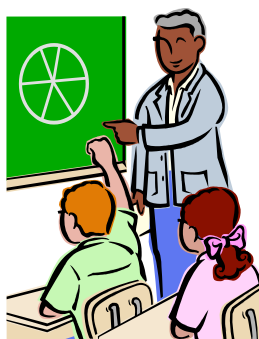




***Questions
and Answers
about
Special Education Services
to Students Attending
Private Schools
within the
Anchorage School District***



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Are students attending private schools able to receive special education services from the Anchorage School District?

Children with disabilities, who are voluntarily enrolled in a private school in the local school district, will be eligible for special education and related services to the extent consistent with the number and location of children with disabilities. Monies spent shall be equal to a proportionate amount of Federal Funds (20 USC 1412 a 10 A).

Previously in Alaska, children voluntarily enrolled in private schools were entitled to the same level of special education services as students enrolled in public schools. Under current state law and regulations, children who are voluntarily enrolled in private school are now entitled to the level of service described in IDEA 04. (Individual With Disabilities And Education Act)

What are ASD's (Anchorage School District) responsibilities to locate and provide services for eligible special education students attending private schools?

The District must identify, locate, and evaluate all children with disabilities residing within its jurisdiction, including children placed in private schools by their parents. This includes religious schools. The Child Find activities for private school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools. **There must be a timely consultation between private school representatives and the District to conduct a thorough and complete Child Find process (20 USC 1412 a 10 A ii).** Districts must consult with appropriate representatives of private school children on how to best carry out Child Find activities.

Who are private school children?

To describe the District's responsibilities for serving children in private schools, it is helpful to distinguish three categories of these children. These categories are defined by *who enrolls* or places the child in a private school and *why*.

1. *District Placement* ~ The District may place a child in a private school to fulfill its obligation to provide FAPE (Free and Appropriate Public Education). These placements are always made by an IEP (Individual Education Plan) Team.
2. *Voluntary Enrollment by Parents* ~ The District makes FAPE available to the child but the parents choose to enroll their child in a private school for a variety of personal reasons such as to obtain a religious education or to attend a school with a particular philosophy or curriculum. This is considered a voluntary enrollment.
3. *Unilateral Placement by Parent* ~ Parents may withdraw a child with a disability from a public school because they believe the District has not provided FAPE in a timely manner. The parent then enrolls the child in a private school they believe will provide FAPE and seeks reimbursement from the District for the cost of the private school education. This is considered a unilateral placement.

What are the district's responsibilities for students placed by ASD?

When a district refers or places a child with disabilities in a private school or facility, the District must ensure that:

1. The child is provided an education that meets all standards that apply to educational services provided by the state and the District that are necessary to provide FAPE, i.e., personnel standards.
2. Special education and related services, in accordance with the IEP services, are provided at no cost to the parents.

3. The placement in the private school or facility is the LRE (Least Restrictive Environment) for that child.
4. The child is afforded the same rights as children with disabilities served by the school district.

When an appropriate educational program cannot reasonably be made available for a child with a disability within the child's community or school district, the District may send the child to an educational program or residential school outside the child's community or school district for appropriate special education services. The sending district shall pay all costs of the transfer.

The District must, prior to placement of the child in an out-of-district program, initiate and conduct an IEP meeting. The District must also ensure that a representative of the out-of-district facility attends the meeting. If the representative of the facility cannot attend, the District shall use other methods to ensure participation, such as individual or conference telephone calls.

Note: Should the private placement be residential and the parent incurs expenses, including telephone calls and travel to and from the site, these expenses should be paid by the District. Also, should a dispute arise as to the appropriateness of the child's program at the private school, while both the parents and the District would have due process rights, the private school would not.

What are the district's responsibilities for children voluntarily enrolled by parents?

To the extent consistent with their number and location in the State, provision must be made for the participation of private school children with disabilities in the program assisted or carried out under Part B of the IDEA by providing them with special education and related services. No private school child with a disability has an individual right to receive all of the special education and related services that the child would receive in a public school.

How does ASD determine who receives special education services?

Decisions about the services that will be provided to private school children with disabilities shall be made in consultation with representatives of private school children with disabilities.

Each district shall consult, in a timely and meaningful way, with appropriate representatives of private school children with disabilities. The District shall give appropriate representatives of private school children with disabilities a genuine opportunity to express their views in light of the amount of available funding, the number of private school children with disabilities, the needs of private school children with disabilities, and their location to help decide:

1. Which children will receive services;
2. What services will be provided;
3. How and where the services will be provided; and
4. How the services provided will be evaluated.

The consultation must occur before the District makes any decision that affects the opportunities of private school children with disabilities to participate in special education and related services. In the end, the District shall make the final decisions with respect to the services to be provided to eligible private school children.

The needs of private school children with disabilities, their number and their location will vary over time and, depending on the circumstances in a particular district, will differ from year to year. However, an annual consultation with representatives of private school children is not required, since the District is best able to determine the appropriate period between consultations based on circumstances in their jurisdiction.

If a child with a disability is enrolled in a religious or other private school and will receive special education or related services from the District, the District shall:

1. Initiate and conduct meetings to develop, review, and revise a services plan for the child; and
2. Ensure that a representative of the religious or other private school attends each meeting.

If the representative cannot attend, the District shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

The services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools. Special education services may be provided to children with disabilities on the premises of private schools, including religious schools.

What is a Services Plan?

Each private school child with a disability who has been designated to receive services must have a services plan that describes the specific special education and related services that the District will provide to the child in light of the services that the District has determined through the process described above. To the extent appropriate, given the services that the District has selected through the consultation process, the services plan must meet the requirements for an IEP in order to ensure that the services are meaningfully related to a child's individual needs. For example, in almost all instances, the services plan developed for an individual private school child with a disability would have to include:

1. A statement of the child's present level of academic achievement or functional performance;
2. A statement of measurable annual goals, including benchmarks or short-term objectives;
3. A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel;
4. An explanation of the extent, if any, to which the child will not participate with children without disabilities;
5. The projected date for the beginning of the services and the anticipated frequency, location, and duration of those services; and
6. A statement of how the child's progress toward the annual goals will be measured; how the child's parents will be regularly informed of their child's progress toward the annual goals; and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

The services plan must be developed, reviewed, and revised consistent with state and federal law.

The District is not prohibited from providing services to private school children with disabilities in excess of those required by this part, consistent with State law or local policy.

What about Transportation?

Decisions about whether services will be provided on-site or at some other location is left to the District, in consultation with representatives of private school children. Although in many instances on-site services are most effective, local considerations should allow flexibility in this regard. Transportation must be defined in the student's IEP. When transportation is necessary, the District must provide the transportation.

Services may be provided on the premises of a private school to the extent it is possible to do so. Districts are encouraged to provide those services at private school sites so as to minimize the amount spent on unnecessary transportation and to cause the least disruption in the child's education.

If services are offered at a site separate from the child's private school, transportation may be necessary in order to get the child from one site to the other, or the child may be effectively denied an opportunity to benefit. In this sense then, transportation is not a related service but is a means of making the services that are offered accessible. The District should work in consultation with representatives of private school children to ensure that services are provided at sites that will not require significant transportation costs.

The District is not required to provide transportation from the child's home to the private school.

When is ASD responsible for tuition reimbursement?

The District is not required to pay for tuition, special education, or related services at a private school or facility for a child who was unilaterally placed there by parents if the District made FAPE available to the child in a timely manner. However, a court or hearing officer may order the District to reimburse parents for the costs of unilaterally placing the child in a private school if:

1. The child with a disability was previously receiving special education and related services from the District; and
2. It is determined the District has not made a FAPE available to the child in a timely manner and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet state standards that apply to public education.

A court or hearing officer may reduce or deny reimbursement to parents for the cost of a unilateral placement under the following circumstances:

1. Prior to removal of the child from the public school, the District informed the parent of its intent to evaluate the child, including a statement of the purpose of the evaluation that was appropriate and reasonable, but the parents did not make the child available for evaluation.
2. A judicial decision finds unreasonableness with respect to the actions taken by the parent.
3. The parents did not inform the District that they rejected the placement proposed by the District to provide FAPE and did not state their concerns and intent to enroll the child in a private school at district expense as follows:
 - a. This notification must have been provided to the IEP Team at the most recent IEP meeting prior to removing the child from public school; or
 - b. Must be provided to the District in writing at least 10 business days (including any holidays that occur on a business day) prior to removing the child from public school.

Except that reimbursement will not be reduced or denied if:

- a. The District did not notify the parent(s) of the parent's obligation to provide the notice set forth in 3 (a-b) above;
- b. The District prevented the parent from providing notice;
- c. The District's proposed placement would result in physical or serious emotional harm to the child; or
- d. The parent is illiterate and/or cannot write in English.