MEMORANDUM

TO: HSLDA MEMBERS
FROM: HOME SCHOOL LEGAL DEFENSE ASSOCIATION
SUBJECT: IDEA AND PRIVATE SCHOOLS
DATE: 5/2/06

PRIVATE SCHOOLS IN THE FEDERAL INDIVIDUALS WITH DISABILITIES IN EDUCATION ACT (IDEA)

Under the federal statute known as the Individuals with Disabilities in Education Act (IDEA)\(^1\) and the interpreting federal regulations,\(^2\) all states receive funding to assist in educating students with special needs. After being called by homeschoolers who have been contacted by their public school in regards to IDEA, Home School Legal Defense Association has developed this memorandum to give information to our members on how IDEA could affect them.

Because IDEA governs the spending of federal money which is passed on to the states and their public schools, most private homeschoolers will never have any contact with IDEA. However, there is one section in IDEA, called “child find,” that often leads to dealings with the local public schools, especially in states where homeschoolers either operate as private schools or homeschool under a private school “umbrella.”

PUBLIC SCHOOL CONTACT WITH PARENTS REGARDING EVALUATIONS UNDER “CHILD FIND”

In IDEA, Congress imposes certain requirements on the state education authorities as a condition to receive these federal funds. One condition the states must agree to is the offering of a free appropriate public education (FAPE) to all disabled students.\(^3\) Because IDEA provides funds to states and public schools, it does not apply to schools, such as private schools, that do not accept IDEA funds. However, as part of making the FAPE available, local school districts are required to have a plan to locate, identify, and evaluate\(^4\) all students who reside in the school district who are suspected of having special education needs. This requirement is known as “child find.” This policy and other IDEA requirements mean that local school districts often interact with homeschools and private schools in the context of IDEA.

\(^1\) 20 U.S.C. § 1400 et seq.
\(^2\) 34 C.F.R. 300.1 et seq.
\(^3\) 20 U.S.C. § 1412(a)(1).
For example, because local school districts have to locate, identify, and evaluate special education students in their district, some schools believe that if they do not evaluate a privately homeschooled child who could be in need of services, they have violated IDEA. They therefore demand to evaluate the children, even when the parents do not desire help from the government. In some cases, the school district has even initiated a due process hearing in which it asks an administrative hearing officer to compel an evaluation.

This interpretation of IDEA is unacceptable and unconstitutional, and after significant work by HSLDA, the Department of Education has recently proposed changes to the regulations governing IDEA that would protect homeschooling parents.

Under Proposed Rule 34 C.F.R. 300.300(A)(3), a public school may pursue an initial special needs evaluation of a child by following due process procedures, but only “if the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent.” See 70 Fed. Reg. 35,782 (2005). (Emphasis added.) In the notice of proposed rule-making, the United States Department of Education further explains that it does not intend for this consent override to apply to homeschooled children:

In addition, paragraph (A)(3) of this Section would permit consent override only for children who are enrolled in public school or seeking to be enrolled in public school. For children who are homeschooled, or placed in a private school by the parents at their own expense, consent override is not authorized…However, if the parents of a private school child withhold consent for an initial evaluation, the public agency would have no authority to conduct an evaluation under Proposed Section 300.131.

70 Fed. Reg. 35, 799. (Emphasis added.)

HSLDA recently successfully defended a family in Missouri whose school district tried to force an unwanted evaluation on them. After a disappointing ruling at the federal District Court, the parents’ position was completely vindicated as the Eighth Circuit Court of Appeals overturned the lower court’s ruling and rejected the school district’s attempt to impose the evaluation. Fitzgerald v. Camdenton R-III, --- F.3d ----, 2006 WL 469992 (C.A.8).

Thus, according to both Fitzgerald and the newly proposed federal regulations governing IDEA, parents may decline the proffered public school evaluation. If homeschoolers are contacted by the local public school seeking to evaluate their child for special education needs, they should immediately contact HSLDA for advice.

**PUBLIC SCHOOL CONTACT WITH PRIVATE SCHOOLS WHERE HOMESCHOOL STUDENTS ARE CONSIDERED PRIVATE SCHOOL STUDENTS**

Because private school students may be eligible for some benefits under IDEA, local school districts are supposed to consult with private school representatives to explain what
benefits are available, and private schools have the right to file a complaint with the state if the local school district did not engage in this consultation. However, IDEA does not require private schools to meet with public school representatives; the only mandate is on the public school.

Because of the requirements of IDEA, many school districts contact private schools regularly to determine if there are students enrolled in those schools who might be eligible for services. HSLDA recommends that families seek special education services privately rather than through the public school, and the Home School Foundation provides financial assistance to families who are getting private services.

At least twelve states view homeschools as private schools. In addition, in several other states, homeschoolers operate under a private school “umbrella.” Because of this, HSLDA is often contacted by homeschoolers who have received letters from the local school district requesting – or even demanding – that they submit information on students in their school who have special needs.

For example, Georgia law states thathomeschooled students are considered private school students for the purposes of special education services. On March 29, 2006, Cobb County School District sent a letter to all homeschoolers in the district asking them to complete and return a survey if any of their homeschooling children were suspected of having a disability. In Kentucky, where parents homeschool as private schools, the Fayette County Public Schools sent out a letter dated October 14, 2005, notifying parents of a scheduled consultation meeting open to all private and homeschool representatives to inform them of their rights under IDEA. In California, where homeschool parents can either file an affidavit as a private school or enroll in an already-existing private school which has a private school satellite school (PSP), many of these private schools regularly receive contacts from the public school asking for information on students in their private school who may be eligible for special education services.

HSLDA consistently advises private schools that they are under no obligation to respond to these letters because private schools are not required by federal law to participate in “child find.” Private schools may, in the case of an “umbrella school,” pass on the information from the public school to families enrolled in their school but are not mandated by law to do so. Parents who operate as a private school in which only their children are

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6 34 C.F.R. 300.134.
7 34 C.F.R. 300.136.
8 Alabama, Alaska, California, Illinois, Indiana, Kansas, Kentucky, Michigan, Maine, Louisiana, Tennessee, and Texas. In addition, Georgia, Missouri, and Wyoming provide that homeschooled students are considered private school students for the purposes of special education services.
9 E.g., Alabama, California, Colorado, Florida, Maine, Maryland, Tennessee, Virginia, and Utah all permit this option.
11 See attached letter.
12 See attached letter.
13 See attached letter from Kelseyville Unified School District for an example.
enrolled may simply ignore the contact from the public school, unless as parents they desire services for their child.

However, because school districts must show compliance with IDEA’s requirements, if a private school does not respond, the school district may use certified mail to document that they attempted a contact. To avoid this step, the umbrella schools and homeschoolers who do not wish to participate could simply send a letter back to the school district stating that they have no children who would be eligible for or interested in special education services.

CONCLUSION

Because IDEA provides funds only to public schools and to states, it does not govern the actions of private schools and private homeschoolers. However, due to the “child find” requirements and the obligation to offer a FAPE, private homeschoolers may be contacted by the public schools. Neither parents nor private schools are obligated to participate, and HSLDA recommends that they inform the school district that they decline any and all services, including evaluation, if they are contacted. If homeschoolers are contacted by the local public school seeking to evaluate their child for special education needs, they should immediately contact HSLDA for advice.
Attachment 1
March 29, 2006

RE: Students with Disabilities Enrolled in Home Schools

Dear Home School Provider:

In Georgia, references to “parentally placed children in private schools” include children who are home schooled by their parents. Local school systems have the responsibility to identify all the private schools and home schools in their district and conduct Child Find activities with them to identify eligible children. A detailed explanation sheet accompanies this letter.

Under current guidelines and the Individuals with Disabilities Education Act (IDEA), the Cobb County School District is required to allocate a proportionate share of IDEA funds to provide some services to some students who have been placed or enrolled by their parents in private or home schools. In order to determine which services should be provided, the local system must consult with the private schools within their district, representatives of parents of students who attend those schools, and representatives of parents of home schooled students with disabilities. Toward this end, I am asking for your assistance and input.

Please complete the enclosed survey if your home school student has been identified as having a disability or if you suspect that he or she has a disability. The Cobb County School District has the responsibility to locate, evaluate, and identify all private school and home school children suspected of having a disability as defined under IDEA. Please return the completed survey in the enclosed self-addressed envelope. If your student has not been identified as having a disability or if you do not suspect that he or she has a disability, please disregard this letter.

In addition to the survey, the School System will provide two opportunities for consultation with home school providers. These sessions will be held at the East Marietta Library, 2051 Lower Roswell Road, Marietta, Georgia on April 12, 2006 from 10:00 am until 11:00 am and on April 12, 2006 from 1:00 pm until 2:00 pm. The Metro West Georgia Learning Resources Center (GLRS) in Smyrna, Georgia will also send you a packet of information annually with respect to Child Find. If you have any questions at this time or at anytime throughout the year, please feel free to contact Rhonda Thompson at 770-426-3309 or (rhonda.thompson@cobbk12.org) or myself, Giselle Stone, at 770-426-3575 or (giselle.stone@cobbk12.org).

Sincerely,

Dr. Giselle A. Stone, Director, IDEA Compliance Programs

Enclosures

“
A Community With A Passion For Learning”

Post Office Box 1088 · Marietta, Georgia 30061 · Telephone: (770) 426-3300
COBB COUNTY SCHOOL DISTRICT
SPECIAL EDUCATION DEPARTMENT
514 Glover Street  Marietta, GA 30060
Phone - 770-426-3309   FAX - 770-426-8630

PARENTALLY PLACED PRIVATE SCHOOL AND
HOME SCHOOL STUDENTS WITH DISABILITIES

Summary Information

In Georgia, all references to "parentally placed children in private schools" also include children with disabilities who are home schooled by their parents. Under the Individuals with Disabilities Education Act (IDEA), local systems have the responsibility to identify all private schools and home schools within their jurisdiction and conduct Child Find activities with them to identify eligible children. Once the children are located, the system must conduct timely and meaningful consultation with representatives of the private and home school entities in an effort to determine what services will be provided to the identified children based upon a formula that represents a proportionate amount of federal funds attributable to those students. A worksheet for determining the proportionate share amount is provided annually with the comprehensive plan. Systems must annually report the number of children evaluated under Child Find who are either parentally placed in private schools or are home schooled, the number of those children found eligible for special education and related services and the number of children who are actually served under this provision of the IDEA.

A Service Plan will be developed for each parentally placed private school student or home school student for whom it is decided special education services will be provided. Service Plans will describe the specific special education or related services the student will receive. Personnel who provide services under a Service Plan must meet the same certification/licensure standards as those providing services in the public schools. Local school systems may not use Part B funds to finance existing levels of instruction in private/home schools nor to otherwise benefit a private/home school.

The local school system must consult with the private schools within their district, representatives of parents of students with disabilities who attend those schools and representatives of parents of home schooled students with disabilities as the system defines and designs the mechanisms for Child Find, and for identifying the services to be provided with the proportionate federal funds. In so doing, systems must:

1. Identify the child find process for private schools and for home schooled children who may be children with disabilities and explain this process to parties involved.
2. Explain the amount of federal funds to be used for the special education and related services for these children with disabilities who are in parentally placed private schools or are home schooled and how that amount was determined.
3. Explain how the consultation process will be an ongoing process throughout the year so that as students are identified as children with disabilities, they can access services; if available.
4. Explain what services will be provided, where they will be provided, and how these decisions were reached or when the school system will make the decision and why they determined to expend funds in this manner.
5. When the parents or the private schools disagree with the decision of the local system, the system must provide a written explanation to the private schools and the parents of children who are home schooled of the rationale for the decision made.

The local school system must conduct Child Find activities so that students who are either home schooled or are parentally placed in private schools can be referred, evaluated and identified as students with disabilities. The private schools and parents of home-schooled children must be provided information on how to access Child Find services. The Child Find activities must be conducted in a timely manner and must meet the state required timeline for completing evaluations (60 calendar days). In addition, the costs of conducting Child Find activities for students who are home schooled or private schooled are not included in determining expenditures for the proportionate share obligation.

For further information, please contact Dr. Giselle A. Stone at the address and phone number listed above or by email at giselle.stone@cobbk12.org.
COBB COUNTY SCHOOL DISTRICT  
SPECIAL EDUCATION DEPARTMENT  
514 Glover Street  Marietta, GA 30060  
Phone - 770-426-3309  FAX - 770-426-8630

REQUEST FOR INFORMATION CONCERNING STUDENTS WITH DISABILITIES  
ENROLLED IN HOME SCHOOLS

Please complete this form if your home school student has been identified as having a disability as defined by the Individuals with Disabilities Education Act (IDEA) or if you suspect that he/she has such a disability.

A student has a disability if he/she has been offered an Individualized Education Program (IEP) at a public school. If so, the parents/guardians would have been invited to attend IEP meetings and, prior to the provision of any services to the student, would have signed a consent for Placement in Special Education.

Some home school students with disabilities in Georgia may be entitled to receive some public school special education services. Please see the attached information sheet for further explanation. To assist in determining if your student may be entitled to services, please provide the following information:

1. Name of Student:
2. Date of Birth:
3. Address:
4. Telephone Number:
5. Email Address:
6. Last Cobb County School Attended:
7. If Special Education services were provided to your child previously, for what type of disability was your child eligible?
8. If you suspect that your home school student has a disability, are you requesting an evaluation for Services?  Yes  No
9. Do you have any recommendations as to how the school system could best locate and identify home schooled and private schooled children who may have special needs?
10. Currently, the Cobb County School District allots a proportionate share of IDEA federal funds to provide speech services to home schooled and private schooled students. Do you have any recommendations as to whether this allocation should be changed to service other disabilities? If so, what are those recommendations?
11. In what location would you recommend that such services be provided?

12. Do you have recommendations as to when is the best time of day and/or day of the week to provide services?

13. How would you recommend that such services be evaluated?

14. The Cobb County School District currently offers two conferences per year wherein parents and private school providers can meet and discuss special education needs. Do you have any recommendations as to the location, time or frequency of these conferences?

15. Any other comments or suggestions would be appreciated.
October 14, 2005

Dear Private/Home School Representative:

Fayette County Public Schools (FCPS) are required to consult with private schools within the district to determine which children may have disabilities and may need special education and related services. As a means of complying with the Individuals with Disabilities Education Improvement Act 2004 - (Section 300.134), meaningful consultation will be held with private and home-school representatives to explain the regulations and to request input concerning services FCPS will provide for students with disabilities attending private schools. The following meetings are scheduled:

**October 24, 2005, Annex Cafeteria IAKSS Building 11:00 am – 12:00 pm**
**October 25, 2005, Annex Cafeteria IAKSS Building 11 am – 1:00 pm**
**October 25, 2005, Annex Cafeteria IAKSS Building 5:00pm - 6:00pm**

If you suspect a student may have an educational disability under the Individuals with Disabilities Education Improvement Act (IDEA – 2004), please contact this office. We will work with you to determine if the student is eligible for special education and related services, and if so, how the student will receive this instruction. Services provided to private-schooled (home-schooled) children must be “comparable in quality to services provided to children with disabilities enrolled in public schools.” According to IDEA – 2004 comparable in quality means: “(1) services provided private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools.; (2) parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.; and (3) no private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.”

For additional information, please contact the FCPS Office of Special Education at 381-4000

Sincerely,

*Kathy Dykes*

Kathy Dykes
Director of Special Education
Fayette County Public Schools
February 24, 2005

Dear Private/Home School Representative:

Fayette County Public Schools (FCPS) are required to consult with private schools within the district to determine which children may have disabilities and may need special education and related services. As a means of complying with the Individuals with Disabilities Education Act (PL 105-17, Section 300.454), meetings were held with private and home-school representatives to explain the regulations and to request input concerning services Fayette County Public Schools will provide for students with disabilities that attend private schools.

For students meeting the criteria of a disability under the Individuals with Disabilities Education Act (IDEA), an Individual Education Program will be developed and all services provided in the student’s neighborhood school. If parents choose for their child to remain in a private/home school, an Individual Service Plan to address the services to be provided will be developed for each eligible student. For the 2005-2006 school year, the decision has been made to provide the following services:

- speech/language therapy;
- occupational therapy;
- physical therapy;
- vision services;
- hearing services; and
- consultation with behavior specialists.

Please share this information with parents of students who attend your school and may be eligible for these services.

If you suspect a student may have an educational disability under the Individuals with Disabilities Education Act, please contact this office. We will work with you to collect appropriate documentation to begin the process for determining if the student is eligible for special education and related services, and if so, how the student will receive this instruction and services. For additional information, please contact the Fayette County Office of Special Education at 381-4171.

Sincerely,

Peggy Blanton
Peggy Blanton
Director of Special Education

prb/taa
To: Private and Non-Profit Schools

From: Bob McLaughlin, Director, Elementary Schools II

Subject: Declaration of Participation Form

Date: February 15, 2005

Enclosed is the Declaration form to be completed if you wish to participate in the 2005-2006 Title II Part A (Teacher Quality), Title II Part D (Education Technology), Title IV (Safe and Drug Free Schools and Communities), or Title V (Innovative Education Strategies) and, IDEA-B (Individuals with Disabilities Education Act). In addition to the form for the grants listed above, there is an additional form for Title III (Language Instruction for Limited English Proficient and Immigration Students). You will also find the definitions for this grant attached. Dollar amounts provided to your school will be dependent upon the student membership at your school at the end of the 2nd month of the 2004-2005 school year.

According to federal law, only private schools having an official non-profit status are eligible to receive services in any of these grants. Any private school wishing to participate in such programs must have filed Articles of Incorporation with the office of the Kentucky Secretary of State as a non-profit corporation under KRS 273 or have received a letter from the IRS granting them 501 (c) (3) status as a non-profit organization. Home schools by their nature are considered non-profit.

A signed assurance statement (Declaration of Participation), verifying an official non-profit status, must be filed with the Fayette County Public Schools for each private school or home school wishing to participate in Title II Parts A or D, Title III, Title IV, Title V, or IDEA-B. All parts of the Declaration of Participation must be completed in order to participate in any of these programs for 2005-2006.

In addition, we are asking that you complete the Contact Information form for our records.

If you wish to participate, please complete the attached forms and submit no later than March 4, 2005. Please submit to:

Bob McLaughlin, Director
Elementary Schools II
Fayette County Public Schools
701 East Main Street
Lexington, KY 40502

Please feel free to e-mail nwelch@fayette.k12.ky.us if you have questions. Thank you for your attention to this matter.

An equal opportunity school district
PRIVATE NON-PROFIT SCHOOLS and HOME SCHOOLS
DECLARATION OF PARTICIPATION FORM
FOR TITLE IIA, TITLE IID, TITLE IV, TITLE V, AND IDEA-B
FY2006 (School Year 2005-2006)

To Private Non-profit or Home School Official – The public school district must have a declaration form completed by each private, non-profit school and home school physically located in the public district’s geographic boundaries. Please complete this form and return it to the public school district.

__________________________  Private Non-profit or Home School in
(School Name)                        (Circle Private Non-profit or Home) ___________________________
(Public District’s Name)

List your private non-profit or home school membership at the end of the second month of the 2004-2005 School Year. (Do not include 3 and 4 year olds.) ______________________

COMPLIANCE

Check "Yes" or "No" compliance with Title VI of the Civil Rights Act of 1964 and the non-profit status requirement.

1. Does your school make any distinction on the basis of race, color or national origin which would, in effect, deny an individual an opportunity to participate in any program, service, guidance counseling, financial aid or any training? Yes_______ No_______

2. Does your school make any distinction on the basis of race, color, or national origin in its employment practices (including recruitment or recruitment advertising, hiring, lay-off or termination, upgrading, demotion or transfer, rates of pay or other forms of compensation, and use of facilities) with respect to individuals seeking employment or presently employed? Yes_______ No_______

3. Have you filed Articles of Incorporation with the office of the Kentucky Secretary of State as a non-profit corporation drafted under KRS 273 or received a letter from the Internal Revenue Service (IRS) granting you 501 (c) (3) status as a non-profit corporation? (Home schools, by their nature, are considered non-profit.) Yes_______ No_______

PROGRAMS

Check "Will" or "Will not" to indicate program participation for the 2005-2006 School Year:

Title II Part A: Teacher and Principal Training and Recruiting Fund focuses on preparing, training, and recruiting high-quality teachers. The area of focus for Private Non-profit or Home Schools is providing long-term, intensive professional development. Use of funds now includes such activities as teacher and principal mentoring, teacher testing, and stipends directly to teachers for professional develop activities outside the school calendar.

Will _____ Will not _____ participate in Title IIA for the 2005-2006 School Year

Title II Part D: Enhancing Education Through Technology supports improved student academic achievement through the use of technology in schools by supporting high-quality professional development; increases access to technology and the Internet; the integration of technology into curricula; and the use of technology for promoting parental involvement and managing data for informed decision-making. States distribute funds by formula to school districts based on each district's share of funds under Title I, Part A and to high-need districts or partnerships including high-need districts on a competitive basis.

Will _____ Will not _____ participate in Title II for the 2005-2006 School Year
Title IV: Safe and Drug-Free Schools and Communities supports science-based strategies for the prevention of violence in and around school and to prevent the illegal use of alcohol, tobacco, and other drugs.

Will _____ Will not _____ participate in Title IV for the 2005-2006 School Year

Title V: Innovative Programs supports programs that improve higher order thinking skills of disadvantaged students that prevent students from dropping out, and that combat illiteracy in students and adults. Funds may also be used for the acquisition and use of instructional materials to improve student achievement and technology related to the implementation of school-based reform programs, including professional development on the effective use of equipment and software. Other uses include professional development and class-size reduction activities and programs for community service, service learning, pre-kindergarten, academic intervention, CPR training, and school safety.

Will _____ Will not _____ participate in Title V for the 2005-2006 School Year

IDEA-B: Individuals with Disabilities Education Act provides for the excess cost of providing a free appropriate public education to students ages 3 through 21 who have educational disabilities. These funds may only be used to identify, locate, evaluate children with potential disabilities and to pay for the excess cost of specially designed instruction and related services as prescribed in an Individual Education Program for identified children. Excess cost includes direct and indirect services and the administrative needs of the program. Input to the local school district from private school representative and parents of children with disabilities who are in private, parochial or home schools will be used to determine what services for private school students with disabilities will be available from these funds.

Will _____ Will not _____ participate in IDEA-B for the 2005-2006 School Year

Signature: ___________________________________________ Date: __________________________

(Private, Non-profit School Authorized Official)

School Name: _______________________________________

District Name: _______________________________________

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**To PNP and Home Schools:** Please send this completed form to the Public School District. Do not send to KDE.

**To Public School Districts:** All PNP and Home Schools Declaration of Participation forms are to be kept on file in the public district office for documentation and monitoring purposes. Do not return to KDE.
PRIVATE NON-PROFIT SCHOOLS and HOME SCHOOLS
DECLARATION OF PARTICIPATION FORM FOR TITLE III
FY2006 (School Year 2005-2006)

To Private Non-profit or Home School Official – The public school district must have a declaration form completed by each private, non-profit school and home school physically located in the public district's geographic boundaries. Please complete this form and return it to the public school district.

(School Name) Private Non-profit or Home School in
(Circle Private Non-profit or Home) (Public District's Name)

List the private non-profit or home school limited English proficient membership at the end of the second month of the 2003-04 School Year. (Ages 3 through 21) ____________

List the private non-profit or home school immigrant membership at the end of the second month of the 2003-04 School Year. (Ages 3 through 21) ____________

COMPLIANCE

Check "Yes" or "No" compliance with Title VI of the Civil Rights Act of 1964 and the non-profit status requirement.

1. Does your school make any distinction on the basis of race, color or national origin which would, in effect, deny an individual an opportunity to participate in any program, service, guidance counseling, financial aid or any training? Yes_____ No_____  

2. Does your school make any distinction on the basis of race, color, or national origin in its employment practices (including recruitment or recruitment advertising, hiring, lay-off or termination, upgrading, demotion or transfer, rates of pay or other forms of compensation, and use of facilities) with respect to individuals seeking employment or presently employed? Yes_____ No_____  

3. Have you filed Articles of Incorporation with the office of the Kentucky Secretary of State as a non-profit corporation drafted under KRS 273 or received a letter from the Internal Revenue Service (IRS) granting you 501 (c) (3) status as a non-profit corporation? (Home schools, by their nature, are considered non-profit.) Yes_____ No_____  

Check "Will" or "Will not" to indicate program participation for the 2005-2006 School Year:

Title III Language Instruction for Limited English Proficient and Immigrant Students focuses on helping to ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

Will _____ Will not _____ participate in Title III for the 2005-2006 School Year

Signature: ______________________________________________________________________ Date: ________________

(Private, Non-profit School Authorized Official)

School Name: ___________________________________________________________________

District Name: __________________________________________________________________

To PNP and Home Schools: Please send this completed form to the Public School District. Do not send to KDE.

To Public School Districts: All PNP and Home Schools Declaration of Participation forms are to be kept on file in the public district office for documentation and monitoring purposes. Do not return to KDE.
Attachment 3
February 14, 2006

TO: Principals of Private Schools in Kelseyville

FROM: Cindy Ustrud, Student Support Services Director

RE: NCLB Programs and Related Services for Students Attending Private Schools

Recent changes in No Child Left Behind Federal law and Individuals with Disabilities Education Act require Districts to consult with Private Schools regarding assessment and program design for related services of eligible students attending Private Schools. It is recommended that consultation begin prior to the new school year to allow Private Schools enough time to receive clear information about fiscal resources and services. The consultation shall include the following:

(I) the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;

(II) the determination of the proportionate amount of Federal funds available to serve parentally placed private school children with additional educational needs and/or related services under this subparagraph, including the determination of how the amount was calculated;

(III) the consultation process among the local educational agency, private school officials, and representatives of parents of parentally placed private school children with additional needs, including how such process will operate throughout the school year to ensure that parentally placed private school children with additional needs identified through the child find process can meaningfully participate in related services;

(IV) how, where, and by whom related services will be provided for parentally placed private school children with additional needs, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to service all children, and how and when these decisions will be made;

(V) how, if the local educational agency disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the local educational agency shall provide to the private school officials a written explanation of the reasons why the local educational agency chose not to provide services directly or through contract.
for the provision of services to students with additional needs enrolled in private schools throughout the County.

Should you have any questions or have any additional information to provide, please feel free to give me a call at 279-4435.

Please return the attached questionnaire by March 15, 2006. A summary of the results of your input and a description of the services to be provided will be sent to each private school after the process is complete.

Return the questionnaire to:  Cindy Ustrud, Student Support Services Director
Kelseyville Unified School District
3980 Gard Street
Kelseyville, CA 95451

Attachment
LAKE COUNTY SELPA
Private Schools Service Questionnaire

Name of Private school:

Name of person responding:

Title of person responding:

Address and phone number of school:

School district in which Private School is located:

State Certification # provided by California Department of Education:

Currently: ____________________________ (Today’s date)

Total number of students attending:

Total number of students attending who are identified as English Language Learners:

Total number of students attending who are identified as Migrant students:

Total number of students attending who are identified as low performing students:

Total number of students attending who have been identified as students with disabilities:

Total number of students attending who are suspected of having a disability:

Total number of students attending who have IEP’s:

Please specify the number of students in each disability category currently enrolled in your school who are suspected of having a disability or currently have an IEP.

Speech Impaired ____________________________ Health Impaired ____________________________
Learning Disability ____________________________ Deaf ____________________________
Mentally Retarded ____________________________ Deaf-Blind ____________________________
Hard of Hearing ____________________________ Visually Impaired ____________________________
Autistic ____________________________ Blind ____________________________
Orthopedically Impaired ____________________________ Emotionally Disturbed ____________________________

DESCRIPTION OF CURRENT SERVICES

Please describe the services students with disabilities who have IEP’s are receiving:

Services of a Speech Therapist ____________________________
Services of a Resource Specialist Teacher ____________________________
Services of a School Psychologist ____________________________
Services of a Teacher of the Deaf ____________________________
Services of a Teacher of the Visually Impaired ____________________________
Services of a ____________________________

Please return this form by March 15, 2006 to: Cindy Ustrud, Student Support Services Director
Kelseyville Unified School District
3980 Gard Street
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