Consultation with Non Public Schools
March 30th, 2017

EATON RESA
Welcome

• Introductions
• Overview

THANK YOU FOR COMING!!!
Laws, Rules, and interpretations

- 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 spend a “proportionate share” of funds on students in private schools
- Michigan’s Auxiliary Service 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.
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.
What is Child Find?

• Identify, locate and evaluate all children that “reside in the state” and meet the definition of “child with a disability”
  • Includes public & private schools

• Child Find and Private Schools
  “Each LEA must locate, identify and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district served by the LEA.” 34 CFR § 300.131(a)(2006)
  • LEA must identify all “parentally placed private school children” with disabilities
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
Parent accepts a nonpublic service plan from the local district

- Resident and nonresident nonpublic students- The public district of location develops a Nonpublic Service Plan for the special education ancillary services (only)
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
CONSULTATION: Must be “Timely and Meaningful”

- How the consultation process will operate throughout the school year to ensure that identified parentally placed private school children with disabilities can meaningfully participate in special education and related services.
  - Child study team
  - IEPT process
  - Meetings convened at the request of either party
Programs/services

Provision of special education & related services

a- How, where, and by whom

b- Types of services, including but not limited to:
   - Speech Therapy
   - School Social Work
   - Physical Therapy
   - Occupational Therapy
   - Deaf and Hard of Hearing
   - Visual Impairment
   - Orientation and Mobility
   - Assistive Technology
   - Evaluation for special education eligibility

c- How apportioned if funds insufficient for all

d- How and when decisions will be made

   - IEP teams will make recommendations about the delivery of specific services based on individual student eligibility/needs.
   - General discussion regarding service delivery will occur at annual consultation meeting.
Disagreements

• The district will attempt to resolve concerns through meetings with the private school officials. If resolution cannot be reached, the district will provide a written explanation.

• Private school officials may file a complaint with the Michigan Department of Education if they believe district did not provide meaningful and timely consultation or give due consideration to the views of the private school officials.
Details of Proportionate Share

- Ensure that the count is conducted between Oct. 1 and Dec. 1 of each year; and
- Use the count to determine the amount the LEA must spend on providing special education and related services in the next fiscal year
- Use the MDE Nonpublic Schools Report

20 U.S.C. 412(a)(10)(A)
Calculating the Proportionate Share

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\frac{\text{Number of eligible parentally-placed private school students receiving special education as of count day}}{\text{Total number of eligible students in special education in the LEA (public and private)}} = \frac{\% \text{ of LEA IDEA, Part B Grant for Equitable Services to Parentally-Placed students receiving special education}}}
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Proportionate Share Continued

What funds must be considered in calculating the required proportionate share?

Answer: The total Part B Section 611 (flow through) and Section 619 (preschool) allocations provided to the Intermediate School District must be included in proportionate share calculations regardless of the method of distribution of those allocations to their LEAs/PSAs or retaining a portion or all of the allocations at the ISD.
Hourly Calculation of Related Services

Average Speech Therapist: $95,410
Average Social Worker: $100,343
Average Occupational Therapist: $94,880

Average Salary: $96,877
184 day contract, 6.5 hours per day = $81.00 per hour

Allocation ($1692)/ $81.00 per hour = 21 hours per year
21 hours per year/36 weeks = 0.58 hours per week (34 minutes)=2 hours month

NOTE: FUNDS ARE NOT PER STUDENT, THIS IS JUST AN EXAMPLE
Services Available

- Speech and Language
- School Social Work
- Psychological Evaluation
- Deaf and Hard of Hearing Specialist
- Visual Impairment
- Orientation and Mobility
- Occupational Therapy
- Physical Therapy
- Transition
- Assistive Technology

- Within 30 days please submit to ERESA Special Education Department the Needed Auxiliary services projection for next year
Questions??????
Expenditures

The LEA where the private schools are located must expend

- A proportionate share of the LEA’s total sub grant under §611(f) of IDEA on services for parentally-placed children aged 3-21 in accordance with a formula; and
- A proportionate share of the LEA’s total sub grant under §619(g) of IDEA for services for parentally-placed children aged 3-5 in accordance with a formula.

(See Appendix B to the regulations for example of proportionate share calculation.)

§300.133(a)(1)-(2) and (b)
20 U.S.C. 1412(a)(10)(A)
Preschool

Children with disabilities aged 3-5 must be enrolled in a private school that meets the definition of *elementary school* in §300.13.

*Elementary school* is defined in §300.13 as a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law.
Equitable Services

Basic Requirement

Consistent with the number and location of children with disabilities enrolled by their parents in private schools located in the school district served by the LEA, provision is made for the equitable participation of those children in Part B programs.

Equitable services are special education and related services, including direct services, determined in accordance with the requirements in §300.137, including the consultation process. The exception to the requirement is if the secretary has arranged for the provision of services to such children under the by-pass provisions in §§300.190 through 300.198.

§300.132(a)
Equitable Services (cont’d.)

Equitable Services Determined and Provided

- A parentally-placed child with a disability does NOT have an individual right to some or all of the special education and related services the child would receive if enrolled in a public school.

- Those children designated to receive services may receive a different amount of services than children with disabilities enrolled in public schools.

- Decisions about the services that will be provided must be made in accordance with the services plan requirements in 300.137(c) and the consultation requirements in 300.134(c).

- The LEA must make the final decision about services to be provided.

§§300.137(a)-(b) and 300.138(a)(2)
Equitable Services (cont’d.)

Services Plan

Based on the services the LEA makes available to parentally-placed students with disabilities, a services plan must be developed and implemented for each student designated by the LEA to receive services.

§§300.132(b) and 300.138(b)
20 U.S.C. 1412(a)(10)(A)
Equitable Services (cont’d.)

Services Plan Definition

A written statement that describes the special education and related services that the LEA will provide to a parentally-placed child with a disability who has been designated to receive services, including

- Location of the services, and
- Any transportation necessary.

NOTE: Plan must be consistent with 300.132 and developed and implemented in accordance with the equitable services requirements in §§300.137 through 300.139. Section 300.138(b)(2) addresses the relevant IEP requirements that are applicable to services plans.

§§300.37 and 300.138(b)(2)
20 U.S.C. 1412(a)(10)(A)
Location of Services and Transportation (cont’d.)

Transportation

If necessary for the child to benefit from services provided under the services plan, transportation must be provided by the LEA:

- From the child’s school or the child’s home to a site other than the private school; and
- From the service site to the private school, or to the child’s home, depending on the timing of the services.

In addition:

- LEAs are not required to provide transportation from the child’s home to the private school.
- The cost of transportation may be included in the proportionate share calculation.

§300.139(b)
20 U.S.C. 1412(a)(10)(A)