

Riverside County Special Education Local Plan Area (SELPA)

Guidance for Students Parentally Placed in Private Schools

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Introduction

The following SELPA procedures and supporting documents apply to all SELPA member LEAs but not necessarily to other LEAs outside of the Riverside County SELPA boundaries. It is recommended that each LEA develops a school board policy and procedural administrative regulation whether there is a private school within its boundary or not.

This document explains the policy and procedures that apply to private school students in Riverside County SELPA. It defines key terms used in this document, discusses the procedure and reasons for developing the private school protocol, and defines who is responsible for child find in the private school setting and the Initial Evaluation process. The document clarifies the differences in services provided to students on ISPs vs. IEPs and presents different scenarios that LEAs face with private school students to explain the ongoing process for offering FAPE

and reevaluations. Finally, the document explains proportionate share funding and how it is calculated and provides Riverside County SELPA approved forms for documenting and addressing the needs of students with disabilities enrolled by their parents in private schools.

It is our intent that this document will be useful to our member LEAs when working with students attending private schools.

Key Definitions

District of Geographical Residence (DGR): The District of Geographical Residence refers to the school district where the child with a disability resides.

Reporting LEA: The Reporting LEA refers to the school district where the private school is located. The Reporting LEA is responsible for all reporting of Special Education data to CALPADS.

District of Special Education Accountability (DSEA): The District of Special Education Accountability (DSEA) is the district responsible for placement of the private school student. This is also where the private school is located.

Individualized Education Program (IEP): The Individualized Education Program (IEP) refers to the DGR offer of a free appropriate public education (FAPE).

Individual Service Plan (ISP): The Individual Service Plan (ISP) is a plan created by the Reporting LEA when a parent voluntarily places an eligible student with a disability in a private school.

Local Educational Agency (LEA): LEA refers to a school district, county office, or charter school.

Private School Students with Disabilities: Private school students with disabilities mean students with disabilities parentally enrolled in a private school or facility. This does not include students enrolled in a private school by a LEA, rather than by parents.

Private School or Facility: Private school or facility means: (1) private full-time day school pursuant to California Education Code section 48222 (including religious schools); (2) any other California Department of Education (CDE) identified educational institution, program, arrangement, or facility not sponsored, maintained, or managed by the LEA and for which the LEA does not collect average daily attendance funds; (3) CDE authorized private school affidavit.

Publicly Placed Students Vs. Parentally Placed Students

There are two major categories of private school students – “publicly placed” and “parentally placed”.

- In the first instance, the educational agency places a student in a private facility in order to meet its requirement of free appropriate public education (FAPE) and the local educational agency (LEA) obligation to serve the student is exactly the same as if the student attended the public school.
- In contrast, the special education rights of the parentally placed private school student are considerably more limited. A parentally placed private school student with a disability does not have an individual right to FAPE. There are no instances when a LEA will be required to provide a service to such a child. However, there are particular obligations that the LEA must fulfill as explained in this document.

Children Parentally Placed Without First Enrolling in a Public School and FAPE is Not an Issue

Children attending private schools without first enrolling in a public school where FAPE is not an issue may have some protections under the IDEA. According to OSEP Q&A Guidance, 2022, *“While IDEA provides no individual entitlement to children with disabilities whose parents have placed them in a private school when FAPE is not at issue, the law does require that (a school district) spend a proportionate amount of its IDEA Part B funds to provide equitable services to this group of children, which could include direct and/or indirect services.”* School districts must work with private schools and parents through a process known as consultation to determine what special education services might be made available to children attending private school and how they are to be provided.

Children in For-Profit Private Schools

Children attending for-profit schools do not receive equitable services. However, the child find obligation applies to children attending private schools, including for-profit private schools. Therefore, students attending for-profit private schools will not be served on an ISP.

Creating the Private School Protocol

Each LEA needs to consult annually with private school representatives, and parents of parentally placed private school students with disabilities. This discussion includes key issues that affect the ability of eligible private school children with disabilities to participate equitably in federally funded special education and related services. This meeting provides a genuine opportunity for all parties to express their views and to have those views considered by the LEA. It promotes positive and productive working relationships that make planning easier and results in a private school protocol.

Legal Requirements

To ensure timely and meaningful discussion, a local educational agency shall annually consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children. Such consultation shall include:

- (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 disabilities 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 disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- (IV) how, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, 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 serve all children, and how and when these decisions will be made; and

- (V) how, if the LEA 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 LEA shall provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

The timelines delineated in Appendix B demonstrate how the process occurs during the course of a school year.

Invitation to Provide Input

LEAs which have a private school within their boundaries must consult with appropriate representatives of the private school and their representative parents of children with disabilities on how to locate, identify, evaluate and provide services to children with disabilities enrolled in private schools.

- Appendix D provides a sample letter for LEAs to use in notifying principals of private schools within their area of the IDEA requirements for their involvement in the design and development of such plans.
- Appendix E provides a Private Schools Service Questionnaire that can be utilized to gather data on enrollment of students with disabilities and their special education service needs.
- Appendix F provides a sample letter and agenda for the Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities.

Development of Private School Protocol

Annually, meaningful consultation between the private school personnel, parents of students with disabilities enrolled in the school, and special education leaders from the LEA where the school is located leads to a private school protocol. The provision of equitable services for children enrolled in private school by their parents shall be provided by employees of a public agency; or through contract by the public agency with an individual, association, agency, organization, or other entity. Special education and related services, including materials and equipment, provided to a pupil with a disability who has been parentally placed in a private school shall be secular, neutral, and nonideological. EC §56172 (e-f).

Annually, when the LEA meets with the private school personnel and parents of private school students, a discussion will occur as to developing procedures and practices for the provision of services to students with disabilities enrolled in private schools. This process includes review of the current needs of the students in order for the team to facilitate a decision of which specific special education service(s), materials, and/or equipment(s) will be provided on behalf of the students.

When timely and meaningful consultation has occurred, the LEA shall obtain a written affirmation signed by the representatives of participating private schools. A copy of the affirmation letter and the private school protocol shall be sent to the SELPA.

- Appendix G provides a template for creating a Private School Protocol.
- Appendix H provides a Private School Letter of Affirmation Outlining Provision of Special Education Services to send after the protocol is developed.

NOTE: The Riverside County SELPA holds an annual SELPA-wide meeting in late spring /early summer with private school officials. They are invited to attend and discuss proportionate share

of funding for services provided to students who qualify for Special Education. At this collaborative meeting, the SELPA and private school representatives consult and provide input on the Private School Protocol for Riverside County SELPA member LEAs. Each LEA can decide whether to adopt the SELPA-wide Private School Protocol or to meet with the private school officials within their boundaries to create its own.

The Riverside County SELPA-wide Private School Protocol for Students with Disabilities can be found on the Riverside County SELPA website at:

<https://rcselpa.org/uploads/files/files/Riverside%20County%20SELPA%20Private%20School%20Protocol%202022-23.pdf>

Child Find Obligations and Conducting Initial Evaluations

The 2006 regulations in *34 CFR 300.131(a)* provide that each LEA must locate, identify and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA. This includes both the District of Geographical Residence and the district where the private school is located, as they each hold responsibility for child find. The child find process must be designed to ensure the equitable participation of parentally placed private school children with disabilities and an accurate count of such children. The LEA is required to undertake activities similar to those activities undertaken for the agency's public school children (i.e., problem solving team documentation of interventions considered and utilized, as appropriate). Such child find process shall be completed in a time period comparable to that for other students attending public schools in the LEA. The cost of carrying out child find activities, including individual evaluations, may not be considered in determining whether a LEA has met its obligations under private school proportionate share allocations.

NOTE: Although OSEP does not recommend it, parents can theoretically request assessment from both the Reporting LEA and the District of Geographical Residence. If this occurs, both districts are legally responsible for conducting assessment. Both should exchange information, but must obtain parental consent to do so. MOUs may exist between both LEAs to designate assessment responsibilities. Appendix A provides a pamphlet explaining the background and procedures for child find and the provision of special education services to students with disabilities voluntarily enrolled in private schools.

Special Education Pre-Referral Process

Prior to a formal special education assessment, private schools are encouraged to establish a pre-referral problem solving team intervention process, (i.e., Educational Monitoring Team [EMT], Response to Intervention [RtI], Student Study Team [SST]) to address support within the classroom. Training for this process, including the required forms, will be provided by the LEA where the private school is located.

The private school needs to complete the problem solving team process and document interventions considered and/or utilized in the private school setting. A record of the meetings, recommendations, and follow-up services of the pre-referral intervention process should be maintained by the private school to monitor student progress.

If the child continues to struggle and the problem solving team suspects a disability might exist, the private school needs to notify the LEA where they are located (Reporting LEA) of the potential need for an evaluation. The private school will submit copies of the results of the interventions to the Reporting LEA on the forms agreed to in the private school consultation meeting process.

Procedures for Processing Referrals for Special Education Evaluation

The LEA where the private school is located (Reporting LEA) will initiate a proposed *Assessment Plan with Prior Written Notice* and explain the forms to the parent within 15 days of the referral.

By law, the LEA where the private school is located is responsible for completing the assessment, including writing a written report, within 60 days of receiving parental consent to conduct the evaluation.

Since the parent can potentially ask for assessment by both the LEA where they reside and where the private school is located, the LEA conducting the meeting would consider both evaluations when holding the Initial IEP to determine eligibility and offer FAPE.

NOTE: Within Riverside County SELPA, the member LEAs will have the flexibility to choose to complete assessments for their students living within their boundaries, even if the private school is located in another member LEA's boundaries.

IEP Team Determination of Eligibility

The LEA that completed the initial evaluation shall invite the student's teacher and an administrator from the private school. If the student resides in a different LEA than the one the private school is located in, representatives from both LEAs should be present. The team meeting purpose is to share the assessment results and develop an individualized education program (IEP) by the District of Geographical Residence (DGR). The student's eligibility for special education services will be determined by the IEP team. All required IEP team members need to be present at this initial IEP meeting. This includes an administrator, regular education teacher, special education provider, parent, and all assessors.

Provision of Services

There are two ways a student with an identified disability can receive special education services: via an Individualized Education Program (IEP) in the public school setting, or an Individualized Service Plan (ISP) in the private school setting.

Services via the IEP Process

Should the student be found eligible for special education services, the student's District of Geographical Residence is responsible for completing the IEP process within 60 days of the parent's consent for assessment. This process includes, among other things, the development of goals to address identified needs, consideration of special factors, supplementary aids and services, and an offer for a free appropriate public education (FAPE) in the least restrictive environment (LRE).

In most cases, the LEA completes the IEP process and determine that the offer of FAPE in the least restrictive environment is a public school program. The IEP should reflect the public school of attendance and the public school offer of FAPE. It is important that the parent understand that the IEP will get implemented should the parent enroll their child in the public school setting and that they have no individual right to such services should they maintain their child's enrollment in the private school setting.

If the IEP team determines that the appropriate services are those provided in a private school setting, such services shall be provided at no cost to the parents. In these few instances, the LEA obligation to serve the student is exactly the same as if the student attended the public school since the IEP team determined the private school setting is appropriate. This would also be true if the LEA offers a private school placement as a result of a settlement agreement.

When the parent consents to the IEP, it is important to note in the IEP if the parent intends to enroll their child in the public school or maintain the child in the private school setting. In the first instance, the IEP will be implemented upon enrollment in the public school. In the second instance, the parent should consent to the IEP as appropriate and indicate their intent to maintain private school enrollment.

Unless the parents unequivocally intend to enroll their child in private school, the DGR should annually offer the child FAPE by developing an IEP and offering service(s). However, when a parent states clearly that they intend to keep the child in private school, the DGR will send a letter memorializing this request in writing and offer to provide the IEP services on the last developed IEP, if and when the child enrolls in the public school in the DGR.

No parentally placed private school student with a disability has an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school. No LEA is required to pay for the cost of educating a child with a disability at a private school if the LEA made FAPE available to the child and the parents voluntarily elected to place the child in a private school. At each evaluation and IEP meeting, the parents will be given a copy of the *Notice of Parental Rights and Procedural Safeguards*. Disputes regarding whether a LEA offered FAPE to the child (as well as the initial identification and evaluation of parentally placed private school children with disabilities) may be resolved pursuant to local and state policies and procedures.

Services via the ISP Process

If the private school where the student is enrolled is within the LEA boundaries, that LEA shall develop an ISP and is also considered both the DSEA and the Reporting LEA.

If the private school where the student is enrolled is in a different LEA than the one the student lives in, the DGR shall refer the case to the LEA where the private school is located for development of an ISP. Only the LEA where the private school is located can develop the ISP.

In both cases, the LEA obligation to provide special education services does not go beyond what was agreed to via the private school consultation process as documented in the Private School Protocol.

The Reporting LEA will contact the family to develop an ISP for the student. Appendix I contains a Notice of Individual Service Plan Meeting (Form 14a) and Appendix H contains the Individual Service Plan (Form 14). During this meeting, the ISP team will review the offer of FAPE from the DGR and develop an ISP (Form 14) accordingly. The parent has a right to accept or decline the service offered through the ISP. If the service(s) the student requires are not offered through the Private School Protocol, the Reporting LEA still needs to develop an ISP and mark on the ISP form Plan Type 700. If the parents maintain enrollment in the private school, the Reporting LEA will invite the parents to attend an ISP meeting to review their child's ISP and progress on an annual basis. A copy of the signed ISP must be provided to the student's DGR. The information on the ISP forms are required to be transferred into SEIS for reporting to CDE via the CALPADS system.

If possible, all service(s) a student requires on the ISP should be made available at the private school of attendance to minimize the amount of instructional time missed. When this is not possible, the Reporting LEA identifies the closest school site wherein such service(s) can be provided.

The Reporting LEA is not required to provide services other than those identified and agreed upon in their Private School Protocol. Once the proportionate share funds have been exhausted, the Reporting LEA is no longer required to provide services for that fiscal year.

The student may be eligible for special education and related services, that are not identified on the Reporting LEA Private School Protocol. If the parent wishes to have access to special education services, the Reporting LEA will encourage the parents to contact the DGR special education representative to enroll their child in the public school.

Also, if the services offered by LEA change during the annual private school protocol review, the Reporting LEA needs to review the ISPs of students attending a private school to ensure they match the revised private school protocol. In all circumstances, IEPs and ISPs need to be completed within their annual timelines regardless of what time of year that falls.

Out of State Children with Disabilities

The district where the private school is located conducts child find for all parentally placed private school children, including those children attending who reside out of state. The district where the private school is located determines and pays for equitable participation services provided to out-of state parentally placed private school children with disabilities.

Students Ages Three to Five with Disabilities

Students ages 3 to 5, should have an Individualized Education Program (IEP), *even if the child is attending a private preschool, private transitional kindergarten, or private kindergarten (that is not a nonpublic, nonsectarian certified school)*. LEAs should enroll students ages 3 to 5 who are attending a private school at the district level, with the Reporting LEA. While it might seem logical for children ages 3 to 5 who are attending a private school, and who are receiving special education services from an LEA, to be on an ISP these students must be on an IEP.

Federal guidance states that children, ages 3 to 5, can be enrolled in a private school and considered parentally placed, enabling them to receive their proportionate share of funding under an Individualized Service Plan, but only IF the school is considered an elementary school that provides elementary education under state law. California does not have a definition of “elementary school.” This means that children, ages 3 to 5, parentally placed in a private school, cannot be on an ISP, and instead must be on an IEP and enrolled in a public school. *CALPADS Update Flash #167 12-13-2019.*

NOTE: For preschool students on an IEP who transition into a private school kindergarten, an ISP needs to be developed at the beginning of the school year (fiscal year) to transfer services from the IEP to an ISP.

CALPADS Coding

The LEA providing Special Education services to a student enrolled in private school is responsible for reporting the student in the CALPADS system. While all data must be accurately recorded, it is especially important that private school students have correct entries in the following areas:

14.24 Education Plan Type:

Definition: The type of plan by which the student is receiving or not receiving special education services.

Valid Format & Codes Possible for Private School Students:

200 Individual Service Plan (ISP), age six and above.

- 300 Pending – A student received a referral for special education services and the parent provided consent for the initial plan type which is pending.
- 700 Eligible - No Education Plan (Parent Declined FAPE – Private Placement). This would be used only for initial evaluations and only by the LEA where the private school is located. It could indicate that parent either refused an ISP or that student does not need the services available via the LEA's Private School Protocol. Plan type 700 can only be used by the LEA where the private school is located.
- 800 Eligible - No Education Plan (Other Reasons). This would be used only for initial evaluations. For private school students, it would be used by the DGR if the parent refused the Initial offer of FAPE and the private school was located in another LEA's boundaries.
- 900 Not Eligible

14.21 Special Education Meeting Date:

Definition: It is the date when the most recent full IEP, IFSP, or ISP (if the student is placed in a private school by a parent) meeting was held for the student. This can be an initial evaluation, annual, or annual/triennial meeting. All data on a student record shall be obtained from the IEP/IFSP/ISP document resulting from this meeting.

14.31 Special Education Program Setting Code

Definition: A coded value representing the special education program setting in which the student is receiving or has received the majority of special education and related services according to the student's Individual Family Service Plan (IFSP), Individualized Education Program (IEP), or Individual Service Plan (ISP).

Valid Format & Codes Possible for Private School Students:

- 403 Parentally Placed in Private School: This setting is where students have been enrolled by their parents or guardians in regular, parochial, or other private schools and whose basic education is paid through private resources and who receive special education and related services at public expense from a LEA or intermediate educational unit under a service plan. Include children whose parents chose to home-school, but who receive special education and related services at public expense. Do NOT include children who have been placed in private schools by the LEA.

15.15 Special Education Service Location Code

Definition: A coded value representing the location where the student receives the service entered in the Special Education Service Code field, for each service reported.

Valid Format & Codes Possible for Private School Students:

- 340 Private Preschool: A preschool operated by a private agency, that provides basic supervision, age appropriate activities, nutrition, and parent education for preschool children.
- 840 Private day school (not certified by Special Education Division): A school, sectarian or nonsectarian, which is not administered by a public agency and does not provide special education services. Students attending this school do not reside at the school premises. Services are provided through an Individual Service Plan (ISP), in accordance with district policy for serving students in private schools.
- 850 Private residential school (not certified by Special Education Division): A school, sectarian or nonsectarian, which is not administered by a public agency, and does not provide special education and related services. The student resides at this school,

although private residential schools may provide a combination of residential and day programs. The status of a student (whether day or residential) will depend on where the student resides. Services are provided through an Individual Service Plan (ISP), in accordance with district policy for serving students in private schools.

860 Parochial school: A school that is affiliated with or run by a religious organization.

Compliance Monitoring Obligations

Each LEA that has a private school within their boundaries is required to annually review and update as needed the Private School Protocol to determine what service(s) will be offered. Private School Proportionate Share funding runs on a fiscal year, July 1-June 30, not around annual review dates for individual students. When the allocated funds are expended each year, so is the obligation to provide services to students with disabilities enrolled by their parents in private schools.

There are several different situations that arise with students in private schools which determine the amount of ongoing monitoring required by the LEAs. The different situations are enumerated here along with the required obligations each brings. To help avoid confusion, in this section we will refer to the LEAs involved as the LEA where the student resides and the LEA where the private school is located. This is prudent because, depending on the scenario below, the Reporting LEA may apply differently than in our Key Definitions for the document.

1. **After the initial evaluation**, the IEP team determines the student does not qualify for special education placement. The student would be reported to CALPADS as Educational Plan Type 900 – Not Eligible. No further monitoring would take place.
2. **After the initial offer of FAPE**, the educational rights holder accepts the offer of FAPE on the IEP. If the student is currently enrolled in a private school, they will need to enroll in the public school before the LEA can begin services and the IEP can be reported to CALPADS. In this case, the student would be reported by the LEA where the student resides to CALPADS as Educational Plan Type 100 – Eligible.
3. **After the initial offer of FAPE**, the educational rights holder does not provide consent to the IEP in order to attend private school, as indicated on the Signature and Parent Consent form by initialing 4a. However, they refuse the referral to the LEA where the private school is located by not initialing 4b. Two LEAs cannot communicate regarding a student without parent consent to do so, meaning the initial evaluation process would end at this point.

In this instance, the LEA where the student resides is not responsible for making an annual offer of FAPE via the IEP process. All initial evaluations have the option to end in a refusal to enter special education. If the educational rights holder chooses this option, there is no further required follow through regarding child find, including no requirement to file on the family. If no ISP can be offered, the student would be reported by the LEA where the student resides to CALPADS as Educational Plan Type 800 – Eligible - No Education Plan (Other Reasons).

4. **After the initial offer of FAPE**, the educational rights holder does not provide consent to the IEP in order to attend private school instead as indicated on the Signature and Parent Consent form by initialing 4a. Parent then initials 4b, so the LEA where the private school is located offers the ISP which the parent declines. In this instance, neither the LEA where the student resides nor the LEA where the private school is located are responsible for making an annual offer of FAPE via the IEP process, or offering an annual service plan (ISP). All initial evaluations have the option to end in a

refusal to enter special education. If the educational rights holder chooses this option, there is no further required follow through regarding child find, including no requirement to file on the family. In this case, the student would be reported by the LEA where the private school is located to CALPADS as Educational Plan Type 700 – Eligible - No Education Plan (Parent Declined FAPE – Private Placement).

5. **After the initial offer of FAPE**, the educational rights holder does not provide consent to the IEP in order to attend private school instead as indicated on the Signature and Parent Consent form by initialing 4a. However, the services the student qualifies for are not offered through the Private School Protocol. This situation is similar to #4 above. The student would be reported to CALPADS the same way, however in this case it is recommended the LEA where the private school is located follow up with an annual review if the Private School Protocol is changed to include services for which the student is eligible.
6. **After the initial offer of FAPE**, the educational rights holder does not provide consent to the IEP in order to attend private school instead as indicated on the Signature and Parent Consent form by initialing 4a and 4b, then accepts the ISP offered by the LEA where the private school is located. The LEA where the private school is located becomes the Reporting LEA and is required to report annual service plans to CALPADS.

If the educational rights holder has not unequivocally indicated their student will only enroll in private school, the LEA where the student resides should annually offer the child FAPE by developing an IEP and offering service(s). This would not be reported to CALPADS unless the parent accepted the offer of FAPE and enrolled in public school.

If the educational rights holder states clearly that they intend to keep the child in private school, the LEA where the student resides will send a letter memorializing this request in writing and offer to provide the IEP services on the last developed IEP, if and when the child enrolls in the public school.

7. If a student enrolls in a public school from a private school without having had an IEP developed as part of the transition from one location to the other, the LEA where the student enrolls will use the most recently developed IEP to offer services to the student. If that IEP is outdated, the LEA will need to develop a new annual IEP as quickly as possible. If the triennial reevaluation is also outdated, the LEA will need to gather new assessment information by offering an assessment plan for updated eligibility to determine if the student continues to qualify for Special Education before appropriate services can be determined.
8. If a student receiving services on an IEP enrolls in a private school, or if a preschool, transitional kindergarten, or kindergarten student being served on an IEP turns 6 years old while enrolled in a private school, the LEA where the private school is located is responsible for offering an ISP as soon as is practicable. If the parent consents to the ISP, the student is reported as Education Plan Type 200 and the ongoing reporting and meetings from #6 would apply.
9. If the same student from #8 is offered an ISP and the parent refuses the ISP, or appropriate services are not available on the Private School Protocol, the student is not reported as Education Plan Type 700. That code is reserved only for students who do not receive services after an initial evaluation. Instead, the student will either be exited as 78 parent revocation, if parent revokes all consent for special education, or as 76 moved if they do not. If exited as 76 moved, the student will not be considered

reportable to CALPADS for enrollment or Special Education. Only private school students being assessed for or receiving Special Education services have enrollments reported to CALPADS. The student will remain unreportable until the parent accepts an ISP to receive services at the private school or enrolls in a public school and IEP services can resume.

Just like in #6 where the student is receiving an ISP, the LEA where the student resides continues to have an obligation to offer FAPE on an annual basis. The same rules listed in #6 would apply.

10. If a student attending a private school previously received special education services, is not receiving services on an ISP at this time but has never exited from special education as 70 No Longer Eligible or 78 Parent Withdrawal, the student is still considered eligible for special education. If the educational rights holder requests an ISP from the LEA where the private school is located, or an IEP from the LEA where the student resides, they would remain eligible for those documents to be developed. Unless the educational rights holder consented to the IEP or ISP developed, those meetings would not become reportable to CALPADS.

A student who is attending private school who does not have a “current” IEP or triennial assessment will continue to be considered eligible for special education until they exit from special education through the assessment process, graduating with a regular high school diploma or reach the age of 22, or parent/self withdrawal (revocation) from special education.

Reevaluations

The LEA where the private school is located is legally responsible for conducting reevaluations of children with disabilities enrolled by their parents in a private school located in the LEA. The Reporting LEA may consult with the DGR to coordinate such a reevaluation.

Under 34 CFR §300.303, an LEA must ensure that a reevaluation of each child with a disability is conducted if (1) the LEA determines that the child’s educational or related services needs, in light of the child’s academic achievement and functional performance, warrant a reevaluation; or (2) the child’s parent or teacher requests a reevaluation. A reevaluation may occur not more than once a year, unless the parent and LEA agree otherwise; and must occur at least once every three years, unless the parent and LEA agree that a reevaluation is unnecessary. (OSERS Q & A Document, April 2011)

If the private school suspects another disability and requests additional assessment on a student, the Reporting LEA will complete the evaluation.

Keeping Track of Students Who Are Not Receiving Services

In many cases, LEAs will be holding IEPs to continue to offer FAPE on an ongoing basis to students enrolled in a private school when they are not providing ISP services to the students. This may be because the private school is located in a different LEA’s boundaries than the one where the student resides. It may also be due to the student moving to a private school, declining an ISP, but not withdrawing from special education. In either case, it is important to keep track of students for whom you may need to hold an IEP, whether that IEP will be reported to CALPADS or not.

There are several ways that LEAs can maintain reliable records of these students. One method is to create a data base, spreadsheet, or written list of these students and keep it updated with

the student's name, grade, school attended, LEA where that school is located, and most recent annual and triennial dates.

Another way to keep track in SEIS, if another LEA is not serving the student on an ISP using the SEIS system, is to keep private school students not receiving services in the LEA isolated in a special group. To do this, the LEA would put the SEIS record for the student in pending status and mark the student do not report (DNR). This allows the student to remain in the SEIS system, with a Case Manager for easy monitoring and IEP creation. However, if another LEA is using the student's SEIS record to serve the student in the private school on an ISP, that LEA will retain the SEIS record instead as the Reporting LEA.

Due Process and Complaints

Parents will be informed that as long as they continue to place their child in a private school their rights for due process are limited.

A school district is NOT required to pay for the cost of educating a child with a disability at a private school (including special education and related services) if the school district made FAPE available to the child and the parents voluntarily elected to place the child in a private school. No parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school.

Disputes regarding whether a school district made FAPE available to the child via the IEP, as well as disputes about identification and evaluation of parentally-placed private school children with disabilities, may be resolved pursuant to due process procedures specified in the "Notice of Procedural Safeguards and Parents' Rights."

Due process procedures DO NOT apply to disputes regarding provision of services specified in the ISP.

Proportionate Share of Funds

This section explains the calculation method used by SELPA, the sample calculation for proportionate share, and documentation for fiscal audit.

Expenditures

Per 34 CFR 300.133 (a), To meet the requirement of § 300.132(a), each LEA must spend the following on providing special education and related services (including direct services) to parentally-placed private school children with disabilities:

(1) For children aged 3 through 21, an amount that is the same proportion of the LEA's total subgrant under section 611(f) of the Act as the number of private school children with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged 3 through 21.

(2)

(i) For children aged three through five, an amount that is the same proportion of the LEA's total subgrant under section 619(g) of the Act as the number of parentally-placed private school children with disabilities aged three through five who are enrolled by their parents in a private, including religious, elementary school located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged three through five.

(ii) ... children aged three through five are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school in § 300.13

Calculation

One time each year a pupil count of the number of eligible parentally placed private school students with an ISP will take place. Each Reporting LEA will determine the number and location of parentally placed private school children eligible for special education within the LEA's jurisdiction and report the information in CALPADS. SELPA then calculates the proportionate share of federal dollars generated from the October Census Day pupil count to be allocated to provide special education and related services to private school students.

To calculate the proportionate share that an LEA must spend, the SELPA uses the Federal Part B, IDEA section 611 (3-21 year olds) grant awards and the pupil count from the most recent October Census Day count.

Sample Calculation

FOR SAMPLE DISTRICT:

# of eligible children in public schools	=	300
# of eligible children in private schools (from EOY 4 count)	=	20
<i>Total # of eligible children</i>	=	320

AT OCTOBER CENSUS DAY PUPIL COUNT:

# of children served in public schools	=	300
# of children served in private schools	=	5
<i>Total # of public & private children served</i>	=	305

NOTE: 305 is the number turned in to OSEP for children served with IEP or service plan.

FEDERAL FLOW-THROUGH FUNDS TO SAMPLE SCHOOL DISTRICT:

<i>Total allocation</i>	=	\$152,500
--------------------------------	----------	------------------

FORMULA FOR CALCULATING PROPORTIONATE SHARE:

$$\boxed{\text{Total Proportionate Share for Private School Children}} = \frac{\boxed{X} \times \boxed{\text{Eligible Private School Children}}}{\boxed{\text{Total Flow-Through Allocation}} \times \boxed{\text{Total Eligible Public \& Private School Children}}}$$

NOTE: Proportionate share for parentally-placed private school children is based on total number of children eligible, not the number of children served.

SAMPLE SCHOOL DISTRICT OBLIGATION:

$$\frac{\boxed{X}}{\$152,500} = \frac{\boxed{20}}{320}$$

X = \$9,531.25 *

*This amount must be spent for the group of parentally-placed children in private schools

Based on the calculation of the total number of children with disabilities attending a private school within the Reporting LEA's jurisdiction, each Reporting LEA must spend the proportionate share of the Reporting LEA's sub-grant under Part B on services for parentally placed private school children with disabilities during the grant award period 27 of months. Input is provided by the private school representatives regarding type and frequency of services based on Federal dollars received for each student. Parentally placed private school students receive notification about the provision of special education services via the Private School Protocol.

List of Appendices

- A. Pamphlet – Guidance for Students Parentally Placed in Private Schools
- B. Private School Timelines
- C. Letter to Private School Principal
- D. Private School Service Questionnaire
- E. Invitation and Agenda for Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities
- F. Private School Protocol Developed from Consultation Meeting
- G. Private School Letter of Affirmation Outlining Provision of Special Education Services
- H. Individual Service Plan (Form 14)
- I. Notice of Individual Service Plan Meeting (Form 14a)

Revised: August 2021; August 12, 2022

***For more information, contact your
local SELPA member district:***

Alvord USD

(951) 509-5045

Banning USD

(951) 922-0224

Beaumont USD

(951) 845-1631 x 005379

Coachella Valley USD

(760) 848-1135

Desert Center USD

(760) 392-7604

Desert Sands USD

(760) 771-8652

Hemet USD

(951) 765-5100 x 4080

Jurupa USD

(951) 360-4144

Lake Elsinore USD

(951) 253-7130

Menifee Union SD

(951) 672-1851 x 49430

Murrieta Valley USD

(951) 696-1600 x1020

Nuvview Union SD

(951) 928-0066 x 1711

Palm Springs USD

(760) 883 – 2703 x 4805253

Palo Verde USD

(760) 922-4164 x1242

Perris Elementary SD

(951) 940-4942

Perris Union High SD

(951) 943-6369 x 81300

Romoland Elementary SD

(951) 926-9244 x 1237

San Jacinto USD

(951) 929-7700 x 4249

Val Verde USD

(951) 940-6104 x 10433

Empire Springs Charter School

(951) 225-7709

Harbor Springs Charter School

(951) 225-7709

River Springs Charter School

(951) 225-7709

Santa Rosa Academy

(951) 672-2400 x 1202

SCALE Leadership Academy

(888) 315- 4660

Leadership Military Academy

(951) 421-8450

Riverside County Office of Ed

(951) 826-6476



Guidance for Students Parentally Placed In Private Schools

Background

The 2004 Individuals with Disabilities Education Improvement Act (IDEIA) changed the relationship between public and private schools in regards to students with disabilities and special education.

In order to assist parents of students with disabilities enrolled in private schools, the Riverside County Special Education Local Plan Area (SELPA) has developed this pamphlet, **Guidance for Students Parentally Placed in Private Schools.** This reiterates the federal law and regulations which states that *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 the public school system.*

Procedures

1. If a child is suspected of having a disability, the private school should schedule a problem solving team meeting to discuss concerns and develop an intervention plan. A representative of the district in which the private school is located and the LEA where the student resides should be invited to the meeting if a referral for individualized assessment to

determine eligibility for special education is being considered.

2. With parental consent, the LEA where the student resides will be provided a copy of required documents when a referral for special education assessment is made by the private school.
3. The LEA where the student resides will convene an individualized education program (IEP) meeting to discuss assessment results. If the student is found eligible for special education, the LEA where the student resides shall offer a free, appropriate, public education (FAPE) in the least restrictive environment (LRE).
4. For students in grades K-12, if the parent chooses to have their child with a disability attend a private school, the LEA where the student resides will provide information to the district in which the private school is located, which becomes the Reporting LEA.
5. Only a proportionate share of federal funds is legally available for use on services provided to students with disabilities parentally placed in private schools.
6. Special education services to be provided by the Reporting LEA are determined through consultation / collaboration with private school principals and parents of private school students with disabilities.

These are described in each district's Private School Protocol, a product of the annual consultation meeting.

7. The Private School Protocol identifies the special education services offered by the Reporting LEA to the private school. Not every student with a disability will need the service offered.
8. The Reporting LEA will develop an individualized service plan (ISP) for each student with a disability found to qualify for special education services whose parents voluntarily enroll or maintain the child in a private school setting. The ISP will outline the type of service, if any, available in the private school.
9. When private school proportionate share funds are depleted, services may be discontinued for the school year. Services will not be provided on a "per child" basis.
10. For students eligible for special education services, the offer of an IEP and/or ISP will be made annually, with reevaluations conducted at least once every three years.

PRIVATE SCHOOL TIMELINES

PLANNING

Month	Action
April	SELPA/LEA identifies which private schools to invite to consultation
	SELPA/LEA sends invitations to school officials to participate in consultations
May	SELPA estimates federal program funding for following year
	SELPA/LEA calculates estimated per-pupil allocation for each attendance area
May-June	SELPA/LEA sets up initial consultations with school officials who responded to invitation
	SELPA/LEA and school discuss child find procedures, special education service options, and strategies for resolving disagreements
	SELPA/LEA and private school collaboratively develop Private School Protocol.
	SELPA/LEA sends Letter of Affirmation and Private School Protocol to private school administrator, district officials, and SELPA office.
	Private school signs Letter of Affirmation, indicating that consultation occurred.
August-September	LEA and private schools select which students to serve from eligible student pool and the services available per the Private School Protocol
	LEA arranges staffing of services - by contract, hiring school personnel, or using district's own personnel
	Individual Service Plans (ISPs) are developed by the District of Service prior to Census Day count on the first Wednesday of October.
November	LEA reviews and verifies CALPADS data to ensure that pupils enrolled in private school are appropriately reported to the CDE.
December - January	Reporting LEA verifies eligible private school students with disabilities via CALPADS Fall 1 Report.
June – August	LEA reviews and verifies CALPADS data to ensure that pupils enrolled in private school are appropriately reported to the CDE.
	Proportionate share of federal funds for private school students are appropriately expended or carried over (maximum one year)
	Fiscal audit is completed, including documentation on private school students with disabilities

(District Letterhead)

Letter to Principal of Private School

(Date) ___ / ___ / ____

To: Principals of Private Schools in Riverside County

From: _____ (Special Ed Director) – _____ (District)

RE: Special Education Services for Students with Disabilities Attending Private Schools

Federal laws affecting special education and related services provided to students with disabilities in private schools require local educational agencies (LEAs) to receive input from private schools and representative parents of students with disabilities enrolled in private schools within their boundaries regarding the design and development of special education and related services for students regarding 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 disabilities under this subparagraph, including the determination of how the amount was calculated;
- (iii) The consultation process among the LEA, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- (iv) How, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, 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 serve all children, and how and when these decisions will be made; and

- (v) How, if the LEA 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 LEA shall provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

Federal law requires that the amount expended by local district to serve parentally-placed students in private schools shall be equal to a proportionate amount of federal funds made available under Part B provisions of the IDEIA-2004. The IDEIA does not impose an obligation on the state or local districts to spend their money on such services.

In order to facilitate this requirement, a service questionnaire is attached so that you may provide input. Your assistance in providing this information will be most helpful in developing procedures and practices for the provision of services to students with disabilities enrolled in private schools. A pamphlet, Guidance for Students Parentally Placed in Private Schools, is also enclosed for your information and sharing with parents and school staff members.

Please return the attached questionnaire by (insert date) ___ / ___ / _____. A meeting will be held on (insert date, time and place) _____ to further discuss all your input.

Please invite the parents of students with disabilities to this meeting. Following this meeting, a summary of the results of the input and a description of services to be provided for the upcoming school year will be sent to each private school.

Should you have any questions or have any additional information to provide, please feel free to give me a call at (phone)_____.

PRIVATE SCHOOLS SERVICE QUESTIONNAIRE

Name of private school: _____

Name of person responding: _____ Title of person responding: _____

Name, address and phone number of school district in which Private School is located

State Certification # provided by California Department of Education: _____

As of September, _____ *(insert year)*

Total number of students attending the private school: _____

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

Total number of students who have been identified as a student with a disability: _____

Number on Individualized Education Plan: _____

Number on Individual Service Plan: _____

Number on 504 Accommodation Plan: _____

Please specify the number of students in each disability category currently enrolled in your school that are suspected of and/or identified as having a disability which appears to be adversely impacting their education:

Disability	# Suspected	# Identified	Disability	# Suspected	# Identified
Autism			Blind		
Deaf			Deaf Blind		
Emotionally Disturbed			Hard of Hearing		
Learning Disabled			Visually Impaired		
Intellectual Disability			Multi-handicapped		
Other Health Impaired			Orthopedic Impaired		
Speech Language Impaired			Traumatic Brain Injury		

DESCRIPTION OF CURRENT SERVICES

Please describe the services students with disabilities who have IEP/ISPs are currently receiving: _____

Please list suggestions that you may have to assist the District in planning services.
Suggestions:

Please add any comments you may have regarding (I) - (V) of the Individuals with Disabilities Education Improvement Act (IDEIA) referenced in the attached cover letter.

Please return this form by __ / __ / ____ to: _____ (Special Ed Director)
at _____ (District)

(Address) (City, State, Zip)

(District Letterhead)

Invitation and Agenda for Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities

Date: __ / __ / ____

Representative of the [insert district name], the [insert private school(s)], and the parents of students with disabilities currently enrolled in a private school are cordially invited to attend a meeting to collaboratively consult regarding the provision of special education services to parentally placed children with disabilities in private schools.

Date: __ / __ / ____

Time: _____

Place: _____

The agenda for the meeting will include the following topics:

- ☐ Introductions
- ☐ Legal Requirements of IDEIA, 2004 [(Private School (1a))]
- ☐ Child Find Procedures
 - Problem solving team practices
 - Referral procedures for special education evaluation
 - Criteria for special education eligibility
- ☐ October Census Day prior year pupil count
- ☐ Determination of proportionate share of special education funding
- ☐ Review of Private Schools Service Questionnaires
- ☐ Discussion of service options
 - Types and models of service delivery for the upcoming school year
 - Decision making and private school notification
- ☐ Strategies for resolving disagreements about services

Please RSVP your intent to participate in this meeting by calling
[insert district contact name and telephone number] by __ / __ / ____ [insert date].

Private School Protocol for Students with Disabilities Developed from the Consultation Meeting

District's Name: _____

Private School's Name: _____

Private School's Address: _____

Phone Number: _____

The following topics were discussed and agreed to at our private school consultation meeting:

What the District's Child Find process is:
How parentally placed private school children suspected of having a disability can participate equitably in the District's special education programs:
How parents, teachers, and private school officials are informed of the District's child find process:
What amount of federal funds is available to parentally placed private school students with disabilities:
How the amount of available federal funds was calculated:
How the District will consult with private school officials and parents of parentally placed private school students with disabilities throughout the year to ensure that such students identified through the child find process can meaningfully participate in special education and related services:
What services the District will offer:
How, where, and by whom the District will provide services:
How and when the above apportionment decisions will be made:
How the District will explain in writing, the reasons for any refusal by the District to provide services, or certain types of services, to the School's students:

Name and Title of Representative of Private School

(date)

Name and Title of the (*enter district name*)

(date)

(District Letterhead)

**Private School Letter of Affirmation
Outlining Provision of Special Education Services**

Date: __ / __ / ____

(Insert school name)

(Insert school address)

(City, State, Zip)

Dear (insert private school administrator's name)

Representative of the [insert district name], the [insert private school(s)], and the parents of students with disabilities currently enrolled in a private school held a meeting on __ / __ / ____ to collaboratively consult regarding the provision of special education services to parentally placed children with disabilities in private schools.

This collaborative consultation meeting resulted in the attached Private School Protocol for Students with Disabilities.

Please check the appropriate box and sign below:

☐

I was able to attend and participated in the meeting

☐

I was unable to attend but had the opportunity to provide input into the plan

Name and Title of Representative of Private School

(date)

Please return this form by __ / __ / ____

to: (Special Ed Director)

(District)

(Address) (City, State, Zip)

RIVERSIDE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
INDIVIDUAL SERVICE PLAN FOR PARENTALLY PLACED PRIVATE SCHOOL STUDENTS

The use and distribution of this form is limited to employees of public school agencies within the Riverside County Special Education Local Plan Area (SELPA)

Student's Name: _____ **Birthdate:** __ - __ - __ **Grade:** _____ **ISP Meeting Date:** __ - __ - __

Parent/Guardian/Surrogate Name(s): _____

Address: _____

Home Phone: (____) ____ - ____ **Cell:** (____) ____ - ____ **Work Phone:** (____) ____ - ____

District where private school is located: _____ **District of Residence:** _____

Private School: _____ **Home School:** _____

Private School Phone: (____) ____ - ____ **District of Residence Phone:** (____) ____ - ____

Student has been found eligible for special education services. By signing this document, the parent/guardian(s) have indicated to the District of Geographical Residence (DGR) that they have chosen to unilaterally enroll or continue to enroll the student in a private school without the consent of, referral by, or at expense of the District. It is further acknowledged that the DGR has offered to develop an IEP when the student's parent/guardian(s) express an interest in enrolling the student in public school. The parents understand in accordance with IDEA 2004, their rights to due process do not apply in the private school setting.

Summary of Present Levels as identified in the IEP:

Area(s) of need as identified in the IEP:

Services: The Reporting LEA is not required to provide services other than those identified and agreed upon in their Private School Protocol. The Reporting LEA will provide the special education service(s) below for the student while enrolled in private school or until the proportionate share of federal funds have been expended for the current school year.

Special Education Service	Frequency	Duration	Location	Start Date	End Date	Service Provider
				__ - __ - __	__ - __ - __	
				__ - __ - __	__ - __ - __	

☒ **Check only one of the following:**

☐ Student's parents have accepted the district's offer of a Service Plan. [Plan Type 200]

OR

☐ Student's parents have declined the district's offer of a Service Plan or the student does not need the service provided via proportionate share per the District of Service's Annual Private School Protocol. [Plan Type 700]

Parent: _____ **Date:** __ - __ - __

LEA Representative: _____ **Date:** __ - __ - __

Other: _____ **Date:** __ - __ - __

Next Annual Review by: __ - __ - __

Triennial Review Due By: __ - __ - __

Copy of signed ISP to be provided to the student's District of Geographical Residence.

NOTICE OF MEETING**INDIVIDUAL SERVICE PLAN FOR PARENTALLY PLACED STUDENTS IN PRIVATE SCHOOL***The use and distribution of this form is limited to employees of public school agencies within the Riverside County Special Education Local Plan Area (SELPA)*☐ 1st attempt ☐ 2nd attempt ☐ 3rd attempt

Student's Name: _____ Birthdate: _____ / ____ / ____

Address: _____

Dear _____, Today's Date: _____ / ____ / ____

An Individual Service Plan (ISP) Meeting has been scheduled for the above student. Your participation is important in the development of an ISP. During this meeting there will be a review of your child's ISP and progress. This review must be held annually. Your child may participate in the development of the ISP.

You are requested to attend this meeting as a participating member of the ISP team. The meeting is scheduled for:

ISP Meeting Date: _____ / ____ / ____ Time: _____ Begin: _____ End: _____

School / Location: _____ Room: _____

We anticipate that the following members will also attend:

<input type="checkbox"/> Private School Administrator/Designee	<input type="checkbox"/> Reporting LEA Administrator	
<input type="checkbox"/> Private School Teacher	<input type="checkbox"/> Student	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Special Education Teacher	<input type="checkbox"/> Specialist	<input type="checkbox"/> Other: _____

If you would like further information about your Procedural Safeguards or the purpose of this meeting, please call:

Name: _____ Title: _____

School / District: _____ Phone: _____ () _____ - _____

Please complete and sign this form, and return to: _____

Check the following items, as appropriate:☐ I plan to attend the meeting ☐ I require assistance of an interpreter (language): _____☐ I do not plan to attend the meeting, but am available by teleconference at: () _____ - _____☐ I request a different time and/or place. Please call me at: () _____ - _____

☐ **NO**, I cannot attend the meeting or participate by teleconference, but hereby give my permission for the meeting to be held without me (CFR 300.322d). I understand the ISP and related documents from this meeting will be provided to me for my signature, and I agree to return them in a timely manner.

☐ **NO**, I cannot attend, but I will send _____ as my representative to speak for me. I understand the ISP and related documents from this meeting will be provided to me for my signature, and I agree to return them in a timely manner.

Please list any additional attendees: _____

Parent/Guardian/Surrogate/Adult Student: _____ Date: _____