibility: \_\_\_\_\_

Ethnicity: Hispanic Yes/No \_\_\_\_\_

Race: \_\_\_\_\_

English Language Status:  
EO  IFEP  EL  RFEP

**Health Information:**

Vision: \_\_\_\_\_

Hearing: \_\_\_\_\_

Medication: \_\_\_\_\_

**Parent/Student Concerns:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Summary of Current Educational Performance/Assessment:**

Strengths: \_\_\_\_\_  
\_\_\_\_\_

Needs: \_\_\_\_\_  
\_\_\_\_\_

Describe how the disability affects his/her involvement in the general education curriculum. \_\_  
\_\_\_\_\_  
\_\_\_\_\_

Accommodations suggested for the general education program: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The \_\_\_\_\_ district will make the following services/supports/resources available during the \_\_\_\_\_ school year:

Consultation. Area(s) \_\_\_\_\_  
\_\_\_\_\_

Contact \_\_\_\_\_ at (phone/e-mail) \_\_\_\_\_ to request.

Staff Development. Topics: \_\_\_\_\_  
\_\_\_\_\_

Contact \_\_\_\_\_ at (phone/e-mail) \_\_\_\_\_ to request.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is the responsibility of the private school to contact the district where the private school is located to access these services. The district will provide the service(s) while the student is enrolled in private school or until the proportionate share of federal funds have been expended for the current school year. This plan will be implemented as written unless parent declines services.

**Signatures of Those in Attendance:**

Representative of the School District where Private School is located:

Name/Title \_\_\_\_\_ Signature: \_\_\_\_\_

Representative of Private School:

Name/Title \_\_\_\_\_ Signature: \_\_\_\_\_

If Private School representative did not attend, specify how input was obtained:  telephone  writing.

Other:

Name/Title \_\_\_\_\_ Signature: \_\_\_\_\_

\_\_\_\_\_ I understand that while my child who is eligible for special education services attends private school, there is no individual entitlement to receive some or all of the special education and related services they would receive if enrolled in a public school and rights to due process do not apply while my child with a disability attends private school.

\_\_\_\_\_ I understand that my child is eligible for special education services and that an IEP will be implemented upon enrollment in public school. I will contact the administrator of the school district in which we live if I decide to enroll my child in public school.

\_\_\_\_\_ I decline any services/supports/resources at this time.

Signature of Parent/Guardian/Authorized Representative

Date