

SPECIAL EDUCATION SERVICES FOR CHILDREN ENROLLED IN PRIVATE SCHOOL

The school district shall provide special education services for district resident children enrolled in private schools located within the school district in accordance with state and federal law requirements. To ensure timely and meaningful consultation, the superintendent or designee shall consult with private school officials to design and develop educational programs and services. Consultation shall include:

- A. How the children's needs will be identified;
- B. What services will be offered;
- C. How, where and by whom the services will be provided;
- D. How the services will be academically assessed and how the results of that assessment will be used to improve those services;
- E. The size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that are allocated under federal law for the services;
- F. The method and sources of data that are utilized to determine the number of children from low-income families in participating school attendance areas who attend private schools;
- G. How and when the school will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- H. How, if the school and the private school officials disagree on the provision of services through a contract, the school will provide in writing to the private school officials an analysis of the reasons why a contractor was not utilized;
- I. Whether the school will provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- J. Whether to provide equitable services to eligible private school children:
 - a. By creating a pool or pools of funds with all of the funds allocated by federal law based upon all the children from low-income families in a participating school attendance area who attend private schools; or
 - b. By using a proportion of funds allocated under federal law based upon the number of children from low-income families in the school district's participating school attendance area who attend private schools.
- K. When, including the approximate time of day, services will be provided; and
- L. Whether to consolidate and use funds provided under federal law in coordination with eligible funds available for services to private school children under applicable programs defined in federal law to provide services to eligible private school children participating in programs.

If the school district disagrees with the private school regarding an issue addressed above, the school district shall provide in writing to private school officials the reasons why the school district disagrees. The school district will maintain written documentation which includes a written affirmation signed by private school officials that consultation has occurred. The written affirmation shall also include an option for private school officials to provide that the private school officials do not believe that timely and meaningful consultation has occurred and that the program design is not equitable with regard to private school students.

LEGAL REFERENCE: **ESSA Section 1117**