

PARENTALLY-PLACED PRIVATE SCHOOL STUDENTS WITH DISABILITIES

This policy applies to resident students enrolled by their parents in private schools (Private School Students). It is not applicable to students participating in home-based educational programs.

The Appleton Area School District has a responsibility to conduct activities that locate, identify, and evaluate all students with disabilities residing within its jurisdiction. This responsibility extends to Private School Students, including those in religious schools.

The District also has a responsibility to inform parents of Private School Students with a disability and who have a need for special education services that a free appropriate public education (FAPE) will be provided if the student enrolls in any public school in the District. The FAPE will include an individual educational plan (IEP), which specifies the student's special education and related services. Students with disabilities who choose to remain in the private school may also be eligible for services. However, in comparison to public school students, Private School Students are not entitled to nor will they typically receive the same level of special education and related services. Services to Private School Students are documented in an individual special educational services plan, which is similar to an IEP.

The Individual Disabilities Education Act (IDEA) of 1997 requires districts to annually calculate and spend a sum certain amount on special education services for Private School Students. This amount is derived through a statutory formula and available for review in the District's Special Education Plan. The District may, but is not obligated to exceed this statutory amount.

The District, in consultation with Private School representatives, determines the types of special education services to be provided as well as where and how they will be implemented. The special education services provided to Private School Students with disabilities in religious schools must be secular, neutral and non-ideological. Special education services shall not supplant the private school's instruction in the core curriculum areas of reading, language arts, mathematics, social studies, science and health. Special education service delivery will be reviewed and determined annually, and published in the District's Special Education Plan.

Parents of Private School Students with disabilities have the right to file IDEA complaints and have them investigated by the Wisconsin Department of Public Instruction. Requests for mediation and due process hearings are limited to matters relating to child find, evaluation and eligibility determination. Components of the special education services plan such as present level of performance, goals, and type and location of services are not subject to review through either mediation or due process proceedings.

A more complete description of rights and requirements is provided in the Procedures of this policy.

Legal References: IDEA 34 CFR 300.450-462
Wisconsin State Statute 115.77

Adoption Date: July 16, 2001

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Procedures

I. Special Education Services Available to Private Schools

After consulting with private school representatives, the District will determine annually the scope of special education services available to Private School Students. Special education services will not be provided to students in home-based educational programs. The delivery model for special education services will be published in the District's annual Special Education Plan and will include, but will not be limited to the following: the special education services that will be provided to eligible students, how and where the special education services will be provided, and how the special education services provided will be evaluated. It will also include the District's financial obligations, which are further explained in Section V of this Rule.

Although there is flexibility in the types and levels of special education services to be provided, they shall not supplant the private school's instruction in the core curriculum areas of reading, language arts, mathematics, social studies, science, and health. The special education services must also be secular, neutral, and non-ideological.

II. Child Find/Evaluation

The District is responsible for conducting activities to locate, evaluate, and identify all students with disabilities residing within the District, including Private School Students. Evaluations follow the same State and federal requirements, procedures, and criteria as for public school students. The assessment team will complete a thorough evaluation to determine whether the student has a disability and a need for special education.

The District is required to conduct a reevaluation at least once every three years for any students with disabilities, including Private School Students that receive special education services through a special education services plan.

III. Special Education Services Plan for Eligible Students

Once a Private School Student has been evaluated and determined to have a disability and a need for special education services, the District will inform the parent that it will provide the student with a free and appropriate public education (FAPE) if the student is enrolled in a public school. If the parent agrees to enroll the student in a public school, an individual educational plan (IEP) team would then develop the student's IEP.

If the parent chooses not to enroll the Private School Student in a public school, the Private School Student has no individual right to receive the same special education services as if enrolled in a public school. The District will then offer to develop an individual special education services plan for the Private School Student. The plan describes the specific special education services to be provided to the Private School Student and will represent what special education services the District has determined will be available to Private School Students with disabilities.

422.2-Rule (cont.)

Meetings conducted to develop, review, and revise a services plan will include all the participants required for a public school IEP meeting, including at least one regular education teacher of the child and a representative from the private school. Attendance by the Private School Student's private school teacher ensures compliance with both of these requirements.

IV. Parent Rights

Parents of Private School Students have the right to notification, consent, and participation regarding child find and evaluation activities, as well as meetings conducted for the purpose of developing, reviewing, or revising a special education services plan. They also have the right to prior written notice if the District proposes or refuses to initiate or change the provision of services within a special education services plan.

Parents have the right to request mediation or to initiate a due process hearing for matters relating to child find and the student's evaluation and eligibility determination. They may also file a written complaint with the Wisconsin Department of Public Instruction if they believe that the District has failed to meet its obligations under federal and/or State law.

V. Expenditures and Restrictions

Child-find expenditures for Private School Students will be comparable to those students in public schools.

Special education costs include staff, equipment, and transportation. Unlike child find and identification, the District is only required to spend a minimum amount for special education services for Private School Students with disabilities age 3 through 21. To calculate the minimum required expenditure, the District will count the number of Private School Students with disabilities residing within the District on December 1 of each year and apply a formula provided by State and Federal regulations.

Once the District has satisfied the minimum expenditure requirements consistent with State and Federal regulations, the District is not required to but may spend more than the minimum amount.

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