



FEDERATED STATES OF MICRONESIA
DEPARTMENT OF EDUCATION

National Government
P.O. Box PS 87
PALIKIR, POHNPEI FM 96941
Telephone :(691) 320-2609/2647/2303 FAX: (691) 320-5500

PROCEDURES TO IMPLEMENT THE IDEA PRIVATE SCHOOL
REQUIREMENTS
at 34 CFR §§300.130 through 300.138

Definition of Parentally-Placed Private School Children with Disabilities.

Parentally-placed private school children with disabilities means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in 34 CFR 300.13 or secondary school in 34 CFR 300.36, other than children with disabilities covered under 34 CFR 300.145-300.147.

[34 CFR 300.130]

These procedures specifically address children with disabilities whose parents have voluntarily elected to place their child in a private school in FSM. The children affected by this placement are referred to as “parentally-placed private school children with disabilities” and are not entitled to FAPE. While services might be limited, private school students may participate in special education and related services provided by FSM NDOE and each state, according to a proportionate share of funding based on a consultative process between the FSM NDOE, each state, parent representatives and private school officials.

Child Find for Parentally-Placed Private School Children with Disabilities.

FSM NDOE must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools. The child find process must be designed to ensure the equitable participation of parentally-placed private school children and an accurate account of these children. The child find process must be completed in a time period comparable to that for other students attending the GDOE.

[34 CFR 300.131]

FSM NDOE and each state DOE will conduct the same child find activities in its private schools that it conducts in its public schools. Children voluntarily enrolled by their parents in private schools who are suspected of having a disability will be evaluated in the same manner as children enrolled in public schools. If a child is found eligible for special education and related services, an offer of FAPE will be made to the parent. If the parent elects to decline the offer of FAPE and continue to enroll their child in a private school, the child may receive special education and related services based on consultation and proportionate share requirements described in these procedures.

Documentation of any private school children identified for special education and related services will be maintained at the state DOE in each state. The state coordinator is responsible for maintaining such records and reporting to FSM NDOE annually on the number of children with disabilities that are enrolled in private schools.

FSM NDOE will verify that child find activities occur for private schools during its annual onsite monitoring. In addition, it will review any documentation on parentally-placed private school children with disabilities.

Provision of Services for Parentally-Placed Private School Children with Disabilities.

To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary school and secondary schools in FSM, provision is made for the participation of those children in the program assisted or carried out under Part B of the Individuals with Disabilities Education Act (IDEA) by providing them with special education and related services including direct services determined in accordance with Section 300.137 (equitable services provided).

[34 CFR 300.132]

Services are provided to parentally-placed private school children with disabilities through the consultation and proportionate share processes described in these procedures.

Expenditures (Calculating Proportionate Share).

For children aged 3 through 21, an amount to be expended for the provision of services, including direct services that is the same proportion of FSM's total sub-grant under IDEA, Part B, section 1411(f), 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 on FSM is to the total number of children with disabilities on FSM aged 3 through 21.

[34 CFR 300.133]

Each year, a child count is collected in each FSM state between October 1 and December 1. This child count must include the number of parentally-placed private school children with disabilities attending private schools located in each FSM state. This child count will be used to determine the amount that FSM-NDOE and its states must spend on providing special education and related services to parentally-placed private school children with disabilities in the next fiscal year.

To calculate the proportion of parentally-placed private school children, each state must report the following required data:

- Number of eligible children in the public schools ages 3-21.
- Number of eligible children in the private schools ages 3-21.

Based on these data, FSM NDOE determines the proportionate number of parentally-placed private school children with disabilities in order to calculate the amount of funds to be used to provide services to those children.

The IDEA requires that the proportionate share calculation be made based on the amounts of LEAs' total subgrants under IDEA. Because FSM is a unitary SEA/LEA there are no LEA subgrants. However, each FSM state submits an annual budget detailing their use of IDEA funds. This budget includes amounts of Federal IDEA funds that are used for direct services to children with disabilities and those amounts are used to calculate the proportionate share of funds to be used for direct services in private schools.

Each FSM state, based on the number of parentally-placed private school children with disabilities, must calculate the proportionate share of direct services funds to be used during its budget process. If any parentally-placed private school children with disabilities have been identified, proportionate share must be a line item in the budget. If no parentally-placed private school children with disabilities have been identified, the state is not required to include proportionate share in the proposed budget.

Example.

State A reports 53 eligible children in public schools, ages 3-21 and 2 eligible children in private schools ages 3-21.

In its budget proposal, State A proposes using \$11,000.00 for direct services to children with disabilities.

To calculate proportionate share, State A divides its proposed expenditures for direct services (\$11,000.00) by the total number of children with disabilities (55). It determines the average expenditure per child to be \$200.

Thus, State A must include in its proposed budget, a line item of \$400 for proportionate share services to parentally-placed private school children with disabilities.

During its budget review process, FSM NDOE reviews each budget to ensure that any applicable proportionate share is calculated correctly.

Consultation and Written Affirmation.

To ensure timely and meaningful consultation, FSM NDOE or its state DOEs must 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 regarding the following:

- 1. The child find process, including how parentally-placed private school children*

suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process.

2. The determination of the proportionate share of Federal funds available to parentally-placed private school children with disabilities, including the determination of how the proportionate share of those funds was calculated.

3. The consultation process, including how the consultation 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.

4. 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:

a. The type of services, including direct services and alternate service delivery mechanisms.

b. How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children.

c. How and when those decisions will be made.

5. How, if the FSM NDOE 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 FSM NDOE will provide to private school officials a written explanation of the reasons why the FSM NDOE chose not to provide services directly or through a contract.

[34 CFR 300.134]

When timely and meaningful consultation has occurred, the FSM NDOE or its states must obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, FSM NDOE or its states will maintain documentation of the consultation process.

[34 CFR 300.135]

FSM NDOE and its states will consult with private schools to determine how to provide special education and related services to parentally-placed private school children with disabilities. No private school child with a disability has an individual right to receive all of the special education and related services that the child would receive in a public school.

Determination of Services

Decisions about the services that will be provided to private school children with disabilities shall be made in consultation with representatives of private school children with disabilities.

Each state special education coordinator will consult, in a timely and meaningful way, with appropriate representatives of private school children with disabilities in the state. The coordinator will give representatives of private school children with disabilities an opportunity to express their views in light of the amount of available funding (as determined by the proportionate share calculations), the number of private school children with disabilities, the needs of private school children with disabilities, and their location to help decide:

1. Which children will receive services;
2. What services will be provided;
3. How and where the services will be provided; and
4. How the services provided will be evaluated.

The consultation must occur before the state coordinator makes any decision that affects the opportunities of private school children with disabilities to participate in special education and related services. In the end, the state coordinator, in cooperation with FSM-NDOE, shall make the final decisions with respect to the services to be provided to eligible private school children.

The needs of private school children with disabilities, their number and their location will vary over time and, depending on the circumstances in a particular state, will differ from year to year.

Services Plan

Each private school child with a disability who has been designated to receive services must have a services plan that describes the specific special education and related services that FSM NDOE or a state DOE will provide to the child in light of the services that the state coordinator has determined through the process described above. The services plan developed for an individual private school child with a disability should include:

1. A statement of the child's present level of academic achievement and functional performance;
2. A statement of measurable annual goals, including benchmarks or short-term objectives;
3. A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel;
4. An explanation of the extent, if any, to which the child will not participate with children without disabilities;
5. The projected date for the beginning of the services and the anticipated frequency, location, and duration of those services; and
6. A statement of how the child's progress toward the annual goals will be measured; how the child's parents will be regularly informed of their child's progress toward the annual goals; and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

Transportation

Decisions about whether services will be provided on-site or at some other location is left to the state coordinator, in consultation with representatives of private school children.

Services may be provided on the premises of a private school to the extent it is possible to do so. If services are offered at a site separate from the child's private school, transportation may be necessary in order to get the child from one site to the other, or the child may be effectively denied an opportunity to benefit. The District should work in consultation with representatives of private school children to ensure that services are provided at sites that will not require significant transportation costs.

Compliance.

A private school official has the right to submit a complaint to the FSM NDOE that the FSM NDOE or its state DOE did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official must provide FSM NDOE the basis of noncompliance with the applicable provisions for parentally placed private school children with disabilities. If the private school official is dissatisfied with the decision of the FSM NDOE, the official may submit a complaint to the Secretary of the United States Education Department (USED) by providing the basis of the noncompliance with the requirements for parentally-placed private school children with disabilities. The FSM NDOE must forward the appropriate documentation to the Secretary.

[34 CFR 300.136]

Equitable Services.

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 the child would receive if enrolled in a public school.

Decisions about services that will be provided to a parentally-placed private school child with a disability must be in accordance with the child's individualized service plan.

[34 CFR 300.137]

Each parentally-placed private school child with a disability who has been designated to receive services must have a services plan that describes the specific special education and related services that the FSM NDOE or its state DOE will provide to the child as determined through consultation. The service plan must, to the extent appropriate, meet the requirements specified for an Individualized Education Program (IEP) with respect to the services provided, and be developed, reviewed, and revised consistent with requirements for IEPs.

The provision of services must 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 provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral and non-ideological.

[34 CFR 300.138]

Due Process and State Complaints.

Due process is not applicable for parentally-placed private school children with disabilities, except for in relation to child find.

[34 CFR 300.140]

Parents may file for a due process hearing with the FSM NDOE, alleging that the FSM NDOE or one of its state DOEs has failed to meet its child find duty to locate, identify and evaluate all private school students with disabilities.

State complaints may also be filed regarding any complaint that FSM NDOE or its state DOE has failed to meet the private school requirements.