

TITLE: Provision of Special Education Services to Private School Students

Code: G9

It is the policy of the Windham Southeast Supervisory Union and its member districts to provide special education services to private school students with disabilities as and to the extent required by federal and State law.

It is the duty of the Brattleboro Union High School District #6 to locate, identify and evaluate all children with disabilities residing in the district, including children who have been enrolled by parental preference and at parental expense in a private (independent) school or in a program of home study in compliance with State law.

If, as a result of evaluation procedures, a student is found to be eligible for special education services, in the event the student is enrolled in the public school, the school district of residence shall offer to the student a free and appropriate public education (FAPE), including an appropriate IEP and placement, as required by law.

If the eligible child's parent chooses as a matter of preference to enroll or continue to enroll the child in a private school of the parent's choosing, the student shall be considered a "private school child with a disability," and the school district shall not be responsible for the tuition or other costs associated with the private placement.

No private school child with a disability has an individual entitlement to receive all or part of the special education and related services the child would have received if enrolled in public school.

Each school year the school district shall spend on special education and/or related services for eligible private school children with disabilities, as a group, a fund of an amount calculated as follows. The fund shall consist of that portion of the total amount of federal dollars received by the District for special education for the year that which is proportionately the same as the ratio of private school children with disabilities to all identified students with disabilities who are residents of the District. [For example, if 1 in 100 of all identified students with disabilities who are District residents is a private school student with disabilities, then the District shall spend a total of one one-hundredth (1/100th) of the federal special education dollars received by the District on private school students with disabilities.]

These services paid for from the fund shall be determined and provided only after consultation by the District with representatives(s) from area private schools(s), as required by federal regulation. Consultation between the school district and representatives of private schools shall include discussion of the number of students with disabilities in private schools, their needs, their location, as well as, what services will be provided; to which students; how and where the services will be delivered and evaluated; and how child find for children in private schools will be accomplished annually on or before December 1, as required by federal law. Private school representatives shall be given a genuine opportunity to express their views regarding each of these subjects.

Mandated child find and evaluation of private school students shall be at no cost to the parents and expenditures for those activities shall be borne by the school district.

The final decisions about the services to be provided shall be at the school district's sole discretion. As provided by federal law, this procedure may result in individual private school students receiving no services, and/or receiving fewer services than they would receive were they to enroll in public school.

Any private school child with a disability designated to receive direct or indirect service through this procedure shall have a "service plan" prepared by his/her IEP team, describing the disability being addressed, service(s) to be provided, and goals and objectives, where appropriate. A representative from the private school shall be invited to attend the meeting. If the representative cannot attend, the District shall use other methods to ensure participation by the private school, including individual or conference calls.

The school district shall also have a continuing duty to promptly make available a FAPE to any identified child with a disability, in the event that a parent decides to enroll the child with a disability in the public school.

The Superintendent or his/her designee shall prepare, issue, and enforce procedures implementing this policy.

Date Warned: September 20, 2004

Date Adopted: October 4, 2004

Reference: 20 VSA§ 1412(9)(10)
34 C.F.R.§§ 300.450 to 300.462

BRATTLEBORO UNION HIGH SCHOOL
DISTRICT #6
Brattleboro, Vermont