Consultation Meeting between Public and Private Schools

Kent Intermediate School District and Local School Districts

October 25, 2012
Federal Special Education Law – IDEA 2004

• IDEA requires timely and meaningful consultation between public and private schools.

• IDEA requires districts to determine number of students with disabilities in private schools.

• IDEA requires districts to spend a "proportionate share" of funds on students in private schools.

• Michigan’s Auxiliary Services Act goes beyond federal requirements.
Michigan’s Special Education and Auxiliary Services Laws

• District where the private school is located is responsible for **child find, evaluations**, and provision of **related services** (speech, social work, OT, PT) for children grades K-12.

• **Resident district** is responsible for **programming** but it must be provided at a public school.

• **Dual enrollment** is permitted for non-core and some special education classes, but transportation is not provided across districts.
Who Serves Preschoolers Attending Private Schools?

- Michigan’s Auxiliary Services Act covers students in grades K through 12.

- Preschool children with disabilities are entitled to special education programs/services, but it is the responsibility of the resident district to conduct evaluations and offer needed services.
Pre-Referral Interventions

• IDEA now requires much more documentation of research-based interventions with a student before a school may say that the student has a disability.

• Response to Intervention (RTI)/Multi-tiered Systems of Support (MTSS) approaches are being used by more public schools throughout our county with the ultimate goal of serving more children within general education.
Initial Evaluations
and Prior Evaluations

An evaluation of a nonpublic student is still an initial evaluation if a prior evaluation was done:

- By a private school or other private provider
- By a public school and the student was found to be ineligible
- By a public school and the student was found to be eligible, but the parent revoked consent for the provision of all special education programs/services
Next Step: Eligibility and the Parent Decision

When the evaluation indicates educational needs necessitating special education, the nonpublic parent may choose to:

1. Enroll the student in the resident public district to help develop an IEP with special education programs (and possibly services)
2. Decline all special education
3. Decline all programs and accept a Nonpublic Service Plan for ancillary services from the public district of location
Case 1: IEP for FAPE in the Resident District

- If student requires a special education program, an IEP must be developed and a program provided in the resident district.

- Students who are dually enrolled in resident public district (for non-core classes) and nonpublic school receive programs and/or services in the resident district.

- Pre-K students are the responsibility of the resident district and receive programs and/or services through an IEP.
Case 2: Documenting a Parent Decision to Decline All Special Education

- **Resident nonpublic student** - The initial eligibility determination, initial offer of a FAPE through special education, and the parent decision to decline all special education should be **documented on an IEP form.**

- **Nonresident nonpublic student** - The initial eligibility determination, initial offer of special education, and the parent decision to decline special education ancillary services should be **documented on a Nonpublic Service Plan form.**
Case 3: Parent Accepts a Nonpublic Service Plan From the Local Public District

- **Resident and nonresident nonpublic students** – The public district of location develops a Nonpublic Service Plan for special education ancillary services (only).
# Nonpublic Service Plan: Process

<table>
<thead>
<tr>
<th>Key Comparisons</th>
<th>IEP in Resident District</th>
<th>Service Plan</th>
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</thead>
<tbody>
<tr>
<td>Invitation to Meeting</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Planning Team</td>
<td>IEP Team</td>
<td>Service Plan Team</td>
</tr>
<tr>
<td>Written Plan</td>
<td>IEP</td>
<td>Service Plan</td>
</tr>
<tr>
<td>Annual Reviews</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Parent declines initial offer of all special education – resident</td>
<td>Document on IEP</td>
<td>Document on IEP, no Service Plan</td>
</tr>
<tr>
<td>Parent declines initial offer of all special education – nonresident</td>
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<td>Document on Service Plan</td>
</tr>
<tr>
<td>3-year Reevaluation - student has IEP or Service Plan</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>3-year Reevaluation - parent has declined all Plans</td>
<td>Offer to parent</td>
<td>Offer to parent</td>
</tr>
</tbody>
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Tracking Students Who Are Eligible But Have Refused Services

- Public schools must track students who were found to be eligible for special education, but whose parents declined services.
- Evaluations may be done every 3 years, if desired (with parent consent). We have a form for this.
Three-year Reevaluation for Nonpublic Students

- The public district of location **must offer a redetermination of eligibility** at least every 36 months to eligible nonpublic students, even if not currently receiving services.
Special Education Transportation
Special Education Transportation

• Public schools typically provide bussing to and from private schools for special education students in their boundaries (to the same extent they transport their public school students).

• Public schools are not obligated to provide transportation to private school students across district lines.

• However, some districts may transport private school students across lines if a bus is going in the general direction at the same time.
How We Calculate Proportionate Share

- Number of private school students receiving special education as of special ed count day
  divided by
- Total number of students in special education as of 12/1
  times
- Federal allocation for students ages 6 to 21
Time for Local District Consultation on Four Other Topics
1 – Child Find Process Used
2 – Consultation Process Used
3 – Special Education Services Provided by Public Schools
4 – Problem-Solving Approaches and Opportunity for Questions